

INVESTIGATING HOW THE BIDEN ADMINISTRATION  
IGNORED CRIES FOR HELP FROM STUDENTS  
AT HASKELL INDIAN NATIONS UNIVERSITY

---

**JOINT OVERSIGHT HEARING**

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND  
INVESTIGATIONS

COMMITTEE ON NATURAL RESOURCES

AND THE

SUBCOMMITTEE ON HIGHER EDUCATION AND  
WORKFORCE DEVELOPMENT

COMMITTEE ON EDUCATION AND THE  
WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

Tuesday, July 23, 2024

**Serial No. 118-137**

(Committee on Natural Resources)

**Serial No. 118-59**

(Committee on Education and the Workforce)

Printed for the use of the Committee on Natural Resources and the Committee  
on Education and the Workforce



Available via the World Wide Web: <http://www.govinfo.gov>

or

Committee address: <http://naturalresources.house.gov>  
and <http://edworkforce.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

56-359 PDF

WASHINGTON : 2025

## COMMITTEE ON NATURAL RESOURCES

BRUCE WESTERMAN, AR, *Chairman*  
DOUG LAMBORN, CO, *Vice Chairman*  
RAÚL M. GRIJALVA, AZ, *Ranking Member*

Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Gregorio Kilili Camacho Sablan, CNMI
Tom McClintock, CA	Jared Huffman, CA
Paul Gosar, AZ	Ruben Gallego, AZ
Garret Graves, LA	Joe Neguse, CO
Aumua Amata C. Radewagen, AS	Mike Levin, CA
Doug LaMalfa, CA	Katie Porter, CA
Daniel Webster, FL	Teresa Leger Fernández, NM
Jennifer González-Colón, PR	Melanie A. Stansbury, NM
Russ Fulcher, ID	Mary Sattler Peltola, AK
Pete Stauber, MN	Alexandria Ocasio-Cortez, NY
John R. Curtis, UT	Kevin Mullin, CA
Tom Tiffany, WI	Val T. Hoyle, OR
Jerry Carl, AL	Sydney Kamlager-Dove, CA
Matt Rosendale, MT	Seth Magaziner, RI
Lauren Boebert, CO	Nydia M. Velázquez, NY
Cliff Bentz, OR	Ed Case, HI
Jen Kiggans, VA	Debbie Dingell, MI
Jim Moylan, GU	Susie Lee, NV
Wesley P. Hunt, TX	
Mike Collins, GA	
Anna Paulina Luna, FL	
John Duarte, CA	
Harriet M. Hageman, WY	

Vivian Moeglein, *Staff Director*  
Tom Connally, *Chief Counsel*  
Lora Snyder, *Democratic Staff Director*  
<http://naturalresources.house.gov>

---

## SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

PAUL GOSAR, AZ, *Chairman*  
MIKE COLLINS, GA, *Vice Chair*  
MELANIE A. STANSBURY, NM, *Ranking Member*

Matt Rosendale, MT	Ed Case, HI
Wesley P. Hunt, TX	Ruben Gallego, AZ
Mike Collins, GA	Susie Lee, NV
Anna Paulina Luna, FL	Raúl M. Grijalva, AZ, <i>ex officio</i>
Bruce Westerman, AR, <i>ex officio</i>	

## COMMITTEE ON EDUCATION AND THE WORKFORCE

VIRGINIA FOXX, North Carolina, *Chairwoman*

JOE WILSON, South Carolina	ROBERT C. "BOBBY" SCOTT, Virginia, <i>Ranking Member</i>
GLENN THOMPSON, Pennsylvania	RAÚL M. GRIJALVA, Arizona
TIM WALBERG, Michigan	JOE COURTNEY, Connecticut
GLENN GROTHMAN, Wisconsin	GREGORIO KILILI CAMACHO SABLÁN, Northern Mariana Islands
ELISE M. STEFANIK, New York	FREDERICA S. WILSON, Florida
RICK W. ALLEN, Georgia	SUZANNE BONAMICI, Oregon
JIM BANKS, Indiana	MARK TAKANO, California
JAMES COMER, Kentucky	ALMA S. ADAMS, North Carolina
LLOYD SMUCKER, Pennsylvania	MARK DeSAULNIER, California
BURGESS OWENS, Utah	DONALD NORCROSS, New Jersey
BOB GOOD, Virginia	PRAMILA JAYAPAL, Washington
LISA McCLAIN, Michigan	SUSAN WILD, Pennsylvania
MARY MILLER, Illinois	LUCY McBATH, Georgia
MICHELLE STEEL, California	JAHANA HAYES, Connecticut
RON ESTES, Kansas	ILHAN OMAR, Minnesota
JULIA LETLOW, Louisiana	HALEY M. STEVENS, Michigan
KEVIN KILEY, California	TERESA LEGER FERNANDEZ, New Mexico
AARON BEAN, Florida	KATHY MANNING, North Carolina
ERIC BURLISON, Missouri	FRANK J. MRVAN, Indiana
NATHANIEL MORAN, Texas	JAMAAL BOWMAN, New York
LORI CHAVEZ-DEREMER, Oregon	
BRANDON WILLIAMS, New York	
ERIN HOUCHIN, Indiana	
VACANCY	

Carson Middleton, *Staff Director*  
Véronique Pluviose, *Minority Staff Director*

---

## SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

BURGESS, OWENS, Utah, *Chairman*

GLENN THOMPSON, Pennsylvania	FREDERICA WILSON, Florida, <i>Ranking Member</i>
GLENN GROTHMAN, Wisconsin	MARK TAKANO, California
ELISE M. STEFANIK, New York	PRAMILA JAYAPAL, Washington
JIM BANKS, Indiana	TERESA LEGER FERNANDEZ, New Mexico
LLOYD SMUCKER, Pennsylvania	KATHY E. MANNING, North Carolina
BOB GOOD, Virginia	LUCY McBATH, Georgia
NATHANIEL MORAN, Texas	RAÚL M. GRIJALVA, Arizona
LORI CHAVEZ-DEREMER, Oregon	JOE COURTNEY, Connecticut
ERIN HOUCHIN, Indiana	GREGORIO KILILI CAMACHO SABLÁN, Northern Mariana Islands
BRANDON WILLIAMS, New York	SUZANNE BONAMICI, Oregon
VIRGINIA FOXX, North Carolina	ALMA ADAMS, North Carolina
VACANCY	



## CONTENTS

---

	Page
Hearing Memo .....	vii
Hearing held on Tuesday, July 23, 2024 .....	1
Statement of Members:	
Owens, Hon. Burgess, a Representative in Congress from the State of Utah .....	2
Stansbury, Hon. Melanie A., a Representative in Congress from the State of New Mexico .....	3
Gosar, Hon. Paul, a Representative in Congress from the State of Arizona .....	4
Bonamici, Hon. Suzanne, a Representative in Congress from the State of Oregon .....	6
Statement of Witnesses:	
Panel I:	
Newland, Hon. Bryan, Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC .....	7
Prepared statement of .....	9
Questions submitted for the record .....	14
Elliott, Matthew, Assistant Inspector General for Investigations, Office of the Inspector General, U.S. Department of the Interior, Washington, DC .....	17
Prepared statement of .....	18
Questions submitted for the record .....	21
Panel II:	
Graham, Ronald J., Former President, Haskell Indian Nations University, Lawrence, Kansas .....	52
Prepared statement of .....	53
Martin, Emily, Chief Program Officer, National Women’s Law Center, Washington, DC .....	58
Prepared statement of .....	59
Mayes, Clay J., Head Coach, Track and Field and Cross Country, Haskell Athletic Department, Haskell Indian Nations University, Lawrence, Kansas .....	69
Prepared statement of .....	71
Additional Materials Submitted for the Record:	
Submissions for the Record by Representative Gosar	
Lexie Follette, Letter to the Committees dated July 22, 2024 .....	90
Venida S. Chenault, Ph.D., Letter to the Committees dated July 19, 2024 .....	92
Submissions for the Record by Representative Hageman	
Tierra Standing Soldier Thomas, Letter to the Committees .....	95





HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** House Committee on Natural Resources Republican Members

**From:** Subcommittee on Oversight and Investigations staff, Michelle Lane (Michelle.Lane@mail.house.gov) and Lucas Drill (Lucas.Drill@mail.house.gov)

**Date:** Tuesday, July 23, 2024

**Subject:** Oversight Hearing on *“Investigating how the Biden Administration Ignored Cries for Help from Students at Haskell Indian Nations University”*

The House Committee on Natural Resources, Subcommittee on Oversight and Investigations and the House Committee on Education & the Workforce, Subcommittee on Higher Education & Workforce Development will hold a joint oversight hearing titled *“Investigating how the Biden Administration Ignored Cries for Help from Students at Haskell Indian Nations University”* on **Tuesday, July 23, 2024, at 3:15 p.m. in 1334 Longworth House Office Building.**

Member offices are requested to notify Cross Thompson (Cross.Thompson@mail.house.gov) by 4:30 p.m. on Monday, July 22, 2024, if their member intends to participate in the hearing.

#### **I. KEY MESSAGES**

- Haskell Indian Nations University (HINU or “Haskell”), the only four-year university operated by the Bureau of Indian Education (BIE), with federal support from the Bureau of Indian Affairs (BIA), has been plagued by reports of widespread dysfunction and serious misconduct—including theft, fraud, and sexual assault—at the university.
- Haskell students’ pleas for justice have been ignored by Department of the Interior (DOI) Secretary Deb Haaland, Assistant Secretary of the Interior for Indian Affairs Bryan Newland, and other officials from the BIA and BIE.
- The students and faculty at HINU deserve a safe learning and working environment. Secretary Haaland’s DOI, BIE, and BIA have utterly failed to provide that environment and protect Haskell’s community of Native American students and employees.
- A BIE investigation and report, detailing serious allegations and findings of wrongdoing at HINU, was buried until the agency was legally compelled to publicly produce it. Even then, BIE produced a heavily redacted version.
- Until Secretary Haaland, BIE, and BIA are held responsible for Haskell’s mismanagement, Native American students and faculty at HINU will continue to suffer.

#### **II. WITNESSES**

##### **Panel I:**

- **The Hon. Bryan Newland**, Assistant Secretary, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, DC.

- **Mr. Matthew Elliott**, Assistant Inspector General for Investigations, Office of the Inspector General, U.S. Department of the Interior, Washington, DC.

**Panel II:**

- **Dr. Ronald J. Graham**, Former President, Haskell Indian Nations University, Lawrence, KS
- **Ms. Emily Martin, J.D.**, Chief Program Officer, National Women’s Law Center, Washington, DC. [Minority Witness]
- **Mr. Clay Mayes**, Head Coach, Track and Field, Cross Country, Haskell Athletic Department, Haskell Indian Nations University, Lawrence, KS

### III. INTRODUCTION

President Biden’s nomination of U.S. Representative Deb Haaland to serve as the Secretary of the Interior was lauded as an historic moment: Deb Haaland would be the first Native American Cabinet Secretary.<sup>1</sup> Secretary Haaland’s confirmation was viewed as an opportunity to right past wrongs, stamp out previous and ongoing mistreatment of Indian youth in schools, and combat pervasive sexual assaults of Indian women.<sup>2</sup>

Since her confirmation, Secretary Haaland has voiced understanding of her leadership’s importance for Native Americans.<sup>3</sup> In April of 2024, Secretary Haaland wrote:

*This National Sexual Assault Awareness and Prevention Month, it is imperative we do all we can to support Indigenous survivors by holding perpetrators accountable, and bringing an end to a culture that has allowed sexual assault to occur for far too long.*<sup>4</sup>

Despite Secretary Haaland’s words and position of power, under the Biden administration’s watch malfeasance has plagued HINU—the institution meant to be the pinnacle of BIE-operated schools. In 2022, BIE investigated assertions of misconduct at Haskell reported by students and faculty. BIE’s investigation concluded with the Haskell Indian Nations University—Administrative Investigation Report (BIE Report), which detailed serious widespread allegations of sexual assault, harassment, bullying, nepotism, theft, retaliation, waste, fraud, and abuse.<sup>5</sup>

The students and faculty at HINU deserve a safe learning and working environment. Secretary Haaland’s DOI, BIE, and BIA have utterly failed to provide that environment and protect Haskell’s community of Native American students and employees.

### IV. BACKGROUND

#### A. Bureau of Indian Education Cover-Up

HINU has a well-documented history of mismanagement, misconduct, and retaliation against students and employees brave enough to report wrongdoing. In November of 2018, the DOI Office of Inspector General (OIG) published a report highlighting significant allegations of official mishandling of complaints, bullying, nepotism, employee favoritism, fraud, and sexual assault.<sup>6</sup> Since the publication of this report, allegations of misconduct, dysfunction, and retaliation have only

<sup>1</sup>See Cara Korte, *What Deb Haaland’s historic confirmation means to Native Americans*, CBS NEWS (Mar. 18, 2021), <https://www.cbsnews.com/news/deb-haaland-native-american-confirmation-interior-secretary/>.

<sup>2</sup>See Casey Cep, *Deb Haaland Confronts the History of the Federal Agency She Leads*, THE NEW YORKER (Apr. 29, 2024), <https://www.newyorker.com/magazine/2024/05/06/deb-haaland-confronts-the-history-of-the-federal-agency-she-leads>.

<sup>3</sup>See Korte, *supra* note 1.

<sup>4</sup>Secretary Deb Haaland (@SecDebHaaland), TWITTER (Apr. 1, 2024, 12:34 PM), <https://x.com/SecDebHaaland/status/1774837761037520983>.

<sup>5</sup>See U.S. DEPT. OF THE INTERIOR BUREAU OF INDIAN EDUCATION, HASKELL INDIAN NATIONS UNIVERSITY—ADMINISTRATIVE INVESTIGATION REPORT (2023).

<sup>6</sup>See U.S. DEPT. OF THE INTERIOR OFFICE OF INSPECTOR GENERAL, INVESTIGATIVE REPORT OF MISCONDUCT ALLEGATIONS AT HASKELL INDIAN NATIONS UNIVERSITY (2018). This report did not sustain every allegation but highlighted serious issues dating back to at least 2014. For example, Haskell officials underreported crime statistics and failed to follow the university’s own guidelines for addressing misconduct complaints as serious as sexual assault. The report also highlighted instances of bullying, intimidation, and nepotism.



increased. Because of these issues, HINU cannot retain leadership—Haskell’s latest President, Frank Arpan, is the university’s eighth president in six years.<sup>7</sup>

Perhaps no example is more illuminating of the pervasive issues at Haskell than that of cross-country running coach Clay Mayes. From the moment Mr. Mayes accused two colleagues of wrongdoing, namely theft and sexual assault of a student, he faced severe retaliation from other members of the faculty and staff.<sup>8</sup> Mr. Mayes’ accusations were later substantiated and retaliatory allegations against him were proven false.<sup>9</sup> In November of 2021, after Mr. Mayes reported misconduct, HINU ordered an investigation of Mr. Mayes.<sup>10</sup> This investigation was carried out by the United States Postal Service (USPS) office in Massachusetts.<sup>11</sup> Mr. Mayes’ repeated requests for a DOI OIG investigation were denied,<sup>12</sup> and the USPS investigation concluded after eight months.<sup>13</sup> In April of 2022, HINU terminated Mr. Mayes’ employment contract.<sup>14</sup>

Following Mr. Mayes’ termination, Haskell students came forward to report that they were coerced into sign no-contact orders that restricted their ability to discuss their experience with Mr. Mayes at Haskell, even with their parents.<sup>15</sup> Despite the threat of retribution by HINU officials, several students nevertheless publicly defended Mr. Mayes. Students made clear that Mr. Mayes “stood up for us against this abusive clique [of faculty] that has been both wicked and vengeful while everyone else stood silent.”<sup>16</sup> Those same students also highlighted that Mr. Mayes then “became a victim of these attacks, abuse, harassment, by the same group [of HINU faculty].”<sup>17</sup>

After the outcry, BIE ordered an investigation into the students’ claims and the circumstances of Mr. Mayes’ termination.<sup>18</sup> Although BIE’s investigation was meant to last two weeks, the investigators remained on campus for six months as they worked to untangle the web of issues at Haskell.<sup>19</sup> Students who were interviewed as part of the investigation requested copies of the final report; the investigators promised that the report would be publicly released.<sup>20</sup> Yet, the report was not published by BIE.

In response to the lack of transparency, in January of 2023, Haskell cross country running student-athletes sent a letter to Secretary Haaland formally requesting the BIE Report’s release.<sup>21</sup> In the letter, students wrote that “Haskell’s response is non-existent” and that they believe “the investigation’s findings are 100% covered up.”<sup>22</sup> The students’ letter was published by a local newspaper in March of 2023 in an attempt to draw more attention to the students’ message.<sup>23</sup>

On the day of the letter’s publication, students received an email from former BIE Human Resources Officer Jackie Shamblin which informed the students that they would “never know what actions are being tak[en] to address specific findings from

<sup>7</sup> See Max McCoy, Report reveals ‘dysfunction’ at Haskell University. We owe the past—and future—much more., KANSAS REFLECTOR (Apr. 28, 2024), <https://kansasreflector.com/2024/04/28/report-reveals-dysfunction-at-haskell-university-we-owe-the-past-and-future-much-more/>.

<sup>8</sup> *Id.*

<sup>9</sup> See ADMINISTRATIVE INVESTIGATION REPORT, *supra* note 5.

<sup>10</sup> Letter from Clay J. Mayes to Anthony Dearman, Director, Bureau of Indian Education, Dept. of the Interior (July 28, 2023), [https://lawrencekstimes.com/wp-content/uploads/2023/07/ReinstatementPetitionMayestoDearman1-1\\_Redacted.pdf](https://lawrencekstimes.com/wp-content/uploads/2023/07/ReinstatementPetitionMayestoDearman1-1_Redacted.pdf).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> See Austin Hornbostel, *A campus ‘in disarray’: Report on investigation of misconduct allegation at Haskell to be released after more than a year of secrecy*, LAWRENCE JOURNAL-WORLD (Apr. 21, 2024), <https://www2.ljworld.com/news/2024/apr/21/a-campus-in-disarray-report-on-investigation-of-misconduct-allegation-at-haskell-to-be-released-after-more-than-a-year-of-secrecy/>.

<sup>16</sup> Letter from Haskell Indian Nations University Students, Cross Country Running Team, to the Honorable Deb Haaland, Secretary, Dept. of the Interior (Jan. 16, 2023) (on file with the Committee on Natural Resources).

<sup>17</sup> *Id.*

<sup>18</sup> See Hornbostel, *supra* note 15.

<sup>19</sup> See McCoy, *supra* note 7.

<sup>20</sup> See Letter from Haskell Indian Nations University Students, *supra* note 17.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> See Austin Hornbostel, *In letter to U.S. Secretary of the Interior, Haskell students claim a 6-month investigation took place on campus but hasn’t been made public*, LAWRENCE JOURNAL-WORLD (Mar. 10, 2023), <https://www2.ljworld.com/news/2023/mar/10/in-letter-to-u-s-secretary-of-the-interior-haskell-students-claim-a-6-month-investigation-took-place-on-campus-but-hasnt-been-made-public/>.

these investigations.”<sup>24</sup> In response, students sent another letter to Secretary Haaland. The students wrote that they “reported ‘systemic abuse, and neglect of victims’ but that “Shamblin declares such abuse will continue to be protected and victims will continue to be disavowed all right to information . . . .”<sup>25</sup>

Secretary Haaland never responded to the HINU students’ pleas for justice. Unfortunately, HINU, BIE, and BIA officials have all joined in the Secretary’s nonfeasance.<sup>26</sup>

## B. Freedom of Information Act Requests and the Switched Report

Prying the BIE Report from BIE’s fingers proved immensely difficult.<sup>27</sup> In April of 2023, Public Employees for Environmental Responsibility (PEER) submitted a Freedom of Information Act (FOIA) request to BIE, requesting the public release of the BIE Report.<sup>28</sup> Four Haskell students who were interviewed as part of BIE’s investigation also filed FOIA requests in September of 2023.<sup>29</sup> After being legally compelled to comply with the FOIA requests, BIE finally released a 528-page redacted report.<sup>30</sup> However, the report released by BIE was not the one requested by PEER or the HINU students. Shortly thereafter, PEER filed suit to force BIE to produce the correct BIE Report, which was released with heavy redactions in November of 2023.<sup>31</sup>

Information provided to the Committee on Natural Resources (Committee) indicates that the BIE Report may have been altered between the time it was submitted on November 7, 2022, and dated on January 13, 2023.<sup>32</sup> In July of 2024, the Committee sent a letter to BIE Director Tony Dearman seeking information explaining BIE’s numerous failures related to HINU and the BIE Report.<sup>33</sup> The Committee’s letter and the requests therein went unanswered.<sup>34</sup> The Committee is dismayed that Secretary Haaland and other DOI, BIA, and BIE leaders have entirely failed the students and faculty of Haskell.

## C. The Report: Allegations of Misconduct Against Employees and Students

The BIE Report—even as released—includes damning information highlighting the myriad issues at Haskell, including extensive abuse and criminal activity.<sup>35</sup> At its core, the report is a shocking indictment of a university that has allowed a group of faculty members to install a culture of sweeping misconduct and retaliation against students and employees under the rug.<sup>36</sup>

The BIE Report describes an unacceptable response to students reporting sexual assault, as faculty members repeatedly disregarded allegations, did not provide sufficient care and support for survivors, and failed to notify law enforcement.<sup>37</sup> One student, Tierra Thomas, reported sexual abuse on more than 30 occasions, but was ignored by HINU staff.<sup>38</sup> Ms. Thomas publicly asserted that her attacker was not removed from campus and allegedly committed another assault.<sup>39</sup> Rather than

<sup>24</sup> E-mail from Jackie R. Shamblin, Human Resources Director, Bureau of Indian Education, U.S. Dept. of the Interior, to Haskell Indian Nations University Students, Cross Country Running Team (Mar. 10, 2023) (on file with Committee on Natural Resources).

<sup>25</sup> Letter from Haskell Indian Nations University Students, Cross Country Running Team, to the Honorable Deb Haaland, Secretary, Dept. of the Interior (Mar. 15, 2023) (on file with the Committee on Natural Resources).

<sup>26</sup> See Hornbostel, *supra* note 15.

<sup>27</sup> See Jeff Ruch and Laura Dumais, *Report on Abuse of Indian Students Finally Surfaces: Lawsuit Pried Haskell School Probe Out of Bureau of Indian Education*, PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (April 22, 2024), <https://peer.org/report-on-abuse-of-indian-students-finally-surfaces/>.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> See ADMINISTRATIVE INVESTIGATION REPORT, *supra* note 5.

<sup>33</sup> See Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Tony Dearman, Director, Bureau of Indian Education, U.S. Dept. of the Interior (July 2, 2024), [https://naturalresources.house.gov/uploadedfiles/ltr\\_to\\_doi\\_regarding\\_haskell\\_univ\\_letter.pdf](https://naturalresources.house.gov/uploadedfiles/ltr_to_doi_regarding_haskell_univ_letter.pdf).

<sup>34</sup> *Id.*

<sup>35</sup> See ADMINISTRATIVE INVESTIGATION REPORT, *supra* note 5.

<sup>36</sup> See Hornbostel, *supra* note 15.

<sup>37</sup> *Id.*

<sup>38</sup> See Austin Hornbostel, *Haskell student speaks out about alleged sexual abuse on campus, says she has reported what she’s experienced ‘over 30 times’*, LAWRENCE JOURNAL-WORLD (Sep. 21, 2023), <https://www2.ljworld.com/news/2023/sep/21/haskell-student-speaks-out-about-alleged-systematic-sexual-abuse-on-campus-says-she-has-reported-what-shes-experienced-over-30-times/>.

<sup>39</sup> *Id.*

support her, Haskell staff tormented Ms. Thomas as retaliation for speaking out about her experience. Ms. Thomas' grades slipped as a result, and she was suspended from HINU before Mr. Mayes helped her appeal the decision.<sup>40</sup>

Ms. Thomas is not alone. Other HINU students who have reported sexual assaults did not receive support from the HINU faculty.<sup>41</sup> In one case, a student allegedly sexually assaulted another and, although the abuser's housing privileges were revoked, there is no record of the meeting taking place.<sup>42</sup> In another case, a coach who allegedly touched a female student inappropriately was reprimanded only by being told to work remotely.<sup>43</sup> At least three other students were raped or sexually assaulted during separate off-campus university events.<sup>44</sup> The BIE report makes clear that Haskell's own sexual assault reporting procedures—if and when they are followed—are insufficient and dangerous.<sup>45</sup> Absurdly, the report points out that the university does not believe it is necessary to forward student sexual assault reports to local law enforcement because students are adults.<sup>46</sup>

Furthermore, the BIE Report exonerates Mr. Mayes and demonstrates that he was wrongfully terminated because he reported misconduct.<sup>47</sup> The BIE Report suggests that at HINU, "Mayes was set up for failure . . ."<sup>48</sup> Due in large part to the BIE Report's publication, it is the Committee's understanding that Mr. Mayes was recently reinstated as a coach at HINU.<sup>49</sup>

Although the BIE Report could not substantiate every claim of malfeasance—due at least in part to the sheer number of claims—the report is a positive first step toward untangling the web of dysfunction at HINU that has been ignored by those government officials who claim to care most.

## V. CONCLUSION

Secretary Haaland delivered the 2022 commencement address to graduating HINU students in which she described the Biden administration's commitment to help tribal communities. Yet, Secretary Haaland and other Biden administration officials have turned their backs on the students and faculty at HINU by allowing dysfunction and misconduct to go unchecked. Until Secretary Haaland, BIE, and BIA are held responsible for Haskell's mismanagement, Native American students and faculty at HINU will continue to suffer.

---

<sup>40</sup> See Shannon Najmabadi, *The Federal Government Runs a College. It Has Had Eight Presidents in Six Years.*, THE WALL STREET JOURNAL (Feb. 15, 2024), <https://www.wsj.com/us-news/education/the-federal-government-runs-a-college-it-has-had-eight-presidents-in-six-years-1646cf46>.

<sup>41</sup> See Hornbostel, *supra* note 15.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Jeff Ruch et al., *Report on Abuse of Indian Students Finally Surfaces: Lawsuit Pried Haskell School Probe Out of Bureau of Indian Education*, PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Apr. 22, 2024), <https://peer.org/report-on-abuse-of-indian-students-finally-surfaces/>.

<sup>46</sup> *Id.*

<sup>47</sup> See ADMINISTRATIVE INVESTIGATION REPORT, *supra* note 5.

<sup>48</sup> *Id.*

<sup>49</sup> Document on file with the Committee on Natural Resources.



**OVERSIGHT HEARING ON INVESTIGATING  
HOW THE BIDEN ADMINISTRATION  
IGNORED CRIES FOR HELP FROM STUDENTS  
AT HASKELL INDIAN NATIONS UNIVERSITY**

---

**Tuesday, July 23, 2024**

**U.S. House of Representatives**

**Subcommittee on Oversight and Investigations**

**Committee on Natural Resources, joint with the  
Subcommittee on Higher Education and Workforce Development,  
Committee on Education and the Workforce,  
Washington, DC**

---

The Subcommittees met, pursuant to notice, at 3:20 p.m., in Room 1334, Longworth House Office Building, Hon. Paul Gosar [Chairman of the Subcommittee on Oversight and Investigations] presiding.

Present: Representatives Gosar, Owens, Grothman, Good, Collins, Rulli, Foxx, Westerman, Hageman, Mann; Stansbury, Takano, Jayapal, Leger Fernández, Manning, Bonamici, Adams, and Scott of Virginia.

Mr. WESTERMAN [presiding]. The Subcommittee on Oversight and Investigations and the Subcommittee on Higher Education and Workforce Development will come to order.

Without objection, the Chairs are authorized to declare recess of the Subcommittees at any time.

The Subcommittees are meeting today to hear testimony on investigating how the Biden administration ignored cries for help from students at Haskell Indian Nations University.

Under House National Resources Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. For purposes of this joint hearing, that will also be extended to the Chair and Ranking Member of the Subcommittee on Higher Education and Workforce Development of the Committee on Education and the Workforce. I therefore ask unanimous consent that all other Members' statements be made part of the hearing record if they are submitted in accordance with House Natural Resources Committee Rule 3(o).

Without objection, so ordered.

I ask unanimous consent that the following Members be allowed to sit and participate in today's hearing. The gentlewoman from Wyoming, Ms. Hageman, the gentleman from Kansas, Mr. Mann, and the gentleman from Utah, Mr. Owens.

Without objection, so ordered.

I now recognize the gentleman from Utah, Mr. Owens, for an opening statement.

**STATEMENT OF THE HON. BURGESS OWENS, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. OWENS. Thank you, Mr. Chair. The Committee gathers today to address the many scandals plaguing Haskell Indian Nations University. This institution is one of two post-secondary schools operated by the Bureau of Indian Education, tasked to provide high-quality education to Native American students. Instead, it is plagued with a history of mismanagement, abuse, and corruption.

The issues we are discussing today are not only a disgrace to the university and the Federal Government entities responsible, but also to students and faculty harmed due to the lack of metrics and accountability. This permissive and toxic mindset has thrived for too long and has negatively impacted numerous Native American lives. For too long, this community has suffered from a lack of true and accountable oversight. For too long, the soft bigotry of low expectations has prevailed when it comes down to the Native American community.

This widespread dysfunction at Haskell is not an isolated incident. It is a symptom of systematic failures, particularly within the Bureau of Indian Education. The Bureau's oversight has been inadequate, allowing problems to fester unchecked.

The failures that will be addressed today rest squarely on the shoulders of the Bureau, Secretary Haaland's oversight, and by extension President Joe Biden.

The investigation, started with President Trump, should make it a priority to rectify the gross neglect of Haskell. The students at Haskell have been deprived of what should be the No. 1 guarantee in our educational system, a safe learning environment. The allegations in the recently released investigative report are startling. They include bullying, harassment, multiple failures to address sexual assault cases, and a general culture of unresponsiveness to student complaints.

Perhaps more troublesome is that the report's eventual product was delayed. Evidence points to possible omissions and alterations to the final, publicly available copy. With each of these new developments, the academic integrity of the institution has been severely compromised.

I look forward to hearing from our witnesses. We will hear from individuals who experienced things that no one should have to experience at a school or in the workplace. The Bureau of Indian Education will be asked to explain why a Bureau-operated school tolerates the exploitation of its students. In part, Haskell's institution code states to be accountable for words, thoughts, and deeds, and engage in the conduct and behavior that reflects the institutional values of the university. This code cannot just be words.

This Committee must oversee the implementation of reforms that will prevent future generations of Native American students from being harmed.

With that, I look forward to the hearing and yield back to the Chairman.

Mr. WESTERMAN. The gentleman yields back.

The Chair now recognizes Ranking Member Stansbury for an opening statement.

**STATEMENT OF THE HON. MELANIE A. STANSBURY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO**

Ms. STANSBURY. Thank you, Mr. Chairman. I want to start by saying thank you to our witnesses for being here today. I know that for many who are here to tell their stories, it is with great personal sacrifice. And you are here to tell very difficult stories about the trauma that you have experienced. So, I want to say thank you for your bravery, thank you for your service, and thank you for being willing to tell your story publicly.

It is important that we are having this hearing on a bipartisan basis, and we are grateful to also have officials from the Administration and from Department of the Interior. We have been working across both sides of the aisle to come to the same goal, which is to host a hearing with the support of our Education and Workforce Development Committee and the Subcommittee on Higher Education, to really understand what is happening at this institution, why have there been continued failures across the many years that these egregious abuses have been happening, and what can we do to address these problems going forward?

So, just a little bit about what we are going to hear today. In 2018, and I think it is important to identify that this was during the last administration, the Director of the Inspector General issued a scathing report about Haskell, which included multiple cases of sexual assault, domestic violence, and victimization of students. The university president tried to cover it up by under-reporting the statistics. Employees felt intimidated and bullied by the president at the time, and that president used their influence to help get a family member hired.

This year, in 2024, under pressure from a lawsuit, the Bureau of Indian Education finally released a highly redacted report issued over a year earlier that raised even more concerning findings. There was non-responsiveness to student grievances, there was student harassment, bullying of administrators, allegations of theft, nepotism, sexual assault, workplace harassment, fraud, waste, and abuse. And multiple administrative failures, including harassment and bullying, that were ignored by the university president and others.

The university leadership worked to manipulate the outcomes of these investigations, and we see allegations that go back at least 17 years.

The Department of Education conducted its own investigation that substantiated claims of academic fraud dating back to 2007. And just last week, a former Haskell regent was federally indicted on multiple counts of felony assault resulting in substantial bodily injury.

There have been eight presidents in 6 years. So, clearly, we have a leadership problem at Haskell.

The Department of the Interior, the Bureau of Indian Education, Indian Affairs, and Haskell administration have taken some steps to remediate these issues. We have a new permanent president after several years of an acting president. They updated their sexual misconduct and student rights and conduct policies. They are offering regular trainings for students, staff and faculty, expanded

behavioral health services, added a campus advocate coordinator. But clearly, it is not enough.

These actions are the floor, not the ceiling. And we are here today to really understand what has been going on and how Haskell can be turned into a place where students feel safe, where they can bring their whole selves to school, and the culture of this institution from the top to the bottom can be reformed.

We know that in order to do this, it takes leadership, it takes time, it takes persistence, it takes prioritization.

And we know that it is going to have to take vision. So, I look forward to the conversation today. I look forward to hearing from those who have come to testify, and to the bipartisan work ahead across both committees to address these concerns.

Dr. GOSAR [presiding]. Thank you. I am going to recognize myself for my introductory statement.

**STATEMENT OF THE HON. PAUL GOSAR, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF ARIZONA**

Dr. GOSAR. Good afternoon, everyone. I would like to thank the witnesses for traveling here today for this important matter. And I would like to extend a special thanks and welcome to our colleagues from the Subcommittee on Higher Education and Workforce Development, who have been our partners on this issue.

And I also appreciate our Democrat colleagues' engagement on the issue. Everyone here recognizes that change must come to Haskell Indian Nations University.

Our hearing today will discuss how the Biden administration has turned their backs on the students at the Haskell Indian Nations University, a Bureau of Indian Education school with students from federally recognized tribes across the nation. Haskell University is a critical educational resource for Indian youth. And as you will hear today, has so much potential to make a difference for Indian students.

Unfortunately, this administration has allowed misconduct, including but not limited to issues from reporting of sexual assault, fraud, and nepotism on campus to continue under her watch. Secretary Haaland has failed students at Haskell University.

Though Secretary Haaland has stated her commitment to improving Indian education and addressing the sexual assaults of Indian women, she has done nothing to address these issues at Haskell University, despite desperate pleas from the student body and from certain faculty. The students there deserve to feel safe while pursuing their education. They deserve to learn and grow in a community that is free from criminal activity and the threat of retaliation for just speaking out.

The misconduct at Haskell University is not new. Back in 2018, the DOI Office of Inspector General issued a report that uncovered under-reporting of crimes at Haskell and how faculty failed to follow established protocols for reporting. However, today's hearing addresses an investigation that took place in 2022 over the serious instances of misconduct reported by students and faculty, and the wrongful termination of cross country coach Clay Mayes, one of the witnesses here today.



When he was hired, Coach Mayes observed misconduct, and he decided to do the right thing, report it. In response to his concerns, he was retaliated against and removed from his position. During this time, students on the cross country team were forced to sign no-contact orders with Coach Mayes. The orders signed under duress prevented them from speaking to their parents about what they had witnessed or undergone. Yet, the students made the hard decision to speak out, despite the possibility of facing retaliation for doing so.

The Bureau of Indian Education initiated an investigation into these allegations funded for 2 weeks. However, 2 weeks quickly became 6 months, as investigators uncovered issue after issue after issue, scandal after scandal.

When the investigation completed, the AIB report was not publicly released and students were stonewalled by the BIE human resource officer at the time, who said, "You will never see this report," is the quote.

After a lengthy legal battle over the release of the AIB report, and after being compelled to do so, BIE released their report, but it was the wrong report. This was no mistake. Then finally, BIE released the AIB report, but it was heavily redacted.

The deceptive conduct by the Bureau of Indian Education regarding the AIB report is ongoing. Despite a recent request from our Committee, BIE has yet to hand over the unredacted report. This is a very simple request for the Department to fulfill, and I expect to see the unredacted AIB report very soon.

Make no mistake. Members and staff understand that a report of this nature would likely contain highly sensitive information. That is no excuse. There are ways to review that material that would not reveal the identity of the individual publicly and could ensure that the AIB report would not have to be shared with the general public.

The Biden administration and Secretary Haaland's Department have turned their back on the students and the faculty under threat, rather than bringing true accountability and change to the university. The students at Haskell Indian Nations University and the American people deserve answers for the allegations of misreporting of sexual assault, nepotism, fraud, theft, and so much that goes on.

Haskell University should be a safe place for Indian students to grow, learn, and prepare themselves for the next step in life. I am confident this can still be achieved, but it will require hard work and true accountability.

Today, the Committee will hear from the individuals whose lives have been changed by their experiences at Haskell University. Despite the challenges that they have been through, they agreed to come before this Committee because they too believe that change must come to the university. Indian students across the nation deserve better.

I am committed to real accountability at the university and the Department of the Interior for their repeated failure to address the dysfunction and misconduct at Haskell Indian Nations University.

I now observe the Ranking Member from the Subcommittee on Higher Education, Ms. Bonamici, for her opening statement.

**STATEMENT OF THE HON. SUZANNE BONAMICI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Ms. BONAMICI. Thank you very much, Mr. Chairman. And thank you also Chairman Owens and Ranking Member Stansbury.

And thank you to the witnesses for being here today. I appreciate for many of you this might be difficult, especially when we are asking you to publicly reshare what may be personal and sometimes traumatic stories.

I want to start by acknowledging our country's shameful history of mistreating and forcibly assimilating Native people. In the past years, we have gone to great lengths to attempt to rectify a fraction of these injustices. I am grateful to the Department of the Interior for its work to address the wrongs many Native students experienced in boarding schools, after many were forcibly removed from their families, communities, languages, religions, and cultural beliefs.

In 2021, Secretary Haaland announced the Federal Indian Boarding School Initiative, an effort to recognize the concerning legacy of Federal Indian boarding school policies, and to address the intergenerational impact.

I am also pleased to see that the Department invested funding in the National Fund for Excellence in American Indian Education, which they had indicated had been inactive for decades.

Haskell Indian Nations University was established from what once was an Indian boarding school, where Native children were forcibly assimilated for decades, an issue I am familiar with because I represent Oregon, where we have Chemawa Indian School. Haskell University can and should be a safe space for Native students to learn, while embracing and uplifting their culture. This is a noble goal and with support it is attainable.

Unfortunately, the reality of Haskell University is a sharp contrast to this goal. All academic institutions are responsible for creating safe and supportive learning environments. In the unique case of Haskell University, the burden falls on the Department of the Interior and the Bureau of Indian Education to provide resources and guidance to facilitate a safe school environment.

We have heard of instances on campus that have indicated failure after failure of the university and the bureau to provide the leadership, transparency, accountability, and management, despite reports of a hostile campus environment rife with academic fraud, nepotism, neglect, and tragically, in some cases, sexual misconduct and abuse.

I want to emphasize, this is not a new issue. There have been reports of misconduct for years. Student survivors report sexual assault and say they were met with indifference and a lack of consideration for their privacy and their mental health. The Inspector General has confirmed accusations of nepotism and bullying, as well as cases of academic fraud.

The sitting university president directed the editor of the Indian Leader, a student newspaper, to not contact any outside government agency or the police regarding university matters without first getting permission. The students deserve better, the faculty deserve better, and the community deserves better.

Haskell University provides education to a population that has historically been underserved in higher education, and it must improve. The Bureau of Indian Education must hold Haskell University accountable for strict academic accountability and transparency standards. The Bureau must also be forthcoming with Congress about whether those standards are met for the health and well-being of Haskell's students.

And finally, I want to emphasize accusations of misconduct have gone on for years. It may be tempting to try to point fingers at a single administration to pick where it all went wrong. But the reality is that the systemic issues plaguing Haskell University have happened for years under multiple administrations, both Democratic and Republican. Our task today should not be to engage in a partisan blame game, but instead commit ourselves to bettering the lives of students and faculty and the Haskell Indian Nation.

Thank you, Mr. Chairman, and I yield back.

Dr. GOSAR. I thank the gentlewoman.

I am now going to introduce our witnesses for the first panel.

First, we have the Honorable Bryan Newland, Assistant Secretary for Indian Affairs, U.S. Department of the Interior. And second, Mr. Matthew Elliott, Assistant Inspector General for Investigations, Office of the Inspector General, U.S. Department of the Interior.

Let me remind the witnesses that under Committee Rules, you must limit your oral statements to 5 minutes. But your entire statement will be in the hearing record.

To begin your testimony, just press the button and you will see the green light go on. When it hits yellow, you have to start summing it all up. And when it hits red, cut it short because we have lots of questions.

I now recognize Mr. Newland for 5 minutes.

**STATEMENT OF THE HON. BRYAN NEWLAND, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC**

Mr. NEWLAND. Thank you, Mr. Chairman, Ranking Members, and members of the Committee, [speaking Native American language]. My name is Bryan Newland. I have the privilege and honor of serving as the Assistant Secretary for Indian Affairs at the Department of the Interior, and I want to thank you for inviting me before these Committees today to discuss our important work at Haskell University.

Haskell occupies a special place in Indian Country. It began as a boarding school designed to carry out the Federal Government's policy of forced assimilation of Indian children. It has since become a respected university that has educated Native students from across the country for generations.

The community of Haskell Rascals really represents all of Indian Country. Haskell alumni can be found in most tribal communities, and nearly everyone in Indian Country knows Haskell, celebrates the achievements of its students, faculty, and staff. And their accomplishments make all of us proud.

But as has been noted already, Haskell has had more than its share of challenges in recent decades. A lack of investment from the Federal Government has allowed facilities on campus to deteriorate and led to the closure of sports programs like football. High turnover in leadership at the Bureau of Indian Education and in Haskell's administration have made campus governance difficult and has fostered cliques amongst the staff. Federal employment laws designed for Federal agencies are not suited to running a university and present challenges. And there have been many other challenges as well.

In 2022, I learned about allegations of sexual assaults against students by other students or young people in and around the Haskell community. I also learned about allegations that the Haskell athletic staff had inappropriately touched students. At the same time, there was a series of allegations and counter allegations involving student athletes, coaches, staff, and administrators. Most of those allegations related to workplace conduct and management of sports programs.

Before I describe our response, I want to make two points very clear. Everyone who steps foot on Haskell's campus should feel safe and supported. And I expect every member of our staff to treat people with compassion and respect.

We know all too well the disproportionate rates of violence that is committed against Native women and girls. And fear of that violence should not follow people to Haskell's campus.

In addition, we want to hold members of Haskell staff to standards as high as any other institution of higher learning. And they should not be subject to bullying or harassment while doing their jobs.

In response to these allegations, our team worked to respond quickly by referring some matters to the Office of the Inspector General. And we also sought independent investigations of these allegations and independent reviews of Haskell's student support policies and processes.

Following those investigations, the BIE worked to help students and staff improve reporting and response to sexual assaults. In coordination with independent reviewers, Haskell designated an interim campus advocate coordinator in October 2022. That position handles allegations and began revising the student code of conduct and other campus policies relating to student support. With respect to other allegations involving workplace conduct and sports programs, Haskell also took administrative and disciplinary action involving a number of employees and contractors.

Since the start of my tenure, I have made improving Haskell's operations a priority. Early on in 2021, we began the process of elevating the position of the Haskell president to a senior executive service position. It has previously been a GS-15, a university president. Our goal was to attract more talented candidates to lead Haskell and to promote stability in its leadership. We have also asked Congress to provide increased funding for Haskell and we have had some success in that over the last 3 years.

I visited campus several times as Assistant Secretary. I have met with students, faculty, staff, and the college's board to learn more about their goals and their concerns. And I also meet weekly with

BIE leadership, including the Haskell president, to stay connected in our work. While we have made improvements and increased their student enrollment, we have many challenges to address.

With my limited time, Chairman, I just want to take this opportunity to speak to everyone in the Haskell community. Haskell is a place that we are proud of. And we are working every day to make everyone's experience on campus as safe and as positive as possible for everyone. I want it to be memorable for the reasons it should be when people come to Haskell, young leaders who learn and grow to prepare for a successful life. And I want students to receive a world class education and have access to the same experiences and resources as students on other campuses here in our country. And I want our faculty to be safe, successful, and united in supporting our students. And I am going to work with the Secretary and with this Committee and Congress every day to make sure that happens.

Thank you, Mr. Chairman. I look forward to answering your questions.

[The prepared statement of Mr. Newland follows:]

PREPARED STATEMENT OF BRYAN NEWLAND, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Chairpersons, Ranking Members, and Members of the Subcommittees,

Thank you for the opportunity to testify on behalf of the U.S. Department of the Interior (Department or DOI) regarding Haskell Indian Nations University (Haskell). My name is Bryan Newland, and I serve as the Assistant Secretary for Indian Affairs. I am here to discuss the measures we have taken to improve the safety and well-being of the students and staff at Haskell. I want to address at the onset that our staff may not have provided the clearest information regarding the matters at hand. However, know that the Department takes any allegation of misconduct of a sexual nature seriously and takes immediate appropriate actions to protect the safety and wellbeing of students.

My goal today is to help provide clarity around the actions both the Bureau of Indian Education (BIE) and Haskell took in relation to the BIE Human Resources (HR) Administrative Investigation Board (AIB) investigation into allegations of misconduct. I also wish to confirm that the BIE did not eliminate any findings or conclusions from the initial draft report submitted by the AIB in November 2022 when BIE HR finalized the January 2023 final report (Report). The BIE and Haskell have used the Report and other third-party expert recommendations to improve student safety-related staffing and support services, as well as policies and procedures at Haskell.

### **Haskell Background**

Haskell plays a unique role in Indian Country. When Haskell opened in 1884, it was known as the Indian Industrial Training School at Lawrence, KS and was among the first of the U.S. government's off-reservation boarding schools for American Indian children. Based on the Carlisle School model in Pennsylvania, with its creed to "Kill the Indian, Save the Man," Haskell was one of a network of boarding schools that worked to destroy Tribal cultures by enforcing Euro-American standards of appearance, thought, and behavior. The cultural and moral injury inflicted by such institutions affected generations of Indigenous families and still reverberates today through historical, generational trauma and Tribal wealth depletion.

As evidenced by the Secretary of the Interior's Federal Indian Boarding School Initiative, the Federal government established comprehensive policies through institutions like Haskell to assimilate Indian children. While our generations are still grappling with the historical traumas of this past, Tribal nations and Indian people are strong and have effected positive change to Federal policies and institutions as a result of that strength. In 1992, after a period of planning for the 21st Century, the National Haskell Board of Regents recommended a new name to reflect its vision for Haskell as a national center for Indian education, research, and cultural

preservation. In 1993, the Assistant Secretary for Indian Affairs approved the change, and Haskell became Haskell Indian Nations University.

More recent generations of American Indian and Alaska Native families have been proudly sending their students to Haskell from all over the country for a quality and culturally inclusive education. Haskell is a place that provides an inter-Tribal cultural experience. Many of us have grandparents, parents, nieces, nephews, and cousins who currently attend or once attended Haskell. To be part of the “Haskell Rascal” family is something that is held in pride across many Tribal communities. It would be hard to find a Native person who does not have some tie or story about a relative who attended Haskell at some point. It is part of the fabric that makes up Indian Country. The Department is dedicated to making Haskell as strong and as safe an institution as possible to reflect the strength of our people and Tribal nations.

As a cornerstone of higher education for American Indian and Alaska Native students, Haskell now serves approximately 1,000 students. Haskell offers a range of rigorous academic programs and provides a culturally rich and transformative educational experience. It is critically important to the Department, BIE, and Haskell leadership that we support Haskell in being recognized as one of the best institutions of higher learning in the country. From a personal standpoint, supporting BIE schools and Haskell is one of the top priorities I have as the Assistant Secretary. So, when allegations, such as those that arose at Haskell, come to our attention, I want your Committees to know we take them seriously and act.

#### **Allegations Background**

In 2021, the BIE received a series of complaints from students and staff at Haskell. These complaints highlighted various concerns about the university environment, including allegations of misconduct and inappropriate behavior. Recognizing the seriousness of the allegations and maintaining a desire to responsibly address the issues raised, the BIE contracted with an independent third-party administrative investigator to gather evidence regarding these allegations. Consistent with DOI policy, BIE also contacted the DOI Office of Inspector General (OIG) to report additional allegations. When the OIG referred the matters back to BIE, BIE assembled an internal administrative investigative board (AIB) to conduct further investigation. Additionally, where appropriate, students were referred to local law enforcement to make criminal reports.

As preventative interim measures to safeguard against misconduct of a sexual nature and to protect the integrity of investigations, Haskell issued no-contact orders while the matters were being investigated. Once the investigations were completed, BIE took appropriate administrative and formal disciplinary actions.

Even though BIE investigated the allegations it received, the Bureau did not stop there. BIE continued to look for ways to better protect the safety and security of our students.

#### **Initial Allegations (Late Fall and Early Winter 2021)**

- **Incident:** In late 2021, the BIE received a series of complaints from students and staff at Haskell. These complaints highlighted various concerns about the university environment, including allegations of misconduct and inappropriate behavior. Between late fall and early winter of 2021, the BIE received a total of 28 separate allegations and cross-allegations of wrongdoing.
- **Action:** Each of the 28 allegations was promptly submitted to the U.S. Postal Service’s National Equal Employment Opportunity Investigative Services Office (USPS NEEOISO) for independent investigation to inform further action, as needed. USPS NEEOISO has ongoing interagency agreements with DOI, providing services such as Harassing Conduct Investigations (HCIs) for DOI and all of its sub agencies, including BIE.
- The USPS NEEOISO produced three separate investigative reports, delivered between May and July 2022. I want to emphasize the swift and thorough response to each allegation. Contrary to inaccurate press or accusations that these allegations went unaddressed for months, the Department and Haskell leadership took immediate action to investigate these concerns.

#### **Sexual Harassment Allegation (December 2021)**

- **Incident:** 27 of the 28 allegations provided to the USPS NEEOISO in the late fall and early winter 2021 were non-sexual in nature. One complaint, however, was sexual in nature. On December 18, 2021, a parent reported that a Haskell staff member had inappropriately touched their daughter at a

basketball game. The student filed a written statement on December 20, 2021.

- **Action:** On December 21, 2021, Haskell and BIE issued a no-contact order to the staff member pending further investigation and submitted the allegation to USPS for investigation. The USPS NEEOISO investigation was completed by May 2, 2022. BIE HR determined that the May 2, 2022 report did not support further action.

#### **Subsequent Allegations, Including Sexual Assaults (April-May 2022)**

- **Incident 1:** On April 14, 2022, a student reported to a Haskell employee an alleged sexual assault that occurred on April 3–4, 2022. The student could not recall the location where the alleged assault took place. The Haskell employee contacted local law enforcement.
- **Incident 2:** On April 21, 2022, and again on April 26, 2022, a student reported to two Haskell employees a separate alleged off-campus sexual assault that occurred on April 11, 2022. One of the Haskell employees contacted local law enforcement.
- **Incident 3:** On May 14, 2022, another student reported to a Haskell employee a separate alleged off-campus sexual assault that had occurred in April 2022. The Haskell employee issued a no-contact order and recommended the student to report the alleged off-campus sexual assault to local law enforcement. The Haskell employee had a follow-up meeting with this student on May 16, 2022, and learned the student had not reported the incident to local law enforcement. According to Haskell's policies at the time of this incident, Haskell staff would only assist an adult victim in contacting law enforcement if specifically requested and provided permission by the alleged victim.
- **Action:** On Monday, June 13, 2022, members of the Haskell community reached out directly to the BIE HR Officer regarding new allegations of misconduct, including those sexual in nature. On Tuesday, June 14, 2022, students submitted a Personnel Bulletin (PB) 18-01 Complaint to BIE HR. BIE HR assigned a team to review the allegations and worked with the Department's Solicitor Office on next steps by Friday June 17, 2022. The submitted PB 18-01 included new allegations of "physical and sexual abuse". By Wednesday June 22, 2022, BIE submitted the allegations to the Department's OIG. OIG referred the complaints unrelated to "physical and sexual abuse" allegations to BIE on Wednesday July 6, 2022. Following the July 6, 2022 referral by OIG, BIE organized the HR-led on-the-ground AIB on July 7, 2022 to arrive at Haskell by Sunday July 10, 2022 to investigate the allegations. On July 25, 2022, OIG referred the allegation back to BIE HR regarding "physical and sexual abuse" contained in the PB 18-01 submitted by BIE on June 14, 2022, to investigate. While the initial on-site investigation began on July 10, 2022, the AIB continued their investigation beyond that initial date. While the initial on-site investigation began on July 10, 2022, the AIB continued their investigation beyond that initial date.

#### **Additional Allegations (Summer 2022)**

- **Incident:** Upon arrival on campus, the AIB received additional allegations of wrongdoing, including theft of athletic equipment, nepotism, bullying behavior, conflicts of interest in personnel decisions, and fabricating grievances against contract employees.
- **Action:** These allegations and subsequent AIB conclusions were included in the AIB Report. The BIE HR AIB provided an initial draft of its report in November 2022 to the BIE HR Officer for review and finalization to inform appropriate action at Haskell. During this timeframe, HR made edits to the draft in an effort to improve the report's clarity, readability, and ensure completeness in its analysis and conclusions. Importantly, the edits made during this time period did not eliminate any findings or conclusions of the AIB. The BIE HR Officer signed the AIB Report, dated January 13, 2023. Based on the AIB conclusions, BIE initiated administrative and formal disciplinary actions against ten individuals, including supervisor counseling, suspension, reassignment, and termination of contract. Two additional staff members involved resigned from their positions at Haskell prior to receiving formal disciplinary actions.

### Independent Stafford Review and Haskell Reforms

To complement the BIE HR AIB, Haskell secured the services of D. Stafford & Associates (Stafford) in August 2022. Stafford is an independent consultation firm specializing in campus safety and security, sexual misconduct response and investigation, and post-secondary institution law enforcement issues. Over the summer 2022, Stafford conducted a comprehensive review of Haskell's policies and procedures and provided its independent report to Haskell leadership on September 11, 2022 with recommendations to bolster student support services. Stafford reviewed Haskell's existing Sexual Misconduct, Student Rights, and Student Conduct policies and procedures. Stafford's independent report contained 13 recommendations for programmatic and policy improvements at Haskell. Stafford continues to provide ongoing guidance to Haskell regarding its recommendations and guidance implementation.

- **Implementation of Stafford Recommendations:** Pursuant to these recommendations, Haskell has completed or is in the process of completing the following reforms:
  - **Campus Advocate Coordinator:** Hired a newly established Campus Advocate Coordinator position, encumbered as of May 20, 2024. This position is designed to address both Stafford's recommendations regarding sexual misconduct reporting and student support policies, as well as BIE HR AIB conclusions regarding the role and expectations of the Haskell employee managing student support services for the institution.
  - **New Policies:** Drafted new Sexual Misconduct Policies and Procedures and related documents needed for implementation. These will be ready for the beginning of the 2024–25 Academic Year on August 26, 2024.
  - **Reporting Procedures:** In consultation with Stafford, Haskell developed new reporting procedures and forms for intake.
  - **Student Code of Conduct:** Developed a new Student Code of Conduct and provided the Code to the Haskell Student Government Association for review.
  - **Training Programs:** Established a regular and ongoing annual sexual assault awareness training in partnership with Stafford, the Douglas County District Attorney's Office, the Lawrence Police Department, the Willow Domestic Violence Center, and the Sexual Trauma and Abuse Care Center. The first of this regular joint annual training was held on November 29, 2023.
  - **Website Refresh:** Initiated a website refresh and hired a full-time iNet/Webmaster position tasked with maintaining Haskell's web and social media sites. Once finalized, Haskell's newly developed Sexual Misconduct Policies and Procedures will be added to the website for the 2024–25 Academic Year.
  - **Student and Faculty Resources:** BIE expanded behavioral health services offering on-campus and virtual mental health support, including group and individual therapy and 24/7 crisis support.

**Department Support for Haskell:** To increase oversight and accountability at Haskell, the Department elevated the president position of the college from GS-15 to Senior Executive to increase competitiveness in filling the role with other postsecondary institutions. This new SES position was encumbered May 21, 2023. Additionally, the Department recently approved two Senior Executive positions within the BIE organization to provide guidance and oversight on performance and accountability as well as post-secondary education functions. This builds on the BIE reform initiated in 2014 and continued in subsequent administrations. These leaders will increase support for Haskell, BIE's Southwestern Indian Polytechnic Institute in New Mexico, and Tribal Colleges and Universities around the country, as well as provide oversight to BIE's scholarship program.

### Allegations and Investigations Timeline

To provide a clearer picture, I will detail the timeline and responses to each major set of allegations:

#### Fall and Winter 2021 Initial Allegations

- Late Fall/Early Winter 2021: BIE received 28 allegations.



- December 2021: All allegations were submitted to USPS NEEOISO for investigation.
- May-July 2022: USPS NEEOISO delivered three separate investigative reports.

#### **December 2021 Sexual Harassment Allegation**

- December 18, 2021: Parent reported the incident.
- December 20, 2021: Student filed a written statement.
- December 21, 2021: Haskell and BIE issued a no-contact order and submitted the allegation to USPS NEEOISO.
- May 2, 2022: USPS completed the investigation and provided the report to BIE HR with no conclusive findings or recommendations. BIE HR determined that the May 2, 2022 report did not support further action.

#### **April–May 2022 Sexual Assault Allegations**

- April 14, 2022: First assault reported to Haskell staff.
- April 21 & 26, 2022: Second assault reported to Haskell staff.
- May 14, 2022: Third assault reported to Haskell staff.
- June 13, 2022: BIE HR made aware of new allegations of misconduct, including those sexual in nature.
- June 14, 2022: Members of the Haskell community submit a Personnel Bulletin 18-01 complaint, and BIE HR team assigned and prepared for submission to OIG.
- June 17, 2022: Legal advice sought from Solicitor's Office.
- June 22, 2022: Allegations submitted to OIG.
- July 6, 2022: OIG referred complaints unrelated to "physical and sexual abuse" allegations back to BIE.
- July 7, 2022: BIA HR initiated an AIB investigation on-site at Haskell.
- July 10, 2022: BIE HR AIB team arrived on-site at Haskell.
- July 25, 2022: OIG referred back to BIE HR the allegations related to "physical and sexual abuse" contained in the PB 18-01 submitted on June 14, 2022 for investigation.

#### **Summer 2022 Additional Allegations and Independent Review**

- Summer-Fall 2022: BIE HR AIB team investigates 16 new allegations, including Haskell's response to the three allegations of off-campus sexual assault.
- Summer 2022: D. Stafford and Associates conduct comprehensive policy review and deliver a final report with recommendations.
- September 11, 2022: D. Stafford and Associates provides its recommendations to Haskell.
- November 7, 2022: BIE HR AIB provides draft AIB report to the BIE HR Officer for finalization.
- January 13, 2023: BIE HR Officer signs the AIB report to inform appropriate action at Haskell.

#### **Other Reports, Reforms and Improvements**

##### **2018 OIG Investigations**

In a pair of 2018 reports, the OIG found that Haskell officials did not consistently follow Haskell's guidelines for handling complaints of misconduct and that Haskell's administration inaccurately reported crime statistics in 2014 and 2015. OIG also found that Haskell employees felt bullied and intimidated by the Haskell President at the time, finding that the President's presence in a meeting influenced a family member's appointment to a high-level position. OIG did not find evidence that the President at the time showed favoritism or that computers were purchased improperly as originally alleged.

However, during the course of OIG's investigation, OIG learned of an allegation that a Haskell instructor sexually assaulted a student. OIG referred the allegation

to the Lawrence Police Department. Additionally, OIG found that employees of the Haskell Foundation (Foundation), a nonprofit corporation, utilized office space on the Haskell campus and managed the proceeds of grants to Haskell, but that Haskell and the Foundation had no written agreement governing their relationship, which created a significant risk for potential legal violations.

In addition to responding swiftly to allegations, BIE and Haskell have taken significant steps to reform its policies and procedures, increase capacity for oversight, and use the findings and recommendations for improvement to improve student and campus safety.

### **Conclusion**

I appreciate the Committees' time to highlight the Department's work and hear your concerns about this important issue. While imperfect at communicating the work completed, this Administration's efforts are improving the safety and well-being of students and staff at Haskell. We are also making long-term organizational improvements at the BIE and Haskell, so Haskell can compete with other colleges and live up to its storied legacy. Haskell Indian Nations University and all of our students across the country have been one of my top priorities. We recognize the courage of our students and staff who have come forward with their experiences, and we are committed to improving our shortcomings to create a safe and supportive environment that prepares our students to become the leaders Tribal nations deserve.

On May 13, 2022, I met with students at Haskell alongside the BIE Director. That audience was one of the toughest crowds for which I presented and heard during my tenure because our Haskell students are so smart. Our students know what they deserve and challenged us to do better. We are dedicated to doing better. As Haskell finalizes its policies and procedures before the upcoming academic year, I plan to meet with Haskell students again to receive input and speak to them directly as a follow-up to my prior engagement. I also want to acknowledge the presence of members of the Haskell community today, including students past and present. For those that were not treated appropriately, I extend my deepest empathy and assure them that their safety and well-being are paramount. We are committed to ensuring that their voices are heard and that their concerns are addressed with the utmost seriousness and sensitivity.

The U.S. Department of the Interior, in collaboration with BIE and Haskell leadership, is dedicated to addressing the concerns and improving the safety of those both on and off campus to our upmost ability. We have taken swift and decisive actions in response to allegations and continue to implement reforms to foster a safe and supportive environment at Haskell. Thank you for your attention to these critical issues. I am prepared to answer any questions you may have.

---

QUESTIONS SUBMITTED FOR THE RECORD TO THE HON. BRYAN NEWLAND, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

**The Honorable Bryan Newland did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

### **Questions Submitted by Representative Gosar**

*Question 1. Why did the Bureau of Indian Education refuse to release the 2023 Haskell Indian Nations University—Administrative Investigation Report (AIB Report), despite BIE investigators agreement with Haskell students that the AIB report would be publicly released at the culmination of the investigation? Please provide a detailed account of the decision by BIE to not publicly release the AIB Report, and to resist FOIA requests for the release of the AIB Report.*

*Question 2. When BIE was legally compelled to release the AIB Report, instead, they initially released a totally different report—the wrong report. How did this happen? The request could not have been clearer.*

*Question 3. What specific changes have been made in response to the findings in the AIB Report regarding the handling of sexual assault cases at the University? Please list each one.*

*3a) Are you now confident that established procedures for handling sexual assault incidents are being followed at the University, as identified in the AIB Report?*

*Question 4. During your visits to Haskell Indian Nations University, did you meet with any of the victims of sexual assault or other potential crimes? If not, why not?*

*Question 5. On July 18, 2024, the Lawrence Journal Reported that Lester Randall—a member of the Haskell University Board of Regents—was indicted on 4 counts of assault.*

*5a) Was a background check conducted for Mr. Randall? And if so, were there no red flags?*

*5b) Do you know Lester Randall? If so, please describe your interactions with Mr. Randall.*

*5c) How will you ensure that the Board of Regents conducts regular background checks, so this does not happen again?*

*Question 6. As you may know, Dr. Graham sought to fix dysfunction at Haskell University during his tenure, however his time at the University was cut short before he could finish the job.*

*6a) If you had no involvement in the termination of Dr. Graham, when did you first learn about it?*

*6b) Were you informed that, in 2024, the Office of Special Counsel concluded that Dr. Graham was retaliated against by BIE and HINU?*

*Question 7. Dr. Graham's supervisor was BIE Director Dearman. Were you aware that Dearman did not sign the termination letter, but Tamarah Pfeiffer, then BIE Chief Academic Officer and not in Graham's Chain-of-Command, signed the termination letter?*

*7a) Is it standard protocol at BIE for someone not in a Chain-of-Command to order a termination?*

*Question 8. The BIE May 7, 2021, BIE Termination letter for Dr. Graham states "the trial period is intended to give an Agency an opportunity to assess an employee's overall fitness and qualifications for continued employment."*

*8a) Was such an assessment—in this instance a Federal Annual Evaluation—conducted by Director Dearman on December 8, 2020?*

*8b) When were you briefed and/or received a report or copy of the Graham assessment?*

*8c) What superseding events or circumstances occurred that nullified BIE's "Exceeds Expectations" overall fitness determination between December 8, 2020 and May 7, 2021?*

*Question 9. In your testimony, you stated, more than once, that student letters to you submitting complaints and seeking relief did not reach you because the students used the wrong email address.*

*9a) When did you learn that emails were sent, but not received?*

*9b) When you learned that emails were not received, what did you do about it?*

*Question 10. When Dr. Graham learned that donated funds were not accounted for, \$500,000 contracts were mismanaged and more than 350 counts of alleged payroll fraud (among other financial irregularities) he reported each situation to Director Dearman and HR Director Shamblin. Audits and investigations were recommended and then initiated. There is no public record of the disposition of any of these audits and/or investigations.*

*10a) Were these audits and/or investigations completed?*

*10b) If not completed, who ordered that these audits and/or investigations be halted, stopped or otherwise ignored?*

*10c) Did BIE report any of these matters to Congress? If so, when?*

#### **Questions Submitted by Representative Owens**

*Question 1. In a sworn statement a Haskell Indian Nations University (HINU) faculty member described a complaint made by two female interns from the University of Kansas against an employee for engaging in inappropriate conduct [Exhibit A]. HINU conducted a joint investigation with the Kansas law school. Further in the statement, the faculty member went on to describe the level of*

disciplinary action taken as “maybe five-day suspension because he (the alleged predatory Haskell employee) had gotten a reprimand letter in the past.”

1a) Why was this employee allowed to continue working at Haskell?

1b) What actions did the Department of the Interior (DOI) and the Bureau of Indian Education (BIE) take after receiving the AIB Report?

1c) Provide for the Committees documentation of the actions taken after you received the AIB Report.

Question 2. According to the Haskell student handbook, “Pending final outcome . . . Haskell will take steps to protect the complainant from any further harassment or retaliation.” Sworn statements have given us shocking insight into how your university protects complainants. Your university allowed a female student, accused of drugging and assaulting four individuals on four separate occasions, to continue living in the same dorm with her alleged victims.

2a) What steps were taken, per the student handbook, to protect the complainants in this case?

Question 3. How does HINU ensure that reports of sexual assault are properly investigated and that victims receive adequate support?

Question 4. In a sworn statement, a student athlete spoke about a coach that gropes and inappropriately stares at students [Exhibit B]. When she voiced her concerns an older coach explained “how it is, it is normal for [the predatory coach] to stare at girls.” What has been done in response to this statement to eliminate this predatory behavior?

4a) Is the coach who stated that “it’s normal for a coach to stare at girls” still employed by HINU or the Department of Interior?

4b) Is the coach who “gropes and inappropriately stares at students” still employed by HINU or the DOI?

Question 5. Your testimony states, “The BIE and Haskell have used the Report and other third-party expert recommendations to improve student safety-related staffing and support services, as well as policies and procedures at Haskell.” (page 1) Who were the third parties and what were their recommendations?

Question 6. What is the DOI policy you are referring to when you state in your testimony, “Consistent with DOI policy, BIE also contacted the DOI Office of Inspector General (OIG) to report additional allegations.” (page 2)

Your testimony states, “Additionally, where appropriate, students were referred to local law enforcement to make criminal reports.” Please provide us with the number of referrals made to law enforcement and for what incidents the referrals were made.

Question 7. Your testimony states, “As preventative interim measures to safeguard against misconduct of a sexual nature and to protect the integrity of investigations, Haskell issued no-contact orders while the matters were being investigated.” (page 2)

7a) Provide the no-contact orders mentioned above and the emails transmitting the no-contact orders.

Question 8. Your testimony states, “Once the investigations were completed, BIE took appropriate administrative and formal disciplinary actions.” (page 2) What were those administrative and disciplinary actions?

Question 9. Your testimony states, “BIE continued to look for ways to better protect the safety and security of our students.” (page 3). Please provide a further explanation of the specific actions BIE took to “better protect the safety and security of our students?”

Question 10. Your testimony states, “Each of the 28 allegations was promptly submitted to the U.S. Postal Service’s National Equal Employment Opportunity Investigative Services Office (USPS NEEOISO) for independent investigation to inform further action, as needed. (page 3)

10a) Who made the decision to report the allegations to the USPS NEEOISO?

10b) Why were the allegations reported to the UPS NEEOISO?

10c) Provide the transmittal communications used to submit each of the 28 allegations to the USPS NEEOISO.

*10d) List all BIE related investigations that were reported to the USPS NEEISO from 2020 to the present.*

---

Dr. GOSAR. Thank you, Mr. Newland.  
I now recognize Mr. Elliott for his 5 minutes.

**STATEMENT OF MATTHEW ELLIOTT, ASSISTANT INSPECTOR  
GENERAL FOR INVESTIGATIONS, OFFICE OF THE INSPEC-  
TOR GENERAL, U.S. DEPARTMENT OF THE INTERIOR,  
WASHINGTON, DC**

Mr. ELLIOTT. Mr. Chairman, Ranking Members, and members of the Subcommittee, thank you for the opportunity to appear before you today. I am pleased to stand in as the designee for Inspector General Greenblatt, who is testifying this afternoon before the House Oversight Committee.

Every day, DOI employees and private citizens reach out to our complaint hotline to share information about potential fraud, waste, abuse, misconduct, or mismanagement. The OIG also receives complaints directly from department officials. Based on the information submitted, the OIG evaluates the complaints and can open a criminal, civil, or administrative investigation, conduct an audit, inspection, evaluation, or review, refer the complaint to the appropriate DOI bureau or office, or refer the complaint to another Federal or state law enforcement agency, or electronically file the information for future reference.

Our office has a proven track record of assessing complaints, opening investigations, and issuing public-facing reports as appropriate. The 92 employees that I lead in our Office of Investigations remain responsive and capable of investigating a full range of alleged misconduct.

Relevant to the discussion here today, between 2018 and the present, we received 68 complaints related to issues at Haskell. We opened 5 investigations, initiated 1 review, referred 32 of the complaints to the Bureau of Indian Education, and referred 1 complaint to the Assistant Secretary of Indian Affairs.

The remaining 29 complaints were electronically filed for information, often because they were duplicative or lacked specificity or actionable information.

Three of the five investigations that we opened during this time period involved allegations of misconduct by Haskell employees not related to sexual harassment or misconduct. In each of those cases, we did not substantiate the allegations.

The fourth investigation involved allegations that Haskell employees covered up students' complaints of sexual misconduct. During the course of that investigation, we learned of BIA's own investigative report into these allegations. Therefore, we closed our investigation into those matters in August 2023.

The fifth investigation stemmed from 13 complaints regarding allegations of mismanagement by Haskell's senior administration and president, focused primarily on the administration's handling of misconduct complaints. In addition, we investigated allegations that the president bullied employees, committed nepotism, and

demonstrated favoritism. We also investigated allegations that the administration misused Title III funds.

During the course of our investigation, we received an allegation that a Haskell instructor sexually assaulted a student off campus. Because local law enforcement had primary jurisdiction, we immediately referred that matter to the Lawrence Police Department and offered our assistance.

At the conclusion of our investigation, we transmitted our findings to the Directors of BIE and BIA and publicly issued an investigative report in November 2018. In that report, we found that university officials did not consistently follow Haskell's guidelines for handling complaints of misconduct, and that Haskell's administration inaccurately reported crime statistics in 2014 and 2015. We also found that Haskell employees felt bullied and intimidated by the Haskell president, and we found that the president's presence in a meeting influenced a family member's appointment to a high-level position. We did not, however, find evidence of favoritism or improper use of funds.

Because of the history of complaints related to mishandling allegations of sexual assault and the finds from our 2018 report, in 2022, I directed OIG's Special Investigations and Reviews to initiate a review to determine whether BIE-operated post-secondary institutions were appropriately following laws and policies relating to complaints of sexual harassment and misconduct. This review is currently ongoing. We look forward to providing our report to Congress and the public when it is complete.

Thank you for your time, and I look forward to answering your questions.

[The prepared statement of Mr. Elliott follows:]

PREPARED STATEMENT OF MATTHEW ELLIOTT, ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, U.S. DEPARTMENT OF THE INTERIOR

Chairman Gosar, Chairman Owens, Ranking Member Stansbury, Ranking Member Wilson, and Members of the Subcommittees:

Thank you for the opportunity to discuss the Department of the Interior (DOI) Office of Inspector General's (OIG) work regarding Haskell Indian Nations University (Haskell). The Inspector General Act of 1978, as amended, established a unique relationship between IGs and Congress, requiring IGs to report both to the head of their respective agencies and to Congress. DOI OIG's leadership and employees take this obligation seriously, and we appreciate your continued interest in and support for our fair, independent, and objective oversight.

### **Background**

#### *DOI OIG's Mission and Operations*

DOI OIG's mission is to provide independent oversight to promote accountability, integrity, economy, efficiency, and effectiveness within the DOI. Our work can be grouped into two general categories: (1) investigations on the one hand, and (2) audits, inspections, and evaluations on the other. The OIG's less than 300 employees oversee the programs and operations of the DOI, which has more than 70,000 employees, 11 Bureaus, Offices, and a range of diverse programs, including roughly \$10 billion in grants and contracts, \$20 billion in natural resource revenues, Federal trust responsibilities to 574 federally recognized Indian Tribes and Alaska Native villages, stewardship of 20 percent of the Nation's land, and management of lands, subsurface rights, and offshore areas that produce approximately 17 percent of the Nation's energy.

Our Office of Investigations investigates allegations of criminal, civil, and administrative misconduct involving DOI employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions. DOI OIG investigators have

statutory law enforcement authority, including the power to make arrests, execute warrants, and carry firearms. When an investigation is complete, investigators prepare a Report of Investigation (ROI) detailing our findings. If there is evidence of criminal wrongdoing, the investigators work with Federal or state prosecutors as appropriate. If an investigation shows evidence of administrative wrongdoing on the part of a DOI employee, the ROI is presented to the Department, which will take whatever action it deems appropriate. In these cases, the OIG does not recommend discipline or other action to the Department.

Our Office of Audits, Inspections, and Evaluations (AIE) conducts independent reviews that measure DOI programs and operations against best practices and objective criteria to determine efficiency and effectiveness. They also audit contracts, examine financial statements, and conduct cyber security audits, to name a few examples. AIE's work results in actionable recommendations to the Department that promote positive change in the DOI.

#### *DOI OIG's Complaint Hotline*

Every day, DOI employees and private citizens reach out to our complaint hotline to share information about potential fraud, waste, abuse, misconduct, or mismanagement. The OIG also receives complaint referrals directly from Department officials outside of our hotline. Based on the information submitted, the OIG evaluates the complaints and could open a criminal, civil, or administrative investigation; conduct an audit, inspection, evaluation, or review; refer the complaint to the appropriate DOI Bureau or Office; refer the complaint to another Federal or state law enforcement agency; or electronically file the information for future reference.

Our hotline is staffed by trained professionals who review every complaint we receive and determine what action the OIG will take. Given our mission, jurisdiction, budgetary resources, and unique position in the Department, we typically investigate criminal matters such as contract and grant fraud, energy royalties fraud, embezzlement, and financial conflicts of interest. We also investigate administrative misconduct by DOI employees, such as ethics violations, whistleblower retaliation, and sexual harassment by senior-level officials. We generally don't investigate allegations involving traditional management or workplace problems or individual allegations of discrimination. Typically, we refer those complaints to the Department for its consideration and action.

In Fiscal Year 2023, we received 886 DOI-related complaints and opened 60 investigations; that is, 6.7 percent of the DOI complaints that we received were converted to OIG investigations. Of the 886 complaints that we received, 418, or 47 percent, were referred to the appropriate DOI Bureau or Office for action.

Between 2018 and the present, we received 68 complaints related to issues at Haskell. We opened 5 investigations, initiated 1 review, referred 32 of the complaints to the Bureau of Indian Education (BIE), and 1 complaint to the Assistant Secretary of Indian Affairs. Twenty-nine of these complaints were electronically filed for information.

#### **Prior DOI OIG Investigations Involving Haskell**

##### *DOI OIG's November 2018 Investigative Report of Misconduct Allegations at Haskell*

After receiving complaints from Haskell students, faculty, and personnel alleging mismanagement by Haskell's senior administration and President, we opened an investigation that focused primarily on the administration's handling of misconduct complaints. In addition, we investigated allegations that the President bullied employees, committed nepotism, and demonstrated favoritism. We also investigated allegations that the administration misused Title III funds.

During the course of our investigation, we received an allegation that a Haskell instructor sexually assaulted a student off campus. Because local law enforcement had primary jurisdiction, we immediately referred the matter to the Lawrence Police Department.

At the conclusion of our investigation, we transmitted our findings to the Directors of BIE and the Bureau of Indian Affairs (BIA) and publicly issued an investigative report in November 2018.<sup>1</sup> In that report, we found that university officials did not consistently follow Haskell's guidelines for handling complaints of misconduct and that Haskell's administration inaccurately reported crime statistics in 2014 and 2015. We also found that Haskell employees felt bullied and intimidated by the Haskell President, and we found that the President's presence in a meeting

<sup>1</sup> Available at [https://www.doioig.gov/sites/default/files/2021-migration/WebRedacted\\_Haskell\\_University.pdf](https://www.doioig.gov/sites/default/files/2021-migration/WebRedacted_Haskell_University.pdf).

influenced a family member's appointment to a high-level position; however, we did not find evidence of favoritism or improper use of funds.

*DOI OIG's October 2018 Management Advisory Regarding Absence of Clear Boundaries Between Haskell Indian Nations University and Nonprofit Haskell Foundation*

Our 2018 investigation yielded additional findings about inappropriate boundaries between Haskell University and the Haskell Foundation, a non-profit organization with the stated mission of seeking, encouraging, receiving, and managing gifts, grants, and bequests for the benefit of the university. We issued a management advisory to the Director of BIE, alerting him to the potential of legal violations arising from the lack of clear boundaries between Haskell and the non-profit.

*Unsubstantiated Allegations*

In 2021 and 2022, we investigated additional allegations regarding misconduct by Haskell employees, not related to sexual harassment or misconduct. None of these allegations were substantiated.

**Complaints to OIG Related to Haskell Indian Nations University in 2022 and 2023**

Partly at issue today are allegations that were referred to the OIG by BIE in June 2022. These wide-ranging allegations included an array of complaints including theft of Federal property, intimidation of student athletes, bullying, violation of students' due process, inappropriate touching of student athletes by a coach, and others.

Consistent with our office's usual process and practice, we closely reviewed the allegations and vetted them, including by reaching out to the five individuals whose contact information was provided, eventually reaching one. We interviewed that individual by phone on June 30, 2022. Based on the initial complaint and the additional information provided in our interview, we determined that the allegations would be best addressed by the BIE. We referred the allegations to BIE on July 6, 2022, and requested a response in 90 days. We received the BIE response on January 25, 2024.

Subsequently, in April 2023, the OIG received an anonymous hotline complaint, alleging that employees at Haskell covered up students' complaints of sexual misconduct. After reviewing this anonymous complaint, our office opened an investigation. During the course of our investigation, in June 2023, we learned of BIE's investigative report addressing the allegations that predicated OIG's investigation; therefore, we closed our investigation in August 2023.

**OIG's Ongoing Review**

Because of the history of complaints related to mishandling of sexual assaults and the findings from our 2018 ROI, in 2022, I directed OIG's Special Investigations and Reviews<sup>2</sup> to initiate a review to determine whether BIE-operated postsecondary institutions were appropriately following laws and policies related to complaints of sexual harassment and misconduct. Originally focused solely on the Southwestern Indian Polytechnic Institute (SIPI), we expanded the scope of our review to include Haskell, given the history of complaints that our office had received.

This review is currently ongoing. We look forward to providing our report to Congress and the public when it is complete.

**DOI OIG's Evaluation of the DOI's Efforts to Address Sexual Harassment Across the Department**

This is not the first time that our office has addressed sexual harassment and misconduct at the DOI. In September 2014, we received a complaint that led to a series of investigations that uncovered a long-term pattern of sexual harassment and a hostile work environment in the NPS' Grand Canyon National Park River District. The Grand Canyon investigation led to others. In total, the OIG opened over 20 sexual harassment investigations between 2016 and 2019. As a result, the OIG confirmed allegations of sexual harassment in other NPS worksites; the OIG also confirmed similar allegations of both sexual harassment and mishandled sexual harassment investigations within BIA.<sup>3</sup>

<sup>2</sup>The Special Investigations and Review Division (SIR) is a division in the Office of Investigation staffed by attorneys and investigators. SIR conducts programmatic reviews as well as certain types of investigations, often focused on senior level DOI officials.

<sup>3</sup>Specifically, in May 2017, we confirmed that a BIA employee harassed employees and tribal members by sending unwanted (and often sexually explicit) texts and Facebook messages.



On the heels of these investigations, in December 2017, the OIG initiated an evaluation of the DOI's steps to address sexual harassment at the Department. Our work culminated in a report, issued in July 2019: *Opportunities Exist To Improve the U.S. Department of the Interior's Efforts To Address Sexual Harassment*.<sup>4</sup> We found that although the Department had taken steps to address and prevent sexual harassment, opportunities existed to improve sexual harassment investigations. Specifically, (1) ROIs did not always contain the necessary information for decision-makers and advisors to make comprehensive decisions about potential corrective action related to sexual harassment, (2) the DOI and its bureaus did not track the timeliness of investigations in a consistent manner, and (3) investigation costs may have prevented employees from reporting an incident. We also found that anti-sexual harassment training and DOI-wide misconduct tracking could be improved. We made 11 recommendations to help the DOI prevent and address sexual harassment. At this time, all recommendations from our 2019 report have been resolved and implemented.

### Conclusion

In October 2019, Inspector General Mark Lee Greenblatt testified at a House Natural Resources Subcommittee on Oversight and Investigations hearing entitled, "Sexual Harassment at the Department of the Interior." His testimony covered the OIG's investigations of specific misconduct and our broader evaluation about the steps DOI had taken to address sexual harassment at the Department. During that hearing, IG Greenblatt committed that the OIG would continue to aid the Department in its efforts to foster a safe environment free of sexual harassment and assault. Since that time, we have continued to receive, evaluate, and act upon all incoming complaints, including those that implicate sexual misconduct. We have a proven track record of opening investigations and issuing public-facing reports as appropriate, and we remain responsive and capable of investigating a full range of alleged misconduct. Our currently ongoing review, discussed previously today, is another important part of the OIG's efforts in this regard.

Thank you for your time, and I look forward to answering your questions.

---

QUESTIONS SUBMITTED FOR THE RECORD TO MATTHEW ELLIOTT, ASSISTANT  
INSPECTOR GENERAL FOR INVESTIGATIONS, OFFICE OF THE INSPECTOR GENERAL,  
U.S. DEPARTMENT OF THE INTERIOR

### Questions Submitted by Representative Gosar

*Question 1. What is the role of the Office of the Inspector General regarding oversight of Haskell University?*

Answer. The Office of Inspector General (OIG) provides independent oversight to promote accountability, integrity, economy, efficiency, and effectiveness within the bureaus and offices of the U.S. Department of the Interior (DOI), including the Bureau of Indian Education (BIE). BIE funds and manages 183 elementary and secondary schools; in addition, Haskell Indian Nation University (HINU) is one of two post-secondary schools directly operated by BIE. Our statutory oversight authority therefore extends to HINU.

*Question 2. Why did the OIG decline to review the wrongful termination of Mr. Mayes?*

Answer. It was within BIE's discretion to terminate Mr. Mayes's contract. Additionally, there are no laws, regulations, rules, or policies that prohibited BIE from terminating Mr. Mayes contract because of the allegations he reported to our office and BIE leadership. As a contractor, Mr. Mayes was not covered by the protections

---

*Summary: BIA Employee Sent Unwanted, Sexually Explicit Messages*, available at <https://www.doi.gov/reports/investigation/bia-employee-sent-unwanted-sexually-explicit-messages-0>. In September 2017, we found that a Human Resources official incorrectly advised a BIA manager that an employee accused of sexual harassment could not be disciplined because the complaints were not U.S. Government employees and the harassment did not appear to be connected in the workplace. *Summary: Insufficient Actions by BIA Management and Human Resources Officials in Response to Sexual Harassment Reports*, available at <https://www.doi.gov/reports/investigation/insufficient-actions-bia-management-and-human-resource-officials-response-0>.

<sup>4</sup>Available at [doi.gov/sites/default/files/2021-migration/FinalEvaluationE\\_DOISexualHarassment\\_Public.pdf](https://doi.gov/sites/default/files/2021-migration/FinalEvaluationE_DOISexualHarassment_Public.pdf).

codified in the Whistleblower Protection Act or Section 828 of the National Defense Authorization Act for Fiscal Year 2013 and therefore falls outside of available protections. Mr. Mayes, however, did have contract and civil remedies he could have pursued. It is also our understanding that Mr. Mayes is once again a coach at HINU.

*Question 3. Why did the OIG decline to investigate the claims brought forth by students, that kicked off the 2022 investigation?*

Answer. The OIG has oversight responsibility for DOI's 11 bureaus and offices, and we receive approximately 2,000 contacts annually to our hotline. We must triage those contacts to determine how to maximize the impact of the approximately 90 OIG employees dedicated to our investigative mission. Like most investigative entities, we simply do not have the capacity to investigate every complaint that is made through our hotline and, consistent with the best practices of the Inspector General community, we routinely refer administrative complaints and allegations of non-criminal misconduct to the responsible bureaus or offices. If we identify a pattern or trend of complaints that, taken in the aggregate, indicate an investigable matter, we may also decide to open an investigation. For example, we initiated the OIG's 2018 investigation that I discussed during my testimony<sup>1</sup> due to a pattern of complaints received by our office. Additionally, we have a strong record across our broad portfolio of exploring sexual misconduct issues, which Inspector General Greenblatt discussed at a hearing before the House Committee on Natural Resources on October 30, 2019.

In 2022, HINU students reported allegations of harassment, nepotism, contract mismanagement, and improper hiring practices. We carefully reviewed and vetted the allegations. We determined that the theft allegations were speculative and that the sexual assault allegations were off campus and therefore outside of our jurisdiction. Based on the nature of the remaining allegations, the limited number of field agents we have for our broad portfolio, and our case load at the time, we referred them to the BIE or the Assistant Secretary for Indian Affairs. The claim that HINU mismanaged allegations of sexual assault is included in the scope of an ongoing review.

*Question 4. What misconduct has OIG identified in the past as taking place at Haskell Indian Nations University?*

Answer. In the past 10 years, we have conducted five investigations of potential misconduct and mismanagement at HINU. The allegations in three investigations were not substantiated and we closed one investigation after learning the allegations had already been addressed by BIE. We reported the results of our fifth investigation in our November 2018 report of investigation, which can be found on our website at this link: Investigation of Misconduct Allegations at Haskell Indian Nations University (doioig.gov).

While not related to specific misconduct, we also issued a management advisory in 2018 regarding the absence of clear boundaries between HINU and the nonprofit Haskell Foundation, which is available here: Management Advisory—Investigation Reveals Absence of Clear Boundaries Between Bureau of Indian Education Post-Secondary Educational Institution and Nonprofit Corporation, Case No. OI-SD-17-0074-I (doioig.gov).

*4a) What recommendations have been put forward to Haskell Indian Nations University and the Bureau of Indian Education to resolve these issues?*

Answer. As is typical with reports of investigation (ROIs) in the inspector general community, we did not provide recommendations in our 2018 ROI on HINU. Rather, like all of our ROIs, we provided it to the Department for any action it deemed appropriate.

In our 2018 management advisory, we made two recommendations that we consider implemented and closed:

1. Consult with the Office of the Solicitor to establish the scope of the Foundation's authorized activities, including its authorization to occupy Federal facilities, the proper roles and responsibilities of Foundation employees regarding grants, and the payment of any compensation to the Foundation.
2. Memorialize the determination in a written partnership agreement with the Foundation as provided in Department Policy 301 DM 5. Signed MOU provided through BIE/Haskell.

<sup>1</sup>Investigation of Misconduct Allegations at Haskell Indian Nations University/Office of Inspector General, U.S. Department of the Interior (doioig.gov)

*4b) To your knowledge, what steps has Haskell Indian Nations University taken to address issues identified by the OIG previously?*

Answer. In response to our 2018 report, BIE reported to the OIG that it: (1) provided all Haskell staff with Equal Employment Opportunity and workplace harassment training; (2) reassigned one Haskell employee; and (3) took disciplinary action against another Haskell employee. The action taken against the employees and the employees' identity is protected by the Privacy Act and cannot be disclosed publicly.

Separate from issues identified in our 2018 ROI, in the past 10 years, the OIG referred eight complaints to BIE that required a response. The referred allegations and BIE's responses are summarized in the chart below.

<b>Allegation referred by OIG to BIE</b>	<b>BIE response</b>
Allegations of nepotism against the HINU President	In response, BIE created a new policy requiring an additional level of supervision when hiring a Vice President of Academic Affairs.
Allegations of mismanagement and waste of funds	BIE investigated and did not substantiate the allegations.
Allegations of financial mismanagement by the President of Haskell University	BIE investigated and did not substantiate the allegations.
Allegations a Haskell employee had a sexual relationship with a student	BIE investigated and took disciplinary action against the subject of the investigation.
Allegations a coach violated National Association of Inter-collegiate Athletics policies	BIE investigated and terminated the coach's contract.
Allegations of misconduct and mismanagement in the cross-country running program.	BIE investigated and terminated a coach's contract and took disciplinary action against a Haskell employee. BIE also rewrote the position description for the Athletic Director and changed the coach positions from contractors to full-time employees.
Allegations of theft, harassment, and due process violations	BIE investigated and took disciplinary action against three Haskell employees and did not renew an additional subject's contract.
Allegations of sexual misconduct	BIE investigated and took disciplinary action against the subject.

*Question 5. Since 2021, how many requests for (a) audits or investigations; (b) reports of fraud, waste and abuse; and/or whistleblower complaints/reports has the OIG received concerning actions, activities or circumstances involving the Bureau of Indian Education or its leaders, staff or faculty?*

Answer. Between January 1, 2021, and July 31, 2024, we received one congressional request for an audit of Chemawa Indian School. We completed the requested audit in July 2023. That audit resulted in this report that is available on our website: *The Chemawa Indian School Did Not Account for Its Financial Resources, and the Bureau of Indian Education Did Not Provide Financial Oversight*.

During the same time period, the Office of Inspector General received 187 complaints related to BIE. Some of these complaints were duplicative, did not contain specific requests, or did not contain actionable information.

*5a) Since 2021, how many requests for (a) audits or investigations; (b) reports of fraud, waste and abuse; and/or whistleblower complaints/reports has the OIG received concerning actions, activities or circumstances involving the Haskell Indian Nations University or its leaders, staff or faculty?*

Answer. Since January 2021, the Office of Inspector General has received 46 total complaints related to Haskell Indian Nations University. We consider every complaint a potential request to investigate or audit.

*5b) How many current investigations does OIG have under way related to Haskell Indian Nations University?*

Answer. During my testimony I confirmed that we have an ongoing review examining how HINU and Southwestern Indian Polytechnic Institute manage complaints of sexual harassment and misconduct. I am available to meet with the Committee to discuss these issues further.

*Question 6. In late May, 2021, Dr. Ronald J. Graham, the then just-terminated President, Haskell Indian Nations University, filed Whistleblower Reprisal Complaint Form (E004957) alleging retaliation for (a) mismanaging grant funds; (b) payroll fraud; (c) possible misappropriation of \$1 M in donated funds; (d) \$500,000 misspent; and a list of other issues. OIG designated the Complaint OI-HQ-21-0616-R. Dr. Graham reported these and other matters as they occurred and requested audits and investigations to which BIE Director Dearman and BIE H.R. Director Shamblin, at the time, concurred. Almost immediately after Dr. Graham submitted complaints and reporting irregularities, he was terminated without notice or discussion. The DOI OIG intake officers took the Graham report by telephone in late May. On June 2, 2021, approximately 12 days later, OIG stated to wrote "Mr." Graham "DOI OIG reviewed the allegation in your complaint. OIG will not open an investigation into your termination during your probationary period." Explain why the OIG rejected this complaint.*

Answer. Please see our response to 6(b) below.

*6a) Pursuant to the complaint filed by Dr. Graham, did the OIG conduct an interview with him? If not, why not?*

Answer. On May 25, 2021, the OIG interviewed Dr. Graham as part of our standard complaint vetting process.

*6b) Dr. Graham reported donated funds unaccounted for, misappropriation of Federal Funds, financial malfeasance among other issues. Exclusive of the Graham complaint, what did the OIG do about the issues identified by Dr. Graham submitted report?*

Answer. Consistent with OIG's policies and procedures, we evaluated the complaint and determined the allegations were better addressed at a management level above BIE. We therefore referred his complaint to the Assistant Secretary for Indian Affairs on June 8, 2021, for any action deemed appropriate and did not require a response.

*6c) The OIG e-mail rejection to Dr. Graham stated that their office would refer Graham's whistleblower report to "the Office of the Assistant Secretary for Indian Affairs for review and action they deem appropriate." When—on what date—did the OIG refer the Graham whistleblower report to the Assistant Secretary?*

Answer. We referred the allegations to the Assistant Secretary for Indian Affairs on June 8, 2021.

*6d) Did Assistant Secretary Newland provide the OIG with an update or report on action(s) taken and findings rendered? If so, when?*

Answer. We did not request a response and Assistant Secretary Newland has not provided one.

*6e) Did the OIG follow up and request a report on actions taken and/or findings rendered? If so, when?*

Answer. We did not request a response and closed the complaint on June 14, 2021.

*Question 7. After Dr. Graham was terminated and after the OIG rejected his petition your agency, Chief Glenna Wallace, Eastern Shawnee Tribe of Oklahoma, submitted a detailed eight(8) page letter to Inspector General Greenblatt in which she concluded: How can any Tribe or any parents entrust either (BIE or Haskell) with our young men and women? And, how can we trust the Interior Department when the Office of Inspector General—you and your office—when you reject responsible requests for an investigation in the face of overwhelming contradictions, misrepresentations, omissions, financial irregularities and/or even criminal misconduct? Why did Inspector General Greenblatt fail to acknowledge or respond to this letter?*

Answer. The OIG did, in fact, acknowledge and respond to this letter. The facts regarding our interactions on this letter are reflected below:

- The OIG received a complaint letter from the Chief of the Eastern Shawnee Tribe of Oklahoma that was emailed to our office by the Executive Administrative Assistant to the Chief. The letter alleged that Ronald Graham, former

President of HINU had been wrongfully terminated and that the OIG failed to properly investigate.

- Within days of receiving the letter, we attempted to interview Chief Wallace.
- In response, the Executive Administrative Assistant reported via email that Chief Wallace would be out sick for quite some time and did not know why we were reaching out for an interview.
- We explained that the OIG received Chief Wallace's letter about Ronald Graham's termination and offered to discuss her concerns.
- The Executive Administrative Assistant then confirmed via email that the letter to IG Greenblatt was to document her concerns and an interview was not necessary.

*7a) What is the OIG's policy for addressing misconduct issues reported if they come from an individual on probation?*

Answer. All complaints are processed and evaluated in accordance with our policies, procedures, and practices regardless of the complainant's employment status.

### **Questions Submitted by Representative Takano**

*Question 1. I have a BIE-run school, Sherman Indian High School, in my district. You can understand why I am very troubled by the Department of Interior's failure to follow through when a complaint is made.*

*My staff and yours have been in contact about the abysmal conditions of this school—and I thank Secretary Haaland and her team for coming to visit the facility. Her commitment to improving BIE school conditions is laudable.*

*Nonetheless, there are chronic issues that span administrations. Teachers have described persistent flooding in classrooms from old pipes. Staff and students alike report mold in the classrooms and dormitories. My own staff has found dangerous electrical wiring, buildings in severe disrepair, and a host of other serious safety concerns—as well as substantial concerns involving the oversight of the school.*

*Mr. Elliott, there are serious institutional issues with the BIE that will need restructuring, which will take years—but these students need help now.*

*1a) What immediate steps will the Department of Interior take to improve oversight of BIE schools and ensure student and teacher safety?*

Answer. BIE manages a system of 183 elementary and secondary schools that provide educational services to one of the most vulnerable populations in the United States—approximately 45,000 Native American students in 23 States. The poor condition of Indian school facilities has been reported for nearly 100 years. For this reason, our office has prioritized oversight of the BIE. While I cannot speak to the immediate steps that the Department is taking to improve oversight, I can share that the OIG is currently conducting an ongoing series of health and safety inspections of BIE schools. Our objectives are to determine whether each school has addressed deficiencies found during required annual safety and health inspections conducted by BIE, developed an emergency action plan or program, and, if the school is BIE-operated, developed a security plan, in accordance with applicable requirements. We are prioritizing inspections of the 183 Indian schools based on risk, and are analyzing risk by taking various data into account, including:

- Safety and health inspection reports from the last three years,
- Operations and Maintenance budget obligations,
- Facility Condition Index,
- Number of students,
- Age of main school building,
- Number of open work orders for safety and health corrections, and
- OIG hotline complaints and single audit data, where applicable.

In addition to these ongoing inspections, we have also recently completed reviews related to other health and safety matters related to BIE-funded and-managed schools. For example, during our evaluation on Indian Affairs' (IA) management of deferred maintenance at school facilities, we found 1,056 work orders had not been

completed for over 20 years since first requested.<sup>2</sup> Some of these related to safety deficiencies, including an inoperable fire alarm system, existing asbestos flooring, and missing exit signs. Some of these deficiencies remained unresolved because the schools lacked staff to oversee projects which led to delays in funding and completing projects.

In 2016, we conducted an inspection of Pine Hill Boarding School's facilities and found that the school had an inoperable fire system as well as several major facility deficiencies and safety and health concerns.<sup>3</sup> In 2020, we followed up on the health and safety issues found during our 2016 inspection and found while overall facility conditions improved, some deficiencies remained unresolved. In addition, we also found other safety, health, and security concerns that were not identified in 2016, including a lack of inspections of critical equipment and potential indoor environmental contaminants, unauthorized access to potentially dangerous areas, inoperable or missing exterior security cameras, and dilapidated portable buildings regularly used by children and staff. These deficiencies remained unaddressed in part because IA said it was not tracking deficiencies identified during safety and health inspections to confirm they were being addressed.<sup>4</sup>

*1b) Unfortunately, it is no secret that BIE schools struggle with staff recruitment and retention. Can you describe the impact that inadequate staffing has on BIE's ability to conduct proper oversight? I am a fervent supporter of the mission of these institutions, but I fear for the safety of students and faculty that have to live and work in such dangerous conditions.*

Answer. We have noted BIE's struggles with hiring and retaining staff as a concern in several of our prior reports on the Department of the Interior's major management challenges<sup>5</sup> and the issue of staffing has come up in recent work. For example, our audit of the Chemawa Indian School found staffing shortages contributed to mismanagement of its Student Enterprise account and its inventory.<sup>6</sup> As a result, Chemawa was unable to account for hundreds of thousands of dollars of students' personal funds. Also, in our March 2024 report on deferred maintenance of BIE-funded schools, we noted that BIE officials said that staffing has been a challenge in standing up its facility management program.<sup>7</sup> Finally, during an ongoing health and safety inspection of a BIE school, we have found indications that staffing shortages are preventing the effective resolution of health and safety issues. We will be issuing the final report on this inspection to Congress and the public in the coming months.

While our body of work has not addressed the specific issue of the impact that inadequate staffing has on BIE's ability to conduct proper oversight, it does show that inadequate staffing is hampering BIE's operations in several areas.

### Questions Submitted by Representative Owens

*Question 1. The OIG investigated HINU in 2018, and their findings included that HINU officials did not consistently follow their guidelines for handling complaints of misconduct, employees felt bullied and intimidated by the HINU President, and that an instructor sexually assaulted a student and was not reported to the authorities by the university. So, when Dr. Graham and Coach Mayes submitted multiple allegations against HINU, the OIG's response was to refer these matters involving a BIE-operated school to the BIE to investigate itself.*

*1a) Why were these matters referred to the agency that is directly condoning, ignoring, or not even aware of serious problems to investigate itself?*

<sup>2</sup>Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities/Office of Inspector General, U.S. Department of the Interior (doioig.gov)

<sup>3</sup>Condition of Bureau of Indian Affairs Facilities at the Pine Hill Boarding School/Office of Inspector General, U.S. Department of the Interior (doioig.gov)

<sup>4</sup>Facility Improvements Still Needed at Pine Hill School/Office of Inspector General, U.S. Department of the Interior (doioig.gov)

<sup>5</sup>See, e.g., Inspector General's Statement Summarizing the Major Management and Performance Challenges Facing the U.S. Department of the Interior, Report No. 2019-ER-052 (oversight.gov)

<sup>6</sup>The Chemawa Indian School Did Not Account for Its Financial Resources, and the Bureau of Indian Education Did Not Provide Financial Oversight/Office of Inspector General, U.S. Department of the Interior (doioig.gov)

<sup>7</sup>Final Evaluation Report—Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities, Report No. 2022-CR-036 (doioig.gov)

Answer. The OIG has oversight responsibility for DOI's 11 bureaus and offices, and we receive approximately 2,000 contacts annually to our hotline. We must triage those contacts to determine how to maximize the impact of the approximately 90 OIG employees dedicated to our investigative mission. Like most investigative entities, we simply do not have the capacity to investigate every complaint that is made through our hotline and, consistent with the best practices of the Inspector General community, we routinely refer administrative complaints and allegations of non-criminal misconduct to the responsible bureaus or offices. If we identify a pattern or trend of complaints that taken in the aggregate indicate an investigable matter, we may also decide to open an investigation. For example, we initiated the OIG's 2018 investigation that I discussed during my testimony<sup>8</sup> due to a pattern of complaints received by our office. Additionally, we have a strong record across our broad portfolio of exploring sexual misconduct issues, which we also discussed at a hearing in 2019.

Mr. Mayes' complaints were against HINU staff and administrators and were non-criminal in nature. We therefore referred the allegations to BIE, the bureau responsible for HINU. Mr. Mayes' reprisal complaint was not actionable by our office because as a contractor, Mr. Mayes did not have the protections codified in the Whistleblower Protection Act or Section 828 of the National Defense Authorization Act for Fiscal Year 2013.

Similarly, Dr. Graham alleged ethics violations and financial mismanagement that was best addressed by Department-level leadership rather than the OIG. We therefore referred the allegations to the Office of the Assistant Secretary for Indian Affairs. Regarding Dr. Graham's allegations of reprisal, we referred him to the Office of Special Counsel, the independent federal investigative and prosecutorial agency that safeguards the merit system by protecting federal employees, like Dr. Graham, from prohibited personnel practices, especially reprisal for whistleblowing.

*Question 2. Your testimony states that, "Between 2018 and the present, we received 68 complaints related to issues at Haskell. We opened 5 investigations, initiated 1 review, referred 32 of the complaints to the Bureau of Indian Education (BIE), and 1 complaint to the Assistant Secretary of Indian Affairs. Twenty-nine of these complaints were electronically filed for information."*

*2a) How many of the 68 complaints involved anything related to sexual assault or rape? How many involved financial mismanagement?*

Answer. Nine of the 68 complaints involved sexual assault or rape and 19 involved financial mismanagement. We investigated or referred to BIE for investigation all nine of the complaints involving sexual assault, rape, or harassment.

*2b) How many of the 32 complaints mentioned in your testimony that you referred to the BIE involved anything related to sexual assault or rape? How many involved financial mismanagement?*

Answer. Two of the 32 complaints referred to BIE involved sexual assault or rape and nine involved financial mismanagement.

*2c) How many of the five investigations you opened involved anything related to sexual assault or rape? How many involved financial mismanagement? What is the status of these investigations?*

Answer. Two of the investigations involved sexual assault or rape and three involved financial mismanagement. All five of the investigations are closed.

*2d) Your testimony states that "between 2018 and the present . . . 29 of these complaints were electronically filed for information." Explain what you mean by "filed for information."*

Answer. "Filed for Information" means we took no specific action. This could occur due to a number of factors—the complaint being a duplicate submission, the issue having been previously reported, or a lack of actionable or verifiable information. However, we retain these complaints in our electronic case management system for potential trend analysis or future risk assessment.

*Question 3. When do you expect to be done with your review of whether BIE-operated postsecondary institutions were appropriately following laws and policies related to complaints of sexual harassment and misconduct? Regarding the BIE and HINU, are you getting the information you need from them in a timely manner?*

<sup>8</sup>Investigation of Misconduct Allegations at Haskell Indian Nations University/Office of Inspector General, U.S. Department of the Interior (doioig.gov)

Answer. The objective of our ongoing review is to determine whether BIE-operated post-secondary schools' sexual misconduct policies complied with Executive Order 13160, whether the schools' response to complaints complied with their own policies, and whether employees received adequate training. We recognize the Committee's strong interest in this matter and therefore OIG staff will continue to communicate with you regarding the status of our ongoing work. Once our report is completed, we will issue it to BIE for review and response. We will then consider BIE's response and finalize a public report that we will transmit to Congress and post on our website. Throughout our review, BIE and HINU officials consistently provided information to our office in a timely manner.

*Question 4. In your testimony, you state, "During the course of our investigation, we received an allegation that a Haskell instructor sexually assaulted a student off campus. Because local law enforcement had primary jurisdiction, we immediately referred the matter to the Lawrence Police Department."*

*4a) Did the Lawrence Police Department keep you updated on the investigation? If so, provide the updates.*

Answer. The Lawrence Police Department declined to investigate the allegations citing a lack of actionable evidence.

*Question 5. When a sexual assault case is severely mishandled, explain the process of notifying the OIG?*

Answer. On October 4, 2021, the Inspector General issued a memo to the then Deputy Secretary and Chief of Staff stating in part that the OIG "reserves the right of first refusal to investigate complaints that fall within its primary jurisdiction, namely, integrity matters and those that pertain to potential fraud, waste, abuse, or mismanagement (355 DM 2 at 2.4(B)). Integrity matters concern '[a]llegations of serious matters which could compromise the Department's mission, receive public attention, or threaten the integrity of DOI programs' (355 DM 2 at 2.4(B)(1)). Investigation matters that are uniquely within the OIG's jurisdiction include those 'that give the appearance of fraud, waste, abuse, or mismanagement in Departmental programs and operations' (355 DM 2 at 2.4(B)(2)), including 'actual or suspected criminal activity or other wrongdoing by Departmental employees, contractors, grantees, lessees, or any other persons doing business with the [DOI]' (110 DM 4 at (4.6)(D); see also [5 U.S.C. § 407(a)]). Referral of any matters within the OIG's primary jurisdiction 'should be made within 48 hours of discovery' (355 DM 2 at 2.4(A)). If the OIG declines to initiate an investigation, it will remand the matter to the appropriate bureau or office for action."

The Department Manual further requires that "Assistant Secretaries and heads of bureaus and offices are responsible for ensuring that procedures exist within their organization for immediate reporting to the Inspector General" (355 DM 1 at 1.3(C)).

Allegations of sexual assault against Department employees and contractors would be included in the definition of "actual or suspected criminal activity." In conducting investigations related allegations of sexual assault, it is the OIG's practice to also review the actions taken by Department management in response to those allegations. As mentioned previously, the OIG does not have jurisdiction to investigate student on student sexual assault allegations that occur off-campus.

Finally, any individual may report allegations of misconduct within the DOI to the OIG by contacting our Hotline via web (<https://www.doiig.gov/hotline>), or by phone, fax, or mail (<https://www.doiig.gov/contact-us>). Each bureau and office also have an assigned liaison who coordinates routinely with our Investigative Support Division and Intake Management Unit.

---

Dr. GOSAR. Thank you very much, Mr. Elliott.

I am now going to recognize Members for their 5 minutes. I am going to go first to the gentleman from Utah, Mr. Owens.

Mr. OWENS. Thank you. Mr. Newland, in a sworn statement, a Haskell faculty member described a complaint made by two female interns from the University of Kansas against an employee for engaging in inappropriate conduct. Haskell conducted a joint investigation with the Kansas Law School. The level of disciplinary action that was taken was "maybe 5 days' suspension, because he had already gotten a reprimand letter in the past."



Why would you continue to employ an individual who admitted to sexually inappropriate behavior?

Mr. NEWLAND. Congressman, thank you for that question. Can you clarify for me what report you are referring to?

Mr. OWENS. I do not have the details. You are not familiar with this report?

Mr. NEWLAND. I am not familiar with a University of Kansas investigation.

Mr. OWENS. OK, so you are not familiar with this particular action then at all?

Mr. NEWLAND. I am not.

Mr. OWENS. An AIB report?

Mr. NEWLAND. Our internal report?

Mr. OWENS. AIB report.

Mr. NEWLAND. Yes, the Administrative Investigation Board report.

Mr. OWENS. Yes.

Mr. NEWLAND. We have a couple that are flowing out of I believe all of these. Are you referring to the January 2023?

Mr. OWENS. I am asking you, so you are saying that you are not familiar at all with this report I am talking about, you have not heard about it? We are talking about an employee of Haskell. You have not heard about the disciplinary action taken that maybe 5 days' suspension because he has gotten a reprimand letter before? This is the first time you are hearing about this?

Mr. NEWLAND. I am sorry, I could not hear you.

Mr. OWENS. Is this the first time you are hearing about this?

Mr. NEWLAND. Congressman, I can tell you from our Administrative Investigation Board and our report, our internal investigations led to administrative——

Mr. OWENS. I am just asking a real quick question. Are you saying you have never heard about this particular incident that now has been investigated between Haskell and the Kansas Law School?

Mr. NEWLAND. Congressman, I am not aware of the Kansas University Law School investigation.

Mr. OWENS. It is a Haskell employee.

Mr. NEWLAND. Correct. I understand. I hear you.

Mr. OWENS. OK. And you have no idea what this is all about?

Mr. NEWLAND. That is unfamiliar to me, anything involving Kansas University.

Mr. OWENS. I have a letter from the Haskell Cross Country Team addressed to you. In the letter, the team speaks about the concerns about Haskell's and the Bureau's, "lack of leadership, toxic, bullying nature, the nepotism involved with ongoing issues that have been outright neglected."

In their words, "Our voices are not being heard, our well-being ignored, and our fears pushed aside."

Did you see or read this letter?

Mr. NEWLAND. Congressman, I saw a copy of that letter attached to our internal report. I know that in that investigation, it says that that complaint was referred to me. In preparing for this hearing, Congressman——

Mr. OWENS. OK, I do not want to take too much time. So, you are aware of it. And my question is, did you respond to the letter?

Mr. NEWLAND. What I was getting to, Congressman, is that in preparing for this report and going back through my records, I did not find a copy of that letter.

What often happens, people will email me sometimes at an email address that is wrong.

Mr. OWENS. OK, thank you so much.

Mr. Elliott, do you have an agreement between the Office of Inspector General and the Department of the Interior, the Bureau of Indian Affairs, Bureau of Indian Education, and Haskell about reporting sexual assaults to the Office of Inspector General?

Mr. ELLIOTT. Congressman, we do not have a specific agreement. We do essentially maintain a first right of refusal on all allegations of significant sexual misconduct. We would view allegations, especially involving instructors or employees at Haskell University as meeting those standards for first right of refusal.

Mr. OWENS. OK. And your 2018 report findings included that Haskell officials do not consistently follow their guidelines for handling complaints of misconduct and employees felt bullied and intimidated by the then-Haskell president. You also learn that a Haskell instructor sexually assaulted a student at the organization, that your organization, not Haskell, referred to the Lawrence Police Department.

Fast forwarding, you have a letter received from Dr. Graham and Coach Mayes.

Given the report, why did you not investigate these allegations about the university with a history of not following their own rules and possibly repeating the troubling actions you found in your 2018 report?

Mr. ELLIOTT. Congressman, I think as evidenced in my written testimony and in my oral testimony, we considered all 68 complaints on their merits and did open 5 separate investigations into various matters, some involving allegations of sexual misconduct, some allegations of mismanagement, mishandling of contracts.

We are in a position where we oversee the 11 bureaus and offices of a rather large department and have to be particular about how we leverage our investigative resources. It is not uncommon, as it was in this case, for us to refer what we consider to be matters of management grievances or management issues that are better handled by the bureaus, so that those issues can be more directly addressed.

Mr. OWENS. OK, thank you. I yield back.

Dr. GOSAR. I thank the gentleman.

The gentlewoman from Oregon, Ms. Bonamici, is now recognized for 5 minutes.

Ms. BONAMICI. Thank you, Mr. Chair. I want to start by noting that Director Dearman is here today, and I certainly hope that that is an indication that the Bureau of Indian Education is taking this issue seriously.

I appreciate the testimony, but I still remain troubled by reports of institutional inaction at Haskell Indian Nations University. Failing to take student grievances seriously is unacceptable, as

would be any effort to hide a final report about grievances from students and the public.

It is my understanding that in November 2018, the Department of the Interior's Inspector General's report found that Haskell leadership did not handle sexual assault allegations in accordance with the school's guidelines. It also found that the school's mishandling of allegations that an instructor had sexually assaulted a student likely resulted in the revictimization of that student.

Five years later, in 2023, we saw another report from the Bureau of Indian Education highlighting failures on the part of school administrators to respond to similar allegations.

So, Mr. Newland, how did the school respond to the 2018 report? And has anyone in a position of authority informed staff of the proper procedure for handling complaints? And the second part of the question is, what is the Department of the Interior doing today to make certain that the school is following guidelines when there are reports of sexual assault or sexual harassment?

Mr. NEWLAND. Thank you, Congresswoman. With respect to the 2018 IG report, I cannot speak to what actions my predecessors took immediately in response. And I think as has been noted already, Haskell has had several presidents since then.

I can speak to the 2023 report and the sexual assault allegations there. I think it is important to note here that in response to all of this, we undertook on our own an independent review of our own policies and procedures to make sure that our staff as well as the students on campus had a clear understanding of the response. And it is very clear to me that our staff could have done a better job at exhibiting more compassion while also making sure they are respecting the due process rights of people involved. These are struggles that every university in this country is having. Haskell is no different.

What I want to make sure that we are doing going forward is taking that independent review and providing clarity to our staff and clarity to our students. The independent report that we commissioned laid out for us that some of our processes were overly legalistic. So, if you were a student turning to Haskell staff for help and support, it would be very difficult to figure out what to expect from that process.

So, one of the things that we have set out to do is to create a student code of conduct as well as a Title IX compliant or consistent process at Haskell that people can understand. And that is something that we are working to put in place. I hope that answers your question.

Ms. BONAMICI. Partially. Have the students and faculty been informed of this, and what are you doing today to make sure that the school is following the guidelines?

Mr. NEWLAND. Thank you, Congresswoman. One of the things that we have done already last fall is engage local law enforcement in Lawrence, Kansas, as well as local organizations on facilitated training for our staff at Haskell to understand how to respond and how to conduct our process. And that is something that we are looking to do on an ongoing basis, and that came out of these recommendations from this independent report, to make sure that we are doing this every year.

Ms. BONAMICI. Thank you. And it is my understanding that the BIE finalized its investigative report into Haskell in January 2023, but the agency did not release that report to the public. And it is also my understanding that the agency did not release the report even after a Freedom of Information Act request was filed. Apparently, the requester had to file a lawsuit and still was not even given the correct report. And it was not until a year later that BIE handed over a redacted copy of the report.

So, Mr. Newland, why did the agency not turn over the report when it was released, and how will the BIE be more transparent moving forward?

Mr. NEWLAND. Thank you, Congresswoman. I, too, am frustrated by how that was handled. I could give you all of the bureaucratic language. The bottom line is that our team did not handle that as well as we should. And I know we have sent an offer to the Committee to make available copies of that report with minimal redactions, only those necessary to protect the identity of students named in that report.

Ms. BONAMICI. I appreciate that, Assistant Secretary Newland. I think that would be helpful for the Committee to have that information.

And I yield back.

Dr. GOSAR. The Chairman for the Full Committee, Mr. Westerman, is recognized for his 5 minutes.

Mr. WESTERMAN. Thank you, Chairman Gosar. And I also want to thank Chairman Foxx for having this joint hearing today. And to follow up on Ms. Bonamici's comments, Mr. Newland, on June 11, the Committee sent a letter requesting information on fee to trust decisions as they relate to the Indian Gaming Regulatory Act. That deadline for response was June 28. And we have since sent a follow-up letter, which has also passed its response date.

In addition, both this Committee and the Education and Workforce Committee requested an unredacted copy of the BIE report we are discussing today, and only late yesterday did we get a response from the Department offering an in camera review of the document, which I will note did not commit to being fully unredacted.

With the oversight function of Congress, do you understand that when you withhold data from us and withhold information from us, it automatically creates an air of distrust when you come to a hearing?

Mr. NEWLAND. Mr. Chairman, I have great respect and appreciation for the oversight role of your committee and Congress. And I am working to get you information response to the requests that you laid out about gaming.

With respect to—

Mr. WESTERMAN. The message of not getting the information we request is that you do not respect Congress and you do not care whether we are upset that you do not give us the information.

So, with all that behind us, when can we expect to get fully responsive documents from you?

Mr. NEWLAND. With respect to the BIE report, the January 2023 report, I anticipate we can make that in camera review available rather quickly. I do not have a date—

Mr. WESTERMAN. We did not ask for an in camera review. We asked for the unredacted report.

Mr. NEWLAND. Mr. Chairman, we are working to provide that to you. And I want to make sure that I am being clear that one of the reasons why we believe there will be some redactions still necessary is to protect the students that we are here talking about. There is information in there that the release of that would potentially be embarrassing and harmful to their interests and——

Mr. WESTERMAN. When were you first made aware of the issues related to Mr. Mayes' termination and the students at Haskell, as outlined in the 2023 AIB report?

Mr. NEWLAND. I think I was made aware of Coach Mayes' termination around the time that his contract was terminated. It may have been shortly after or the week that it happened.

Mr. WESTERMAN. And please describe in detail what immediate steps you took in that moment?

Mr. NEWLAND. In that moment, when I was informed, I typically, as Assistant Secretary, would defer to the Haskell administration to make the determination about coaching of Haskell sports.

Mr. WESTERMAN. When did you first discuss this issue with Secretary Haaland?

Mr. NEWLAND. Discuss which issue, Congressman?

Mr. WESTERMAN. The 2023 AIB report.

Mr. NEWLAND. I cannot give you a date on when I would have raised——

Mr. WESTERMAN. Do you remember if you received any directives from Secretary Haaland after discussing the report with her?

Mr. NEWLAND. Directives such as?

Mr. WESTERMAN. Actions to take.

Mr. NEWLAND. I do not anticipate, or I do not recall receiving directives, because this would have been my responsibility as Assistant Secretary.

Mr. WESTERMAN. So, if it is your responsibility, what actions have you taken to address the findings of misconduct in the AIB report?

Mr. NEWLAND. Thank you, Mr. Chairman. There have been several actions taken. As I mentioned, we took disciplinary or personnel actions against 10 members of our staff and contractors flowing out of this. There have been subsequent personnel actions that have flowed out of this. We made the initial referral to the Office of Inspector General. We commissioned the USPS to conduct an investigation, and we commissioned our own independent review of our policies and procedures. We did all of this on our own.

Mr. WESTERMAN. Have you been satisfied with the response of the Department to the report?

Mr. NEWLAND. Mr. Chairman, none of this satisfies me. What I would tell you is that I am optimistic about our ability to make things better. And a lot of that comes from many of these recommendations that have been provided to us.

Mr. WESTERMAN. I have a lot more questions but not time to ask them. Please, going forward, when we ask for information, please provide it to us in a timely manner. And I yield back.

Dr. GOSAR. Thank you, Mr. Chairman.

The gentleman from California, Mr. Takano, is recognized for his 5 minutes.

Mr. TAKANO. Thank you, Mr. Chairman. And thank you for the witnesses for being here.

I have to say I am frankly appalled by the lack of transparency and accountability that BIE schools are subjected to.

Mr. Assistant Secretary, the 2023 Administrative Investigative Board report detailing the failures of the BIE to respond to alleged abuse indicates that students reported serious grievances to BIE Director Tony Dearman and yourself via email and letters. The board could not find any evidence that any official recognized or responded to that outreach, even to let them know their concerns would be investigated.

You are aware that the report did say that?

Mr. NEWLAND. Congressman, I am aware that the report said that.

Mr. TAKANO. Thank you. My question to you is, why did your office fail to respond to these very serious allegations? Not even to let the senders know that their concerns would be addressed?

Mr. NEWLAND. Congressman, I became aware, as I have indicated, in late June, early July 2022 regarding some of these. In preparation for this hearing—

Mr. TAKANO. My question is, why was there a failure to respond, even to let them know that their concerns would be addressed? They did not even receive that.

Mr. NEWLAND. I am working to answer your question. I am trying to answer your question, Congressman.

I became aware in late June, early July 2022. In preparation for this hearing, I went back into my emails to see if I could find a copy of the letter referenced in the AIB report. I could not.

What often happens is people sometimes email me at my name, first name, dot last name, at BIA. That is not my email address. And I do not recall receiving those letters directly—

Mr. TAKANO. I will be interested to read more detail in the BIE report. Because the BIE report apparently reflects that emails and letters were sent to you. So, you are telling me that those letters never got to you because they were sent to a different address; is that right?

Mr. NEWLAND. Congressman, I think the internal report reflects that the students believed that they sent the letter to me.

Mr. TAKANO. So, the students were under a misimpression that letters arrived to you?

Mr. NEWLAND. Congressman, what I am trying to say is that oftentimes, people send things to me at the wrong email address.

Mr. TAKANO. All right. Well, we will have to ascertain a little bit more about that. I want to figure that one out.

Why did it take multiple Freedom of Information Act requests to produce the final 2023 BIE report detailing the allegations at Haskell Indian Nations University?

Mr. NEWLAND. That report should have been disclosed earlier.

Mr. TAKANO. Thank you very much. The report came to a number of very concerning conclusions, including that the school's sexual assault policy and processes were not applied consistently, and that the procedures regarding sexual assault were insufficient.

What type of oversight does the Department of the Interior provide to ensure that Haskell is protecting its students?

Mr. NEWLAND. Thank you, Congressman. As I have indicated, what we are trying to do is to put in place clearer policies and procedures for our students, our faculty, and staff.

I meet regularly with the BIE Director, on a weekly basis, in fact, and I meet on a weekly basis with the Haskell president, and we talk about all manner of issues that affect the BIE, including Haskell. So, we are working to make sure we have clear processes in place, training for our staff, support for our students. And I work to create a culture within our organization and expectations of excellence.

Mr. TAKANO. Thank you. Assistant Secretary Newland, I have a BIE-run school, Sherman Indian High School, in my district. You can understand why I am very troubled by the Department of the Interior's failure to follow through when a complaint is made.

My staff and yours have been in contact about the abysmal conditions of this school. And I thank Secretary Haaland and her team for coming to visit the facility, and her commitment to improving BIE school conditions is laudable.

Nonetheless, there are chronic issues that span administrations, not just this administration but across administrations. Teachers have described persistent flooding in classrooms from old pipes. Staff and students alike report mold in the classrooms and dormitories. My own staff has found dangerous electrical wiring, buildings in severe disrepair, and a host of other serious safety concerns, as well as significant concerns involving the oversight of the school.

I had questions for the Inspector General, but my time is running out and I yield back.

Dr. GOSAR. I thank the gentleman from California.

The gentleman from Virginia, Mr. Good, is recognized for 5 minutes.

Mr. GOOD. Thank you, Mr. Chairman.

Secretary Newland, the Bureau of Indian Education, or BIE, under the Department of the Interior receives over a billion dollars in annual funding from hardworking taxpayers and is responsible for operating Haskell Indian Nations University. In Fiscal Year 2024, BIE used nearly \$20 million in Federal funds to operate Haskell. Do you believe the Federal Government has been effective at running the school where this has been a satisfactory return on investment?

Mr. NEWLAND. Thank you for that question, Congressman. I believe that historically, we have under-invested in Haskell.

Mr. GOOD. You think the taxpayers, after all we have heard today on a bipartisan basis, questioning all the concerns here, that this has been an effective use of taxpayer dollars, which should actually warrant more spending?

Mr. NEWLAND. Congressman, what I am trying to tell you is that historically, and I acknowledge in my testimony, historically, Haskell has had a lot of challenges. Some of the things that we have been working on since coming into office—

Mr. GOOD. Let me pause you. So, you feel like this has been a good return on the taxpayer investment of \$20 million that has been specifically directed to Haskell?

Mr. NEWLAND. Congressman, I would tell you that the people who have graduated from Haskell are very proud——

Mr. GOOD. By what standard of measurement would you say it has been an effective use of taxpayer dollars?

Mr. NEWLAND. I do not know how else to answer your question, other than to tell you that I believe we have a trust obligation to do better.

Mr. GOOD. But you think the taxpayer should continue to subsidize the failures that have been described today on a bipartisan basis and that you have acknowledged in your testimony?

Mr. NEWLAND. Congressman, I would reiterate that I believe that we have a trust obligation to make these investments in Indian education, and higher education. And to do that——

Mr. GOOD. Thank you for that statement. It is a trust obligation.

You said in your initial testimony the No. 1 responsibility is to provide a safe and secure learning environment for the students and the staff. So, Haskell is operated by the Federal Government and, as has already been noted today, has a pattern of mismanagement, sexual assault allegations going back for years. And it appeared that the BIE might finally provide transparency with the investigation report that was published in 2022.

But the students repeatedly asked for this report. And 2 years later, all they got was this heavily redacted version with the mismatched dates. And it was only released under compulsion from the FOIA requests. So, it appears that the Biden administration, the Biden-Harris administration, I should say, is unable or unwilling to hold Haskell accountable.

In January of a year and a half ago, Haskell students sent a letter to Secretary Haaland asking for the AIB report's release and she never responded. Is she aware of this letter or this request from the students?

Mr. NEWLAND. I cannot speak to whether Secretary Haaland read the students' letter. As I have explained a few times now, Congressman, people often send us these to our emails and the emails are often entered wrong——

Mr. GOOD. But what does that say about her if she does not know about this letter from the students on such a serious issue as is being discussed today for the purposes of this hearing?

Mr. NEWLAND. Congressman, I will tell you from my firsthand experience that Secretary Haaland's commitment to Haskell and its students is probably greater than any of her predecessors in her position.

Mr. GOOD. Well, who is taking responsibility for the failures of transparency, and the justice for the victims that have been talked about today? Who is taking responsibility for that?

Mr. NEWLAND. Congressman, in my role as Assistant Secretary, I provide the leadership and oversight for the Bureau of Indian Education.

Mr. GOOD. So, it is your responsibility, all these failures?



Mr. NEWLAND. It is my responsibility to set this expectation and to create a culture at Haskell, and that is exactly what I have sought to do.

Mr. GOOD. Is the Federal Government, and in this case your department, fulfilling its responsibility to keep students safe at Haskell?

Mr. NEWLAND. Congressman, I believe we should do better, always, to keep people safe from sexual assault, abuse, and bullying.

Mr. GOOD. What does it say about the school that there have been six different presidents in 8 years? Why the continuous change in leadership? Why such frequent change? Is that to cover up the failures, to spare folks from responsibility? Why would there be six different presidents in 8 years?

Mr. NEWLAND. Congressman, prior to this President and this Secretary, in my term as Assistant Secretary, the leadership position at Haskell was a GS-15 position, which in the executive branch pay scale is lower than other executive leadership positions.

One of the first things I began working on——

Mr. GOOD. So, what is that pay scale?

Mr. NEWLAND. The GS-15 pay scale? I do not know what the exact salary is.

Mr. GOOD. You said it was lower.

Mr. NEWLAND. It is lower.

Mr. GOOD. The people listening would like to know what that is. What is that amount?

Mr. NEWLAND. I can provide that to you. But we set out to make it a senior executive service position because that is the type of recognition and respect that is befitting a university president.

Mr. GOOD. Thank you, and I yield back.

Dr. GOSAR. I thank the gentleman.

The gentlewoman Dr. Adams is recognized for her 5 minutes.

Dr. ADAMS. Thank you, Chair Gosar. And thank you, Mr. Newland, for being here testifying before the Committee.

Mr. Newland, I was a college professor for 40 years, and I know better than most that fostering a welcoming campus climate is an essential responsibility for an institution of higher learning, and it is a priority for its leadership.

We know that there have been many allegations of misconduct at Haskell that could contribute to a lack of comfort and safety on Haskell's campus. So, what steps have BIE and Haskell leaders taken to create a safe and welcoming learning environment for its students?

Mr. NEWLAND. Thank you, Congresswoman, and I appreciate your experience. I know you have limited time. I want to share I have also taught at colleges and law schools and served on boards of two higher ed institutions, so I appreciate that.

Again, one of the challenges I have sought to address immediately is to create stability in the leadership at Haskell. And then in response to the independent report that we commissioned ourselves, to make it clear to students on campus what type of support they should expect to receive, and how this process will work if there is an instance of sexual assault.

We have also put in place a campus advocate coordinator. Because Title IX does not directly apply to Haskell because of the way it is crafted and Haskell's unique position, we had to build a process that is similar to Title IX, and we put this campus advocate coordinator in place shortly after we received that initial independent report. So, these are some of the steps that we are taking.

Dr. ADAMS. OK, thank you very much.

Mr. Newland, Dr. Ronald Graham, one of the former presidents of Haskell, who also happens to be a witness on the second panel, testified that he was told that student retention and student population growth were major priorities for the school to address. So, what are the major causes of these issues? And has Interior dedicated resources to ensuring that students have what they need to be successful?

Mr. NEWLAND. I would like to address that in two parts, if I can, Congresswoman. First of all, we have actually increased enrollment at Haskell. The last academic year saw I believe it was the highest enrollment at Haskell that we have had in 13 years. I can verify that after the hearing, if you like.

We also want to make sure that when students come to campus that they have the support that they need. And, again, providing stability in leadership and reducing some of the infighting that has occurred over many, many years amongst some of the cliques that I have identified at the Haskell staff is really important to making sure that it is a stable learning university community.

Dr. ADAMS. Can you point to one or two specifics that have enabled you to increase this enrollment?

Mr. NEWLAND. Thank you, Congresswoman. I would point back to some of those things that I mentioned. When you have eight university presidents in 6 years, that does not signal to people who want to come to your university that there are a lot of good things going on. So, building in that stability of leadership by creating a senior executive position for the Haskell president and getting that position filled, getting the campus advocate coordinator position created and filled. As recently as the last month, we have created other oversight positions within the Bureau of Indian Education to provide support to Haskell and SIPI. This is all part of the organization building that will ensure that we have stability at Haskell, and to provide that consistent, high-quality campus environment.

Dr. ADAMS. Thank you very much.

Thank you, Mr. Chairman. I yield back.

Dr. GOSAR. I thank the gentlewoman.

The gentlewoman from North Carolina, Dr. Foxx, is recognized for her 5 minutes.

Dr. FOXX. Thank you, Mr. Chairman.

Mr. Newland, you have implied that if you only had more money and the position, and by the way, do not say thank you for the question. We know that, OK? Do not waste my time.

You have implied that you need more money to hire people at higher than a GS-15. Is it your position that people at a GS-15 level or lower have worse morals than people who get more money? Is that your position, that you cannot get people with good morality unless you pay them a lot of money?

Mr. NEWLAND. No, Congresswoman, I am not saying that.

Dr. FOXX. Well, I am certainly glad to hear that.

You also mentioned you wanted to train people to understand the process. I hate the word “train,” but that is not my issue. You mean you have to bring people in to tell them the difference between right and wrong? You cannot hire people to start with who know whether to report rapes or not?

Mr. NEWLAND. That is not what I said, Congresswoman.

Dr. FOXX. OK, well, that is what it sounded like you were saying, is that you have to teach people to know the difference between right and wrong.

Mr. NEWLAND, we have sworn testimony from a contracted adjunct instructor from July 22 stating, “I would hope no one is intimidated and afraid to report a rape. That seems a little ridiculous.” The inference here is that students are, in fact, afraid or hesitant to report a rape on campus. What actions have been taken to ensure that students are not actually intimidated and afraid to report a rape?

Mr. NEWLAND. Congresswoman, I have attempted to lay those steps, those actions out in this hearing already. But I will repeat myself. We have taken the independent review, which included more than a dozen recommendations on how to improve our policies and processes, to make it clear to our students about how to seek support and what to expect in that process.

Dr. FOXX. You indicated that you think that letters that were sent by the students never made it to you because they were sent to the wrong email address, correct?

Mr. NEWLAND. Congresswoman, that is in my view the most likely explanation. I do not have a recollection of receiving the letter that was in the AIB report.

Dr. FOXX. Would you object to allowing your email devices to be searched to see if maybe they went into your spam or somewhere else? Could those be searched? And without your permission, we could use the addresses you think might have been used to see if anywhere those emails are, but are you absolutely certain that you did not get any of those emails?

Mr. NEWLAND. Congresswoman, I would not come here and tell you I am absolutely certain. I get hundreds of emails on many days, and I do not have a recollection of that. In my preparation for this hearing, I could not find any emails with those names attached.

Dr. FOXX. Then you would not object to there being a forensic search?

Mr. NEWLAND. A forensic search?

Dr. FOXX. Yes.

Mr. NEWLAND. Congresswoman, however we would respond to that type of request for the Committee, my emails are often subject to FOIA requests, my calendar is.

Dr. FOXX. OK, that is all I need to know.

Mr. Elliott, regarding the Haskell complaints referred to you in 2022 and 2023, your testimony states that, “Based on the initial complaint and the additional information provided in our interview, we determined the allegations would be best addressed by the BIE. We referred the allegations to BIE on July 6, 2022, and

requested a response in 90 days. We received the BIE response on January 25, 2024.”

What were the allegations?

Mr. ELLIOTT. The allegations that we referred back were the exact same allegations that came to the Bureau of Indian Education from the group of Haskell students who submitted the complaint through what is called Personnel Bulletin 1801. BIE shared those allegations with us and, as I stated in my testimony, we evaluated those thoroughly. We determined that BIE was in the best position to investigate those allegations and potentially take action. So, we referred the exact same document back to them.

Again, as you heard me explain earlier, we want to make sure that we exert that first right of refusal. And in this case, we appreciated that they had provided those to us but believed that BIE was in a better position to investigate—

Dr. FOXX. But it took BIE 572 days to respond to you.

So, Mr. Newland, would you please explain again, if you have done it before, why it took the BIE 572 days to respond to the OIG? And as my colleague from Arkansas said, it does not indicate to us that you are appropriately concerned about what is going on at HINU.

Mr. NEWLAND. Congresswoman, with respect to the finalization of that report, our investigative board was working to make sure that their investigation was thorough. And with respect to my sentiments regarding Haskell, again, I would disagree with your characterization of my concern for Haskell. I am proud of Haskell. It is one of the first things I asked about when I started this job. I have been to campus, I have met with their students, I have hosted interns on my staff, I can go on. But Haskell is something—

Dr. FOXX. Just answer the question.

Thank you, Mr. Chairman.

Dr. GOSAR. You are welcome.

The gentlelady from North Carolina, Ms. Manning, is recognized for her 5 minutes.

Ms. MANNING. Thank you, Mr. Chairman.

Mr. Newland, you have stated in your testimony that BIE and Haskell are working to implement changes in response to many, many allegations outlined in the 2023 AIB report. But you also stated that the OIG investigated such allegations in 2018. And I will add that the full timeline of similar allegations against Haskell goes as far back as a Department of Education investigation in 2007, as well as lawsuits and complaints dating back to at least 2016. So, misconduct at Haskell is not new.

Why did the BIE wait until 2023 to begin implementing changes at Haskell?

Mr. NEWLAND. Thank you, Congresswoman. We did not wait until 2023 to begin implementing changes. Again, I began my job in February 2021. Within months of beginning my tenure, we were working to elevate the president position at Haskell to an SES position.

Ms. MANNING. Let me ask you about that, because that has come up several times. And you said that there have been eight presidents in 6 years; is that correct?

Mr. NEWLAND. That is what has been said here in the Committee. I believe that is accurate.

Ms. MANNING. OK. And you have mentioned several times that the Haskell president is paid at the GS-15 salary level, which I do not know by heart. But a quick Google search showed that that is a maximum in 2024 of \$191,900 a year. Is that about accurate?

Mr. NEWLAND. I do not have it in front of me, so I cannot disagree with you, Congresswoman.

Ms. MANNING. Well, I will note that that is more than we make. However, is that on par with what the average college president would make at a small college?

Mr. NEWLAND. I cannot tell you that. But it is, if I may, Congresswoman, it is—

Ms. MANNING. But you have mentioned that over and over as one of the reasons that there are problems, that the Haskell president is paid at the GS-15 level.

Mr. NEWLAND. I want to make sure I am clarifying and speaking accurately. The salary is not the only piece of that, Congresswoman. Having that SES position, being a member of the executive service at the Department of the Interior carries with it a designation of your role in the organization.

Ms. MANNING. OK. But I assume what you are saying is one of the problems that Haskell has had is they have had such heavy turnover of presidents and they have not been able to attract an appropriate president to clean up the mess that has been at that school for year after year after year.

Mr. NEWLAND. That has been one of the challenges, yes.

Ms. MANNING. OK. You mentioned something else that I want to go back to. And that was you gave us a list of how many complaints that had been made, 138 complaints, but there have only been five investigations. That sounds like a very low number of investigations related to the number of complaints made. Can you explain that?

Mr. NEWLAND. I know in this instance, Congresswoman, a lot of these complaints or allegations came in bunches. They were one person filing a number or making a number of allegations and counter allegations.

Ms. MANNING. Can you tell me how many individuals filed complaints, if you were to boil that down to how many individuals filed complaints?

Mr. NEWLAND. I can follow up with that number. I do not have it in front of me.

Ms. MANNING. OK. And you mentioned that one of the sexual assault cases was by a student against another student, but it was off campus. So, you turned that over to local law enforcement; is that correct?

Mr. NEWLAND. I am glad you asked that question, Congresswoman. It is apparent to me that that was a source of confusion amongst our staff.

Ms. MANNING. But is that what happened? There was a sexual assault by one student against another, it took place off campus, so it was handed to local law enforcement? Can you just say yes or no to that one?

Mr. NEWLAND. There was a referral to local law enforcement, yes.

Ms. MANNING. OK. Well, did that assault victim have any protection against running into the perpetrator while she was on campus?

Mr. NEWLAND. In that particular case, Congresswoman, I believe there was an internal process on Haskell. There were some other allegations that involved the same person.

Ms. MANNING. The same perpetrator?

Mr. NEWLAND. Correct.

Ms. MANNING. So, to answer my question, did that assault victim, was there any protection offered to her so that she could continue her career at the school without having to run into the perpetrator?

Mr. NEWLAND. There were no-contact orders issued. And I believe, Congresswoman, that the alleged perpetrator we are talking about, as laid out in this report, was removed from campus for other reasons.

Ms. MANNING. All right, my time is about to expire. I yield back.

Dr. GOSAR. I thank the gentlewoman.

The gentleman from Georgia, Mr. Collins, is recognized for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman.

Assistant Secretary Newland, Dr. Graham was hired as president by Dr. Dearman on February 20, 2020. And his first day on campus service was May 11, 2020.

In December 2020, Director Dearman gave him an outstanding, exceeds expectations evaluation. And he was terminated on May 7, 2021, allegedly 3½ days before his probation ended and he became a merit system employee. There was no notice of deficiencies or required improvements. He was given 1 hour to clear his office and leave campus.

Why was Dr. Graham terminated from his position?

Mr. NEWLAND. Thank you, Congressman. I cannot speak much about Dr. Graham's tenure as—

Mr. COLLINS. Do you not know the reason he was terminated?

Mr. NEWLAND. I do not.

Mr. COLLINS. Thank you.

Were you informed that the three so-called failures cited to justify his termination were actually each listed as accomplishments in the BIE evaluation conducted shortly before his termination?

Mr. NEWLAND. I am not aware of that, Congressman.

Mr. COLLINS. Not aware of that either. You are not doing too good here.

Were you informed that in the 90 days preceding the termination of Dr. Graham that he reported an unaccounted for donated funds exceeding a million dollars?

Mr. NEWLAND. I have heard that allegation, Congressman.

Mr. COLLINS. What about there were in excess of 300 counts of payroll fraud?

Mr. NEWLAND. I am not familiar with those allegations.

Mr. COLLINS. What about a mismanaged \$500,000 contract?

Mr. NEWLAND. I believe that I have heard about that one.

Mr. COLLINS. I thought you were trying to change this place.

Mr. NEWLAND. As I indicated, Congressman——

Mr. COLLINS. You should know this stuff if you are trying to change it. Because if you do not know what has happened, then you do not know what to change.

What about an ethics violation by a member of the staff that the BIE HR Director Shamblin informed Dr. Graham was a termination offense?

Let me repeat that for you. An ethics violation by a member of the staff that BIE HR Director Shamblin informed Dr. Graham was a termination offense.

Mr. NEWLAND. Congressman, I was not Assistant Secretary for nearly all of Dr. Graham's tenure. I cannot speak to it.

Mr. COLLINS. I am not going to repeat myself again.

According to the AIB report, BIE investigators recommended Mr. Mayes be reinstated. At the time, why was the explicit recommendation to reinstate Mr. Mayes not followed through with?

Mr. NEWLAND. Congressman, my understanding is Coach Mayes is back at Haskell.

Mr. COLLINS. Why did BIE and HINU fail to inform Mr. Mayes of the recommendation for reinstatement?

Mr. NEWLAND. I cannot speak to that, Congressman.

Mr. COLLINS. Why did BIE after Mr. Mayes wrote BIE Director Dearman asking to be reinstated last July inform him last August that he could not be reinstated because his contract had expired, when the report recommended reinstatement 6 months prior?

Mr. NEWLAND. Again, I cannot speak to that, Congressman. But I know, it is my understanding Coach Mayes is back at Haskell.

Mr. COLLINS. Yes, but I think I laid out the groundwork to all of that, too, and you do not have any answers for any of that. I think that is what we are getting at. I think what I do not understand, Assistant Secretary, is you lay blame on people for not having the right email address. That is pretty poor. Who is responsible for giving out their email address?

Mr. NEWLAND. I am happy to provide anyone——

Mr. COLLINS. It is you. It is you.

Mr. NEWLAND. Correct. And I am happy to provide it, Congressman.

Mr. COLLINS. Well, apparently you are not doing too good with your students.

How many students do you think have tried to email you and did not get you?

Mr. NEWLAND. I cannot speak to that.

Mr. COLLINS. No, you cannot. You really cannot, because you do not know. It is almost like you do not know your job.

With that, Mr. Chairman, I yield back.

Dr. GOSAR. I thank the gentleman.

The gentlelady from New Mexico, Ms. Leger Fernández, is recognized for 5 minutes.

Ms. LEGER FERNÁNDEZ. Thank you, Chairman and Ranking Member. And I want to thank in advance the witnesses that we will be listening to in the next panel, especially given the manner in which both being called, and it is going to be a bit more hectic. I want to tell you that the fact that it is hectic is not because we do not recognize how important it is to hear your voices, but that

is the manner in which the Floor schedule interferes with so much important work.

Haskell and its students still feel the remnants of a traumatic history and forced cultural assimilation. I have staff who attended Haskell. And the problems that we are talking about today, they were aware of. And they attended it not yesterday, they attended it 4 years ago. The problems that were set out in the report during the Trump administration were not addressed.

The fact that the Trump administration and the prior Secretary did not address those problems, however, does not relieve this Administration from its obligations. I think that is important. The Trump administration received these reports, did not do anything about it, now we have more reports, and we need to address it. It is simply not acceptable.

Victims should be listened to and not silenced. They should not be disciplined for raising the issues that affect not only their lives and their futures at the school, but everybody else. The idea that this was well known among the student body is problematic.

Assistant Secretary Newland, you mentioned keeping leadership stability to foster trust and accountability for staff and students, because we have had such a revolving door over there. What resources are you providing to the current administration to make sure there is leadership stability at Haskell? Let us know what you are doing?

Mr. NEWLAND. I am sorry, Congresswoman, I could not hear the end of your question.

Ms. LEGER FERNÁNDEZ. OK, let me get a little closer. Usually, my voice resonates.

What resources are you providing to the current administration to make sure there is leadership stability at Haskell?

Mr. NEWLAND. Thank you, Congresswoman. I have laid out some of the structural things that we are trying to do at Haskell. But I also believe that in my role as the appointed and Senate-confirmed official overseeing the Indian Affairs Bureaus, it is important to have that direct engagement with leadership in our bureaus.

I meet weekly with Director Dearman, and that meeting includes Dr. Arpan, the president of Haskell, where we discuss all these issues. And as they come up, we can work on them in real time.

In terms of other resources like funding, we have asked Congress for increases in funding at Haskell to provide support to our staff and, most importantly, our students on campus.

Ms. LEGER FERNÁNDEZ. And did we provide that funding?

Mr. NEWLAND. To some extent. Our appropriations request in Fiscal Year 2024 was nearly \$21 million and we were appropriated flat that year.

Ms. LEGER FERNÁNDEZ. Mr. Elliott, in your testimony, you mentioned the Office of Inspector General's Special Investigations and Reviews is reviewing whether the BIA-operated post-secondary institution followed policies related to sexual harassment and misconduct complaints. What is the timeline for this to be public? And when it becomes public, how does the DOI OIG enforce the corrective recommendations? And I think you are going to toss it back over to him. But share with us what you are doing.



Mr. ELLIOTT. Thank you, Congresswoman. If I speculated on the timing, I would probably be lying. But what I can tell you is that we are in the final stages of what we would consider to be the fieldwork and moving towards report writing. Because it is a review, the vast majority of our findings will be made public. At this point, we do not know if or what recommendations we might make to BIE. But if we do make recommendations, we have a standard process by which we follow up with the bureaus to assess whether or not they have complied with those recommendations.

We provide that report in draft so the bureau can offer some insight, concur or nonconcur with those recommendations, and inform us on what their plan would be to implement those recommendations if they concur.

Ms. LEGER FERNÁNDEZ. And Assistant Secretary Newland, can we get your commitment that you are going to take those recommendations seriously and begin implementing them as fast as possible?

Mr. NEWLAND. Yes.

Ms. LEGER FERNÁNDEZ. Thank you. With that, I yield back.

Dr. GOSAR. I thank the gentlewoman.

The gentleman from Kansas, Mr. Mann, is recognized for 5 minutes.

Mr. MANN. Thank you, Mr. Chairman. Thank you for holding this important hearing. And thank you all for being here today.

I am Congressman Mann. I represent the big 1st District of Kansas. And while I do not serve on either of these committees, Haskell Indian Nation University is in my district. These concerns are serious. And it is important that we begin to get answers today.

Haskell is the only tribal university in the world with an entirely Indigenous population. It is a one-of-a-kind, historic, and invaluable institution. And it should be a crown jewel. However, and let me be clear, when it comes to Haskell, the U.S. Department of the Interior and the Bureau of Indian Education has dropped the ball. Years of mismanagement, lack of oversight, and cycles of misconduct have all compounded and led us here today.

On June 14, I sent a letter to Interior Secretary Haaland and you, Assistant Secretary Newland, raising issues I am seeing, and requesting that you all commit to Haskell and answering student and faculty concerns instead of sweeping them under the rug. That letter has gone unanswered, although there was a confirmed receipt of that letter.

So, my question for you, Mr. Assistant Secretary, do you understand that we all are very concerned? That is why we are here. Do you understand the level of concern that this Committee has, I believe bipartisan? And what is going to change moving forward after today?

Mr. NEWLAND. Thank you, Congressman. Yes, I understand very clearly that both of these committees are concerned about Haskell and the students there.

Mr. MANN. And when are you going to answer my letter? We sent it on June 14. We have gotten no response. It sounds like that is a trend that we are hearing, these letters are being sent, no response. When will you give me an answer to my June 14 letter?

Mr. NEWLAND. Congressman, were there—

Mr. MANN. Can you get it by the end of next week?

Mr. NEWLAND. I will work to get it to you ASAP.

Mr. MANN. I would greatly appreciate by the end of next week you have a response to the letter I sent to you on June 14. It did get sent to the correct email address. Your office confirmed that you received it.

How has this behavior gone on for so long without BIE intervention?

Mr. NEWLAND. Congressman, what behavior? I am sorry.

Mr. MANN. There just seems to be a culture of incidences that are not being dealt with, multiple infractions. Why has this gone on for so long?

Mr. NEWLAND. Thank you, Congressman. There have been a lot of challenges on setting clear leadership expectations at Haskell for many years. And as I laid out in my oral statement, I believe because of the high turnover in Haskell presidents and leadership over the years, that has allowed some of the problem with these factions or these cliques on campus to fester, which creates problems like has been outlined with Coach Mayes' experience and the investigative report about that.

I believe creating stable leadership with a very clear vision is step one to getting our arms around that problem. That is something that I have been focused on. I have been to campus several times as Assistant Secretary, a number of times before I took this job, and met with students, met with faculty and staff, met with board members. Creating that stability, I think, is the first step in quelling a lot of these factions that have really created a lot, not all, but a lot of these problems on campus. And that is something we are going to continue to try to do.

Mr. MANN. I agree with you. Leadership is a big part of it. Funding is part of it, leadership is part of it. I have been on campus as well. I will just tell you, you are on campus for just a few minutes, and you realize this institution is not all that it could be or should be. And frankly, I am looking to you to help right the ship and provide the leadership that has been far too lacking at this institution for far too long.

I think our students that go there deserve better. I think the country deserves better. And I think everyone on this committee, I do not want to speak for everyone else, but it appears to be after this hearing, everyone here understands and agrees that we can and should be doing better.

Thank you, Mr. Chairman. With that, I yield back.

Dr. GOSAR. I thank the gentleman.

The gentleman from Virginia, Mr. Bobby Scott, is recognized for his 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman.

Secretary Newland, you have been asked questions like you are the chief executive officer. Who is the chief executive officer of the college? Is it the president?

Mr. NEWLAND. Correct. Dr. Arpan. He is sitting here.

Mr. SCOTT. Where is your office?

Mr. NEWLAND. Where is my office? It is here in Washington, DC.

Mr. SCOTT. Washington, DC? OK. Who does the president report to?

Mr. NEWLAND. The Director of the Bureau of Indian Education.

Mr. SCOTT. Is there a board of regents or something?

Mr. NEWLAND. The board of regents, because Haskell is a federally run university, the board of regents is advisory.

Mr. SCOTT. So, the president reports to who?

Mr. NEWLAND. The Director of the Bureau of Indian Education.

Mr. SCOTT. And who does he report to?

Mr. NEWLAND. Me.

Mr. SCOTT. OK, now after the third or fourth president during this 6-year period, was any action taken to try to get some stability?

Mr. NEWLAND. Yes. Dr. Arpan has been both the interim, now in the confirmed president of Haskell I believe since November 2022.

Mr. SCOTT. And you believe that he is going to be there for a little while?

Mr. NEWLAND. That is my hope.

Mr. SCOTT. You have had a lot of allegations of nepotism, sex abuse, and whatnot. Regardless of the status of those investigations, can you tell us what changes have been made?

Mr. NEWLAND. Thank you, Congressman. Going back to some of these reports, there was disciplinary action taken against 10 employees and contractors flowing out of these allegations. And I know some folks involved are no longer employed at Haskell. And——

Mr. SCOTT. You fired some people. Have changes been made so that we will not expect problems in the future?

Mr. NEWLAND. Congressman, I am working really hard to make sure that these types of factions, and these types of allegations and activities do not happen at Haskell.

Mr. SCOTT. Mr. Elliott, have you seen, regardless of your timetable, have you seen changes made at the college that would lead us to believe that the problem is being addressed?

Mr. ELLIOTT. That is essentially the purpose of our ongoing review, is to take that opportunity to assess what changes have been made, what changes are ongoing. And as I said earlier, potentially offer some recommendations to the Bureau of Indian Education.

Mr. SCOTT. Well, the fact that they know that you are wandering around doing an investigation ought to get them to tighten up a little bit, do you think? Have they made changes, based on the fact that there is an ongoing investigation, so that anything you find will be in the past, not in the future?

Mr. ELLIOTT. It would be too early for me to speak specifically to our findings, as it is still ongoing. But it is not uncommon for changes to be made while the Office of Inspector General has an ongoing investigation, evaluation, or audit. There is real time back and forth.

Mr. SCOTT. Have you seen a difference in attitude?

Mr. ELLIOTT. I cannot speak directly to that. Our investigators in the field have had direct interactions with Haskell staff, with BIE officials. And within our report, we will speak to the substance of those interactions and interviews.

Mr. SCOTT. Secretary Newland, all colleges got extra money during the COVID period. What did the college do with the extra COVID money?

Mr. NEWLAND. I am sorry, Congressman, did you ask how did Haskell use the rescue plan funding?

Mr. SCOTT. There were several bills. There was a lot of money to colleges.

Mr. NEWLAND. Congressman, I would have to give you a follow-up answer in writing to lay out how those different funding streams went. I am not trying to evasive; I just do not want to mis-speak. I want to give you accurate information.

Mr. SCOTT. I appreciate that answer.

Thank you, Mr. Chairman. I yield back.

Dr. GOSAR. I thank the gentleman.

The gentlewoman from New Mexico, Ms. Stansbury, the Ranking Member, is recognized for 5 minutes.

Ms. STANSBURY. Thank you, Mr. Chairman. And thank you to the Assistant Secretary and Inspector General for being here.

I also just want to address we are going to have to take a recess because of votes. I want folks to understand we take this very seriously, but unfortunately we are going to have to take a little break.

But I do appreciate, Mr. Assistant Secretary, that you addressed the community of Haskell in your remarks. And I want to say this loud and proud for the Haskell community, we are proud of you, we know that you are proud of your school. In fact, Haskell has a long list of famous alumni, including people like Jim Thorpe and our Congresswoman from Kansas No. 3. So, we really are proud of this school.

But I think the comments that were made about it being a crown jewel of the Federal system are really what we are talking about. And how do we address systemic issues in the management, and the way in which student issues are being addressed?

I do want to take just a moment in that note to address some of the comments that were made and clarify that the reason why this is a Federal school is because of the history of the Federal Government. And like all BIE schools, it stems from this dark history of the Federal Government having a forced assimilation program that was articulated through Indian boarding schools.

But over the last several decades, the last half century, these schools have been transformed into vibrant campuses and community schools that are centers for Native education and also leadership. So, I think that is important to recognize. And the underinvestment is not just an issue of are we using taxpayer dollars effectively, it is about actually making good on treaty and trust responsibilities, because the U.S. Government signed over 700 treaties with tribes, in which many of them guaranteed the education, economic development, and other resources would be provided to our Tribal Nations. So, this is a Federal treaty and trust responsibility to our tribes. And that is why the Federal Government funds these schools. I wanted to really clarify that.

Now, Mr. Assistant Secretary, you have laid it out, I know you have said it multiple times, but I want to break it down into four categories of what we have heard here as problematic. I think it is a little bit challenging to parse it out because of the timelines,

because of the history, so I really want to break this down. And if you would please, even if it is repeating things you have said, if you could kind of put it in these four categories:

(1) We have identified there has been leadership, staffing, and culture issues amongst the faculty. How have those been addressed? Leadership, staffing, faculty?

(2) institutional controls. How are we dealing with the issues that have been identified around waste, fraud, and abuse, and the management of Federal resources?

(3) student supports. What has been done to address not only sexual assault but also student complaints in general?

And I think obviously, from the conversation here today, (4) what is the Department of the Interior, your hallway, and BIE doing to ensure that there is effective communication to the students, to the school, and to the public that you are taking this issue seriously and you are addressing these issues?

So, if you could please go in each of those categories, I would really appreciate it.

Mr. NEWLAND. Thank you, Congresswoman, I will try to do it in a minute and a half.

With leadership, as I have indicated, bringing stability to that position on campus. Also within the BIE's leadership, because turnover in the agency that operates it harms or does not help. So, we have been trying to build that up. And I think as we have seen, we have had a president now for nearly 2 full years, which is progress at Haskell.

Institutional controls, again, as I have tried to indicate, that starts with me and my direct communication with leadership at the BIE and with Haskell. It also starts with, or it follows from there, making sure that there are very clear objectives and guidance for our faculty and staff and understanding what their jobs are and what we expect of them.

With student support at No. 3, one of the first things we did after we got the independent report back was to put in place the campus advocate coordinator. That relates to sexual assault and other things that might fall under Title IX.

But again, also student support, I will say, out of frustration and out of candor, that includes making sure that our leadership at Haskell has leadership control of the university, and that these factions and cliques that have formed on campus are not dragging students into their disputes, which I think we have seen from some of these investigative reports.

And I believe, Congresswoman, you said that you want to know what we are doing or what I am doing. As I have said, I have visited campus several times. I intend to visit again in the fall to meet with student leadership, meet with faculty to discuss some of these things, because it cannot be easy to be a Haskell community member and be watching this right now, and hearing this stuff. And I want to get onto campus and talk with folks. But more importantly, to hear directly from them.

And I want to add that I have spent a lot of time at Haskell, on campus, in the stands, walking the cemetery. I have a young member of my family who starts in the fall. I have had interns in my office from Haskell. This is a place I care about. And it is hard to

make that connection when I am in Washington, DC, and you are watching in Lawrence, Kansas. But I want to make sure that I am sending that signal through our own staff but directly to students. And I am going to be back on campus again this fall to do that.

Ms. STANSBURY. Thank you. And Mr. Chairman, I will just say this, that as we welcome students back to campus, we do want to assure them that it is a safe place, that it is a place where they will have fantastic educational opportunities, where they will thrive and be able to take their education forward, and that we are taking these issues very seriously, all the way to the top, to the Secretary, the Assistant Secretary, and as you heard on both sides of the aisle here, in Congress. And also to say, happy beginning of school.

And with that, I will yield back and go vote.

Dr. GOSAR. Thank you.

Secretary Newland, Dr. Graham describes in his testimony how background checks for Haskell board of regents required by Federal law, required by Federal law, had not been performed in 10 years or more, and in some cases even longer. When did you first become aware of the last of the background checks that had occurred at the board of regents at Haskell?

Mr. NEWLAND. Thank you, Chairman. I am not aware of background investigations or the outcomes or the process for any individual.

Dr. GOSAR. OK. So, now, have regular background checks been instituted at Haskell since Dr. Graham raised these concerns? And how often are they conducted?

Mr. NEWLAND. Thank you, Chairman. I cannot speak to Dr. Graham's allegations or assertions. What I can tell you is that my expectation is our requirements related to background checks are followed and I am not aware of any issues with that.

Dr. GOSAR. Mr. Elliott, what is the process used to determine whether or not a case is undertaken by the Office of the Inspector General?

Mr. ELLIOTT. We look at a number of different factors. Preliminarily, we determine whether or not there is a very specific nexus to a program, operation, office, bureau within the Department of the Interior. Then we look at who the subject is of that allegation. What is their level within the Department or within their assigned bureau? We also look at the substance of the allegation. If it is criminal in nature, we are more likely to investigate because of the role that we play having that kind of jurisdiction over Department of the Interior employees.

If what we identify is predominantly what we would consider to be a management grievance or an issue best managed by management in place in that program or office, those are the types of complaints that we would refer to a bureau. And that is essentially what we did here.

As you have heard, a lot of the allegations were what we would call finger pointing from different individuals within Haskell that ultimately appeared to us to be as described factions of staff not getting along with each other. The Office of Inspector General is not in a position to step in and essentially address those types of

management issues, and that is why we routinely refer those matters back to the Department.

Dr. GOSAR. Where did you go to school, Mr. Elliott?

Mr. ELLIOTT. Where did I go to school?

Dr. GOSAR. Yes.

Mr. ELLIOTT. My undergraduate is from a state college in northern Vermont, and I went to graduate school at the University of New Haven in Connecticut.

Dr. GOSAR. Did you see any of this kind of stuff happening in your time in school?

Mr. ELLIOTT. To be honest, Chairman, I do not necessarily know, given the number of years it has been since I was at those universities, that it is necessarily relevant to the discussion.

What I can say is we certainly recognized that, in receiving 68 complaints in a relatively short period of time about Haskell University, as a small component under the larger umbrella of the entire Department of the Interior, that it was critical that we hand that to those we thought were in the best position to address it. And we also felt that it was important for us to monitor how those allegations were being dealt with. So, I think that is really the framework that we looked at here, that certainly there were enough indicators that this needed to be addressed and we needed to have oversight of how it was being addressed.

Dr. GOSAR. I am glad you could stay on it. Mr. Newland, I am one of these people that it is about quality, not quantity. So, real quickly, tell me what your vision for Haskell University is. What is your ultimate vision for that school?

Mr. NEWLAND. Thank you, Chairman. My vision for Haskell is as I think has been described by others on the Committee, is that it is a crown jewel in the Federal Government's system.

Dr. GOSAR. It is not right now.

Mr. NEWLAND. Correct.

Dr. GOSAR. So, leaders convey that conviction of what it is they want to have. You can dance around this all you want, but you have to go right at this monster.

If you think this is a crown jewel, make it your crown jewel. It is frustrating to hear this over and over again, because it seems like it is a broken record. We heard it from 2007, now it is back in 2024. It is going across party lines. Something is wrong here. And I find it shameful.

But I think it starts with you. What is it that you see for the school? What is your vision? And it has to be one sentence. What is it? And then you make everybody conform to that. You have to get these people engrained that they feel the same passion that you do.

It is going to take some weeding out of some people. Yep. Might not take a lot of money. But you have a difficult job here. But you also have the best job here, because you can make the changes.

What I heard today, I do not want to hear any more, ever again. I want you to come back to this Committee and say, this is what we instigated, boom, boom, boom. Here is how it went, boom, boom, boom. And guess what? If you put those students first, you are going to win.

I hope we never hear this again.

With that, I have to go run and vote. We are going to adjourn for a couple of minutes here so we can get our second panel involved.

I want to thank the witnesses for your testimony. And really give it some thought.

We are in recess.

[Recess.]

Dr. GOSAR. Welcome back everyone, I will now introduce our witnesses for our second panel, first we have Dr. Ronald Graham, former President of Haskell Indian Nations University, Lawrence, Kansas; Ms. Emily Martin, Chief Program Officer, National Women's Law Center, Washington, DC; and Mr. Clay Mayes, Head Coach, Cross Country and Running, Haskell Indian Nations University, Lawrence, Kansas.

Let me remind you our little lights are kind of different. For the first few minutes, it is green. Then it will turn yellow. And when you see red, you need to wrap it up. With that, remember that your full testimony will be added to the record, so if I must, I will try to cut it off. I am now going to recognize Dr. Graham for his 5 minutes, thank you sir.

**STATEMENT OF RONALD J. GRAHAM, FORMER PRESIDENT,  
HASKELL INDIAN NATIONS UNIVERSITY, LAWRENCE, KANSAS**

Mr. GRAHAM. Folks, after listening to this testimony earlier, I have changed my talking points a little bit, it angered me. I was told what the problems were and I immediately and unequivocally addressed those issues with action. I had prepared a 5-year strategic plan that I had never done before, outlining all the future plans of Haskell. I was rated with exceeds expectations to outstanding 17 out of 20 points you could get on an evaluation.

Let me tell you how the Department of the Interior implements improvement. The first thing they did was reinstate the very regents that I wouldn't let come on campus without successful backgrounds. Two of those regents were felons, let me rephrase it, are felons, and not just felons, violent felons. One was for domestic violence for beating his wife, another one had just been arrested here recently for attempted murder and arson.

These are the regents that you want to put on campus for the safety of our students? The other improvement they implemented was the ethics violator that was mentioned earlier. There was no investigation done on her, matter of fact, she's serving today as the acting Vice President at Haskell.

These things need to stop. Something's terribly wrong at the Bureau of Indian Education, and something is terribly wrong at Haskell Indian Nations University and the Bureau of Indian Education. I mean, it began long before I arrived, I uncovered it, I reported it, and I was fired for it. It continues after I left, and all indications are it still continuing to this day.

Humbly, I am here today at your invitation to talk about BIE and Haskell, Chairman Foxx, Chairman Westerman, and all members of both committees, thank you for the opportunity of bringing me here to be able to tell my story. You are the first people I have gotten to tell this story to, I have had all these doors kicked in my face.



I am an enrolled member of the Eastern Shawnee Tribe of Oklahoma, 2019 BIE posted the position of President on USA Jobs. I applied, February 21, 2020, and the same day I was offered a position. Tony Dearman immediately gave me his marching orders, put me to work. I started working on the strategic plan, I worked on other things like retention. I am putting all these things together before I even get to the campus.

He also told me when I was sitting there my biggest challenge at Haskell would be dealing with a runaway faculty, let me rephrase that again, when I hit campus, I would be dealing with a runaway faculty, and at that time I didn't know what he meant. I didn't even slightly comprehend those words or what was going on, I just knew there were problems that I had to resolve when I got there.

Listen, I was one of those GS-15's that was put down here today. My background has over two decades of education, I have a law enforcement background, a counter terrorism background, a military background, and I have served in combat zones at the classified levels. That is what they hired.

The first thing I did was I created the 5-year strategic plan, I did it with 40 faculty members, I had everyone working for me and with me and different committees and we met weekly, the second was establishing that chain of command, the third was the chronic issue of student retention, and I developed a plan and I increased that student retention and student population with what I was doing with all of the projects I was putting forward.

May 11 is when I actually arrived on campus and immediately upon arriving, I learned I had some serious problems, COVID was raging, I had the regents that I wanted to meet and I contacted Shamblin to meet those regents because I know the importance of trustees. I have worked with boards of trustees in other universities, in other colleges, so I know the importance to them, the guidance of a president and what they do for accreditation, you must have them for accreditation.

I talked to Shamblin and I requested when were the backgrounds done? And he blew me off, and basically, I pressed the issue until I got the answers I needed, folks.

Dr. GOSAR. We are going to have to wrap this up.

Mr. GRAHAM. OK, sir.

[The prepared statement of Dr. Graham follows:]

PREPARED STATEMENT OF DR. RONALD J. GRAHAM, FORMER PRESIDENT, HASKELL INDIAN NATIONS UNIVERSITY (2020–2021)

I am Dr. Ronald Graham, a proud member of the Eastern Shawnee of Oklahoma Tribe.

Members of the Committees. Thank you for the opportunity to testify today regarding the ongoing fraud, waste, abuse, and criminal conduct at Haskell Indian Nations University (HINU).

I come before you today with a deep sense of responsibility to shed light on serious existing and continuing corruption and violations of rights and accountability issues at HINU. These violations affect students, workers, and the public, and they undermine the institution's responsibility to the governmental agencies tasked with its oversight and donors who have made significant financial contributions.

Before I proceed, I must express my profound concern about potential retaliation for my testimony here today. I have already experienced previous instances of retaliation, which have dramatically affected my career as a college administrator, my

personal life, the safety of my administration, faculty, students and the public. I respectfully request assurances from this Subcommittee that I will be protected from any form of retaliation or adverse action because of my testimony here today.

I understand that by testifying, I am performing my civic duty and contributing to the essential oversight function of Congress. However, I also recognize that my testimony may place me at personal and professional risk. Therefore, I ask that this Subcommittee and Congress use all available means to ensure my protection.

With these concerns noted, I am prepared to provide full and truthful testimony about the issues at HINU, in the hope that my disclosures will lead to necessary reforms and accountability to break the cycle of corruption and retaliation that currently exists at HINU and rebuild its public trust.”

### **Summary of Testimony—Background**

My career includes military service, local law enforcement, and education positions at multiple universities.

My tenure as the 8th President of Haskell began on February 21, 2020. I considered this appointment the pinnacle of my 20-plus years of service as an educator, and, very personally, I was honored to follow in my father’s footsteps as he was an educator.

### **On the Job at Haskell**

When I was hired, I was cautioned by BIE Director Tony Dearman and BIE HR Director Jackie Shamblin that there were chronic problems facing Haskell involving a “runaway faculty” and other institutional issues that continued to plague this institution.

I came on board ready to face the challenges and make the challenging decisions to enable Haskell to become an outstanding institution of hiring learning for the American Indian community. From the moment I stepped on campus on May 11, 2020, during the COVID 19 Pandemic, I worked hand-in-hand with BIE and the Haskell Administration, faculty and Alumni to build a better Haskell. My success in this regard was evidenced by my positive BIE Annual Evaluation, December 2020, by Director Dearman who rated my performance as “Exceeding Expectations” and above.

On January 1, 2021, to carry out the directives given to me by BIE Director Dearman, I hired the Vice President of Academic Affairs, Dr. Melanie Daniel who immediately implemented my policy directives and communicated the same to administrators, faculty and staff through regularly-schedule weekly meetings with faculty.

### **Disturbing Information Surfaces: Money—Irregularities Reported**

From January to March 2021, I received information as to some of the problem areas at Haskell, including gross mismanagement of donations (\$1+ Million unaccounted for); payroll fraud (some 350+ counts in a single year), abuse of authority and other irregularities.

Each of these problem areas were immediately disclosed upon discovery to my immediate supervisor, BIE Director Dearman and his surrogate, HR Director Shamblin.

### **Retaliation/Prohibited Personnel Practices**

On April 1, 2021, the Haskell Faculty Senate voted “no confidence” under highly questionable circumstances. Within days, Dearman and Shamblin initiated a series of retaliatory actions. Both, utilizing their respective positions and control over the assets and personnel of the BIE assembled a biased and predetermined investigative committee under BIE Chief Academic Officer, Tamarah Pfeiffer to “. . . examine allegations that, *inter alia*, Ronald Graham, Ed.D., President of Haskell Indian Nations University (Haskell or HINU) engaged in misconduct . . .” The purpose of this investigative committee was never disclosed to me and I was never given an opportunity to address the specific allegations brought against me. This surreptitious report was kept secret until the Agency disclosed it in a recent MSPB proceeding.

This report was utilized by Tamarah Pfeiffer to terminate me 36 days later, on May 7, 2021, and Pfeiffer was named President of Haskell.

At the end of the day, my tenure at Haskell revealed the major flaw at Haskell—the systemic coverup of existing and on-going fraudulent actions by those in power, which block and prevent Haskell from carrying out its basic goal: *Putting American Indian Students First* and me from carrying out my duties of transparency, accountability and protection of Haskell Students, Employees, affiliated American Indian communities and the general public.

### **Supporting Statement**

As I come before you today, I have a case pending at the Merit System Protection Board (MSPB) asking to be reinstated as President, Haskell Indian Nations University. After I was terminated as President, BIE posted the position on USAJOBS web site and I reapplied. I was considered eligible, but was denied an interview. Due process failures engulfed my termination.

Notwithstanding serial retaliation, absence of due process and a long list of schemes, tricks and devices by numerous faculty members and administrators, I was—and today am—committed to our young American Indian students—our next generation of American Indian leaders. I seek reinstatement to further the mission of making Haskell a first-class educational institution and because our students deserve a whole lot better.

### **Hired as President—Initial Marching Orders**

On February 21, 2020, following the second of two interviews, BIE Director, Tony Dearman offered the position of President of Haskell to me, and on that same day, directed me to prepare a Five-Year Strategic Plan for Haskell. He also told me that my biggest challenge would be to deal with what he called a “*Runaway Faculty*” at Haskell and specifically directed me to update personnel (Chain of Command) policy. And finally, he identified student retention and student population growth as a major priority.

### **On the Job—Addressing the Issues with Action**

I approached my duties as President with the intent and commitment to *Put Haskell Indigenous Students First*.

My vision for Haskell included improving our current degree programs and, per Dearman’s priority recommendation adding programs to increase enrollment and add programs to meet the needs of our stakeholders in Indian Country; to protect our students health, safety and welfare while in our care on campus; updating and creating policies and procedures to address system-wide fraud, waste, and criminal conduct on campus; and to build Haskell into the leading educational institution for Indigenous peoples here in the US.

On May 11, 2020, my first day on campus my position as President, began as COVID exploded into a global crisis. By direction of the Interior Department and BIE, Haskell closed its campus, and we were operating in a “crisis” environment. Extraordinary challenges existed. One example: the computer system at Haskell was so antiquated, that faculty was unable to communicate with Haskell. Students were unable to do the same. Distance learned was crippled. Emergency funding was obtained to enable the University, its faculty and students to communicate with one another.

### **BIE Evaluated My Performance Exceeds Expectations**

I progressed at Haskell for the first nine months without significant issues. On December 08, 2020, BIE Director Dearman issued my first Performance Evaluation in which I was graded, “Exceeds Expectations” in four separate categories and awarded a cash bonus. Significantly, in his Evaluation, Director Dearman expressly identified and cited, 51 specific accomplishments. The highest grading was given for my performance involving COVID. Inexplicably, several months later, my termination declared my work on COVID to be a failure and termination justification without explanation of the obvious contradiction and/or absent any discussion.

### **DISTURBING NEW INFORMATION SURFACES**

My relationship at Haskell with Director Dearman eroded shortly after I reported various instances of fraud, waste and abuse during the January to March 2021 period.

Beginning late December and January 2021, I learned:

- That a \$500,000 contract was being mismanaged.
- From Haskell Alumni, I was informed that, as much as \$1 million of donated funds was unaccounted for.
- By an anonymous call, I was told that a member of the Haskell staff was engaged in ethical misconduct.
- From a senior member of the Haskell Administrative staff, I learned that 14 instructors were submitting pay vouchers for teaching a full load. Over the course of a year, that amounted to more than 350 counts of alleged payroll fraud. The Haskell payroll ledger, for instance revealed that in one instance,

an instructor was “teaching” four classes as required, but the fourth had but a single student enrolled.

In each instance, within 24 hours of learning of specific instances of allegations of fraud, waste, abuse, and other criminal conduct, each was reported to BIE Director Dearman and HR Director Shamblin as required by law, policy and/or procedure. With their concurrence, appropriate and necessary reviews, audits and/or investigations were requested and, to the best of my knowledge, initiated. Later, I learned that no affirmative actions were taken to address any of these issues after my termination on May 7, 2021.

#### **Specific Issues—Haskell Board of Regents**

A robust and active Board of Regents, based on my experience, was critical for any University President. As soon as I arrived at Haskell, in May 2020, and only after pressing Shamblin for an explanation, he revealed that the Regents only met twice a year and the Board had an undisclosed problem—a major one.

Background checks for the Haskell Board of Regents, required by Federal law, had not been performed in 10 years and, in some cases, longer. Criminal background checks are required per 25 CFR 63 and BIE personnel security regulations to ensure the safety and welfare of persons on campus and at all BIE controlled schools.

I immediately banned all Board members from entering campus until they successfully passed background checks. As a result, I was denied the benefit of a Board's support, particularly acute during the COVID shutdown. Shamblin did not agree but stopped short of prohibiting my decision. Later in 2020, the new investigations revealed three Regents who failed to pass, at least one of whom was a convicted felon. Four passed the background checks, and two were still in progress upon my wrongful termination. One who did not pass remained on the Board after BIE terminated me.

The issues involving background checks were repeatedly raised with Dearman and Shamblin numerous times. To protect Haskell's university accreditation, I preemptively contacted the Higher Learning Commission (HLC), Haskell's Accrediting agency, to ensure our accreditation would be protected. I was accused of putting Haskell's accreditation at risk by the Haskell Faculty Senate four months after Haskell hailed my initiative with HLC was considered one of the 51 Accomplishments in my Annual Evaluation.

#### **Payroll Fraud**

To prepare for the Fall 2021 semester, Haskell's Registrar provided my office with projections for classes, instructors and students, a normal and typical management action. In December 2020, at my request, the Registrar prepared a report containing course loads for each faculty member. The policy governing faculty course loads at Haskell required every faculty member to teach at least four courses, or 12 credit hours each semester. The Registrar's report revealed 14 faculty members who taught less than the required minimum but collected the salary for teaching a full course load.

As Federal employees, we were paid bi-weekly. That amounted, during my tenure, approximately 350+ violations or payroll fraud.

An existing process for faculty members to obtain “Course Release” required approval from the Haskell Vice-President of Academics which was, to the best of my knowledge, never requested by any faculty member.

Director Dearman and HR Director Shamblin both were immediately informed of these financial discrepancies based on falsified Haskell payroll records. Shamblin requested the records and documentation be provided to his office and advised that the over-payments had to be reimbursed. Those records were assembled and immediately provided to his office.

I reported the on-going violations to Director Dearman. As indicated, for the one year I reviewed, the payroll malfeasance amounted to more than 350 false document submissions. I requested that Shamblin and Dearman authorize an investigation immediately. To the best of my knowledge, that investigation had yet to commence by the time of my wrongful termination.

#### **Unaccounted for Financial Donations**

During the first week of March 2021, I met with an alumnus and former Board of Regents President who described how, before I arrived at Haskell, four Tribal Nations donated over \$1 million, possibly up to \$7 million, for the Haskell football program. I was told the former President terminated Haskell's football program after donated funds were received, but those funds, according to what I was told,

remained unaccounted for. The alumnus advised that the former President called upon the Lawrence Police Department, which then executed a search warrant at his home and confiscated those records.

#### **Reported Unaccounted for Funds, Initiated Internal Investigation**

I immediately reported the information to Dearman and Shamblin. This matter became the subject of numerous discussions. I recommended that BIE request assistance from the FBI. At Haskell, I directed finance and grants staff to conduct a review. I began my internal review but did not locate the funds or a paper trail regarding them before my wrongful termination. Whether or not Dearman and Shamblin actually initiated an investigation is not known to me. If an investigation was ordered, all indications are that it was dropped after my termination. Shamblin did not investigate before I departed from Haskell.

#### **Retaliation for Prohibited Personnel Practices**

At the time of my respective disclosures, I did not know my reports of wrongdoing were met with silent, but defiant, opposition from BIE administrators Shamblin and Dearman, who espoused their support for me to my face and after certain faculty members became upset, than knowingly and willfully took affirmative steps to undercut my position as President due to my actions to report and correct illegal activity.

My professional dream began to turn into a nightmare

#### **Death Threats**

During this same January-to-March 2021, when wrong-doing was being reported, I received two death threats, both my telephone. I reported both to Director Dearman and HR Director Shamblin. Their response: they did nothing.

#### **Biased Investigation Ordered to Investigate Me for Reporting Wrong-Doing**

On or about April 1, 2021, BIE assembled an investigative committee under BIE Chief Administrative Officer, Tamarah Pfeiffer to “. . . examine allegations that, *inter alia*, Ronald Graham, Ed.D., President of Haskell Indian Nations University (Haskell or HINU) engaged in misconduct . . .” The purpose of this investigative committee was never disclosed to me and I was never given an opportunity to address the specific allegations brought against me. This surreptitious report was kept secret until the Agency disclosed it in a recent MSPB proceeding in July 2024.

#### **Termination—One Hour’s Notice, But Not By My Supervisor**

On May 07, 2024, without notice, discussion, or any due process, I received a hand-delivered fax copy of a termination letter signed, not by Tony Dearman, the BIE Director and my direct supervisor, but by Tamara Pfeiffer, BIE’s Chief Academic Officer in Albuquerque, who is not in my Chain of Command. Pfeiffer met me on one occasion, April 12, 2021, interviewed me but then excluded every single statement and explanation. She then prepared a slanted report which I saw for the first time only a few weeks before this hearing.

On May 7, 2021, without a single discussion and without any notice, I was abruptly terminated and ordered off campus within the hour. Some of my personal effects remain unreturned. I was smeared in the media and subject to a vicious whisper campaign, I have suffered personally and professionally.

#### **Reported Misconduct—Reports to BIE Ignored, Unanswered Termination Followed**

BIE terminated my employment after I informed, alerted and disclosed to the Director and HR Director serial violations of law, regulations, and policies at Haskell. Despite the egregious nature of the numerous issues at Haskell, my pleas for assistance went unanswered. I lost my position as punishment for my assertiveness in identifying and trying to correct the fraud, waste, abuse, and other criminal conduct

#### **Putting American Indian Students First**

After my termination, Haskell readvertised the position. I applied. In that application, I included a “*Supplemental Statement to Accompany Application for President, Haskell Indian Nations University, Lawrence, KS.*” That statement is attached to my testimony today. The concluding paragraph reads:

*“Notwithstanding retaliation, serial violation of my rights, absence of due process, and a willful cover-up of financial misconduct by numerous faculty members, I remain committed to our American Indian Students—First,*

*Foremost and Always. These students—these young men and women deserve far better. My goal was to rebuild am prepared to resume that effort, and, because of the students, submit my application to serve as President.”*

---

Dr. GOSAR. Now, I would like to recognize Ms. Martin with her 5 minutes.

**STATEMENT OF EMILY MARTIN, CHIEF PROGRAM OFFICER,  
NATIONAL WOMEN'S LAW CENTER, WASHINGTON, DC**

Ms. MARTIN. Thank you Chairs, Ranking Members and members of the Joint Subcommittees. I am Emily Martin, Chief Program Officer of The National Women's Law Center, and I appreciate the opportunity to testify today. The National Women's Law Center was founded over 50 years ago, the same year that Title IX was enacted. Since then, we have been committed to ending sexual assault, sex harassment, and other forms of sex discrimination in schools.

Study after study shows that students in college experience extremely high rates of sexual assault. More than one in four women are sexually assaulted in college, and Indigenous students experience sexual assault at a higher rate than any other racial demographic.

But students often tell us they are discouraged from reporting sexual assault and harassment to their schools. When they do report they tell us they are met with delays, that the system is stacked against them, that the trauma they experience both from their assault and from going through the reporting and investigatory process stays with them.

Some are pushed out of school entirely by the ordeal, at the federally operated educational program Haskell Indian Nations University is legally required to protect its students from sex discrimination including sexual assault. And Haskell's leaders, like all school leaders, should commit to preventing and remedying sexual assault, guided by Title IX's requirements and safeguards.

And specifically the new, recently finalized Title IX regulations promise to restore robust protections for student survivors. They provide a solid foundation for schools crafting strategies to end harassment and sexual violence. I don't have time today to talk about all the steps that schools should take but I want to highlight a few.

First, schools should focus on prevention, educating students about what sex harassment is and how no one ever asks for it, no matter what they wear, or what they drink, or how they act. Schools should also teach bystander intervention to disrupt harassment, to understand how prevalent sexual violence is on campus and whether students feel supported when they report harassment.

Schools should conduct campus climate surveys; these surveys help schools better understand what their students are experiencing and how their policies are working in practice.

Schools also must ensure that employees are trained in how to appropriately respond to sexual assault, including understanding what it is, what the school's policies are for handling reports and the biases that they may need to unlearn when responding. And when survivors report, they must be treated seriously. Students

deserve a prompt and effective response, whether the assault took place on campus or off campus, they must never be retraumatized by indifference or worse, blamed by those from whom they seek help.

Instead schools should offer supportive measures that preserve and restore survivors access to education as Title IX requires. This could be as simple as letting a survivor change a class to avoid their assailant or offering counseling, or giving a survivor an opportunity to improve grades that have fallen as a result of the assault. These supports should be offered regardless of whether a survivor wants to have their complaint formally investigated by schools or by the police.

Schools should also offer students the option to participate in restorative practices which have roots in Indigenous communities and traditions and center the victims needs to repair the harm caused by the wrong doer.

If a survivor opts for a formal disciplinary school investigation, instead, the process should be fair, prompt, and equitable. Sexual violence complaints should never be held to a higher standard than other student misconduct complaints.

The new Title IX regulations make clear schools must not make it more difficult to discipline a student for raping someone than for punching someone. And schools must provide strong protection against retaliation. Student survivors were often blamed or punished after coming forward. Only a small minority of victims report sexual violence.

Retaliation against those who do ensures the other stays silent. These protections are important for all survivors and particularly for black, brown, and Indigenous women, who are especially likely to experience suspicion, indifference, or blame when they report.

And my last recommendation which underlies all the rest, schools should listen to survivors and to the organizations that serve survivors, especially organizations that serve the communities their students come from. In the case of Haskell, that means Indigenous serving survivor advocacy organizations.

It is time for schools to answer survivors courageous calls for accountability and culture change, and I will note in closing that law makers have an important role to play too. And on that front, it is deeply disappointing the House Majority recently voted to disapprove the new Title IX regulations that strengthen survivor protections and support.

Survivors deserve much more, as do schools which need the clarity provided by the regulations in order to take the critical steps that I have named. Thank you for the opportunity to be here today, and I look forward to your questions.

[The prepared statement of Ms. Martin follows:]

PREPARED STATEMENT OF EMILY J. MARTIN, CHIEF PROGRAM OFFICER, NATIONAL WOMEN'S LAW CENTER

## **I. Introduction**

The National Women's Law Center ("NWLC") is a nonprofit organization that has worked since 1972 to combat sex discrimination and expand opportunities for women and girls in every facet of their lives, including education. NWLC is committed to eradicating all forms of sex discrimination in school, specifically including

discrimination against pregnant and parenting students, LGBTQI+ students, and students who are vulnerable to multiple forms of discrimination, such as Black and brown girls and disabled girls. This work includes a deep commitment to eradicating sex harassment, including sexual assault, as a barrier to educational success. We equip students with the tools to advocate for their own rights at school, assist policymakers in strengthening protections against sex harassment and other forms of sex discrimination, and litigate on behalf of students whose schools fail to adequately address their reports of sex harassment. Founded the same year Title IX of the Education Amendments of 1972 was enacted, NWLC has participated in all major Title IX cases before the Supreme Court as counsel<sup>1</sup> or amici.

As attorneys representing those who have been harmed by sexual violence and other forms of sex harassment, we know that too often when students seek help from their schools to address the harassment or assault, they experience retaliation, including being pushed out of school altogether. We also know how important it is for schools to take action to prevent harassment and to intervene promptly and effectively when students are sexually harassed, before it escalates in severity or leaves students no longer feeling safe in school.

The sexual violence that students at Haskell Indian Nations University (HINU) report having had to endure without meaningful support or response from their school is precisely the kind of discrimination NWLC has long been dedicated to fighting. When schools fail to take steps to prevent and address sexual assault and other forms of harassment, they deeply traumatize students, jeopardize their education, put other students at risk of victimization, and fall short of their legal and moral obligations to protect students from discrimination.

Thank you for the opportunity to submit testimony to the Subcommittees to explain how schools should seek to prevent sexual assault and other forms of sex harassment, should provide support to students who experience such harassment, and should implement procedures to promptly and effectively respond to harassment, so that no student's education is derailed by it.

## **II. Campus Sexual Assault Is Common Yet Underreported, and Survivors Are Often Ignored or Punished Instead of Being Helped.**

Students in college experience high rates of sexual harassment and sexual assault. More than one in four women, more than one in five transgender and gender-nonconforming students, and one in 15 men are sexually assaulted during their time in college.<sup>2</sup> In addition, one in seven women, one in 10 men, and more than one in five transgender and gender-nonconforming students experience dating violence in college, while one in 10 women, one in 33 men, and more than one in six transgender and gender-nonconforming students are victims of stalking.<sup>3</sup>

Native American/Indigenous college students in particular experience high rates of sexual harassment and assault. In a 2019 survey of students at 27 colleges and universities, 43% of Indigenous women and men and 39% of transgender, non-binary, and gender nonconforming Indigenous students reported experiencing sexual harassment during college.<sup>4</sup> Moreover, Indigenous students reported experiencing sexual assault at a higher rate than any other racial demographic surveyed.<sup>5</sup>

Despite its prevalence, sexual assault is greatly underreported.<sup>6</sup> Only 12% of college women who are sexually assaulted reported it to their school.<sup>7</sup> Students often do not report sexual assault to their schools because they believe their abuse will not be taken seriously, because they are embarrassed or ashamed, because they think the school would not believe them, or because they fear retaliation, including negative academic, social, and professional consequences.<sup>8</sup> Common stereotypes that blame victims for sexual assault because of how they acted or dressed, or because they drank alcohol, only exacerbate underreporting. Survivors may also be unwilling to report to law enforcement because they believe the criminal legal process is unlikely to lead to meaningful accountability or helpful solutions, or even because they

<sup>1</sup>E.g., *Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167 (2005); *Davis v. Monroe Cnty Bd. of Educ.*, 526 U.S. 629 (1999).

<sup>2</sup>David Cantor *et al.*, Association of American Universities, *Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct ix* (Oct. 15, 2019), <https://www.aau.edu/key-issues/campus-climate-and-safety/aau-campus-climate-survey-2019>.

<sup>3</sup>*Id.* at 52, 54.

<sup>4</sup>*Id.* at A7-83, A7-88.

<sup>5</sup>*Id.* at A7-36 (14.7% of white students, 12.7% of Black students, 6.9% of Asian students, 18.7% of American Indian and Alaskan Native students, 11.9% of Native Hawaiian students, and 14.5% of other or multiracial students reported experiencing sexual assault).

<sup>6</sup>*Id.* at 59.

<sup>7</sup>*Id.* at A7-27, A7-30.

<sup>8</sup>*Id.* at A7-27.



fear being retraumatized, abused, or otherwise victimized by police officers when reporting.<sup>9</sup> This fear may be especially pronounced for Indigenous students, as Indigenous people are killed by police at a higher rate than any other racial group—five times higher than white people and three times higher than Black people.<sup>10</sup> Perceived and actual non-responsiveness by law enforcement to violence against Indigenous women may also lead to Indigenous women's reluctance to report sexual assault to police.<sup>11</sup>

Unfortunately, those students who do report sexual assault to their schools too often face hostility because of false and offensive stereotypes about survivors. Schools often minimize or discount sexual harassment reports because of the myth that survivors are to blame for assault and other harassment they experience.<sup>12</sup> The myth that it is common for women and girls to make false accusations of sexual assault<sup>13</sup>—when in fact men and boys are far more likely to be victims of sexual assault than to be falsely accused of it<sup>14</sup>—can also lead schools to assume that complainants are likely being less than truthful and to dismiss their claims. Too often, when student report, they are encouraged to leave school until their assailants have graduated,<sup>15</sup> discouraged from filing formal disciplinary reports or telling others, and denied essential accommodations like dorm changes to allow them to live separately from their assailants.<sup>16</sup> Survivors also sometimes face severe retaliation when they report, such as suspension or expulsion for speaking out about the abuse they faced or for fighting back in self-defense.<sup>17</sup> Schools also often fail to protect students reporting sexual assault from retaliatory harassment by peers who are loyal to the assailant. Furthermore, women of color (especially Black and Indigenous women), LGBTQI+ students, and disabled students who report sexual harassment are especially likely to be ignored, blamed, or punished due to discriminatory stereotypes that label them as “promiscuous,” “deviant,” and/or less credible.<sup>18</sup>

When schools fail to respond promptly and effectively to sexual assault, survivors' educations are often derailed. When student survivors do not receive the appropriate support and responsiveness from their schools, sexual assault and other forms of harassment cause survivors to miss class, receive lower grades, withdraw from extracurricular activities, abandon majors, drop to part-time enrollment, drop to a two-year degree, pay extra tuition to retake courses, graduate late, or leave

<sup>9</sup> Because survivors are so frequently disbelieved when reporting sexual assault to law enforcement, many survivors have faced criminal charges—including for filing a false report—when seeking help. See Lisa Avalos, *Prosecuting Rape Victims While Rapists Run Free: The Consequences of Police Failure to Investigate Sex Crimes in Britain and the United States*, 23 MICH. J. GENDER & L. 1 (2016), available at <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1054&context=mjgl>.

<sup>10</sup> Ted McDermott, *Native people killed by police 3–5 times more than others*, ICT (Apr. 26, 2024), <https://ictnews.org/news/native-people-killed-by-police-3-5-times-more-than-others> (citing Centers for Disease Control and Prevention data).

<sup>11</sup> See, e.g., Peyton Cross, *Governmental Inadequacies Concerning Missing and Murdered Native American Women in the United States*, 1 LINCOLN MEMORIAL UNIV. L. REV. 10 (2022), available at <https://digitalcommons.lmunet.edu/cgi/viewcontent.cgi?article=1180&context=lmulrev> (explaining that, despite the epidemic of violence against Native American women, law enforcement consistently fail to investigate the hate rates of disappearances and murders of Native American women).

<sup>12</sup> See e.g., Bethonie Butler, *Survivors of sexual assault confront victim blaming on Twitter*, WASH. POST (Mar. 13, 2014), <https://www.washingtonpost.com/blogs/she-the-people/wp/2014/03/13/survivors-of-sexual-assault-confront-victim-blaming-on-twitter/>.

<sup>13</sup> David Lisak et al., *False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases*, 16(12) VIOLENCE AGAINST WOMEN 1318–1334 (2010), available at <https://doi.org/10.1177/1077801210387747>.

<sup>14</sup> E.g., Tyler Kingkade, *Males Are More Likely To Suffer Sexual Assault Than To Be Falsely Accused Of It*, HUFFINGTON POST (Dec. 8, 2014) [last updated Oct. 16, 2015], [https://www.huffingtonpost.com/2014/12/08/false-rape-accusations\\_n\\_6290380.html](https://www.huffingtonpost.com/2014/12/08/false-rape-accusations_n_6290380.html).

<sup>15</sup> Dana Bolger, *Where Rape Gets a Pass*, N.Y. DAILY NEWS (July 6, 2014), <http://www.nydailynews.com/opinion/rape-pass-article-1.1854420>.

<sup>16</sup> Sage Carson & Sarah Nesbitt, Know Your IX, *The Cost of Reporting: Perpetrator Retaliation, Institutional Betrayal, and Student Survivor Pushout* 12, 15–16, 24 (2021), <https://www.advocatesforyouth.org/wp-content/uploads/2024/06/Know-Your-IX-2021-Cost-of-Reporting.pdf> [hereinafter KYIX Report].

<sup>17</sup> *Id.* at 15–16.

<sup>18</sup> Shiwali Patel, Elizabeth X. Tang, & Hunter F. Iannucci, *A Sweep as Broad as Its Promise: 50 Years Later, We Must Amend Title IX to End Sex-Based Harassment in Schools*, 83 LA. L. REV. 939, 961–64 (2023), <https://bit.ly/3UZYpxk>.

school altogether.<sup>19</sup> In fact, 34 percent of college student survivors of sexual assault withdraw from school.<sup>20</sup>

### III. HINU Is Legally Required Protect Students from Sexual Harassment.

As a federally-operated educational program, HINU is legally required to protect its students from sex discrimination, including sex harassment.<sup>21</sup> Executive Order 13160 requires federally-conducted education programs to “hold [themselves] to at least the same principles of nondiscrimination in educational opportunities as [the federal government] applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance,” under Title IX of the Education Amendments of 1972 (Title IX).<sup>22</sup> Echoing Title IX, the Executive Order states that “[n]o individual, on the basis of . . . sex . . . shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in, a federally conducted education or training program or activity.”<sup>23</sup> The Department of Justice’s guidance on how federally-operated educational programs should comply with the Executive Order makes indisputable that it protects against harassment on the basis of sex.<sup>24</sup> In short, Executive Order 13160 requires institutions such as HINU to provide protections against sexual assault and other forms of sex harassment that are at least as robust as those required by Title IX.<sup>25</sup> In addition, students at federally-operated schools enjoy the right to be free from sex harassment in their educational setting under the equal protection guarantee of the Constitution.<sup>26</sup>

### IV. To Comply with Federal Law and Enable Their Students to Succeed and Thrive, Schools Should Commit Themselves to Preventing and Effectively Responding to Sexual Assault and Other Sex Harassment.

Taking sex harassment seriously is a necessary part of ensuring that students can learn and thrive. It is also a legal obligation for both federally-operated and federally-funded educational institutions. The Biden administration’s recent changes to the Department of Education’s Title IX regulations provide a clear framework and robust foundation for schools in regard to prevention efforts, grievance procedures, and support given to students in the wake of victimization.<sup>27</sup> Specifically, the Biden regulations strengthen protections for student survivors by facilitating their ability to report and get help for sex harassment and assault from their schools, by requiring equitable and fair school grievance procedures to address sex harassment,

<sup>19</sup> KYIX Report, *supra* note 16, at 4-9, 11.

<sup>20</sup> Cecilia Mengo & Beverly M. Black, *Violence Victimization on a College Campus: Impact on GPA and School Dropout*, 18(2) J.C. STUDENT RETENTION: RES., THEORY & PRAC. 234, 244 (2015), available at <https://doi.org/10.1177/1521025115584750>.

<sup>21</sup> HINU is federally owned, funded, and operated. *Parrish v. MSPB*, 485 F.3d 1359, 1360 (Fed. Cir. 2007). One federal court has held that a Title IX lawsuit could not proceed against HINU because the federal government has not waived sovereign immunity as to actions for money damages under Title IX. *Doe H. v. Haskell Indian Nations Univ.*, 266 F.Supp.3d 1277, 1282 (D. Kan. 2017). The court did not address the availability of injunctive relief against HINU pursuant to Title IX.

<sup>22</sup> E.O. 13160, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally-conducted Education and Training Programs, 65 Fed. Reg. 39,775 (Sec. 1-101) (June 23, 2000) (emphasis added).

<sup>23</sup> *Id.* at Sec. 1-101, 1-102. Notably, the Executive Order’s language is almost identical to Title IX, which says “[n]o person in the United States shall, on the basis of 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.” 20 U.S.C. § 1681. This similarity in language further underscores the similarity between the obligations of a federally-operated educational program and recipient of federal funding under Title IX.

<sup>24</sup> Executive Order 13160 Guidance Document: Ensuring Equal Opportunity in Federally-conducted Education and Training Programs, 66 Fed. Reg. 5398, 5398 (Jan. 18, 2001).

<sup>25</sup> *Id.*

<sup>26</sup> See, e.g., *Strickland v. United States*, 32 F.4th 311, 356-59 (4th Cir. 2022) (holding federal entities violate the Fifth Amendment’s equal protection guarantee when they are deliberately indifferent to complaints of sexual harassment and when they retaliate against complainants for discriminatory reasons); *Fitzgerald v. Barnstable School Committee*, 555 U.S. 246, 257-58 (2009) (holding the Equal Protection Clause of the Fourteenth Amendment is violated when a student experiences sex harassment as a result of municipal custom, policy or practice); *Murrell v. School District No. 1*, 186 F.3d 1238, 1250 (10th Cir. 1999) (holding principal and teachers violate the Equal Protection Clause of the Fourteenth Amendment when they are deliberately indifferent to sex harassment of a student by another student).

<sup>27</sup> Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 Fed. Reg. 33474 (finalized Apr. 29, 2024, effective Aug. 1, 2024) (to be codified at 34 C.F.R. pt. 106), <https://www.federalregister.gov/documents/2024/04/29/2024-07915/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal-finance> [hereinafter “Biden Rule”].

and by requiring schools to respond promptly and effectively to sexual assault and other forms of sex harassment. The requirements set out in those regulations inform the recommendations below. (While some courts have temporarily blocked the federal government from enforcing the new rule against schools in certain states, nothing prevents schools in any state or district from voluntarily complying with the rule.)

In developing their policies and procedures to address sexual assault and harassment, schools should consult with student survivors and advocacy organizations that provide direct services to, or otherwise support, survivors of sexual violence. This engagement should specifically include organizations that serve the same communities that students are part of, including organizations that serve Black, brown, and Indigenous survivors, LGBTQI+ survivors, women and girls, and disabled survivors.

#### **A. Schools should adopt strategies to prevent sex harassment.**

A comprehensive program to address sex harassment must include strategies to prevent harassment from occurring in the first place. To that end, schools should train students and staff on sex harassment; conduct regular climate surveys; prioritize the creation of a safe and inclusive learning community; and adopt policies to protect transgender, nonbinary, and intersex students.

##### *1. Train students and staff on sex harassment.*

Schools should provide training to all students and staff on how to recognize, report, and respond to sex harassment, and about consent and healthy relationships. This recommendation is consistent with the Biden administration's Title IX regulations, which require all school staff to be trained on recognizing and reporting sex discrimination.<sup>28</sup> It is also consistent with research showing that offering comprehensive sex education that emphasizes consent and healthy relationship dynamics for students from an early age creates a lower risk of sexual or dating violence, because it better equips students to identify unsafe sexual behavior and unhealthy relationship dynamics.<sup>29</sup> Trainings should also ensure employees understand how trauma may impact survivors' responses to assault differently and that there is no single way in which survivors act and present. Trainings should also uncover and address any biases employees may have when receiving reports so that they do not respond to survivors in harmful ways. In addition, trainings should include bystander intervention strategies that give both students and staff the tools and confidence to recognize and interrupt harassing behavior by peers and colleagues.

##### *2. Conduct regular climate surveys.*

Schools should conduct a campus climate survey every one to two years to assess students' experiences with and perspectives on sex harassment.<sup>30</sup> Climate surveys help schools get a better sense of the ways in which harassment is affecting students and the barriers students face in seeking help, enabling schools to craft more effective and targeted prevention and response strategies. These anonymous surveys should include questions on students' attitudes about and perceptions of harassment at school, whether students have experienced sex harassment (including sexual assault, dating violence, and stalking), whether the student reported the harassment (and if not, why not), the impact of the harassment on students' access to education, their perceptions of the effectiveness of the school's responses to harassment, and their awareness of the school's harassment policies and procedures. The surveys should include voluntary demographic questions for students, including race, ethnicity, gender, transgender status, intersex status, sexual orientation, disability, and religion, to enable schools to better understand the ways that student experience may vary across communities and to take this into account in their prevention and

<sup>28</sup> 34 C.F.R. § 106.8(d) (eff. Aug. 1, 2024).

<sup>29</sup> John S. Santelli et al., *Does sex education before college protect students from sexual assault in college?* (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6235267/>; Medeline Schneider & Jennifer S. Hirsh, *Comprehensive sexuality education as a primary prevention strategy for sexual violence perpetration*, 21 *Trauma, Violence, & Abuse* 439 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6283686/>; Rebekah Rollston, *Comprehensive Sex Education as Violence Prevention*, *Harvard Medical Center for Primary Care* (May 29, 2020), <https://info.primarycare.hms.harvard.edu/perspectives/articles/sexual-education-violence-prevention>.

<sup>30</sup> The Violence Against Women Reauthorization Act of 2022 requires the Department of Education to develop such a climate survey for institutions of higher education to collect data on the prevalence of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. 20 U.S.C. § 11611-6.

response strategies as well. Schools should make the survey data available online in an accessible and usable format for all students and staff.

*3. Make clear that creating safe and inclusive learning environments is a core priority.*

Schools can make their campuses safer for all students by making clear at every level of leadership that creating a safe and inclusive learning environment is a core value for the institution. By setting high expectations for student and staff behavior toward each other, modeling that behavior, and committing to policies and practices that reflect respect and care for students, schools can foster a culture that lessens the likelihood of harassment.

Ultimately, it is the responsibility of leadership at educational institutions to make systemwide changes to ensure schools are safe and inclusive spaces for all students. Leadership should be explicit about its intention to prevent sexual harassment and support survivors, and be transparent about the steps it will take to change the climate, including any revised policies and procedures for handling reports of sexual harassment. Everyone within the institution should know that maintaining an equitable environment is a priority of the leadership, as that is also the foundation for engendering trust from the school community.

*4. Protect transgender, nonbinary, and intersex students.*

Prevention requires mitigating the risk of harassment and assault for students who are at an increased risk of victimization, including transgender, nonbinary, and intersex students. As survivor advocates have noted<sup>31</sup> and research affirms, transgender, nonbinary, and intersex individuals, including students, experience higher rates of sexual abuse when they face discriminatory policies that single them out for mistreatment, such as bans on the bathrooms or locker rooms they can use, the student housing they can reside in, or the sports teams they can play on.<sup>32</sup> To promote a safe educational environment free from sex harassment and sexual assault for all students, schools should maintain policies that ensure transgender, nonbinary, and intersex students can access sex-separated facilities and activities—including bathrooms, housing, locker rooms, and sports—consistent with their affirmed gender.<sup>33</sup>

**B. Schools should respond to sex harassment with prompt and effective action.**

Schools should respond to sex harassment, including sexual assault, by taking “prompt and effective” action to end the harassment, prevent it from recurring, and remedy its effects on all those harmed—as the Department of Education required in its Title IX implementing regulations from 1997 to 2020<sup>34</sup> and as the Biden Title

<sup>31</sup> National Task Force to End Sexual and Domestic Violence Against Women, *National Consensus Statement of Anti-Sexual Assault and Domestic Violence Organizations in Support of Full and Equal Access for the Transgender Community* (Apr. 21, 2016), <https://endsexualviolence.org/wp-content/uploads/2017/09/STATEMENT-OF-ANTI-SEXUAL-ASSAULT-AND-DOMESTIC-VIOLENCE-ORGANIZATIONS-IN-SUPPORT-OF-EQUAL-ACCESS-FOR-THE-TRANSGENDER-COMMUNITY.pdf>.

<sup>32</sup> Movement Advancement Project, *Separation and Stigma: Transgender Youth and School Facilities* 2 (2017), <https://www.lgbtmap.org/file/transgender-youth-school.pdf> (“Singling out transgender students and telling them they must use separate restrooms is humiliating and discriminatory, adding to the bullying and mistreatment so many transgender youth already face.”); GLSEN, *The 2021 National School Climate Survey: The Experience of LGBTQ+ Youth in Our Nation’s Schools*, 41 (2022), <https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf#page=64> [hereinafter “GLSEN 2021 Report”]; Diane Ehrensaft & Stephen M. Rosenthal, *Sexual Assault Risk and School Facility Restrictions in Gender Minority Youth*, 143 *PEDIATRICS* e20190554 (2019), <https://bit.ly/48CIfwU>.

<sup>33</sup> Research shows that when LGBTQI+ youth are supported by inclusive policies, such as those that permit them to access bathrooms, locker rooms, and sports teams that match their affirmed gender, they are less likely to experience victimization and more likely to report feeling safer at school. See GLSEN 2021 Report, *supra* note 32, at 73, 74.

<sup>34</sup> U.S. Dep’t of Educ., Office for Civil Rights, *Questions and Answers on Title IX and Sexual Violence* 1 (issued Apr. 29, 2014; rescinded Sept. 22, 2017), <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>; U.S. Dep’t of Educ., Office for Civil Rights, *Dear Colleague Letter: Sexual Violence*, 16 (issued Apr. 29, 2011; rescinded Sept. 22, 2017), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>; U.S. Dep’t of Educ., Office for Civil Rights, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, 10-12, 14 (issued Jan. 19, 2001; rescinded Aug. 26, 2020), <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>; U.S. Dep’t of Educ., Office for Civil Rights, *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, 62 Fed. Reg. 12034, 12039, 12040, 12041, 12042 (issued Mar. 13, 1997; rescinded Jan. 19, 2001), <https://www.govinfo.gov/content/pkg/FR-1997-03-13/pdf/97-6373.pdf>. See also U.S. Dep’t of Educ.,

IX rule reinstates.<sup>35</sup> To abide by this standard, schools should remove barriers to reporting harassment, offer a wide range of supportive measures to all reporting students, protect students from retaliation, and offer students the option of using a restorative process to address harassment and sexual assault. This includes responding to conduct that occurs off campus. One study found that 33.7 percent of rapes of college students occurred on campus, while 66 percent occurred off campus,<sup>36</sup> but the educational impact of off-campus assaults is no less significant for the survivor.

Nor should schools' response to sexual assault turn on whether a survivor reports the assault to the police. A student may choose not to seek arrest or criminal prosecution of their assailant for a variety of good reasons, and is entitled to a prompt and effective response from the educational institution regardless of whether they do so. When a student does report a sexual assault to the police and a concurrent law enforcement investigation is initiated, schools must still conduct their own separate informal resolutions or formal investigations of sex harassment complaints based on the survivor's choice of process. Law enforcement investigations are separate from the civil rights obligations imposed on schools to prevent and remedy sex discrimination. While law enforcement investigations are focused on punishment of criminal behavior, schools' civil rights obligations are centered on protecting students' equal access to education. When schools fail to undertake their own responsibilities to protect students' civil rights and instead defer to and depend on criminal processes to address sexual assault, student survivors are unable to get the support and prompt resolution they need—and deserve—from their schools.

#### *1. Remove barriers to reporting harassment.*

Schools should enable their students to easily report harassment. To do so, they must identify barriers to reporting and address those barriers, as the Biden rule requires schools to do.<sup>37</sup> For example, schools can conduct climate surveys (see **IV.A.2**) or focus groups on the prevalence of harassment and the barriers students face in reporting it.<sup>38</sup> The types of barriers students experience should inform the solutions schools implement. To ease reporting, a school might, for example, conduct trainings for a specific department where many harassment complaints have arisen, more prominently display information about how to contact its Title IX coordinator, or, if it finds that fear of discipline deters many survivors from reporting, adopt amnesty policies for survivors for assault-related violations of drug, alcohol, or other school policies (see **IV.B.3**).<sup>39</sup>

In addition to reporting mechanisms that trigger formal investigations, schools should offer confidential mechanisms for disclosure that protect survivor autonomy and privacy. Preserving a survivor's choice and sense of control in the wake of sexual assault is critical in allowing them to heal, and research suggests that schools undertaking assault investigations and disciplinary actions against survivors' wishes can lead to educational disengagement, including withdrawal from extracurricular activities, campus life, and academic and honor societies.<sup>40</sup> Thus, schools should designate one or more confidential employees, such as a counselor or advisor, with whom survivors can privately discuss their victimization, without fear that conversation might trigger a formal response. The identities of such employees should be widely known so that students are aware whether the person to whom they are making a disclosure is required to initiate a formal process or is a confidential resource.

#### *2. Offer a wide range of supportive measures.*

Schools should provide students who report sexual assault and harassment ("complainants") with a wide range of supportive measures that help them feel safe

Office for Civil Rights, *Dear Colleague Letter: Harassment and Bullying 2* (issued Oct. 26, 2010), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (regarding sex, race, and disability harassment).

<sup>35</sup> 34 C.F.R. § 106.44(f)(1) (eff. Aug. 1, 2024).

<sup>36</sup> Bonnie Fisher et al., *The Sexual Victimization of College Women*, U.S. Dep't of Justice 18-20 (2000), <http://www.ojp.gov/pdffiles1/nij/182369.pdf>.

<sup>37</sup> 34 C.F.R. § 106.44(b) (eff. Aug. 1, 2024).

<sup>38</sup> Biden Rule, at 33564-65, 33847.

<sup>39</sup> *Id.* at 33565, 33827.

<sup>40</sup> Weiner Article, at 76; Carly P. Smith, Marina N. Rosenthal, & Jennifer J. Freyd, *The UO Sexual Violence and Institutional Betrayal Campus Survey 34-36* (Oct. 24, 2014), <https://dynamic.uoregon.edu/jjf/campus/SmithRosenthalFreydGSU22-24October2014.pdf>.

and learn,<sup>41</sup> as required by both the new Biden Title IX rule and the previous Title IX rule; these supportive measures must be offered whether or not a complainant wishes to pursue a formal investigation,<sup>42</sup> and, if they do pursue an investigation, regardless of whether their complaint is dismissed.<sup>43</sup> For example, if a complainant feels unsafe on campus, schools can and should issue a no-contact order against the named harasser and make reasonable schedule changes so that the parties do not share classes, hallway routes, dining halls, buses, dorms, or campus workplaces.<sup>44</sup> If a complainant has difficulty studying or attending class as a result of the harassment, schools can and should offer free counseling, excused absences, online or recorded classes, free tutoring, or extra time to submit an assignment or take an exam.<sup>45</sup> And if the harassment has hurt a complainant's grades, attendance, or enrollment status, schools can adjust the complainant's transcript; reimburse tuition for an unfinished class; or preserve the complainant's eligibility for any activity, leadership position, campus job, or scholarship that has a grade, attendance, or credit requirement.<sup>46</sup> These are simple measures that schools can take to restore and preserve student survivors' access to education, and most of them do not affect the harasser's educational experience, but could make a difference as to whether or not a student survivor can stay in school at all.

### 3. *Protect complainants from retaliation.*

Schools should protect student survivors from retaliation, including retaliatory discipline. At NWLC, we have represented student survivors who, horrifyingly, were suspended or expelled when they came forward, because they were disbelieved—underscoring the need for effective training and responses to survivors, but also for stronger anti-retaliation policies. Title IX regulations prohibit schools from retaliating against students who report sexual harassment and assault.<sup>47</sup> In order to provide robust protection from retaliation, schools should adopt a policy that prohibits school officials from disciplining a complainant for making a false statement based solely on a school finding in favor of a respondent in a harassment investigation.<sup>48</sup> In addition, schools should not discipline complainants for conduct related to an incident of harassment or assault, such as alcohol or drug use or violence undertaken in self-defense. Nor should complainants be disciplined for conduct that is a result of the emotional, psychological, and physical impacts of harassment or assault (*e.g.*, unexcused absences, expression of trauma symptoms). Furthermore, schools should protect complainants from meritless, retaliatory charges, such as a complaint filed by a respondent who has been found responsible and disciplined for sexual assault or dating violence alleging that the complainant was the actual assailant or abuser. Schools should not require a complainant to leave the school after reporting harassment. Nor should schools require a student to enter into a confidentiality agreement in order to assert their right to be free from harassment.

### 4. *Offer the option of a restorative process.*

Schools should offer complainants and respondents the option of entering a restorative process—a voluntary, nonpunitive process with roots in First Nations, Maori, and other Indigenous traditions.<sup>49</sup> A restorative process brings together a victim and harmer to acknowledge the harm that occurred, center the victim's needs, and repair the harm caused by the wrongdoer.<sup>50</sup> To begin a restorative process, the

<sup>41</sup> See Nat'l Women's L. Ctr. & Know Your IX, *FAQs on Title IX and Supportive Measures for Students in K-12 and Higher Education* (2021), <https://bit.ly/49wWGnK> [hereinafter *Supportive Measures FAQ*].

<sup>42</sup> 34 C.F.R. § 106.44(a) (eff. Aug. 14, 2020); see also 34 C.F.R. §§ 106.2 (defining “supportive measures”), 106.44(g) (eff. Aug. 1, 2024).

<sup>43</sup> *Id.* at § 106.45(d)(4)(i).

<sup>44</sup> *Supportive Measures FAQ*, *supra* note 41, at 5-6.

<sup>45</sup> *Id.* at 6-7.

<sup>46</sup> *Id.* at 7.

<sup>47</sup> 34 C.F.R. § 106.71 (eff. Aug. 14, 2020); see also 34 C.F.R. §§ 106.2 (defining “retaliation”), 106.71 (eff. Aug. 1, 2024).

<sup>48</sup> *Id.* at § 106.45(h)(5).

<sup>49</sup> See, *e.g.*, International Institute for Restorative Practices, *Restorative Justice Practices of Native American, First Nation and Other Indigenous People of North America: Part One* (Apr. 27, 2004), <https://www.iirp.edu/news/restorative-justice-practices-of-native-american-first-nation-and-other-indigenous-people-of-north-america-part-one#endnote1> to.; Restorative Justice 101, *Reviving Indigenous Justice: Authentic Restorative Maori Processes in New Zealand*, <https://restorativejustice101.com/reviving-indigenous-justice-authentic-restorative-maori-processes-in-new-zealand/> [last visited July 19, 2024].

<sup>50</sup> David Karp & Kaaren Williamsen, *NASPA Student Aff. Admins. in Higher Educ., Five Things Student Affairs Administrators Should Know About Restorative Justice and Campus Sexual Harm* 5-6 (2020), <https://bit.ly/430BKTJ>.

harmer must first voluntarily admit that they caused harm. The victim's needs are then centered as they work together to determine how the harmer can take accountability, make amends, and change their future behavior. Studies show that when well implemented, restorative processes make victims of sexual harm feel safe and respected and enable harmers to understand what they did wrong better than through a traditional disciplinary process, meaning they are less likely to repeat the harm.<sup>51</sup>

The Biden Title IX regulations, as well as their predecessor regulations, allow schools to use informal resolution processes, such as restorative processes, as long as participation in those processes is wholly voluntary.<sup>52</sup> However, schools should not use mediation as an informal process to resolve complaints of sexual assault; mediation is a strategy often used in schools to resolve peer conflict, where both sides must take responsibility for their actions and come to a compromise. Mediation is never appropriate for resolving sexual assault, even on a voluntary basis, because of the power differential between assailants and victims, the potential for re-traumatization, and the implication that survivors somehow share "partial" responsibility for their own assault. Indeed, more than 900 mental health experts have written to the Department of Education opposing the use of mediation to resolve sexual assault because it "perpetuate[s] sexist prejudices that blame the victim" and "can only result in further humiliation of the victim."<sup>53</sup>

### C. Schools should conduct fair investigations.

When a student makes a complaint of sex harassment and seeks a formal resolution process, schools should follow the investigation procedures detailed in the Biden administration's new Title IX rule.<sup>54</sup> This includes questioning the parties through a neutral official or panel and applying a preponderance of the evidence standard to determine whether harassment occurred. Regardless of the type of investigatory or hearing process the school uses to formally resolve complaints of sex harassment, schools should ensure that their procedures are reliable, prompt, equitable, and fair to all parties involved. Students should have equal rights in presenting witnesses and evidence, an opportunity to respond to allegations and evidence provided in an investigation, and equal appeal rights.

#### 1. Use a neutral school official or panel to question the parties and witnesses.

In investigations of sexual harassment, institutions of higher education should require a neutral school official or panel to question the parties and witnesses, whether in individual meetings or in a live hearing. However, the parties' advisors should not be permitted to cross-examine the other party and witnesses. Requiring survivors of sexual assault and dating violence to answer detailed, personal, and humiliating questions from a hostile questioner—which is not required in investigations of complaints of any other type of student or staff misconduct in schools—reinforces gender stereotypes and rape myths that survivors tend to lie about or are to blame for their own victimization.<sup>55</sup> This communicates the toxic and sexist message that those alleging sexual assault or other forms of sex harassment—most commonly women and girls—are uniquely unreliable and untrustworthy and therefore deserving of additional scrutiny.

The Biden administration's Title IX rule appropriately allows institutions of higher education the flexibility to choose a method of questioning parties and witnesses to assess their credibility in a way that does not retraumatize victims and that respects the due process rights of all parties.<sup>56</sup> In addition, six of eight circuit courts to consider the issue have held that adversarial cross-examination is not required to satisfy due process or fundamental fairness in campus disciplinary proceedings, and that a neutral hearing officer or panel may question the parties instead.<sup>57</sup>

<sup>51</sup>*Id.* at 10-11. See also Madison Orcutt, *Restorative Justice Approaches to the Informal Resolution of Student Sexual Misconduct*, 45 J. COLL. & UNIV. L. 1, 31-37, <https://bit.ly/42YJDsL> (providing samples of agreements between parties, schools, and local prosecutors).

<sup>52</sup> 34 C.F.R. § 106.45(b)(9) (eff. Aug. 14, 2020); see also 34 C.F.R. § 106.44(k) (eff. Aug. 1, 2024).

<sup>53</sup> Letter from 902 Mental Health Professionals to Dept of Educ. 3 (Jan. 30, 2019), <https://nwlc.org/wp-content/uploads/2019/01/Title-IX-Comment-from-Mental-Health-Professionals.pdf>.

<sup>54</sup> 34 C.F.R. § 106.46 (eff. Aug. 1, 2024).

<sup>55</sup> Sarah Zydervelt et al., *Lawyers' Strategies for Cross-Examining Rape Complainants: Have we Moved Beyond the 1950s?*, BRITISH JOURNAL OF CRIMINOLOGY, 57(3), 551-569 (2016).

<sup>56</sup> 34 C.F.R. §§ 106.45(f), 106.46(g) (eff. Aug. 1, 2024).

<sup>57</sup> *Walsh v. Hodge*, 975 F.3d 475, 485 (5th Cir. 2020), cert. denied, 141 S. Ct. 1693 (2021); *Doe v. Univ. of Ark.*, 974 F.3d 858, 867 (8th Cir. 2020); *Haidak v. Univ. of Mass.-Amherst*, 933 F.3d 56, 69 (1st Cir. 2019); *Doe v. Colgate Univ.*, 760 F. App'x 22, 27, 33 (2d Cir. 2019); *Doe v. Loh*, No. CV PX-16-3314, 2018 WL 1535495, at \*7 (D. Md. Mar. 29, 2018), *aff'd*, 767 F. App'x 489

Indeed, the Supreme Court has not required any form of cross-examination in disciplinary proceedings in public schools under the Due Process clause and has explicitly said that a 10-day suspension does not require “the opportunity . . . to confront and cross-examine witnesses.”<sup>58</sup> By allowing institutions the flexibility to choose a process that does not rely on cross examination, the Biden Title IX rule seeks to prevent students—survivors and witnesses alike—from being discouraged from participating in sexual harassment investigations.<sup>59</sup>

Finally, while cross-examination “is problematic for all institutions, regardless of size and resources available,”<sup>60</sup> it is particularly difficult for community colleges, vocational schools, and other smaller institutions, which often lack the hefty resources required for conducting quasi-trials with cross-examination. Using neutral school officials to question students instead of allowing adversarial cross-examination helps ensure that institutional efforts to address sexual assault are both efficient and cost-effective, bringing a speedy and fair resolution to all parties.

## 2. Apply a preponderance of the evidence standard.

In investigations of sexual assault and other types of sex harassment, schools should always apply a preponderance of the evidence standard to determine whether the harassment occurred. The preponderance standard is the only evidentiary standard that treats both sides equally and properly balances complainants’ and respondents’ interests.<sup>61</sup>

The preponderance standard is also the appropriate standard because school harassment investigations are not criminal proceedings. In a criminal prosecution, the defendant’s very liberty (or life) is at stake, and there is an immense power differential between the state and the defendant; that is why the state must prove criminal charges beyond a reasonable doubt. School misconduct proceedings do not threaten the respondent with incarceration, nor do complainants exercise anything remotely like the enormous power of the state. School disciplinary proceedings are instead much more analogous to civil legal proceedings, where the preponderance standard is the evidentiary standard nearly always used.<sup>62</sup> While sexual assault and dating violence can also constitute criminal conduct, school investigations of gender-based violence do not require criminal standards, because they do not impose criminal penalties. After all, schools already regularly respond to other types of student misconduct that also amount to crimes (e.g., physical assault, theft, arson), and we rightfully recognize that schools do not have to conduct quasi-criminal trials meeting a criminal standard of proof to impose discipline in those situations.

(4th Cir. 2019); *Nash v. Auburn Univ.*, 812 F.2d 655, 664 (11th Cir. 1987). *Contra Doe v. Univ. of Seis.*, 961 F.3d 203, 215 (3d Cir. 2020) (fundamental fairness requires private universities to provide cross-examination if credibility is at issue); *Doe v. Baum*, 903 F.3d 575, 581 (6th Cir. 2018) (due process requires public universities to provide cross-examination if credibility is at issue and serious sanctions are possible).

<sup>58</sup> *Goss v. Lopez*, 419 U.S. 565, 583 (1975).

<sup>59</sup> See, e.g., Eliza A. Lehner, RAPE PROCESS TEMPLATES: A HIDDEN CAUSE OF THE UNDER-REPORTING OF RAPE, 29 YALE J. OF LAW & FEMINISM 207 (2018) (“rape victims avoid or halt the investigatory process” due to fear of “brutal cross-examination”); Michelle J. Anderson, Women Do Not Report the Violence They Suffer: Violence Against Women and the State Action Doctrine, 46 VILL. L. REV. 907, 932-936-37 (2001) (decision not to report (or to drop complaints) is influenced by repeated questioning and fear of cross-examination). As one defense attorney recently acknowledged, “Especially when the defense is fabrication or consent—as it often is in adult rape cases—you have to go at the witness. There is no way around this fact. Effective cross-examination means exploiting every uncertainty, inconsistency, and implausibility. More, it means attacking the witness’s very character.” Abbe Smith, *Representing Rapists: The Cruelty of Cross-Examination and Other Challenges for a Feminist Criminal Defense Lawyer*, 53 AM. CRIM. L. REV. 255, 290 (2016).

<sup>60</sup> E.g., Letter from Liberty University to Sec’y Elisabeth DeVos at 4 (Jan. 24, 2019), <http://www.liberty.edu/media/1617/2019/jan/Title-IX-Public-Comments.pdf>.

<sup>61</sup> Contrary to what some have argued, schools should not use the clear and convincing evidence standard when investigating sexual harassment and assault. The Supreme Court has only required the clear and convincing evidence standard in a handful of civil proceedings, where the litigants are the state and an individual, and profound deprivations of life or liberty are at stake—e.g., deportation, termination of parental rights, involuntary psychiatric commitment, or withdrawal of medical life support. *Cruzan v. Director, Mo. Dept of Health*, 497 U.S. 261 (1990); *Santosky v. Kramer*, 455 U.S. 745 (1982); *Addington v. Texas*, 441 U.S. 418 (1979); *Woodby v. INS*, 385 U.S. 276 (1966). School disciplinary proceedings are nothing like these cases.

<sup>62</sup> Cornell L. Sch., Legal Info. Inst., *Burden of Proof*, <https://bit.ly/3OZ3G11> (last visited July 18, 2024).



## V. Conclusion

All students deserve meaningful support and responses from their school in the wake of sexual assault or harassment. Going without this essential support can traumatize students, put them at risk of further victimization, and jeopardize their ability to learn in safety and continue in their education. To disrupt a culture of deliberate indifference to sexual violence and to ensure students are able to learn in safety, schools, including HINU, must adopt and consistently implement policies to prevent and effectively respond to harassment. The recommendations outlined above are consistent with students' demands for support and accountability, as well as all schools' obligations under federal law to protect students from sex discrimination.

Federal, state, and local lawmakers also have an important role to play and should commit themselves to enforcing and safeguarding the rights of students to be free from sexual assault and harassment. Unfortunately, the House majority has instead chosen to do the opposite, recently passing a resolution disapproving the very Title IX regulations dedicated to strengthening protections for student survivors of sexual assault.<sup>63</sup> This is appalling, and survivors deserve better. Whether they learn in federally-operated schools or federally-funded schools, every student should be able to rely on robust, enforceable legal protections against sex harassment. Lawmakers have an obligation to ensure that they can.

Thank you for the opportunity to submit this testimony to explain how all schools can prevent, address, and investigate all forms of sex harassment and assault, as well as provide meaningful support to survivors—so that no student's education is derailed by their victimization.

---

Dr. GOSAR. Thank you very much Ms. Martin, I now recognize Mr. Mayes for his 5 minutes.

### **STATEMENT OF CLAY J. MAYES, HEAD COACH, TRACK AND FIELD AND CROSS COUNTRY, HASKELL ATHLETIC DEPARTMENT, HASKELL INDIAN NATIONS UNIVERSITY, LAWRENCE, KANSAS**

Mr. MAYES. Thank you for having me, I appreciate you guys being here. My name is Clay Mayes and I am from the Cherokee and Chickasaw Tribe. First, I would like to say this is a very fixable solution but it requires swift action. As someone that has been focused on Native American recruitment since 2014, I started at two private colleges and I was pulled in the direction to coach at Haskell, mainly because of its affordability versus the private college cost.

So, when I got there, I was a little bit overjoyed to be there due to, I think it is \$1,430 for the total cost and being able to recruit anyone that may not be able to afford a normal college education.

However as I started, I learned about the Gipp family and how they would create difficulties for my position by Gary Tenner, Aaron Hove, Jerry Tuckwin, and I will share another name outside of session, another name outside of session, another name outside of session, mainly because they work within the BIE and I feel like retaliation could be possible.

Initially I had no idea nor could fathom to the degree the Gippes were willing to go to undermine my position and my family's livelihood and this concerns Al Gipp, former track coach, and former

---

<sup>63</sup> H.J. Res. 165—118th Congress (2023–2024); Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to “Nondiscrimination on the Basis of Sex in Education Program or Activities Receiving Federal Financial Assistance.”

cross-country coach, Freda Gipp, Al Gipp's wife, works in the president's office, and as an assistant coach previously to Al Gipp.

Judith Gipp two times removed athletic director and used to be an assistant coach to her brother and Freda Gipp, previously Aja McCormick also an in-line member of the Gipp family, hired by Judith Gipp former sports information director. And Gerald Gipp, who was the Haskell President 1981 to 1989 who hired the initial members of the family.

Previously, I was involved in two investigations, one conducted by USPS, that was deemed as a waste of time and money and should not have been involved per Haskell's AIB Report. The postal service investigation should not have been involved as allegations were not supported by any solid evidence and it appears that the only witnesses interviewed were those involved in the allegations and it appeared that there was little to no effort to obtain various viewpoints.

Another quote from the AIB Report, "Bottom line is the postal service level investigation was uncalled for and a waste of time and money, especially knowing they were limited in their capacity to interview key witnesses."

Another quote from the AIB Report, page 15 "In fact the board finds that there were many other HNU employees, contractors, involved, may have fabricated many of the issues reported on Mayes. The Board believes the no contract order for Mayes became a useful tool to accomplish an underlying intent to get Mayes out of HNU coaching, he could not be on campus or around students, he could not do his job, the Board could not find any justifiable reason to place Mayes on a no contact order and must reiterate that there is absolutely no evidence he was a safety threat to any student or staff member."

And as I solved different issues from theft or sexual assault victims reporting to me, I elevated that to my supervisor. I made 25 reports via email with a time stamp, all the emails are saved. I have had zero responses. I made 16 reports to the BIE HR Specialist out of 16 with all time stamps and emails and I got zero responses, not an acknowledgement. Out of six reports asking for meetings on three occasions, with the previous former president Tamarah Pfeiffer, I got zero responses.

After raising this with my contract officer, who was responsible to ensure that I be able to do my job, I reported to him 14 times, all 14 times I got no response. Concerning some of the issues that were raised with OIG, I made an OIG report, February 23. On February 24, I received a stop work order from BIE. April 13, I made my second OIG report. Five days later, I received a termination from BIE. When the investigators asked if BIE responded to my OIG report later on, they did not. And to address one Congressman who raised the concern on the KU relation being broken, here is what one former employee, two chains of command above this employee said. "In regard to why Tim loves Judith, he caused Haskell the loss of the student trainers from KU because of his sexual harassment of students and Judith covered up for him." I worked with Albuquerque HR and issued a disciplinary action against him, he was notified removal would occur if anything

happened. He cried and begged and said they were exaggerating, he still works there.

[The prepared statement of Mr. Mayes follows:]

PREPARED STATEMENT OF MR. CLAY MAYES, HEAD COACH, TRACK AND FIELD, CROSS COUNTRY, HASKELL ATHLETIC DEPARTMENT

The leaders in our community, both local & nationally, have encouraged me to expound on prior harassment, retaliation, and attacks since my work start date, June 21, 2021, at Haskell Indian Nations University as the cross country coach.

My position, from it's start, to its premature end, April 18, 2022, was persistently and strategically undermined for the entirety of my employment with no resolution nor accountability haven taken place.

As a Native American coach and former collegiate runner, I have been interested in coaching at Haskell Indian Nations University for some time. I felt that Haskell was a place I could recruit the best and brightest in the United States while supporting their journey to a low-cost university education. This belief and faith led my wife, and our two newly adopted kids, 5-year-old Billy Littlewhirlwind & 6-year-old Ruby Littlewhirlwind, to uproot our lives entirely from California to Lawrence, Kansas to work at Haskell Indian Nations University.

I was informed before my start date that the "Gipp family" will create difficulties for my position by Gary Tanner, Aaron Hove, Jerry Tuckwin, Brent Cahwee, Dwight Pickering, Michael Daney, James Nells, and many others. Initially, I had no idea, nor could fathom, to the degree that the Gipp's were willing to go to undermine my position and family's livelihood in coaching at Haskell. I was unaware of the extent that the Gipp family permeated various levels within Haskell and the BIE:

- Al Gipp: Former Track Coach and former Cross Country Coach
- Freda Gipp, Al Gipp's wife: Works in the Office of the President, former assistant coach to her husband, Al Gipp.
- Judith Gipp, Al Gipp's sister: faculty member at Haskell, former Athletic Director, two times removed, and former assistant coach to her brother, Al Gipp.
- Aja McCormick, an aligned member of the Gipp family, hired by Judith Gipp: former Sports Information Director.
- Gerald Gipp, former Haskell Indian Nations University's President.

Previously, I was involved in two investigations. One conducted by USPS, that was deemed a 'waste of time and money,' and should not have been involved per Haskell's AIB Report:

*"The Postal Service Investigation should not have been involved as the allegations were not supported by any solid evidence and it appears that the only witnesses interviewed were those involved in the allegations, and it appeared there was little to no effort to obtain various viewpoints."*

• **Page 15 BIE AIB Report**

*"Bottom line is a Postal Service level investigation was uncalled for and a waste of time and money, especially knowing they were limited in their capacity to interview key witnesses."*

• **Page 15 BIE AIB Report**

The second investigation was conducted over Haskell by BIE's AIB Board. AIB's report was withheld for 16 months, then further withheld in being switched out for USPS's report. These tactics to suppress the AIB report was in defiance of both a court order and an agreement to comply by the U.S. Attorney's Office to release the report.

The first investigation, USPS, involved ongoing retaliation and harassment by our Sports Information Director (SID), Aja McCormick and the aligned Gipp family members. Who continuously perpetrated false reports. Per BIE's AIB Report:

*"In fact, the Board finds that there were other HINU employees and contractors involved that may have fabricated many of the issues reported [on Mayes]."*

• **Page 15 BIE AIB Report**

Such reports led to the no-contact order and the USPS Investigation. As BIE's AIB Board confirms with the no-contact order and USPS's investigation:

*"The Board believes the no contact order for Mayes became a useful tool to accomplish an underlying intent to get Mayes out of HINU coaching. If he could not be on campus or around students, he could not do his job. The Board could not find any justifiable reason to place Mayes on a no-contact order and must reiterate that there is absolutely no evidence he was a safety threat to any student or staff member."*

• **Page 15 & 16 BIE AIB Report**

Dealing with such tactics began to magnify when I started reporting ongoing abuses and crimes being committed by the Gipp family members and their aligned coworkers. In one instance on October 5, 2021, I witnessed large-scale theft by Judith Gipp and Al Gipp, who loaded up their personal vehicle with 20-some boxes of pricey athletic equipment and apparel, and then driving off-campus with it, only to see their family and friends wearing it at events. As campus knows and has shared, the Gipp family and aligned coworkers have committed such crimes for decades.

Following October 5, 2021's theft report, McCormick began hosting secret meetings to create frivolous reports and did so with Al Gipp's, Judith Gipp's, and Freda Gipp's students. Their objective was simple, do whatever they want, when they want, to hurt whoever they want. "Rules for the, but not for me."

I requested a work orientation, Haskell's policies & procedures, but to no avail, all systematically withheld. Haskell's Human Resources Mona Gonzalez stated in email, "I am not the provider of policies," & my most recent supervisor, Steve Byington stated, "There's no good place to find them (rules)."

*"Students alleged HINU illegally breached their coaches' contract through systematic harassment and false allegations. The Board believes Mayes was set up for failure, intentionally not provides policies or procedures, not provided a work orientation, and was harassed by [J. Gipp] and [Aja McCormick]. HINU Leadership and BIE H.R. Relations staff overreacted to mere allegations with limited or no direct evidence. Mayes's contract was eventually terminated without any evidence of wrongdoing."*

• **Page 4 & 5 BIE AIB Report**

When I became aware of McCormick's meetings, I reported it to my supervisor and McCormick's supervisor, Athletic Director Gary Tanner. Tanner elevated and affirmed such reports to Haskell President, Tamarah Pfeiffer. Unfathomably, Pfeiffer proceeded to remove Tanner entirely from any acting authority, rendering him helpless per, "You're too close."

I was soon told on November 1, 2021, that an USPS investigation was to follow, and I was issued a "no-contact order," as was my students, effective November 4, 2021. Such justification for the no-contact and its reports were withheld, but later known to be McCormick's and the Gipp's reports used to justify the no-contact. Such reports were wrongfully withheld from Tanner before and after his removal. The re-iteration Tanner and I received concerning the no-contact, "it'll only be two weeks," an overt lie. The USPS investigation and no-contact order did not finish till months after my removal, all of such reports, withheld during my work time at Haskell. With all signs of due process being non-existent.

- The "no-contact order" barred me from communicating with Fall's XC student-athletes I recruited to Haskell, even though these students had zero complaints and all such complaints were by McCormick, Gipp's, and Gipp students.
- One of my reports concerning harassment, being bullied, fraud, and abuse was to OIG on February 1, 2022.
- February 23, 2021, OIG emailed, *"Your complaint information was provided to BIE for any action deemed appropriate."*
- One day later, February 24th, my contract and pay was halted immediately per, *"Stop Work Order"*
- Hours after the *"Stop Work Order"* was issued, my first call with the USPS investigation and the investigator came in.

Harassment and hostile confrontations magnified when Judith Gipp was promoted to interim Athletic Director on January 1, 2022, for a second time.

Years earlier Judith was removed as athletic director for mismanagement of funds. Sure enough, my budget dropped by 49,000 instantly, and 4 requests to discuss the disappearance of 49k was denied by Judith

I was regularly followed and stalked at work by Judith, she ransacked my desk two occasions, and then began going after all the students I recruited, issuing threats, conducting hostile meetings, used her students to bully them, and like me, began following them perpetually if full compliance and control was not met. Per AIB Report:

*"[Mayes] students were intimidated, including their continued participation as student-athletes was threatened if they failed to comply with the no-contact order."*

• **Page 3 BIE AIB Report**

-AND-

*"[Mayes's] students were subject to bullying, intimidation and harassment—or at least treated differently for wanting to work with Mayes," and the university's "management did not enforce the Department of Interior Anti-Harassment Policy when complaints were raised."*

• **Page 5 BIE AIB Report**

-AND-

*"This requirement appeared to be unprecedented," the report reads. "Students allege Tonia Salvini and others threatened and intimidated them into signing the no-contact order. Evidence supports this student allegation."*

• **Page 3 BIE AIB Report**

During all of this, I sought assistance through the proper chain of command by first informing one of my supervisors, Steve Byington (CFO), in an attempt to resolve ongoing harassment, retaliation, and attacks toward my position at Haskell. The issues remained unresolved, as 25 of 25 emailed reports & requests went unanswered. I was then advised to contact Haskell President Tamarah Pfeiffer to reach a more immediate resolution due to the urgency of the situation.

I emailed the Haskell President on February 9th, 16th and then on, 22nd. I noted all three times that I needed a meeting to discuss the continuous assaults and concerns I had. I received no response and was ignored as oppression continued. All 6 of 6 attempts to report to the Haskell President went unanswered, minus December 2, 2021's email response and assertion she had to delete the reports I sent her.

On February 24, 2022, I received a call from the Division of Acquisition that my pay and contract was halted, effective immediately. There was no warning, no reason(s), nor any sort of due process. Divisions of acquisitions noted that a current Haskell administrator contacted them, stating my contract obligations could not be fulfilled due an "ongoing" investigation "no-contact order" affecting my ability to hold practices. An investigation that was to be two weeks, was now on month 5. An investigation that was falsely said to be "independent." An investigation that continued to be stalled, manipulated, and twisted to continue perpetual abuse. Per BIE's AIB Report:

*"The Postal Service Investigation should not have been involved as the allegations were not supported by any solid evidence and it appears that the only witnesses interviewed were those involved in the allegations, and it appeared there was little to no effort to obtain various viewpoints."*

• **Page 15 BIE AIB Report**

*"Management at Haskell engaged in efforts to limit the U.S. Postal Service investigation and 'produce the outcome they wanted.'" In part, that involved "pitting two factions of student athletes against each other to support their cause" and "limiting their list of witnesses to a specific few."*

• **Page 4 BIE AIB Report**

Soon after, February 28, 2022, via call and reporting to the next official in my chain of command, BIE Director Tony Dearman, I was informed of reinstatement to follow.

Soon after, two meetings were arranged by Haskell's Vice President, Tonia Salvini, on March 11th and March 14th. I was assured reinstatement was to follow, and when I requested to know the contents of 11/4/2021 reports via 'no-contact

order,' I was met with a crackling-like scream from Salvini, shouting, "YOU HUSH! THIS IS FOR YOUR BEST INTEREST!"

Following reinstatement meetings more fraudulent reports were manifested by Judith Gipp, her family, and aligned co-workers. The promises of my reinstatement were hollow and never honored.

April 13, 2022, OIG emailed me and informed me they forwarded BIE my 2nd OIG report (and a whistleblower report) on unrestrained abuse at Haskell. Five days later, April 18th, I was terminated via email by BIE for "Sole Government Convenience."

Months later, July 9th, 2022, I was informed through a co-worker of BIE Director Dearman, and a long-time mentor, James Nells, Dearman "had my back, and his full support," and he was going to reinstate me upon completion of Haskell's investigation, which started two days later, July 11th, 2022.

Upon Haskell's investigation and its completion, Dearman's promises of reinstatement were unmet.

---

Dr. GOSAR. Thank you Mr. Mayes, we are going to have to leave it right there. I am now going to acknowledge people on the dais for their questions and we are going to start with Mr. Owens from Utah.

Mr. OWENS. Thank you, I first of all want to thank you guys for being here, it takes courage, it takes heart. This is a problem that has been going on way too long. My hopes are that somebody might make a movie one day to expose what is happening to a population that has been out of sight, out of mind.

And this is not the way our country has been ever designed, to take advantage of a vulnerable people because we don't see them. And I will say the only difference in the black community and the Native American community is at least we are visible, so we can put our voices out there and people have to pay attention. We need to make sure that we have oversight that this never ever happens again.

We have too many good people who will never live the American Dream because they don't get an education, and it is because of people who do not care, bureaucrats who are cowardly sitting behind their desks, their computers and doing absolutely nothing to help people that are asking for just a chance to dream.

So, we are going to make sure we are addressing that and I just have a couple questions for you. I just want to thank you guys because it does take courage, it takes heart, and that is what our country is all about. Dr. Graham, Haskell is a bureau run university, how did your interactions with the bureau differ from your experiences with other universities?

Mr. GRAHAM. Say that again sir, I am having a hard time hearing you.

Mr. OWENS. OK, I am sorry, Haskell is a bureau run university, how did your interactions with the bureau differ from your experiences with other universities?

Mr. GRAHAM. It was different, first of all like I said, I went there when COVID was in place, so I had to deal with a university who had never taught online before. I had an IT section that was antiquated, I had students who didn't have computers that would work so they could interact with their faculty.

And I put together online systems before at other universities, so I had to work fast, I had hired a person out of the military who

was very adept to advanced IT and he got me the software I needed, he recognized the problem the day he got there.

And we ordered that software immediately, we got the campus up, I had also put together immediate orientation programs for the faculty and for the students so they would know how to teach and they would know how to actually take classes, how to upload their research papers, how to take examinations.

Mr. OWENS. I don't want to take too much time because I do want to ask a couple of questions.

Mr. GRAHAM. OK.

Mr. OWENS. Let me just ask the same question to Coach, what is different about your experience at Haskell as opposed to other universities you have worked with?

Mr. MAYES. There are a lot of unwritten processes at Haskell that I didn't know existed, perhaps good parenting, I don't know, I didn't ever think there was a group of people that would enjoy going after you, you know? You get sick or you are not doing well or you don't handle something that is going on, that you have to deal with, they usually double down and go a little bit harder just to drive you a little bit further.

That is something that I never truly knew existed. You hear these horror stories with different groups of people, for me, that is just something that seeing people lack basic empathy and emotion, I still struggle processing that a group of people like that exist.

Mr. OWENS. And my understanding is that, when you had the issues, you also went up to the next level of the bureau to try to get support. Was there any support, any opening ear or any desire to try to figure this out, as you took it to the next level?

Mr. MAYES. No, I mean I went up the chains of command, 0 of 25 reports to my supervisor then it was to Tamarah Pfeiffer, 0 of 6 reports, then it was to the BIE Director, who said you know, he would elevate the report and I would be reinstated, that never happened.

And then I elevated it to OIG, I lost my job the day after they gave it to BIE, and then when I reported whistleblower, a little over a month later, then they officially terminated me, even though they shut off my contract already. They need to send me a termination notice since I reported to OIG again.

Mr. OWENS. Well, once again, I am running out of time, I want to thank you guys, because obviously it has been going on for decades, and only because of your actions, your reporting, your voice, and getting a small sense of visibility that we are sitting here today talking about it and the entire country will hear and see what is going on, on these types of college campuses that don't really care. So, thank you so much for that, and I yield back.

Dr. GOSAR. I thank the gentleman from Utah, the gentleman from Virginia, Mr. Scott, is recognized for his 5 minutes.

Mr. SCOTT. Thank you Mr. Chairman, Dr. Graham, comments were made earlier about the salary that presidents are paid, and the ability to attract presidents at that salary, do you remember what you were paid?

Mr. GRAHAM. Yes, I was paid \$129,000 and I was still doing the job. I didn't get the high GS-15 level, this was what they offered and I was really excited just to be on this type of campus.

Mr. SCOTT. Do you know what the president is paid now?

Mr. GRAHAM. Most presidents are paid between, well it depends on what university and what level you are working at——

Mr. SCOTT. What is the president at Haskell paid now?

Mr. GRAHAM. I am at an SES level. It would probably be over \$200,000.

Mr. SCOTT. And do you know what a recommended salary should be? What other presidents are paid?

Mr. GRAHAM. Other presidents from a government or from a regular university?

Mr. SCOTT. Regular university.

Mr. GRAHAM. A regular university, there are presidents paid between \$500,000 to over a million a year.

Mr. SCOTT. Is that for a relatively small college?

Mr. GRAHAM. I am not aware of what the smaller colleges get.

Mr. SCOTT. You have a thousand students, have you had 20,000 students, you would expect to have to pay more——

Mr. GRAHAM. Absolutely.

Mr. SCOTT. For a college with 1,000 students, do you know what the salary range would be expected?

Mr. GRAHAM. Probably what I was getting, is what I would determine.

Mr. SCOTT. OK.

Mr. GRAHAM. Because, yes.

Mr. SCOTT. It is more than them, there have been a lot of complaints at Haskell and they are being investigated. Would you be in a position to know whether things have changed at Haskell since all of these investigations started?

Mr. GRAHAM. To my understanding nothing has changed, they have the same role players, the same people that are causing the problems are still there, they still, I told you about what they have implemented in there, they have the same Board of Regents. I don't think anything has changed, sir.

Mr. SCOTT. Thank you, Ms. Martin do you want to comment?

Ms. MARTIN. I don't have any independent knowledge of what is happening at Haskell. I have read the redacted report or at least the sections relevant to sexual harassment and some of the press coverage. So, I can't speak to what has happened at Haskell since the events set out in that report. I can talk about the ways in which these problems often show up in schools and the reforms that make a difference, centering the needs of students and really paying attention to——

Mr. SCOTT. Well, if you are not aware, you are not on campus so that would be difficult, but what can colleges do to prevent sexual harassment and sexual assault?

Ms. MARTIN. Well, one of the things that colleges can do is leaders at the top can set a tone, leadership at every level can set a tone that prevention of sexual assault and creating a truly inclusive culture is a core value at the university. And in addition, there is training that can and should be done both of staff and of students, so that people understand what responses are available, what sexual harassment is, and help to unlearn some of the biases that often infect staff responses when students report sexual



harassment and assault, and when schools get reports of sexual assault, part of their response is also prevention.

So, taking steps ensure that somebody who is sexually assaulted, someone isn't in a position to do it again. All of that is part of prevention work.

Mr. SCOTT. Thank you, are you aware of the recent changes in the new rule in Title IX?

Ms. MARTIN. I am.

Mr. SCOTT. Can you comment on whether it is a good change and the effect of the legislation to overturn it?

Ms. MARTIN. Yes, very briefly, the changes to the Title IX rule really strengthen protections for survivors of sexual assault and sexual harassment on campuses and ensure that schools respond promptly and effectively to reports of sex harassment and sexual assault.

The resolution to disapprove that rule if it were passed by Congress and signed by the President would not only overturn that rule, it would prevent the Department of Education from doing any substantially similar rulemaking in the future which would be a huge step backwards for preventing sexual harassment on campuses.

Mr. SCOTT. Thank you, Mr. Chairman.

Dr. GOSAR. Thank you. The gentleman from Wisconsin, Mr. Grothman is now recognized for his 5 minutes.

Mr. GROTHMAN. Here is something for you, we have quite a mess here, quite a mess. Mr. Graham, about how many kids graduate from this school every year?

Mr. GRAHAM. I don't recall the number that graduated, there were different numbers every year that I, there was a problem when I first got there, but I don't recall the exact number now.

Mr. GROTHMAN. And you guys are there, 100, 150, 25?

Mr. MAYES. It is a good question that I would like to know the answer to as well. I wish I knew what the enrollment percentages and numbers are. I think the more transparency the better on that.

Mr. GROTHMAN. All we know is, what are the big majors there, does anybody know that?

Mr. MAYES. Health Exercise, I know that one, there are three or four of them, I know they were working on adding a program, but there are very few majors and I think that is probably one of the hurdles is more programs need to be added.

Mr. GROTHMAN. Health Exercise. Can you recount Mr. Mayes some specific thing that you observed or was reported to you and how it was handled by the administration? Or by the Bureau of Indian Education?

Mr. MAYES. Yes, I witnessed theft after an employer messaged it by message on October 5, 2021.

Mr. GROTHMAN. Say again, speak up.

Mr. MAYES. On October 5, 2021, I witnessed theft, and an employer first mentioned it by message, and I was on campus and I also saw it, and a few different employers said "oh they have been doing that for years," which I learned and I elevated the report and then who I was elevating it to—

Mr. GROTHMAN. Theft you said?

Mr. MAYES. Who I was elevating the reports to ended up going to the police, they were circling back to what wasn't reported, so I was getting direct retaliation when I was making these reports.

Mr. GROTHMAN. What were you reporting?

Mr. MAYES. Theft, theft of Federal property, there were a little over 20 boxes being loaded into an employee's vehicle and driven off campus.

Mr. GROTHMAN. OK, and who was doing the stealing?

Mr. MAYES. Judith Gipp and Al Gipp.

Mr. GROTHMAN. Pardon?

Mr. MAYES. Judith Gipp, Al Gipp, two Haskell employees.

Mr. GROTHMAN. OK, where did they steal it from?

Mr. MAYES. Thorpe Center, athletic apparel, gear and equipment.

Mr. GROTHMAN. And did the Bureau of Indian Education care at all in any fashion?

Mr. MAYES. Like on all of my other reports, they didn't respond.

Mr. GROTHMAN. What is your opinion with what is wrong with the Bureau of Indian Education? I mean are they just a bunch of employees who have a government job, feel like they can't get fired so they just kind of hang around forever.

Mr. MAYES. I always hear this so this is wisdom from others that I have been around, is admitting any wrong doing, is not OK. So, there seems to be an underlying message as I learn with well over 50 reports, not an acknowledgement, not a nod in the hallway that they got it, nothing.

There seems to be a code of don't respond to any reports, as I said, I just got my contract halted a day after BIE got my OIG report, three employees that same day, "I told you not to respond to OIG." If that is the normal response coming from employees, I would say that is a problem when you are reporting.

Mr. GROTHMAN. So, you think we have a culture of a bunch of people in an agency that are relatively obscure, and because they aren't going to get fired, they just figure they can sleep through the day, day after day, and month after month.

Mr. MAYES. They are still there, they haven't been removed, all I have seen are some new titles, a few transfers and one employee retired 2 years before pension, and still got to keep her pension.

Mr. GROTHMAN. Can you give me an example of the sexual assaults that were reported to you?

Mr. MAYES. Define example.

Mr. GROTHMAN. That is what I am asking you.

Mr. MAYES. One was from an employee, and a parent, another was from the women themselves, one of the cases the young lady came to me shaking. I wasn't the first person and I elevated it to law enforcement, and the Haskell investigated report, they asked several employees, did they elevate it to law enforcement, they all say no. The one employee that did was me, which I was required by law to do that.

But I didn't realize no one else did, and with that perpetrator, BIE says "Oh, it happened off campus." With one of the women they were talking about, that young lady was drugged and taken off campus, it happened on HINU campus.

Mr. GROTHMAN. So, it sounds like both the Bureau of Indian Education and the administration of this campus kind of view their jobs as just hang out, collect a paycheck, and do nothing.

Mr. MAYES. Yes, don't ruin the gig by reporting it.

Mr. GROTHMAN. Not to mention it would take work to report it.

Dr. GOSAR. Thanks Glenn, the gentlewoman from Wyoming is now recognized for her 5 minutes. Ms. Hageman.

Ms. HAGEMAN. Thank you, and I want to thank all of you for being here today, I would have liked to have spent more time in here, hearing your testimony as well as that of the first panel, but I have had other hearings that I have needed to attend, so thank you for being willing to come and talk to us about these important issues.

Tierra Standing Soldier Thomas, a Haskell student athlete who unfortunately could not be with us today, provided testimony for the Committee and I want to quote from what she said.

"I experienced many family, educational, and personal struggles during my time at Haskell, for which I received no support. In many cases, Haskell administrators exacerbated or created challenges, at a Champions of Character event regarding suicide in February 2022. As well as during classes, I revealed my suicide attempts and had no wellness check done on me. I was making a cry for help and I needed someone to conduct a wellness check on me, my cry was not heard."

She goes on to explain that she was drugged, raped, and held against her will for 15 hours off campus. She took initiative and approached the university, but received no support from Haskell administration, instead of being assisted, she was kicked out of Haskell twice due to a low GPA and she was denied her Pell Grant. To say that this is unacceptable is an understatement.

I commend Ms. Thomas for speaking out for changes so that young women can feel safe on campus and depend on our faculty when reporting sexual assault. Unfortunately, the Biden-Harris administration has wasted years with inaction but now real change must come to Haskell Indian Nations University.

And I urge Secretary Haaland to do the right thing and that is to engage with the students, investigate these issues, and root out the corruption at Haskell and BIE. Dr. Mayes I am going to direct my questioning to you. How has the student body at Haskell reacted to the mistreatment of Ms. Thomas and other survivors?

Mr. MAYES. As far as I am concerned as of one week ago, I don't know if something has happened this past week, they haven't reached out to her in any format indirectly or directly.

Ms. HAGEMAN. And I understand that you have had other students confide in you as they do not trust certain faculty at Haskell. Can you give us a bit more detail in that regard?

Mr. MAYES. Yes, about a month into the Haskell investigation, it started July 11, on August 9, I was called and requested for help by one Haskell board member. And I can share their name outside of session, and then one investigator, Erland Paisano. And they said they were having major issues getting students to trust them and to go confide in them. So, they called me, a male cross-country coach to help them with that.

Which was probably the most concerning issue, one that is not my job, I want to report it, not investigate it. But, they were able to get a lot of the victims to start coming forward. I talked to a couple of women that approached me and I asked them, so a few women more brave than me kind of got the other women to come forward and give their testimony.

Ms. HAGEMAN. What is the culture at Haskell that has created this kind of a situation?

Mr. MAYES. Don't report. At some point though the cycle has to break. I get people want to pass the buck to the next guy, but that is one of my lessons to the students, who is breaking the cycle or are you going to get help from outside? And most of them say no, so it is like alright, it is your responsibility, break the cycle.

Ms. HAGEMAN. Have you been involved with other universities besides Haskell?

Mr. MAYES. Yes, two.

Ms. HAGEMAN. And have you encountered these types of issues at those universities as well?

Mr. MAYES. Nonexistent.

Ms. HAGEMAN. What is the difference?

Mr. MAYES. The complete fear to report at Haskell due to certain alliances.

Ms. HAGEMAN. What does that mean?

Mr. MAYES. Certain people figured out who has the protection, so new employees will become friends with this one group because they get protection, they kind of do each other's bidding, so it forms a gangism, as one employee stated, "hey, you probably don't want to listen to me, but don't report it," and I just said, "you know what, you are right, I am not going to listen to you," and then he kind of shook his head and walked away. So, the culture is don't report it and get along with who is basically getting the most out of the system.

Ms. HAGEMAN. What is the need for protection, you have used that word a couple of times now. What are you referencing?

Mr. MAYES. For these women, I am not familiar with any other cases, somewhat following to see if they somewhat don't get triggered seeing the predator. I am not familiar with one instance where they remove the predator per report, no review, nothing, they would just sign a no contact so the women couldn't go certain places that the predators were.

In the report, they state one of the employees reported for sexual assault who is off for 3 to 4 months, which wasn't true, he was at our staff meetings, he was teaching on campus, he was never off campus, he could have been off campus for a few days but they say they reviewed the reports and he was off campus, working from home. That is not true.

Ms. HAGEMAN. I am out of time but I am going to repeat it, we need to fix this and we need to fix it now.

Mr. MAYES. Absolutely.

Dr. GOSAR. I thank the gentlewoman, the gentleman from Virginia, Mr. Good is recognized for 5 minutes.

Mr. GOOD. Thank you Mr. Chairman. Coach Mayes, when were you hired back at Haskell?

Mr. MAYES. I was officially hired, my first day was July 15, so 2 years and 4 months after my removal. I didn't have pay, and we actually adopted two kids right before we made the move to Haskell which added to a lot of stress, they re-opened the position, right before January or right after this past January, and I was officially offered the position the day the reports were released, April 23 of this year.

But even when I was offered the report, I was getting parents calling and emailing me citing they were getting issues with previous employees trying to create reports to cancel the job offer while I was going through the background investigation.

Mr. GOOD. So, you were hired 8 days ago?

Mr. MAYES. Correct.

Mr. GOOD. Why do you think they hired you back, why do you think the timing was 8 days ago, or what reason did they give for why they were hiring you back?

Mr. MAYES. No reason but I was hired, I was extended the job offer 3 or 4 hours after the report released, April 23.

Mr. GOOD. Yes, very interesting, Dr. Graham, I would like to learn a little more about the structure of how the Federal Government manages or doesn't manage the university. When you were president, you reported to the Bureau of Indian Education, correct?

Mr. GRAHAM. Yes.

Mr. GOOD. And in your testimony, you referred to BIE Director Tony Dearman as your supervisor.

Mr. GRAHAM. Yes.

Mr. GOOD. But you also said that the Human Resources Director of BIE, Jackie Shamblin, was his surrogate, so acting supervisor for you I guess?

Mr. GRAHAM. Yes.

Mr. GOOD. As you said in your testimony, when you were hired these two BIE employees, Dearman and Shamblin, warned you about "Chronic problems at Haskell."

Mr. GRAHAM. Correct.

Mr. GOOD. What did they say were some of those problems at that time?

Mr. GRAHAM. They didn't tell me what the problems were but I learned after I arrived on campus that there was major nepotism, there were cliques, there was a lot of backstabbing and internal problems, just chaos, inner chaos all the time, is something they seem to thrive on, and I tried to get a handle on that, but by the same token, I was so busy with everything else going on, I didn't have time to babysit, I just had to get these projects out and going from what Dearman gave me to do.

Mr. GOOD. When you are the president of a university, it is a 24/7 year-round, it never stops, the campus never sleeps. I am familiar with that having worked on a college campus, so they referenced chronic problems but they didn't really tell you what they specifically were.

Mr. GRAHAM. No, they didn't tell me what the problems were, they just said I had a runaway faculty, and I didn't know what that meant until I arrived on campus.

Mr. GOOD. That is not unusual unfortunately it seems. But, what did they do to try to fix or address these chronic problems to your

knowledge during, and they have both been there for several years, they go back well before your time.

Mr. GRAHAM. They didn't help me at all, with that, they didn't give me any information, everything that was going on I disclosed to them, I believe in transparency, so every problem that came aboard and of course I talked to Dearman and Hamblin every week and sometimes several times a week depending if there were major problems and I would report those problems and, either ask for guidance, investigations, whatever the problems were.

Mr. GOOD. So, while Haskell has had six presidents in 8 years, somehow these two individuals have personally escaped any accountability, typical of Federal Government employees I might add, and Jackie Shamblin, the HR Officer for BIE, emailed students telling them they would never be informed of what actions are being taken to correct the abuses at Haskell, meaning when Haskell students publish that public letter to Secretary Haaland asking for the AIB report it was Shamblin, they never got a response from Secretary Haaland.

Mr. GRAHAM. Yes.

Mr. GOOD. But Shamblin emailed the students and told them the students "would never know what actions are being taking to address specific findings from these investigations."

Mr. GRAHAM. I find that appalling.

Mr. GOOD. Thoughts on that, yes.

Mr. GRAHAM. That is appalling, that was after my time but to me that is not acceptable, and too much of this type of stuff is going on, they keep sweeping stuff under the rug. Students need to understand what is going on. I had an open-door policy even though I really didn't have any students on campus during COVID, but I maintained open door policies at every college and university I have worked at.

If students had a problem, they would come in and see me. I would bring in the faculty member, I would let them know what the complaint is, we worked it out. If you don't work it out, then I will resolve it one way or another, it is either credible, not credible, if the faculty member is at fault, then he is going to have a problem with me.

But what happened here when you say this information's not going out to these students, is not acceptable, under any standard.

Mr. GOOD. Students who are paying to attend the university, thanks very much, I yield back.

Mr. GRAHAM. Absolutely.

Dr. GOSAR. I thank the gentleman from Virginia, the gentleman from Georgia Mr. Collins is recognized for 5 minutes.

Mr. COLLINS. Thank you Mr. Chairman, Dr. Graham, could you please describe the concerns that you had with the Board of Regents after arriving on campus?

Mr. GRAHAM. I contacted Shamblin within a couple weeks after my arrival and basically asked about the Board of Regents because I was interested in meeting them. It was very important to set up that relationship because I am used to that with trustees. And there was a lot of pushback in my questions and I finally got to the point where, when was the last time they had their background investigations? Because everybody, trustees, regents, no matter

what you are has to go through a background investigation by law, and finally he admitted that these trustees hadn't had a background investigation in over 10 years and most of them in over 20 years.

And at that point, I told Shamblin and Dearman that these regents will not be allowed on my campus for any reason until they successfully complete a background investigation.

Mr. COLLINS. In your opinion, why have the background checks been ignored for years?

Mr. GRAHAM. I honestly don't know. In a 2018 report that I wasn't privy to because Dearman nor Shamblin told me about these reports or the full reports before that and backgrounds were mentioned in one of those reports as being a red flag, I jumped on that immediately and I started the backgrounds and they were willing to back what I was doing because it made them look good I guess, I don't know. But, backgrounds are extremely important and why they were ignored I can't answer that question.

Mr. COLLINS. Anyone on the board in jail? Is anyone of the Board of Regents in jail right now?

Mr. GRAHAM. Yes, one of the Board of Regents was just recently arrested for attempted murder, arson, and a myriad of other felonies. The other regent, who was the president is still working as a regent and he himself is a felon for domestic violence and other felonies.

Mr. COLLINS. So, how did BIE, how did they react when you expressed your concerns about the Board of Regents?

Mr. GRAHAM. There was a standoff at first and I pushed the issue that I am not letting these regents on my campus, and this has to get done, this is law and this is the way I work, this is a standard we have to keep.

Mr. COLLINS. Well, speaking to the standards again, I want you to try to elaborate a little bit more on your tenure, like why were you hired, what were your accomplishments, and just, what did you set out to do there?

Mr. GRAHAM. I wanted to make Haskell the flagship university, so my standard and I was waiting to get the vice president, the vice president for example, that I hired had 20 years with the Interior as an administrative judge.

She also served at Haskell as an adjunct law professor, she knew her stuff. That is my vice president and with her I expected to hire several more people of that caliber. I also wanted to bring in other PhD's because they lack that and I was bringing in graduate and doctoral programs.

I was identifying them, and working with folks to initiate these programs. For example, I started the dual enrollment program, that was off the ground and issues started as you are aware, to raise the numbers of students, because 700 students in a university is very small.

I projected within 3 years I would have over 3,000 students on campus. A major problem too at the campus were the student retention programs, it was 46 percent. And my doctoral dissertation addressed student retention in 87 different areas, so I knew how to work that and I worked at other universities to bring student retention up. I initiated a 24/7 online, distance learning tutoring

program for these students that could go online, anytime of the day or night and actually meet with somebody live on a Zoom call, and not just stem programs.

Mr. COLLINS. How was your relationship with the student body?

Mr. GRAHAM. The student body was fine, the student body was great, I was connecting with what I could and I was helping them, I was getting them new computers, and everything that they needed.

Mr. COLLINS. Coach Mayes, I wanted to ask you a question in line with that too. Why did the students feel so comfortable coming to you to report allegations rather than other faculty?

Mr. MAYES. Once I was reporting small campus, got around, and then I have been working with Indian Country since 2014.

Mr. COLLINS. How many other faculty members were reporting besides you?

Mr. MAYES. Not in retaliation, I don't know, not aware of many cases, but yes, to kind of fully answer your questions, it started with Indian Country since 2014, and a lot of these tribes, I have coached their families, so it is kind of a long-standing relationship too. A lot of them I end up coaching their brothers, sisters, and hopefully one day some of the kids of the runners.

Mr. COLLINS. Sorry about that Mr. Chairman, I am out of time. I yield back.

Dr. GOSAR. Thank you. The gentlewoman from New Mexico, Ms. Stansbury, the Ranking Member, is recognized for her 5 minutes.

Ms. STANSBURY. Thank you, Mr. Chairman and thank you to our witnesses for being here today. This is a challenging situation to parse out and going back through this Interior report which was released earlier last year.

I think what is evident from the testimony we heard in the last panel and from the stories that we have heard shared today is that there is a toxic culture at Haskell, period. It is toxic, it is affecting the leadership, it is affecting the faculty, and it is affecting the students.

This report is filled with stories of not only the coach but also students being bullied by adults who are involved and the faculty and leadership of the school.

Mr. GRAHAM. The former president.

Ms. STANSBURY. And it sounds like, Coach, from your testimony, what I understand your testimony to be is that you attempted to elevate these issues, almost two dozen times to BIE specifically and basically never received a response, is that correct?

Mr. MAYES. Absolutely nothing.

Ms. STANSBURY. So, we have two issues here really. We have a toxic work culture that needs to be fixed inside the administration and faculty of the school and we have an accountability follow up issue with BIE. Would you say that is an accurate description of where things are broken?

Mr. MAYES. Correct, and when I elevated to law enforcement, when they went on campus with the sexual assault, they informed me, Officer Kelsey Pence, that there were no reports, they didn't exist.

Ms. STANSBURY. So, kind of zooming out of the details of the "he said she said," what does the toxic culture emanate from? I mean,



it sounds like it has been there for decades. Is it a handful of individuals who do not get along with each other that are bullying and harassing personalities? Is it a tone that is set by the leadership, where does this toxic culture come from at the school?

Mr. MAYES. It is mostly one group, they are mostly related, they have different last names but they are still related, which is pretty common in Indian Country, a lot of families, brothers and sisters will share different last names. And personally I think it started in 1981 with the hire on of Gerald Gipp who was hiring members of his family regardless of what the legalities were. In one case I was informed of in 1984—

Ms. STANSBURY. I am sorry, I am going to just reclaim my time for a moment if it is OK. Dr. Graham, would you have a similar assessment, or what do you think is the source of the toxic culture?

Mr. GRAHAM. Basically the same thing that Mr. Mayes said, and also the dragging slow hiring, so when these different administrative positions come open, we don't hire right away, there is just a major drag at HR.

So, they take active faculty and make them active vice presidents or acting deans, and they are all taking care of their buds, their cliques, and more and more toxicity is getting passed around through this method. It just doesn't work.

Ms. STANSBURY. So, I would like to just say this, I think the testimony has made clear that the toxic work environment at Haskell needs to be addressed.

Mr. GRAHAM. Yes.

Ms. STANSBURY. There is new leadership it sounds like. It sounds like the new leadership is trying to address it but it has not been totally addressed. We are still having evidence come out that it has not been addressed, so for those that are in the chain of command, I hope you are listening to this hearing, hearing it and knowing that Congress is going to hold you accountable for it.

As far as the BIE, we will be following up with the BIE Director and Assistant Secretary about accountability. It is unacceptable that the Federal agency who provides oversight for this university did not respond to complaints from a faculty member.

That cannot happen, it is a Federal agency with responsibilities to the school, and that is our job, to make sure that there is appropriate oversight. I do think the Assistant Secretary is taking these issues very seriously. I had the opportunity to talk to him yesterday, but it is clear that whatever is happening in the interface between the university and the BIE, that it is broken and there is not accountability happening there.

And I am out of time here, but I would like to ask

Ms. Martin, I know you were asked this by our Ranking Member as well, having listened to the testimony here I think, what I am most concerned about is the students of Haskell feel safe. I think it is evident that they don't feel safe because of the toxic culture, they are being bullied and harassed and because this report has not just one but multiple incidents of potential sexual assault that happened on campus.

So, not only how do we change this culture but how do we really address it systemically at a university campus where people are

living on campus and they are separated from the general population to ensure that these students are safe?

Ms. MARTIN. I will give a two-part answer to that. One part is that it is about really focusing on what Title IX and the Executive Order require which is paying attention to what is necessary to enable a student to truly participate in education and making sure that a response to sexual harassment and sexual assault on campus is focused on what does the survivor need in order to be whole and healthy and fully able to be part of the educational experience.

That is one part of the answer that I think is the focus that should drive the reform of policies and practices on campus. The other part of the answer I will name is that when you are looking at a school with a toxic culture, it is a reminder of the importance of enforcement of student's civil rights by outside agencies like the Department of Education, as a last resort, by students themselves through lawsuits, it is a reminder of the importance of Title IX and the Title IX regulations as a foundation and as a failsafe for providing the basic protections that all students should be able to depend on.

Ms. STANSBURY. Thank you Ms. Martin, and I will just say this in conclusion, and I appreciate the extra time to ask the question, we heard from the Assistant Secretary that they put more student support services in place since the release of this report.

But I think even the story of the coach makes clear that there are students on campus that don't feel like they have anywhere to go to report what has happened to them in a safe space. So, the school needs to address that as well. And to do so in a more systematic way. So, we appreciate it and thank you all, thank you Mr. Chairman.

Dr. GOSAR. I am going follow up where she just left off. Ms. Martin, you are looking at this from the outside, so if you were the person who's model this university was going to be, how would you start with this toxic environment, would you start with the board of trustees, I mean, would you get rid of them all, get new people? Where would you start?

Ms. MARTIN. Well, I would start by trying to identify the leaders who I hope some of them are there even if it is not all of them who really are committed to creating an inclusive, safe campus where students are able to feel supported. And working with the leaders who really have that vision for what the schools should be. Who are involved and the faculty and leadership of the school. Because, I think leaders who are able to speak to that vision can bring others along.

And while, again, I am not an expert in Haskell's culture, and it is complicated for sure, it also seems as though there are people there who care about the students very much, and I think that is the critical starting point.

Dr. GOSAR. Mr. Mayes, I went to school at Creighton University in Omaha, do you have any relationships with Creighton?

Mr. MAYES. No I don't believe so.

Dr. GOSAR. Doc, do you know if you had any relations with Creighton?

Mr. GRAHAM. No sir.

Dr. GOSAR. The reason I asked that is Creighton is the largest private school in the country with the highest amount of Native Americans. They have been very, very gifted Nebraska has been and Omaha, Creighton. So, I guess my thinking is, is there something we can take maybe from Creighton to get to kind of rebuild the culture of success, because I think once you spark success it is going to breed success, what are your thoughts, Mr. Mayes?

Mr. MAYES. Especially with the Native Community, since they have a sense of community empowerment, it is why I like coaching sports, once they are able to see that there is a system of trust, they can report something without seeing the predator the following day, the following second day, the reports are actually heard, there isn't a correlation with the women that are reporting sexual abuse are then bullied soon after.

I am not even aware of one of the sexual assault victims that wasn't bullied after her reports, so I think the first thing is I guess listening to the students taking their reports fully serious and following actual policies and procedures, and start building trust. It might take a while but start building trust.

Dr. GOSAR. Well, I think you have to start somewhere, and even one mind abused is too much. It seems like there is a gift here and we ought to be really building on that gift. Doc, do you have other ideas you might want to share with us?

Mr. GRAHAM. I would add leadership to that, you have to have the correct leader in there and you lead by example, you get down in the trenches with the troops, you have to have credibility, you have to have integrity, that to me is first and foremost.

And without that, you are going to fall into that toxic pattern, if you come in there without any of those abilities. And that is something that is learned, that is something that is expounded on, and something that is mentored on to your subordinates, so you trained your people, I train my people to take my place, and they have to do it with leadership, they have to have that skillset.

Dr. GOSAR. So, leaders are made and they get people to follow right?

Mr. GRAHAM. Correct.

Dr. GOSAR. That is what I was telling the Assistant Secretary was that I am not interested in quantity, I am interested in quality, I want to see that quality. And I asked him and I said what is your vision, give me a one statement vision that you can come up with that will gravitate people around you.

And I think there is a lot to that story. It has been sad, I have lived my whole life with tribal members, Wyoming Indian School in Wyoming, and 6 months after I graduated, all the kids I played against were dead.

Mr. GRAHAM. Wow.

Dr. GOSAR. Yes, from all sorts of weird things, so there is a culture here too that we have to break.

Mr. GRAHAM. Yes.

Dr. GOSAR. Because there are some excellent minds, some wonderful people here, and they have been just trashed by the wayside, so I agree with the Ranking Member, this has to come about and I think you ought to take this as a special project that we have the school answer to us, Congress. That is just me, but I think we

ought to hold people accountable, if we are not willing to, who is? Anybody have any other questions? Last comments?

Mr. OWENS. I am going to just go back to good old common sense. The way we start with this is we need to fire bad people. That is a good start, we have a culture that has been going there for decades my friends, it is because there are people in power who do not care about these kids, we haven't even talked about what kind of outcome they are getting on grades, we have no idea.

I mean, I can imagine if they are dealing with this, then they are probably not prepared to go out and build their dreams either. So, I have to respectfully just make this one point. Title IX has been around for 50 years, I grew up in Tallahassee, Florida, there is Florida A&M, there is FSU, I went to the University of Miami.

They are not having these kind of issues, they have the same Title IX. This is a problem with people who do not have expectations for those kids and they take advantage of them because they are entitled, they are bureaucrats that are entitled to a paycheck without doing any work, without any accountability and they know they are not ever going to get fired.

We are going to change that by the way, I am so thankful that you are sitting here and exposing American people to what is happening to these good, young people, on these campuses nobody sees.

Out of sight, out of mind is where this evil takes advantage of kids, and that is not going to happen anymore. So, just know this could be accountability, and accountability comes down to oversight, what we do with how we put our funds out there, and just like any other college, if they are not doing their job, they don't deserve tax payer dollars period.

And if we are saying they need to get it just because of the background, we are not giving these kids the true opportunities they need to have, there should be a high standard for people teaching and running these colleges, and if they are not willing to do that, if they don't fire them, we need to start pulling back some funding, and that might give them the message that something has to be done.

Because the kids are the bottom line, that is what we need to be focused on. Not the institution, not these bullies, but the institution. And I am excited about having a group here that really does care about this and we are going to address this issue in a big way. I am looking forward to it, I yield back.

Dr. GOSAR. Thank you the gentleman, the Ranking Member gets the final comments.

Ms. STANSBURY. I just want to say thank you again for coming to testify, and I am always concerned most about the students, but also the faculty and the educators of the school, we understand the deep history of Haskell, we understand that people are proud to be Haskell graduates.

So, I just want to say that we are here to perform our oversight responsibilities and to help the school get back on track. But we also won't step back from our Federal trust responsibility to ensure that we are providing an adequate, beautiful, and terrific education for any member of any Tribal Nation that wants to attend Haskell University because it is a good school. So, I just wanted to add that

to the mix. We appreciate you being here and with that I turn it back to you.

Dr. GOSAR. Thank you. One of the things that Congress just got from the Supreme Court was the Chevron difference. They thought that the agency doesn't have all the rulemaking, Congress does, I think this is a golden opportunity for us to set that bar in education.

The trust obligation is the Federal Government's, we are the Federal Government, why not? Wouldn't that be something if we could actually break this curse, that would be me. I think there are lots of assets there and if we save one mind, it is worth it.

So, I will just challenge you with that. Maybe we will have to get together a little bit more to make sure we are getting this right.

The members of the Committee may have some other additional questions for the witnesses, and we ask that you respond to those in writing. Under Committee Rule 3, members of the Committee may submit their questions to the Subcommittee Clerk by 5 p.m. on July 29. The hearing record will be held open for 10 business days for those responses. If there is no further business, the Subcommittee is adjourned.

[Whereupon, at 7:10 p.m., the Subcommittees were adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

**Submissions for the Record by Rep. Gosar**

July 22, 2024

Hon. Virginia Foxx, Chairwoman  
House Committee on Education and the Workforce  
Washington, DC

Hon. Burgess Owens, Chairman  
Subcommittee on Higher Education and Workforce Development  
Washington, DC

Hon. Bruce Westerman, Chairman  
House Committee on Natural Resources  
Washington, DC

Hon. Paul A. Gosar, Chairman  
Subcommittee on Oversight and Investigations  
Washington, DC

Honorable Committee Members:

My name is Lexie Follette, I am a veteran who served in the United States Marine Corps and the Army. I am also the widow of a Navy veteran and mother of four children.

I am an enrolled member of the Ft. Peck Assiniboine and Sioux Tribes of Montana and my late husband is an enrolled member of the Sisseton Wahpeton Sioux Tribe of South Dakota. All my children are enrolled tribal members.

I am submitting this letter to the record of the 23 July 2024, Congressional hearing investigating the conduct and actions of the Bureau of Indian Education (BIE) following numerous complaints from students and employees at the Haskell Indian Nations University located in Lawrence, KS. This submission is to inform the committee that the BIE also did not respond adequately, ensure student safety, uphold policies or prevent whistleblower retaliation from school leadership at the Flandreau Indian Boarding School in South Dakota.

In the 2022–2023 school year, my daughter attended her senior year at the Flandreau Indian School, in honor of her father and I as we are both graduated alumni of this school. During this time, my daughter and multiple students made me aware of alarming conduct and inappropriate behaviors of employees in leadership positions. I submitted numerous complaints on their behalf which resulted in an investigation which did not improve the environment or the behaviors from the school leadership. By the end of the year, I learned nearly every student who contacted me had been diagnosed and medicated for depression and anxiety while attending the school.

October 17, 2023, I submitted a 98 paged complaint to the Department of the Interior Office of the Inspector General on behalf of the students from the previous school year, former students, current employees and former employees. I sent a courtesy copy to Madame Secretary Deb Haaland and recently sent a copy to Mr. Tony Dearman.

The complaint cited many issues, but the most concerning safety issue were the depression and anxiety diagnosis and treatments of minors without notifying the parents or obtaining their consent to chemically alter their child's brain chemistry. Furthermore, students were not monitored for side effects or changes in behaviors or received monthly follow ups while on these medications. This is why parental consent and involvement is crucial because they know their child best and would notice changes that rotating staff would not. Instead, students were written up if they refused to take the medications and there was no consideration was given in disciplinary actions, suspensions or expulsions as to how these medications may have contributed. The school also failed to respond to parents requesting 504 plans and failed to provide the medically prescribed ACL surgeries for two students injured at the school. One of these students had an obvious limp because of this injury, however, the school failed to provide her accommodations.

Another student's family doctor had taken the student off the depression and anxiety medications once she returned home. The doctor mentioned this was the second situation she had encountered regarding the same medications, from the

same place where the parents were neither notified nor consented. When the student returned the following school year, the parent informed the school they did not want their student on these medications but shortly thereafter, the student reported to the parent that the school had put the student back onto the medications and were threatening a “health and safety violation” write up for refusing to take the medicines.

The BIE recently launched a mental health hotline similar to the VA’s suicide prevention crisis hotline, however this places the well-being and mental health of the students the BIE is entrusted with into the hands of the student to call and does not mention if the policy if an employee is identified by a student as the source of their mental distress.

The DOI OIG’s response to the 98 paged complaint (Case OI-HQ-23-0867-R) stated it would be best addressed by the BIE and referred the complaint to the BIE for review and action deemed appropriate giving the BIE 90 days to provide the OIG with a response of their findings.

When the BIE’s HR conducted this investigation, students reported several concerns with the generalities of the questioning leaving many students confused by the investigation, namely first year students who had no knowledge of the previous year and many others were under the impression the investigation was about bullying by other students. General questions warranting a yes or no answer such as do you feel safe here is providing inaccurate data. I sent a letter to Mr. Dearman regarding the students and parents’ concerns, which he forwarded to the HR Director Jackie Shamblin to respond. When he did not respond I forwarded the email chain to the DOI Special Agent and cc’d Mr. Shamblin that I wanted the no response and email thread added to the DOI OIG case file.

These complaints and the complaints from the Haskell University are not due to a lack of policies, rather they are stemming from the lack of holding employees in school leadership positions accountable when they are reported repeatedly for policy violations. The BIE also must be held accountable for not ensuring school leadership are meeting the standards and for not addressing the repeated reports of many BIE schools reporting toxic work environments and red flags of leadership issues.

Last school year, Vice Principal Sheryl Burkhart and Home Living Director, Jamerson Ferrell at the Flandreau Indian School went against their first line officer’s directive to not take away cell phones by changing the student handbook. Vice Principal Burkhart abused this rule by confiscating cell phones overnight and suspending students who did not put their phone in their lockers during school hours. These are the type of red flag behaviors that are inadequately addressed by the BIE, which only encourages other questionable behaviors, such as Mr. Ferrell appointing the school’s boiler operator as a deciding panel member of a student’s expulsion appeal. The question remains of many other students has the boiler operator decided on the fate of their education.

Making more policies will not solve any issues if employees are not held accountable for disregarding previous BIE policies, procedures and directives.

The complaints from the Haskell Indian Nations University, Chemawa, Riverside, St. Stephens and more, now including the Flandreau Indian School are a result of the same source; poor leadership allowed to benefit regardless because of poor oversights, failure to follow through and follow up once complaints have been identified and inadequate accountability.

*“When a problem occurs once it is an incident, when it occurs twice it becomes a coincident, but when the same problem occurs more than three times, now it’s on purpose.”*

CW4 S. Ryan, Army Retired

I thank the committee members for your time and attention on this most important matter.

Respectfully,

Lexie Follette,  
USMC/Army

July 19, 2024

Hon. Bruce Westerman, Chairman  
House Committee on Natural Resources

Hon. Virginia Fox, Chairwoman  
House Committee on Education and the Workforce  
Washington, DC

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

Sincerely,

VENIDA S. CHENAULT, Ph.D,  
Lawrence, KS 66044

## Submissions for the Record by Rep. Hageman

### Statement for the Record

#### Tierra Standing Soldier Thomas

My name is Tierra Standing Soldier Thomas. I have been facing many struggles while studying at Haskell Indian Nations University starting in the fall 2021 semester. I experienced many family, educational, and personal struggles during my time at Haskell for which I received no support. In many cases, Haskell administrators exacerbated or created challenges. These struggles included:

- grieving the death of three family members within a period of 8 months
- the arrest of a father figure (uncle) in spring 2022
- six hospitalizations in a year and a half period due to severe allergic reactions, medication side effects, injuries, sickness, a severe concussion caused by unknown circumstances, and a suicide attempt
- a hostile school and athletic environment due to bullying from student-athletes
- intimidating meetings with Judith Gipp and Tonia Salvini where students were threatened and forced under duress to sign a no-contact order for Coach Mayes
- mental health challenges such as ADHD, anxiety, depression, suicidal ideations, and several suicide attempts
- sexual assault by another Haskell student in spring 2022, of which I will further detail

I was walking around for hours and sometimes walking miles in circles because my mental state was so poor in order to keep myself from unliving. November 4, 2021 is when I learned I was no longer able to have contact with former Coach Clay Mayes, who had been a big support in my push toward advocating that I needed mental help and trying to stay on task with my work. It had been a little over a month since I had buried two family members that I was close with and I was trying to cope and grieve in a stressful environment.

After the hostile practice environment and being pulled from competing in cross country meets, I quit the track team due to so much emotional turmoil in a short amount of time and grew extremely depressed. Over the semester, I had made numerous jokes about ending my life, slowly went from excellent attendance to not showing up, and didn't know how to ask for help any further. I distanced myself from others, walked for hours even in the rain, and stopped participating in the sport I love most. I attempted to take my life over winter break.

At a Champions of Character event regarding suicide in February of 2022, as well as during classes, I revealed my suicide attempts and had no wellness check done on me. I was making a cry for help and I needed someone to conduct a wellness check on me. My cry was not heard. I then experienced a knee injury which greatly impacted my mental state because I was not able to use my main coping mechanism: running. I would often break down crying trying to make it around campus because of the pain and having to climb down two flights of stairs any time I wanted to leave my dorm. This made it difficult to attend class, go to the food hall, and carry on daily activities. I felt extremely hopeless and was not sure what to do regarding my mental health and classes.

April 26, 2022, another student at Haskell drugged me, raped me, and held me against my will for 15 hours off campus. I was terrified to go anywhere around Haskell campus in fear of running into my perpetrator again. I had lost all sense of my personal identity due to denial, a regular occurrence in rape victims. I showed clear signs of PTSD such as not eating, being unable to sleep, becoming quieter, and avoiding eye contact. I ignored calls from family and friends because I felt so much shame and didn't feel like my body belonged to me. With the fear from running into the person again and PTSD combined, I couldn't emotionally stay invested in class.

May 12, 2022, I emailed McKinney seeking plausible extensions in my classes due to recent trauma, hospital visits, and losing family. May 15, I discussed thoughts of suicide and rape to an RA and she reported it. May 16, 2022, I met with Danelle McKinney about my rape and received a no-contact order against my perpetrator. The order did not protect me from the perpetrator living in student housing, attending the university, or from having to run into them on campus. No

consequences were given to that person with little transparency. McKinney stated she would look into extensions, but there was no follow up and I was not informed of a no-credit option. May 20, 2022, I was told I did not qualify for summer housing due to my GPA and had to work with McKinney to get a room for summer school.

All of these circumstances, compiled with my pre-existing ADHD diagnosis and mental health struggles including suicidal ideations and attempts, made it impossible to keep up with school work. I took the initiative to gain a referral to our community mental health facility and to seek out tutoring, but received no support from Haskell administration. I reached out to Dannelle McKinney, Alta St. Pierre, Matthew Downing, Judith Gipp, Albert Gipp, Freda Gipp, Tina Tortillott, and various professors for assistance such as extensions. Over and over, I expressed I was overwhelmed with grief, felt alone, felt trapped, was having problems with my classes after trying to reach out, and wanted mental health resources. Ultimately, instead of being assisted, I was kicked out of Haskell twice due to a low GPA and denied my Pell grant during my time at Haskell between Spring 2022 and Spring 2024 including summer school. I have been proactive throughout the year when I needed help and was not offered the proper services I needed.

I had some hope when investigators came onto Haskell's campus to investigate wrongdoing in the summer of 2022. After being interrogated by them for over 3 hours, reliving my trauma I had not yet processed, they reassured me that the report would be made public and I would be protected from retaliation. I have yet to see the report and shortly after making my investigative statement, I was kicked out of Haskell.

I was an MMIW who survived. I'm asking for accountability. Accountability for Pell I haven't received, accountability for all of the retaliation I've been subjected to. I want acknowledgement for the emotional distress I've gone through. I am a victim who has had to overcome many obstacles and barriers that should never have been in place. I'm tired of living in fear of my predator, of school staff, or everything I do being used against me. I want to see victims at Haskell protected. I want to see the proper legal procedures and support occur for victims. I want to have the opportunity to pursue my education at a place I feel protected and safe in. I want the predators at Haskell removed. I don't want young girls to worry about seeing their predator. I'm asking that my words hold meaning and enact the change Haskell needs to be safer and follow the legal conduct required of them.

Pilamayaye (thank you).

