



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

Panel II:

- **Dr. Ronald J. Graham**, Former President, Haskell Indian Nations University, Lawrence, KS
- **Ms. Tierra Thomas**, Student-Athlete, Haskell Indian Nations University, Lawrence, KS
- **Ms. Emily Martin, J.D.**, Chief Program Officer, National Women’s Law Center, Washington, D.C. [*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.¹ 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.²

Since her confirmation, Secretary Haaland has voiced understanding of her leadership’s importance for Native Americans.³ 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.*⁴

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.⁵

¹ 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/>.

² 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>.

³ See Korte, *supra* note 1.

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

⁵ See U.S. DEPT. OF THE INTERIOR BUREAU OF INDIAN EDUCATION, HASKELL INDIAN NATIONS UNIVERSITY – ADMINISTRATIVE INVESTIGATION REPORT (2023).

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.⁶ Since the publication of this report, allegations of misconduct, dysfunction, and retaliation have only increased. Because of these issues, HINU cannot retain leadership—Haskell’s latest President, Frank Arpan, is the university’s eighth president in six years.⁷

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.⁸ Mr. Mayes’ accusations were later substantiated and retaliatory allegations against him were proven false.⁹ In November of 2021, after Mr. Mayes reported misconduct, HINU ordered an investigation of Mr. Mayes.¹⁰ This investigation was carried out by the United States Postal Service (USPS) office in Massachusetts.¹¹ Mr. Mayes’ repeated requests for a DOI OIG investigation were denied,¹² and the USPS investigation concluded after eight months.¹³ In April of 2022, HINU terminated Mr. Mayes’ employment contract.¹⁴

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.¹⁵ Despite the threat of retribution by HINU

⁶ 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.

⁷ 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/>.

⁸ *Id.*

⁹ See ADMINISTRATIVE INVESTIGATION REPORT, *supra* note 5.

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

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ 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/>.

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.”¹⁶ Those same students also highlighted that Mr. Mayes then “became a victim of these attacks, abuse, harassment, by the same group [of HINU faculty].”¹⁷

After the outcry, BIE ordered an investigation into the students’ claims and the circumstances of Mr. Mayes’ termination.¹⁸ 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.¹⁹ 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.²⁰ 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.²¹ In the letter, students wrote that “Haskell’s response is non-existent” and that they believe “the investigation’s findings are 100% covered up.”²² The students’ letter was published by a local newspaper in March of 2023 in an attempt to draw more attention to the students’ message.²³

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 these investigations.”²⁴ 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....”²⁵

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.²⁶

¹⁶ 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).

¹⁷ *Id.*

¹⁸ See Hornbostel, *supra* note 15.

¹⁹ See McCoy, *supra* note 7.

²⁰ See Letter from Haskell Indian Nations University Students, *supra* note 17.

²¹ *Id.*

²² *Id.*

²³ 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/>.

²⁴ 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).

²⁵ 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).

²⁶ See Hornbostel, *supra* note 15.

B. Freedom of Information Act Requests and the Switched Report

Prying the BIE Report from BIE's fingers proved immensely difficult.²⁷ 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.²⁸ Four Haskell students who were interviewed as part of BIE's investigation also filed FOIA requests in September of 2023.²⁹ After being legally compelled to comply with the FOIA requests, BIE finally released a 528-page redacted report.³⁰ 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 2023.³¹

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, 2023.³² 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.³³ The Committee's letter and the requests therein went unanswered.³⁴ 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.³⁵ 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.³⁶

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.³⁷ One student, Tierra Thomas, reported sexual abuse on more than 30 occasions, but was ignored by HINU staff.³⁸ Ms. Thomas publicly

²⁷ 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/>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² See ADMINISTRATIVE INVESTIGATION REPORT, *supra* note 5.

³³ 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.

³⁴ *Id.*

³⁵ See ADMINISTRATIVE INVESTIGATION REPORT, *supra* note 5.

³⁶ See Hornbostel, *supra* note 15.

³⁷ *Id.*

³⁸ 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/>.

asserted that her attacker was not removed from campus and allegedly committed another assault.³⁹ Rather than 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.⁴⁰

Ms. Thomas is not alone. Other HINU students who have reported sexual assaults did not receive support from the HINU faculty.⁴¹ 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.⁴² In another case, a coach who allegedly touched a female student inappropriately was reprimanded only by being told to work remotely.⁴³ At least three other students were raped or sexually assaulted during separate off-campus university events.⁴⁴ The BIE report makes clear that Haskell's own sexual assault reporting procedures—if and when they are followed—are insufficient and dangerous.⁴⁵ 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.⁴⁶

Furthermore, the BIE Report exonerates Mr. Mayes and demonstrates that he was wrongfully terminated because he reported misconduct.⁴⁷ The BIE Report suggests that at HINU, “Mayes was set up for failure...”⁴⁸ 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.⁴⁹

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 towards 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.

³⁹ *Id.*

⁴⁰ 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>.

⁴¹ See Hornbostel, *supra* note 15.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ 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/>.

⁴⁶ *Id.*

⁴⁷ See ADMINISTRATIVE INVESTIGATION REPORT, *supra* note 5.

⁴⁸ *Id.*

⁴⁹ Document on file with the Committee on Natural Resources.