#### **ALLEGATIONS OF HARASSING CONDUCT**

U.S. Department of Interior

Bureau of Indian Affairs

Bureau of Indian Education

Haskell Indian Nations University

Lawrence, Kansas

Case # DOI-22-HCI-039-BIA

#### **INVESTIGATIVE REPORT**

This investigative report was prepared by the undersigned investigator and submitted to the agency on this 13<sup>th</sup> day of July 2022.



#### **NOTICE OF RESTRICTED USAGE**

Access to, and usage of, this Fact-Finding Report file is **RESTRICTED** to the Agency officials who must have access to the files to discharge their Official duties.

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#### **DECLARATIONS:**

A. Clay Mayes Head Cross Country Coach (contractor)

U.S. Department of Interior
Bureau of Indian Education
Haskell Indian Nations University

Lawrence, Kansas

B. (b)(6) (b)(6)

U.S. Department of Interior
Bureau of Indian Education
Haskell Indian Nations University

Lawrence, Kansas

c. (b)(6) (b)(6)

U.S. Department of Interior Bureau of Indian Education Haskell Indian Nations University

Lawrence, Kansas

U.S. Department of Interior
Bureau of Indian Education
Haskell Indian Nations University

Lawrence, Kansas

[FACT FINDERS NOTE: In addition to the witnesses interviewed, (b)(6)

(b)(6)

were identified as witnesses to be interviewed. The fact-finder was informed by the agency that (b)(6)

would not be interviewed (b)

The fact-finder was not provided with contact information for (b)(6) The fact-finder contacted (b)(6) via email with no response.]

#### Attachment to Declaration A:

**Declaration Page #** 

Emails and text messages on various dates with respect to the claims made by the student athletes and the investigation

7 - 154

#### **Attachment to Declaration C:**

**Declaration Page #** 

notes from meeting with Clay Mayes in November 2021

5

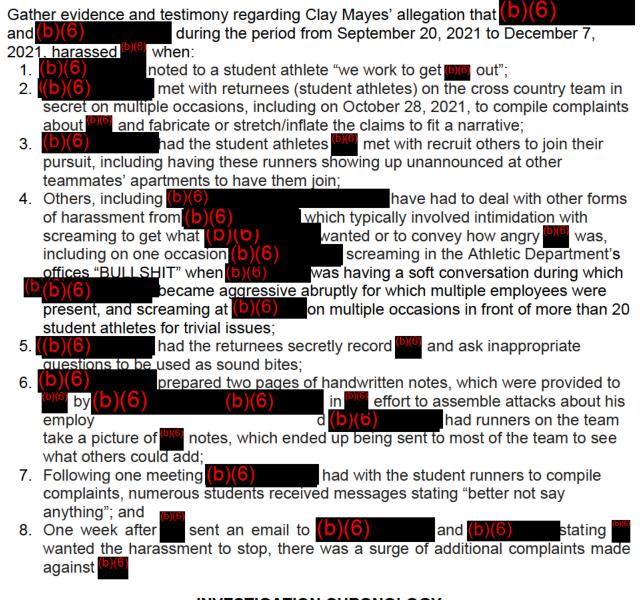
[FACT FINDERS NOTE: In addition, (b)(6) has a documentation related to the issues addressed herein that were compiled as part of a FOIA response that are not included in this report.]

### **EXHIBITS**

DOCUMENT		# OF PAGES	
1.	Harassing Conduct Allegation Intake Form	5	
2.	Secretary of Interior, Personnel Bulletin No: 18-01, Prevention and Elimination of Harassing Conduct, March 23, 2018	18	

#### INVESTIGATIVE SUMMARY

#### Statement of Claims and Issues to be Investigated:



#### INVESTIGATION CHRONOLOGY

The United States Department of Interior (DOI) Bureau of Indian Education requested, on December 9, 2021, the U.S. Postal Service, National Equal Employment Opportunity Investigative Services Office (NEEOISO) conduct an investigation into the allegations that were raised by Clay Mayes, the Head Cross Country Coach at Haskell Indian Nations University (HINU) in Lawrence, Kansas. (b)(6) was assigned the fact-finding investigation on December 10, 2021. At the request of the agency the investigation was on hold during the period from December 2021 through January 2022.

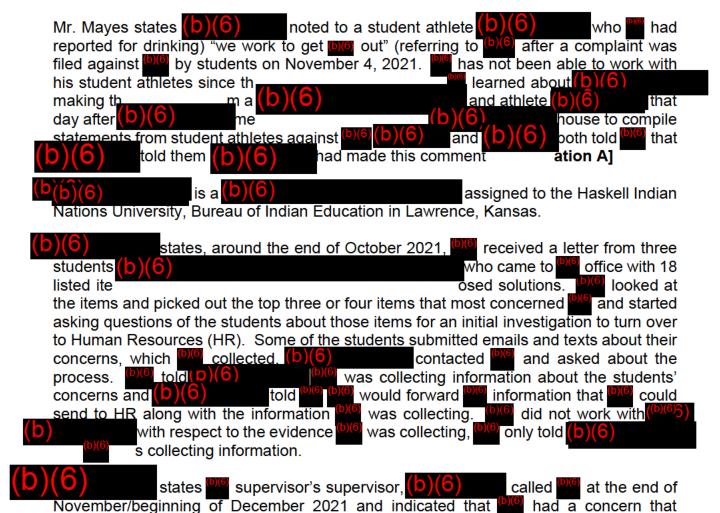
This investigation was conducted telephonically between February 24, 2022 and May 6, 2022.

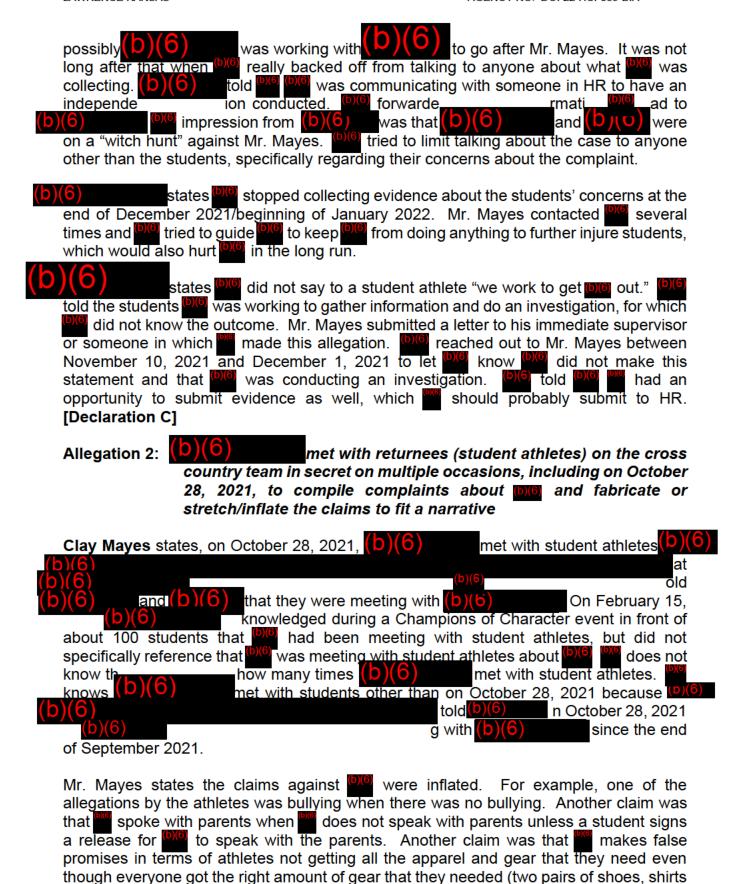
#### **DECLARATION TESTIMONY:**

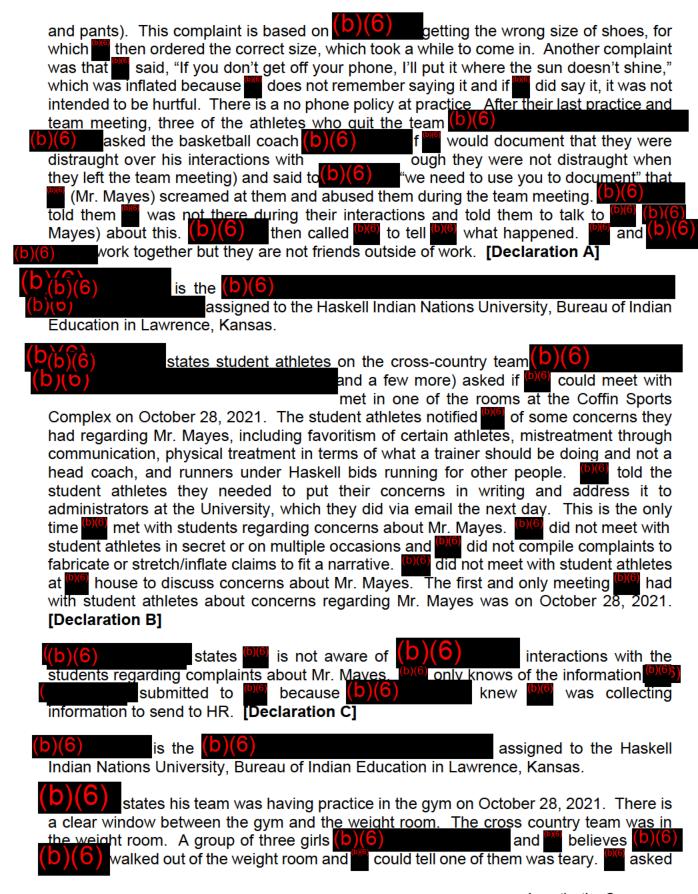
[FACT FINDERS NOTE: The fact-finder began each witness interview by explaining role; the purpose of the interview; and the need for the witness to cooperate. The witnesses were also advised of freedom from retaliation for participating in the investigation and to whom to report retaliation should it occur. At the close of each interview, the witnesses were asked if there was any other information they wished to offer and asked not to discuss their testimony with others. Each witness was also advised to provide any documentation to support or corroborate their individual testimony.]

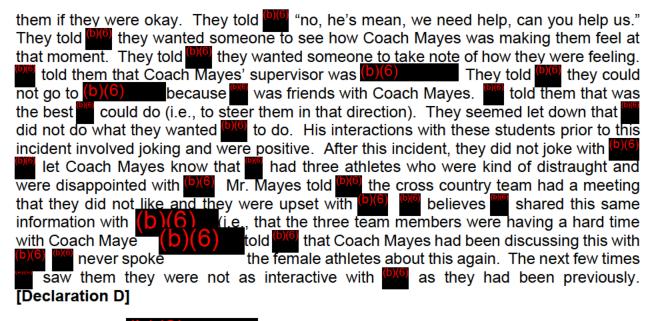
Allegation 1: (b)(6) noted to a student athlete "we work to get out"

**Clay Mayes** is the Head Cross Country Coach (contractor) assigned to the Haskell Indian Nations University, Bureau of Indian Education in Lawrence, Kansas.

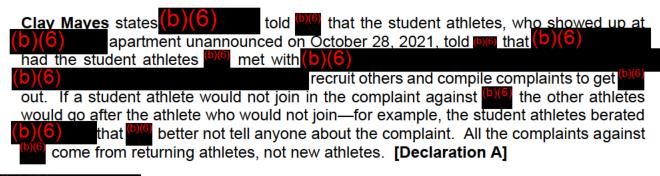








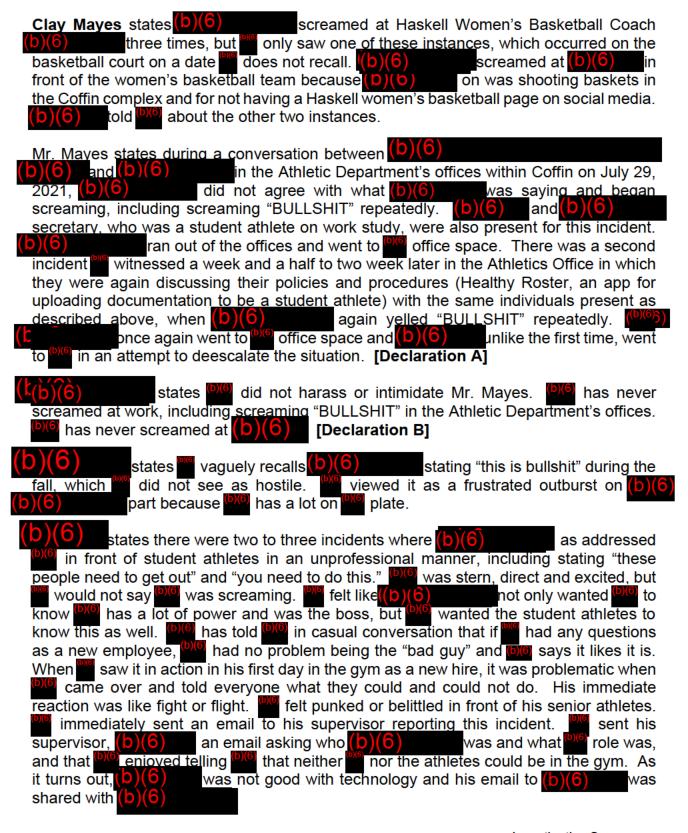
Allegation 3: (b)(6) had the student athletes (b)(6) met with recruit others to join their pursuit, including having these runners showing up unannounced at other teammates' apartments to have them join

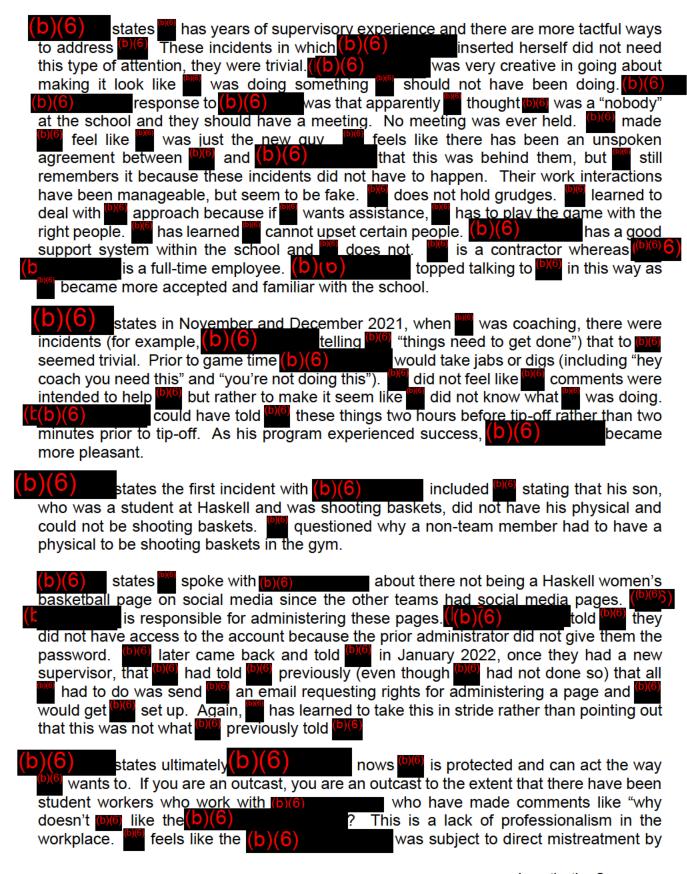


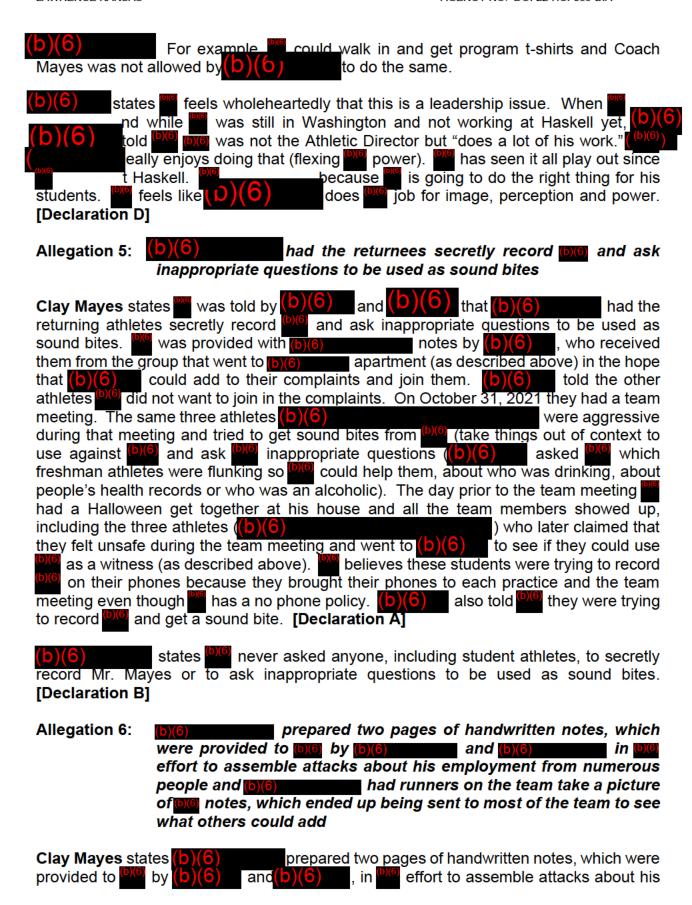
to make complaints about Mr. Mayes. showing up unannounced at other teammates' apartments to have them join in complaints against Mr. Mayes. did not say anything to the student athletes against Mr. Mayes. (b)(6) did not say anything to the student athletes (b)(6) met with that could be construed as encouraging them to recruit other teammates to make complaints about Mr. Mayes. [Declaration B]

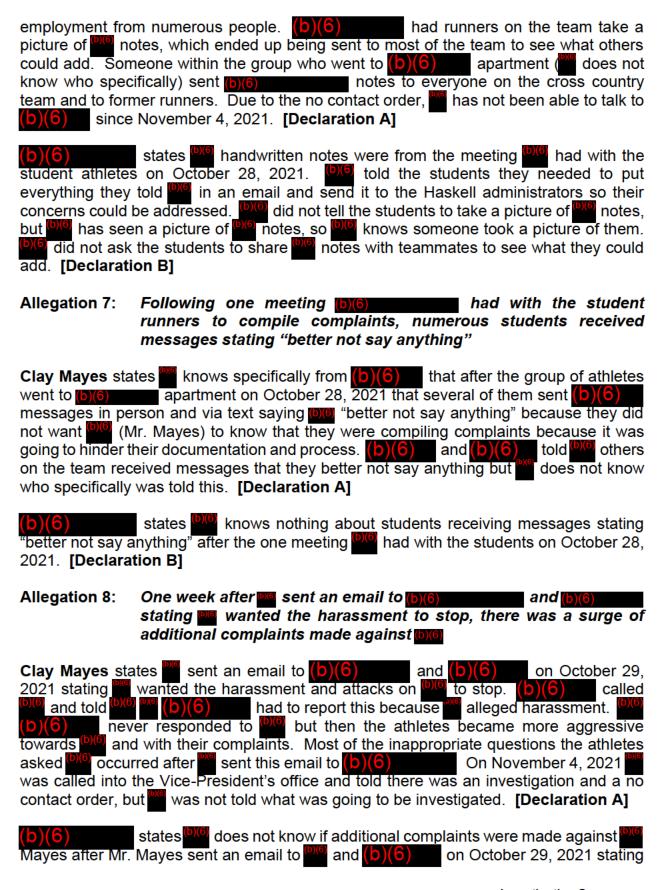
Others, including Allegation 4: have had to deal with other forms of harassment from which typically involved intimidation with scre nat | (b)(b) wan<u>ted or to convev ho</u>w angry <mark>b)(6)</mark> was, including on one occasion scre<u>aming in</u> the Athletic Department's offices "BULLSHIT" when (b)(6) was having a soft conversation during which became aggressive abruptly for which multiple were present, and

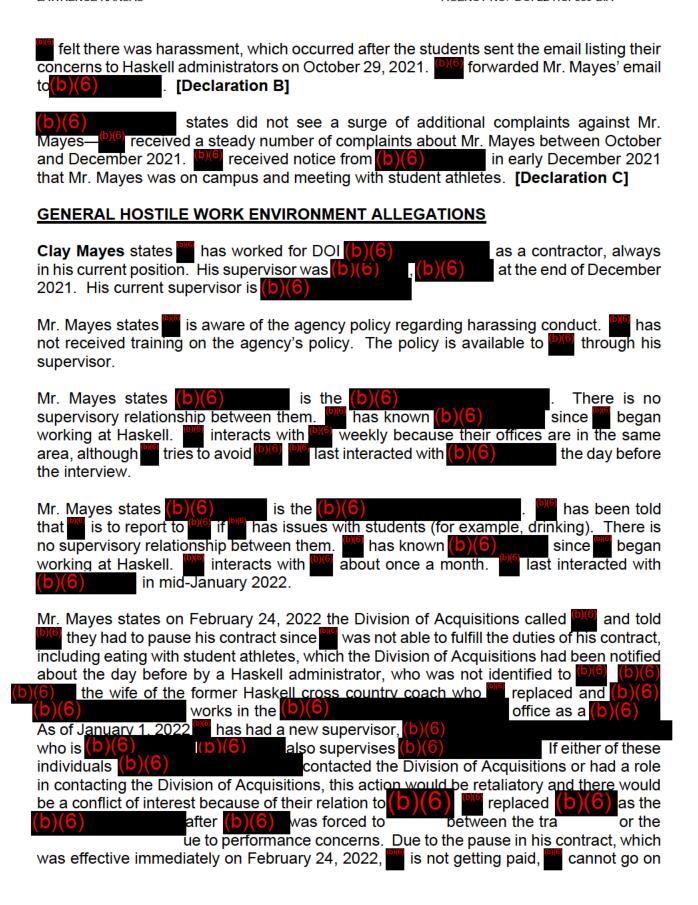
# screaming at (b)(6) on multiple occasions in front of more than 20 student athletes for trivial issues

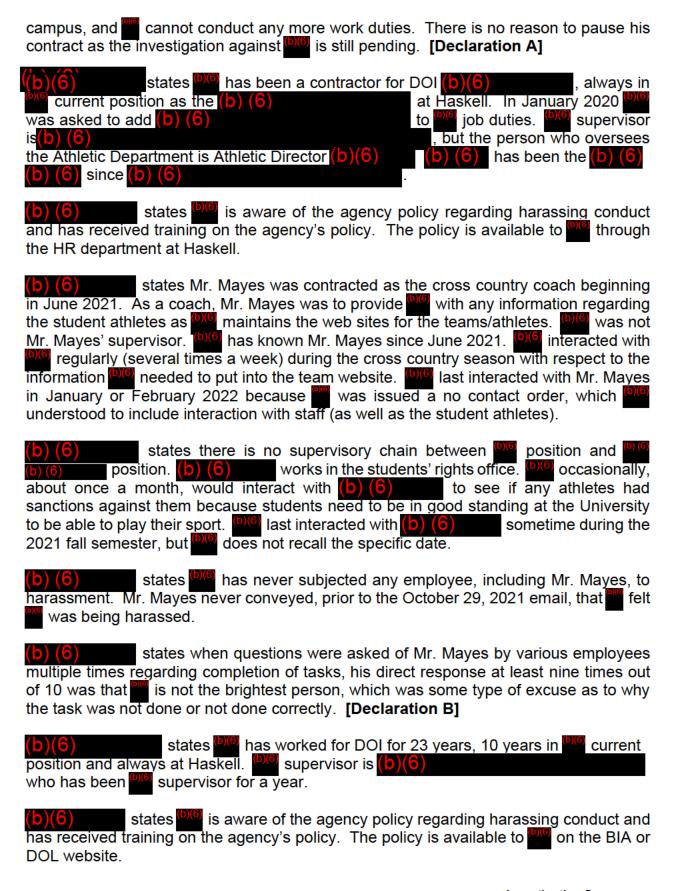


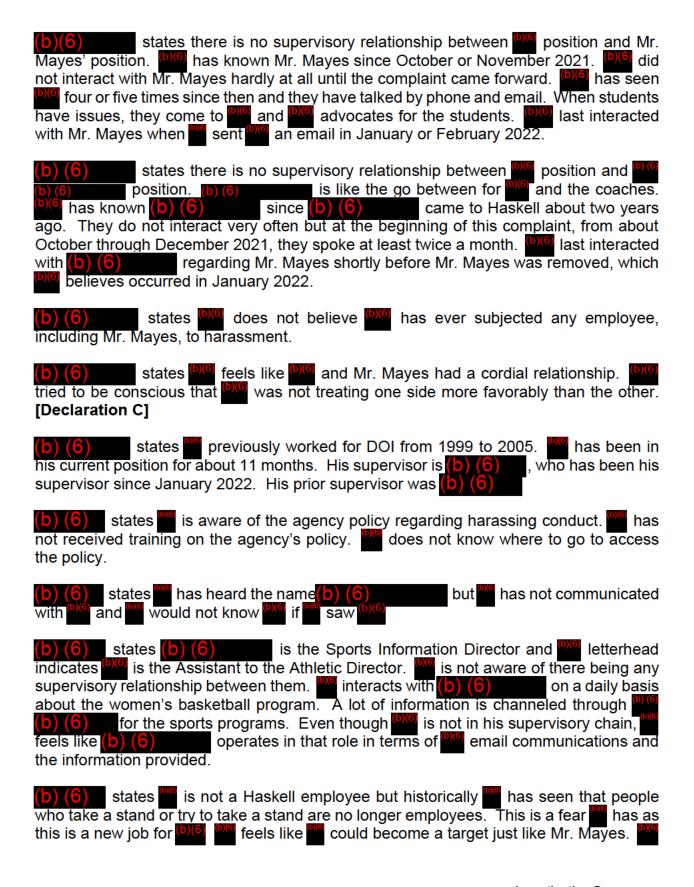












told Mr. Mayes was a target, that management was after [Declaration D] [Declaration D]

#### **RECORD EVIDENCE:**

Harassing Conduct Allegation Intake Form. [Exhibit 1]

[FACT FINDERS NOTE: The Harassing Conduct Allegation Intake Form is dated September 15, 2021, which appears to be an error as the allegations cite dates from September 20, 2021 to December 7, 2021.]

Emails and text messages on various dates with respect to the claims made by the student athletes and the investigation. [Attachment to Declaration A, pages 7-154]

notes from meeting with Clay Mayes in November 2021 regarding situation that was happening with the cross country team. [Attachment to Declaration C, page 5]

Secretary of Interior, Personnel Bulletin No: 18-01, Prevention and Elimination of Harassing Conduct, March 23, 2018. **[Exhibit 2]** 

Job Title:

Work Location:

Haskell Indian Nations University (HINU)

**Bureau of Indian Education** 

Lawrence, Kansas

Date of Interview: February 24, 2022 and March 2, 2022

Clay Mayes hereby make this Declaration.

I understand that I am making this statement under penalty of perjury; that it is the equivalent of a sworn statement made under oath; and that it may be filed in proceedings before the Merit Systems Protection Board (MSPB) or the Equal Employment Opportunity Commission (EEOC), in the grievance process or before an Arbitrator, in court, or in any other similar proceeding.

This statement is voluntary and no promises of any kind have been made to me and I have not been subjected to any threatening or coercive behavior for the purpose of obtaining this declaration.

I understand that this declaration is part of an official management investigation and that this investigation is not part of the Equal Employment Opportunity (EEO) process.



I have worked for DOI since position. My supervisor was My current supervisor is

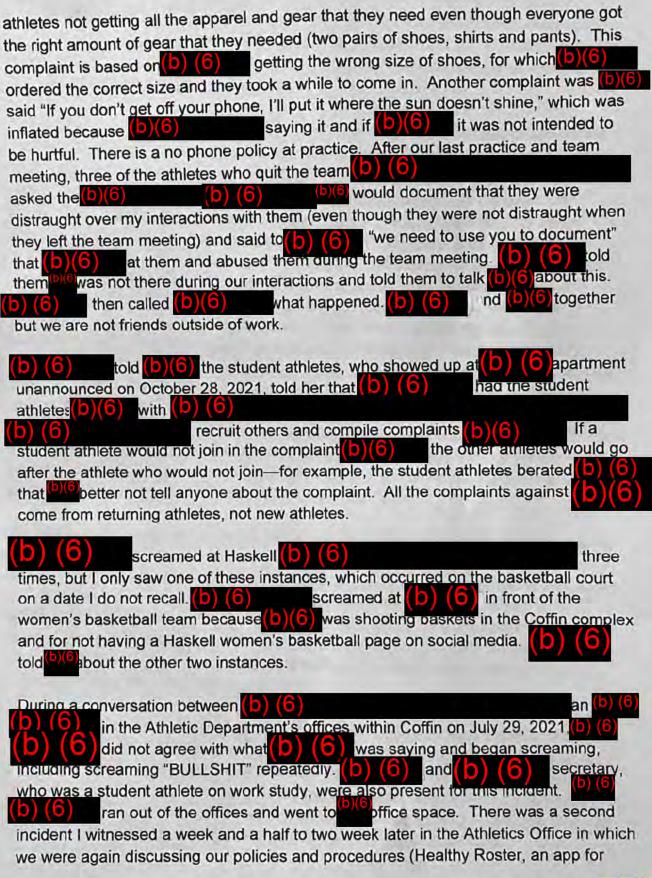
always in my current who retired at the end of December 2021. I am aware of the Agency policy regarding harassing conduct. I have not received training on the agency's policy. The policy is available to me through my supervisor. I have been told that I report to (for example, drinking). There is no supervisory since I began working at relationship between us. I have known Haskell. I interact with about once a month. I last interacted with bin mid-January. There is no supervisory since I began working at relationship between us. I have known (6) Haskell. I interact with her weekly because our offices are in the same area, although I try to avoid her. I last interacted with her the day before the interview. noted to a student athlete who I had reported for drinking) "we work to get out" (referring to b)(6) after a complaint was filed against been able to work with by students on November 4, 2021 (b) (6) student athletes since then. On October 28, 2021 I learned about making this comment from a former runner and athlete that day after met with student athletes at statements from student athletes against told them had made this comment On October 28, 2021 met with student athletes house to compile statements against (b)(6) These student athletes told that they were meeting with acknowledged during a Champions of Character event in front of about 100 students that (b)(6) had been meeting with student athletes, but did not specifically reference that (b)(6) was meeting with student athletes about not know the other dates or how many times met with student met with students other than on October 28, 2021 because athletes. I know and (b) on October 28. apartment that they had been meeting with the end of September. The claims against (b) (6) inflated. For example, one of the allegations by the

with parents unless a student signs a release for

athletes was bullying when there is no bullying. Another claim was that

(6) with the parents. Another claim was that (6) false promises in terms

parents when



uploading documentation to be a student athlete), with the same individuals present again yelled "BULLSHIT" repeatedly. 🚺 as described above, when (b)(6) unlike the first time, went to once again went to office space and (b)(6 in an attempt to deescalate the situation. had the returning athletes secretly record back inappropriate questions to be used as sound bites because I was told this by (b)(6) notes by (b)(6) who received them and was provided with (b)(6) from the group that went to her apartment (as identified above) in the hope that could add to their complaints and join them. (b)(6) told them (b)(6) did not want to join in the complaints. On October 31, 2021 we had a team meeting. The during that meeting were same three athletes take things out of context to use aggressive and tried to get sound bites from asked which against (b)(6) and ask me inappropriate questions (b) freshman athletes were flunking so could help them, asked b) about who was drinking or people's health records or who was an alcoholic). The day prior to the and all the team members team meeting who showed up, including the three athletes later claimed that they felt unsafe during the team meeting and went to see if they could use him as a witness (as described above). I believe these students on their phones because they brought their phones to each were trying practice and the team meeting even though and get a sound bite. told me they were trying prepared two pages of handwritten notes, which were provided (5) 6 effort to assemble attacks about my had ( ) on the team take a employment from numerous people. notes, which ended up being sent to most of the team to see what others could add. Someone within the group who went to (6) apartment (I do notes to everyone on the crossnot know who specifically) sent country team and to former runners. Due to the no contact order, I have not been able to talk to (b) (6) since November 4th. I know specifically from hat after the group of athletes went to apartment on October 28, 2021 that several of them sent (b)(6) messages in person and via text better not say anything" because they did not want me to know that they were compiling complaints because it was going to hinder their documentation and others on the team received messages that they process. told better not say anything but I do not know who specifically was told this.



On October 29, 2021 I sent an email to (b)(6) and (c)(b)(6) and told (b)(6) had the harassment and attacks (b)(6) to stop. (b)(6) called (b)(6) and told (b)(6) had never responded to report this because I alleged harassment. (b)(6) never responded to the never responded to the put then the athletes became more aggressive towards (b)(6) and with their complaints. Most of the inappropriate questions the athletes asked (b)(6) occurred after I sent this email to (b)(6) On November 4, 2021 I was called into the (b)(6) office and told there was an investigation and a no contact order, but I was not told what was going to be investigated.

On February 24, 2022 the Division of Acquisitions called and told pause my contract since I was not able to fulfill the duties of my contract, including eating with student athletes, which the Division of Acquisitions had been notified about the day before by a Haskell administrator, who was not identified to who I replaced and current of the office as a works in the of January 1, 2022 I have had a new supervisor, also supervises contacted the Division of Acquisitions or had a role in contacting the Division of Acquisitions, this action would be retaliatory and there would be a conflict of interest because of their relation to after 0 was forced to choose due to performance concerns. Due which was effective immediately on February 24, 2022. I

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. This declaration, including this page, consists of 6 pages.



Position Title, Level



HASKELL Indian Nations University
Place of Employment

3-17-2022

Date

[EXTERNAL] Investigation - Clay Mayes - Haskell - Doc 1 of 2.



**CAUTION**: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

I am currently involved in two ongoing investigations as noted.

- The first investigation involves ou (b)(6)

  becoming aggressive and creating a hostile environment on multiple occasions, and on the first occasion it dealt wit (b)(6) screaming, "That's bullshit!" Within the confines of our athletic offices to (b)(6) with (b)(6) an (b)(6) student-athlete work study present.
- The first investigation involves ou (b)(6)

(b)(6)

The first investigation involves ou (b)(6)

(b)(6)

- occasions, and on the first occasion it dealt wit bullshit!" Within the confines of our athletic offices to bullshit!" Within the confines of our athletic offices to bullshit!" Within the confines of our athletic offices to bullshit!" within the confines of our athletic offices to bullshit!" within the confines of our athletic offices to bullshit!" Within the confines of our athletic offices to bullshit!" within the confines of our athletic offices to bullshit!" within the confines of our athletic offices to bullshit!" Within the confines of our athletic offices to bullshit!" within the confines of our athletic offices o
  - o As early as September 202 (b)(6) was secretly meeting with XC student-athletes multiple times a place of residence to compile complaints against myself. These meetings occurred only with student-athletes that were recruited by the former xc (b)(6) before I took over the position.
  - had previously informed me tha (b)(6) and (b)(6) "purchased loyalty" from student-athletes through expensive meals, extra gear, and gifts of jewelry. I have attache (b)(6) statement to this email.
  - o (b)(6) efforts including having retue ing student-athletes recruit the newly brought in XC runners to join the official grievance, of which all refused

When I became aware of these meetings, I emaile

 $^{(6)}_{an}$  (b)(6)

on 10/29/2021 requesting that the harassment and consistent attacks stop immediately never responded in any form (b)(6) complaints launched the first investigation and a "no-contact order" effective November 4, 2021. My current supervisor at the time (b)(6) was aware of these accusations and documented that the complaints were inconsistent and

falsified.

o Th (b)(6) also barred me communicating with new XC student-athletes I brought in two months post-investigation start date for the Spring of 2022's semester in January.

- o ALL student-athletes I recruited and brought to Haskell have had zero complaints. All issues resonate from (b)(6) and a couple other Haskell administrators and a few returning student-athletes who were/are previously student-athletes fo (b)(6)
- o The second investigation was at my request.
  - o In December 2021, I began my attempts at submitting a complaint in regards to the false allegations and retaliatory actions I have been experiencing from multiple employee (b)(6) attempted to assist me, but no one else would direct me on how to submit my complaints.

Harassment and hostil	e confrontations have magnified b	both wit (b)(6)
and sinc (b)(6)	was promoted t (b)(6)	on January 1, 2022 (b)(6)
was in the position o	(b)(6) several years ago	o but wa (b)(6)
(b)(6)	This information was prov	rided to me by multiple employers.
(b)(6) did openly sa	(b)(6) but this was in regar	ds to, "I cared too much about
football." I have been	unable to work efficiently and effe	ectively with constantly fending off
harassment, being foll	owed at work, and being talked do	own in front of others on multiple
occasions. I am certain	n this is retaliation for my (b)(6)	
b)(6)	though I had no part in t	hat decision.
	, I received a call from the Division of Acquiand I was	
	ision noted that a current Haskell	administrator contacted
g my (b) (	o)	
(b)(6)		
Whoever contacted th	e Division of Acquisitions is likely	v connected t (b)(6)

through the President's

through the Athletics department or wit

-10/16/21 (b)(6) asks (b)(6) for the parents' contacts, dates, and time (b)(6) changed her story to, "I actually hear (b)(6) was breaking rules as I was walking by student-athletes and I ove<u>rheard</u> them talking about it. (b)(6) noted promptly informed (b)(6) change story an No further action was taken.

#### ·11/4/2021:

 A formal investigation again begins.

o I aske (b)(6) I to inform (b)(6) why (b)(6) No one would te (b)(6) so I was left unable to (b)(6)However, I had an idea after seein (b)(6) handwritten notes and being contacted by (b)(6) and

o I was made to sign not knowing what accusations were being submitted despite

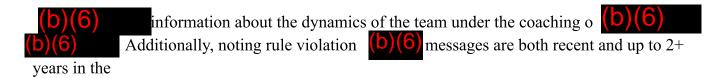
#### [EXTERNAL] Investigation- Clay Mayes - Haskell



Contracto (b) (6)

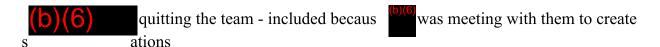
CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

2nd attachment of documents include:



discussing our due process as a Haskell administrator, a has the knowledge on our procedures with a high ranking position within the BIE.

was meeting with them to create quitting the team - included becaus systematic allegations



was meeting with them to create quitting the team - included becaus systematic allegations

-Team pictures of a Halloween get together at my house on 10/30/2021. Pictures include all returning student-athletes who went t (b)(6) and compiled complaints. This picture is included because thes (b)(6) noted they did not feel safe and the environment was tense. For this get together one only had to come if they wanted.

# [EXTERNAL] Documentation (b)(6) (b)(6) Mon 3/7/2022 7:26 PM To (b)(6) - Contracto (b)(6)

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

Email as noted to add to the file

From (b)(6)

Date: Wed, Mar 2, 2022 at 7:57 AM

Subject: clay mayes

To (b)(6)

CC (b)(6)

## (b)(6)

My name is (b)(6) and I recentl to ask that you take a personal interest in the situation that is happening in the I believe that there is intimidation and bullying at least going on toward Coach Clay Mayes has now had hi but look at his recruiting and program building tha has been doing. I also believe that there is a conflict of interest with the acting Athletic Director and Clay Mayes the Cross Country Coach who replaced this year, which is not Coach Mayes's fault. I think some nepotism also may exist with the the presen point) is one of the more and could be a very good program if it had support and positive effort toward it and (b) (6) I am not the only one who feels this way and we all want to suppor Clay Mayes deserves to be supported and backed by the Universit but it seems to all of us that know and understan (D)(6) tha has not been given a chance to thrive has been trying to battle barriers and limitations put in front o sinc sinc pot to Haskell. Please do not take my word on this but contac and visit with on this. I believe tha s being railroaded out by several other people also that are in the click at Haskell agains if you need anything else on this situation. Please contac

Respectfully submitted,

(b)(6)

#### [EXTERNAL] Email / Investigation- Documents

# (b)(6) Mon 3/14/2022 3:41 PM

To (b)(6) - Contracto (b)(6

26 attachments (12 MB)

Mar 4, Doc 1 1.jpg; Mar 4, Doc 1 2.jpg; Mar 4, Doc 1 3.jpg; Mar 4, Doc 1 4.jpg; Mar 4, Doc 1 5.jpg; Mar 4, Doc 1 6.jpg; Mar 4, Doc 1 7.jpg; Mar 4, Doc 1 8.jpg; Mar 4, Doc 1 9.jpg; Mar 4, Doc 1 10.jpg; Mar 4, Doc 1 11.jpg; Mar 4, Doc 1 12.jpg; Mar 4, Doc 1 13.jpg; Mar 4, Doc 1 14.jpg; Mar 4, Doc 1 15.jpg; Mar 4, Doc 1 16.jpg; Mar 4, Doc 1 17.jpg; Mar 4, Doc 1 18.jpg; Mar 4, Doc 1 19.jpg; Mar 4, Doc 1 20.jpg; Mar 4, Doc 1 21.jpg; Mar 4, Doc 1 22.jpg; Mar 4, Doc 1 23.jpg; Mar 4, Doc 1 24.jpg; Mar 4, Doc 1 25.jpg; Mar 4, Doc 1 26.jpg; Mar 4, Doc 1 26.jp

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

For whatever reason my first email doesn't show it went through on my end.

It may have been sent but for good measure here is the last timeline, and attachment of supporting documents.

There is no other documents I will need to include, and this is everything. My apologies for any troubles.

There has been two updates, Haskell' (b)(6) said they are going to (b)(6) but that hasn't officially been done(today or tomorrow it is 'suppose' to be retracted,' ye (b)(6) and (b)(6) passed the "track coach" position to (b)(6) who has not obtained any experience, as well as teaches, is the coach and holds another position at Haskell.

Here is what the documents include within this email:

- -Document that includes the regulation for conflict of interest
- -The no-contact agreement
- -The stop work order
- -Regulations on wasted spending (issue being repeated wit
- -Emails o retracting my budget from 38,000+ to -11,000
- -Emails to (b)(6) and and (b)(6) askin returning student-athletes
- (b)(6) hand written note (b)(6) compiled with these student-athletes
- -Team message stating for the current athletes to go to ou (b)(6) as going through anyone else isn't our protocol
- -Email form (b)(6) noting the returning student athletes became hostile and aggressive to obtain a reaction

As of recently on 2/24/2022 my (b)(6) with
no due process. It has not been unpaused yet, but after a discussion with ou (b)(6)
and ou (b)(6) met with me on 3/11/2022 and noted
Division of Acquisitions will contact me an (b)(6)  I am suppose to hear from there
today (14th) or tomorrow (15th). Up till this day on 3/14/2022 I have yet to hear about any
allegation or reason from the administrators enforcing th (b)(6) and starting the
(b)(6) With the meeting with ou (b)(6) on 3/11, I noted openly, "I have yet to hear
about what these allegations are, and what th (b)(6) is over. I thought there was suppose to
be a due process?" The question was ignored by th (b)(6)
As for an overview:
I was informed before my start date at Haskell 6/22/2021 that th (b)(6) family might cause
difficulties for my position b (b)(6)
(b)(6) I had no idea to the degree that th (b)(6) family would
go to undermine my position at Haskell. I was also unaware of the extent that th (b)(6) family
permeated various levels within Haskell:
(b)(b)
(b)(6) (b)(6)
(b)(6) and now assigned as th (b)(6)
(b)(6) has no experience of any kind as the Haskel (b)(6) Where as I do with
national honors.
(b)(c)
I am currently involved in two ongoin
• The firs (b)(6) involves attacks that all radiated from ou (b)(6)
• The firs (b)(6) involves attacks that all radiated from ou (b)(6)
• As early as September 2021 (b)(6) was secretly meeting wit (b)(6) multiple times at
her place of residence to compile complaints against myself (b)(6) handwritten notes and
complaints from one of these meetings with students was sent to me by other students. Complaints
included such things as, "Play's favorites," - "Does not give enough running gear," - "Told athletes
(b)(6) does not know what he is doing," etc.
• These meetings occurred only with students who becam (6)(6)
(b)(6) previously.
(b)(6) had previously informed me tha (b)(6) "purchased loyalty" from hi
(b) through expensive meals, extra gear, and gifts of jewelry. I have attached his statements to
this email.
• When I became aware o meeting and recruiting these students aligned with the
emaile on 10/29/2021 requesting that the
harassment and consistent attacks stop immediately hever responded in any form. Days later,

- Contractor - Outlook

3/15/22, 3:36 PM

(b)(6) complaints with these students launched the first investigation and (b)(6)
effective on November 4, 2021. My current supervisor at the time (b)(6) was aware of these
accusations and documented that the complaints were inconsistent and falsified. At no time was I
made aware of what the allegations were, nor was I given any opportunity to respond to any of
these allegations.
• Th (b)(6) also barre from communicating with new (b)(6)
brought in two months post-investigation start date for the Spring of 202 nuary.
<ul> <li>ALL student-athletes that I recruited and brought to Haskell have had zero complaints. All issues</li> </ul>
resonate from a few Haskell administrators and a few returning student-athletes who were/are
previously student-athletes fo (b)(6)
The second investigation was a (b)(6) and an imprequest for the harassment and false
allegations I was experiencing as consistent attacks.
• In September of 2021 (6) and I began our own attempts at submitting a complaint in
regards to the false allegations and retaliatory actions I have been experiencing from multiple
employee (b)(6) did help with the process, but no one else would direc on how to
submi complaints.
After months of trying to navigate through the complaint process, I was able to submit a
complain (b)(6) approved of and pushed the complaint forward to begin the investigation
process. I was only just contacted by an investigator to explore these complaints on February 24th,
(b)(6)
Harassment and hostile confrontations have magnified sinc (b)(6) wa (b)(6)
on January 1, 2022 Was in the position o
Process on the Community of the Communit
(b)(6) I have been unable to work efficiently and effectively with constantly fending off harassment, being followed at work, and being talked down in front of others on
multiple occasions. I am certain this is retaliation for my replacement o
as th (b)(6) though I had no part in that decision.
thought had no part in that decision.
I sought assistance through the proper chain of command by first informing one of my supervisors,
in an attempt to resolve ongoing harassment, retaliation, and attacks
towards my position at Haskell. The issues remained unresolved and began to magnify and
multiply (b)(6) advised o contact the Haske (b)(6) to reach a
more immediate resolution due to the urgency of the situation.
Laureilad de (b)(6)
I emailed the continue to discuss a great and issues I married and represent the state of the st
three times that I needed a meeting to discuss concerns and issues. I received no response and was ignored as the attacks continued. The day after I last asked for this talk and discussion, a Haskell
administrator called in to push for th
administrator caned in to push for the
To note, th (b)(6) is not on-campus too often, s (b)(6)
(b)(6) work duties. Additionally (b)(6)
screens everything before it reaches th

Contractor - Outlook

3/15/22, 3:36 PM

On February 24, 2022, I received a call from the Division of Acquisition. With no warning, notice, or any sort of due process, the Division of Acquisition stated my and I was t effective immediately. The Division noted that a current Haskell administrator contacted them, stating my contract obligations could not be fulfilled due to an ongoin affecting my ability to hold practices. Whoever contacted the Division of Acquisitions is likely connected t through the or with (b)(6) through th This falls under retaliatory are currently subject to the investigation that I requested. Essentially, the Haskell administrator who called Division of Acquisitions escalated the harassment I have been There are several violations in navigating b (b)(6) regards to the various conflicts of interest with hiring (b)(6) as well as, family members being involved in other departments to coerce others to oblige to certain issues of nepotism.

I am not concerned about any negative findings abou (b)(6) through this process. However, the investigation is still unfinished after 4.5 months. I can onl (b)(6) if the university decides t (b)(6) after the investigation concludes.

#### A full overview and timeline:

• Before my start date:

-The forme (b)(6)

th (b)(6)

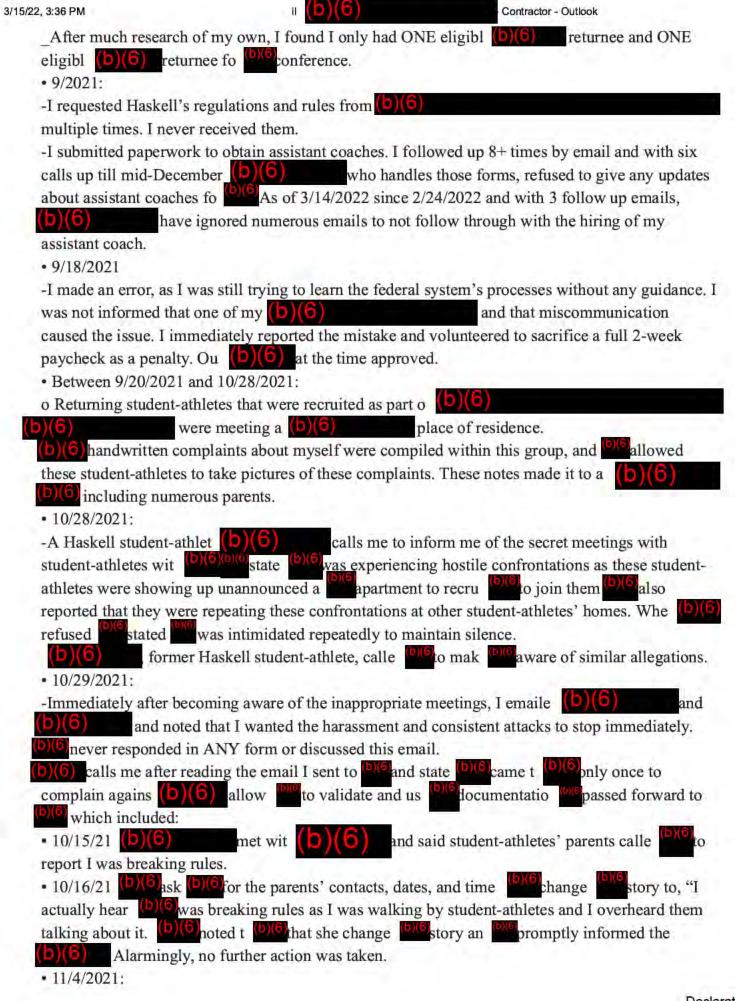
This occurred before I was hired, and I was not involved wit (b)(6)

b)(6)

decision nor wit (b)(6)

choice.

- 6/22/2021: Start date
- -I never received any sort of work orientation at any point at Haskell.
- -I contacte (b)(6) numerous times by call and documented emails to obtain critical information for my position, including:
- Which student-athletes would be returning fo
- Which returners were eligible
- Status of pas
- Protocols and procedures
- Login information for Haske social media sites and (b)(6) which is the platform for enrolling student-athletes int (b)(6)
- -My start date at Haskell was three weeks PAST our Fall of 2021's deadline, but I was able to bring in several new student-athletes before they closed the deadline.



22, 3.30 FW		- Contractor - Cutions	
o A formal investigation again	ist me begins.	7.7	
o I have aske (b)(6)	to inform me	why I was being investigated. No one	3
would tell me information in r	egards to th (b)(6)	or the investigation. I was left	t
unable to defend myself. How	ever, I had an idea with obt	aining (b)(6)handwritten notes and be	ing
contacted b (b)(6)			
o I was made to sign a "no-con	ntact order" b (b)(6)	despite not knowing	
what accusations were being s	ubmitted against me (b)(6)	was also present. This	3
이 그렇게 뭐요요. 중심하게 되었습니다. 그리고 이 이미나에 하나 얼마나 주었다.		askell student-athletes and any parents	
• 12/2021:			
(b)(6)stated that the assistan	it coach process had not pro	ogressed due to the applican (b)(6)	
	l Foundation) not signin		not
		erous attempts to move forward since	
mid-to early-September.			
• 12/31/2021 (b)(6)	and my superviso (b)(6	5)	
• 1/1/2022:			
(b)(6) begin (b)(6) new 1	position a (b)(6)		
o During (b)(6) first days of	being th (b)(6) places a	\$10,000 order for gear for the (b)(6)	
(b)(6) This is a surplus of wast	ed spending, as th (b)(6)	has less than FIVE eligibl (b)(6	
student-athletes competing a	(b)(6) and four of the	se five did not compete i (b)(6) in his	gh
school.			
o I discover and see tha	have hundreds of s	shoes and boxes of gear they have	
stockpiled over the years place	ed within several different r	rooms and closets on Haskell's campus	s.
• 1/9/2022			
o Haskell administrator of 25+	year (b)(6) tells	me to get a lawyer noting: "I would	
suggest getting a lawyer at this	s point. I fee (1)(6) is going	g to go after you."	
• 1/2022 – 2/2022			
o In January, a Haskell admini	strator informed me that I v	was being investigated due to a potenti	ial
breach in student rights.			
그 아내 이 장면 없어 하래요? 그게 그 가입을 때 없어졌다면 하는 어떻게 하지 않다.		ows me at work several times, berating	g me
그녀의 아이에 살아가 되었습니다. 이 에 가는 바다 하다.	이번 이 전 하루 본 시간 그 아는 사이트 등에 많아 적다는데 ?	lost or misplaced. I believ	as
hoping to gain a reaction from			
o Ou (b)(6)	1.7 (4) (1) (4)	I this a few times and is willing to test	
	맞은 그 이번 이번에 보고 하고 있죠? 하다라고	the President an would be happy to	0
verify in-person, email, or by	letter.		
• 2/23/2022:	alaa da Jana aa		
		tells them that, due to the "no-contac	t
		nt-athletes both new and former and	
		My contract and pay are paused effec	
	in the off-season where pra	actices are limited and are not mandate	ed
in any way.			
• 2/24/2022			

contacted them is a current Haskell administrator.

o Division of Acquisitions stated they were not informed about the ongoing allegations, conflicts of interest, and the ongoing case of harassment when contacted by the reporting Haskell administrator.

I am seeking the following resolutions:

- 1. For my contract to resume so I can work/practice with all student-athletes that feel comfortable to do so. This includes the opportunity to coach my Fall of 2022 recruiting class, as I have obtained 20+ commitments thus far.
- 2. For a full investigation to take place into the systematic issues, attacks, and conflicts of interests currently going on.

My contract needs to be continued on/by April 24th, 2022.

(b)(6)<sub>just assigne</sub> (b)(6)2.) To be able to bring and coach student-athletes for track, a as the track coach.

previously trying to uproot my employment with repetitive attacks, being close friends Wit as well as, already being a professor and th (b)(b) with zero experience within track.

3.) To go through my CFO for approval for our budget, using and purchasing gear, and going to meet.

(b)(6) has been told my budget is 38,000 bu (b)(6) refuses to acknowledge this and claims I'm at -11,000. Both of my supervisors sai (0)(6) is doing so to limit my job duties and to create a case to show I'm not following our rules.

Despite using the "no-contact order" as a justification for pausing my contract, it did not prevent me from fulfilling expectations to hold practices, as there are no NAIA requirements to practice during the off-season. I continued meeting and exceeding all my contracted work duties.

Haskell publicly commits to a campus-wide culture based on "CIRCLE" values: Communication, Integrity, Respect, Collaboration, Leadership, and Excellence. The current environment does not reflect these values and is undeniably toxic and vindictive in nature. There are systematic issues – outside of my own direct experiences – that are being allowed to magnify with zero accountability.

I would not hav if I did not whole-heartedly love my job at Haskell. I am truly grateful for the opportunity to coach at

Haskell and the opportunity to work with up-and-coming Native youth from numerous communities. I also fully believe that, with the right leadership, passion, and accountability in place, Haskell has all the resources needed to reflect its principles and values with Indigenous pride.

Any guidance and support you can offer is appreciated. I just want the full ability to support the student-athletes to success and continue doing what I love.

For your reference, I attached:

- Sentiments offered from (b)(6) regardin (b)(6) and (b)(6) team culture over the years
- Advice and information offered from (b)(6) a GS level 13 BIE employee in Albuquerque. Additionally (b)(6) at tend an attend an attend an attendan.

#### **Related Contacts:**

(b)(6)

Gary Tanner - (785)749-8481 – former HINU Athletic Director until 12/31/21; Federal Employee



current student-athlete

- current student-athlete

- current student-athlete

former Haskell student-athlete

Best Regards,

Clay Mayes

### [EXTERNAL] Update - Add to Investigation - Clay Mayes



**CAUTION**: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Hello (b)(6)

Unfortunately, I have another update with ongoing issues I have been facing. I was advised to send you the attached documents/emails/reports.

I understand how busy you are. With the nature of these attacks disabling me from working and being paid, it's essential I communicate thoroughly with documentation about ongoing false allegations and attacks I've been facing. With (b)(6)

Haskell position, (b)(6)

I have no other route to combat current attacks.

My contract has been paused, I am receiving no pay, I am cut off from communicating with administrators, recruits, and their families. Last Fall, I was able to communicate and pursue recruitment with student-athletes. However, when the (b)(6)

I have been experiencing an escalation of harassment, intimidation, attacks, restricted job duties, and false allegations. I even noted to my supervisor and our Vice President that (b)(6)

due to work-related stress. Further details are below.

As you are aware, I have been reporting issues dealing with false allegations, harassment, nepotism, and attacks to my character and career at Haskell since September of 2021. Currently, my contract and my pay have been halted since 2/24/2022 due to an ongoing investigation into allegations against me that has yet to hold any merit. This has been an ongoing issue with the same Haskell employees.

has refused to respond to several reports, pleas about harassment, and false allegations. I have 7 emails I attached where I notified of ongoing allegations, issues, harassment, newfound work-related anxiety, and attacks I have been experiencing at work from 1/25/2022 to 2/28/2022 from (b)(6) and (b)(6) I also made 5 documented calls with (b)(6) and during these calls informed me would look into my grievances. However, anytime I followed up, there were zero responses or resolutions.

There are zero emails of any kind where I was able to get another administrator to address/respond to the reports and harassment. I temporarily stopped airing my grievances after 2/18/2022 because I



felt defeated with no responses. I did continue to document ongoing issues by journals and sending emails to myself.

I attempted to pursue alternative methods to handle my ignored grievances. I contacted our (b)(6) to inform of my concerns and issues, and also failed to respond. I emailed on:

- 2/9/2022
- 2/16/2022
- 2/22/2022

I attached those emails as well.

A contributing factor is the same family holding multiple positions in multiple departments and levels at Haskell, and if they're not family then they are openly close friends both at and outside of work. This was detailed to me by (b)(6)

for why our (b)(6)

has not given any sort of due process, and has refused to explain reasoning for an irrational no-contact agreement openly made with (b)(6)

As my (b)(6)

noted, "Just so you know, (b)(6)

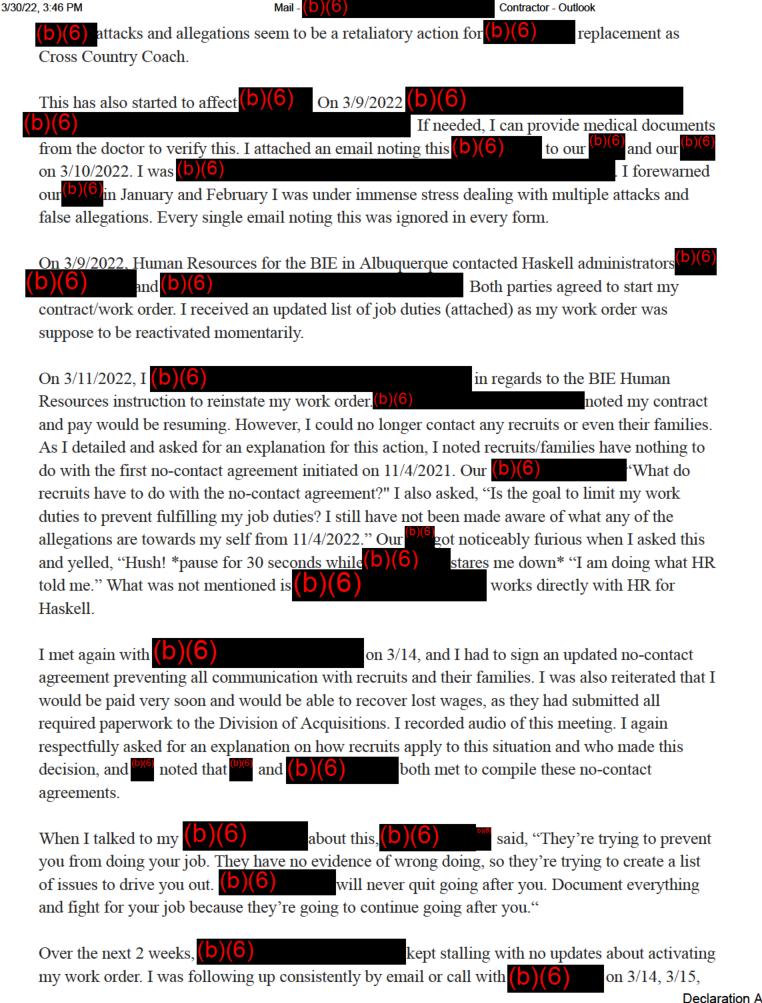
and (b)(6)

are inseparable at and outside of work as friends. Be weary of what you say and with whom."

On 2/23/2022 a Haskell administrator broke standard regulations and called the Division of Acquisitions to halt my contract/work order indefinitely due to the no-contact agreement put into place, and being magnified over time by (b)(6)

Within the same week my contract was paused, (b)(6) was selected as the Haskell Track Coach by (b)(6) , despite the fact that (b)(6) was recently meeting with (b)(6) returning student-athletes at false allegations about me. The allegations have directly resulted in dismissal. (b)(6) has zero experience with track.

(b)(6) Feasibly, to prevent a conflict of interest per BIE rules, (b)(6) and (b)(6) stepped down and they named (b)(6) as the successor. However, at the last coaches meeting, (b)(6) announced is still (b)(6) with (b)(6) with (b)(6) the (b)(6) with rules." There is no enforcement of these violations for conflict of interest, as administrators are openly supervising family members. When the BIE was made aware of this, they noted 'Haskell has told us they have taken steps to prevent the conflict of interest.' However, Haskell did not share how this was done, nor followed up on enforcement. (b)(6) are still very much involved as (b)(6) as they have held multiple (b)(6) meetings just this last week.



3/17, 3/18, 3/21 and (b)(6) stated they were either awaiting on documentation from Divisions of Acquisitions or (b)(6) look into the work order being activated, again.

On 3/23/2022, I was informed by Division of Acquisitions that more allegations came in against myself. Thus, I was to not to contact any students, student-athletes, recruits/families, or (newly added to the list) Haskell administrators. The stop work order was not going to be rescinded and it was to stay in place. As of today, I am without pay and with a halted contract since 2/24/2022.

On 3/24/2022 I followed up to investigate if the documents were ever sent by (6)(6) to reactivate my work order with Division of Acquisitions, and Division of Acquisitions said to me no such documents ever came in.

When questioned, BIE's Human Resources informed me that did not disclose that reported the harassment I began experiencing last Fall, but rather, said did not go through the right channels for the reports.

As I saw in person did pass forth the documentation, even noting, 'Clay I have to report this within 48 hours. I'll get it done.' And then on 11/4/2022, during the meeting in regards to the nocontact agreement, (b)(6) held these documents (reports and details about harassment) up in and said: "These are in narrative form. They need to be in bullet front of me and (b)(6) proof form." Although I was a caught off guard with this request, the following day I resubmitted the documents in bullet point format. I also told (6) these reports demand immediate attention with currently experiencing intimidation, harassment, and bullying going on. (6) will not do anything about it, as there is a process to follow and "This is not it." When I asked (6) (6) would not provide this process and originally led me to believe the process was putting reports into bullet point format.

emails, meetings, and talking with other administrators such as our emails, meetings, and talking with other administrators such as our did directly report the harassment and attacks I experienced to our (6)(6) Our (b)(6) and our (b) (6) was "too close" and was not permitted any say about my experience told that of ongoing harassment and allegations. Both administrators openly removed from having any stated to me recently can and is willing to confirm this. involvement. Additionally,

### Summary of noted issues:

- From all these issues and what I saw, (6)(6) was discarding all reports I made and detailed. Additionally creating irrational and atypical (b)(6)
- failed to take any action after receiving multiple emails about harassment and attacks. ALL reports neglected.
- failed to respond to ongoing issues and concerns expressed multiple times.

- hiring (b) (6) as the new Track Coach, which is a close friend and one of the administrators that is responsible for false allegations and harassment.
- Unrightfully halting my contract and pay with no evidence, no due process of any kind, and breaking our regulations in doing so.
- with ongoing allegations, and harassment.

I have provided within the attachments:

- 7 emails detailing the attacks and false allegations
- Emails to (b) (6) asking to meet to address concerns and ongoing issues
- 2/24/2022: Document of the stop-work order
- 3/9/2022:
- 3/9/2022: BIE's Human Resources noting the stop-work order would be rescinded
- 3/10/2022: Email sent to (6) talking about going to the
- 3/10/2022: Email sent to (6) equesting the information be sent by email due to previous miscommunication, and receiving this information by email would be a more transparent route, and would help combat allegations with outline documentation. No response from (b)(6) was received.
- Multiple emails asking for updates on when my work order contract would be reactivated
- 3/14/2022: Forced to sign another no-contact agreement made by (6) to include recruits and parents
- 3/23/2022: Follow-up email on the work order contract
- 3/24/2022: Email from BIE's Human Resources stating an (b) (6) was reported by Haskell administrators against me

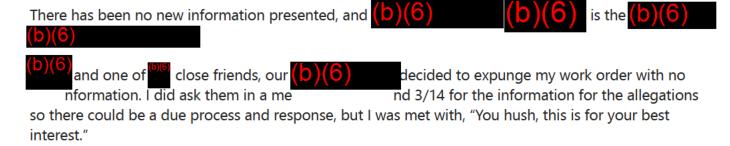
-Clay Mayes

Re: [EXTERNAL] Update - Add to Investigation - Clay Mayes

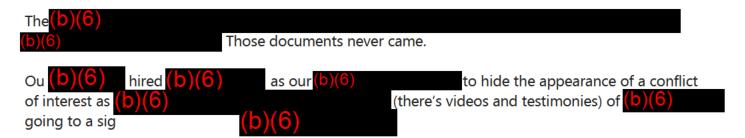


CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thank you for your response! I received an email on 4/18/2022 from Division of Acquisitions where they stated they are eliminating my work order. A Haskell administrator called them and stated due to the regulation that details, "Government Convenience," they can withdraw my work order even before my year contract is finished.



There was a mediation letter sent on 4/15/2022(Friday) from my end just a few days after an attorney took the case. The next work day was when I got the elimination for my work order.



There really needs to be be a couple investigators on campus and interviewing multiple employees, as these issues have been systematic for decades. Since a vast majority of new employees are contractors(not many rights) at haskell, they get pushed out. Most of Haskell's administrators are grandfather in and are federal employees (essentially have a lot of rights, and their union provides an attorney if needed). I'm not really sure I could do anything different to save my job from multiple attacks.

If you need the mediation letter noted, do let me know.

I am not sure if much can be done at this point. I had quite a few pleas and reports about ongoing harassment sent to multiple Haskell administrators, but I was never able to get one response from any Haskell administrator for resolve.

Regardless, I appreciate your time and help with being a non-biased investigator.



# Cancelation of PO # 140A2321P0425 Inbox









Good Afternoon Mr. Mayes,

The BIE is terminating 140A2321P0425 in accordance with FAR 52.212-4(I), Termination for the Government's Convenience. The termination is effective immediately. Please reply with the cost incurred as a result of this termination. Any amount claimed must be itemized and include a rationale of why and how the cost was incurred as a result of this termination. Please reply no later than COB 4/22/22.



On Tue, May 3, 2022 at 2:43 PM(b)(6)

- Contractor

Also, just to clarify--I have been advised that the additional claims you identified in your March 27<sup>th</sup> email to me will not be added to this investigation, so I am finishing up the investigation of the issues that I addressed with you during the interview.

(b) (6)
Contract Investigator
(b) (6)

From: (b)(6)

Sent: Tuesday, May 3, 2022 3:33 PM

To: Clay Mayes (b)(6)

Subject: Re: [EXTERNAL] Update - Add to Investigation - Clay Mayes

Hi Mr. Mayes,

I am still working on the investigation, which I anticipate will take a few more weeks.

(b) (6) Contract Investigator (b) (6)

From: Clay Mayes (b)(6)

Sent: Tuesday, May 3, 2022 12:35 AM

To: (b)(6) Contractor (b)(6)

Subject: Re: [EXTERNAL] Update - Add to Investigation - Clay Mayes

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

By chance do you have the status of the investigation?

On Fri, Apr 8, 2022 at 12:39 PM (6)

Contractor

wrote:

Good afternoon Mr. Mayes,

I am still in the process of conducting the investigation.

itract Investigator

From: Clay Mayes (D)(6)

Sent: Friday, April 8, 2022 12:28 PM

To (D)(6

Subject: Re: [EXTERNAL] Update - Add to Investigation - Clay Mayes

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

Hello, I was just checking in to see if there was any updates with the investigation?

Thank you and enjoy your weekend!

-Clay Mayes

On Wed, Mar 30, 2022 at 3:19 PM

Contractor

OK, thank you for the information

ontract Investigator

From: Clay Mayes

Sent: Wednesday, March 30, 2022 4:13 PM

Contracto (D)(6

Subject: Re: [EXTERNAL] Update - Add to Investigation - Clay Mayes

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on <u>links</u>, <u>or opening attachments</u>.

(b)(6) noted I should relay this to you and see if you can attach these issues and complaints within the ongoing/current case.

I have not filed a new complaint.

I contacted BIE's HR in Albuquerque, NM to inquire why my contract was halted. On 3/9, BIE's HR talked to Haskell's (VP) administration and agreed to unpause it.

2 weeks later on 3/23, there was a new allegation about myself and the new contact order was reiterated. This new no-contact order included 'all' Haskell administration can not be contacted. I normally would go to my (b)(6) to discuss this with first, but I was instructed with the new 'no-contact' order I co to believe (b)(6) would have acted on my report if I did make it to for fear of retaliation may experience, but I always go through to proper chains of command before making reports.

## -Clay Maves (b)(6)

On Wed, Mar 30, 2022 at 2:44 PM (b)(6) - Contractor (b)(6)

Mr. Mayes,

I received the email below and the attached documentation. I have a couple of questions:

- Who advised you to send the attached documents to me?
- Have you filed a new harassing conduct complaint about any of the allegations contained in your email?

Thanks,

(b)(6)
Contract Investigator
(b) (6)
(b)(6)

From: Clay Mayes (b)(6)

Sent: Sunday, March 27, 2022 10:35 PM

To:(b)(6) - Contractor(b)

Subject: [EXTERNAL] Update - Add to Investigation - Clay Mayes

CAUTION: This email originated from outside USPS. **STOP** and **CONSIDER** before responding, clicking on links, or opening attachments. Hello (b)(6)

Declaration A

Unfortunately, I have another update with ongoing issues I have been facing. I was advised to send you the attached documents/emails/reports.

I understand how busy you are. With the nature of these attacks disabling me from working and being paid, it's essential I communicate thoroughly with documentation about ongoing false allegations and attacks I've been facing. With (b)(6)

for my Haskell position, (b)(6)

I have no other route to combat current attacks.

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below.

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I also made 5 documented calls with (b)(6) and during these calls informed me would look into my grievances. However, anytime I followed up, there were zero responses or resolutions.

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I attempted to pursue alternative methods to handle my ignored grievances. I contacted our (b)(6) to inform of my concerns and issues, and also failed to respond. I emailed on:

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- 2/16/2022
- 2/22/2022

I attached those emails as well.

A contributing factor is the same family holding multiple positions in multiple departments and levels at Haskell, and if they're not family then they are openly close friends both at and outside of work. This was detailed to me by (b)(6) for why our (b) (6 has not given any sort of due process, and has refused to explain reasoning for an irrational nocontact agreement openly made with noted, "Just so you know, are inseparable at and outside of work as friends. and Be weary of what you say and with whom." On 2/23/2022 a Haskell administrator broke standard regulations and called the Division of Acquisitions to halt my contract/work order indefinitely due to the no-contact agreement put into place, and being magnified over time by Within the same week my contract was paused, (6) was selected as the despite the fact that was recently meeting with (b) (6) returning student-athletes at private residence to create false allegations about me. The allegations have directly resulted in s now an instructor, promotion and my informal dismissal. has zero experience with openly stated and documented in January that (0)(6) was an (1) Feasibly, to prevent a conflict of interest per BIE stepped down and they named (b)(6) as the successor. However, at the last coaches meeting, (b) (6) announced is still noted post-meeting, (b)(6 a smokescreen to show they are following the 'rules.'" There is no enforcement of these violations for conflict of interest, as administrators are openly supervising family members. When the BIE was made aware of this, they noted 'Haskell has told us they have taken steps to prevent the conflict of interest.' However, Haskell did not share how this was done, nor followed up on enforcement. are still very much involved as track coaches, as they have held multiple Track team meetings just this last week. attacks and allegations seem to be a retaliatory action for 6

This has also started to affec (b)(6) On 3/9/2022 (b)(6)

(b)(6) If needed, I can provide medical documents from the doctor to verify this. I attached an email noting this (b)(6) on 3/10/2022. I was (b)(6)

(b)(6) I forewarned (b)(6) in January and February I was under immense stress dealing with multiple attacks and false allegations. Every single email noting this was ignored in every form.

On 3/9/2022, Human Resources for the BIE in Albuquerque contacted Haskell administrators (b)(6)

Both parties agreed to start my contract/work order. I received an updated list of job duties (attached) as my work order was suppose to be reactivated momentarily.

On 3/11/2022, I met with in regards to the BIE Human Resources instruction to reinstate my work order. Mr. Byington and Ms. Salvini noted my contract and pay would be resuming. However, I could no longer contact any recruits or even their families. As I detailed and asked for an explanation for this action, I noted recruits/families have nothing to do with the first no-contact agreement initiated on 11/4/2021. Our (b) (6) "What do recruits have to do with the no-contact agreement?" I also asked, "Is the goal to limit my work duties to prevent fulfilling my job duties? I still have not been made aware of what any of the allegations are towards my self from 11/4/2022." Our got noticeably furious when I asked this and yelled, "Hush! \*pause for 30 seconds while (6) (6) stares me down\* "I am doing what HR told me." What was not mentioned is works directly with HR for Haskell.

I met again with (b)(6) on 3/14, and I had to sign an updated no-contact agreement preventing all communication with recruits and their families. I was also reiterated that I would be paid very soon and would be able to recover lost wages, as they had submitted all required paperwork to the Division of Acquisitions. I recorded audio of this meeting. I again respectfully asked for an explanation on how recruits apply to this situation and who made this decision, and noted that to compile these no-contact agreements.

When I talked to my (b)(6) about this, (b)(6) said, "They're trying to prevent you from doing your job. They have no evidence of wrong doing, so they're trying to create a list of issues to drive you out. (b)(6) will never quit going after you. Document everything and fight for your job because they're going to continue going after you."

Over the next 2 weeks, (b) (6) kept stalling with no updates about activating my work order. I was following up consistently by email or call with (b) (6)

(b)(6) on 3/14, 3/15, 3/17, 3/18, 3/21 and (b)(6) stated they were either awaiting on documentation from Divisions of Acquisitions or he'd look into the work order being activated, again.



On 3/24/2022 I followed up to investigate if the documents were ever sent by (b)(6) to reactivate my work order with Division of Acquisitions, and Division of Acquisitions said to me no such documents ever came in.

When questioned, BIE's Human Resources informed me that (b)(6) did not disclose that (b)(6) reported the harassment I began experiencing last Fall, but rather, said (b)(6) lid not go through the right channels for the reports.

As I saw in person, bid did pass forth the documentation, even noting, 'Clay I have to report this within 48 hours. I'll get it done.' And then on 11/4/2022, during the meeting in regards to the no-contact agreement, bid held these documents (reports and details about harassment) up in front of me and bid and said: "These are in narrative form. They need to be in bullet proof form." Although I was a caught off guard with this request, the following day I resubmitted the documents in bullet point format. I also told bid hese reports demand immediate attention with currently experiencing intimidation, harassment, and bullying going on. bid stated will not do anything about it, as there is a process to follow and "This is not it." When I asked bid would not provide this process and originally led me to believe the process was putting reports into bullet point format.

From (b) (6) emails, meetings, and talking with other administrators such as our (b) (6) did directly report the harassment and attacks I experienced to our (b) (6) our (b) (6) and our (b) (6) Our (b) (6) that was "too close" and was not permitted any say about my experience of ongoing harassment and allegations. Both administrators openly removed (b) (6) from having any involvement. Additionally, (b) (6) stated to me recently can and is willing to confirm this.

Summary of noted issues:

• From all these issues and what I saw, (b)(6) was discarding all reports I made and detailed. Additionally creating irrational and atypical no-contact

- failed to take any action after receiving multiple emails about harassment and attacks. ALL reports neglected.
- failed to respond to ongoing issues and concerns expressed multiple times.
- hiring (b) (6) as the which is a close friend and one of the administrators that is responsible for false allegations and harassment.
- · Unrightfully halting my contract and pay with no evidence, no due process of any kind, and breaking our regulations in doing so.
- with ongoing allegations, and harassment.

### I have provided within the attachments:

- 7 emails detailing the attacks and false allegations
- Emails to (b)(6) asking to meet to address concerns and ongoing issues
- 2/24/2022: Document of the (b) (6)
- 3/9/2022: (6)
- 3/9/2022: BIE's Human Resources noting the stop-work order would be rescinded
- 3/10/2022: Email sent to (b)(6) and (b)(6)talking about (b)(6) (b)(6)
- requesting the information be sent by email due • 3/10/2022: Email sent to (b)(6) to previous miscommunication, and receiving this information by email would be a more transparent route, and would help combat allegations with outline documentation. No response from (b)(6) was received.
- · Multiple emails asking for updates on when my work order contract would be reactivated
- 3/14/2022: Forced to sign another no-contact agreement made by to include recruits and parents
- 3/23/2022: Follow-up email on the work order contract
- 3/24/2022: Email from BIE's Human Resources stating an allegation of fraud was reported by Haskell administrators against me

-Clay Mayes





Home / Project Safe Neighborhoods (PSN)

# Summary of Standards of Conduct and Conflict of Interest Rules

The federal conflict of interest rules are found at 18 U.S.C. § 208 with implementing regulations at 5 C.F.R. § 2635.402.

Essentially, these rules prohibit you from taking official action in a particular matter involving any entity in which you, or someone whose interests are imputed to you, have a

whose interests are imputed to you, have a financial interest. Imputed interests include (1) the interests of your spouse; (2) minor children; (3) a general partner; (4) an organization in which you are serving as an officer, director, trustee, general partner, or employee; or (5) any person or organization with whom you are negotiating or have any arrangement concerning prospective employment.

Rate This Page Additionally, the Standards of Conduct prohibit you from acting in a particular ma that involves a financial interest of a member of your household or if it involves a person with whom you have a "covered relationship" (<u>5 C.F.R. § 2635.502</u>). "Covered relationship" is defined to include (1) a person with whom you conduct business other than routine consumer transactions; (2) a person who is a member of your household, or who is a relative with whom you have a close personal relationship; (3) a person for whom your spouse, parent, or dependent child is serving or seeking to serve as an officer, directo trustee, general partner, agent attorney, Top concultant contractor or amplayor (1)

trustee, general partner, agent attorney, consultant, contractor, or employee; (4) any person for whom you have served, within the last year, as officer, director, trustee, general partner, agent attorney, consultant, contractor, or employee; and (5) an organization in which you are an active participant. This rule is designed to ensure you maintain the appearance of impartiality in carrying out your official duties. Rate This Page

For more information on standards of conduct, see the Project Safe Neighborhoods Implementation Guide for U.S. Attorneys on Ethical Guidance.

**Return to PSN Certification Process Page** 

Date Created: December 27, 2019



# WHISTLEBLOWER RETALIATION —5 U.S.C. § 2302(b)(8)— THE U.S. OFFICE OF SPECIAL COUNSEL

#### What is whistleblower retaliation?

A federal employee authorized to take, direct others to take, recommend, or approve any personnel action may not take, fail to take, or threaten to take any personnel action against an employee because of protected whistleblowing.

EXAMPLE: A supervisor directs the geographic reassignment of an employee because the employee reported safety violations to senior agency officials.

# Protected whistleblowing is defined as disclosing information that the discloser reasonably believes evidences:

- 1. a violation of law, rule, or regulation;
- gross mismanagement;
- 3. gross waste of funds;
- 4. an abuse of authority; or
- 5. a substantial and specific danger to public health or safety.

This section also prohibits retaliation against government scientists who challenge censorship or make disclosures concerning the integrity of the scientific process if the censorship will cause one of the five types of misconduct described above.

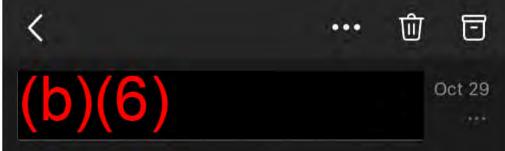
## What can you do if you believe whistleblower retaliation has occurred?

If you believe that you have been subject to retal ation for protected whistleblowing you can file a complaint with the U.S. Office of Special Counsel (OSC). OSC is an independent agency that investigates and prosecutes allegations of prohibited personnel practices (PPP) by federal employees. OSC has the authority to investigate PPPs, including allegations of whistleblower retaliation, and may seek corrective or disciplinary action when warranted.

#### U.S. Office of Special Counsel

1730 M Street, N.W., Suite 218 | Washington, D.C. 20036 Tel: (202) 254-3600 | Fax: (202) 254-3711 | TTY: 1-800-877-8339 |

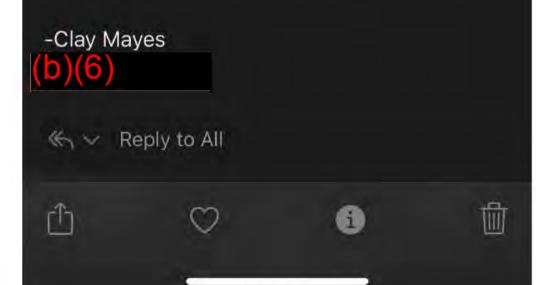
www.osc.gov

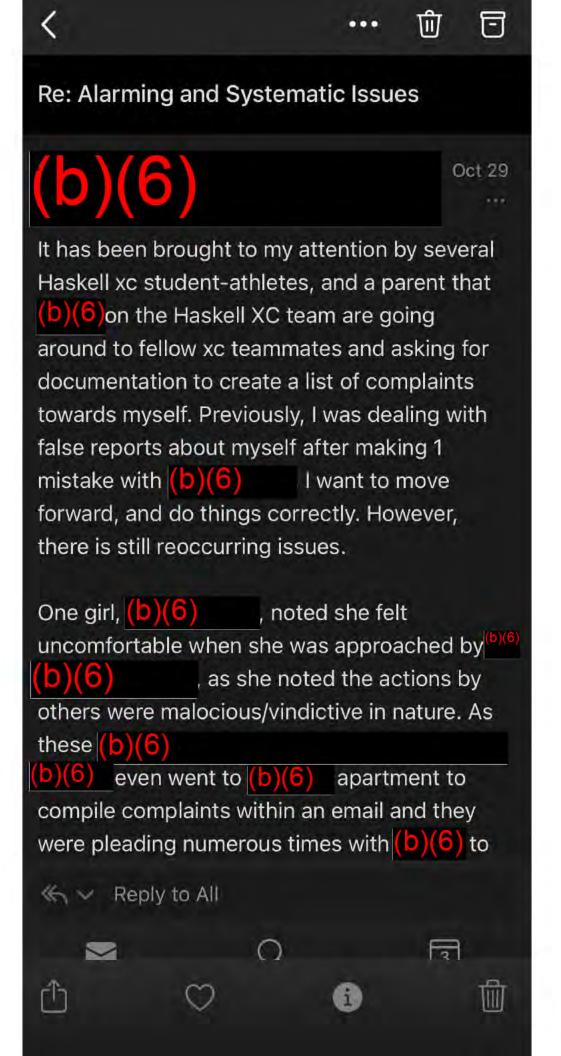


Again, these issues have been reoccurring issues since our MSSU meet, and are happening so often that it inhibits my job duties at Haskell.

Although, I don't personally like sharing how I feel with such related issues, I feel this is a necessary time to do so. In regards to these issues and with their systematic and reoccurring approach, it violates our ethics policy, and has felt like a form of bullying in trying to wear me out while I am an administrator/coach at Haskell.

I whole heartedly want these false attacks to stop all together and I want to migrate towards a resolution. I am open to having a discussion to do so.





## X Alarming and Systematic Issues



questions. These questions include, and are not limited to:

"What do you think of this (Haskell xc runner) athlete?" Adding to this comment, "Come-on, say what you really think!"

Another issue is repetitively and purposely bringing up runners who have broken the rules.

With (b)(6) noting in front of (b)(6)

(b)(6) you're too nice.(b)(6)

should not be allowed back on the team."

It feels like a form of extortion to rile me up, in order, to justify their false complaints. It absolutely is uncomfortable to say the least.

I am grateful for my career at Haskell University as the xc coach. However, I have systematically been hearing about false reports about myself, hearing about fellow administrators viciously stating, "They will get me out." I am even more alarmed about the persistent nature of these claims, and about how a few of our xc student-athletes have been purposely missing practices (b)(6)









## X Alarming and Systematic Issues



 $\alpha$  (b)(6)

מש טו נווכ ומשנ

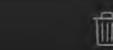
two weeks, missing a vital xc meet, harassing fellow Haskell xc students-athletes/teammates to share fake information, trying to secretly record me, and on one occasion showing up at a xc student-athlete's apartment unannounced to get others to comply to their demands.

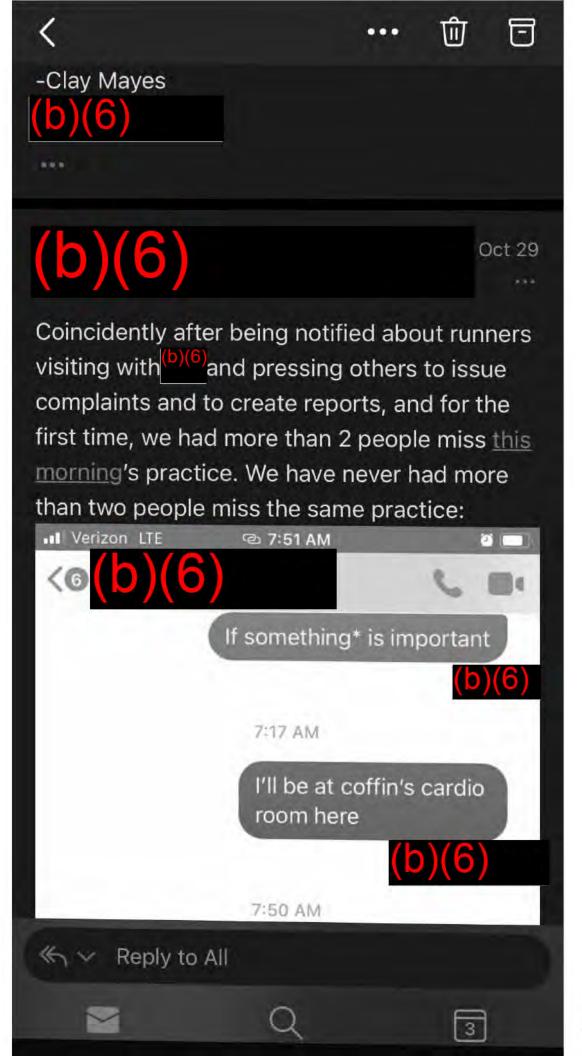
I would like to continue my career at Haskell and to do so in a positive manner. Although, I made an honest mistake with (b)(6) racing at MSSU, I want to move forward, to be honest, to do things by the book/rules, and to do so at the National level at Haskell. As of recently, there has been xc student-athletes and employees hindering my ability to perform my work duties at Haskell with systematic, and false reports, while bullying others to join their cause, talking to other Haskell employees 'To get me out,' and on numerous occasions trying to provoke me to say something while trying to secretly record me in doing so.

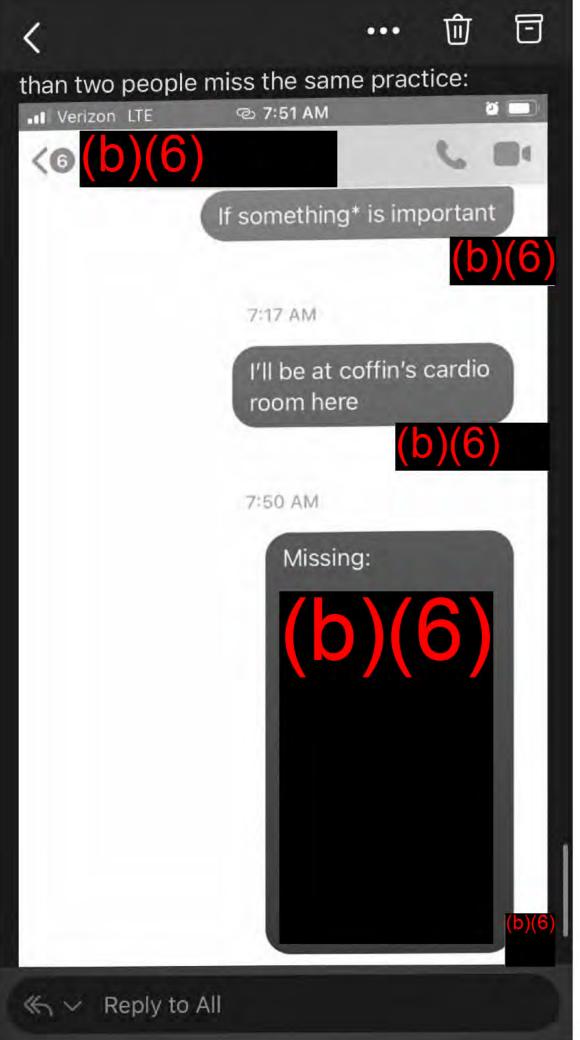
I would like to have a meeting to discuss such issues, as it is hindering my ability to perform my career and job duties.





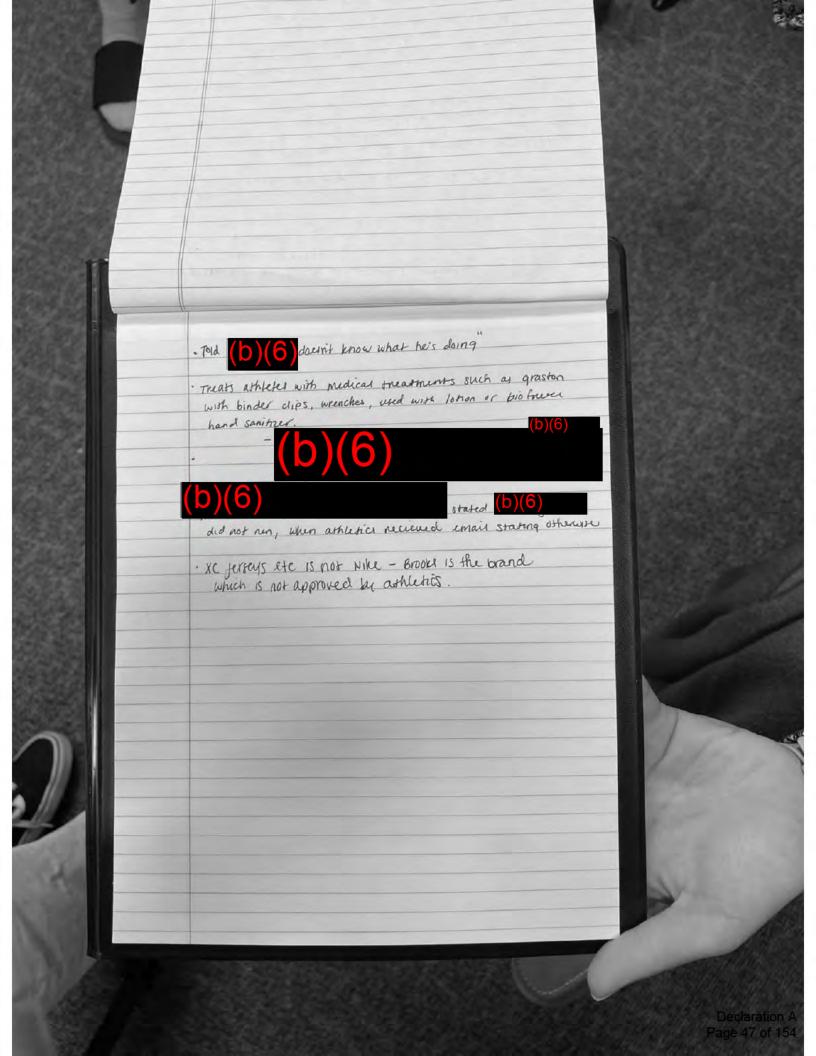








1. inappropriate convo w (b)(6) - proof of texts - bullying - inappropriate hurtful comments 2. Lack of communication - unattached running stipulations (mxc/wxc) - lack of academic support - athletes voiced concern for grade checks / studying - "if I was an athlete, I wouldn't share my grades winy coach because that imbarrassing." - trushman are unsuccessful academically Makes falk promises - appare / gear (that is needed to run) - speaks to parents / threatens to speak to parents wishout students consens - " ill throw you under the bus and ill be the one - " If you don't get off your phone, I'll Shove It where the sun don't shine" - States to athletes negative commense about 4. (b) (6) referenced by clay as a " Decopash" Student arthetes fighting to be his favorite by to receiv better attention + are actively told they are the forante





Thu, Oct 28, 9:29 PM







iMessage







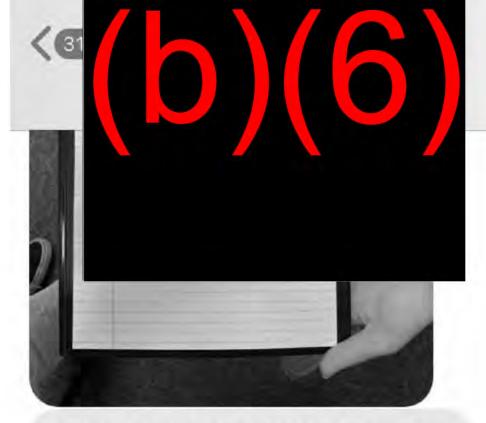












These were sent to me by someone close to the team. They want to remain anonymous until they want to.

These were notes taken by (b)(6) from various members of the team. (b)(6) and someone else I think.

(b)(6) talked to (b)(6)
(b)(6) stated
that "they are going to get you out".





iMessage









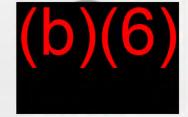






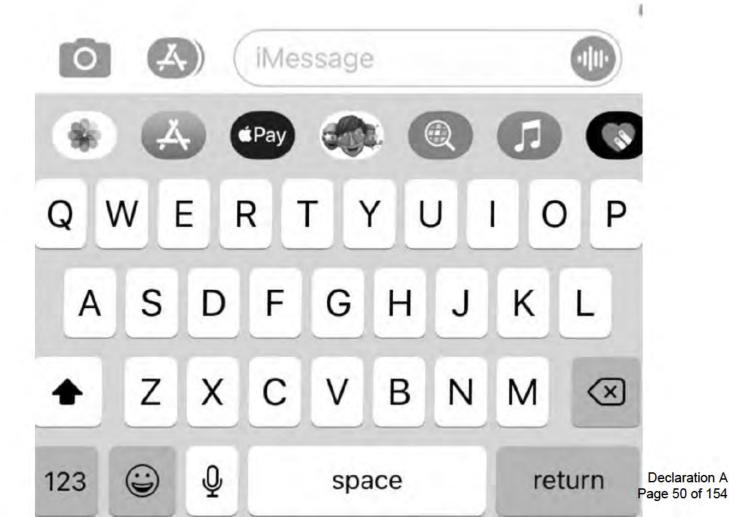


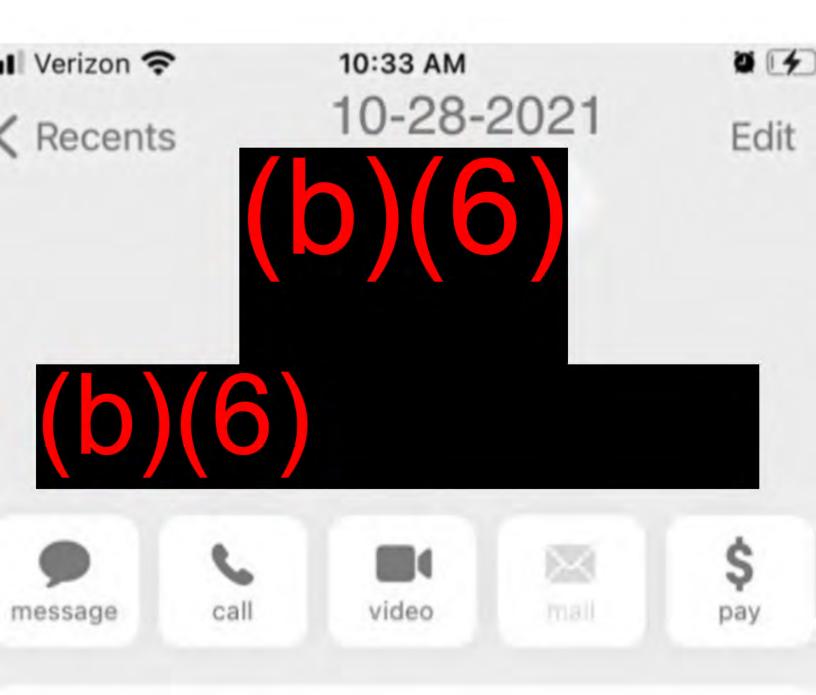




(b)(6) talked to(b)(6)
(b)(6) stated that "they are going to get you out".

9:30 PM





# Yesterday

10:23 PM Incoming Call

37 minutes

320



the girls are just becoming aggressive for me to be quiet. i know (b)(6) is not helping. i do want to come back to the team. it may be a bad time for now but I plan to return.

## New iMessage

Cancel

okok!

Fri, Oct 29, 11:49 AM

mayes, please keep me anonymous. these girls are somewhat not fully but getting onto me. i would really appreciate if my name would not be mentioned at all. please and thank you!





iMessage

















To:(b)(6)

i believe you! but the girls are telling me that they hope i haven't said anything to you. i just don't want to be stuck in the middle nor lose my friends as well.

Just be respectful and don't let them keep pestering you. No one will find out who or when anyone said anything.





Message



















----

Clay

There's been some complaints about the runners here, various races, or about my end.

If you all get individual questions from others, about races, or thoughts, just note for that person they should be talking to is our (b)(6) by his email or by his phone.

No one here did anything wrong. We keep getting the same admin reporting anything and everything said under the sun (we are at 17). Either twisting things or taking them ou it of context. Just be smart with everything, and just point them in the (b)(6) direction.

Some people e sly about this, just be careful and if you















with everything, and just point them in the (b) (6) direction.

Some people will be sly about this, just be careful and if you sense anything is up, just point them to our (b) (6) If it's serious enough, or small enough, he handles those rules and regulations.

Again, most of these issues is coming from one admin. The same admin had another admin get questions and information.

If I ever do anything wrong, also report it to the (b)(6)Go to the man in charge. Going through admin slows the process and pulls others down.

SEP 29, 7:16 PM





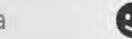
One can check with me too if















## Team Meeting Inbox



Ш



Today's team meeting around 12:10 on October 31 was nothing but neutral. As a returning teammate I have noticed more and more lost interest, as well for me I kept very much motivated for the conference around the corner. As we gather in the team meeting, coach clay talked about how we can make the team environment better, how he was opened minded to people's thoughts and ideas. Even about how he handle situations. Some girls spoke out about coach clays communication skills. Personally I believe that the environment was very neural. Until we started to speak about how coach clay is "coaching wrong" I found it very unsettling because not all coaches will be the same. As more runners spoke about "how to coach" it got more aggressive with hand gestures and the tone with them started to get aggressive. As for coach clay he kept his cool. As a returning athlete and a upper class men I felt obligated to speak to the younger runners, as for me at this point I spoke in a aggressive tone. The

this point I spoke in a aggressive tone. The reason being they started to disrespect the coach and at this point it was very sad most of the runners were being so disrespectful to a coach who would do anything for us. At this point it's ridiculous, they are trying to hard for our coach to be removed and he's just trying to make this community better to bring back a title. The girls who are starting this, they are the ones who claim not to be improving when sleep, eating right, doing the little things really matter. When all they do is eat out a lot, go to many activities etc. Or other girls they make complaints toward my coach when they go out every Saturday night. Overall I believed

this talk today was very important I believe it

talk that we should have had long ago. Now

that we know how to really address

opened others eyes. It wasn't bad but it was a

My opinion on coach clay:

complications.

Coach clay is a great person, he is a different type of coach. I say this in the greatest way possible, not every day you see a higher person, a recognize former runner come to reservations and learn about ones life and why



My opinion on coach clay:

Coach clay is a great person, he is a different type of coach. I say this in the greatest way possible, not every day you see a higher person, a recognize former runner come to reservations and learn about ones life and why the run and what makes them a runner. His coaching is very manageable, not once with my experience with him he never disrespected me nor made me feel uncomfortable. He took care of me as a student athlete, made sure I had 8 hours of sleep, if my legs are feeling tight or not, if I need to adjust my workouts. Clay is known widely and deeply, it was not until I gained a lot of respect for him was when I went back home and people found out who my coach was. Clay is a overall a great person and a great coach, he goes far and wide for his athlete who would want to run, who would want to get better. The difference with and the girls is that I communicate much more to my coach. I have nothing but deep respect toward coach clay.



## HASKELL INDIAN NATIONS UNIVERSITY

Accredited by Higher Learning Commission

Vice-President of University Services
University Services
155 Indian Avenue
Lawrence, Kansas 66046-4800
www.haskell.edu

### Memorandum

To: Clay Mayes, Athletic Program, Cross-Country Coach

From: Tonia L. Salvini, Vice-President of University Services/Acting President

Date: November 4, 2021

RE: Notification /No-Contact Order

Please be informed of the following:

- A complaint has been filed against you. An investigation is the next step in
  response to the complaint. The investigation process will be guided and
  monitored through the Vice-President of University Services with
  consultation from the Bureau of Indian Education/Human Resources
  (BIE/HR) Employee/Labor Relations. The investigation will be conducted
  by an independent, trained investigator/s through the BIE/HR office.
- You are hereby to have no contact with any eligible or ineligible members of the Haskell Cross Country Team. This includes text messages, social media, third party contacts or other forms of direct and/or indirect contact. The Acting Athletic Director, (b)(6) can only receive coaching guidance from you – and all communication should be limited to only that, and not this issue.
- This is confidential. Please do not violate the privacy of this notice or other information surrounding this notice.
- Please know any form of retaliation or retribution is prohibited. Such actions could be subject to discipline and possible removal.

Please sign this degree that you have read and received this information.

Name/Signature

Date

cc: Bureau of Indian Education/Human Resources COR



## United States Department of the Interior Bureau of Indian Education

Division of Acquisitions 1011 Indian School Rd NW Albuquerque, NM 87104



February 24, 2022

Clay Mayes, Athletic Program, Cross-Country Coach

Attn: Clay Mayes
(b)(6)

Subject: Stop Work Order PO # 140A2321P0425

Mr. Mayes,

This letter is a formal notice to stop work under FAR 52.242-15 Stop-Work Order for services provided under PO # 140A2321P0425, effective February 24, 2022. The stop work order is set in place until further notice (not to exceed 90 days). The Contractor shall immediately comply with the terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage.

CEDRIC WOOD Date: 2023 07 24 14:59:35 07:00

Contracting Officer (HINU) Division of Acquisitions 1101 Indian School Rd. NW Albuquerque, NM, 87104



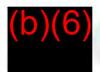




is a great thing! I'll make the push:).

How's Kansas life?

NOV 03, 2020, 9:41 PM



I been here 25 years lol

NOV 04, 2020, 2:47 PM

Lawrence is a cool place to be! How's the new prez been so far?



good. You would like him

NOV 04, 2020, 3:15 PM

Some of the administrators out here in the jucos liked him a lot when he was here! Figured he'd do well at Haskell!



NOV 09, 2020, 4:07 PM

















# OCT 05, 11:49 AM

used funds to buy gear/shoes/t Don't know if you ever knew or the over the years have been to 6 Gym but shirts and give aways for non students as well. Looks like they are loading it all into Haskell students and XC



truck right now



Sounds like the nature of a government job sadly

Yeah, (b)(6) is good with the students, not good at following the rules, (b)(6)(b)(6) from being (b)(6)

(b)(6)

They hired the latest gal last August and (b)(6) today

What's with the resignations?

(b)(6)

So position will be open

I don't know how long I'd last, first thing I'd do is employee evaluations and clear out dead weight.

Aa

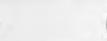
Bad hires in positions of leadership because they weren't qualif.  $\checkmark$  or the jobs

















back. I've told the runners already multiple times, "Be respectful, don't sweat it."

They got those texts saying to quit and transfer (got a little more info on those). (b)(6) found out from one of the students if I heard correctly from (b)(6)

Yeah, just roll with the punches for now. They feel attacked with your hire and the fact all the alumni like you better



I'd prefer they quit and transfer if they didnt know you before

Last thing I want to do is be disrespectful and cause any sort of drama. I don't mind getting insults or if people are passive a sive. I get Haskell has hurdles but as I















almost all the xc kids contacted <sup>(b)(6)</sup> and wanted training and to talk.



yeah. None of its coming from him cares less he doesnt use tech

Didn't see much division from them

> I did recruit half them previously

Its (b) (6) who is a HSES instructor who is bitter and the (b) (6) who works on campus aa well

(b)(6) used to be the but (b)(6) got fires about 6 or 7 years ago now





The way it works, typically, is they come in and that is the fastest they will run their whole careers. They don't get upset with coach because he'll buy them shoes every month, t-shirts and work out gear every other week, whether they perform well or not. Their loyalty is bought

So they skip or cut workouts because they know more than him and he doesn't focus on the kids detect his "BS"

That is why he recruited kids on campus who never ran XC before, to them, he knows everything about coaching.





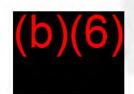
The natural talent that goes to Haskell is pretty crazy, with costs being so low, it's appealing with how high college costs are.

I feel like Track could be added with good xc results.

Folks remember state records and state champs for a reason, not the one's in the back.

Yeah, T&F could be added back, they just didn't have any athletes. They just stole athletes from other sports to compete.

More than half the Haskell T&F athletes never competed in T&F before, they were just other sport athletes for them to use.





Yeah,I don't know how to say it other than our coach just doesn't care anymore. Great guy, getting older though. But he has mentally checked out on his program, pretty much all he does is look for 20min kids to recruit cuz he doesn't know how to make kids faster and the fast kids 16min kids figure out he isn't a XC coach

(b)(6)

We had a controversy some years ago were kids were being coached by (b)(6) and they wouldn't listen to our coach's workouts, they would only do (b)(6) workout

Our coach would only do the same workout all season, which wasn't a work out, it was go run 5 miles



It's not so much in visiting th runner but he doesn't want fast kids

fast kids know he can't coach, quit, complain or transfer, so he goes after slower kids and buys them shirts/shoes every other week to kind of buy their committment, then they eat at places like Boston Market or other expensives outletes



I think with the new AD, there will be a bigger outlet/change for all programs

Maybe too much drama with faster kids and them not getting the experience/ improvement they want.





Only thing I can offer is to get other coaches involved. The first day (b)(6) was named (b)(6) pushed a huge order of clothes for track and field but no other programs. The vendor contacted our secretary by mistake to verify the order

(b)(6)

I would argue that any track purchases need to be approved by presidents office



So recently (b)(6) (lost' several pairs of (b)(6) (b)(6) asked if I had them and I said no, and (b)(6) asked me to check my storage. I did, and the shoes still were not there.

The next day I come into work, my storage is unlocked and they have to have the wood









Aa

because of termites. I saw all

cabinets I rown out







my storage is unlocked and they have to have the wood cabinets be thrown out because of termites. I saw all my stuff spread out on the floor. (b)(6) went through my stuff just to check.

They had a handful of track athletes eligible.. that's it

Tried to buy (b)(6) with gear as I noted



Which begs the reason why (b)(6) would need to spend nearly 10k on track aupplies

allow ineligible athletes to go with us to meets for all sports. That is the only vocal thing I said, "no," - "that would not be ideal, they're ineligible and you've noted how important the budget is."

(b)(6) wan ligible athletes with them to put up a stronger

















The old bunch were only loyal to old coach as he gave them pairs of shoes every month, t shirts every week and bags, towels, and other items to buy their loyalty

they knew he couldnt coach or they knew they werent getting better but since they got free gear all the time they stayed loyal to the gifts



You coming says its all about being the best...so yeah I dont expect they would want to be accountable

Again, I've had success with visiting the kids and ones that are motivated. I feel the ones that run there are just there naturally and hopped into running

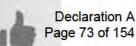


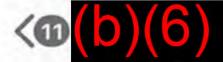










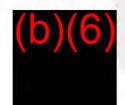




They could look elsewhere, it's out of my control, ha. I do know Haskell's affordability is unbeatable.

I realize there will be some folks that will run away regardless. Whether 1 or 10 people are retained, I'll have a speedy group coming. Hopefully sooner rather than later but part of the movement may take till Spring.

It will be best to start from scratch, some will just remain to loyal to (b)(6) and it just doesn't build team chemistry or a successful program.







## 



OCT 29, 9:48 AM

done today or Monday. Did you want to continue running on the team? I'll be happy to support you with either route you follow. I'd like for you to continue, but I'm a little confused if you sincerely missed or just want to radiate energy to other routes.

OCT 29, 4:49 PM

Let me know on how you want to pursue. I was notified (b)(6)
(b)(6) I'm not going to go on the attack mode or anything along those lines. But I do want to have a positive solution if you're looking to race with the team still. Missing practice and going ou whething you're capable of confidently

Aa



you're looking to race with the team still. Missing practice and going out is something you're capable of confidently preventing.

10,00,000

With everything that has been going on it's taken a lot for (b)(6) to think about the entire commotion and about my situation. I'll give you a definite answer by tonight but right now I'm just trying to process how today has went discussing with everyone how the situation is being handled and etc.

I've also had some mental blocks with my academics and more than likely will aim to pursue finishing out the semester with a open mind

(b)(6)

But i will mess  $\checkmark$  on my decision by toniaht

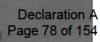












Thank you again for giving a chance to prove myself wrong even for not running for awhile. My matters are now focused on continuing my education and working up to my bachelors. I'll still keep in shape with track but for now I believe it's best for my mental health to apply it towards school

(b)(6)

OCT 30, 8:43 PM

There's no sense for me to harp on you if you're not pursuing staying on the team in regards to following team rules, i.e. not missing practices (b)(6) etc.

I don't will cause any awkwardness or turmoil, but



state of mind, they got the work done, but a handful missed more than normal for whatever reason.

If you do pursue racing, great!
But we'll have a couple things
in response (maybe setting up
team events to show positive
outlets can be created).

OCT 30, 6:21 PM

Hello coach, I've decided I will no longer continue to race. I also decided I'll be quitting the team. I do apologize for the actions I've caused with going out that night but with my up most respect I do hope the team does well at conference. Thank you again for giving (b)(6) a chance to prove myself wrong even fc vanning for awhile. My matters are now





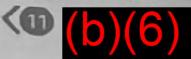


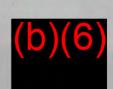












health to apply it towards school

OCT 30, 8:43 PM

No worries, lady.

There's no sense for harp on you if you're not pursuing staying on the team in regards to following team rules, i.e. not missing practices, (b) (6) etc.

I don't want to cause any awkwardness or turmoil, but whenever you're able to at your earliest convenience, pass off the xc gear to one of the xc ladies.

OCT 30, 9:23 PM



Will do







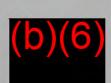












## But i will message on my decision by tonight

10/2/202

You're an amazing and bright person, you really are. Just gotta let me know how I can help aid you along.

I'm not a great mind reader, ha.
I'm really not sure if you're
whole heartedly wanting to
race, or not. I can only work in
what I know.

What do you mean commotion? I haven't detailed your eligibility with anyone.

What situation exactly? Folks who arrived where in a good state of mind, they got the work don to a handful missed man than normal for







Fri, Oct 29, 9:34 AM

I'll support you either way, do you want to stay on the team? Or do you need to focus energy on other matters? I can wholeheartedly help or support you however needed. I was noted you too (b)(6) to the airport but there's been multiple days for missing.

I want stay on team sorry about not telling you but I'm taking (b)(6) to airport

Because he needed a ride

It's been other days, not just today. You have a great story of perseverance, but with you missing practices, I'm unsure how I can with missing.

I felt like I haven't scene you behind an hour the last 2 weeks.



It's been other days, not just today. You have a great story of perseverance, but with you missing practices, I'm unsure how I can with missing.

I felt like I haven't scene you behind an hour the last 2 weeks.

Well I been putting in work everyday since I came here

I'm just trying help (b)(6)
out

I still haven't been seeing you at many practices. Let me chat with captains and maybe we can follow our previous guidelines for the team rules.

Read 10/29/21

Alright



(b)(6) was drinking. tried to hide it from but I saw it on social media.

Don't let them win. It's a long a terrible storm but it will pass.

I assumed it was but I wanted to be careful to not validate it unless I had proof.

(b)(6) just disappeared. No scene or anything along those lines.

I know to not let them win. It's still hard to keep going through this hoopla. I know once this is over, it should be downhill from here, just wish there wasn't this turbulent of a process to begin with.

It's because  $^{(b)(6)}$  knows  $^{(b)(6)}$  wrong but can't show or admit it to  $^{(b)(6)}$ 





OCT 31, 2021, 11:12 AM

Since, I haven't seen you at many recent practices in awhile, or heard much about your training, I'm assuming you're not pursuing being on the team.

No rush, but whenever you can, please pass off the xc gear to one of the current runners.

Swipe up to turn on vanish mode







To: (b)(6)

time it'll pan out more ideally.

None the less I'll catch ya tomorrow!

Thu, Oct 21, 3:58 PM

I'll be there momentarily

In meeting with (b)(6)

Thu, Oct 21, 5:40 PM

Hey coach. Sorry I couldn't wait three days.

I just wanted to let you know that I'm glad I went with (b)(6) because after hearing this talk .. I have a lot more respect for you.

That's all... anything else I'll catch up with you in three days





OCT 27, 2021, 6:16 PM

Shoot me a call when you're free and we can hash out a workout time tomorrow

OCT 27, 2021, 8:07 PM

Still need to get ahold of you

OCT 29, 2021, 8:41 AM

You attending practice?

OCT 29, 2021, 9:21 AM

No, I was sleeping. I didn't see that you wanted the bikers there until this morning.

The last thing I read was to set up a time to bike with (b)(6)

(b)(6)

There's been other practices being missed beyond today.

Days t von not include the busy days for you, Mondays









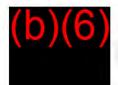
Aa





There's been other practices being missed beyond today.

Days that do not include the busy days for you, Mondays and Wednesdays



Okay

I'll support you either way, do you want to stay on the team? Or do you need to focus energy on other matters? I can wholeheartedly help or support you however needed.

Thank you for stating that you'll support me in anyway .. I'd like to put my energy into other matters without feeling like I'm letting you or the team down.



I'll give (b) (6) all my gear to turn in next practice.

That work ou're a bright









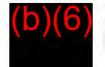
Aa







Days that do not include the busy days for you, Mondays and Wednesdays



Okay

I'll support you either way, do you want to stay on the team? Or do you need to focus energy on other matters? I can wholeheartedly help or support you however needed.

Thank you for stating that you'll support me in anyway .. I'd like to put my energy into other matters without feeling like I'm letting you or the team down.



I'll give (b)(6) all my gear to turn in next practice.

That works. You're a bright person, so you'll be successful regardless. Just pass off the gear to (b)(6) before Monday.

















No Internet Connection

11:27 AM

Make sure you understand the Student Code of Conduct. The SID is not playing within the rules. There is a specific protocol for student grievances and die process. The SID maybe over stepping her authority and you have a case against her if you feel threatened by her actions. It works both ways

(b)(6)

\*due

(b)(6)

There is a grievance form students fill out and submit to the Director of Athletics

(b)(6)

BTW the SID is not on the list of persons to contact and Areas of Conc

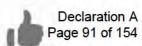














No Internet Connection

(b)(6)

There is a grievance form students fill out and submit to the Director of Athletics



BTW the SID is not on the list of persons to contact and Areas of Concern



If Director of Athletics does not resolve problem then a "student" can elevate it to President.

3:07 PM

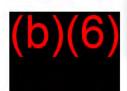


#### No Internet Connection

Student Athletes have a due process to follow to file a grievance if they have an issue. However, being student athlete is a privilege that one must adhere to code of conduct. Coaches have the discretion to who makes the team or not. You have the responsibility to ensure the safety of all your student athletes success on and off the field.

(b)(6)

this SID has is going over her scope of work. She is a sports information director period. She is not a coach



If she is doing this to other coaches then this a big problem and r 's to be addresses. Do nink that



Fwd: Budget information as of January 24, 2022

(b)(6)

Jan 24

Clay,

In a recent budget meeting with Finance, I was provided the following cross country budget info:

3,000 for supplies - 11,211.00 pending
 (3,171.12 expenses already actualized) = 11,382.12 overbudget

You are overbudget based on the following pending requisitions:

- 1. Gerken Rent-all for 1,200
- 2. (b)(6) for 2,500
- 3. (b)(6) for 2,500
- 4. Porta Potty for 900
- 5. Eastbay for 6,011

Can you please provide me receipts for the Gerken Rent-all and the Porta Potty? Once the amounts are entered by Finance it could potentially bring how much you are overbudget



Jan 24

...

I just forwarded my receipts for the Porta Potties to you moments ago. I will have Gerkin send receipts that note 'paid' within this next day. They've been good on responding quickly.

I have been (b)(6) this evening, so I am trying to play catch up to some emails.

Forgive if I'm a bit scattered on the resoonse.

Are you saying in one of the categories I am over budget, or overall I am over budget?

(b)(6)
noted I did a great job to not go over the budget amount, and we had no miscellaneous spending.

Here is what my budget was as of August and then it was reiterated again in November (coaches meetings).

It was given to me by (b)(6) We were







It was given to me by (b)(6)

We were very conservative for what we spent for cross country this fall as their was previously the intention to get the distance folks on our end to high quality track meets for this Spring of 2022. We also brought in 6 new distance runners for this Spring, so the team has added some great and exceptional distance speedsters!

Men's Budget-

Travel - \$20,000 Supplies - \$1500

Contracts - \$2,000

Women's Budget-

Travel - \$20,000

Supplies - \$1500

Contracts - \$2,000

I'd like to stay within being respectful, following job duties assigned by you, and any other supervisors, and not cause any turmoil or troubles. I do want to make sure I exceed any expectations that is set forth.

If we are over budget, I'm presuming this was due to a budget change as you noted when you started?

I am unsure if we spent more than normal on gear, but if we did, we did have low inventory. Additionally, we also raised some money for our home xc meets. (b)(6) has those checks and can validate. I do not know if that is or is not factored within the budget.

Again, please forgive me, although I do document and keep track of the budget, I am still relatively new to our process.

I am also going to follow the guidelines you set



I am also going to follow the guidelines you set forth for me. As previously noted, I may need a little help, but I'll make sure to do so accordingly.

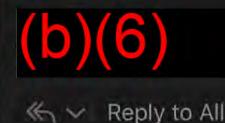
If there is anything you need from me to help your all's track program, even if it means volunteering from myself or others, let me know!

I could get quite a few volunteers if you all wanted to host a track meet! It'd be really fun to help and watch!

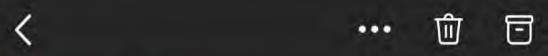
I'll get 'paid' receipts from Gerkin within the day, too.

-Clay Mayes

...



Jan 24





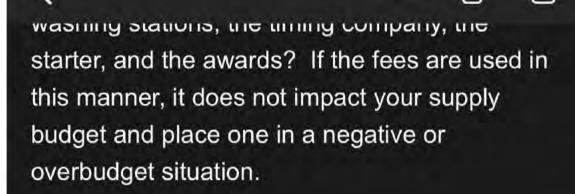
Jan 24

Thank you for working to get the receipts.

In my meeting with Finance last week, I was told to disregard what (b)(6)had provided to me in December, which is what I provided to the coaches at the meeting we had on January 11, 2022. Finance stated there is no women's cross country and men's cross country budget, there is just one cross country budget.

The budget Finance has is what (b)(6) provided to them. There is no budget for assistant cross country coaches in contracting. The requisitions (b)(6) provided for assistant coaches came out of the supply line, which why you are significantly overbudget.

Did (b)(6) share with you the home and conference meet fees historically are used to cover the cost of portable restroom and hand washing stations, the timing company, the





## Bureau of Indian Education

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046



Website: www.haskell.edu

Facebook: @HaskellUniversity

Twitter: @HaskellU



...

I have a few questions after researching the budget.

Question 1.)

Does the previous order for gear in July affect budgeting for 2021/2022 school year? Or for the previous year, 2020/2021.

Question 2.)

I was told post-season races (example: conference) did not count towards budgeting. Does hosting conference count towards our current budget?

Previously, with adding up all fields, we had \$47,000 being budgeting for xc up till 12/31/2021.



Previously, with adding up all fields, we had \$47,000 being budgeting for xc up till 12/31/2021.

After the budget was adjusted from 1/1/2022 and onward, we are now loosely in the red by 11,000. Beforehand we had 30,000+ left within our budget to use.

I know our budgeting has been changed but with having a \$30,000+ shift, we will now have incredibly hard challenges to amend being in the negative of 11,000~.

If our budget stays the same as we move forward, we will be unable to host conference for the Fall of 2022, as well as possibly going to only (maybe) 2 overnight meets 3-5 hours away.

I know in past years cross country has flown to meets, and I do realize our budgeting is different year to year but (b)(6) did relay our budgeting is larger this year do to



relay our budgeting is larger this year do to more aid being available (community cares act).

Another hurdle I have is due to planning for a much larger budget half way into the school with (b)(6)

I went from having a healthy budget with \$30,000+ remaining, but after changes were made, we are now in the red by 11,000.

I know a small part of this will be adjust with our entry fees being factored in. I do believe (b)(6) set our budget to something that is viable and there's some leeway with using.

As noted, I know budgets can change, but I am still thrown off by a 30,000+ shift and being presented this 1/2 in the school year.

Question 3.)

How would you pursue for me not being in the red? I'd like to stay within what I've been allotted, but I have some newfound challenges



Question 3.)

How would you pursue for me not being in the red? I'd like to stay within what I've been allotted, but I have some newfound challenges with our large shift with our budget.

I am just trying to follow our process correctly and efficiently.

-Clay Mayes
Haskell XC Coach
(b)(6)

(b)(6)

Hello (b)(6)

In regards to your questions on budget:

1. anything purchased after June 30, 2021 is attached to this year's budget (2021-

Feb 7

In regards to your questions on budget:

- 1. anything purchased after June 30, 2021 is attached to this year's budget (2021-2022).
  - a. the budget cycle runs <u>from July 1</u> <u>through June 30.</u> The next cycle will <u>start on July 1, 2022.</u>
- the budget is not one lump sum, rather it is separated into travel, supplies, and contracts.
  - a. you are over in supplies. I had to move funds to address the overspending.
  - b. post-season travel is not part of a team's budget as it has a separate line item
  - c. conference meets are part of a team's budget if hosting is local
  - d. the cross country team has not flown to a regular season or conference meet in over 15 or so years
  - e. the travel line is where you believe you have the most funds (your reference to 30K). I have been

e. the travel line is where you believe you have the most funds (your reference to 30K). I have been asked to adjust everyone's travel line.

I hope this helps answer your questions.

(b)(6)

# Bureau of Indian Education

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046

(b)(6)

Website: www.haskell.edu

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As of now, and when all of our fields within our account are added together our team's budget has \$30,000+ remaining, correct?

If my number is correct we are around \$38,000 in the positive, correct?

Just making sure so we can move forward with our team's funding.

-Clay Mayes

...

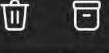
(b)(6)

Feb 7

\*\*\*

Incorrect. The supply line is what each team technically has. The contract line holds the coaches, assistant coach, and meet/tournament





\*\*\*

Incorrect. The supply line is what each team technically has. The contract line holds the coaches, assistant coach, and meet/tournament fees. The travel line is the line I have been asked to adjust for each sport as I was told amounts were placed in each sport without really looking at travel needs and roster sizes.



# Bureau of Indian Education

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046



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As of today, I was relayed by (b)(6) at 3:45 p.m. I am in the clear by loosely \$38,000. Although, we are adjusting our slightly modifying our budget within our sports programs, I was told we still have access to a reasonable funding to continue building our program.

I also have been noted by 3 Haskell co-workers that we are able to radiate our funding from one of our fields (Wxample: travel to supplies) to the next field, as each team modifies and does so accordingly in various ways.

For us, we had lower inventory than a school year, and we had to restock our inventory more-so this year than we normally will moving forward for future years with our program.

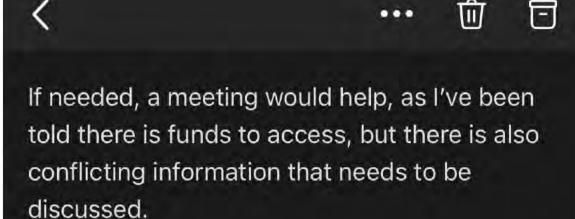
I will be happy to have a meeting on this with (b)(6) and you as this has been



I will be happy to have a meeting on this with (b)(6)and you as this has been weighing on me this last few weeks. All the way up to the later end of December, I maintained our funding within reason, as we didn't travel as far as we normally would to race. The objective was to stay within reason for our budgeting and to use said funding for this Spring. As I have noted consistently, I want to do things correctly, consistently, and have full transparency with Haskell and with my work at Haskell. With the demands that are required to build our program, with being \$38,000 in the positive, there are needs we will need to require for building our program.

Ultimately, we will build our program to a national level by this Fall, developing high retention, successful "students"-athletes, and garnering Native talent from all corners of Native Communities as we present Haskell as an opportunity and platform.

If needed, a meeting would help, as I've been told there is funds to access, but there is also



-Clay Mayes

(b)(6)

-Clay Mayes

(b)(6)

\*\*\*

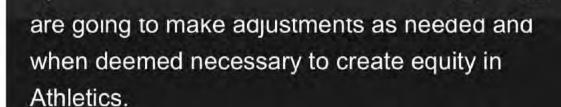


Feb 7

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As mentioned previously, the overall budget is being modified to impact all programs in an equitable manner. Additionally, In speaking with (b)(6) as well as our Chief Finance Officer, we are going to make adjustments as needed and when deemed necessary to create equity in

Athlatian



(b)(6) and I have met to discuss moving funds as need be. The cross country program will have funds to help purchase uniforms. And, speaking of uniforms, I will provide you with the appropriate policy and information on trademarking. Haskell has distinct color pantones, graphics, and approved fonts.



### Bureau of Indian Education

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046

(b)(6)

≪ ∨ Reply to All



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As of 3:45 p.m. it was relayed that there a substantial amount of the funding still available for our program and this was in direct communication with (b)(6)

Question 1.) Are you saying the remaining funding is no longer available to be used except for uniforms? I realize the amount may be lessened, but I am not sure if all \$38,000 has been removed, or only partially removed.

Question 2.) Are we able to meet to discuss our budgeting process and what can or can not be allocated?

I do need to know what is assessable with our funding. As we move forward, we are developing our program at Haskell, and our budget is an absolute crucial asset in doing so.

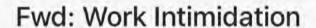


As mentioned previously ... funding is listed for travel, supplies, and contracts. The funding you believe is available is for travel. Since the cross country season ended in November of 2021, travel funds are not needed for this semester or through June 30, 2022.

With this being said, once again ... funding throughout the department will be adjusted in an equitable manner to help meet the needs of our student-athletes.

The budget will be discussed following (b)(6) presentation on Thursday. I hope you provided (b)(6) with your suggestions for student-athlete apparel. The deadline was last week.







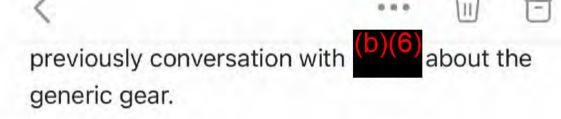
Jan 25

Today at work (b) (6) was following me for a few minutes back and forth around the storage for cross country gear, and then getting on the phone and immediately talking about missing gear once I walked up.

Yesterday all coaches got an email where

(b)(6) noted gear was missing in another storage room where we keep large amounts of generic shirts and hoodies for recruits, and Haskell students and student-athletes. I'm not sure what was missing, but coaches do use that closet to give a shirt to recruits/students/student-athletes.

I also received a call last night from our women's basketball coach, saying (b)(6) email was in regards to (b)(6) as I had a previously conversation with (b)(6) about the



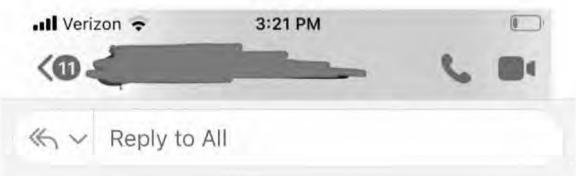
(b)(6) sent an email to all the coaches about using the storage for gears, as it was previously noted that was what it was used for.

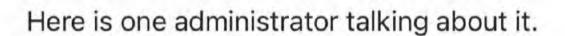
Another issue is (b)(6) have been taking large amounts of Haskell federal property home and giving it to their families.

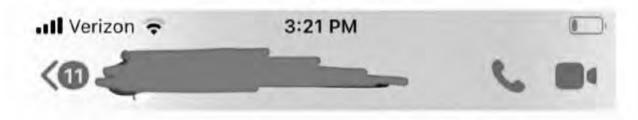
(b)(6) truck with gear from (b)(6) as another administrator 'also' saw it (as did I) and (b)(6)

Is it possible to check the cameras at (b)(6)
(b)(6) on October 5th between 11:30 p.m.to
12:30 p.m.?

Here is one administrator talking about it.

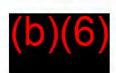






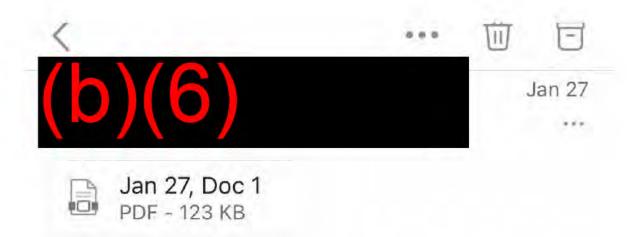
OCT 05, 2021, 11:49 AM

Don't know if you ever knew or been to (b)(6) Gym but the (b)(6) over the years have used funds to buy gear/shoes/t shirts and give aways for non Haskell students and XC students as well. Looks like they are loading it all into (b)(6) truck right now



I also can pass off an email sent to (b)(6) talking about (b)(6) and loading their truck up with gear within an hour after they did so on October 5th.





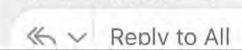
Attached is noted and recent remarks from coworkers.

A reoccurring issue noted to (b)(6) last Fall of 2021 was experiencing attacks in such a manner to jeopardize my employment. As noted by multiple co-workers, these attacks have been systematically coordinated, and premeditated as a way to cause turmoil with my employment at Haskell Indian Nations University.

I do feel the issues can be resolved or better understood if another co-worker can express their concerns of what they've been seeing.

(b)(6) noted a 2nd time, happy to validate such issues.

-Clay Mayes







Re: Systematic Attacks from Co-worker



Jan 27

I've routinely been met with hostile responses and irrational behavior from (b)(6) and (b)(6) Recently, on 1/25/2022, (b)(6)

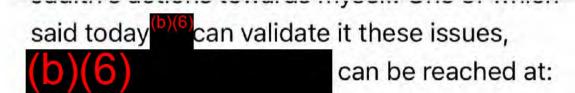
followed me around at work in Coffin citing missing gear and persistently questioning and belittling myself about such issues. This is a big issue to me, as missing gear has been due to (b)(6) taking such federal property, as citing in a message.

On 10/5/2021 between 11:30 a.m. to 12:30 p.m.

(b)(6) and (b)(6) took Haskell/Federal property out of Jim Thorpe to take. If video can be acquired, one can find video of federal property being taking by (b)(6)

l also have 2 co-workers who have seen

(b)(6) actions towards (b)(6) One of which said today can validate it these issues,



If possible, having (b)(6) as one source to validate the attacks would go a long way into discussing and resolving these persistent attacks from (b)(6) and previously from (b)(6)

-Clay Mayes Haskell XC Coach

Jan 28

I am pursuing video footage for the false allegation that a student athlete saw me go into the women's restroom Saturday, as there was

zero student-athletes in the building. I am

suppose to have an update from (b)(6)







suppose to have an update from Monday/Tuesday at the latest.

l also wanted to note if you're able to here,

(b)(6) is a great person that can serial the persistent harassment I've been experiencing from (b)(6) I am confident would be a great source to share such issues I have been experiencing systematically.

If possible, please reach out to at: (b)(6)



I truly appreciate any time and help you can offer to help resolve these ongoing issues.

-Clay Mayes
(b)(6)



Feb 1

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Jan 31

On December 30th, 2021 and January 26th, of 2022 I was told by (b)(6) in person that I would be able to work with new xc student-athletes as they did not sign the nocontact agreement.

I have sent 4 emails to (b)(6) in regards to asking for an update about the investigation since Mid-December, noting the extended investigation was preventing my ability to do my work duties. I have not been provided one update or one response up to January 30th of 2022.

Since (b)(6) took over the Athletic
Director Position, I've been met with hostility
and intimidation with (b)(6) as our
women's basketball coach has noted to me
that (b)(6) has openly shown to be
condescending and routinely going after me as
a viable way to attack my employment at
Haskell

Since (b) (6) took over the Athletic
Director Position, I've been met with hostility
and intimidation with (b) (6) as our
women's basketball coach has noted to me
that (b) (6) has openly shown to be
condescending and routinely going after me as
a viable way to attack my employment at
Haskell.

Currently, I am awaiting a response from (b)(6)

(b)(6) to obtain validation that a recent allegation was falsified from a administrator through the process of grooming a student-athlete to make the allegation about myself as a way to cause detrimental effects to my employment at Haskell.

-Clay N	Mayes
(b)(6)	
***	





If possible do contact (b)(6) as another source to validate the attacks and the harassment I've been experiencing. I've had no resolve in handling these attacks in any form, nor have these attacks dissipated in any manner.

I do believe getting a second perspective and an honest way to documented what (b)(6)
(b)(6) has also seen would be viable action and would be one step to helping manage and prevent future attacks from (b)(6) and

I apologize if you have contacted (b)(6) already. If you have not, and if you are able to, please confirm(b)(6) sentiments about the harassment taking place.

I really and sincerely need any help and time you can offer. I would like to retain my job, as





(b)(6) nas also seen would be viable action and would be one step to helping manage and prevent future attacks from (b)(6) and (b)(6)

I apologize if you have contacted (b)(6) already. If you have not, and if you are able to, please confirm (b)(6) sentiments about the harassment taking place.

I really and sincerely need any help and time you can offer. I would like to retain my job, as well as, follow all our rules and protocols. With the contact attacks, it's create an anxious and uncomfortable environment to say the least.

-Clay Mayes





#### Overview



Feb 18

I was checking back to see if there is a plausible route to pursue ongoing work concerns.

Also on a related note, I was wanting to see what our xc team budget was to confirm how we are situated.

I recently requested a meeting with our president, but I didn't receive a confirmation to meet.

With being unable to touch base and express any concerns or issues, I do feel there may be a bias present with not being able to work with other employees to express concerns.

Any information you can lend is appreciated.



...

Divisions of Acquisitions did validate that a Haskell Administrator did call them and reported the situation.

Divisions of Acquisitions also noted they were not made aware that (b)(6) s the (b)(6) (b)(6) I replace, that being a conflict of interest, and that I replaced (b)(6) as the cross country coach.

Would this fall under retaliation and there being a clear bias for the Haskell Administrator's actions?

-Clay Mayes

Fwd: [EXTERNAL] Re: In Person Meeting with President

Feb 9

...

Hello, I was wanting to schedule an in-person meeting with our President. I did go through the proper channels and my (b)(6)

(b)(6) noted I can pursue a meeting with (b)(6) to discuss

concerns I have had.

I can adjust my schedule to visit with our President this <u>upcoming Monday</u>(14th) or Tuesday(15th) or Wednesday(16th).

Please let me know how I can proceed. Thank you for any help and your time.





...

Hello,

I was wanting to follow up and pursue an inperson meeting with the President to detail concerns I have had.

-Clay Mayes



...

☐ Inbox



Feb 16

\*\*

(b)(6) would like for you to work through at this time.



Secretary, Office of the President

≪ ∨ Reply to All





Secretary, Office of the President

#### Bureau of Indian Education

Haskell Indian Nations University

Lawrence KS 66046



Website: www.haskell.edu

Facebook: @HaskellUniversity

Twitter: @HaskellUniversity

...

(b)(6)

Feb 16

originally with (b)(6) I was unable to resolve the concerns and issues I've had. This has brought (b)(6) to discussing the issues and concerns with (b)(6)







-Clay Mayes

...

(b)(6)

Feb 22

\*\*\*

With reoccurring issues within the confines of my work and job duties, I still have concerns I wanted to address with a meeting if it was possible.

Thank you for your time and any information you can provide.

#### RE: [EXTERNAL] Re: Federal Policies



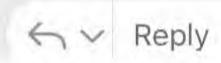
Feb 6

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Hello (b) (6) I was following up to see if you had any notes or information about our federal policies? I am wanting to review everything moving forward and make sure to adhere to all our regulations and rules.

As always, thank you for any information you can provide.







I'm looking to obtain our federal policies as a contractor for Haskell. Obtaining these policies will allow me to advise by and follow all our rules and regulations.

If you get a chance, please send the information to [b)(6) I will then thoroughly research all of our regulations and rules and follow them as instructed.

I'm also looking to obtain the information to qualify and pursue doing interviews with Haskell as well.



☐ Inbox



Feb 9





qualify and pursue doing interviews with Haskell as well.

-Clay Mayes



☐ Inbox



Feb 9

...

Clay please reach out to your COR on specific policies. I am not the holder of policies.



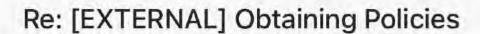
155 Indian Ave, Box 5030 Lawrence KS 66046

Haskell Indian Nations University











Do you know where I can obtain our policies and regulations?

I am wanting to do some research and make sure I follow all policies and procedures moving forward.

No urgent rush, just whenever you have time to relay the information.

-Clay Mayes



□ Inbox



Feb 10

...

Unfortunately there is not good source where all policies are located. Haskell abides by a lot of







Unfortunately there is not good source where all policies are located. Haskell abides by a lot of Federal and DOI/BIA policies. If you let me know any specific policies you want to read I could probably have better luck locating it.



Finance Specialist

#### Bureau of Indian Education

Haskell Indian Nations University 155 Indian Ave

Lawrence KS 66046



Website: www.haskell.edu







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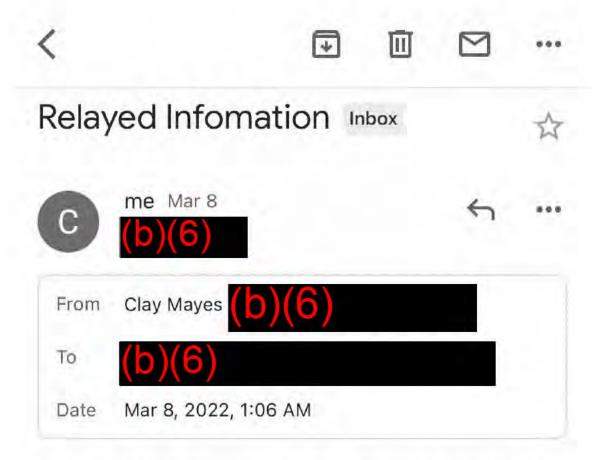
I will look up both Federal and DOI/BIA policies.
I have already been scanning BIA policies the last several weeks.

I will check back on some more specific policies

I really just want to research all our rules and regulations, and adhere to all of them.

There's quite a few regulations that are vastly from our federal policies vs the policies of when I coached at a private college.

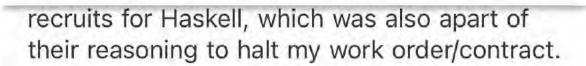




For my documentation purposes, I wanted to just do an email overview. I also appreciate you taking the time on 3/7/2022 for the call. After that discussion, I have a grasp with the process you all will adhere to now as the conclusions of the investigations are the focus for information and moving forward.

Originally, I thought you all would look into the claims on both sides right after our first discussion on 2/24/2022.

As you noted in the call on 3/7/2022, a Haskell administrator called you all and relayed that on the no-contact agreement that I could not interact with not just the Haskell xc student-athletes, but all student/athletes at Haskell from any sport and this also applied to non-student-athletes as well all(Haskell students).

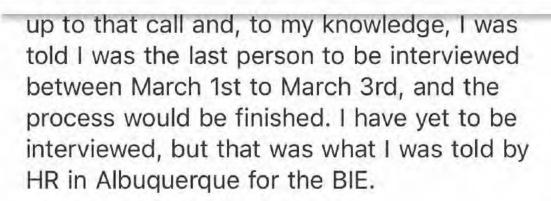


As I noted in the call, and from my knowledge and persistent experiences, the Haskell administrator made the call as a continued retaliatory and harassment-like action.

Below is the no-contact agreement, which details and applies to Haskell cross country runners who are on the xc team (both athletically eligible or ineligible). From the terms noted on no-contact agreement and from what I was told by (b)(6) I was conveyed this applied to all Haskell (eligible and ineligible) xc runners from Fall of 2021. I will not contact any student-athletes until the investigation finishes. However, I do wish I would have been properly informed in some form on the day of the no-contact agreement and would have been told what one or more of the allegations were to allow me to respond with some sort of due process.

Moving forward, I won't preoccupy any of your time, and I apologize for any and troubles I may have caused by taking up your time.

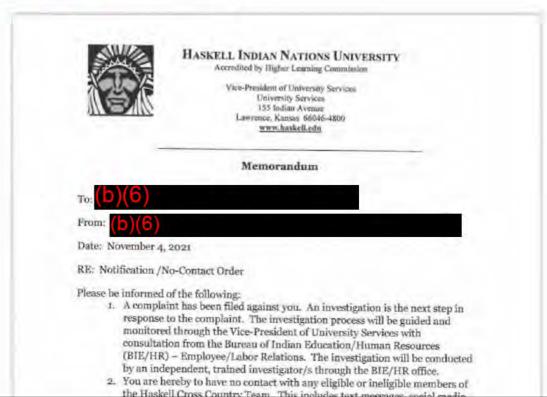
The original call on 2/24/2022 did catch me by surprise, as I was told there was no

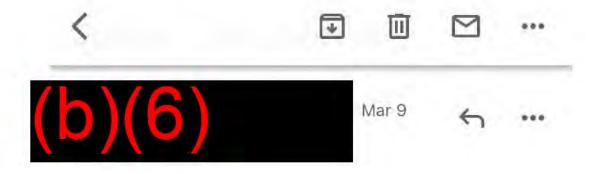


If you need anything from my end, please do not hesitate to ask.

(b)(6) is noted on the no-contact agreement below, and if you need his contact, his cell phone is:







Mr. Mayes,

I met with HINU management yesterday regarding the Stop Work Order and the No Contact Order. I was informed that they will work on getting the Stop Work Order rescinded and to allow you to continue with your contract. However, the work will be limited in scope and the No Contact Order will be amended.

In your complaint, you stated that there are concerns with (b)(6) as the Athletic Director and a family member to (b)(6) Management is aware of that and has taken measures to ensure that there is no conflict of interest or nepotism. Also, management has the right to make selections or assign work to an employee provided that all policies and procedures are met.

You also stated the harassment by (b)(6)

I had reviewed your harassment complaint that you had submitted on December 7, 2021. That matter is currently being investigated on and was informed by

(b)(6)

I had reviewed your harassment complaint that you had submitted on December 7, 2021. That matter is currently being investigated on and was informed by the investigator that they had interviewed you on that issue recently. However, if you were experiencing the harassing conduct prior to your filing, then (b)(6)

Athletic Director, should have taken measures to look into the issues if you reported them to him. Therefore, (b)(6)

failed to ensure that the harassing conduct ceased by (b)(6)

and/or any other employees who were harassing you.

If you have any questions, please feel free to contact me. Thank you.

### (b)(6)

Human Resources Specialist (ER/LR)

U. S. Department of the Interior

Bureau of Indian Education

Albuquerque, New Mexico



Draft Addendum

3/11/2021

No CONTACT - stays in place and is clarified

Work on plan - Move FORWARD

complete sport schedule for the upcoming season during the semester prior to competition or earlier (try to plan one year in advance)

complete NAIA eligibility short-list of prospective student-athletes for the upcoming season as soon as they are identified in the process

a. Work with SID to ensure all stats are complete and sent to appropriate locations Help with the game/event management for all sports and Athletic Department

Develop an academic plan for your team and ensure it's success

Recruitment Plan/tls

Program Direct Supervisor: (6)(6)



## HASKELL INDIAN NATIONS UNIVERSITY

Accredited by Higher Learning Commission

Vice-President of University Services University Services 155 Indian Avenue Lawrence, Kansas 66046-4800 www.haskell.edu

Memorandum of Clarification

To: Clay Mayes, Athletic Program, Cross-Country Coach

From:

Date: March 14, 2022

RE: Clarification of No-Contact Order

Please be informed of the following clarification of the No-Contact Order signed by you on November 4, 2021:

1. Item number 2 of the order: you are not to have contact with any student, eligible or ineligible for or with the Haskell Indian Nations University Cross-Country Team.

This includes no contact with prospective students and their families who have been identified as possible recruits for the Haskell Cross Country Team. Please make sure all leads, prospective students, and all contact information are turned over to the Athletic Director.

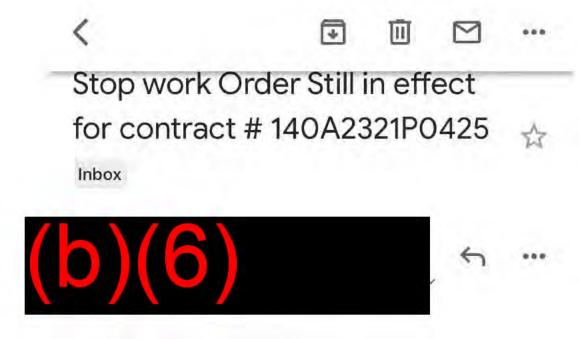
Please sign this document as evidence that you have read, understand, and have received this information.



Clay Mayes, Signature

Date

cc: COR, Contracting Office BIE/HR Athletic Director President



Good afternoon Mr. Mayes

This email is to serve as a reminder that the stop work order is still in effect until further notice. Please refrain from contacting the faculty, staff, and student athletes until the ongoing inquiry has been concluded. If you have any questions you can contact me or (b)(6) with questions you may have regarding the stop work order. As of this moment the order is still in full force and effect. Also please return all access keys to (b)(6) by COB Tomorrow. (b)(6) will contact you with a drop-off location and time.

Thank you





Mr. Mayes,

Allegations of fraud have been reported to the Office of the Inspector General (OIG). Such allegations are taken seriously and as a result, management at Haskell had reached out to the Division of Acquisitions to reinstitute the Stop Work Order. OIG will review the allegations and will determine if they will investigate the matter. If OIG determines that they will investigate, they will contact you to schedule an interview with regards to the allegations.

#### (b)(6)

Human Resources Specialist (ER/LR)

U. S. Department of the Interior

Bureau of Indian Education

Albuquerque, New Mexico

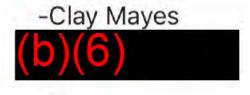




I was just recently contacted by the BIE in Albuquerque. I was told my contract will resume.

Just to make sure I have all the information gathered correctly in proper detail, I would prefer to receive an email with all the necessary information to move forward with my employment going from being a stop work order to now resuming my work at Haskell.

Thank you for any information and help you can provide. Please let me know how I can proceed.



☐ Inbox





Re: [EXTERNAL] Information



Mar 14

Can you send me the information <u>from Friday</u>. Essentially everything agreed upon moving forward.

-Clay Mayes

☐ Inbox



Mar 14

Documentation is currently being worked on and will be sent to you soon.











Re: [EXTERNAL] Updated work order



Mar 18

Any movement on rescinded work order?

Clay Mayes

□ Inbox



Mar 18

I have not received anything but will try to follow up today.



Finance Specialist

#### Bureau of Indian Education

Haskell Indian Nations University



1 F F T .. 1: ... A ...

≪ ∨ Reply to All



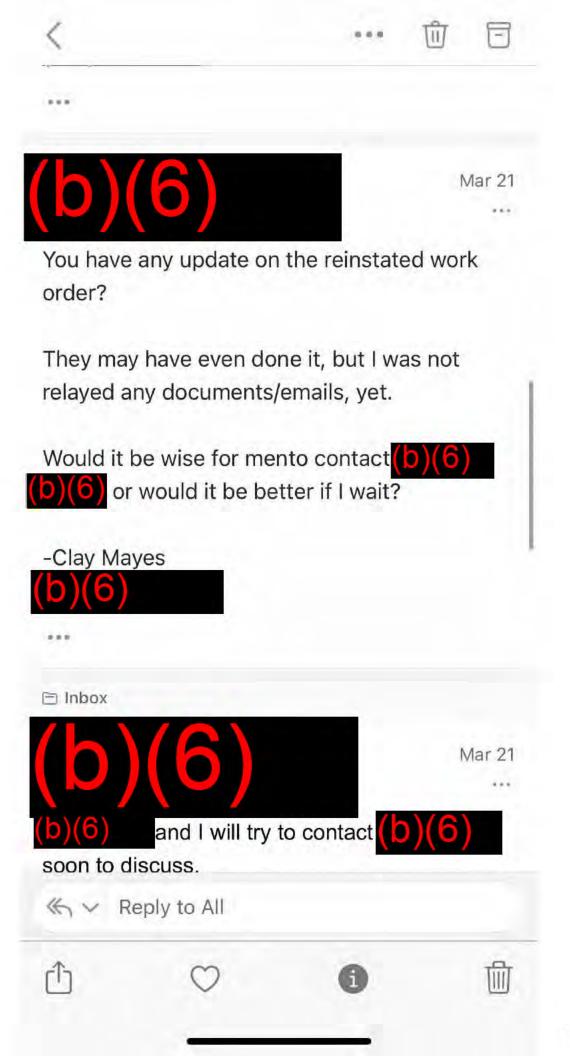
...

Hopefully by Monday there's some movement. Once the work order is on, I'll go through my SOW, and I will send the previously completed work duties to (b)(6) and you.

Obviously, this can wait till the work order is activated, but I am still trying to approve our 2 assistant coaches. They 'should be' clear, but I have had trouble with either no responses or (b)(6) saying they are good (in front of multiple coaches), but no movement was made. I don't want to press on anyone, I'd just like to add these coaches to benefit the college and program.

As always, thank you for the help and your time.











(b)(6) and I will try to contact (b) soon to discuss.

(b)(6)

(b)(6)

Finance Specialist

#### Bureau of Indian Education

Haskell Indian Nations University

155 Indian Ave

Lawrence KS 66046



Website: www.haskell.edu



Mar 21

\*\*



-Clay Mayes (b)(6)

# $\binom{b}{\binom{6}{\binom{b}{\binom{6}}}}$

Yesterday

Let me know if there was any update with completing and finishing reinstating my work order. I'm unsure what the timeline is for that process, but it was noted it would be around a week or so.

I am not sure if this information is suppose to go to you now, or if it goes to you later on when it's finishing up, but I was recently interviewed for the investigation that started a week into December(the 8th I believe). I was also instructed to send in all documented evidence



LT SEE

Mar 22

Let me know if there was any update with completing and finishing reinstating my work order. I'm unsure what the timeline is for that process, but it was noted it would be around a week or so.

I am not sure if this information is suppose to go to you now, or if it goes to you later on when it's finishing up, but I was recently interviewed for the investigation that started a week into December (the 8th I believe). I was also instructed to send in all documented evidence and related materials as well.

The investigator told me this investigation will interview 4-5 others for it, and it will be finished in about 4-5 weeks. Additionally, I was sent a declaration document. It's not the final document within the investigation but more of a step within the process itself. Let me know if you need this document, or you just need the conclusive documents at the end of the

DECLARATION OF	(b)(6)	

Job Title: Sports Information Director/Assistant Athletic

**Director/Adjunct Professor (contractor)** 

Work Location: Haskell Indian Nations University (HINU)

**Bureau of Indian Education** 

Lawrence, Kansas

Date of Interview: May 6, 2022

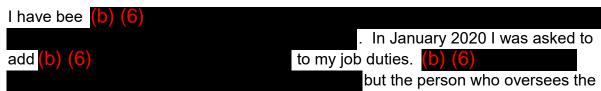
i, icicby make this beclarat	١,	(b)(6)	, hereby make this Declara	ation
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I understand that I am making this statement under penalty of perjury; that it is the equivalent of a sworn statement made under oath; and that it may be filed in proceedings before the Merit Systems Protection Board (MSPB) or the Equal Employment Opportunity Commission (EEOC), in the grievance process or before an Arbitrator, in court, or in any other similar proceeding.

This statement is voluntary and no promises of any kind have been made to me and I have not been subjected to any threatening or coercive behavior for the purpose of obtaining this declaration.

I understand that this declaration is part of an official management investigation and that this investigation is not part of the Equal Employment Opportunity (EEO) process.





Athletic Department is (b) (6) has been the Athletic Director since (b) (6) retired in December 2021.

I am aware of the Agency policy regarding harassing conduct. I have received training on the agency's policy. I can access the policy through the HR department at Haskell.

Clay Mayes was contracted as the cross-country coach beginning in June 2021. As a coach he was to provide me with any information regarding the student athletes as I maintain the web sites for out teams/athletes. I was not Mr. Mayes' supervisor.

(b) (6) is Mr. Mayes' COR and the Athletic Director until December 2021 was I have known Mr. Mayes since June 2021. I interacted with him regularly (several times a week) during the cross-country season with respect to the information I needed to put into the team website. I last interacted with Mr. Mayes in January or February 2022 because he was issued a no contact order, which I understood to include interaction with staff (as well as the student athletes).

There is no supervisory chain between my position and (b) (6) position.

(b) (6) works in the students' rights office. I occasionally (about once a month) would interact with (b) (6) to see if any athletes had sanctions against them because students need to be in good standing at the University to be able to play their sport. I last interacted with (b) (6) sometime during the 2021 fall semester, but I do not recall the specific date.

student athletes on the cross-country team (b) (6)

as we met in one of the rooms at the Coffin Sports Complex on October 28, 2021, to let me know some concerns they had (favoritism of certain athletes; mistreatment, including through communication; physical treatment of what a trainer should be doing and not a head coach; runners under Haskell bids would be running for other people). I told them they needed to put their concerns in writing and address it to administrators at the University, which they did via email the next day. This is the only time I met with students regarding concerns about Mr. Mayes. I did not meet with student athletes in secret or on multiple occasions and I did not compile complaints to fabricate or stretch/inflate claims to fit a narrative. I did not meet with student athletes at my house to discuss concerns about Mr. Mayes. The first and only meeting I had with student athletes about concerns regarding Mr. Mayes was on October 28, 2021.

I did not have the student athletes I met with recruit others to make complaints about Mr. Mayes. I do not know anything about these runners showing up unannounced at



other teammates' apartments to have them join in complaints against Mr. Mayes. I did not say anything to the student athletes I met with that could be construed as encouraging them to recruit other teammates to make complaints about Mr. Mayes.

I did not harass or intimidate Mr. Mayes. I have never screamed at work, including screaming "BULLSHIT" in the Athletic Department's offices. I have never screamed at (b) (6)

I never asked anyone, including student athletes, to secretly record Mr. Mayes or to ask inappropriate questions to be used as sound bites.

My handwritten notes were from the meeting I had with the student athletes on October 28, 2021. I told the students that they needed to put everything they told me in an email and send it to the Haskell administrators so their concerns could be addressed. I did not tell the students to take a picture of my notes, but I have seen a picture of my notes, so I know someone took a picture of them. I did not ask the students to share my notes with teammates to see what they could add.

I know nothing about students receiving messages stating "better not say anything" after the one meeting I had with the students (on October 28, 2021).

I do not know if additional complaints were made against Mr. Mayes after Mr. Mayes sent an email to me and (b) (6) on October 29, 2021 stating he felt there was harassment, which occurred after the students sent the email listing their concerns to Haskell administrators on October 29, 2021. I forwarded this email to (b) (6)

I have never subjected any employee, including Mr. Mayes, to harassment. Mr. Mayes never conveyed, prior to the October 29, 2021 email, that he felt as if he was being harassed.

Any questions that were asked of Mr. Mayes from various employees multiple times regarding completion of tasks, his direct response at least 9 times out of 10 was that he is not the brightest person, which was some type of excuse as to why the task was not done or not done correctly.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. This declaration, including this page, consists of pages.





Declarant's Signature

Sports Information Director, Federal Contractor

Position Title, Level

Haskell Indian Nations University, Athletics Dept., Lawrence KS

Place of Employment

5/27/2022 | 3:17 PM CDT

Date



Job Title:

Student Rights Specialist, GS-09

Work Location:

Haskell Indian Nations University (HINU)

Bureau of Indian Education

Lawrence, Kansas

Date of Interview: April 27, 2022



I understand that I am making this statement under penalty of perjury; that it is the equivalent of a sworn statement made under oath; and that it may be filed in proceedings before the Merit Systems Protection Board (MSPB) or the Equal Employment Opportunity Commission (EEOC), in the grievance process or before an Arbitrator, in court, or in any other similar proceeding.

This statement is voluntary and no promises of any kind have been made to me and I have not been subjected to any threatening or coercive behavior for the purpose of obtaining this declaration.

I understand that this declaration is part of an official management investigation and that this investigation is not part of the Equal Employment Opportunity (EEO) process.

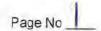


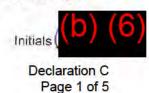
I have worked for (b)(6)

My supervisor is (b)(6)

for a year.

I am aware of the Agency policy regarding harassing conduct. I have received training on the agency's policy. I can access the policy on the BIA or DOL websites.





There is no supervisory relationship between my position and Clay Mayes' position. I have known Mr. Mayes since October or November 2021. I did not interact with him hardly at all until the complaint came forward. I have seen him four or five times since then and we have talked by phone and email. When students have issues, they come to possible and I advocate for the students. I last interacted with Mr. Mayes when he sent an email in January or February 2022.

There is no supervisory relationship between my position and (b)(6) position. (b)(6) is like the go between for and the coaches. I have known (b)(6) since came to Haskell, about two years ago. We do not interact very often but at the beginning of this complaint, from about October through December 2021, we spoke at least twice a month. I last interacted with (b)(6) regarding Mr. Mayes shortly before Mr. Mayes was removed, which I believe occurred in January 2022.

Around the end of October 2021 I received a letter from three students (b)(6)
who came to my office with 18 listed items the students were upset about and two proposed solutions. I looked at the items and picked out the top three or four items that most concerned upset asking questions of the students about those items for an initial investigation to turn over to HR. Some of the students submitted emails and texts about their concerns, which I collected. (b)(6)
contacted and asked about the process. I told was collecting information about the students' concerns and (b)(6) would forward information that I could send to HR along with the information I was collecting. I did not work with (b)(6) with respect to the evidence I was collecting, I only told her that I was collecting information.

My supervisor's supervisor, (b)(6) called b(6) at the end of November/ beginning of December 2021 and indicated that (b)(6) had a concern that possibly (b)(6) (b)(6) was working with (b)(6) to go after Mr. Mayes. It was not long after that when I really backed off from talking to anyone about what I was collecting. (b)(6) told me she was communicating with someone in HR to have an independent investigation conducted. I forwarded all of the information I had to (b)(6) My impression from (b)(6) was that (b)(6) and (b)(6) were on a "witch hunt" against Mr. Mayes. I tried to limit talking about the case to anyone other than the students, regarding their concerns about the complaint.

I stopped collecting evidence about the students' concerns at the end of December/beginning of January. Mr. Mayes contacted (b)(6) several times and I tried to



guide him to keep him from doing anything to further injure students, which would also hurt him in the long run.

I did not say to a student athlete "we work to get him out." I told the students I was working to gather information and do an investigation, for which I did not know the outcome. Mr. Mayes submitted a letter to his immediate supervisor or someone in which he made this allegation. I reached out to Mr. Mayes between November 10, 2021 and December 1, 2021 to let him know I did not make this statement and that I was conducting an investigation. I told him he had an opportunity to submit evidence as well, which he should probably submit to HR.

I did not see a surge of additional complaints against Mr. Mayes—I received a steady number of complaints about Mr. Mayes between October and December 2021. I received notice from (b) (6) in early December that Mr. Mayes was on campus and meeting with student athletes.

I am not aware of interactions with the students regarding complaints about Mr. Mayes. I only know of the information (b) (6) to me because knew I was collecting information to send to HR.

I do not believe I have ever subjected any employee, including Mr. Mayes, to harassment.

I feel like Mr. Mayes and I had a cordial relationship. I tried to be conscious that I was not treating one side more favorably than the other.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. This declaration, including this page, consists of 4 pages.



Student Rights Specialist GS-9
Position Title, Level

GS-9 Haskell Indian Nations University



Place of Employment

5/12/2022

Date

Page No 4



#### MEETING NOTES

Coach Clay Mayes

Unspecific date, but occurred between November 10 - Dec. 1, 2021

The Cross Country coach came to discuss with me the situation that was happening with the team. There was a response to some action that was being taken against Coach Mayes and he responded by stating that I made some comments to a student. It was at this point, I knew I needed to talk to the coach to let him know how best to navigate his way through the process that was being implemented.

Coach Mayes did come to my office and I explained to him, that my job was to do an initial investigation to see what needed to happen, and that I was not the decider on what was to take place. I told that I felt the need to let him know the process which I figured was very similar to the process for Title IX/EO 13160.

At that time, I pointed out some of the concerns that the students had, and told him that he would need to get evidence to address those concerns. He did not indicate one way or the other as to whether or not he had anything to prove, but I did indicate to him that he would most likely need to provide it to the formal investigator.

I managed to give him some tips on how he could best keep his professionalism as a coach by telling him he could go through his supervisor if he needed to communicate with a student or entity that has answers to his questions. I also informed him that some of the allegations (if they were true) needed to stop such as texting and using social media to have contact with students. I am not sure if he took the advice, but I did my best to mitigate any further situations that would hinder the rights of students' ability to be success at Haskell in all aspects such as athletic teams, academic concerns, as well as social status at Haskell.

The meeting started out a little tense, but in the end the coach seemed to have a pretty good grasp on the expectations of Haskell and the procedures that are done in order to hear both sides of the story.



4/6/2022

DECLARATION OF \_\_\_\_(b)(6)

Job Title: Work Location: Women's Basketball Coach (contractor)
Haskell Indian Nations University (HINU)

**Bureau of Indian Education** 

Lawrence, Kansas

Date of Interview: April 14, 2022



I understand that I am making this statement under penalty of perjury; that it is the equivalent of a sworn statement made under oath; and that it may be filed in proceedings before the Merit Systems Protection Board (MSPB) or the Equal Employment Opportunity Commission (EEOC), in the grievance process or before an Arbitrator, in court, or in any other similar proceeding.

This statement is voluntary and no promises of any kind have been made to me and I have not been subjected to any threatening or coercive behavior for the purpose of obtaining this declaration.

I understand that this declaration is part of an official management investigation and that this investigation is not part of the Equal Employment Opportunity (EEO) process.



I previously worked for DOI from (D)(C) I have been in my current position for about (b)(6) My supervisor is (b)(6) Who has been my supervisor since January 2022. My prior supervisor (b)(6)

I am aware of the Agency policy regarding harassing conduct. I have not received training on the agency's policy. I do not know where to go to access the policy.

I have heard the name but we have not had any communication and I would not know is the (b) (6) letterhead indicates I am not aware of there being any supervisory relationship between us. I interact with on a daily basis about the women's basketball program. A lot of information is channeled through Even though to some some supervisory chain, I feel like operates in that role in terms of (b)(6) email communications and the information provided. I vaguely recall stating "this is bullshit" during the fall, which I did not see as hostile. I viewed it as a frustrated outburst on part because has a lot blate. There were two to three incidents where nas addressed has a front of student athletes in an unprofessional manner ("these people need to get out" "you need to do this"). was stern, direct and excited, but I would not say was screaming. I felt like (b)(6) hot only wanted me to know (b)(6) has a lot of power and was the boss, but vanted the student athletes to know this as well. has told me in casual conversation that if I had any questions as a new employee, problem being the "bad guy" and says it likes it is. When I saw it in action in my first day in the gym as a new hire it was problematic when came over and told everyone what they could and could not do. My immediate reaction was like fight or flight. I felt punked or belittled in front of my senior athletes. I emailed the incident immediately to my supervisor. I sent my supervisor. (b) (6) an email asking who is and what her role is and that the enjoyed telling me that neither nor the athletes could be in the gym. As it turns out, was not good with technology and my email to was shared with I have years of supervisory experience and there are more tactful ways to address me. These incidents in which inserted did not need this type of attention, they were trivial. was very creative in going about making it look like I was doing something I should not have been doing. response to was that apparently I thought 'nobody" at the school and we should have a meeting. No meeting was ever held. made me feel like I was just the new guy. I feel like there has been an unspoken agreement between and that this was behind us, but I still remember it because these incidents did not have to happen. Our work interactions



have been manageable, but seem to be fake. I do not hold grudges. I learned to deal with (b)(6) approach because if I want assistance, I have to play the game with the right people. I learned you cannot upset certain people. (b)(6) has a good support system within the school and I do not. I am a (b)(6) whereas (b)(6) in this way as I became more accepted and familiar with the school.

In November and December, when I was coaching, there were incidents ("things need to get done") that to seemed trivial. Prior to game time (b)(6) would take jabs or digs ("hey coach you need this" "you're not doing this"). I did not feel like comments were intended to help but rather to make it seem like I did not know what I was doing. (b)(6) could have told (b)(6) these things two hours before tip-off rather than two minutes prior to tip-off. As the program experienced success. (b)(6) became more pleasant.

On October 28, 2021 my team was having practice in the gym. There is a clear window between the gym and the weight room. The cross-country team was in the weight room. A group of three girls (b)(6)

walked out of the weight room and I could tell one of them was teary. I asked

them if they were okay. They told me "no, he's mean, we need help, can you help us." They told they wanted someone to see how Coach Mayes was making them feel at that moment. They told they wanted someone to take note of how they were feeling. I told them that Coach Mayes' supervisor was They told they could not go to (6) because was friends with Coach Mayes. I told them that was the best I could do (to steer them in that direction). They seemed let down that I did not do what they wanted me to do. My interactions prior to this incident with these students involved joking and were positive and, after this incident, they did not joke with let Coach Mayes know that he had three athletes who were kind of distraught and were disappointed with him. He told they had a meeting that they did not like and they were upset with him. I believe I shared this same information with that the three team members were having a hard time with Coach Mayes). (b)(6) told that Coach Mayes had been discussing this with (6)(6) never spoke with any of the female athletes about this again. The next few times I saw them they were not as interactive with as they had been previously.



I spoke with (b)(6) about there not being a Haskell women's basketball page on social media since the other teams had social media pages. (b)(6) is responsible for administering these pages. (b)(6) told (b)(6) that we did not have access to the account because the prior administrator did not give us the password. (b)(6) later came back and told me in January 2022, once we had a new supervisor, that (b)(6) had told me previously (even though had not done so) that all I had to do was send (b)(6) an email requesting rights for administering a page and (b)(6) would get me set up.

Again, I learned to take this in stride rather than pointing out that this was not what (b)(6) previously told (b)(6).

Ultimately (b)(6) knows (b)(6) is protected and can act the way (b)(6) wants to.

Ultimately (b) (6) knows (b) (6) s protected and can act the way wants to. If you are an outcast, you are an outcast to the extent that there have been student workers who work with (b) (6) who have made comments like "why doesn't (b) (6) like the cross-country coach"? This is a lack of professionalism in the workplace. I feel like the cross-country coach was subject to direct mistreatment by (b) (6)

For example, I could walk in and get program t-shirts and Coach Mayes was not allowed by (b) (6)

I feel wholeheartedly that this is a leadership issue. When I was first hired and while I was still in Washington and not working at Haskell yet, (b)(6) told (b)(6) b)(6) was not the Athletic Director but "I do a lot of work." (b)(6) eally enjoys doing that (flexing (b)(6) power). I have seen it all play out since I arrived here. I do my job because I am going to do the right thing for my students. I feel like (b)(6) does (b)(6) job for image, perception and power.



I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. This declaration, including this page, consists of \_\_\_\_\_\_ pages.



Head Women's Position Title, Level	Bas Ketbe	11 Couch
Haskell Indian Place of Employment	Nations	University
4/26/22 Date		

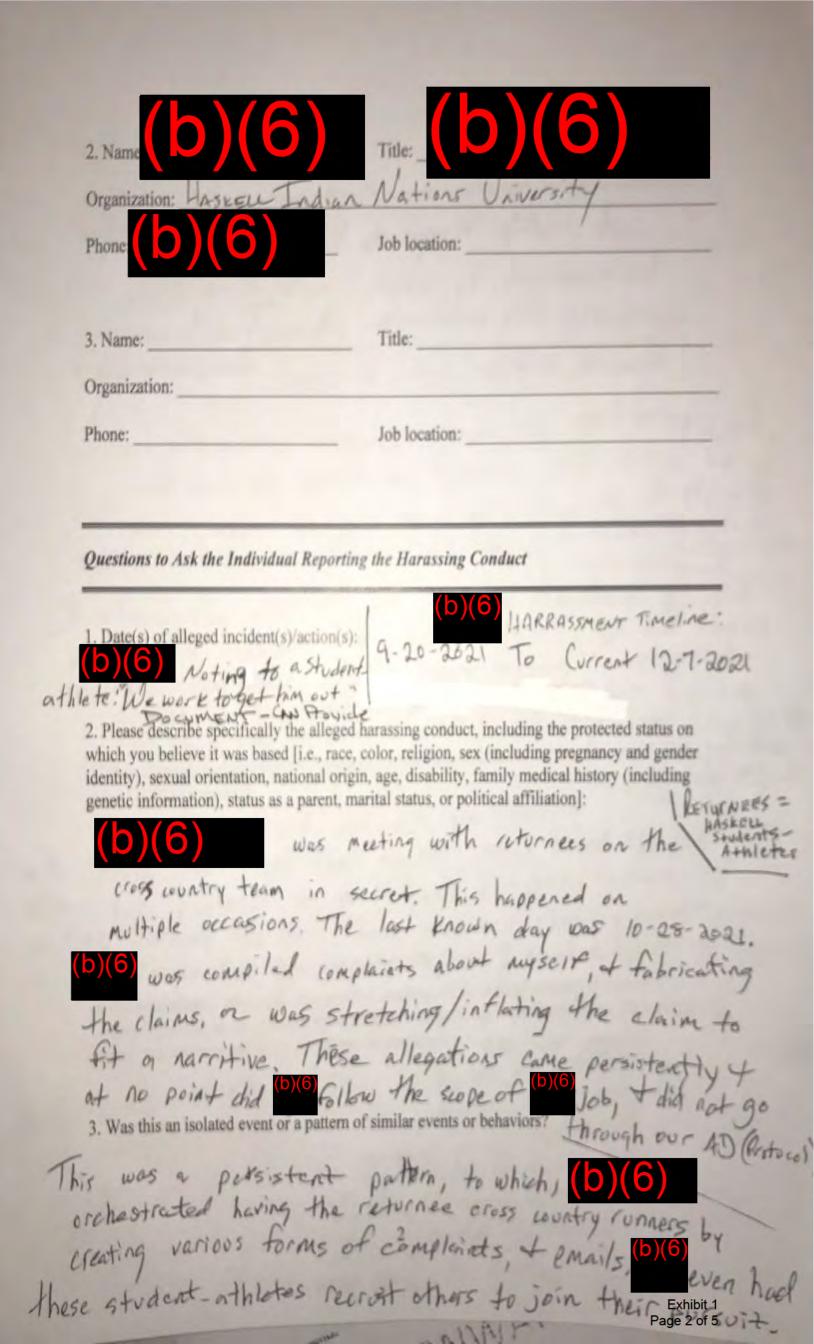


# Personnel Bulletin 18-01: Prevention and Elimination of Harassing Conduct

# Appendix A: Sample Harassing Conduct Allegation Intake Form

This sample intake form can be used by any management official to record a report of harassing conduct. It can be used as a prompt during a conversation with an employee reporting harassing conduct, or as a way to document the conversation after the fact. Gathering as much information as possible immediately from the individual reporting the alleged harassing conduct will aid management in swiftly determining the best course of action. Bureaus/Offices may wish to develop and issue their own versions of this form.

Management O	fficial Taking the	Report		
Name: (b)(6			man Resources Sp	ecialist (ER/LR)
	DOI, BIE, Human on Reported: _Sept	Resources Department ember 15, 2021		4:59pm
	orting Harassing			
Name: Clay Organization: Phone:	Mayes HASKELL IN	Title: 19	niversity  on: Lawrence	e, KANSAS
Individuals A	llegedly Engaging	in Harassing Condu	ct (if known)	
1. Name:	1)(6)  HASKEL 1  (6)	dias NATION	o)(6) ion: LAWAEN	CE, KANSAS



4. Was the harassing conduct directed at you or someone else? If someone else, to whom was it It was directed at myself. Others have dealt with other forms of harrassment from (b)(6) Typically intimidation with screaming. 5. What was your reaction? Unable to sleep, restless, stressed, denstantly werried about my well being, job, as I worried about my runners well being, as I Was unable to give them more time due to the time
6. How did this conduct or behavior affect you? How did it make you feel? responding to these vallegetions. It affect the stability of my job. Anything I olid was being stretched tosed. Example (b) (6) had these returnees secretely record ment asking inappropriate questions to be used as sound bites. I felt helpless,
as there was nothing I wild abcorrectly, two riled up to
7. Did you speak to the person who engaged in harassing conduct to ask them to cease? If so, get the
what was their response? with these sunners, of that my supervisor noted (b)(6) did not follow our protocol to go through (b) (6) well as, learning (b)(6) had these runners showing up amounced to other teamments Arartments to join, I emailed (6)(6) of our (b) 8. Can you identify other individuals with knowledge of the alleged conduct at issue or other actions/behaviors by the charged individual(s) in the past? (Include observations, what people heard, and who you told about the events in question.) (6) was emailed by me on 10-28-2021, is answer is attached +I noted I was aware of (b)(6) neeting with my athletes. I directly noted for this harrass ment to (b)(6) did respond in any way, or form. Exhibit 1 Page 3 of 5

8, (b) (6) both my supervisor and (b) (6) is was the first person who noted (b) (6) is harrassing myself + my well being with work it that this is a case of work place harrossment." (b)(6) has caused such issues, + for multiple people, including (b) (6) will scream to get what they want, or to convey how mad she (b) (6) is. Example: (b)(6) screamed in our offices on one occasion, BULLSHIT, when our AD was just having a soft conversation that (b)(6) became abruptly aggressive. Multiple employees were present for Our womens basketball coach, (b) (6) has had multiple occassions where (b) (6) has screamed at him in front of 20+ student-athletes for trivial issues, for trivial issues.

The became aware of (b)(6) orchestrated process in became aware of (b)(6) orchestrated process in assembling attacks about my employment from numero assembling (b)(6); (b)(6) (b)(6) provided the hand people. (b)(6)

(b)(6) (b)(6) (b)(6) (c)(6) provided the hand people. (b)(6) (d) provided the hand people. (b)(6) (d) provided the hand people into about myself. These written notes for all written by (b)(6)(d) pages) of (b)(6) had runners on notes are all written by (b)(6)(d) pages) of har notes she wrote, if they have take a picture of her notes she wrote, if they have take a picture of her notes she wrote, if they have take a picture of her notes she wrote, if they have take a picture of her notes she wrote, if they have taken take a picture of her notes she wrote, if they have taken take a picture of her notes she wrote, if they have taken taken a picture of her notes she wrote, if they have taken taken a picture of her notes of the boundary taken taken a picture of her notes of the page 4 of 5 page 4

O.O CONTINUED (b)(6) hand of 2 sets of feet can be seen in the background. According to (b)(6) of (b)(6) allowed these notes to be pictured to show others I see what the can add or think of Even after a month after I sent a long of direct email to (0) (6) o) (6) did not respond in any way or form, Although right cofter this email, I with days following a neeting (b) (6) had with the Equaents) to compile complaints, numerous received messages of people with this group to better not say anything! x One week after the eneil, a surge of more complaints came in + I was told there would be a "government investigation," due to the complaints the university received about me. While having I persistent attacks & allegations, & noting I wanted it to stop, weeks later, nothing was done to stop it the attacks only created more 



### United States Department of the Interior

OFFICE OF THE SECRETARY Washington, DC 20240

#### MAR 2 3 2018

PERSONNEL BULLETIN NO: 18-01

SUBJECT: Prevention and Elimination of Harassing Conduct

1. Purpose. This Personnel Bulletin updates and amends the Department's policy on providing a work environment free from harassment by (1) defining unacceptable conduct that violates this policy; (2) outlining the rights and responsibilities of employees, supervisors, and managers; and (3) establishing reporting procedures and accountability measures. These procedures ensure that appropriate officials are notified of, and have the opportunity to promptly correct, harassing conduct that is, or has the potential to become, so severe or pervasive as to constitute a legal claim of harassment.

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

2. Effective Date. This policy is effective April 23, 2018.

#### 3. Authorities.

- A. Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII), as amended
- B. Title 42 of the United States Code, Section 2000e through 16
- C. Title 29 of the United States Code, Section 633a and 791(f)
- D. Title 29 of the Code of Federal Regulations, Section 1604.11 and 1614
- E. Title 5 of the United States Code, Section 2302(b)(1) and (10)
- F. Title 5 of the United States Code, Chapter 75 and substantially similar authorities covering employees in alternate personnel systems
- G. Executive Order 11478, as amended
- H. 370 DM 752
- I. Secretary of the Interior Harassment Policy Statement, issued April, 12, 2017
- 4. Coverage. This policy applies to all employees within all Bureaus and Offices of the Department and supersedes any other Departmental or Bureau/Office policies or procedures that conflict with this policy. Bureaus/Offices may issue implementing procedures consistent with this policy. Prior to implementation, all Bureau/Office implementing procedures must be reviewed and approved by the Director of the Department's Office of Human Resources.

#### 5. Policy.

The Department is committed to providing a work environment free of discrimination and harassment based on race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, disability, genetic information (including family medical

history), status as a parent, marital status, or political affiliation, and free from illegal retaliation. The Department will not tolerate offensive sexual or non-sexual harassing behavior against any Department employee, intern, volunteer, contractor or other non-Federal employee, visitor, or other member of the public. The Department also will not tolerate adverse treatment of employees because they report harassing conduct or provide information related to such complaints. The purpose of this policy is to ensure that the Department takes immediate and appropriate corrective action, including appropriate disciplinary action, to eliminate harassing conduct regardless of whether the conduct rises to the level of a violation of law. Therefore, the goal of this policy is to address harassing conduct at the earliest possible stage, before it becomes "severe or pervasive," i.e., harassment within the meaning of anti-discrimination law.

- **A. Prohibited Harassing Conduct.** The conduct prohibited by this policy includes, but is broader than, the legal definitions of harassment and sexual harassment. Harassing conduct prohibited by this policy is defined as unwelcome conduct, verbal or physical, including intimidation, ridicule, insult, comments, or physical conduct, that is based on an individual's protected status or protected activities under this policy, when:
  - 1. the behavior can reasonably be considered to adversely affect the work environment; or
  - 2. an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

Protected status is defined as an individual's race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, disability, family medical history (including genetic information), status as a parent, marital status, or political affiliation. Protected activities under this policy are defined in Section 5.B.

Although not every instance of inappropriate behavior may meet the legal definition of harassment, such behavior undermines morale and the Department's mission. Accordingly, the misconduct prohibited by this policy is broader than the definition of illegal harassment under Title VII of the Civil Rights Act to ensure that appropriate officials are notified of, and can promptly correct, harassing conduct. Harassment becomes illegal when enduring the offensive conduct becomes a condition of continued employment or the conduct is sufficiently severe or pervasive as to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. All harassing conduct, as defined above, is a violation of this policy.

Employees are subject to disciplinary action, up to and including removal, for engaging in harassing conduct while in the workplace or in any work-related situation, including while on official travel. Off-duty misconduct may subject the employee to potential discipline if the misconduct is likely to have an adverse effect on the Department (e.g., harassing a co-worker, visitor, contractor, or volunteer during off-duty hours). Harassing conduct can occur in person, through phone calls or in writing, or through the use of social media, or other forms of technology.

**B. Prohibited Retaliatory Conduct.** It is a violation of this policy to retaliate against employees who engage in protected activity under this policy. Protected activity includes reporting harassing conduct, discrimination or retaliation; filing a claim of harassment; providing evidence in any investigation; or intervening to protect others who may have suffered harassing

conduct, discrimination or retaliation. A manager may not fire, demote, harass, or otherwise take any personnel action against an individual for reporting an allegation of misconduct under this policy.

It is important that supervisors and managers protect employees who report alleged misconduct, and do not take any retaliatory personnel action against these individuals in order to deter reporting harassing conduct or filing a complaint. A supervisor/manager found to have engaged in retaliation is subject to disciplinary action.

The following examples are a non-exhaustive list of actions that would be prohibited retaliation if they were taken because of, or were motivated by, an employee's protected activity: transferring the complainant or witness against his or her will, ignoring or not communicating with the complainant or witness, engaging in verbal or physical abuse, or non-selection for an employment opportunity.

Engaging in protected activity under this policy does not shield an employee from all personnel actions. Supervisors/managers can take personnel actions, including discipline and removal, if they are motivated by *non-retaliatory and non-discriminatory* reasons that would otherwise result in such consequences (e.g., transferring an employee for legitimate business reasons or closely monitoring the performance of an employee on a Performance Improvement Plan).

**C. Employee Reporting Expectations.** The Department cannot correct harassing conduct if a supervisor, manager, or other Department official is not aware of it. Any employee who has been subjected to harassing conduct is encouraged to inform the person(s) responsible for the conduct that it is unwelcome and offensive, and request that it cease. If the conduct continues, is severe, or if the employee is uncomfortable addressing the responsible person(s) about the conduct, the employee *is encouraged to* report the matter to:

- the supervisor of the employee engaging in the misconduct;
- another supervisor or other management official;
- the servicing Human Resources office; or
- the Office of the Inspector General (OIG).

Employees who know of or witness possible harassing conduct directed at others <u>are expected to</u> report the matter to any of the officials or offices listed above.

Reports made pursuant to this policy do <u>not</u> replace, substitute, or otherwise satisfy the separate obligations of an Equal Employment Opportunity (EEO) complaint, negotiated or administrative grievance, or other complaint process. Unlike this policy, other complaint procedures typically provide for remedial relief to the victims. See Section 9 for more information about how an employee may pursue rights under one of these separate processes, in addition to reporting the misconduct under this policy.

Engaging in additional processes and services available to support employees who have experienced harassing conduct, such as consulting with a union representative to get advice, engaging in alternative dispute resolution procedures, consulting an ombuds/CORE PLUS

neutral<sup>1</sup>, or contacting the employee assistance program, do <u>not</u> constitute a report under this policy. See Section 10 for additional information.

- **D.** Management Duty to Act. Supervisors/managers who observe or are informed of allegations of harassing conduct must comply with the following requirements:
  - a) report the conduct/allegations to the appropriate officials, even if the employee raising the allegation requests confidentiality (see Section 8.A. for additional details);
  - b) ensure that a prompt, objective, and thorough investigation is conducted; and
  - c) take steps to ensure that the harassing conduct is appropriately addressed to deter further misconduct, including taking disciplinary action, if appropriate.

The fact that a potential victim of harassing conduct will or has filed an EEO complaint or grievance alleging harassment <u>does not</u> relieve a supervisor/manager of his or her duty to act pursuant to this policy. Therefore, it is possible that multiple inquiries into a given complaint may proceed in parallel.

Appropriate corrective action, disciplinary or otherwise, up to and including removal, will be taken against any supervisor or other management official who fails to perform her or his obligations as set forth in this policy, including any failure to report known violations of this policy.

**E. Distinction from EEO and Other Remedial Procedures.** This policy and its reporting procedures are separate and distinct from the EEO process, which focuses on making employees whole after they have experienced discrimination (including harassment) by issuing remedial relief, such as compensatory damages. This policy does not replace an employee's EEO or other rights. Corrective action taken under this policy does not provide the remedies available in the EEO process, administrative or negotiated grievance procedures, or any other processes. Reporting allegations of misconduct under this policy <u>does not</u> satisfy the requirements for filing an EEO complaint, administrative or negotiated grievance, or other procedure, <u>nor does it delay the time limits for initiating those procedures</u>. See Section 9 for additional information on remedial processes.

#### 6. Responsibilities.

As noted in Section 4, Bureaus may issue implementing procedures to add additional responsibilities to each of the below roles and/or identify additional roles within their organizational structures in order to implement this policy.

<sup>&</sup>lt;sup>1</sup> Ombuds and other CORE PLUS neutrals are available to discuss any workplace-related concern, including those related to harassing or inappropriate conduct. Ombuds, in particular, work independently from management's chain of command, are impartial, and help with both individual and systemic issues.

#### A. Deputy Assistant Secretary for Human Capital & Diversity

The Deputy Assistant Secretary for Human Capital & Diversity, as the Department's Chief Human Capital Officer (CHCO), is responsible for:

- 1. Disseminating this policy to all employees on an annual basis and periodically reminding employees of their responsibilities under this policy.
- Ensuring that performance plans of all supervisors/managers include a critical element that would rate their performance on taking appropriate action against employees for misconduct.
- 3. Fulfilling the role of Bureau Human Capital Officer, as defined in Section 6.C., for the Office of the Secretary.
- 4. Providing periodic reports to the Deputy Secretary of the Interior or his/her designee on information received from the Bureau Human Capital Officers pursuant to Section 6.C.5 of this policy on allegations of misconduct under this policy and the necessary corrective action taken, if any.

#### **B. Bureau Directors and Equivalent Office Heads**

Bureau/Office Heads are responsible for:

- 1. Ensuring that supervisors/managers are appropriately rated on the critical element described in Section 6.A.2.
- 2. Ensuring that their organizations are in full compliance with requirements of this policy.
- 3. Monitoring the work environment following a report alleging a violation of this policy to ensure that there are no further violations or incidents of retaliation against any individual who has reported harassment or participated in the investigation.

#### C. Bureau and Equivalent Office Human Capital Officers (Bureau HCOs)

Bureau HCOs are responsible for:

- 1. Developing and providing periodic communications to all Bureau/Office employees on this policy and any Bureau/Office-specific requirements, and incorporating this policy into the Bureau/Office's supervisory training curriculum.
- 2. Resolving any disagreements involving investigations between management officials and consulting staff from servicing Human Resources Offices or the Office of the Solicitor regarding whether and what type of investigation is necessary.
- 3. Providing oversight, technical assistance, and support to Bureau/Office staff to ensure compliance with this policy.
- 4. Ensuring that the procedures in this policy are properly executed by monitoring inquiries and investigations of reported or otherwise discovered harassing conduct; providing guidance concerning the information to be gathered and methods to be used during

- inquiries and investigations; and otherwise ensuring that the investigations are swift, thorough, impartial, and appropriate to the allegation.
- 5. Reviewing on a monthly basis the information contained in the system used by servicing Human Resources Offices to track harassing conduct allegations, as described in Section 8.B., and providing information to the Bureau/Office Director and the CHCO as requested.
- 6. Providing the record of actions taken under this policy to any office handling a parallel statutory or grievance claim, as referenced in Section 7.F.

#### D. Servicing Human Resources Offices (HROs)

Servicing HROs (normally the Employee Relations function in particular) are responsible for:

- 1. Receiving reports alleging violations of this policy and, as described in Section 7 of this policy, notifying and assisting the relevant management officials in handling allegations of harassing conduct and taking corrective action, as appropriate and necessary.
- 2. Tracking all reports made and actions taken pursuant to this policy in line with the Department's Office of Human Resources case tracking procedures, and reporting on them to the Bureau HCO.

#### E. Office of the Solicitor (SOL)

The Office of the Solicitor is responsible for advising and assisting the relevant management officials and servicing HROs in handling allegations of harassing conduct and taking corrective action, as appropriate and necessary. Within SOL, the Employment and Labor Law Unit (ELLU) is the initial point of contact for issues related to harassing conduct, and is responsible for providing Harassment Duty Attorney coverage on weekdays, 8:00 am – 7:00 pm Eastern time.

#### F. Supervisors and Management Officials

Supervisors and management officials must:

- 1. Make every effort to provide a work environment free of illegal harassment.
- 2. Ensure that their subordinates are aware of this policy and its requirements.
- 3. Act promptly and effectively to stop harassing conduct of which they are aware, and hold employees who have engaged in harassing conduct accountable.
- 4. Receive reports alleging violations of this policy and, as described in Section 7 of this policy, make or direct further inquiries into such reports and take corrective action, as appropriate and necessary.
- 5. Follow any additional procedures, handbooks, or guidelines issued by the Department or the Bureau/Office as related to this policy.

- 6. Notify appropriate officials in their chain of command of reported or observed conduct under this policy and of their efforts to correct the conduct.
- 7. Appropriately evaluate and hold accountable subordinate supervisors/managers of their performance under this policy.
- 8. Protect employees who report misconduct from retaliation.

#### G. All Employees

#### All Department employees <u>must</u>:

- 1. Refrain from engaging in harassing conduct.
- 2. Participate in any training required under this policy.
- 3. Cooperate fully in any inquiry or investigation.

#### All Department employees *are expected to*:

- 1. Understand their rights and responsibilities under this policy.
- 2. Report harassing conduct of which they are aware or witness in the work environment, as described in Section 5.C. of this policy.

All Department employees who are victims of harassing conduct <u>are encouraged to</u> report the harassing conduct.

#### 7. Management Response to Reports of Harassing Conduct.

**A. Documenting Report of Harassing Conduct.** A supervisor, manager, or HR official who receives a report of, or otherwise becomes aware of, harassing conduct, must *within one business day*:

- 1. Document the allegation in writing (see Appendix A, Sample Intake Form).
- 2. Acknowledge receipt of the report to the reporting party.

#### **B.** Supervisor/Manager Immediate Actions

1. Determinations to be made

The supervisor/manager who receives a report of, or otherwise becomes aware of, harassing conduct involving subordinates must promptly contact the servicing HRO. In consultation with the servicing HRO, the supervisor/manager must determine:

- a. What conduct is at issue, whether it arguably could be considered harassing conduct, and whether it is potentially criminal in nature;
- b. Who may be involved; and

c. Whether the reported activity poses a security risk and whether it is necessary to alert law enforcement (e.g., in instances where there is a threat of immediate physical harm).

If the report is made outside of the regular business hours of the servicing HRO, supervisors/managers should take action based on their best judgment to minimize any perceived risk of immediate harm and contact the servicing HRO as soon as normal business hours resume.

#### 2. Conflicts of interest of senior-level officials

If an Assistant Secretary, Deputy Assistant Secretary, Bureau or equivalent Office Head, or similar high ranking official is implicated in the potentially harassing conduct, the CHCO will designate an appropriate management official to be responsible for making the preliminary determinations and directing any further investigation that is warranted.

3. Interim measures to ensure harassing conduct does not continue

Before directing a thorough investigation into the allegations of misconduct, a supervisor/manager must take any necessary interim steps to ensure that the potentially harassing conduct does not continue. The interim measures taken will depend on the severity of the conduct alleged. The two interim measures listed below are required in cases of serious misconduct, including, but not limited to, harassing conduct of a sexual nature, depending on the circumstances.

Before implementing either of the measures below, the supervisor/manager must consult with the servicing HRO and the Harassment Duty Attorney of SOL/ELLU for advice and guidance. If the report is made outside of the regular business hours of the servicing HRO, supervisors/managers should take action based on their best judgment to minimize any perceived risk of immediate harm and contact the servicing HRO as soon as normal business hours resume.

a. Separation of the Allegedly Harassing Employee from the Alleged Victim

If the conduct is severe or pervasive, including, but not limited to, threatening behavior, touching, punching, or other egregious harassing behavior, the supervisor/manager should separate the employee alleged with harassing conduct from the alleged victim, at least until the matter otherwise can be resolved. Management should <u>not</u> move the employee who reported or otherwise was the alleged victim of harassing conduct. If the alleged victim, without having been asked or prompted, specifically requests such a move or transfer, management should inform the employee that she or he need not leave, and that instead the employee alleged to be responsible for the harassing conduct may be moved. Nonetheless, to the extent possible, management should honor the alleged victim's request. Appropriate steps to separate the alleged victim from the alleged harasser include, but are not limited to:

- assigning the alleged harasser to a telework status or a temporary detail;
- moving him or her to another office space, desk or floor; or

- requesting approval to place him or her on administrative or investigative leave.
- b. Issuing No Contact Instructions

Another interim measure that a supervisor/manager may take to help ensure that harassing conduct stops is to instruct the allegedly harassing employee to have no further contact or communications with the alleged victim.

**C. Notifying Appropriate Officials of Report.** In implementing this policy, Bureaus may identify additional roles or change which of the below roles accomplish the notifications required in this section.

Management officials must notify the following parties within one business day:

- 1. Supervisors/managers who become aware of harassing conduct involving their subordinates must notify their own first-line supervisor or, if the conduct implicates the first-line supervisor, notify the second-line supervisor.
- 2. Supervisors/managers who become aware of harassing conduct involving employees outside of their chain of command must:
  - a. Notify the allegedly harassing employee's supervisor; and
  - b. Notify the alleged victim's supervisor, or, if the conduct implicates the supervisor or another manager, the Bureau HCO.
- 3. When a supervisor/manager has consulted with the servicing HRO regarding a report of alleged harassing conduct, the HR officer or assigned Employee Relations supervisor/specialist will:
  - a. Notify the Harassment Duty Attorney of the SOL/ELLU at <u>SOL-Antiharass@sol.doi.gov</u>; and
  - b. If applicable, notify the servicing HRO of the allegedly harassing employee.
- 4. When a report of alleged harassing conduct is made directly to the servicing HRO, the HR officer or assigned Employee Relations supervisor/specialist will:
  - a. Notify the SOL/ELLU Harassment Duty Attorney at <u>SOL-Antiharass@sol.doi.gov</u>; and
  - b. Notify and assist the next appropriate level of management above the allegedly harassing employee implicated in the report with immediately making the determinations described in Section 7.B. and taking any other necessary and appropriate action.

#### **D.** Conducting Further Investigation

1. Deciding whether further investigation is necessary

Within <u>three business days</u> of the receipt of the allegation, the supervisor/manager of the allegedly harassing employee, or other designated management official, must consult with SOL and the servicing HRO to determine whether and what type of further investigation is required (as described in Section 7.D.2), or if the preliminary inquiry is sufficient to determine whether corrective action is necessary. These decisions are fact-specific, and must be made on a case-by-case basis. Any disagreement between the responsible management official and the consulting offices will be directed to the Bureau HCO.

If it is determined that an investigation is necessary, the servicing HRO specialist will ensure that the investigative process is initiated within *two business days* of the decision being made regarding the appropriate investigative entity (e.g., refer the case to the OIG, initiate the funding process and prepare a statement of work for a third-party investigator). The servicing HRO specialist will serve as the primary point of contact for logistics related to getting an internal or third-party investigator in place, as well as when the allegations have been referred for criminal investigation or to the OIG.

#### 2. Deciding who will conduct the investigation

If it is determined that further investigation is necessary, the following general guidelines will apply for choosing the type of investigation:

- a. OIG: Allegations of criminal activity, allegations implicating a member of the Senior Executive Service, or other senior or prominent management official, senior law enforcement official, or any OIG employee, and allegations tied to waste, fraud, or abuse of Department funds/programs or violations of Federal ethics regulations must be referred to OIG, which has the right of first refusal in conducting the investigation;<sup>2</sup>
- Bureau law enforcement internal affairs unit: Allegations involving law enforcement personnel of a Bureau's law enforcement entity must be referred to the entity's Office of Professional Responsibility or equivalent internal affairs unit;
- c. Third-party investigator<sup>3</sup>: Allegations of harassing conduct of a sexual nature.

All other allegations under this policy may be handled by a third-party investigator, employee relations specialist(s), supervisor/manager, or another employee trained to conduct investigations. The supervisor/manager of the allegedly harassing employee, or other designated management official, in consultation with the servicing HRO and SOL, will make the final decision about the investigation method based on the complexity and scope of the allegation(s) and the availability of qualified investigators.

<sup>&</sup>lt;sup>2</sup> OIG may also undertake any criminal, civil or administrative investigations regarding allegations of any grade employee involved in a serious or notorious allegation or incident that may negatively impact the operations and efficiency of the Department.

<sup>&</sup>lt;sup>3</sup> A third-party investigator can be a contract investigator, a DOI HR official from outside the servicing HRO, or a management official outside the Bureau/Office/Region chain of command.

#### 3. Conducting the investigation

All investigations must be conducted swiftly, impartially, and in a manner appropriate to the allegation. All investigations handled by a Department supervisor/manager, servicing HRO, or third-party investigator must be conducted in accordance with the Department's Investigator Guide to Conducting Administrative Investigations.

## **E.** Taking Corrective Action. If it is determined that misconduct occurred, corrective action is necessary.

- 1. To determine whether corrective action is necessary, the supervisor/manager of the employee alleged to have engaged in harassing conduct must consult with the servicing HRO and SOL to determine whether any disciplinary or other corrective action would be appropriate or if the allegation should be closed with no finding of misconduct.
- 2. If the decision is made that the allegation should be closed with no finding of misconduct, the supervisor/manager must write a memorandum detailing why no corrective action was warranted. This memorandum must be approved by the next higher level manager and be included in the case file maintained by the servicing HRO.
- 3. If facts uncovered during the investigation or inquiry demonstrate that misconduct occurred, the supervisor/manager <u>must</u> propose disciplinary or corrective action. If there is disagreement between the supervisor/manager and the consulting offices on whether corrective action is appropriate, the next higher level of management will make the decision.
- 4. The appropriate corrective action will depend on the severity and/or pervasiveness of the offense, the action that would be required to end such conduct, the offender's disciplinary/conduct history, and other surrounding circumstances. Corrective action may include counseling or any disciplinary action applicable to instances of misconduct, such as reprimand, suspension, demotion, or termination, in accordance with 370 DM 752, Discipline and Adverse Actions. Where evidence indicates that employees are not sure about what conduct is appropriate and permissible, appropriate training should be provided.
- 5. A supervisor/manager's failure to take appropriate disciplinary and/or corrective action will generally support a charge of negligent supervision and be an actionable charge. Appropriate corrective action, disciplinary or otherwise, up to and including removal will be taken against any supervisor or other management official who fails to perform her/his obligations as set forth in this policy, including any unreasonable failure to report known violations of this policy. In addition, managers will appropriately evaluate and hold accountable subordinate supervisors/managers for their performance under this policy using the required supervisory critical element.

## F. Responding to Reports of Harassing Conduct Raised in a Statutory, Administrative, or Negotiated Grievance Process

If an employee pursues a claim of harassment through the EEO process, an MSPB appeal, or a negotiated/administrative grievance, the Department official who receives notice of such claim will promptly notify the appropriate responsible management official. The management official

has a duty to act promptly upon learning that harassing conduct has been alleged, must treat the notice as a report under this policy, and must follow the steps outlined in this section, unless inconsistent with applicable regulatory or statutory requirements. It is possible that multiple inquiries into a given complaint may proceed in parallel.

#### 8. Maintaining Confidentiality and Keeping Records.

**A. Maintaining Confidentiality.** Supervisors/managers must take action to investigate all allegations of harassing conduct, even if the employee raising the allegation requests confidentiality. All reports of harassing conduct and related information will be maintained on a confidential basis to the greatest extent possible. The identity of the employee alleging violations of this policy will be kept confidential, except as necessary to conduct an appropriate investigation into the alleged violations, to take appropriate disciplinary or corrective action, to comply with the reporting requirements of this policy, or when otherwise required by law.

Upon inquiry from the alleged victim, the supervisor/manager must notify the alleged victim of the harassing conduct about the completion of the process to the extent permitted under the Privacy Act. The alleged victim may not be provided the outcome of any disciplinary action against the allegedly harassing employee and may not be provided a copy of the fact-finding report. The supervisor/manager must consult with servicing HRO specialist and SOL about this notification.

**B. Tracking Allegations of Harassing Conduct.** The servicing HRO will be responsible for tracking the information related to the allegations of harassing conduct in separate case files, in accordance with established records management policies. The servicing HRO must monitor and record the status of allegations, including final resolution, in the appropriate tracking system approved by the Department's Office of Human Resources. This information will help the Department monitor compliance with this policy, understand trends related to harassing conduct, and ensure swift resolution of complaints.

#### 9. Distinction from Statutory and Grievance Claims.

The purpose of this policy is to stop harassing conduct that has occurred and deter its occurrence in the future. However, corrective action under this policy does not provide the remedies available in the EEO, grievance, or other processes, such as compensatory damages. Filing a report under this policy does <u>not</u> satisfy the requirements for filing an EEO complaint, negotiated grievance, or other procedure and obtaining remedies pursuant to them, nor does it delay the time limits for initiating those procedures. Thus, an employee who chooses to pursue statutory, administrative, or collective bargaining remedies for unlawful harassment must select one of the available forums as follows:

**A. For an EEO complaint pursuant to 29 C.F.R. §1614** (available for all claims of illegal harassment other than those based on status as a parent, marital status and political affiliation), contact an EEO counselor in the Bureau's or Office's Equal Employment Opportunity/Civil Rights Office within 45 calendar days from the most recent incident of alleged harassment (or personnel action, if one is involved), as required in 29 C.F.R. §1614.105(a)(1); or

- **B.** For a negotiated grievance claim, file a grievance in accordance with the provisions of the applicable Collective Bargaining Agreement; or
- **C. For an administrative grievance claim,** file a written grievance in accordance with the provisions of 370 DM 771, Administrative Grievance Procedures; or
- **D.** For an appeal to the Office of Special Counsel (OSC) regarding claims of harassment related to marital status and political affiliation, pursuant to 5 U.S.C. §2302(b)(1) and (b)(10), file a written appeal with the OSC as described in 5 C.F.R. §1800.1 and on <a href="https://www.osc.gov">www.osc.gov</a>; or
- **E. For an appeal to the MSPB** pursuant to 5 C.F.R. § 1201.22, file a written appeal with the Board within 30 days of the effective date of an appealable adverse action as defined in 5 C.F.R. §1201.3, or within 30 days of the date of receipt of the agency's decision, whichever is later.

#### 10. Additional Resources.

- **A. Consultation Options.** Employees who have experienced harassing conduct have multiple resources available that can provide assistance and advice. Engaging with the following resources <u>does not</u> constitute a report under this policy, as these entities do not have an obligation to inform management of allegations of harassing conduct:
  - Ombuds/CORE PLUS neutrals. Office of Collaborative Action and Dispute Resolution (CADR) ombuds work independently from management's chain of command and are impartial. CORE PLUS neutrals are qualified, certified providers of conflict management and alternative dispute resolution services. Conversations with ombuds and other CORE PLUS neutrals are confidential and informal and provide managers and employees a safe place to explore options for addressing individual or organizational concerns. Ombuds and CORE PLUS neutrals are not obliged to report discussions (outside of imminent risk of harm). Information about CADR programs is available at <a href="https://www.doi.gov/pmb/cadr/">https://www.doi.gov/pmb/cadr/</a>;
  - **Employee Assistance Program (EAP).** The DOI EAP is an employee benefit program that helps employees with personal and/or work-related problems that may impact their job performance, health, and mental and emotional well-being. Information about EAP services is available at https://www.doi.gov/pmb/hr/eap;
  - Victim Assistance Program. The DOI Office of Law Enforcement and Security or Bureau law enforcement office's Victim Assistance Program provides general information about rights and services available for victims of crime; and
  - **Union Representative.** Employees who are covered by a bargaining unit can consult with a union representative.
- **B. Additional Information.** To learn more about the Department's anti-harassment resources and Bureau-specific policies, visit <a href="https://www.doi.gov/employees/anti-harassment">www.doi.gov/employees/anti-harassment</a>.

#### 11. Inquiries.

Any Department employee or employee representative seeking further information concerning this policy may contact the appropriate Bureau HCO. Servicing HROs may contact the

Department's Office of Human Resources, Workforce Relations Division concerning questions related to this policy.

#### 12. Distribution.

This policy will be distributed to all employees upon issuance, and annually thereafter. It will also be distributed to all employees new to the Department as part of their orientation materials. This policy also will be made available to employees on the Equal Employment and Workplace Conduct website accessible at <a href="https://www.doi.gov/employees/anti-harassment">www.doi.gov/employees/anti-harassment</a>, which also provides additional anti-harassment resources.

Edward T. Keable

Acting Deputy Assistant Secretary Human Capital and Diversity Chief Human Capital Officer

#### **Appendix A: Sample Harassing Conduct Allegation Intake Form**

This sample intake form can be used by any management official to record a report of harassing conduct. It can be used as a prompt during a conversation with an employee reporting harassing conduct, or as a way to document the conversation after the fact. Gathering as much information as possible immediately from the individual reporting the alleged harassing conduct will aid management in swiftly determining the best course of action. Bureaus/Offices may wish to develop and issue their own versions of this form.

Management Official Taking the R	eport e	
Name:	Title:	
Organization:		
Date Information Reported:	Time:	
Individual Reporting Harassing Co		
Name:	Title:	
Organization:		
Phone:	Job location:	
Individuals Allegedly Engaging in	Harassing Conduct (if known)	
1. Name:	Title:	
Organization:		
Phone:	Job location:	

2. Name:	Title:
Organization:	
Phone:	Job location:
3. Name:	Title:
Organization:	
Phone:	Job location:
Questions to Ask the Individual Reporting	9
1. Date(s) of alleged incident(s)/action(s):	
which you believe it was based [i.e., race, c	parassing conduct, including the protected status on color, religion, sex (including pregnancy and gender a, age, disability, family medical history (including rital status, or political affiliation]:
3. Was this an isolated event or a pattern of	similar events or behaviors?

4. Was the harassing conduct directed at you or someone else? If someone else, to whom was it directed?
5. What was your reaction?
6. How did this conduct or behavior affect you? How did it make you feel?
7. Did you speak to the person who engaged in harassing conduct to ask them to cease? If so, what was their response?
8. Can you identify other individuals with knowledge of the alleged conduct at issue or other actions/behaviors by the charged individual(s) in the past? (Include observations, what people heard, and who you told about the events in question.)

9. Are there any documents or physical evidence that may support the claim of alleged occurrences? If so, please identify them.
10. Do you feel that the alleged harasser(s) is a threat to your safety and well-being or that of others? If so, how?
11. Have you previously complained about this or related acts of harassing conduct by the same individual(s) to a supervisor or manager? If so, please identify the individual(s) to whom you complained, the date(s) of the complaint(s), and the resolution(s), if any.
12. Is there is any other information related to the incident(s)/action(s) or any other information related to the inquiry that you would like to provide?