



U.S. Department of the Interior

# Bureau of Indian Education

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Date: September 27, 2022, 3:30 P.M. MST.

Witness Statement – (b) (6), Bureau of Indian Education (BIE)

As (b) (6) I'm responsible for (b) (6). We're split up into two (2) main teams' construction and goods and services which both teams have leads. Part of my day routine involves supervisory duties, planning stages, building out the office, coordinating interviews, administrative duties, serving as a contracting officer in some capacity, providing daily guidance, leading the team oversight in meetings with school senior management, acquisitions, it varies day-to-day.

To get certified as a Contracting Officer's Representatives (COR) there is no subject matter expertise per se for level 1 (levels 2 and 3 there should be some level of subject matter expertise). There is an experience level to meet and training. A level one (1) certification is eight (8) hours of COR training, level two (2) is 40 hours of COR training plus one (1) year experience, level 3 is about 60 hours of training and two (2) year experience. A program would make a recommendation/nomination to the contracting officer as to who they want on those contracts or who they want their COR to be.

A contract will first go out for quote, if there's an important key position in the contract for qualifications, we may ask that a resume to be submitted to evaluate against the qualification standards (college degrees, experience level) in the solicitation/SOW. If a contract is already awarded whether someone new is coming on or someone is being replaced the COR should reevaluate those qualifications of an individual to make sure the terms with the scope of work are meet and there are no issues or conflicts. This documentation should be in the contract file or the COR's file.

The COR's are the first point of contact, the middleman between the contracting officer and the contractor. COR's are delegated with oversight of the contractor's work, acceptance of work, invoice approval, conducting orientation/kickoff meetings, and making sure the contractor is performing in accordance with the statement of work. The COR's should be a subject matter expert within the area of the contract unless it's a simple services like cell phone accounts. If a situation arises where the contractor is not receiving guidance or direction from the COR, this needs to elevate to the contracting officer over the contract. Depending on when the contract was written we have a general points of contract information written into the contract.

Depending on the scope of a contract or how large a contract is generally a contract should have working hours within the contract. It might say, you need to provide support from 8:00 A.M to 4:00 P.M excluding holidays. For larger contracts there should be a Program Manager or Project Manager overseeing the personnel under the contract. Therefore, a contractor would be going to a Program Manager or Project Manager to request for leave. The government does not and should not approve leave, but the government should be notified if the contractor is going to be shorthanded and ideally, this should be documented.

There is or should be oversights within the contracts on knowing how many contracts a contractor is working but it also depends on whether a person is registered in SAMS.gov under a business name or operating under their own name. If multiple awards are made out directly to an individual, hopefully this would raise some questions. If awards are made out to a business it'd be difficult to determine who the personnel are without asking questions on the staff under that particular contract. It would come down to the contracting officer who's managing those contracts and whether they will catch it or not. It's not prohibited from having two (2) contracts, but you'd want to ask further questions on any changes. Like are they claiming the same work hours under two (2) or three (3) contracts, are they truly putting in 80 hours of work per week (if they claim 40 hours under two different contracts). Obviously, we don't want anyone working 80 hours a week.

The general practice is the program requesting for contract services would draft up a scope of work.

When a contract is written to a specific position there should be qualifications tied to it. If you have a coaching position, it should have requirements such as a degree, experience, or certifications. These requirements should be outlined in the contract for the position. There should be some type of standards and documentation to support why the government is going to pay a coach \$10,000.00.

I was unaware that as a government organization that we used PayPal to pay someone. I suppose it would be tied to a government purchase card and maybe that's how a vendor accepts payment, but you should have some type of documentation in place before making that payment.

The adjunct contract for Haskell is \$438,000.00 for the 2022 fall and spring semesters for multiple positions. It's priced out by credit hour 215 credit hours at \$2,039.00 a credit hour. If an individual is getting paid through a purchase credit card (GPC) contracting generally doesn't get involved with GPC payments (unless the terms of the contract are to pay GPC and the charges need to be reallocated back to the contract).

For instance, with a GPC my card is tied to acquisitions line of accounting and if someone from another program hands me a requisition with all the paperwork I can make the purchase on my purchase card. When I then get my statement there is a reallocation that needs to take place to change the line of accounting on the charge (from acquisitions to the line of accounting on the approved PR). Finance would have to reallocate the charge

to the appropriate line of accounting. For more information contact (b) (6) on government purchase cards.

For a micro purchase (\$10,000.00 or less) there are a few caveats to it. A micro purchase is tied to an individual requirement. If it's truly an individual requirement but making payments multiple times to try to surpass contracting, this should get flagged as a split purchase. Or when multiple purchases are being made to the same entity under the micro purchase but collectively it's over the micro purchase this could be flagged as a split purchase. Split purchasing to avoid micro purchase thresholds is against policy. A micro purchase limit is intended for a year for an individual requirement. Example, if a program needed something every month for 12 months and the cost is \$2,000.00 per month adding up to \$24,000.00 for the year this would exceed micro purchase threshold and it would need to be sent to contracting, vs making monthly payments of \$2,000.00.

A contract can be used as a workforce supplement. If an office has vacancies, shortages, influx in work this can be contracted out.

My recollection of the Clay Mayes (Mayes) contract was in January or February we heard from the government side issues of performance, allegations on conflict of interest, and other things. I believe there was consultation between possibly the lead, CS, myself and legal on appropriate step to take but the program had requested a stop work order and subsequently a contract cancellation be put in place. We eventually received the request to cancel the contract in writing from acting President Tamara Pfeiffer stating, "Thank you (b) (6) for reviewing all the allegations related to evidence of the matters regarding Clay Mayes. I'm going to request fully ask the acquisitions teamwork with (b) (6) (b) (6) to write up the formal cancellation of the cross county athletic contract immediately." From what I can recall there was a no-contact order put in place on Mayes which may ultimately may have caused the stop work order followed by the termination for convenience because Mayes was under investigation and a determination had not been made. The termination for convenience email was sent out by maybe (b) (6) (b) (6). At that time Mayes was allowed the opportunity to provide his cost damages associated with the stop work order and the termination for convenience, meaning it would give Mayes the ability and the option to submit a claim against it, but Mayes never submitted a claim instead within a few days we were contacted by his attorney. This offer is still on the table for Mayes to claim his costs.

Invoicing records for contracts are paid 99% through IPP.gov. When a contract is funded in PRISM it goes to our financial system. If an invoicing procedure is identified in IPP.gov the contractors can go into IPP.gov and submit an invoice against the contract. We can easily check invoicing records to see if Mayes ever received a partial invoice. If there was partial invoice this could indicate someone made an adjustment.

Haskell (acquisition support) has been under a transition lately. There was a purchasing agent conducting contracts, but we hired a federal contract specialist last November 2021, who then left in October 2022. Our intent is to run all Haskell contracts under a

single point of contact due to some of the transition some items or documentation may have been missed.

I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.

Signed:

Executed on (Date):

(b) (6)



U.S. Department of the Interior  
**Bureau of Indian Education**

Date: July 29, 2022, 8:55 AM MST.

Bureau of Indian Education Witness Declaration/Affidavit – (b) (6)

Haskell Indian Nations University (HINU) - Administrative Investigation

Witness Statement: (b) (6), HINU

I am currently the (b) (6). My office is located in (b) (6) off the main lobby, (b) (6).

In August 2019, I moved from (b) (6) to Lawrence, Kansas. I have a (b) (6). I am not kin to anyone here at HINU.

My (b) (6) contract does not have a set amount of hours, but I normally work 40-60 hours a week in the fall, and between 40-50 hours in the spring; sometimes up to 60 hours or more a week, depending on what is occurring at HINU. (b) (6). As the (b) (6)

HINU is part of the NAIA association.

My title on the website is (b) (6) and the titles on the website auto generate, so I cannot adjust the title via the website. The website is linked to (b) (6) website, which helps manage the information. I do manage the overall website, but I am not a web developer, and I can only input the roster information, certain forms, and information, but I can't do specific formatting. I can only select from the pre-determined options on the website. I am not sure if HINU ever had an (b) (6) prior to me.

In regard to the HINU athletics website, it is supported and sits on the PRESTOSPORTS platform. PRESTOSPORTS is a third-party company who is responsible for managing and maintaining the HINU's athletic website, which includes content and structure. As the (b) (6), I provide PRESTOSPORTS with information and photographs to update the website, including, the overall structure and theme.

In January 2020, I was contracted as an adjunct instructor teaching various courses for HINU, which normally consists of 6-12 credit hours, depending on the amount of students who are enrolled for that particular semester. My adjunct instructor contract is separate, and in addition to my (b) (6) contract, they each have a separate scope of work, I can share it with you. Some of the courses I teach are half semester courses, which are equivalent to one (1) credit hour courses and most of those I teach are distance learning, so they're online. I typically teach them

asynchronously, which can be fitted into my schedule. The in-person classes are typically taught on Tuesdays and Thursdays, for about an hour or whatever the two days that are decided I teach.

In order to be an instructor, you must have a bachelor's degree, and some courses require a master's degree. There is only one other coach that functions as an instructor, her name is (b) (6), she is the (b) (6).

A lot of the work that goes through the (b) (6) can be done from home, and by doing extra hours, I can essentially run the website and all the social media platforms from home, and all the course work is hybrid and developed before the semester begins.

When I interviewed for the (b) (6) position, I was interviewed by a committee, but I am not positive of who was part of this committee. I did not meet (b) (6) until October 2019, she was the (b) (6).

In regard to both contracts, I am compensated individually for both, the (b) (6), and the adjunct instructor.

As the (b) (6), I am the (b) (6) and I help support the athletic department with game management, paperwork, marketing, and branding. These tasks all tie into the (b) (6) position.

My Contracting Officer's Representative (COR) is who I report to, but when I first started in October 2019, I reported to (b) (6). I met her on my first day, and we reviewed my contract and what I was to do with staff and federal employees.

I worked with her for a short period of time, then I started working with (b) (6). My initial contract was for one (1) year with a two (2) year option. I started my first contract as the (b) (6) with Glocoms, which was the first base three (3) years. I am now a sole federal contractor. In June 2021, my current contract was changed since the original, and the language, "assists the athletic director" was added and not (b) (6). I currently do not have any supervisory roles or supervise any personnel.

If I had any issues with another contractor, I would contact the COR.

This past February 2022, I was named the (b) (6). In this position, there was no additional contract for coaching, but I was paid for the four (4) months. I was asked by the (b) (6), to take over (b) (6), and it was approved by the interim (b) (6). I am not sure nor am I aware if anyone else was given the opportunity to coach, but I coached between February and May, 2022. I was responsible for attending practice, training schedules, and requesting equipment, grades, and travel. I had never coached track and field, but was certified in other sports, including High School track and field.

As the head track and field coach, I did receive payment, it was a stipend and was paid through my PayPal account in the amount of \$10,000.00. (b) (6) requested the payment. I am not sure what budget item this type of payment would fall under or how it would be categorized, but the athletic department only has one (1) purchase card. We use other persons/departments activity purchase cards, and the budgets then get modified accordingly. Coaching did not interfere with

my other contracts; I spent approximately 10-20 hours coaching per week, depending on if we had a meet or not.

My relationship with Mayes is strictly professional, and it took time for him to get acclimated regarding the process and procedures for an NAIA coach, which I found odd since he came from two (2) separate NAIA institutions. Working with Mayes required additional email communications in order to obtain the information I needed from him. I am not sure on Mayes's actual contract date, but I believe it was sometime between June and July of 2021.

I was not made aware when his contract was terminated. I saw the article online stating he was terminated in April 2022. I am not aware if anyone ever announced Mayes's contract was terminated. I am not a federal employee, so I am not privileged to that information. I only found out because of the online article. In my role and dealing with Mayes, it was a little odd that no announcement was made, because in terms of obtaining website content information from the coaches, I didn't hear from Mayes. I only understood when he was terminated, the cross-country was not in season.

I wasn't the one who reported the situation to the news outlets, nor am I aware of other employees who would be providing the news with articles to be posted online. I have been contacted by the local media to make comments on the situation, but I have not.

I am not aware of any budget decreases made to each of the athletic departments.

I interact with (b) (6) on a personal level and after hours, we are friends. I do not know anything involving (b) (6) and Kansas University (KU) incident. However, a few of us are consistently in contact with KU for various education partnerships. HINU does not have a relationship with KU regarding any athletic internship program.

I would agree that any head coach must have the expertise to make any athletics department competitive, but HINU's goal is to make them a student first. In regard to making HINU competitive and balancing academics and athletics, it is a subjective opinion due to the amount of turnover at the administrative level. We have more acting and interim positions versus permanent positions. HINU has a lot of growing to do. Overall, the communication needs to be better, and a lot of departments feel they are independent. If we all came together, we would have a better understanding of what HINU should be. I act on behalf of the administration by attending meetings, such as orientation meetings. As a representative of athletics, I bring information back to HINU and update the administration on what our schedule is regarding athletic events or community service that we're doing.

(b) (6) and has the only purchase card in the athletic department; only federal employees are allowed to carry a purchase card. Any purchases made by (b) (6) must be supported by documentation and must go through the general athletics budget. I don't have an operating budget in my contract, just my salary. The athletic budgets are developed by (b) (6) → (b) (6) and the overall budgeting process is very open with what each program receives. I was told yesterday; (b) (6) was also approved for a purchase card since she is a federal employee. In order to purchase items, you have to put forward paperwork for it to be approved, and it depends on what you're requesting. Once the paperwork is submitted to the AD, and if they sign off on it, it then goes over to the finance department and then it moves forward to get signed off by the

President. Sometimes the IT department has to sign off on the request as well, depending on if its technology related.

I'm unsure of what type of federal employee (b) (6) is, (b) (6) I don't know the structure. (b) (6) is an instructor for the university and is not compensated as the head coach, only for instructing. I am not sure if coaching responsibilities are in his contract, nor am I aware if he teaches the required amount of credit-hours, or his statement of work (SOW).

(b) (6) is a federal employee, and depending on the athletic department he was over, each athletic department was different from the other. Regardless, each coach must submit paperwork in terms of having the competitions approved, either home or away. Depending on if the competition is away, then you need to process the travel and meal documents. As a contractor, I am allowed to use the federal vehicles because I submitted the required paperwork.

Coaching is a fulltime job – any given sport could be a full-time job.

I don't have any interaction with the student athletes outside my function as a HINU contractor. I have never met with students outside of work.

No one has ever reported any rapes or sexual assaults to me, if they did, I would immediately report it to whoever was in charge of the athletic department and suggest we get in contact with the HINU counselors. I am not familiar with the process, but I believe someone at HINU must contact the police. Consent must be obtained first, then the consent form must be completed, but I am not sure if we call the police or wait.

I would hope no one is intimidated and afraid to report a rape, that seems a little ridiculous. HINU does an orientation around the time the students come to campus. The staff in athletics get together to coordinate an orientation for the students, it was more for the staff so we could go over the Title IX requirements. I am not sure who the Title IX employee is, but I would have to reach out to my COR. We have had training assessments in active shooter, Internet, and technology, privacy types of trainings; I have that information at my disposal.

There are times we have some students who are enrolled at 17 years old, but those students normally turn 18 years old in October. I am not sure about the SCAN reporting requirements. This is the first I have ever heard of that information, but I am not involved with the process a 17-year-old would need in order to be enrolled at HINU. When I attend orientation, it is typically for the (b) (6) information, and I provide updates on what's going on in athletics in terms of our schedule and events.

When I perform my instructor duties and (b) (6) duties, they are typically in Coffin. There are other instructors who also reside in Coffin, including (b) (6) I am not sure where (b) (6) hosts his classes, or if he holds them at the Jim Thorpe (Thorpe) building. I don't know if it is correct to say he is in charge of Thorpe, but he is over there and helps keep it open.

Coffin's security access is limited to the west facing door, with limited time frames. I believe any person who works at HINU has access to Coffin, via their key card, but it could also be limited to custodian or janitorial personnel. We attempted to obtain a keypad for the students to access the facility.



There are storage areas for student recruit give aways, and each coach has a storage space for each specific sport and their equipment. To my knowledge, these rooms should be secured unless they are in use. (b) (6) is responsible for securing his area for the day.

There are cameras in Coffin, but I don't know all the locations. I believe maintenance has access to the cameras, and no one in the athletic department does. I do not know the length of time the footage is available.

I am aware of surplus and leftover equipment, like giveaways for sporting events and recruitment tools, and prior to them being stolen, all of the athletics personnel had access to that recruitment closet. That recruitment closet also has the Varsity Letterman jackets, as well as other staff apparel that was not to be given out at leisure. Everyone who had access to this storage area were verbally told and given a tour or shown what items were able to be given out. I wasn't made aware the water bottles were stolen, but there were other items I was made aware of, such as, the staff apparel which included, various Nike Jackets, and men's and women's apparel that were relatively pricey because they were the Nike brand. Athletes wouldn't have had access to this area, unless a coach let them in.

General use of the HINU facilities are posted in the student athlete handbook, and it is prohibited by HINU policies to bring children into the facilities and the pool. All student athletes have to complete various forms in order to safeguard them in the event they get hurt.

Tonia Salvini's job title is the Vice-President of Student Services. I am not aware of the memorandum the Cross-Country athletes were required to sign. I had seen that in an article, and the students were not to discuss the investigation. I am not sure of the policies that would prohibit a student athlete from discussing situations like this with their parents, nor am I aware of any policies that govern these types of situations.

In regard to nepotism, I have not experienced any issues like that in the work environment. A lot of people are related to each other here on campus, via adoption or through culture connections. I don't think nepotism could apply with (b) (6) and (b) (6), because she is over the athletic department. (b) (6) is an instructor for HINU, and he is overseen by someone in academics, and as a coach (b) (6) doesn't supervise him. The budget would have been developed by (b) (6) and (b) (6), and again, is very open so everyone can understand the process.

In my experience, I have never seen any intimidation at HINU. In regard to (b) (6), she can come across as an intimidating individual, but only because she is a very intelligent person. Some people don't know how to speak to people who are intelligent without feeling inferior themselves. At the end of the day, that's more of an insecure, a personal insecurity than actual intimidation.

The only private meeting I ever had with the student athletes was when they voluntarily came to me to complain about Mayes regarding inappropriate conversation with (b) (6) lack of communication, bullying, inappropriate, hurtful comments, lack of communication, false promises, making reference to (b) (6) as a sociopath. What I wrote was relatively the information that I was given. I'm not sure what the promises were. I know in terms of favoritism, they had stated that if you are not a fast runner or one (1) of his new recruits, specifically, they felt that

there was favoritism if you weren't making certain times, that he had projected the athlete should. In my professional opinion, I don't think these complaints were related to any athletic performance issues, with all the complaints, a majority of the fault would be on the head coach. The most alarming issue was the Graston technique he was performing on the athletes; he's not certified, nor did he have the proper tools to do Graston.

Any issues the student athletes were experiencing from an athletic performance perspective, that information would be additionally subjective, because it's dependent on the sport and the student athlete. I understand we're speaking of cross country at the moment, but if the student athletes are in constant communication with their coach, then the responsibility would fall on the coach. However, the responsibility can also fall on the student athlete if they cannot perform. If we don't know there is accurate communication, I cannot fully comment on the situation.

I have no say in terms of a student being approved or not approved in terms of eligibility, that is the responsibility of the Faculty Athletic Representative (FAR), which is typically someone who is involved with the registrar's office, so that process would be with the student athletes. The coaches would essentially give me a list of their roster who they are hoping would be eligible to participate in the program for that season of competition. I would then forward that roster over to the FAR with the coach cc'ed on the e-mail. The FAR would then send us back a Certificate of eligibility, which would not always include the original roster that was submitted, due to anyone who is deemed ineligible. They would not be on that certification.

Someone could be deemed ineligible due to the amount of credit hours they completed in their prior two (2) semesters or if their play NAIA account, which is the eligibility centers main way of determining initial eligibility, does not show their tasks are completed or the account is not created. Once we receive the certificate of eligibility, all the student athletes who are listed on there, need to sign and date it, and then once that is all complete, with all signatures and dates, then it gets forwarded back to the FAR. But anyone who was on that list, on the certification is deemed eligible. I am just included in the communication process of it, because I am in charge of all the statistics. So, I need to know if somebody is eligible or ineligible, because if someone who is ineligible is on the court or on the field, then that means larger sanctions and issues for HINU regarding the NAIA.

In regard to the Student Athletic Advisory Council, I am involved with this council, because as an NAIA member institution, we're required to have a student athlete Advisory committee. Essentially the student athletes are involved in what goes on in the athletic department, whether it be events HINU hosts, or athletic policies. This advisory acts like their own board, there is a president, vice-president, secretary, and treasurer, but it is open to all student athletes if they want to join in; they don't have to be part of the board to attend the meetings or be involved. When the officers are elected, we have to be present at the meetings, so there is an outside perspective of who was voted for and then inducted per se. However, there isn't always a staff member present.

During the spring, HINU's current (b) (6) was placed as the interim Cross Country coach. I believe (b) (6) was paid, and I believe it was paid through PayPal, but I'm not sure the amount he received.

I have had the opportunity to observe how (b) (6) interacts with the student athletes, and I would describe those interactions as friendly and professional. I have never seen him patting shoulders, rubbing backs, or anything of that nature. I have seen him giving hugs, but I guess those hugs are not requested because that just sounds weird. I don't know how to explain it, but students are the ones who go in for the hug. I don't perceive the hugging as inappropriate, and it's never initiated by (b) (6), it's usually initiated by the student if a hug occurs. I am aware of a report of inappropriate behavior by (b) (6).

As the (b) (6), I am assigned additional duties, such as testing the students, being here on a Saturday, having involvement with the eligibility process. In my initial contract that I had for three (3) years, eligibility was stated in my statement of work, but it wasn't me approving or disproving, it was essentially helping coordinate activities. So that wasn't a new role, it was just a form of communication. I still currently fulfill these extra duties in this new contract, but I don't charge for these additional duties.

When I wrote the notes about Mayes, regarding the allegations that were made against him, I never brought them to his attention, because I did not feel that it was my responsibility to report anything of that nature. I simply wasn't involved in or had seen anything, and to me it was hearsay or allegations; I did not report these allegations to my COR.

I just wrote the allegations for the student athletes, and they took pictures of it, I believe that's how the notes got distributed; I just threw them away at this point.

I had been asked to Covid test an athlete, and it was an androgen test so it takes a few minutes. I knew Mayes was in the office cubicle which is next to mine, and he had his kids with him. I went into the women's restroom, specifically into one (1) of the stalls to use the restroom. I was in the restroom stall for approximately two (2) minutes, and I could see Mayes through the cracks of the restroom stalls, he was looking at himself in the mirror and got some paper towel and left the women's restroom. I waited for a moment before I left the restroom stall, and when I exited the women's restroom, I followed the same path when I had gone in. I finished administering the Covid test, and called (b) (6) contemplating if my safety was in jeopardy.

A few days later, I received an email from my (b) (6) to complete a BIE harassment form, and I understood it would be submitted on my behalf to the BIE, but I wasn't made aware it was put for an investigation until recently. I am not aware of the process and procedures for these types of situations.

I am not sure of the policies and procedures when a student alleges, they were sexually assaulted or raped, but I would hope the seriousness is conveyed regardless of my situation or if it happened to someone else. I hope the same seriousness is conveyed, but I am not aware of anyone reporting a situation, but I would hope it would be investigated. I am not sure if there is a policy in place to address situations like this, because I am not included in these types of notifications, but the student code of conduct or the university services, I assume would be involved in something like that. As an employee of athletics, I wouldn't have that type of information available to me.

It is odd for any man to just walk into the women's restroom, and I do not know why he was in there. As a woman, fear is an appropriate response. I was the only person in the building that

day, and my car was the only car in the parking lot, but I did see his children before I went into the women's restroom. I assume there is video footage of my car at the southeast corner area near the pool, or near the athletics department. By the time this happened, the student was no longer there because of the procedure we had in place. That day in particular, I only had to test one (1) student.

In regard to my previous testimony, I said I had gone to the bathroom in the main athletics office and I walked through the pool area because it was a faster route. I then walked through the back door, through the athletics office and saw Mayes was in the office in the cubicle next to my cubicle, and that is when I saw his children. So when I went to the restroom, I already knew that he was there.

Again, I was there testing for Housing and the incident occurred sometime in January, 2021, and the student I tested was (b) (6). Normally, (b) (6) does the testing, but he wasn't available to administer the test, so I did it on his behalf. If anything, I would have texted (b) (6) who was in charge of updating the Covid testing document which was shared with Housing, and (b) (6). I can provide the date in order to help identify who was in Coffin at the time of this incident.

In regard to the Graston procedure, it is a type of myofascial release technique which you have to take a certification course and training, once you have taken the test and pass, you become certified and are able to purchase the tools to perform Graston. But if you don't have the certification, you can't buy the tools. The only person at HINU that is certified on campus to purchase the tools is the athletic trainer. These tools are in a secured location somewhere in the athletic training room and only accessible to him. I've only ever seen these tools in a secure location. I've had Graston performed on me once before and it wasn't available to students to use. You can hurt yourself if you're not certified, you can destroy your tendons and ligaments with these tools.

I am aware of a different investigation whereby it was alleged Mayes had performed this technique on one of the students with tools that are not associated with the Graston technique. The student told me Mayes had performed this technique using either a wrench or a binder clip and performed it on her shins. To my understanding the technique could have been used on any part of the lower leg, I just assumed it was the shin because she had shin splints. This student was injured as a result of Mayes, and I believe she went to our athletic trainer after it was performed; I am not sure the specifics on that though. Our trainer is not a trained and certified medical technician, and I believe in their professional experience are capable of stating what the injuries are, but it typically gets confirmed by a doctor if it is something that he can treat. I am not sure the individual went to the doctor, and I am not included in student athlete's injuries or their recovery for that matter.

I am not aware of any policy or written procedure within the Athletics department or within HINU pertaining to the use of these Graston tools and who could use them. I believe, Graston has statements online about their tools and who is able to use these tools. In addition, there is no policy that informs the coaches that using any other type of tools is inappropriate, but I would hope common sense would make it inappropriate to understand that you shouldn't be using wrenches or binder clips other than for what wrenches and binder clips are meant to be used for.

I do know other coaches do not perform Graston on their student athletes since they are not certified to do so.

When the student came to me regarding Mayes performing the Graston technique, I don't know if she said it was specifically Graston, but I wouldn't expect them to know fully what Graston is. The student simply described what Mayes did to them, and based on what she described, I determined the technique to be Graston. I compared what she described to what our athletic trainer does, and what tools are used for that technique, I just thought it was Graston.

I don't believe there are any other witnesses I would recommend being interviewed, I believe you interviewed everybody that I would know and would suggest.

A lot of the claims that Mayes has been stating have not been accurate at all, regardless of this investigation, or the last one. The testimonies from him have not been truthful in any circumstance. Based upon my statement, the former investigation that I was involved in, and when I was interviewed by someone from the US Postal Service, they had asked me questions on the basis of what claims that were made regarding myself.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

Signed: (b) (6)

Executed on (Date): 9/6/2022

(b) (6)

September 6, 2022

*Supplemental Document*

1. In addition to my statement regarding the incident with Mayes earlier this year, I confirmed that there are two cameras located in the pool area where I had walked to confirm I was in the building. Additionally, there are cameras in the hallway outside of the athletics office in which Mayes would also be on camera in some capacity that day as well.
2. The date of the incident would be either Saturday, January 22, 2022, or Sunday, January 23, 2023, as I received an email to complete the BIE Harassment form the following week on January 26<sup>th</sup>, 2022. I received this form via email from my (b) (6)
- 3.



U.S. Department of the Interior  
**Bureau of Indian Education**

Date: July 15, 2022, 3:02 P CST.

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Witness Statement: (b) (6) /Volunteer  
Instructor, Haskell Indian Nations University

I am a (b) (6) certified since 200 my job is to (b) (6)

A lot of them are looking to go into the field in the future and so this is a way for them to get some experience.

Regarding the length of time it takes to supervise the student athletes. It's really not that much time. They are more kind of like a shadow they watch like a lot of the treatments and the interactions. With having over 150 student athletes and (b) (6) and kind of spread thin so during game day they (student interns) set up and help me get water, ice bags, stuff like that.

Regarding additional duties and responsibilities. I am also the (b) (6) (b) (6) for the school. This is a program that looks into developing sportsmanship, integrity, respect, responsibility, and servant leadership. My job is to coordinate events with the student athletes as well as to do the end of year reporting for the university. The end of the year reporting is called a score card for (b) (6). I submit events that happened throughout the year. It's a way to interact and kind of give back to the community. For example, men's basketball hosted the Boys and Girls Club championship game. It's a breakdown of score cards you get amount of points for having signage out. For instance, we have a banner and that's for softball games and cross-country we put up a portable banner, that's the first category. Then the next section is coaches where we as a department discuss core values. The third is community outreach. The fourth is interaction, communication. The fifth is nomination of coach or student athlete for awards. The sixth is only if you have someone ejected from a game. We usually don't have to fill that out because we don't have ejections. It's based on a number system zero (0) to 100, usually we're striving for that 5 to 100 mark.

As the (b) (6) I don't actually have my own line item. I'm actually just a part of the general athletics. I used to have a separate line item

and a few years ago under a different athletic director removed the line item and put it under general athletics.

Regarding developing the budget or program budgets. I've just assisted something I've kind of done under the acting athletic director, the previous athletic director and current athletic director. Currently, I am the only other employee (federal) other than the Athletic Director in the Athletic Department. All the other positions are contracts, so they're nonfederal. Regarding input/assistance given for the budget. Not of it's just if we need to move money from some program to another or how we're paying for things. Also, the other reason I'm a part of it is because right now I'm the only employee that has a purchase card for the department. A lot of purchases have to be done under my purchase card until our athletic director receives hers. I advised more with the previous (b) (6) (b) (6). He didn't really know what he was doing. He was trying to create just a set dollar amount based on number of players. That doesn't work for some sports. It's beneficial for some programs and not for all programs. While they need a amount of dollars because they have more equipment even though they have less players technically they have more equipment costs.

I was familiar with the budget before (b) (6) left and knew what was in the budget.

Regarding knowing how the coaches were made aware of what their budget was for their program. A lot of it honestly, to be frank, were kept in the dark a lot of the time. He (b) (6) didn't really share that information, I don't know if he shared it with the coaches, per se. For my budget, it was always flexing. It was never a set number. I would be told, you get 100,000.00 this year or you get 100,000.00 this year. It was year to year basically like a bottom feeder. I got left over monies at the end of the year. That was the most frustrating thing. We weren't able to track spending because he (b) (6) didn't openly share information. I just saw a few times I didn't see it on a week-to-week basis. (b) (6) (b) (6) was leaving the 1<sup>st</sup> of December when (b) (6) came in as acting director.

Regarding changes with the budget under (b) (6) (b) (6). I don't think the budget really fluctuated. If anything, it became more beneficial for the entire department to actually see a budget. Actually, making more equitable decisions with the coaches and us overall discussing the budget. She (b) (6) was very open with discussing the budget. The budget is technically preset at the beginning of the year. You can't really fluctuate the budget. The only time the budget ever really fluctuates is at the end of the year, so some sports maybe in the negatives, some sports may be in the positive, and just to kind of shift that balance as we close out our year. We're approaching the end of year I think we go black out in September.

Regarding reducing the budget without consulting Mr. Hayes. I think in some instances that could have happened. I believe Hayes was on a do not contact with the team. Throughout the session he really didn't spend hardly anything on the team. Cross country is a relatively inexpensive sport. They usually have only 1 to 2 events in the fall. They're only a one season sport and they don't have a spring season, so they only have



a fall season. Of those two events, this past year, two were at home, so his team is only actually traveling to five locations, so it doesn't require as much as, like let's say, in basketball or volleyball, where they have upwards to 30 games per season.

Regarding knowing Clay Hayes's budget amount. If I was to take a wild swing, I think it's around \$14,000.00. Consisting of covering entry fees for races, meals for students, hotel stays if they had to stay overnight, transportation expenses and uniforms, minus footwear.

Footwear is actually, I don't know how to term it. We have a deal with Nike being an indigenous school where they give us a amount of dollars for shoes every year. We actually have no direct payments to Nike at all. The footwear provided is 35% wholesale, 5% retail. When Nike sends us the catalogs in October, I send them to the coaches. It's always a short turn around because I have to have this by November 15<sup>th</sup>, no later. If you don't submit it by the due date, you won't have anything for that year. November deadline would be of the 22 - 23 season. So, this November will be for the 23- 24 season. Unfortunately, with the cross country, Hayes didn't make the deadline. I had to contact our vendor or rep outside that window to see if they could still put in the order. For us having that agreement with Nike is a huge savings for the department. We don't pay Nike. The only real agreement is that when we buy uniforms, you don't buy it from a competitive brand. Nike usually throws a few pairs in for the coaches, but we don't actually request them anymore. We used to, but we don't do that anymore.

Regarding policy being in place designating (b) (6) to complete the order of shoes through Nike. No, it's just been practice that every single coach is aware. I don't dictate the quantity. The only time I will ever say anything on quantity is if they order 0 pairs of shoes, and they have 5 athletes, because that would be outrageous.

We try to forecast our needs, it's not a perfect system. Unfortunately, some programs, like men's basketball, we had a guy who wore a size 15 at the time and all we had was a size 14. We had to go out and buy him a pair of shoes for that. It's hard to predict because I don't know who's coming in the next year because it's an entire year out. I have no idea about the recruits, the freshman or anything like that.

Regarding when Clay Hayes came in were those shoes given to the program and how was that done. They (shoes) were given to the program. This year, (b) (6) helped me. I took the coaches list and pulled all those shoes and all those sizes and set them aside. Then we have the coaches come and collect them.

Regarding whom is responsible to inventory and track the shoes. Right now, it's between me and (b) (6). (b) (6)  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_. Volleyball has their storage area. Women's and men's basketball stores there's in their locker room. Track storages there's

over in Jim Thorpe in a lock up. Cross-country put them in a pool locker room or a pool office, I guess it's inside the locker room.

Regarding having awareness of missing items. Absolutely, I, being one of the people that has stuff go missing. Throughout this past year I had water bottles that came up missing. I believe I left the door unlocked. I've had water bottles, tape, and food go missing. As far as what I'm aware of, we had some stuff in the lockup closet where, we keep our letterman jackets. Jackets, t-shirts, and other stuff went missing around probably December to January. The only person I suspect is Clay Hayes and the only reason I say that is because I saw one of my water bottles with a cross country runner, one of his new recruits that showed up in January. That's the reason I say that is because I don't give those water bottles out to anybody. They're actually leftover from the previous year.

Regarding a separate inventory of items (t-shirts, water bottles) being used for giveaways for recruiting. Right now, we have a separate inventory. Recruitment stuff is kept off the laundry room in the same storage where our letterman jackets are kept.

Regarding missing shoes from coffin complex. I only know bits and pieces of it. I believe they were track shoes so it would be a training style shoe. I want to say maybe it was February, it's kind of fuzzy right now. Regarding whom became aware of it. It was me, (b) (6), and (b) (6) (b) (6). I want to say they used security cameras, but I can say per se. I didn't see the cameras. From what I heard; she (unknown) says she saw security video that it was Clay (Hayes). Regarding the estimated cost that went missing. I would say a running shoes for instance, I think those are around \$100.00. Specialty shoes are probably around the \$120.00 mark, and overall, probably a couple hundred dollars of shoes were missing. I'd say about 6 shoes boxes were gone.

Also, when (b) (6) transitioned from cross country into track, he gave me all the inventory for cross country and those were jackets, shorts, and backpacks. He probably gave those to me earlier in the year, I would say around August. I held on to that and I told Clay Hayes that he needed to come pick it up. After two months he just kind of came and went and picked through it. I told him I need it gone because this is your inventory. I'm not responsible for this.

Regarding (b) (6) position title. I believe his title is Health, Sports, and Exercise Science instructor. He would be considered a head coach of track and field.

Regarding (b) (6) having a purchase card. I think he has a purchase card, but I don't know what he uses it for. As it relates to his coaching duties. I believe it goes to (b) (6) (b) (6). The other coaches would report to their Contracting Officer Representative (COR) since they are contractors. I think (b) (6) is the (b) (6) currently.

Regarding working closely with coaches to include Clay Hayes. Yes, I gave him as much support as I could. Hayes didn't take very much of it. For instance, (b) (6) I actually know how the finish line should be because that's where my medical tenant is actually located. I gave him a

complete rundown of how we did things in the past, how crowd control is performed as it relates to how the finish line should be set up. A lot of that information was kind of thrown aside (by □ ayes). This past year was a pretty big headache for me. As I'm having families, parents, fans, teammates coming to the finish line in a COVID state that's not roped off and they're just openly walking around unmasked.

Regarding Clay □ ayes reaching out. He initially reached out to me, and the first emails were kind of confusing as it was about contracts which I have no dealing with at all. I don't deal with the contracts. I emailed him stating I need rosters because all of our student athletes should be uploaded to a portal. It's called healthy roster and within that portal is a secure server they upload their pre-participation physicals, sign assumption of risk and consent to treat. Actually, IHS came over and did us a favor and provided shots as well as getting the records for any incoming freshman. I had notified □ ayes and when that day came, only two people showed.

Regarding having a testing policy in place. Yes, we do. I should say Haskell Athletics does. Copies of the policy will be provided.

Regarding what the Student Athlete Advisory Council is. Per the NAIA (National Association of Intercollegiate Athletics) regulations every university should have some sort of student government for the student athletes. The student athletes actually have a voice within the department. It's been something we've been trying to do for a number of years. This year we finally got it on track, but it is still in development. I may be present in meetings, but I don't say anything because this is their group. My main goal, especially working with (b) (6), I suggested really needing to get the Student Athlete Advisory Committee up and running by the fall and she said why wait for the fall, let's get it going. A lot of coaches provided the representatives. We asked the coaches to select who they think would be a good fit. It's open for the entire student athlete body.

Regarding (b) (6) moving money around. If she's doing it, she actually has the input of the coaching staff. We are moving money around right now. It's even, it's open, it's transparent. Well, I just helped her and this year, I actually had to put in a budget for athletic training. Then we looked at our year spending and all the coaches were made aware of year end dollars left. If they have something they want to purchase, they have to requisition. To be transparent. There was a policy put in place. It's just one of those things where (b) (6) came in and opened it up. If you talk to any other coaches, there was a lot of frustration with (b) (6) because they did not know what their budget was. Anything I need for the athletic training room, I submit a requisition.

Regarding being intimidated by (b) (6). I could see her being brash, I don't consider that being intimidation. I guess for me I never felt uncomfortable being around her. If you actually engage in conversation with her, she's very friendly. I've never encountered an issue with actually having to discuss anything with her.

The only students I've ever heard complaining about (b) (6) were the new freshman that came last year, in cross-country. I heard that (b) (6) is a terrible coach, and he doesn't know what he is doing.

I am unaware of inappropriate conduct behaviors between (b) (6) and students. Regarding (b) (6) being described as touchy feely, rubbing your back. Yeah, I mean, he's rubbed my back. Like, not in an assault way. I give the guy a hug.

Regarding complaints about Clay Hayes from any of the students. There's been a few. There were several runners with cross-country that ended up leaving. I had one young female that received treatment from Clay Hayes that was unable to run the entire year due to the damage he caused. There's a treatment technique called the graston technique. In order to provide that care, you have to have training and be certified, which I have. I can provide that to you. But he was doing that technique on somebody's shins using combination of a wrench, binder clip, butter knife. There's a special emollient that you use similar to cocoa butter, but instead he was using regular lotion or hand sanitizer. It was reported to me by the student athlete that sustained the injury.

Regarding (b) (6) being involved with eligibility. I am aware that when she was originally brought on, she was the eligibility coordinator. She helps facilitate. (b) (6) (b) (6) will send her the eligibility list, she'll print it out, and then students will drop by and sign it. We had issues before when students didn't come into practice till 6:00 o'clock, they would have missed her (b) (6) and not be able to sign their eligibility. The initial process is the student will apply in NAIAPlay. Then the coaches can actually see where they're at in the eligibility process and if they're missing documents. Once they're profile is complete, they'll go to the FAR (Faculty Athletics Representatives), that's how they compile the roster. They have to meet the NAIA stability requirements first.

At Haskell, coaches aren't solely driven to be competitive. The love of the game. We don't provide a lot of things that other NAIA institutions offer. There is no real incentive to be a student athlete. We don't have the luxury of other institutions where they can recruit anybody from anywhere, we're recruiting 1% of 1%. The biggest drawback is our recruiting tool. We can only recruit Native Americans that have proper paperwork. 1% of student athletes overall play collegiate sports, then the Native American population is 1% of the United States population. We don't provide scholarships. The only scholarships they can get are for academics. Like Dean's honor roll, there's just a plethora of other academic scholarships.

My ultimate thing is for the students to enjoy the time here whether they walk across the stage or transfer out.

I am aware (b) (6) reported to the NAIA her concerns regarding Clay Hayes. I was told he made a statement indicating high school students can run at the collegiate races. The (b) (6) has been trying to contact Clay Hayes to discuss that. It is actually a violation. If you were in high school and you ran in collegiate, you would automatically forfeit a year eligibility if you were to complete it. (b) (6) expressed those concerns with

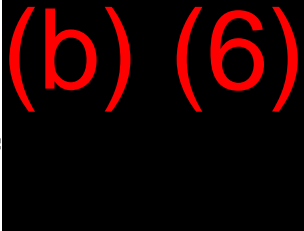
(b) (6). I don't think it was really being received. I believe she reported it just so we could protect ourselves. I don't think she was out to get anybody. If anything, she was protecting Hayes from causing violations with high school students running a collegiate race.

Regarding whom controls the website content. (b) (6) is the one that actually does it, and (b) (6) is the one that works with (b) (6). I've called (b) (6) once before because we needed to update one of the logos. Everything on the website currently was directed by (b) (6). Right now, me, and (b) (6) control Haskell Facebook. From what I understand is we have an agreement with IT. We post and update. I think there's a policy that's being worked on, but I'm not sure. I heard IT was working on something (policy). I don't think we've ever done anything as far as posting that's unprofessional. A lot of it is just promotion. For instance, we have posted this week about all of our scholar athletes.

Regarding testimony and comments that Haskell is benchmarked against Kansas University, with programs policies, and standards within the Athletic Department, I think the whole idea behind it is to be the best as we possibly can. This pertains to how we run our programs or facilities, day to day operations. We have a pretty good relationship, especially now with KU (University of Kansas) than we did before. We have people come out from KU to either talk to our kids or be a part of events.

The only thing that I really want to share is I think the whole process of hiring Clay Hayes was done very shady. I think he was pre-selected. Hayes had been trying to come here for about 6 years. (b) (6) listened to his mentor, who is (b) (6). When we announced the position, Hayes was notified directly that the position was opened. We didn't really post it—it was just posted on SA.GOV. I was part of the selection process and then I recused myself from the process because I did not feel comfortable. I only had one interaction with Clay Hayes several years ago when he was at Macone College. I called just to ask for roster information. I recall him being very rude and short. When he got here, I had no grudges or anything. It felt like he didn't trust me to do my job.

I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.

Signature 

Executed on (Date): 02/02/2022



U.S. Department of the Interior  
**Bureau of Indian Education**

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Date: July 28, 2022, 3:04 P.M. MST.

Witness Statement

(b) (6), Bureau of Indian Education,  
Lawrence, Kansas.

Prior to my position of Special Assistant to the President, I was a Human Resources Specialist for Haskell in 2007 until 2021. I've done job announcements, investigations with the ER/LR team, scheduling, training for background investigations, processing payroll, a wide range of HR duties. The systems I had access to were FPPS, USA Staffing, e-OPF, IIS, and QuickTime.

In January 2021 is when I was reassigned to the Special Assistant position, per my request. I work in the Office of the President, I do all the scheduling of meetings with congressional staff, or senior managers at Haskell for the President's Office, supervise the secretary, serve as a liaison to the Security Office in Albuquerque for background investigations for contractors, student workers, adjuncts, third party contracting, involved with budget and scheduling HR training. I serve as a Contracting Officer Representative (COR) level two (2) for BIE, and I also recently wrapped up a project for Title III. Currently, the systems I can access are QuickTime and IIS. I am also the FOIA POC for the University.

Once a contract is awarded for Haskell, I get a copy of all the contracts because I'm the liaison for the Security Office and need the performance period, name of the contracting company, and the contract award number to reference on the intake form. There have been times when I've had to track a contract down with (b) (6) or (b) (6) (b) (6). My only role in dealing with contractors is the background investigation.

(b) (6) (b) (6)  
(b) (6)

As a COR (contracting officer's representative) I currently only have one (1) contract and it's the Haskell security guard contract. To take on more contracts I must pass my COR level three (3). I'm not the contractor's supervisor but my four (4) security guards are on campus, and I do check in with them from time to time. We have an MOU agreement with Lawrence Police Department, so the guards work closely with the Police Department with issues on campus. The security guards provide daily activity updates per shift as to

what's happened on campus. They do a lot of monitoring, checking campus doors, unlocking doors for students who are locked out, they issue speeding tickets to campus employees, staff members or students. I don't know of any case where the security guards have gotten involved with sexual harassment or rape. We have a team on campus called the Haskell Emergency Response Team (HERT) and it depends on the situation on when HERT is called. When it's time to pay the security guards I'll meet with Finance to go over payment. Per the training received from contracting, this responsibility falls back on the COR. I think it's a dual oversight responsibility for those involved overseeing a contract, this includes the COR and department supervisor. Since we don't have a policy in place for these contractors they should still abide by our guidance when they come on our campus. I tell my security guards if you have question, or something is questionable ask me first for guidance.

The Acting President is (b) (6). She's been in the role since the first week of May after Dr. Pfeiffer's (Pfeiffer) 1-year detail was up. Before that it was Ronald Graham (Graham). Depending on who was President, I may have been part of meetings. Like with Graham, he did not include me on his correspondence, and I rarely attended meetings with him, which was his preference. This would be the same with (b) (6), I did not attend meetings with her. Dr. Pfeiffer typically included me in meetings with her.

Tonia Salvini is our VP for University Services. She supervises the employee that runs our Student Conduct Office. (b) (6) is our (b) (6). So, when a no contact order is issued, (b) (6) would be the one to issue a no contact order and typically that no contact order goes to the violator not the student who filed the complaint.

(b) (6) was hired as an instructor of health in physical education, I believe. (b) (6) should be required to teach 12 credit hours every semester. I've never seen anything authorization him not to teach his full 12 credit hours. We have a large number of faculty that don't teach the full requirement. This is something we were supposed to have worked on with our HLC accreditations because our federal faculty is not teaching 12 credit hours and now, we have this Chenega company and spending a half million on adjuncts. This would be considered fraud, waste, abuse, or mismanagement.

When I first entered HR there was a big debate among the ER/LR staff in Albuquerque and our Union regarding full-time coaches. It was the process of the positions getting reclassified because before the instructors were getting paid to be an instructor then there are other duties assigned such as head coaches. It became an issue because the Union was saying, all the instructors were hired to be instructors and coaching would be either hired or contracted out because coaching is outside their tour of duty and they're not getting compensated for performing coaching duties. (b) (6) negotiated with the Union and that's when the duty separation happened.

(b) (6) is considered a (b) (6). Those instructors who want to be a part of sports still participate, but it's on their own time because of the separation of duties that happened with the Union. (b) (6) is the only instructor at Haskell who does not have

a master's degree. There is an approved MOU with OPM that stated you must have a master's degree to teach at Haskell, for transferable classes. When (b) (6) was hired in 1986 it was before the requirements, and he was kind of grandfathered in to my understanding.

We have a policy in draft mode for the last four (4), five (5) years which requires all our faculty to teach 12 credit hours and if not, they are supposed to get approval from the Vice President of Academic Affairs. (b) (6) is the (b) (6) of (b) (6)

Jim Thorpe complex is a building right behind the administration building, it was a big old storage room. When Obama was in office, Michelle Obama started an initiative called "Get Moving". Haskell was under a grant called Healthier Haskell. (b) (6) headed up a team by gutting Thorpe and using it for "healthier Haskell". Athletics got brand new equipment and Thorpe received the hand-me-down equipment. New contracting staff were hired which bumped (b) (6) out of this office at coffin complex and put his office over in Thorpe. It's not really his building, it's where his office is located and where he teaches his workout classes.

(b) (6) does not report to the (b) (6) because the (b) (6) is (b) (6) (b) (6) had (b) (6) sign a recusal statement that she would not have any supervision or oversight over (b) (6). The recusal statement was given to HR in Albuquerque. The former Acting President from few years prior (b) (6) (b) (6) (b) (6) also had a recusal statement signed.

(b) (6) is a federal employee who's very knowledgeable with Title XI. There are some strict regulations when it comes to Title XI which requires equity among athletics. (b) (6) is also knowledgeable in the arena of knowing what constitutes a violation of NAIA regulations. (b) (6) used to be an instructor for the health and exercise science, and she was also an executive member of the faculty senate.

(b) (6) is the (b) (6). (b) (6) does game days, stretching, does a lot of wrapping of the ankles, lot of preventatives after games, helps the athletes with their injuries. There was a couple of incidents with (b) (6) where he engaged in inappropriate conduct with some female students from the University of Kansas. As a result, we lost our relationship with the University of Kansas (KU), Athletic Department. Two (2) female interns from KU helped us on game days while they ended up filing a complaint with the KU, Title XI Office for Sexual Harassment against (b) (6) maybe around 2015-2016. We ended up conducting an investigation with KU law school and (b) (6) admitted to all the allegations involving touching, unwelcomed jokes, and explicit language. KU no longer is interested in being a partner with us because of this. And, to safeguard our students, there were cameras placed in the training/athletic room. The level of disciplinary action taken on (b) (6) was maybe five (5) day suspension because he'd gotten a reprimand letter in the past, but I can't remember why.



I'm not aware of any policy standard operating procedure, job aids or guides coaches or students on how to use specific equipment so they're not injured. We should have policies to address potential safety issues. However, if I recall, students are not supposed to be in that room where (b) (6) office is because there's machinery in that training room students don't know how to operate, and the machinery is required for his position. (b) (6) is even required to be certified every year as a sports specialist because it's a condition of his employment.

The coffin complex is secure in the sense that you need a swipe card to get in, but it's not secure because doors are propped open. We've had people, contractors, their wives, and kids come into the building to go swimming and it's concerning because there is no lifeguard. The access controls are controlled by our facility department, so if the doors need to be unlocked/locked facilities would be able to type into their system to unlock or lock doors. (b) (6) who has collateral duties as our safety officer mans the cameras on campus along with the (b) (6). We also tried obtaining access to those cameras and we (Office of the President) can't get access. It's like pulling teeth. We've run into problems where a break in or fight occurred and (b) (6) is on leave. We have no one to access the footage immediately. It's my belief that one person shouldn't be the only one having access to the camera footage.

(b) (6) would have hired (b) (6). (b) (6) is a contractor. What our Academics Department has been doing is being dual contractors like (b) (6) (b) (6) is the (b) (6) (b) (6) (b) (6) was also hired through Chenega, which is a third-party company to hire adjuncts, so she is teaching 9 credit hours each semester. (b) (6) additional title of (b) (6) came to our attention under (b) (6) when we checked her contract, it didn't say (b) (6), it says "provides assistance". We never acknowledged (b) (6) was the (b) (6) (b) (6) (b) (6) ended up jumping through hoops to have her not use that title. McCormick's contract just got renewed.

I remember having a conversation with (b) (6) and being told that (b) (6) would be volunteering as either the cross-country or track coach till the position was filled. (b) (6) (b) (6), and I had a conversation about putting a campus announcement out to give others the opportunity to volunteer coaching the sport because we don't want to seem like were handpicking the individual. We encouraged (b) (6) to go this route, but she didn't, she's picks people of her choice.

Another contractor (b) (6) picks to drive is (b) (6), (b) (6) (b) (6). Haskell bought a 32-passenger bus not thinking we don't have anyone who can drive it. (b) (6) is the only person who can drive it because he has a CDL.

I know Clay Mayes (Mayes), was a contract coach for cross-country. I was notified his contract was terminated the same day that I got an e-mail from the access system saying Mayes was terminated. Three weeks after his termination I saw articles in the newspaper. Then (b) (6) told me Mayes was terminated and (b) (6) was notified by

contracting. (b) (6) ) should have known of Mayes termination because (b) (6) was the (b) (6). I would assume the (b) (6) would have to notify the contractor of their termination and the reason for the termination. Mayes had some hiccups when he first started. Mayes ordered a tour bus without going through the proper process/paperwork. Another hiccup was when he dropped a binder in front of me that contained paperwork with PII. I called Mayes into my office and asked why he had copies of people's PII. I informed Mayes he shouldn't be walking around with peoples PII information, and I took the documents from him. I honestly thought those hiccups lead to discontinuing his contract.

The head coaches in athletic are typically given \$5,000.00 to hire an assistant coach and it's my understanding travel amounts are written into the contract for \$2,500.00 a semester.

The newly selected program assistant for athletics is (b) (6). She is currently the head softball contracting coach, but she hasn't been cleared background for the federal position. If she does get cleared as a federal employee, she will not be a contractor anymore, however (b) (6) may allow her to continue to serve as the (b) (6) (b) (6) in addition to her federal duties.

I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.

Signed:

(b) (6)

Executed on (Date):

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>(b) (6)</b>				2. Social Security Number <b>(b) (6)</b>		3. Date of Birth <b>(b) (6)</b>		4. Effective Date 02/13/2022								
<b>FIRST ACTION</b>						<b>SECOND ACTION</b>										
5-A. Code 702		5-B. Nature of Action PROMOTION				6-A. Code		6-B. Nature of Action								
5-C. Code N3M		5-D. Legal Authority REG. 335.102 COMP				6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number INSTR OF HEALTH & PHYS ED  D03L01 0001070 0000107						15. TO: Position Title and Number ATHLETIC DIRECTOR  D03L01 HU00085 00										
8. Pay Plan GS		9. Occ. Code 1701	10. Grade or Level 11	11. Step or Rate 10	12. Total Salary \$87163.00		13. Pay Basis PA		16. Pay Plan GS		17. Occ. Code 1701	18. Grade or Level 12	19. Step or Rate 06	20. Total Salary/Award \$93764.00		21. Pay Basis PA
12A. Basic Pay \$74074.00		12B. Locality Adj. \$13089.00		12C. Adj. Basic Pay \$87163.00		12D. Other Pay \$0.00		20A. Basic Pay \$79684.00			20B. Locality Adj. \$14080.00		20C. Adj. Basic Pay \$93764.00		20D. Other Pay \$0.00	
14. Name and Location of Position's Organization IN28 DIRECTOR, BUREAU OF INDIAN EDUCA HASKELL INDIAN NATION UNIVERSITY  LAWRENCE, KANSAS						22. Name and Location of Position's Organization IN28 DIRECTOR, BUREAU OF INDIAN EDUCA HASKELL INDIAN NATION UNIVERSITY  LAWRENCE, KANSAS										
<b>EMPLOYEE DATA</b>																
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure 1 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <b>(b) (6)</b>					
27. FEGLI W0 <b>(b) (6)</b>						28. Annuitant Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0							
30. Retirement Plan K <b>(b) (6)</b>				31. Service Comp. Date (Leave) <b>(b) (6)</b> /1998		32. Work Schedule F FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period							
<b>POSITION DATA</b>																
34. Position Occupied 1 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E - Exempt N - Nonexempt		36. Appropriation Code			37. Bargaining Unit Status <b>(b) (6)</b>							
38. Duty Station Code 20-3010-045				39. Duty Station (City - County - State or Overseas Location) LAWRENCE, DOUGLAS, KANSAS												
40. Agency Data FUNC CLS 00		41. <b>(b) (6)</b>		42. EDUC LVL 18		43. SUPV STAT 2		44. POSITION SENSITIVITY MODERATE RISK								
<b>(b) (6)</b>																
46. Employing Department or Agency IN - INDIAN EDUCATION						50. Signature/Authentication and Title of Approving Official 220560015 / ELECTRONICALLY SIGNED BY: HEATHER IMAM HR SPECIALIST										
47. Agency Code IN28		48. Personnel Office ID 1801		49. Approval Date 02/17/2022												

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>(b) (6)</b>				2. Social Security Number <b>[REDACTED]</b>		3. Date of Birth <b>[REDACTED]</b>		4. Effective Date 07/20/2014						
<b>FIRST ACTION</b>						<b>SECOND ACTION</b>								
5-A. Code 713		5-B. Nature of Action CHG TO LOWER GRADE, LEVEL OR BAN				6-A. Code		6-B. Nature of Action						
5-C. Code L9M		5-D. Legal Authority REG. 315.907				6-C. Code		6-D. Legal Authority						
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority						
7. FROM: Position Title and Number ATHLETICS PROGRAM DIRECTOR  D03L01 IE14047 IE14047						15. TO: Position Title and Number INSTR OF HEALTH & PHYS ED  D03L01 0001070 0000107								
8. Pay Plan GS		9. Occ. Code 1701	10. Grade or Level 12	11. Step or Rate 04	12. Total Salary 76446	13. Pay Basis PA		16. Pay Plan GS		17. Occ. Code 1701	18. Grade or Level 11	19. Step or Rate 08	20. Total Salary/Award 71511	21. Pay Basis PA
12A. Basic Pay 66964		12B. Locality Adj. 9482		12C. Adj. Basic Pay 76446		12D. Other Pay 0		20A. Basic Pay 62641		20B. Locality Adj. 8870		20C. Adj. Basic Pay 71511		20D. Other Pay 0
14. Name and Location of Position's Organization BUREAU OF INDIAN AFFAIRS DIRECTOR, BUREAU OF INDIAN EDUCATION DEPUTY DIRECTOR HASKELL INDIAN NATION UNIVERSITY  LAWRENCE, KANSAS						22. Name and Location of Position's Organization BUREAU OF INDIAN AFFAIRS DIRECTOR, BUREAU OF INDIAN EDUCATION DEPUTY DIRECTOR HASKELL INDIAN NATION UNIVERSITY  LAWRENCE, KANSAS								
<b>EMPLOYEE DATA</b>														
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure 1 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <b>(b) (6)</b>			
27. FEGLI W0 <b>(b) (6)</b>						28. Annuitant Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0					
30. Retirement Plan K <b>(b) (6)</b>				31. Service Comp. Date (Leave) <b>(b) (6)</b> /1998		32. Work Schedule F FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period					
<b>POSITION DATA</b>														
34. Position Occupied 1 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <input checked="" type="checkbox"/> E - Exempt <input type="checkbox"/> N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>(b) (6)</b>				
38. Duty Station Code 20-3010-045				39. Duty Station (City - County - State or Overseas Location) LAWRENCE, DOUGLAS, KANSAS										
40. Agency Data FUNC CLS 00		41.		42. EDUC LVL 18		43. SUPV STAT 8		44. POSITION SENSITIVITY MODERATE RISK						
<b>(b) (6)</b>														
46. Employing Department or Agency IN - INDIAN AFFAIRS						50. Signature/Authentication and Title of Approving Official 141425852 / ELECTRONICALLY SIGNED BY: JACQUE BENAVIDES HUMAN RESOURCES SPEC.								
47. Agency Code IN06		48. Personnel Office ID 1801		49. Approval Date 08/20/2014										



Developed:	Sep 1997
Effective:	Jan 2011
Last Approved:	Jan 2011
Next Review:	Jan 2012
Owner:	Jim Rains: Dean
Policy Area:	Division of Academics
References:	

## Faculty Workload

### **FACULTY WORKLOAD POLICY**

*Twelve credit hours shall be considered a standardized teaching load for all fulltime permanent faculty members; however this workload may be subject to change, with notification to Federation of Indian Service Employees, as required.*

#### **Procedures:**

- No faculty member with a 12 credit hour teaching load should have more than three separate class preparations during a semester.
- With the exception of required courses in a baccalaureate degree program, classes with less than five (5) students enrolled are subject to cancellation and replacement by courses with higher demand.
- Faculty whose class has been cancelled for low-enrollment in which a higher demand replacement course is not feasible may be assigned to a .20 appointment in the Haskell Success Center.
- Cancellations, in this instance, will be subject to a case-by-case review by the Dean and Vice-President for Academics. In the case of significant low class enrollments a supervisor may question faculty members' 12-credit hour limit.
- Only when the faculty member disputes his/her immediate supervisor's determination in the matter would the Vice-President for Academics be consulted. Deviation from this standard may be approved based upon the following conditions:
  1. A faculty member serving as a coordinator/chair of an academic area may be given release time of one course to carry out these responsibilities.
  2. On a case-by-case basis, release time may be given based on enrollment numbers (class size) when there is concurrence between faculty member, chair, Dean, and the Vice-President for Academics. As an example and clarification of this, see guidelines below that specifically deal with instruction of an internship, but can be guiding standards for all courses:
    - a. For a faculty member to be granted release time due to the instruction of an internship, that faculty member must detail the content of the course and the scope of the instruction as part of his/her goals in his/her yearly evaluation.
    - b. For a faculty member to be granted release time due to the instruction of an internship, he/she must justify that the internship, in enrollment size and scope of instruction, constitutes a semester's work. For example, if the internship's enrollment meets or exceeds the minimum course enrollment (see catalog) and the contact hours meet or exceed a semester's standard

for a three-credit hour course (45 hours), then release time may be granted.

3. Faculty members may request a course release when pursuing terminal degrees, subject to concurrence by the Dean and the Vice-President for Academics, under these conditions:
  - a. The faculty member requesting release time from instruction for the pursuit of a terminal degree must have achieved acceptance into a program of study at an accredited institution.
  - b. Achievement of the terminal degree can justifiably benefit Haskell Indian Nations University.
  - c. The faculty member's academic area will not suffer from the loss of his/her instruction from the semester's curriculum.
  - d. The faculty member requests release time the semester prior to the semester when he/she plans to enroll in terminal degree seeking courses, before the relevant semester's schedules are submitted.
  - e. Release time for pursuit of a terminal degree will not require use of the Division of Instruction funding for personal fees or replacement faculty's salary.
4. A faculty member who coordinates a grant or contract, which allows funds to hire a replacement instructor, may receive one course release time, under these conditions:
  - a. Release time will not be approved unless a replacement part-time instructor is hired.
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5. A faculty member who is asked to perform work deemed critical to the overall operation of the University may be approved release time by the President of the University or the Vice-President for Academics, under these conditions:
  - a. This reduction of teaching load does not exceed more than one semester for any one faculty member.
  - b. Generally, no permanent full-time faculty member may teach less than six (6) credit hours with approved release time granted under the condition described above.
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  - d. A full-time permanent faculty member may engage in curriculum development, grant writing, or research projects that relate to and promote the University's four year programs and receive release time when such work is determined critical to a program, school, or the University's needs.
6. A full-time permanent faculty member who instructs and supervises labs or studio courses that significantly exceed 12 student instructional hours per week may warrant a reduced load at the discretion of his/her academic Dean or the Vice-President of Academics.

## Attachments

No Attachments

**From:** [Boyd, Jacqueline M](#)  
**To:** (b) (6)  
**Cc:** (b) (6); (b) (6); (b) (6)  
**Subject:** Re: Administrative Investigation  
**Date:** Tuesday, October 11, 2022 2:42:24 PM  
**Attachments:** [Faculty Workload.pdf](#)

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Hi (b) (6)

Below are the responses to the questions asked regarding (b) (6). I am the Interim Dean of Professional School and have been in this position since June 2021. I have been supervising (b) (6) in the instructor role during this time period from June 2021 to present. I do not supervise him in the volunteer role of coaching. He is supervised by the Vice President of Academic Affairs for the coaching role.

In the summer of 2021, (b) (6) taught 6 credit hours (3 activity courses and 1 lecture course)

In the fall of 2021, (b) (6) taught 12 credit hours (4 lecture courses)

In the spring of 2022, (b) (6) 9 taught credit hours (3 activity courses and 2 lecture courses volunteering as coach in season - track)

In the summer of 2022, (b) (6) taught 6 credit hours (3 activity courses and 1 lecture course)

In the fall of 2022, (b) (6) is teaching 9 credit hours (3 activity courses and 2 lectures courses and overseeing Jim Thorpe Fitness Center)

When volunteering coaching in season, there is a reduction from 12 credit hour to 9 credit hours. All full-time instructors are required to teach 12 credit hours in the fall and spring semesters and in the summer, it is 6 credit hours.

I have attached the faculty workload policy.

Please let me know if you need further information.

Jackie

***Jacqueline M. Boyd (Ohkay Owingeh, San Felipe Pueblo, Diné)***  
Interim Dean of Professional Schools, Haskell Indian Nations University

***Bureau of Indian Education***  
U.S. Department of the Interior  
155 Indian Avenue  
Lawrence, KS 66046  
Office Phone (785) 832-6685

**Website:** [www.haskell.edu](http://www.haskell.edu)  
**Facebook:** @HaskellUniversity  
**Twitter:** @HaskellU

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**From:** [REDACTED]@bie.edu>  
**Sent:** Thursday, October 6, 2022 8:55 AM  
**To:** Boyd, Jacqueline M <jacqueline.boyd@BIE.EDU>  
**Cc:** (b) (6)@bie.edu; (b) (6)  
[REDACTED]@bie.edu; (b) (6)@bie.edu>  
**Subject:** Administrative Investigation

Good morning Ms. Boyd. I have been designated as the Chair of an administrative investigation to look in to various issues at Haskell University, by the BIE. I have testimony that indicates you are the supervisor of (b) (6). Is this correct, and if so, how long have you supervised him?

Do you supervise him as an instructor only or do you also supervise and provide oversight of his coaching duties?

Also, how many credit hours per quarter is he required to instruct, verses what he actually performs. The reason I ask is because I understand he is released from some of his instructor duties to coach. Is this correct?

Lastly, can you provide the policy that authorizes an instructor to provide less than 12 credit hours of instructor duties?

Please feel free to contact me in the event you have any questions. Thanks!





Developed:	Sep 1997
Effective:	Jan 2011
Last Approved:	Jan 2011
Next Review:	Jan 2012
Owner:	Jim Rains: Dean
Policy Area:	Division of Academics
References:	

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6. A full-time permanent faculty member who instructs and supervises labs or studio courses that significantly exceed 12 student instructional hours per week may warrant a reduced load at the discretion of his/her academic Dean or the Vice-President of Academics.

## Attachments

No Attachments



U.S. Department of the Interior  
**Bureau of Indian Education**

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University (HINU)

Date: August 19, 2022, 8:04 A.M. MST

Witness Statement - (b) (6)

I've been at Haskell since 2005. In January 2022, I was (b) (6) of Academics, then in May 2022, I've been (b) (6), but my permanent title is (b) (6) (b) (6),

In my role as (b) (6), there's the day-to-day operations, managing, providing oversight to the different divisions for University Services. I also oversee the campus budget, signing PR's. Right now, I'm currently working on a workforce analysis and comparing it to other universities.

Our polices are guided by Bureau of Indian Education (BIE) and it's a bit different on how other universities are run because a lot of their polices are in house. We of course would follow the federal policies.

A majority of our employees are General Schedule (GS), facilities are on Wage Grade (WG) and then we have contractors.

For budget spending, (b) (6). We have a checks and balance system. For example, when I'm reviewing a form and have questions, I work with (b) (6), (b) (6). I participate in periodic meeting with the Finance Office and there are individuals on those meetings from Central Office. The structure right now is I'll see credit card purchases for purchases over \$10,000.00 from my direct reports such as Vice President of Academics (VPA), Vice President of University Services (VPUS), Chief Information Officer (CIO), and the Athletic Director (AD). If an office has reached their credit card limit, I was under the belief that it's acceptable for another office to make the purchase on their behalf.

For grants or monies received it could be restricted or unrestricted, but if money is being provided for a certain use it needs to be used for those purposes. It's the recipient who is obligated to follow through.

As it pertains to our contracts, we have Contracting Officer Representatives (COR's) on campus, and we work with Albuquerque on contracts. I have red flags with regards to our contractors regarding HR resources. What rights does a contractor have? Who legally is supposed to talk with them if an inappropriate situation occurs involving a student? There needs to be protocol put in place so we're all on the same page.

I'm familiar with the Clay Mayes (Mayes) situation through news stories but I don't know the specifics other than calling the police on him last week. It was brought to my attention that Mayes may have been representing himself as a Haskell coach during June and July. And, he may have been receiving admissions applications from prospective students. The application has personal identifiers and why are applications being sent to Mayes. I shared my concerns with (b) (6) in HR. I reported it to police because I didn't know if this issue was fraud or possible identity theft. I wanted to get this on record so now the case has been assigned a case number.

I really don't know what the truth is with Mayes and the students. These are personnel issues and in an ideal world you would want to keep this away from students. But there could be staff in the athletic department who are confiding in students. This is something that I cannot prove but it creates unnecessary animosity between students.

Back in May, I signed off on services to be provided by a contractor who was already a contractor for providing other services for Haskell. Our men's basketball coach was needed throughout the summer (July to August) to coach cross country, this was only temporary till we hired another contractor. I'm guesstimating the amount paid was \$10,000.00. There was a second athletic contracting service request that came through for (b) (6), but I declined to sign off on that one because there wasn't a valid justification for why we needed services. (b) (6) is a contractor for our (b) (6) (b) (6), which is a full-time job and a lot of work. I could not split her up and make her function in two (2) roles. This is another reason why I declined to sign off on the contract.

I believe contractor (b) (6) was also paid additional monies by credit card in the amount of \$10,000.00 for volleyball services during the summertime. During the summer there isn't any games but there is recruitment, conditioning, and training for the student athletes. I was unaware that (b) (6) had three (3) contracts, but I did know about her being an adjunct because I reached out to her to have her teach our online freshman orientation course.

On the academic side you won't see individuals with multiple contracts. I believe it was acceptable and legitimate way the Athletic Department worked during the course of the summer, by using full-time contractors on another contract.

One option we use for paying contractors for additional services rendered is using PayPal. I don't know if there is policy for using PayPal, but this is something I will check into.

In an ideal world you want to trust your subordinates and believe they are doing the ethical thing with selecting a contractor or permanent employee. Like in academics, if you were not getting people on the cert who are qualified or have the appropriate credentials, then we keep searching. I would assume this same selection process was happening with the coaches as well. There are different ways to publicize coaching opportunities to ensure your getting a positive pool of applicants. We need to improve our contracting protocols

and have more individuals trained as COR's because (b) (6) ) inherited quite a few. It doesn't make sense for (b) (6) to oversee the coaches.

For contractors, the contracting office is their official supervisor but to me it makes better sense to have Haskell contractors report to an individual on campus within the department for which they are providing services. For instance, I believe the coaches would report directly to the AD. With our adjunct contractors where personnel issues are present, we notify their contract company.

When (b) (6), I was shocked. The rumor mill had it that she was released from being (b) (6) due to some financial improprieties. There is a folder in the President's office regarding why (b) (6) was removed. Just last week I was contacted by HR and was informed there was several ongoing investigations at Haskell and (b) (6) was one of them. I don't know the extent of the allegations against her. I have not seen or witnessed (b) (6) as being intimidating. Sometimes (b) (6) is described as somebody who talks too much. Now (b) (6), some support staff might see her as a bully. The (b) (6), and (b) (6) have this reputation on campus, but I do not have evidence of retaliatory allegations. That does not mean that it does not occur. I'm also aware of the (b) (6) giving away items at pow wows but I can't recall if it was Haskell gear.

This summer I tasked (b) (6) with developing an assessment evaluation and a strategic recruitment plan. There are only four (4) internal policies that involved athletics which (b) (6) is also working on as well. The athletic handbook needs to be updated to lay out the expectations. One of my goals while working alongside (b) (6) is to ensure our athletes have the academic support they need, and the coaches are invested with the athlete's education as well.

I know (b) (6) is a (b) (6) (b) (6) ) and he also has assigned duties as a (b) (6). He used to coach both cross-country and track. An instructor Position Description (PD) says full-time and how the university defines it is to instructor can teach up to 12 credit hours depending on the circumstances. If an individual is not teaching 12 credit hours there are other duties assigned, they can work on. In (b) (6) case his other duties are coaching. The faculty coaches can get a course release to teach nine (9) hours because they're working within athletics. In the past, instructors have been given a course reduction to nine (9) hours to assist with assessments to help with maintaining our accreditation, but this is not a permanent thing.

(b) (6) is in a unique position at Haskell. He only has a bachelor's degree, and all our other instructors have masters or doctorates. I suppose when he was hired it was acceptable to hire someone with a bachelor's degree. For our accreditation purpose he can only teach certain types of 100 level courses because of his academic qualifications. It would be my preference that all our faculty have master's degrees or higher levels of education. When HLC does a faculty accreditation audit, (b) (6) file will get flagged.

When (b) (6) was hired as the (b) (6) a memo was set-up by then Interim President that the VPA would have supervisory oversight with regards to (b) (6). I know that relatives cannot supervise other relatives so there is an extra layer added to the reporting structure.

Currently, we have an updated draft organization (ORG) chart to send to Central Office for vetting and my recommendation is we do not have faculty members coaching.

As VPA I inherited a sexual assault investigation involving (b) (6) and (b) (6). When that investigation was completed, there was nothing found to substantiate the claim of sexual assault. Around May, I received a text message screenshot of the student, (b) (6) who alleged being raped and she provided her phone number, but she's no longer a student here. When I heard about this situation, I reached out to our (b) (6) who (b) (6) to ask if this rape was reported but was informed there had not been any rapes reported. I still went ahead and contacted the student, but they did not answer so I just left a message.

After knowing there was no reports made to Student Conduct and Rights regarding (b) (6), I chose to bring in a consultant from D. Stafford to do an audit on our processes regarding Student Rights and the issues of allegations of sexual assault or rape. The consultant, (b) (6) works with higher education institutions. We need this outsider to provide us with recommendations on how we can improve our processes.

I absolutely do not agree with making the student responsible for calling the police themselves. Regardless, if one may think the student is not telling the truth, it does not matter! We are here to advocate for students. Therefore, the protocol is that the police need to be called every time there are these types of sexual allegations. I'm suspecting that I'm not being made aware of situations that the office of the President should be aware of. In my role, I would expect report of these types of allegations or anything involving students would be reported to the President's office through the VPUS.

Any college or university that accepts Department of Education money for Pell Grants, Title III, are obligated under Title IX, to have processes and protocols in place for situation of sexual misconduct when they do occur on campus. I'm familiar with the Cleary Act and the safety report that is released once a year. Before the pandemic security notification would be sent out in accordance with Cleary.

During our orientation activities before the semester starts, there are sessions on security and safety. There is no doubt it needs to be reiterated throughout the semester of the resources for students and student rights. Our new VPA just started in May, and he is reviewing the syllabi for the student orientation. The necessary updated, revisions will be made to bring us into the 21<sup>st</sup> century.

I have verbally talked with the Dean of Students, VPUS, and staff, and informed them that we all are expected to participate in professional development. My sense is there is a lot

of department and offices that have become isolated from best practices and community practices in higher education. We need constant coaching because things change, and we need to ensure there is appropriate training given.

Another issue we have is it's apparent that quality advising is not occurring across campus. It's come to my attention that we have some advising going where the degree checklist is not being followed. For the Associates program, the credit hours for graduation changed when Obama was in his second term.

I just want to make a comment. We need more checks and balances and institutionally we've been kicking a problem down the road, and that's no way to operate obviously.

I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.

Signed:

Executed on (Date):



U.S. Department of the Interior  
**Bureau of Indian Education**

Date: July 27, 2022, 11:34 A.M. CST.

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Witness Statement - (b) (6), Haskell Indian Nations University

I've been in my current position as a (b) (6), for 11 years. My supervisor is (b) (6). As it pertains to the University budget, I work in the (b) (6). I'm also responsible for approving payments, adjusting accounts and student payments.

I'm a (b) (6) at Haskell. I don't approve contracts prior to being awarded. I do approve all the invoices in FBMS after a contract is awarded. I then become the assigned COR which means I'm responsible for overseeing their contract. By default, I get assigned to different contracts which are not in my department which means, I have relied on other employees to help because I do not work directly with the contractor day to day. Ideally, a COR would be working in that specific department but that is not how it's happening right now. It's because we don't have enough trained COR's.

The department wanting to contract out services will develop the Scope of Work (SOW), and cost estimate. The contractor should only perform the duties stated in the SOW, but sometimes there is language in the SOW that leaves it open to seem like the contractor can perform other work. If a contractor asks me about performing other work, I tell them no, because it could mean additional compensation. If there is additional compensation it should go back through the contracting process.

After the department completes the SOW and cost estimate they'll submit that to finance. There are times when a contract may need additional approvals from the President or Vice President. The contract is then entered into FBMS by one of my co-workers. From there it goes to the (b) (6) but we have been assigned a new (b) (6). (b) (6) handles most the services and goods contracts for Haskell. If the contract is for construction, I believe it goes to someone else. After the contract is entered into FBMS, (b) (6) will pick it up and complete the solicitation and obtain the bids. The bids are discussed between (b) (6) and the department requesting for contract work, but if (b) (6) doesn't know the contact person of the contract, (b) (6) will reach out to me. The CO is the only person who can obligate funds. Anytime I'm asked by someone wanting to perform additional duties it's best they



go to the CO before doing anything, because the duties may have to be a whole new separate contract.

For contract coaches the Athletic Director (AD) may come up with another evaluation process before selecting, but ultimately the AD is the selecting official for a coaching position.

My involvement is when a contractor submits an invoice for payment, I'll reach out to the contact person within that department to review the invoice before the invoice is paid. The threshold we use is anything less than \$2,500 can be paid as the school level with Gov CC and anything over that amount goes through the Contracting Office.

The ways of payment for a purchase order are through acquisitions. The individual must have an active SAM.gov account. If their account becomes inactive the payment will be blocked. Some assistant coaches might be getting paid through a purchase card. The guidance says, we can pay up to \$10,000.00 for professional service.

Another card issued to two (2) coaches is called a declining card. It's a type of card issued to a contractor, but there supposed to use if for their own sports team. There is another special type of card called a student activity card that is only given to BIE employees. It has different restrictions but can only be made for students. There are some individuals who might have three (3) cards, travel, purchase and student activity card.

The student bank account is under the Finance Department. There is process for depositing and withdrawing. And documentation must be provided on how the money will be spent.

Financial adjustments are made when a payroll payment is posted to the wrong department. If at the end of the year when accounts, go negative I'll adjust by making corrections to errors. Any budget changes go through Thorne for approval. I'll deal with the departments by guiding them on how to correct an error. The Purchase Requests (PR) were coming through me because I was acting for almost a year before Thorne got here. Typically, the PR's go directly to CFO.

The budgeting process usually occurs during the summer. Our office will give each department head a template and the expenditure(s) from the previous year to assist with them with creating a budget request for the upcoming year. Then our office will compile each budget request and determine if the department's budget request will pass based on allocation. Budget requests get approved by leadership. If the department goes over, we'll do a cut process. Every quarter we do a reconciliation down to the line items. Our department only tracks accountable property that is \$5,000.00 or higher as the department would have to track their own budget.

The Athletic Department Director is responsible for determining the budge for each sport. Our office does not determine how much each sport needs. Specifically, with athletics

each sports team has their own monitoring file which has their budget, line items, expenses, and name of the vendors they use. This is used for tracking purposes for our office. In the last year or two (2), the Athletic Department allocated funds for travel hoping the teams would travel, but with the pandemic may have reallocated travel funds to equipment or supplies.

The (b) (6), at the time chose (b) (6) as the (b) (6) (b) (6). I don't think she had recent coaching experience. I know she played softball at a high level. I think the typical path would have been an Assistant Coach before becoming a Head Coach.

(b) (6), and her SOW is written to include (b) (6) which (b) (6) would have included, but her contract doesn't say anything about coaching. This was probably a decision made by the Athletic Department. She also has another (b) (6).

I did not make the decision to terminate Clay Mayes's (Mayes) contract. I was involved by trying to navigate what to do about this contractor-to-contractor issue between (b) (6) and (Mayes). They both were reporting on each other about harassment. I believe what (b) (6) reported about issues with the cross-country team which lead to the investigation with Mayes.

There wasn't a clear path on what to do. Mayes's contract was terminated by the (b) (6) (b) (6), and (b) (6) guidance, to the (b) (6). I think the President made the statement to end the contract and I may have asked for clarification to see if I needed to do anything. I was told by acquisitions, that I didn't. Acquisitions was going to handle it; I believe it was (b) (6) (b) (6). Acquisitions said they received notification from our President and BIE HR and went forward with the termination. I don't know the exact process on how to terminate a contract because I have never had a situation like this occur.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

Signed:

(b) (6)

Executed on (Date): 9/12/2022



U.S. Department of the Interior  
**Bureau of Indian Education**

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Date: July 14, 2022, 4:06 P.M. CST.

Witness Statement: (b) (6), Haskell National Indian University

\*Please note the following is my recollection and to the best of my knowledge. Additionally, the following appears to be a synopsis of the multiple hours of discussion with the investigators.

I have been the (b) (6) since February 14, 2022. In mid-December I was asked by (b) (6) to serve as the (b) (6) because the (b) (6) was (b) (6). I was supposed to help the (b) (6) process paperwork out and try to create a smooth transition until an (b) (6) was selected.

The process on how I was selected for the (b) (6) was through an advertisement on USA Jobs. I submitted all my documents on USA Jobs. Then I received a notification about an interview which was conducted on Teams with (b) (6), (b) (6) (b) (6) and (b) (6).

Part of duties in the (b) (6) include providing supervision to the sport specialist, and program support assistant (just recently selected). The (b) (6) is responsible for the monitoring files with acquisitions, ensuring eligibility compliance with the National Association of Intercollegiate Athletic (NAIA and our FAR), and ensuring policies and procedures are in place for game management. I'm conducting an assessment of our program that is due at the end of this month. This assessment piece will help to build a strategic plan and recruitment plan.

Haskell used to be a junior college, so we had instructors at one point who did not have a master's degree. The HLC structure is you have to have the degree higher than the degree you're teaching. I think HLC has some policy that states you don't necessarily have to have a masters, but you have a degree, or provide justification of being a subject matter expert. The last I knew (b) (6) didn't have to have a master's degree because of his years of service.

Before becoming (b) (6) I was (b) (6) in August 1999, I was also a (b) (6). When I first came on board our Position Descriptions (PD) were (b) (6). When my sport was in season, I got a release time of three (3) credit hours, so I taught nine (9) credit hours and in the off season I'd teach 12 credit hours. As I recall, release time in the past, one had to sign a paper for documentation, similar to faculty who are on release time to serve as a chair for a department,



(FERPA). Unless, that student lists you on their release for information you are not eligible for any information.

Eligibility is checked by the Faculty Athletics Representatives (FAR). For fall sports like cross country and volleyball eligibility is checked around August. For freshman or anyone who's never competed in the NAIA, eligibility is determined through the NAIA clearing house which is initiated by the student (PlayNAIA). The NAIA will generate eligibility to the FAR.

There is recruiting that happens were certain guidelines must be followed through the NAIA and the University in terms of who meets admission standards for acceptance to Haskell. NAIA has set policies. Haskell's only recruitment policy per se are the admissions policies.

Haskell does letters of intent, but this is something not governed by the NAIA. In the NAIA handbook it states letters of intent are not recognized. However, an institution or conference may recognize it. In some respect a letter of intent is like a contract. If I sign a letter of intent with Haskell but later decided to not to go and end up going to another school within the NAIA that other school then reaches out to Haskell asking for a transfer release. The ways in which a school can find out whether an athletic student is associated with another school is by accessing PlayNAIA. The other piece other than letter of intent is the admissions process that differs from any other school. It's a first come first serve basis for any student; this depends on when the application for admission was received. I've told our coaches a letter of intent should not be signed till after the student has been accepted to Haskell. If a letter of intent is signed and they're not accepted to Haskell well that student may have given up scholarships because they thought, they were coming to Haskell. I have two situations like this, one was easily resolved but I still have (b) (6) who signed a letter of intent in July. I found out about her through social media. When I checked with admissions, I was told she hadn't been accepted. There is no policy regarding letter of intent but coaches have been informed on multiple occasions about the process. I'm discovering in athletics we lack policies, right now we only have three (3) policies, and none address the letter of intent.

There is an athletic handbook, but it's geared more to the student athletes rather than coaches. It's an athletic version of the student code and conduct handbook. It goes over social media and networking policy. The student athlete's responsibilities on representing the university, they're supposed to be identified in 12 credit hours or more for eligibility. There is a substance abuse policy kind of like a three (3) strike rule. Before COVID we used an outside drug testing organization who randomly tested student athletes in all sports. The coach wasn't aware if the student athlete tested positive, it was the athletic trainer that dealt with the issue. If the student athlete tests positive a second time the AD was informed. This is something were reevaluating as NAIA hasn't mandated a drug testing requirement outside testing at national championships.

The NAIA has five (5) core values which are respect, responsibility, integrity, sportsmanship, and servant leadership (community service). When I came into the (b) (6)

role, I knew we had to report for champions of character. I had a meeting with coaches to come up with something we can have our students do every month related to champions of character.

The way contract coaches was explained to me is I'm a technical monitor, I'm not their supervisor I cannot discipline them or tell them what to do. They must follow their SOW. I do not have Contracting Officer's Technical Representative (COTR) training, but they work within the Athletic Department. What I know of the process when hiring a contractor is a Statement of Work (SOW) is created, then it's sent to Albuquerque to contracting, then it's put on SAM.gov for individuals to bid on. The bids are sent to the COTR which are provided to the (b) (6) after they are vetted. The time in which I'll receive the contract is when a contractor has been selected and when they are getting ready for an option year. We did have to modify three (3) SOW's getting ready to go out for bid because the previous SOW had the (b) (6) as the supervisor, and we had to assign additional duties because essentially some could collect over \$50,000 complete their season and do other things. The adjustment on the SOW's was made under (b) (6).

When I came into the position, I said, with contract positions I don't feel like I should be the one evaluating them because I'm not supervising them. That evaluation should happen by the COTR and maybe other individuals within finance. There's a rubric with rating the contractor applicants. I then get a list of individuals and basically say I'm good with this rating or I'm good with this selection. With the most recent cross country coach position was a bit different in that the COTR basically said, here's candidate one and here's candidate two, but all you get to see is candidate one's rating and dollar amount. If you don't approve, then we will send you the information for candidate two.

I have six (6) head coaches and three (3) assistant coaches. The coach for softball recently applied for a federal position and was selected she's still on contract until her start date, once she started in a federal condition, she can no longer be a contractor.

I do not oversee the contract coach's salary (payment) or their bid amount. I do oversee what's in our federal monitoring system in terms of supplies, equipment, and travel. The budgets differ amongst sports because each sport has different requirements. Like cross country their equipment is footwear, uniforms, compression gear, and things that are not as expensive. As for softball, players have a glove, helmet, sliding pants, wrist, elbow, and ankle guard. There is not equal distribution, but equitable distribution based on the need for the program/sport.

This year we had to move some money around because our monitoring file showed absolutely zero dollars listed for equipment in any sport. During COVID not everyone traveled so there was a significant amount of money in each sports travel line. I was told to reevaluate the monitoring file and to make adjustments to meet our needs, so money was moved to a supply line. The university has a transfer form to make transfers from different accounting strings. You would put a comment as to why you're needing to move funds. We're on a forward funding so our end of year was June 30<sup>th</sup>, but we're allowed to make purchases till mid-August. From what I understand every department funding

from last year was just carried forward with a 5% increase. Each sports program budget is forecasted each year based on GSA travel per diem with \$10 for breakfast, \$12 for lunch, and \$15 for dinner.

In Softball we spent a little bit more money this year because we discovered a change in the usage for a softball helmet which was only one (1) year. The team last season was wearing five (5) year old helmets, which is a huge liability.

Even though contractors don't have a voice in the programs budget. I wanted to have an open dialogue so everybody knew what their budget looked like and if they had questions, we could discuss it. The budget does not include the coaches travel expenses and recruitment travel because their own travel expenses come out of their contract.

Before my interim, I was the (b) (6) and during that time, I needed visibility of the coaches here on campus. They also needed to be able to connect with their student athletes. This is how offices for coaches were established. I did an orientation for one new head coach in my prior position as (b) (6). I'd go over the university's policies and procedures, the NAIA handbook, eligibility, and budget.

I was aware the cross country coach was having issues with some with athletes on the team, but I found out about it after it happened.

We do have another contractor under athletics, her name is (b) (6), (b) (6). She's responsible for the (b) (6). In the fall of 2021, a student athlete ran in a meet who wasn't eligible. At the same meet an athlete who was eligible did not compete, but their bib was given to a non-Haskell student. (b) (6) had to work on correcting the stats because this is reported to NAIA. Ultimately those stats are a validation of what happened at these events, this applies for all sports.

There was an issue with two contractors (b) (6) and Mayes. On a Saturday in January, (b) (6) called me saying Mayes had been in the women's restroom. (b) (6) said, she heard the restroom door open and didn't know that anybody was around. She could see who it was because of the crack in the frame of the bathroom door. Mayes went to the sink then got some paper towels and went back to the sink and left. She stayed in there for a while and come out when she felt comfortable. After she shared this with me, I asked her if she was comfortable writing this out. She could provide it to (b) (6). (b) (6) was there on a Saturday to test student athletes for COVID. She walked through the pool area, went into her office space and went into the restroom.

I reached out to the President's Office and made contact with (b) (6). I didn't know what to do and was told to contact security and inform (b) (6). I don't understand why someone would go into the wrong restroom because our restrooms are close to one another in the front office area. It is known which restroom is which.

When things started to unfold with Mayes, we started to have team meetings with (b) (6) (b) (6) (b) (6) ) and myself. And, it was becoming clear that we can't ask contractors to do anything.

I was aware of a meeting at Coffin Complex with (b) (6) and some of the runners who filed a complaint against Mayes. I didn't know what happened in the meeting or what transcribed. I was not in a meeting where the cross country team received a no contact order. I only heard things that came out in the newspaper of (b) (6) taking notes and I had a student tell me there was a meeting. I was aware of the no contract order, but I did not get a copy of it until this spring. I also know some students were still running for Mayes because he was on campus with them. In either March or April, I received notification from (b) (6) I believe that no employees were supposed to have communication or contact with Mayes.

I've invited (b) (6) in on department meetings to ask her about game day management.

I did have a meeting with the cross country team to share information and answer questions about running as an unattached athlete. The NAIA has rules for unattached athletes. I provided information from the NAIA's website on what an unattached athlete is and how to be eligible. The reason for this was because we had some students run in a race where prize money was part of the race. NAIA has rules on amateur races and if money is being earned this may jeopardize their eligibility. It's the students' decision if they want to run unattached and potentially impact their eligibility.

I'm a USA track and field certified official. I didn't want Haskell to be affected by not following rules for unattached runners in non-monetary meets and I emailed (b) (6) who included (b) (6) who included Mayes about this. This is when Mayes started to have this dialogue with me about him knowing how to coach.

A history piece, I wasn't formally introduced to Mayes in the fall. There were situations that happened when he was at (b) (6) that impacted Haskell at the time. Mayes while at Bacone College impacted Haskell, I told the then (b) (6) about this issue which should have been reported to NAIA. The other situation was when (b) (6) (b) (6) was still coaching cross country, I had a student who went to Antelope Valley come up to me wanting to run unattached at a Haskell meet. I told her we don't do unattached athletes. She said, I've been running in meets and Mayes said, as long as I don't finish it doesn't count against me. I said, you have stats even if you don't finish, so next to your name it will have Did Not Finish (DNF). With cross county and track separated. My thought was to let Mayes do what he needs to do for his cross country program. If I go to a meet, I don't want students who know me thinking this or that. I did not want Mayes to feel like I'm coaching, I'm in his environment, so I'm just going to stay away. However, things that impact students or prospective students I want to at least let someone in administration know and the issues can be addressed however they need to be.



I'm a (b) (6) I've worked cross country, and track meets and people kind of know me in the cross country and track world. I just want to make sure we're not doing anything we shouldn't be doing.

There was one time when I had a conversation with Mayes. I thought we have a great conversation about our roles as Indian educators and how we can make a better experience for all of our students.

In January I had our first meeting. I asked them if they had orientation and I was told we're not going to say anything bad about (b) (6) I said, I'm not asking you say anything about him I'm just asking if you had orientation. During the meeting I gave examples of violations I knew occurred at other institutions. An example of a violation was those students who said in the newspaper of following Mayes to Haskell. There was no documentation of transfer releases. This would be a violation on Haskell because their identified at another institution. In addition to the NAIA violation, it would also be a violation if neither institution reports it.

The interim for cross country right now is (b) (6), who's the men's basketball coach. Students did reach out to (b) (6) requesting for someone to lead them since they did not have a coach. I did not make who was the interim cross country coach public, this was intentional because I didn't know the status of Mayes's contract. I didn't know Mayes was released until the article came out. In late April I asked about Mayes's contract and I was told it wasn't going to be renewed. I said, I'm not going to do anything until administrators provide it in writing. That's why I did not announce anything about (b) (6) I chose (b) (6) because his sport wasn't in season.

We had a past president who wanted me to start this research center project. On a Monday I got called to the (b) (6), I was given a sheet of paper, keys to the government vehicle, and told by the (b) (6) you're going to drive me up to KU we have a meeting. When I looked at the sheet of paper, I was handed it said, (b) (6) (b) (6). I thought I have two (2) choices, I could do this project or find another job somewhere else. I made the decision to stay. There were people who did not agree with the decision and wanted me to fight it, but I didn't. I'm the only person in the (b) (6) and (b) (6). This is part of the reason why that President wanted me on this project. She said, with my degree's all in the same field it's like being a researcher. I've had some people say to me, they feel like I evaluate them on how they coach, or how they participate in a sport, because of my background or my degrees. But I'm just a sports fan. Even when I was told I wasn't going to be coaching anymore, I helped with finding a new volleyball coach. Once the new coach come on board, I turned everything over and said, this is your program you manage it the way you want, I'm not going to come into the gym and have her feel like something isn't right. I felt like she'd be comfortable without me present. I did not want her to feel like I was evaluating her on how she would run the program.

Under a different president while I was the (b) (6) that president wanted me to cut football, but I knew we could financially make it work. We were moving in the right and I did not want to cut it. Before my year probation ended as (b) (6) I was told well you're going back into the classroom. The president ask why I was smiling, I said I'm smiling because what am I'm going to do, you're the president. Honestly, I knew this was going to happen. I've been moved a couple different times.

We have a lot of buildings on campus, but we don't have adequate storage. The south side of the bleachers is called Tinker Hall by the football field apparently has mold. It's not encouraged to store things in Tinker Hall, but our facilities manager said, as long as we feel like stuff can't get damaged, we can store it in there. When (b) (6) first served as a manager for Jim Thorpe Fitness Center that became his office space. Jim Thorpe became a place for supplies for HSES and sports equipment. Over at Coffin Complex there are cages for different sports.

A process was implemented when I was interim (b) (6) because our acting president at the time had some concerns, she noticed Haskell footwear were being worn by non-Haskell students. KU showed us their process on checking out equipment and we followed their process. Footwear would go to Tinker Hall for students to sign out for shoes. Some coaches didn't like that and thought the process was invading the students' rights. Now the process is coaches would inventory their own supplies, except for footwear. Footwear was inventory based on a sheet coaches ordered a year in advance with Nike. Nike has an excel form spreadsheet which contains sizes, type of shoe, color code and we'll enter our quantity. This is how the shoes are ordered. When the footwear is delivered, it's delivered to Coffin Complex stored in the south bleachers in Coffin Complex that everyone has a key to. The person who submits the order has people help separates them out, so each coach gets the items they ordered. Shoes are ordered in November for the coming year. I've asked for an Equipment Operations Direction position who would be responsible for lost prevention or inventory because this January, we had about eight (8) specialty shoes that were which were inventoried and stolen. I was able to determine what sizes were missing because when the shoes came in, I took a picture to enter into an excel sheet. This is when I asked our facilities person, (b) (6) if it would be possible to see if someone took the missing shoes out of the storage because I knew there was a ton of cameras around. She found the footage and provide me screenshots, but it was hard for me to see if it was the items that were missing. The footage did show Mayes and some cross country runners leaving with boxes of shoes. I never approached Mayes or students directly about it, but I did let (b) (6) know. I did ask the entire department in a meeting about the shoes thinking that maybe the shoes were taken by accident. (b) (6) does store some of his training gear in that same room and thought he might have left the door open. Also, in the spring we had some apparel stolen in a small storage next to the laundry closet in Coffin Complex. (b) (6) was one who told me about these missing items.

Cross County shoes were ordered in November 2020, I did help (b) (6) out with ordering the shoes. We had a zoom meeting with the student athletes asking them which shoe they wanted, and I had a notepad to take down their sizes. When the shoes arrived,

they were stored in Jim Thorpe, since (b) (6) was the cross country coach. The shoes were turned over to Mayes. In fact, I watched Mayes push tables with shoe boxes down the hallway. It's my understanding that (b) (6) told (b) (6) to keep the uniforms. (b) (6) was going to give Mayes a budget to order uniforms, but (b) (6) turned over inventoried embroidered backpacks, water repellent jackets, and windbreaker jackets which was taken over to Coffin Complex in boxes with (b) (6) vehicle and given to (b) (6). Students were provided with the items as they wore I knew of the transfer of items because I was helping with cross country and track informally prior to the split of the programs. When (b) (6) had meetings he did ask me to run practice, so I helped him out for a couple of years.

I do not recall moving equipment around October 5<sup>th</sup>. I do remember moving stuff to Coffin from Thorpe. That is where my HSES stuff was located. I had mannequins, cleaning items, and class supplies. I still have material over in a cage in Thorpe that I have not yet moved to Coffin. I did have eight (8) small medical kits that were orange taken from Thorpe to Coffin. I moved manikins from Thorpe to a tent to use immediately for a First Aid class.

(b) (6) is also an (b) (6), for about three years and hired through Chenaga. Chenaga is a company the university uses to fill unfilled faculty positions. Even though, Chenaga is getting paid to recruit instructors they will ask if you have someone in mind. When I was the chair, we were short a position because (b) (6) wasn't going to be teaching. It was only (b) (6) (b) (6) and (b) (6). Rather than cancel classes, I approached several people in Coffin Complex that might be interested in teaching a class. This is how (b) (6) became (b) (6).

In the HSES Department we did adjust some of our degree checklist because we were Gen Ed heavy. We cut some of hours in our general education area and moved them to the core area, but still stayed in the realm of 60 credit hours. A degree checklist change was requested, this goes to the committee folks they'll decide to vet it. If it's approved by the curriculum committee it goes to the Vice President of Academics for approval. If approved, it goes to the registrar to note the requirement to graduate.

I was an academic advisor before I came into the (b) (6) role. I still try to help even when not acting in an advisor capacity. I had a (b) (6) who was on the cross country team, she was all set to graduate. In November, we got her set up for spring courses, so she could finish her spring courses and walk in May. She put her petition to graduate in March or early April then I get this email from Teller upset because her petition to graduate was denied. She was told she was short credit hours. It turned out our degree checklist turned from 60 hours to 62 or 64 hours for some degree's. I told, the student to let me check because she was on track to graduate. I reached out to our academic folks as I had another student with the same degree who a month earlier had his petition approved. I told, (b) (6), I'll keep you information. I emailed, (b) (6) who was the (b) (6) at the time, I told her I did not understand what had happened to the checklist. In the meantime, (b) (6) was given a new advisor. I was contacted by (b) (6) from the (b) (6) saying, (b) (6) was short credit

hours. I told (b) (6), (b) (6) should not be short, she should be able to graduate. Unfortunately, graduation comes and goes and she's not part of the process. About two (2) weeks (b) (6) emailed, wanting the degree checklist for a scholarship. I told, her which checklist are you looking for because I have your liberal arts, I don't have the environmental science one because we never got that far. And I said, oh by the way you should be done with the liberal arts. What I did hear from (b) (6) in June was it was being worked on. She should have walked in May. Sadly, she wasn't the only one this happened to. The student portal should show their checklist.

We have a student bank over in Navarre Hall, it's a place where a student can deposit money. It's not like a regular bank with an ATM or debit cards, a paper form is used to withdraw. The student bank does have officers and sponsors. If money is raised this is deposited into the student bank under a particular club/sport.

When (b) (6) was coaching cross country (b) (6) wanted to get track reinstated. The check (b) (6) presented was just a cardboard check during an event on the cross country course in October/November. No money was given at the time because the money was supposed to come from a certain organization which the director of that organization had left. A significant amount of time had passed when (b) (6) reached out saying, he still wanted to help. He provided information on a grant process. There was an application to apply, we submitted it like a normal grant process through the Running Strong Foundation. When that check did come in it was deposited into the track and field student bank. Those funds are still there.

As a faculty member in my faculty role, I was mandated to report issues to the appropriate personnel such as security, counseling or to my supervisor. When issues come up usually a complaint would have been filed with the Student Rights and Conduct Office. If a student ever approached me with a situation involving rape, I'd contact police. The student should not be put in a situation where they have to do certain things themselves.

I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct. To the best of my recollection and knowledge.

Signed:

(b) (6)

Executed on (Date):

10/24/2022



U.S. Department of the Interior  
**Bureau of Indian Education**

HASKELL INDIAN NATIONS UNIVERSITY - ADMINISTRATIVE INVESTIGATION

Bureau of Indian Education Witness Declaration/Affidavit

Date: July 13, 2022, 9:09 a.m. (CDT)

Witness Statement: Clay Mayes, former Cross-Country Coach (Contractor), Haskell Indian Nations University

I started at Haskell Indian Nations University (Haskell) on June 21, 2021, as the cross-country coach. My duties consisted of recruiting and visiting different Native communities, bringing in Native student-athletes, building a nationally ranked team, retention, and making sure athletes manage admirable grades. I am the most qualified Native coach with cross-country or track in over the last 30 years when it comes to national titles, national team finishes, number of native student athletes, and retention. I have been able to garner five national titles at Bacone College in cross country and track, 3 Top 20 Cross Country Team finishes at Nationals. At University of Antelope Valley, we finished 10<sup>th</sup> as a team at Cross Country Nationals in 2019. Both the Bacone and UAV program was built from 0-1 student-athlete to 29+athletes for both teams within 1 year of my start date. Both programs were the most successful programs athletic programs for each college's athletic history. Both programs consisted of 90% + Native student-athletes. I made also made house visits with every recruit and their family I've coached in the last six years and each recruit has received 1 or more hand written letters. The last coach to have similar success was (b) (6) (b) (6) of Haskell 30+ years ago.

After encouragement from a lot of people who called and contacted me to apply for Haskell's position like Billy Mills, I applied through SAMS.GOV when the position was posted in March or April 2021. I had been wanting to work at Haskell for some time with many of my mentors former student-athletes of Haskell. I sent in my application with my resume, and I obtained a SAMS.GOV number. I know they called my references, but I didn't have an interview. I was told the most qualified applicant would be selected. About 5-6 weeks after it closed, I was selected, passed the background check, and was able to start on June 21, 2021.

On June 21, June 25, July 8, and July 9, 2021, I emailed the former cross-country coach (b) (6). I was needing important information consisting of the social media for the program, access to the athletics registration for races, passwords and usernames. I also asked him about the Billy Mills \$10,000 donation check that was addressed and pictured on a check written to "Haskell Cross-Country," which was supposed to have gone into the cross country club bank account. (b) (6) didn't respond to any of my emails until July 13, 2021, when he said he'd meet with me but still provide no answers for the information. An hour before the meeting, (b) (6) bailed last second and didn't show, so I never received any of the information. I also asked (b) (6) for the past cross-country apparel and gear, but he never responded to multiple calls, emails, or texts. (b) (6), (b) (6), stepped in around mid-July and asked (b) (6) for everything, but he didn't respond to (b) (6) multiple attempts either.

(b) (6), responded to the social media questions I had and said they were going to separate the cross-country and track Facebook pages. She said it would be done sometime that week June of 2021. As time went on I followed up, and I emailed her six more times, and she never gave the information to me and ignored all my requests. Additionally, I asked in 4 staff meetings, and in person multiple times. Each time she said she would allow me access to the page and she would take care of it that day or that week, but never did so. My last email with her about this was in March 2022. I sent over 15 student-athletes that signed to (b) (6) but she only posted 2 of 15+ signings. Most of these signings I went to in person in a few different states.

During the week of July 14-19th, 2021, I was recruiting in the southwest in Arizona and New Mexico, making house visits for multiple recruits. As I was told, each Haskell coach used letters of intent they created if the student agreed to attend Haskell at this time. I didn't really use the letters of intent at this time going into fall of 2021. I did ask (b) (6) July of 2021 by email and in person about them, and (b) (6) said with (b) (6) present each coach makes their own letter. At this time, I just wanted to make sure the incoming recruits and soon to be students got their stuff to get into Haskell for Fall of 2021 because we had a soft deadline and I wanted to have some semblance of a team by conference. The letters of intent or just for pictures and are not based in any legality for both NAIA or Haskell. (b) (6) or admissions may contradict what (b) (6) stated but no where within our athletic policies manual for 2021/2022 is the letter of intent process listed since it's not a legality to has a protocol. Our fall deadline noted on our website for Fall of 2021 was June 1, 2021. I started 3 weeks later at Haskell. I remember I sent about 100 handwritten letters and made calls in July just trying to learn about the kids and their backgrounds and each of their situations to help them and myself be more prepared.

When I came back from the recruiting trip, I started to hear through the grapevine that people were complaining about me, and they weren't happy with my hire. As one employee stated, (b) (6) feels attacked with your hire." (Message is attached in following email to (b) (6) No matter what I did or said, this was the start of being ignored with obtaining or pursuing any work related duties with a set group of Haskell Administrators. Even with the work environment, (b) (6) was being l aggressive in the office, at different times screaming, "That's Bullsh\*\*!" to (b) (6) and doing so in front of other coaches and myself. I believe I was dealing with aggressive employers because they felt offended that they brought someone else in and they saw it as their territory. Stated by multiple employees at Haskell, this set group of employees like (b) (6) also felt a sense of protection with inappropriate work behavior due to being aligned with a set group of employees to protect her. Tanner and myself reported (b) (6) in great detail, as did (b) (6) and (b) (6), and others took no recourse, and ignored all reports. There was also incentives being within this group. One Example would be with Haskell's (b) (6) and not being the most qualified applicant for a position opened by (b) (6) for an athletics Secretary, but (b) (6) still was selected and received a 2<sup>nd</sup> paying Haskell athletics' position while being hired and selected by (b) (6) Another Haskell coach applied, (b) (6), (b) (6) said to me; and then to (b) (6) 'One can not coach and accept the position and (b) (6) was over-qualified.'. The more I asked about past cross country's past funds and status of background information, the more aggressive the responses were. This would be (b) (6) (b) (6) (b) (6) (b) (6) and (b) (6) all three of them were cross-country coaches together. (b) (6) was hostile and was hard to work with at any moment, and tended to do this with any employees not within her family, or close friends group at Haskell. I didn't really care or waste time with the drama or gossip as I hoped with time passing forth this group would get use to me. I continued to be as respectful as possible. However, when it started to affect my job, well-being, there being no transparency, and directly affecting my student-athletes well being, I pursued multiple routes in making reports and seeking forms to elevate reports to the proper parties to seek resolve.

I tried to meet and reach out with multiple employees, because I believe that this was the easiest way to work through problems is to openly communicate and learn what helps in working with others. I believe most people will either take something out of context, and with explaining one's train of thought it will help everyone work together. I would talk to (b) (6) consistently to see how I was doing, making sure to adhere to all proper legalities, and he was always supportive and helpful. (b) (6) always went by the book, and seemed overwhelmed. It was later confirmed he was being attacked following the hiring of (b) (6) and myself with frivolous reports. It would have been good to work with all employees, but I only had a small circle of employers who gave me advice and direction to not be abrasive and attempt to work properly with others. With 6 employees it would have help to work with them in accordance with our positions but they pursued ignoring all forms of me contacting and reporting to them that included (b) (6), (b) (6), (b) (6), (b) (6), (b) (6), I sent over 80 emails, 51 being reports, asking for important work information or making substantial reports with some of these administrators or about students breaking regulations that we were mandated to report such as drinking in the dorms. Every email went unanswered. According to (b) (6), (b) (6), (b) (6), and (b) (6) this was a normal pattern of behavior from this set group. They would not work with outsiders in anyway, nor would pass forth or respond to any emails or reports as they controlled all forms of the reporting channels. My biggest concern was about the severity of some of my reports being made to (b) (6), (b) (6), and (b) (6) and all reports were still ignored. When I elevated my reports to the (b) (6), he never acted in anyway to pursue or elevate my reports. One report included extensive documentation of stolen federal property that included testimonies, and contacts of multiple employees. According to a (b) (6) (b) (6), he stopped elevating his reports about (b) (6) and (b) (6) to (b) (6), because nothing happened in return. Not long after his reports, (b) (6) noted retaliation followed after every report from (b) (6) and (b) (6) I was given the impression both (b) (6) and (b) (6) likely were told about the reports from (b) (6) as the were likely aligned with what they knew being reported with one another. I later saw the exact same issues when I made reports to (b) (6), as it appeared (b) (6) and (b) (6) i knew the context of my reports being made to (b) (6) (b) (6) started a month before me. In March 2022, he made the National Women's Basketball Championship. (b) (6) then, and she paid the travel expenses for both assistant basketball coaches, who were contractors, and the (b) (6), a federal employee. (b) (6) was the only one who had to pay in full for his own travel. He had experiences like mine since he was new, not family or friends within the clique of nepotism at Haskell. (b) (6) would be a good person to talk to about his experiences. (b) (6) was also dealing with negligence and insubordination from the same group of employees. I witnessed (b) (6) confront (b) (6) on two occasions in front of his women's team during practice and shouting angrily at him about issues that could be resolved respectfully in the office.

When I started on June 21, 2021, it was already 3 weeks past the recruiting deadline. I was able to bring in several new student-athletes that were accepted. I had a couple recruits miss the extended fall 2021 deadline, however, I grew confused when the men's basketball coach was able to get his athletes accepted that were well beyond a couple of my recruits. This was shared by athletics and non-athletics staff. I attempted to reach out and meet with the (b) (6), multiple times by email and call to discuss our process but was never able to obtain a response to meet. Of the cross-country returners, there was only one eligible woman and one eligible man. I was relatively stressed starting out because in cross-country our conference rules state each team has to have five eligible men and five eligible women for conference to complete a team score, or the program commits a violation and one can lose a job over it. Haskell also committed this violation with the women's cross country team in 2016 by not fielding a full team at conference under (b) (6), (b) (6), and (b) (6). 2<sup>nd</sup> time violations come with heavier consequences. For our returners, except for one man and one woman, none were competing

runners in high school, nor athletes of any sort previously. They were not recruited by (b) (6), (b) (6) or (b) (6) to run at Haskell until they started as students. The other thing that stressed me out was that most of the returners didn't come to morning practices for weeks on end. This consisted of (b) (6), (b) (6), (b) (6), (b) (6), and (b) (6). All of these noted students committed violations with drinking in the dorms, documented by RA's, and when reported to (b) (6), she was non-responsive to my reports the first 2 months. After 2 months at the end of October, (b) (6) then cited she would not pursue those reports and any further reports due to citing she would report me for retaliation but never explained how this constituted as retaliation with my reports starting in September. These students were later reported by RA's to (b) (6) for drinking in the dorms, which included (b) (6) and (b) (6) and included erratic behavior in the lobby of the dorms while intoxicated. (b) (6) took no action, minus act like she would take action with (b) (6) but not (b) (6). If students committed violations that were not within the confines of this group, they were dealt with for their violations. In some cases, they were immediately removed and sent home if they violated the no visitor policy. However, if one was within this group, they were able to do as they please, and did commit violations that (b) (6) was aware of but did not follow protocol. I did learn (b) (6), (b) (6), and (b) (6) never took action or made reports about known drinking going on with their team over multiple years and violations. This was cited by (b) (6) as one reason the returnees were not ideal to coach or work with since there was no prior accountability. I later learned (b) (6) was having these students attempt to record me, 'to document' and would ask me inappropriate questions. Their questions and remarks grew more aggressive over time with them obtaining undesired responses. I first learned about this from (b) (6), as 3 of these students, (b) (6), (b) (6) and (b) (6) approached (b) (6) and asked him to validate incidents he was not present for.

Almost all of the returners were not ineligible because they didn't hold a certain academic standard, in that they didn't meet the 12 credit hour rule for the previous semester. There were six returnees who all had a past withdrawal from one class with (b) (6). (b) (6) had told them to withdraw last March 2021 in a class these athletes had with her as the instructor. This affected their eligibility and they were now ineligible due to not having enough credit hours the previous academic semester. Not one of them knew they were ineligible until I told them September of 2021.

During the first semester, I would usually have two practices. One in the morning, and then I'd set one in the afternoon for whichever student-athletes who skipped the morning practice as an attempt to have a team for conference that fall. Since the focus was on retention to field a full team at conference with having almost no eligible athletes passed forward, I didn't have the ability to say, "Hey, you're not showing up, you're not on the team." So, I'd set up a second practice. This also made it hard to work with students of (b) (6), (b) (6) and (b) (6), as it felt like I was stranded with fending off countless attacks and being unable to have any co-workers to resolve problems. I'd spend six hours a day on both practices and then I'd work over 40 hours a week on recruitment. My contract spelled out some things such as attain national results, keep an awareness of athletic standards, and help students with academic standards. I believe my contract was very similar to our women's basketball coach contract.

Our first official day of practice was August 23, 2021, and I submitted the paperwork for the first meet at Oklahoma State University almost 2 weeks early, a month out from the cross country meet. However, the President's Office, which included Dr. Tamarah Pfeiffer, interim President, (b) (6), Human Resource & Special Assistant to the President, and (b) (6), they didn't process the paperwork. I believe (b) (6) job duties are assisting the President and helping with student services such as the Bank Club accounts for the team. After several attempts with obtaining documents for our xc bank club, I was unable to get access to our cross country bank club due to (b) (6) stonewalling my attempts. With the competition forms and paperwork process, I was not positive why they would not process it, but this was only an issue for new coaches like (b) (6), myself, and created a great deal of stress, chaos, and



confusion. On August 31, 2021, I was told by (b) (6) that the paperwork process for meets had changed with the president's office. I did the paperwork again and spent a handful of hours re-filling out nearly 20 forms, again. (b) (6) had walked me through the process, and he was also frustrated that they kept changing it with no prior notice. We never received an email about this, and (b) (6) would be the one taking the packet to the President's Office. In the following days, (b) (6) approached me again, and stated the process changed a 3<sup>rd</sup> time and I needed to update all my paperwork a 3<sup>rd</sup> time. A week and a half later on September 11<sup>th</sup>, 2021 just days before the OSU meet, (b) (6) said the papers were not approved and added I must complete the paperwork another time, a 4<sup>th</sup> time, since they changed it an additional time. I stayed up late making sure all paperwork was submitted as promptly as possible due to deadlines with the cross country meet such as the entry process through DirectAthletics. Haskell's president's office was neglecting to properly communicate on changing the process repeatedly and doing so in cryptic ways through (b) (6) to cause multiple problems. This caused a great deal of stress and confusion for myself and the program.

Shortly after on September 13, 2021, I was told by the OSU meet director that we had missed the deadline to enter, so, I had to find another meet and had to redo all the paperwork. Each time took about 5 hours each to complete the entire packet.

On September 15<sup>th</sup>, 2021, I had submitted the background check forms for the two cross-country assistant coaches. The next day, Gonzalez emailed me and left a voicemail asking me to come to her office that day to talk to her, she stated in person I would be wasting spending because it would cost \$600 for each background check, and that they needed to hold me accountable to do my job. She said I did not need assistant coaches, yet every other sport had assistant coaches at that time, and I had \$5,000 in the budget for assistant coaches. (b) (6) also shared problems that I originally emailed the assistant coaches forms to her and I was suppose to hand in the hard copies. No were was I educated about on submitting forms by email or in person beforehand. I emailed them because that's how the applicants gave me their forms. I reported this to (b) (6), and he said (b) (6) just spoke with him and said she was going to report me for going above the chain of command by talking to her. I showed (b) (6) both (b) (6) (b) (6) email and let him listen to her voicemail where (b) (6) emailed/left me a voicemail asking me to go to her office that same day to discuss assistant coaches. (b) (6) responded promptly and said, "Be careful with anything you say to (b) (6) as it will be twisted and used against you." I told him I would run any communication with (b) (6) through him as a way to attempt to further prevent more problems to follow. After that, I printed out a hard copy of the assistant coaches background forms for the background check and asked (b) (6) to take them to (b) (6). (b) (6) did and (b) (6) still didn't process these forms until December 28, 2021 after making multiple attempts to pursue updates. I emailed (b) (6) and (b) (6) in December stating (b) (6) was purposely neglecting approving the forms for the assistant coaches. (b) (6) ignored the email. I followed up by call and (b) (6) stated he would get back to me on this, but never did. In one email from (b) (6) during mid-December she claimed the background check had started for both coaches. Two weeks later, and showing this to (b) (6) we both learned (b) (6) knowingly stated false information and never started the background check for the assistant coaches from mid September all the way to the end of December of 2021. I have several more emails that continued going all the way up to March 2022 with (b) (6) and (b) (6) about this. The coaches were never approved as both (b) (6) and (b) (6) either ignored the emails, said they needed information that was already submitted countless times prior, or stated they would follow up promptly, and never responded further. In a handful of instances, their responses directly contradicted themselves with multiple witnesses also hearing from (b) (6) the coaches where good to go, but (b) (6) had to complete a final step on her end, but would stall each time and never did.

On September 17, 2021, the day before the first meet, I found out the paperwork was approved about one hour before we got on the van to leave for the meet. I wasn't even sure if we would be able to go due to

the president's office being completely unresponsive besides having (b) (6) telling me numerous times our paperwork process has changed and having me redo the forms. The president's office policy is that you have to turn in your paperwork two weeks in advance. I was well within that timeline multiple times.

I had ordered equipment in July 2021, and it came in just before the meet. We ended up ordering mostly Brooks. It would have been good to have some of the cross-country gear passed down. All we received were a few backpacks and some winter jackets, which was just randomly left in a training room. I was told later during spring of 2022 that we were supposed to go with Nike, but I don't know how true that was because softball didn't have Nike previously either. I went through (b) (6) at my start with everything we were buying, and he signed off on it and as did our (b) (6) also reviewed the order and signed off on it.

When I started at Haskell, I had no work orientation. No policies were handed forward, and I pursued trying to obtain meetings with multiple faculty to obtain various processes but was met with no responses. My supervisor, (b) (6) was also undergoing an investigation because he bought an away and a home uniform for volleyball, 2 uniforms, and it was deemed, "abuse/waste of federal spending." I believe (b) (6) reported (b) (6) for this. From what I know, this investigation didn't have much basis and was more about trying to overwhelm (b) (6) than trying to pursue consistency.

I asked Human Resources (b) (6) via email for the rules and procedures multiple times, but she didn't have any and they could not provide them to me because of this. I asked (b) (6) several times for the rules in email and in person. (b) (6) only grew hostile when I inquired for the rules, and would only say, "(b) (6) has them." (b) (6) consistency was taking away work duties as time passed and would never explain reasoning for doing so. I asked (b) (6), my supervisor from 1/1/2022 and on, by email for the rules, and he said he couldn't provide them to me and there was 'no good place to find the rules.' Later, when I was being cited for breaking rules but not made exactly of what rule it was, I'd ask for the rules, and no one would provide them. Nor would I ever be made aware of what exact rules I was breaking directly from the source(s). This was another situation (b) (6), (b) (6), and (b) (6) (b) (6) all were hostile if I asked in person for what rules were being broken, or they ignored if I emailed requesting what rules were infringed. I never did become aware from these Haskell administrators what rules were broken or what the policies even were. (b) (6) was later removed from having any say and he stated (b) (6), and (b) (6) have all halted elevating reports nor would listen to his reports, or concerns. I reported all issues I saw to (b) (6), who was my supervisor up until December 31, 2021. I reported student violations with such things as drinking in the dorms to (b) (6), and started to make reports to (b) (6) Mid-December and on.

On October 5, 2021, around 11:38 a.m., (b) (6) saw (b) (6) and (b) (6) loading up a black truck outside of Thorpe fitness center and I provided the message where (b) (6) state's this. I saw this about ten minutes later. There were three brown boxes, orange shoe boxes, jackets, and other stuff. They loaded (b) (6) truck and drove off-campus. Before they drove off, I emailed (b) (6) about what happened almost immediately after. What I've been told and what I've seen is very similar equipment being worn by (b) (6), (b) (6) and (b) (6) family and friends. There is a storm shelter jacket with specific branding, that I've seen on people not associated with Haskell. (b) (6) and I brought this information to (b) (6) several times, but nothing happened nor was elevated. I started to grow increasingly weary with reporting to (b) (6) because there was never one response from one report. As time went on it became apparent (b) (6) was relaying some of my reports and who I was reporting, because the following day after each report (b) (6) would indirectly cite what was being reported. In one instance (b) (6) cited by email to athletics 'There was an attempted break-in with Thorpe.' There is a locked cage with all the gear within Thorpe that only the (b) (6) have keys to. (b) (6) email and statement come in an athletic's meeting following my report to (b) (6). As (b) (6) said; "No one has

keys to Thorpe except for the (b) (6) and Security, everyone on campus knows the (b) (6) stolen the gear and have known decades.”

On October 28, 2021, (b) (6) broke her scope of work. She was having a few students go to her house outside of work hours for multiple occasions and they were trying to compose multiple rule violations and find ways to stack making reports. These students were (b) (6) (b) (6) (b) (6), and (b) (6). These students also started going to other cross country students houses and apartments, such as (b) (6) apartment unannounced, and dorms to recruit them to join. Their group was unable to gather other students. These students were all previous students of (b) (6) (b) (6), and (b) (6). I had asked (b) (6) if (b) (6) ever brought any of these violations to his attention per policy. (b) (6) said there was only one time (b) (6) did on October 15, 2021, where (b) (6) told him that a parent called her about me breaking the rules. (b) (6) said the next day (b) (6) asked her for all the information because he needed to reach out and report it within the 48 hour window to coincide with our policy. (b) (6) changed her statement and told him she actually heard it while walking past students in the hallway. Tanner said he told her she had just changed her story. I believe (b) (6) elevated it to Tonia Salvini, Vice President University Services, or Dr. Pfeiffer, but there was no response nor any action taken.

I don't know what (b) (6)'s motivation was for doing this, but (b) (6) told me she was very close to (b) (6). (b) (6) said to be very careful about what I say around (b) (6) as she was working with (b) (6) and helping compose problems for others and has done so in the past. (b) (6) listed as a contractor, which means you don't have a lot of rights as an employee, but he told me that she was part of (b) (6)'s group, so she feels untouchable. One past employee has stated many refer to this group as a mafia or a mob by (b) (6). The group (I dealt with but there is more to add to the 'mafia group') consisted of (b) (6) (b) (6) Tonia Salvini, (b) (6), (b) (6), and (b) (6). If you report something to them, they either don't respond or they respond very quick by going after the person making the report. I was reporting to (b) (6) mostly for Spring of 2022. I will say (b) (6) (b) (6), (b) (6), and (b) (6), (b) (6), feared reporting anything for fear that they would go after them as well.

I had a positive perspective and I wanted to be a coach at Haskell. Haskell is one of the few colleges that does not present massive costs for students, and was aligned with bringing in Native student-athletes. Previously I was already heavily focusing recruitment on the Native community, Haskell seemed like a place I could give back to the community that helped me greatly in high school. All of my mentors were Haskell Alumni like (b) (6), (b) (6), (b) (6), and (b) (6). However, I was warned by six former ADs about significant challenges with nepotism and abuse by a set group at Haskell. The warnings included: watch who you trust, be careful who you talk to, lay low, and they'll come after you. One employee, (b) (6) messaged saying this was a similar tactic with all past coaches when they started, as they would cite new coaches and employees didn't follow standards. (b) (6) added they are making frivolous reports as a way to say, 'See this person doesn't follow the rules,' (Message provided in follow email) while not being transparent about any relating issues. I would tell people about the issues and the trouble I was having but there was no sense of sympathy or trying to work with one another to evaluate systematic issues and abuse. There was a strong correlation of fear for anyone to elevate any reports if it incriminate certain administrators. It was just, "You're not in our group" or no response at all. (b) (6) told me to record and document everything. There are a couple cliques at Haskell that are confined along family lines and close alliances. If you report someone, it gets to the others under the table and retaliation will follow.

I was asking for the BIE (Bureau of Indian Education) policies about Haskell and anything and everything that had to do with the rules. I wanted the nitty gritty such examples as is there a dress attire, is there a

certain amount of time you need to donate for Champions of Character, what are the athletic rules, I wanted everything from top to bottom as a way to safe guard myself and show I'm adhering to everything with knowing what our protocols and process is. Full transparency seems to resolve most issues. When I got called in for the no contact meeting by Tonia Salvini, to which, she openly barred (b) (6) from attending on November 4<sup>th</sup>, 2021, I wanted and asked for the rules, so I knew what I was (alleging) not adhering to. If I was well versed with the rules, I believed it could have quickly resolved everything as there was no actual issues at hand. Oddly, Salvini refused to stated what rules were being infringed, would not cite one problem besides an investigation will follow me, and detailed I would be removed from Haskell if talked to the fall cross country students. Salvini also invited (b) (6) while removing (b) (6), who was not my supervisor at the time nor was for 2 more months, while she banned (b) (6) from attending and being involved.

On November 4, 2021, (b) (6) went to Dr. Pfeiffer, Salvini and (b) (6), to report and talk to them about (b) (6) breaking her scope of work while regularly soliciting the student athletes of (b) (6), and (b) (6) to make the reports against me, and on going harassment with multiple employees. The only explanation they gave to (b) (6) was that he was 'too close,' and they are removing him from having any say. They said he would no longer be allowed to have any say. Before my meeting with (b) (6) and (b) (6), she called me and said (b) (6)'s kicked out and he's not allowed to attend my meeting with her on the no contact meeting, and would not allow (b) (6) to even attend the meeting she was having with the cross country student-athletes that same day. Salvini is not (b) (6)'s supervisor and is not in his chain of command. I never saw the complaint(s), but it would have been very easy to disprove is allowed any sort of due process. When I asked for the details of the complaint, Salvini cut me short, and stated I had no right to know the context of the complaint nor get a response.

Also with the November 4, 2021 meeting with Salvini meeting with the cross country student athletes, she made them sign a no contact agreement and only told them that 'there is a complaint against your coach.' She told them you cannot talk to him, and you can't meet him. I don't know if they included that they cannot report anything about this or the circumstances, but it was conveyed during the spring 2022 semester by (b) (6) in multiple meetings these students would be reprimanded from Haskell if they did not fully comply to (b) (6) requests. These requests had no appearance in following any rules, regulations, or standards that are set. I have made an effort to not be involved with this as I have been told students have made their reports. I was told this by (b) (6) (b) (6) and a couple other employees.

My contract was frozen on February 24, 2022. I was never told why it was frozen by anyone at Haskell. I was told it was going to be turned on again March 11, 2022 by (b) (6), Tonia Salvini, and (b) (6), but it didn't get turned on after multiple meetings, follow-ups, and waiting two more weeks. The last bit of relating information was from (b) (6) over a handful of occasions where he stated (b) (6) and himself submitted all necessary paperwork to turn on my contract on and submitted it to my contract officer named (b) (6). I was never paid past February 19, 2022. 5 days before being told my contract was frozen. I was told to contact my contracting officer, (b) (6), and a total of 14 times I tried by email 12 times and 2 times by call, all attempts for information and to discuss relating matters were ignored. I also did not account I would be cut off from going into my office, and was never allowed to go to my office. I had 400-500 pages of documents with work related information, several personal belongings, and was never granted any opportunity to go back to my office. (b) (6) also would not pursue letting me know if I could after I made multiple attempts. This gave unlimited access to (b) (6) (b) (6), and (b) (6) to my documents and personal belongings. I only received communication from (b) (6) if he contacted me by initiating an email to cite my contract is off, or with his email on March 23<sup>rd</sup>, 2022 the 'no-contact is still in full force, turn in your keys, and ID to (b) (6)'. Another contracting officer, (b) (6) stated by email both (b) (6) and Salvini never attempted to turn on my contract, and that he would absolutely know if any attempts were made. (b) (6) 3/23 email came by complete

surprise and with no warning as (b) (6) and Salvini stated my contract was going to be turned on. With (b) (6) stating by email (b) (6)'s numerous statements my contract was not based in any action, I believed there was no intention to ever turn on my contract.

In March 2022, (b) (6), a Haskell student, who was on the cross-country team, told me about a groping incident involving (b) (6). She said he was feeling up her back and it made her uncomfortable. I was also hearing whispers about these types of incidents and had heard (b) (6) had done the same thing to another girl, (b) (6), also a Haskell Student and cross-country member. I remember, back around December 7, 2021, at the women's basketball banquet, (b) (6) had a dress on, and I witnessed (b) (6) feeling up and down her back. I thought it was crossing the line of professional boundaries. She didn't say it bothered her until March 2022 when I talked to her. I reported the alleged groping to (b) (6) on March 15, 2022, but never heard back from him.

Then a few weeks later, (b) (6) told me about an alleged rape. I'm not sure of her timeline or in depth details. (b) (6) told me about it during a Sunday practice when we were running a trail by the middle school with 10 other runners including a couple locals. I wrote down that she had been smoking a little bit, so she was a little under the influence, but she definitely did not give permission, and she did not want to be touched. (b) (6) said the guy absolutely overstepped her boundaries. She said the predator was still in her dormitory. (b) (6) was working with (b) (6), from the (b) (6). She said (b) (6) told her if the predator was enrolled in the fall, they would deal with it. After talking to (b) (6), I immediately reported the assault to the Lawrence Police Department and called the FBI. I am not sure what our exact process would be at Haskell but with (b) (6) taking no action for this report and all reports I felt it was best I report what I was told, and let the authorities investigate further. I also was told by (b) (6), and (b) (6) that they were not comfortable around (b) (6) at the start of the Fall semester. At the time I did not think much of it, but stated for them to be respectful and make sure they are always comfortable with where they are at and who they are by and to not be afraid to report any problems.

On April 12, 2022, I was on a 75-minute call with (b) (6), (b) (6). (b) (6) works for BIE or BIA (Bureau of Indian Affairs). (b) (6) confirmed the (b) (6) groping incident. She said (b) (6) was more affected by it and didn't want to be around (b) (6). (b) (6) said (b) (6) would freeze when she saw him.

I don't know what the FBI did. I know the Lawrence Police Department went on campus for the (b) (6) groping thing and (b) (6) rape. The officer told me that (b) (6), (b) (6), (b) (6), had no recollection or reports about (b) (6) or (b) (6) incidents at that time. I had reported both. I don't know if (b) (6) reported the (b) (6) incident. I know that when (b) (6) parents found out about the incident with their daughter showing signs visual signs of problems related to the actions they went and talked to (b) (6) directly because they knew him. (b) (6) (b) (6) works for Haskell IT.

I do suggest talking to (b) (6) and asking him about the ethics policy. Also, asking him if (b) (6) parents came to him. I would wager from my own experience, (b) (6), like others at Haskell are afraid of retaliation in making reports. A former athletic director named (b) (6) also stated that (b) (6) told him he feared retaliation to pursue elevating reports with (b) (6) and other reports in general, and told (b) (6), "I can't lose this job."

I've had the whole cross-country team over to my house for team dinners. The last time would be around April 2022. We had a small group, around 13-14 people, including some local people, and had burgers. During the fall, we had 3 or 4 gatherings on October 7, 15, and 30, 2021. When I have these events, the whole team is invited. For the first 2 of 3 gatherings over Fall, there was a handful of parents present for

the team meals. Parents include: (b) (6) (b) (6) (b) (6) (b) (6) (b) (6)(b) (6) and (b) (6) in attendance.

In the NAIA (National Association of Intercollegiate Athletics), there is drug testing. They do it often, but it's at random selection I believe.. I haven't had anyone fail to date. For the last 30 years, I'm the strictest on no alcohol or no smoking for Bacone, UAV, and Haskell with following through. Any violations were immediately reported and I also had my own protocol and response needing to be met before the student-athlete could return to the team at Bacone and UAV that included volunteer work or similar responses to be met. My past bosses can confirm. Unfortunately, most coaches turn their back on it and issues can manifest and spiral out of control if ignored. They assume these are just college kids and that's what they do. I think my policy would be if these students are willing to talk about it and work to get through it, I'm more than happy to help find a way to change with these mistakes.

I have a no tolerance with alcohol and smoking in making sure there is a proactive response, but I do think there is a difference with responding, and some kids having past trauma and that's how they may self medicate. In regards to (b) (6) I never saw her under the influence or smelled marijuana on her. She had (b) (6) and had a (b) (6) She also (b) (6) members fall of 2021, so I think she was turning to smoking as a coping response, not just to go hang out with 'friends.' With (b) (6) I did not witness her become ill or have a medical episode at any practices or team meals. If she did, I wasn't aware of it, or no one told me about it. There was large gatherings for the Fall meals with parents at 2 of 3. (b) (6) made me aware of this and telling me forthright as she sought help, I followed up by contacting (b) (6), and she cited she is going to work with (b) (6) on this. This was in the middle of October, and not much later, the no-contact started and I could no longer further talk or help support (b) (6) up till the end of February. I believe (b) (6) first started helping (b) (6) in December, but not to the extent needed. The fact (b) (6) initiated and came to me beforehand about her problems, (b) (6), was a warning sign that she genuinely wanted and needed help.

Unfortunately, after trying to work with (b) (6), being ignored all requests for information from others like (b) (6), being removed from helping these students I recruited, and then experiencing hostility to pursue helping these students again come January and February, I got the impression from Judith and (b) (6) they may act like they will help these students resolve such issues, but they will continuously delay confronting the problems and neglect resolve. That was a issue I addressed multiple times, as the students I recruited came to Haskell to get guidance from me, but were barred from doing so. The students that I did not recruit and were students of (b) (6) (b) (6) and (b) (6) were the ones that cited issues and were the sole reasoning given for why I could no longer work with my athletes at Haskell. I had zero problems with the athletes I brought to Haskell. I also had extensive background information and was able to work with not just the student-athlwres but their families in helping them grow as a person, student, and athlete before Salvini, (b) (6), (b) (6) and (b) (6) created turmoil with work by not adhering to any legal processes.

Late March and early April of 2022. I started meeting with the team two or three times a week with local Lawrence runners at running trails for group runs. Everyone was invited. No one told me I couldn't do this, and I checked to see if there were any legality issues with this and I was fine. Haskell wasn't paying me. Let alone the kids and others needed healthy outlets. There was issues with (b) (6), reported inappropriate groping, (b) (6) mandating they agree to contracts, bullying with students of (b) (6), (b) (6), and (b) (6) (b) (6) conducting multiple meetings that worked like interrogations, and threatening removal is she felt there wasn't full compliance. I don't know much more on that, but I do know this was overwhelming for them. In my opinion, they had the kids confined to a room, signing a contract to keep the kids from making reports about abuses. Having them sign a non-disclosure agreement and then

telling them they can't talk about any issues or problems with their teammates nor their families, I have a really big problem with that and it's not okay, that's not transparent and magnifies problems.

I made 14 reports to (b) (6), which included reports of harassment, theft, and sexual assaults. He did not pursue any of these of these reports. The reports I made to (b) (6) involved (mostly) (b) (6) and (b) (6), and then also (b) (6), and (b) (6). Every couple of weeks, I had a new work duty get eliminated by (b) (6), or Salvini.

Before (b) (6) retired, I had \$38,000 remaining in my cross-country budget. On December 7, 2021, I outlined my projected budget for spring 2022 with (b) (6) and he gave it to (b) (6). It was approved on December 8, 2021, by Dr. Pfeiffer. When (b) (6) started as (b) (6), I gave her my budget. She told me I wasn't going to travel or go to meets. I told her that when they didn't have a track team that track spent money and went to meets. She then came back and said finance kicked it out and I was a negative \$11,000. I contacted (b) (6) and he said it was not correct. I contacted (b) (6) three times to request a meeting. He stated that I had \$38,000 remaining. (b) (6) said there were going to be equitable adjustments with each program. The transparency on this was non-existent. I just wanted to know how she got to those numbers, but she kept saying you're negative \$11,000. I was the only coach that got a budget decrease I was the only coach that was denied ordering gear for their athletes that Spring, as I had 7 new student-athletes start. (b) (6) declined to meet after requested to meet multiple times in explaining how my budget went from 38,000+ to -11,000. (b) (6) and (b) (6) stated (b) (6) was completely incorrect and I had access to over \$38,000.

I also reported that (b) (6) sent an email on January 24, 2022 to Haskell athletics saying there was a break in at Thorpe and is being stolen out of Thorpe and Coffin, and that there was an attempted break in at Thorpe. She said they were investigating it right now. I sent an email to (b) (6) to report that on January 25, 2022, (b) (6) was following me around at Coffin asking me where the gear was that was missing from Thorpe. I told (b) (6) this was a big deal to me because now they're going to blame someone else for everything that was missing. I assumed somehow my reports about the October 5, 2021, incident made it to (b) (6) through (b) (6) and she was trying to cover her end. She was saying gear went missing on January 22, 2022, which was a Saturday, and we were the only team practicing that day. I would ask (b) (6) about this. I stored my equipment in three areas in Coffin Complex. I don't have keys to Thorpe. (b) (6) and (b) (6) have keys to Thorpe.

On January 26, 2022, I also reported the October 5, 2021 theft to (b) (6) and (b) (6) because (b) (6) never did anything. He asked me if I had reported it to my supervisor, and I told him I did. That report was never dealt with.

At the start of February 2022, (b) (6) said I couldn't talk to the seven new recruits. Then, sometime around March 14, 2022, it was, I couldn't talk to recruits or parents. They never explained it. The students practicing with me would not affect their eligibility. The only time would be if they were ineligible and running in a college uniform.

Mentioned above in some detail on March 25, 26, and 28, 2022, (b) (6) had three back-to-back meetings where she told the new athletes I brought to Haskell that Spring semester that they couldn't practice or meet with me any further. She first told me that around the start of February. (b) (6) told the new athletes that if they broke this, they would be reprimanded and removed from Haskell. There were seven new athletes in the spring who didn't sign the agreements. The athletes were told that they would be held to the no contact requirement, and they would be reprimanded if they practiced with the coach. She said she had eyes everywhere and they might as well pack their bags if they broke the rules. It pushed many over the edge. It scared the athletes, (b) (6), (b) (6), (b) (6), (b) (6), and (b) (6). Ask the students what is happening and how it affected them.

Regarding the \$10,000 donation and check. A couple years ago, Billy Mills donated a \$10,000 check to Haskell Cross-Country. This guy, (b) (6), a BIE guy over in Albuquerque, who had a son that ran here, told me to check the books. He was a friend and just giving me professional advice. To follow up on my end, I started emailing (b) (6) to check on the status of the check. When I wasn't getting any responses, I emailed (b) (6) on October 5, 2021. (b) (6) later told (b) (6) that the money was for track. I didn't care where it was used, I just wanted to make sure there was documentation for it. My last email about this was to (b) (6), on January 9, 2022. I asked her what the status was, and she didn't answer it. Again, this was about transparency. I was also trying to get the information from (b) (6) as early as January 2022.

I didn't know what all the student complaints were about until several months later when called and asked questions about it. All of it did not deal with any rules or regulations. Zero questions involved the reasoning I later found out for the investigation. At the end of February 2022, I first found out it was about practice hostility. When an investigator talked to me, there wasn't one question that had anything to do with practice hostility. It was questions like, "you gave this girl a jacket that no one else got. I told her everyone received the same jacket. Another question was, (b) (6) watched your kids in October. I said (b) (6) was a (b) (6) and she watched my kids when my wife and I went to dinner for our anniversary." (b) (6) does not nor has ever worked for Haskell and no longer had any affiliation with Haskell since she graduated. However, that was still reported and apart of the no contact and the investigation over, "Practice Hostility." The investigator just took notes about what was said in response. I don't think she looks at inconsistencies, but rather documents first and foremost.

I've been told we have 48 hours to report sensitive issues, and legitimate reports require a 48-hour response. We need to have healthy dialogue. (b) (6) was great, and they removed him for doing his job. They kept telling me he was too close. I have had no responses from all the reports I've made. I feel like I'm crazy and is there something else happening here or is this just how it works.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

*Signed: Clay J. Mayes III*

*Executed on (Date): 9/27/2022*





# HASKELL INDIAN NATIONS UNIVERSITY

Accredited by Higher Learning Commission

Title IX Coordinator  
155 Indian Avenue  
Lawrence, Kansas 66046-4800  
(785) 749-8415  
[TitleIX@haskell.edu](mailto:TitleIX@haskell.edu)

## Formal Student Title IX Complaint

Haskell Indian Nations University is committed to prompt resolution of complaints in a manner consistent with the Haskell Indian Nations University Student Code of Conduct and the Sexual Misconduct policy.

PLEASE PRINT CLEARLY

If you believe you have experienced sexually assault, harassment, dating violence, stalking, bullying/cyberbullying by any member of the Haskell community (on or off campus) or while participating in a college-sponsored activity, you are encouraged to bring it to the attention of the Title IX Coordinator and/or other University official. This form and any attachments can be submitted to the Title IX Coordinator's Office located in Room 2082 OK Hall.

You may also email the form to [dmckinney@haskell.edu](mailto:dmckinney@haskell.edu) (subject line- Title IX Complaint Form).

### Complainant (Person Filing the Complaint)

Name: (b) (6)  
Cell Phone: (b) (6) Residential Hall & Room Number: (b) (6)  
Address: (b) (6)  
City, State, Zip: (b) (6)  
Email address: (b) (6)  
How do you prefer to be contacted? Phone: (b) (6)

### Respondent (Individual Complaint Is Against)

Name: (b) (6)  
Student: \_\_\_\_\_  
Cell Phone: (b) (6) Residential Hall & Room Number \_\_\_\_\_  
Address: (b) (6)  
City, State, Zip: (b) (6)

When and where did the harassment and/or discrimination occur? *Please provide as much detail as possible.* (b) (6)

(b) (6)

Who witnessed the harassment and/or discrimination?

(b) (6)

**Description – Complaint With Supporting Information (Please be specific and *provide as much detail as possible*):**

*(Please make note in description if there are any documents attached to this form)*

Please see attached document.

I hereby state that the information given above is true and correct to the best of my knowledge or belief.

**Submit Form**

• [dmckinney@haskell.edu](mailto:dmckinney@haskell.edu) • (785) 749-8415 • Haskell Indian Nations University Title IX Office •

(b) (6)

December 20, 2021

Attachment to: **Formal Student Title IX Complaint**

**Description-Complaint With Supporting Information (Please be specific and provide as much detail as possible):**

The day was November 13, 2021. I was at the Haskell's men's basketball game. I was videoing the first half of the game and recording for the men's basketball senior night on receiving their letterman's jacket. After recording the seniors, it was still half time. So, I went down to stand in line at the concession stand to get food. The line was long and extended past the entry door into the gym. Due to the pandemic, there is only one door to enter in and exit out of the gym. My place in line was on the side of the gym and had about four people ahead of before going through the door. There were people behind me getting in line for the concession stand as well. Since the line was getting longer the people behind me made space for people to enter the lobby. I provided enough space for them to walk past me. As I was in line I was talking with (b) (6) (my back was towards the court) when I felt someone brush against my buttock. I immediately turned to look to see who did that expecting an "excuse me", "my bad" or an apology for touching me in an inappropriate place. The person that touched me was coach (b) (6) and he walked on as if nothing happened. I believe he brushed up against me on purpose because nobody else did but him. Once this happened, I could not focus on my conversation with my mom. To my knowledge no one else saw what he did not even my mom because we were facing each other. (b) (6) left to go video up in the stands. Once (b) (6) left to go back up to the stand to video the second half of the game, I knew I did not want to stay because I did not feel safe, and I was uncomfortable being there. I stayed in line for less than a minute and went to the woman's restroom. I went into one of the stalls and cried because I felt I was violated. I stayed in the stall for approximately two minutes and then walked to the sink to clean myself up from crying. After leaving the restroom I went up to tell (b) (6) I was leaving. (b) (6) asked me to take a battery to (b) (6). I took the battery to him and let him know I was leaving the game "to go eat". I had to go back up and get my stuff and (b) (6). As I was walking up the stairs coach (b) (6) said to me "smile (b) (6)". I did not look at him because I felt disgusted that he had the nerve to tell me to smile after what he did to me just moments before that. I started crying again as I was as I was on my way to get my stuff and told my friend "lets go". As we were leaving when we got into the lobby my friend asked me "are you okay?" I told her "no". Once we were outside away from coffin, I told her what had happened. As we were approaching my vehicle, I told her "I wanted to be alone" I did not want to be around anyone. I got into my car and drove off not knowing where I went or what I did because my mental awareness just stopped. From then on, I was not able to focus or concentrate on my education. I lost the motivation to do my running and my workouts for cross country and class. I avoided going to coffin and Jim Thorpe because I did not want to run into coach (b) (6).



U.S. Department of the Interior  
**Bureau of Indian Education**

HASKELL INDIAN NATIONS UNIVERSITY - ADMINISTRATIVE INVESTIGATION

Bureau of Indian Education Witness Declaration/Affidavit

Date: August 15, 2022, 9:09 a.m. (MDT)

Witness Statement: (b) (6)

I am a (b) (6)

On November 13 or 18, 2021, I was at the basketball gym at the Coffin Complex. I was in the concession stand line. The line was long, and I was next to the doors. It was crowded with people going in and out. I was facing my mom in line and people were coming through trying to go into the gymnasium. At that time, I felt something brush against me and I looked at it was (b) (6), passing by. I believe it was the back of his hand and it brushed against my buttocks. It was uncomfortable and I didn't know how to react. I didn't know if it was just me or if that was purposely done. No one else had done that.

Looking back at the moment that it happened, if I thought it was an accident, someone would be, "Oh, sorry." Then I noticed it was him passing by and everything changed, the whole environment. It took me out of the place where I was at. I didn't want to believe what happened because I've known (b) (6) since I was a child. I didn't really know what to do in that moment. It was kind of like did anyone else see it. I just looked around me and everything was normal but with me it just changed. My mom didn't notice because she was in front of me, and it happened behind me. My mind just kind of turned off. After my mom left to go finish recording, I wasn't okay. I left to the bathroom to gather myself and figure out what happened in that moment.

I wanted to leave so I went to my mom and told her I was heading out. She asked me to take something to my (b) (6) (b) (6) was sitting there, and said, "Put a smile on your face", and he said my name. From there I couldn't keep myself together anymore. At first, I didn't think what had happened was intentional, but I didn't feel it was right. After (b) (6) said that to me, then I thought it was intentional. I didn't say anything when I passed by him. I just went up the steps, gathered my stuff and left. I didn't tell my mom until December 2021 after school had ended and I was at home.

A week before the incident with (b) (6), something else happened when I was getting a haircut. I was getting my hair washed and the guy that was doing my hair had his male parts on my shoulder. He didn't move until I scooted away from him. I didn't say anything to him. This was the first time something like that happened and I didn't know what to do. I told myself that I'm never going there again. He was a stranger and I felt better knowing that I didn't have to go there or see him again. I didn't tell anyone.

When I was a child, (b) (6) was at Haskell. When I came to Haskell and I knew he was going to be the coach for cross-country and track, I was comfortable that I knew someone coming here. He was an instructor for one of my classes.

In the fall of 2021, when I came back after the pandemic, I had a (b) (6), Clay Mayes. I hadn't seen (b) (6) until after cross-country ended. I wanted to talk to him about joining the track team. My friend, (b) (6) and I saw (b) (6) at a volleyball or basketball game. (b) (6) found a seat near him, and I sat near her. (b) (6) turned around and was talking to (b) (6) and he kind of looked at me different, like with the eyes. This was before the November 2021 incident. After the incident happened, I think back and wonder if the way he looked at me then was when something changed with him.

After the incident, I stopped going to Coffin Complex because that's mainly where I'd see (b) (6). When I started practicing for cross-country, I was in Coffin a lot. So, I finally did see (b) (6) and it shook me at first. He was just passing by. When Coffin wasn't available due to graduation, I had to go to Thorpe. I had to sign in and he was on the other side of the room. He walked over to the side of the room, and I was the only person right there. I had my earphones on, so I figured he was talking to me. I heard him saying, "How are you?" and "How are things going?". I just gave him a thumbs up and went upstairs to finish my workout. I've seen him other places but with him being there I feel that I have to watch my back or be cautious because I didn't want to feel looked at in a certain way. After the incident happened, I started to get this anxiety and being paranoid around males, and not having my back turned against any males.

In the beginning, cross country and track were pretty normal at first. I tried to build bonding moments and friendships. Somewhere from my freshmen to sophomore year, people just started having ideas and gossiping about me. I heard my name in certain conversations and I spoke up about it. I may have not handled it in the best way and raised my voice. It caused people to not want to hang out with me or they avoided me. So, I just focused on running and school. Then, everyone on the team started avoiding me and it was a different experience from high school to college. I didn't enjoy it and it didn't feel like a team. I felt very isolated, and I started distancing myself from that. I started talking to other people and making other friends.

In the fall of 2021, coming back from the pandemic, things changed, and people started talking to me. I had a different mindset. I didn't hold a grudge and people were nice. I was still focused on myself, individually. Eventually, I started dating a guy on the same team. Other girls wanted to date him, and they started treating me differently. When we broke things off, it added more fuel to how they treated me, including the guy I had dated. They did their best to make me feel down about myself. They treated me negatively, and they made me cry. I remember crying from everything when we broke up. I went to practice and tried to be mature about it, but he perceived me as though I didn't care. People noticed he was so sad.

I had blocked him and unfollowed him because I didn't feel good seeing what he posted, and he would take jabs at me. People on the team were posting him from everywhere and he was on everyone's social media. For me to constantly see that, I just cried because I couldn't understand why they were doing that. He called me up drunk one night saying that I didn't care and no matter what I said, he didn't believe it. It wasn't the healthiest relationship, and it was hard to get away from him. He probably tried to convince people that I wasn't the greatest person. I didn't speak up about it because I didn't want people to view him as anything but good. I wanted him to have his good experience at Haskell.

After the incident with (b) (6) everything just went downhill. I didn't do my studies or my practices, I let myself kind of fall. I felt a change within myself around everyone. I was different with people and my family because I couldn't feel anything. I wanted to tell them eventually, but it didn't seem like the right time. I wasn't in the right mindset.

In December 2021, my parents came downstairs, and they were chatting with me about my grades. I said I did not do good with my grades. Then it came to my mind to just tell them what happened. I had thought I was just going to let it go because I thought I was strong enough to get past it. I saw a show and it had a similar situation with the girl and it just triggered me. I realized I wasn't okay. I think that's when I came to tell my parents. Soon after that is when I started writing my statement.

That led me to talking to (b) (6). He wanted me to send it to this lady, (b) (6). I think I did but I never kept up with it. It came to a point, where I just stopped. Someone was trying to reach out to me, but I never called back. I wasn't in the right place emotionally. It felt exhausting, like torture. At the time, it was in my head so much with me trying to overcome it. I didn't feel okay speaking about it. There was a mix of anger and resentment.

I was given the complaint procedure. (b) (6) told me that (b) (6) was to keep his distance from me and not communicate with me. That's pretty much all that was presented to me. I tried to go to the Indian Health Center to try to get counseling. I don't think (b) (6) gave me this information. I went there on my own and only went once. (b) (6) offered up that I could file a police report, but I didn't think it was that huge or if I could handle the big steps of reporting that, so I denied it. It felt like with the Gipp (b) (6), (b) (6), and (b) (6) names being out there that I would get the backlash. In a way, it already seemed that way. It felt like more people would believe him being innocent more than a girl reporting it.

I have heard that there have been other people who feel uncomfortable around (b) (6), mainly girls. I saw a Facebook post in 2020 or 2021 saying that Haskell has workers that are creepy or not safe to be around in terms of not feeling comfortable or assaulting them.

I enjoyed my experience with Coach Clay Mayes. I enjoyed being coached by him and his training. I liked the pace and his mindset. He voiced his ideas and opinions openly. I respected him and the goals he had for our team. I never felt uncomfortable. If we had pains, he'd work with us. He found different trails and expanded our running. I could see how much thought and work he put into our training. He paid attention to us individually and worked with us patiently. I was happy with what I was achieving. Mayes helped when students asked to be massaged out. He used lotion and tool that was to be used with the muscles.

With (b) (6), he had his training, and I did it. It seemed very continual.

(b) (6) and Coach Mayes had their own set rules for the cross-country team. (b) (6) told us in the beginning of the semester. Coach Mayes told us at the beginning of the semester, and they were written down. With (b) (6), the focus was being at practice and being sober because we had drug tests. For Coach Mayes, it was being at practice, being strict on time for practice, and being sober because we have drug tests.

The only thing I know about the uniforms is that we were given the option to have different designs and color changes. Coach Mayes presented us with the options for what we'd like. We were all given the same equipment.

I was there when they told us about the no contact order. I don't remember the name of who presented it or what position she worked but it was the first time meeting her. It may have just been her and possibly (b) (6), but I don't know if she stepped out when we were being spoken to. I don't remember the details about what exactly what was going on. I didn't pay much mind to it until I heard we couldn't have contact with Coach Mayes. I didn't know what was going on and it came out of nowhere. It seemed kind

of like a “you’re gonna sign it” deal. Coach Mayes couldn’t talk to our family members, and I don’t know if it was, that we couldn’t tell our family members. It was to be like private.

I wasn’t able to report what happened to me with (b) (6) at the time because we couldn’t have contact with Coach Mayes. If I had felt comfortable with telling anyone about what happened, it would have been him.

Regarding bullying by the cross-country team. I remember that on social media they talked about me, but I don’t know what they discussed. I was so confused as to whether they’d be nice to me or act a certain way toward me. I didn’t inform Haskell administration about the bullying. I didn’t think there was anyone I could tell. When I discussed what was happening with friends outside of the group, I thought maybe I was overthinking it. I didn’t know if anything would or could be done. I never told (b) (6) but at times I think he may have witnessed a few moments because he would change direction or the discussion. When we were in Joplin in my sophomore year, I didn’t feel wanted. I felt excluded and out of place.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

*Signed:*

*Executed on (Date):*



U.S. Department of the Interior

# Bureau of Indian Education

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Notes: Voluntary Student Athlete Statement

Date: July 13, 2022, 1:11pm CST.

Witness Statement: (b) (6) - Haskell Indian Nations University (HINU)

In the Fall of 2021, I transferred from Antelope Valley College, California to HINU. My boyfriend is from HINU and knowing Clay Mayes (Mayes) was coming here to coach the cross-country team, I transferred to help make the cross-country team a better program.

My experience with bullying and intimidation came from (b) (6) and the cross-country team. There was a particular meeting where she advised us Mayes wasn't coming back to HINU, and we could leave at any time. (b) (6) primarily threatened us with our eligibility to run if we participated in any other runs outside of HINU.

I was followed to HINU by (b) (6), she didn't come here until the spring semester of 2022, and I was the only one who knew about Mayes's coaching style and his practices. I gravitated to his coaching structure because I grew up around nothing but boys. I don't click with girls I just tend to mind my own business.

When I got here, I didn't click with this group of girls, they started saying things about me (sorry, I told myself I wasn't going to cry). (b) (6), (b) (6), etc., were the ones who were really bullying me, I don't think I have ever gone through anything like that before. It was basically bullying through hurtful words because I was allegedly sucking up to Mayes, they claimed I was his favorite. In reality, they didn't like Mayes's rules. Mayes would emphasize, we are role models and need to portray ourselves in a positive manner and make HINU a better place. He didn't allow drinking, that's what really got them, because they were always going out (partying).

At one of Mayes's meetings, he was advising the team of the overall cross-country program progress, and there were certain runners who weren't improving. I couldn't say anything because I know my comments would have been twisted around because there were only two (2) of us at this meeting. I spoke up and told them they weren't improving because they were going out every single night. When I called them out on their overall performance as runners, I felt they were intimidated by my statements and the bullying got worse. They started to spread rumors about me and eventually they started getting involved with my personal business and boyfriend. They came around my apartment a lot and observed my personal behavior and were making unnecessary statements about me. When things



started happening to □ ayes, I felt there were students and faculty who all played a role in getting him fired.

I have been running cross-country since I was a junior in high school, and always had rules to follow, even before I met □ ayes. From my perspective, Mayes's rules weren't harsh, I look at how serious a person is about the sport □ want to go further onto a D1 school. Having these rules, which primarily addressed alcohol and drugs, wasn't a big deal, I just thought the rules were easy to follow.

In regard to anyone else being bullied, there is this one (1) girl, (b) (6) they treated her really bad, and only because she was outgoing. She was excluded from a lot of things, and she was made to be the joke of the group, they would just make fun of her for no reason. The same group of individuals started to do it to me by telling me, oh you're not the person we thought you were, and we hear stuff about you. They would refer to me as the □-word, and that I was too serious. I learned this from a friend who played softball here at HINU.

When I arrived here, I didn't go through any orientation, I figured since my boyfriend was from here, he would show me around. I didn't receive any documents regarding bullying or any resources to help me, if I was bullied □ am not aware of any available resources (crying). I am ok now, but for those few months, I really struggled when this subject was brought up, I struggled.

No one would ever ask me what was going on, I would always tell people, I can't say anything nor is it my part to talk about the no contact agreement. The student athletes were made to sign an agreement stating we are not to talk about the issues, even with our families, we had to keep it here at HINU. The issues were what happened to □ ayes, how he was removed and the drama that happened within the cross-country team, with the girls. I felt intimidated by Salvini at times because she would tell us not to come into contact with, or talk to □ ayes, or even talk to our families about the situation. I signed the contract agreeing not to talk about the issue.

The meeting occurred at the end of the cross-country season in Coffin Complex, and members of both the boys' and girls' cross-country team were there. We weren't really told of any repercussions if we talked about the issues, but being a federal school, we were told it could turn into something bigger. At the time I signed the agreement, I felt obligated to sign it, but we were all afraid. No real reason was provided as to why we had to sign this agreement.

The group that followed □udy, there were much more of those athletes, and I felt it was just me who had the voice to speak up on behalf of □ ayes. □ut I thought, if I was to say something, something bad would have happened, like a big argument. (b) (6) position at the time was a teacher, she taught my fall semester health class. (b) (6), (b) (6) (b) (6), and (b) (6) the (b) (6), were at this meeting, but I felt more intimidated around the cross-country girls.

I am still intimidated by the cross-country girls. This will probably be my last year running, it's not because of my eligibility, I have three (3) more years left. I just think it would be better if I just go ('crying') to a different school. It's been mentally hard dealing with everything here at HINU, and I don't want to be here anymore ('crying'). There are more opportunities back home, I found out Arizona State University has free tuition, I just think it

is a better option. I am not sure of any other athletes who share the same feelings about HINU, maybe (b) (6) but I am not sure about that. I know a couple of girls have meetings to talk about stuff that has gone on here, I don't like to attend because I don't like to talk about the issues. There is this other girl, (b) (6) and I don't know who they were talking with, but everyone knew what I was going through.

I asked (b) (6), when is our coach coming back, because □ ayes provides us with emotional support, and the support is not provided. (b) (6) would just tell us □ I □ was doing an investigation, and we wouldn't know when Mayes was coming back. The students and faculty did not like □ ayes □ and played a role in getting him in trouble. The cross-country girls were used to being coached by (b) (6) and (b) (6), and because they weren't allowed to be laid back, it was a problem. (b) (6) would let them do whatever they wanted to, and I don't think they liked the new coaching environment and expectations Mayes brought. For example, when we had practices at □ am in the morning, the athletes would complain about the practice because they had just come in from a night out. (b) (6) has been the coach here forever, my high school coach used to run here a long time ago, this was when (b) (6) was still coaching. I just feel the (b) (6) (b) (6) and (b) (6) have a lot of power in this community to do anything they want □ they're whole family works here. The new athletes who just got here are just trying to be welcomed.

(b) (6) was another guy who was emotionally affected by these issues and transferred to New □ exico.

The only other issues I had, were with my academic advisor (b) (6), she was my advisor since the beginning of the fall semester. For unknown reasons, she recommended I go to another advisor, and I tried to tell myself there was nothing going on, and that she was just doing her job. I kept trying to go to another advisor, but they would tell me (b) (6) was my advisor. So, I am currently in the process of finding another advisor.

I was to graduate at the end of this past spring semester, but something happened, and (b) (6) told me the Admissions office changed the amount of credit hours needed to graduate. She stated, I am not meeting the criteria and I must graduate with 64 credit hours, instead of the required 60 credit hours, I am taking extra hours this semester so I can graduate in the fall.

I was scheduled (b) (6). This was the weirdest thing, I know (b) (6) knows her stuff and I wasn't aware of the □ ayes situation, so I just tried my best to be nice to her and her brother and work past what my coach was going through, by keeping it their business. (b) (6) was really helping me with the field I wanted to go into, which was the medical field, but she was giving me options and telling me the □ liberal Arts program was a better idea, but I am not sure what is going on right now.

□ y new advisor changed my major back to what I selected in the beginning, (b) (6), but (b) (6) changed it to □ liberal Arts. □ y new advisor made me understand how it was a better option, how I can transfer my bachelor's program to environmental science and how it would help me in the future. I do need to talk with the Admissions office regarding the current academic program I am enrolled with, and which program I am graduating with in the Fall of 2022.

I authorized (b) (6) to change my major, she is my boyfriend's advisor, so, I took his suggestion to trust her, and I thought I would stay here and eventually move to □U (□ansas University), but I am thinking of going back home. When I met with (b) (6), she didn't introduce herself as an academic advisor, she just set up a time and I met her in Coffin complex. □y confusion with the overall guidance counseling has caused issues with the (b) (6), and my financial packet. According to school records and FNA, no one has scheduled my fall classes, so I had to file an appeal because of the financial aid. It is challenging, how do you tell a scholarship program you are going through an investigation, how do you explain that everything is messed up at HINU, and who your advisor is. I believe the same thing is happening to one of my friends, (b) (6) is her advisor.

I felt awkward with (b) (6) from the beginning because I came in with □ eyes. As time went on, we kept asking for □ eyes because we just wanted to run. □ven when we did small runs, I was told the (b) (6) would report back to the NAIA and tell them it wasn't right and how we could lose our eligibility. (b) (6) would tell us stuff like this, to prevent us from running in any events. (b) (6) is good with the athletic and academic programs, so we didn't question anything, but it did scare us. It made me feel she had all this power and could affect our athletic eligibility.

(b) (6) who is Haskell Alumni, he used to be a part of the HINU cross-country program, but he is not supposed to be there at any cross-country meets, I didn't understand why. I remember when I talked about □ eyes and when he was coming back, and I would try to talk to (b) (6) about it, but I would always end up talking with (b) (6)

It seems they don't want anyone to succeed here, it's a family run community. I feel everyone is tied into this somehow some way, the (b) (6) have family here, and the power to intimidate people. I heard (b) (6) has issues with (b) (6), and there was a sexual assault involving a coach, but I don't know the details about that.

An assault happened with my friend (b) (6) she is checked out (mentally) with everything that has happened, she hasn't really talked about it. She is shut down and has put up barriers. When I first got to HINU, (b) (6) was known to give the girls the up and downs (looking at me up and down), and I thought it was weird. (b) (6) is known for that, and I told him multiple times, I didn't like being around him. We tried to run track and field, and we didn't like training for (b) (6), and I told (b) (6) he makes me uncomfortable. Once (b) (6) heard me say that he made me feel uncomfortable, he really eased up with me. There are multiple girls who have had similar experience with (b) (6), he makes them uncomfortable. According to the old coaches, this is how it is, it is normal for (b) (6) to stare at girls.

One time, (b) (6) said, hi (b) (6), and rubbed the middle of my back in a circular motion, I felt this was weird. If he was my father, it would be ok □but it was weird and it made me uncomfortable. The touching occurred before I told him he creeped me out.

No other faculty members make me feel uncomfortable. I have to be careful with what I say around other faculty, because I feel they are all tied into each-other, and they are all (b) (6) ears. I am also careful with students on campus. I was second guessing coming here to this interview, but I was talking to (b) (6), and telling her how our voices are not heard and how these issues have impacted us as well. I heard there was an instructor who had an affair with a student and got them pregnant, they aren't here anymore.

I work over at Jim Thorpe, and (b) (6) is my boss now. My friend (b) (6) said (b) (6) is always at Jim Thorpe, but she thinks (b) (6) is avoiding her.

I heard money was missing, and Hayes was being blamed, and part of the investigation was looking into (b) (6). I also heard they were accusing him of stealing athletic gear. When I was working out at Jim Thorpe, there would always be a lot of shoes, approximately 300 shoes, which were kept in an enclosed area. Prior to the athletic season, we would provide our sizes for our shoes and athletic gear, but there are only 12 track and field athletes—so, it is hard to believe, all those shoes are just for 12 athletes. To my understanding the athletic gear is under lock and key, which access is limited to (b) (6). I did hear (b) (6) and (b) (6) used to give away track and field shoes. Not everyone got the correct athletic gear, me and my boyfriend only got jackets and not shoes.

When I came to HINU, I wasn't provided a list of classes or provided assistance, we just came to here. With (b) (6) none of her credits transferred, she is considered a sophomore. I remember (b) (6) told me I was able to walk for graduation, and I needed to submit my application. She told me, it's ok and to put in my petition, and I can finish in the summer. Unfortunately, I am now graduating in the fall instead of the spring, and I know I was able to graduate with 60 credit hours, but (b) (6) sent me an email and told me that I now needed 64.

I felt (b) (6) was helping me, she has a degree in physical therapy, something that I wanted as well. I thought she knew what she was doing, and I trusted her—I thought she was just helping me. I was getting the right classes but for the wrong major, and I am making up the classes right now.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

Signed:

Executed on (Date):



RE: #External: Fwd: Requested  
Family Relations & Haskell

Inbox




(b) (6)

(b) (6)

5:00 PM



 to me ▾

Clay,

Thanks for sending this and speaking with me today. As a summary, we talked about communication with Haskell students you previously recruited and directing them to the Haskell Admissions Office, not being in possession or receiving any admissions forms except possibly a link to one form in which you instructed the student to send it to Haskell, and not receiving any money orders for application.

Based on the information I have, I have no evidence violations of Kansas laws occurred in reference to the concerns I was asked to look into. I will be closing my case.

Thanks for your cooperation,

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communication with Haskell students you previously recruited and directing them to the Haskell Admissions Office, not being in possession or receiving any admissions forms except possibly a link to one form in which you instructed the student to send it to Haskell, and not receiving any money orders for application.

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Thanks for your cooperation,

**(b) (6)**

Detective

Lawrence Police Department

[5100 Overland Drive, Lawrence, Kansas](#)



(b) (6)



I imagine the security guys or facilities looked at it

It's that the report came 'from a student-athlete,' part. It was distorted as a way to file a report. That's the part where if it got looked at, one could see it's coming from either (b) (6) or (b) (6)

what they are doing is making these frivouls reports on you to use as justification to not renewing your contract. Instead of saying you had a bad season or not good a recruiting. She will tell you that you don't follow rules or don't listen to instructions

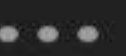




You

To Salvini, Tonia L

Mar 20



Document

PDF - 20 KB

I am sending you this to ensure I am following proper procedure and to work aligned with the 'no-contact agreement' and updated job duties. I went ahead and compiled and researched the status for all our current cross country recruits.

If you have any questions or concerns that I need to adhere to or modify, please do not hesitate let me know.

The attachment is a list for the remaining cross country recruits who have not finished, or started their application for Haskell. Once my work order is updated, I will directly pass off these contacts to our athletic director/coach (b) (6)



Reply to All





I do believe these recruits need our athletic director and/or a coach to follow-up and check on how they are doing with the college process, how their track season is going, how their training is going, etc.

Listed below is either the cell phone numbers or emails for the recruits.

**(b) (6)** has fully committed to Haskell unlike the others, but he needs to get going with the process, as I feel he is a little scattered last time I checked. That's why I included him to also be contacted.

Once the work order is updated, and if this looks good, I will relay this to **(b) (6)** and I will also share various information about the dynamics of each recruit, too.

-Clay Mayes

**(b) (6)**



Reply to All



You

Mar 20

To (b) (6)



Document  
PDF - 20 KB

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Once the work order is updated, and if this looks good, I will relay this to **(b) (6)** and I will also share various information about the dynamics of each recruit in-person, too.

-Clay Maves

**(b) (6)**



Reply to All



Date: Wed, Aug 3, 2022 at 5:55 AM

Subject: Re: Requested Family Relations & Haskell

To: (b) (6) @bia.gov>

Another new issue is (b) (6) Tonia Salvini(VP), & (b) (6) stated on 3/11/2022 & 3/14/2022 (b) (6) would update & contact ALL my recruits 1 time a week & onward on all related Haskell matters.

To my knowledge no recruit has been contacted & this has created confusion for incoming student-athletes & supporting parties.

(Attached is emails of passing recruits contacts to Salvini & (b) (6))

I would suggest reviewing applicants for the recent Haskell AD position as there was a lot of great applicants (shared by many of the applicants)

Information can be verified by:

(b) (6)

## Fwd: Haskell's Application Process

---

From: Clay Mayes [cmayes@HASKELL.edu](mailto:cmayes@HASKELL.edu)

To: (b) (6)

Date: Tue, Jan 18, 2022, 1:28 PM

Here is some outlines about the Haskell process if there was interest later on!

These marks would put (b) (6) well past the top standard to being accepted. I put the bare minimum standard as the latter mark.

- 1.) Be ranked top 1/3rd, bare minimum standard is top 1/2 the class
- 2.) Have a 3.0+ For one's GPA, or 2.5 GPA on low end.
- 3.) Take ACT and score an 18. Am 15 ACT is accepted on the lower end.

It doesn't matter what one's ACT scores are(whether it's a 10 or 30). The ACT marks are important IF did not meet both the first and second standards noted above.

If one meets standard 1 and 2, then one needs to have simply taken the ACT.

Here's the process for Haskell:

First step 1.)

Print out this Application:

[https://www.haskell.edu/downloads/admission/Admissions%20Application\\_proof2\\_7-18-13.pdf](https://www.haskell.edu/downloads/admission/Admissions%20Application_proof2_7-18-13.pdf)

Step 2.)

Ask for a copy of Immunization records and mail those in as hard copies as well.

You can even bypass doing this form and just get the raw paper linked right below for one's immunizations and sign and date the (religious exemption) blank space/date - I've had people do this route and later include immunizations. I included a screen shot of the two spots one circles when pursuing this route. One doesn't have to mail in this form if the clinic prints off immunizations and gives that back:

<https://www.haskell.edu/wp-content/uploads/2021/06/Immunization-FORM-3-June-2021-002.pdf>

Step 3.)

-Print off or copy one's CIB - attach and mail that copy in as well.

Step 4.)

-10 dollar money order. For the money order it can be done online. If one does it online, just have a screen shot of it being paid(receipt), and that part can be emailed) here is a link and it includes how to online-<https://www.pay.gov/public/form/preview/pdf/103>

If one does this online, again, screen shot receipt, and email it to: [admissions@haskell.edu](mailto:admissions@haskell.edu)

It'll be for the 2022 Spring Semester

Pay \$10 and note it's for Haskell Admissions in the comments

Step 5.)

-Official transcripts (we need the high school transcript and any college classes taken (even if grades are bad, we still request).

Unlike the other forms for transcripts, you can mail them in by hard copy OR they can be sent electronically by email if they can be classified as 'OFFICIAL' transcripts (usually this system is called "e-script," "parchment," or "clearinghouse").

Which would the be sent to this email:

[Admissions@haskell.edu](mailto:Admissions@haskell.edu)

--

(This standard doesn't have a concrete deadline like the other standards)

Complete and fill out [fafsa.ed.gov](https://fafsa.ed.gov) and plugged in Haskell's Fafsa ID code of:

**010438**

Also plug in all other colleges of interest.

--

All these documents will be mailed to this address:

Haskell Indian Nations University  
Office of Admissions  
155 Indian Avenue, Box 5031  
Lawrence, KS 66046

\$10 money order can be emailed, as can the transcripts if it's classified as an "Official Transcript," online.

—

-Clay Mayes  
Haskell XC And  
Distance Track Coach

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6)

Date: Tue, Jan 18, 2022, 5:28 PM

Here is some outlines about the Haskell process if there was interest.

I also put the bare minimum standard as the following mark.

- 1.) Be ranked top 1/3rd, bare minimum standard is being within the top 1/2 of the class
- 2.) Have a 3.0+ For one's GPA, or 2.5 GPA on low end.
- 3.) Take ACT and score an 18. Am 15 ACT is accepted on the lower end.

It doesn't matter what one's ACT scores are(whether it's a 10 or 30). The ACT marks are important IF did not meet both the first and second standards noted above.

If one meets standard 1 and 2, then one needs to have simply taken the ACT.

Here's the process for Haskell:

First step 1.)

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Step 2.)

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If one does this online, again, screen shot receipt, and email it to: [admissions@haskell.edu](mailto:admissions@haskell.edu)

It'll be for the 2022 Spring Semester

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Step 5.)

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--

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--

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Office of Admissions  
155 Indian Avenue, Box 5031  
Lawrence, KS 66046

\$10 money order can be emailed, as can the transcripts if it's classified as an "Official Transcript," online.

—

-Clay Mayes  
Haskell XC And  
Distance Track Coach

**(b) (6)**

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @ihs.gov

Date: Wed, Jan 26, 2022, 5:27 PM

Here is some of the steps about the Haskell process if there was interest for your daughter.

I also put the bare minimum standard as the following mark.

- 1.) Be ranked top 1/3rd, bare minimum standard is being ranked in the the top 1/2 of the class.
- 2.) Have a 3.0+ For one's GPA, or 2.5 GPA on low end.
- 3.) Take ACT and score an 18. Am 15 ACT is accepted on the lower end.

It doesn't matter what one's ACT scores are(whether it's a 10 or 30). The ACT marks are important IF did not meet both the first and second standards noted above.

If one meets standard 1 and 2, then one needs to have simply taken the ACT.

Here's the process for Haskell:

First step 1.)

Print out this Application:

[https://www.haskell.edu/downloads/admission/Admissions%20Application\\_proof2\\_7-18-13.pdf](https://www.haskell.edu/downloads/admission/Admissions%20Application_proof2_7-18-13.pdf)

Step 2.)

Ask for a copy of Immunization records and mail those in as hard copies as well.

You can even bypass doing this form and just get the raw paper linked right below for one's immunizations and sign and date the (religious exemption) blank space/date - I've had people do this route and later include immunizations. I included a screen shot of the two spots one

circles when pursuing this route. One doesn't have to mail in this form if the clinic prints off immunizations and gives that back:

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Step 3.)

-Print off or copy one's CIB - attach and mail that copy in as well.

Step 4.)

-10 dollar money order. For the money order it can be done online. If one does it online, just have a screen shot of it being paid(receipt), and that part can be emailed) here is a link and it includes how to online-<https://www.pay.gov/public/form/preview/pdf/103>

If one does this online, again, screen shot receipt, and email it to: [admissions@haskell.edu](mailto:admissions@haskell.edu)

It'll be for the 2022 Spring Semester

Pay \$10 and note it's for Haskell Admissions in the comments

Step 5.)

-Official transcripts (we need the high school transcript and any college classes taken (even if grades are bad, we still request).

Unlike the other forms for transcripts, you can mail them in by hard copy OR they can be sent electronically by email if they can be classified as 'OFFICIAL' transcripts (usually this system is called "e-script," "parchment," or "clearinghouse").

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[Admissions@haskell.edu](mailto:Admissions@haskell.edu)

--

Step 6.)

(This standard doesn't have a concrete deadline like the other standards)

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**010438**

Also plug in all other colleges of interest.

--

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Office of Admissions  
155 Indian Avenue, Box 5031  
Lawrence, KS 66046

\$10 money order can be emailed, as can the transcripts if it's classified as an "Official Transcript," online.

—

-Clay Mayes  
Haskell XC And  
Distance Track Coach

**(b) (6)**

---

From: Clay Mayes [cmayes@HASKELL.edu](mailto:cmayes@HASKELL.edu)

To: **(b) (6)**

Date: Fri, Jan 28, 2022, 11:48 AM

---

Here is some of the steps about the Haskell process if there was interest for your daughter.

I also put the bare minimum standard as the following mark.

- 1.) Be ranked top 1/3rd, bare minimum standard is being ranked in the the top 1/2 of the class.
- 2.) Have a 3.0+ For one's GPA, or 2.5 GPA on low end.
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If one meets standard 1 and 2, then one needs to have simply taken the ACT.

Here's the process for Haskell:

First step 1.)

Print out this Application:

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Step 3.)

-Print off or copy one's CIB - attach and mail that copy in as well.

Step 4.)

-10 dollar money order. For the money order it can be done online. If one does it online, just have a screen shot of it being paid (receipt), and that part can be emailed) here is a link and it includes how to online- <https://www.pay.gov/public/form/preview/pdf/103>

If one does this online, again, screen shot receipt, and email it to: [admissions@haskell.edu](mailto:admissions@haskell.edu)

It'll be for the 2022 Spring Semester

Pay \$10 and note it's for Haskell Admissions in the comments

Step 5.)

-Official transcripts (we need the high school transcript and any college classes taken (even if grades are bad, we still request).

Unlike the other forms for transcripts, you can mail them in by hard copy OR they can be sent electronically by email if they can be classified as 'OFFICIAL' transcripts (usually this system is called "e-script," "parchment," or "clearinghouse").

Which would the be sent to this email:

[Admissions@haskell.edu](mailto:Admissions@haskell.edu)

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Step 6.)

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**010438**

Also plug in all other colleges of interest.

--

All these documents will be mailed to this address:

Haskell Indian Nations University  
Office of Admissions  
155 Indian Avenue, Box 5031  
Lawrence, KS 66046

\$10 money order can be emailed, as can the transcripts if it's classified as an "Official

Transcript," online.

---

-Clay Mayes  
Haskell XC And  
Distance Track Coach

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6)

Date: Sat, Jan 29, 2022, 5:40 PM

Here is some of the steps about the Haskell process if there was interest for your daughter.

I also put the bare minimum standard as the following mark.

- 1.) Be ranked top 1/3rd, bare minimum standard is being ranked in the the top 1/2 of the class.
- 2.) Have a 3.0+ For one's GPA, or 2.5 GPA on low end.
- 3.) Take ACT and score an 18. Am 15 ACT is accepted on the lower end.

It doesn't matter what one's ACT scores are(whether it's a 10 or 30). The ACT marks are important IF did not meet both the first and second standards noted above.

If one meets standard 1 and 2, then one needs to have simply taken the ACT.

Here's the process for Haskell:

First step 1.)

Print out this Application:

[https://www.haskell.edu/downloads/admission/Admissions%20Application\\_proof2\\_7-18-13.pdf](https://www.haskell.edu/downloads/admission/Admissions%20Application_proof2_7-18-13.pdf)

## Step 2.)

Ask for a copy of Immunization records and mail those in as hard copies as well.

You can even bypass doing this form and just get the raw paper linked right below for one's immunizations and sign and date the (religious exemption) blank space/date - I've had people do this route and later include immunizations. I included a screen shot of the two spots one circles when pursuing this route. One doesn't have to mail in this form if the clinic prints off immunizations and gives that back:

<https://www.haskell.edu/wp-content/uploads/2021/06/Immunization-FORM-3-June-2021-002.pdf>

## Step 3.)

-Print off or copy one's CIB - attach and mail that copy in as well.

## Step 4.)

-10 dollar money order. For the money order it can be done online. If one does it online, just have a screen shot of it being paid(receipt), and that part can be emailed) here is a link and it includes how to online-<https://www.pay.gov/public/form/preview/pdf/103>

If one does this online, again, screen shot receipt, and email it to: [admissions@haskell.edu](mailto:admissions@haskell.edu)

It'll be for the 2022 Spring Semester

Pay \$10 and note it's for Haskell Admissions in the comments

## Step 5.)

-Official transcripts (we need the high school transcript and any college classes taken (even if grades are bad, we still request).

Unlike the other forms for transcripts, you can mail them in by hard copy OR they can be sent electronically by email if they can be classified as 'OFFICIAL' transcripts (usually this system is called "e-script," "parchment," or "clearinghouse").

Which would the be sent to this email:



Admissions@haskell.edu

--

Step 6.)

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**010438**

Also plug in all other colleges of interest.

--

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Haskell Indian Nations University

Office of Admissions

155 Indian Avenue, Box 5031

Lawrence, KS 66046

\$10 money order can be emailed, as can the transcripts if it's classified as an "Official Transcript," online.

—

-Clay Mayes

Haskell XC And

Distance Track Coach

**(b) (6)**

---

From: Clay Mayes [cmayes@HASKELL.edu](mailto:cmayes@HASKELL.edu)

To: **(b) (6)**

Date: Sat, Jan 29, 2022, 6:47 PM

Here is some of the steps about the Haskell process! I'd push in the documents here and there and as time goes on, I'll help catch any hiccups with completing the steps below:

Also, I added the bare TOP and BOTTOM minimum standards:

- 1.) Be ranked top 1/3rd, bare minimum standard is being ranked in the the top 1/2 of the class.
- 2.) Have a 3.0+ For one's GPA, or 2.5 GPA on low end.
- 3.) Take ACT and score an 18. Am 15 ACT is accepted on the lower end.

It doesn't matter what one's ACT scores are(whether it's a 10 or 30). The ACT marks are important IF did not meet both the first and second standards noted above.

If one meets standard 1 and 2, then one needs to have simply taken the ACT.

Here's the process for Haskell:

First step 1.)

Print out this Application:

[https://www.haskell.edu/downloads/admission/Admissions%20Application\\_proof2\\_7-18-13.pdf](https://www.haskell.edu/downloads/admission/Admissions%20Application_proof2_7-18-13.pdf)

Step 2.)

Ask for a copy of Immunization records and mail those in as hard copies as well.

You can even bypass doing this form and just get the raw paper linked right below for one's immunizations and sign and date the (religious exemption) blank space/date - I've had people do this route and later include immunizations. I included a screen shot of the two spots one circles when pursuing this route. One doesn't have to mail in this form if the clinic prints off immunizations and gives that back:

<https://www.haskell.edu/wp-content/uploads/2021/06/Immunization-FORM-3-June-2021-002.pdf>

Step 3.)

-Print off or copy one's CIB - attach and mail that copy in as well.

#### Step 4.)

-10 dollar money order. For the money order it can be done online. If one does it online, just have a screen shot of it being paid(receipt), and that part can be emailed) here is a link and it includes how to online-<https://www.pay.gov/public/form/preview/pdf/103>

If one does this online, again, screen shot receipt, and email it to: [admissions@haskell.edu](mailto:admissions@haskell.edu)

It'll be for the 2022 Spring Semester

Pay \$10 and note it's for Haskell Admissions in the comments

#### Step 5.)

-Official transcripts (we need the high school transcript and any college classes taken (even if grades are bad, we still request).

Unlike the other forms for transcripts, you can mail them in by hard copy OR they can be sent electronically by email if they can be classified as 'OFFICIAL' transcripts (usually this system is called "e-script," "parchment," or "clearinghouse").

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--

#### Step 6.)

(This standard doesn't have a concrete deadline like the other standards)

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**010438**

Also plug in all other colleges of interest.

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155 Indian Avenue, Box 5031  
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\$10 money order can be emailed, as can the transcripts if it's classified as an "Official Transcript," online.

—  
  
-Clay Mayes  
Haskell XC And  
Distance Track Coach

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6)

Date: Wed, Feb 2, 2022, 7:42 PM

---

Here is some the steps foe Haskell.

Let me know if you need help!

The earlier one applies, the better for being accepted. I believe your grades are solid and there's no troubles regardless.

It doesn't matter what one's ACT scores are(whether it's a 10 or 30). The ACT marks are important IF did not meet both the first and second standards noted above. I'd go ahead and take the ACT, but apply and send the ACT in later if you haven't done that test yet.

If one meets standard 1 and 2, then one needs to have simply taken the ACT.

Here's the process for Haskell:

First step 1.)

Print out this Application:

[https://www.haskell.edu/downloads/admission/Admissions%20Application\\_proof2\\_7-18-13.pdf](https://www.haskell.edu/downloads/admission/Admissions%20Application_proof2_7-18-13.pdf)

Step 2.)

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Step 3.)

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Step 4.)

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If one does this online, again, screen shot receipt, and email it to: [admissions@haskell.edu](mailto:admissions@haskell.edu)

It'll be for the 2022 Spring Semester

Pay \$10 and note it's for Haskell Admissions in the comments

Step 5.)

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Lawrence, KS 66046

\$10 money order can be emailed, as can the transcripts if it's classified as an "Official Transcript," online.

—

-Clay Mayes  
Haskell XC And  
Distance Track Coach

**(b) (6)**

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6)

Date: Tue, Feb 8, 2022, 3:07 PM

Here is some of the steps about the Haskell process!

Also, I added the bare TOP and BOTTOM standards in being accepted to Haskell:

- 1.) Be ranked top 1/3rd, bare minimum standard is being ranked in the the top 1/2 of the class.
- 2.) Have a 3.0+ For one's GPA, or 2.5 GPA on low end.
- 3.) Take ACT and score an 18. Am 15 ACT is accepted on the lower end.

It doesn't matter what one's ACT scores are(whether it's a 10 or 30). The ACT marks are important IF did not meet both the first and second standards noted above.

If one meets standard 1 and 2, then one needs to have simply taken the ACT.

Here's the process for Haskell:

First step 1.)

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Step 2.)

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Step 3.)

-Print off or copy one's CIB - attach and mail that copy in as well.

Step 4.)

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If one does this online, again, screen shot receipt, and email it to: [admissions@haskell.edu](mailto:admissions@haskell.edu)

It'll be for the 2022 Spring Semester

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Step 5.)

-Official transcripts (we need the high school transcript and any college classes taken (even if grades are bad, we still request).

Unlike the other forms for transcripts, you can mail them in by hard copy OR they can be sent electronically by email if they can be classified as 'OFFICIAL' transcripts (usually this system is called "e-script," "parchment," or "clearinghouse").

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--

Step 6.)

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010438

Also plug in all other colleges of interest.

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Office of Admissions  
155 Indian Avenue, Box 5031  
Lawrence, KS 66046

\$10 money order can be emailed, as can the transcripts if it's classified as an "Official Transcript," online.

—

Hopefully this is efficiently noted!

-Clay Mayes  
Haskell XC And  
Distance Track Coach

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6)

Date: Tue, Feb 22, 2022, 2:39 AM

---

Here is some of the steps for the Haskell application process.

First step 1.)

Print out this Application:

[https://www.haskell.edu/downloads/admission/Admissions%20Application\\_proof2\\_7-18-13.pdf](https://www.haskell.edu/downloads/admission/Admissions%20Application_proof2_7-18-13.pdf)

## Step 2.)

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Step 6.)

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Office of Admissions

155 Indian Avenue, Box 5031

Lawrence, KS 66046

\$10 money order can be emailed, as can the transcripts if it's classified as an "Official Transcript," online.

—

Hopefully this process makes sense, and however needed, I can help with any of the steps.

-Clay Mayes

Haskell XC And

Distance Track Coach

**(b) (6)**



# HASKELL INDIAN NATIONS UNIVERSITY

Accredited by Higher Learning Commission

Title IX Coordinator  
155 Indian Avenue  
Lawrence, Kansas 66046-4800  
(785) 749-8415  
[TitleIX@haskell.edu](mailto:TitleIX@haskell.edu)

## Formal Student Title IX Complaint

Haskell Indian Nations University is committed to prompt resolution of complaints in a manner consistent with the Haskell Indian Nations University Student Code of Conduct and the Sexual Misconduct policy.

PLEASE PRINT CLEARLY

If you believe you have experienced sexually assault, harassment, dating violence, stalking, bullying/cyberbullying by any member of the Haskell community (on or off campus) or while participating in a college-sponsored activity, you are encouraged to bring it to the attention of the Title IX Coordinator and/or other University official. This form and any attachments can be submitted to the Title IX Coordinator's Office located in Room 2082 OK Hall.

You may also email the form to [dmckinney@haskell.edu](mailto:dmckinney@haskell.edu) (subject line- Title IX Complaint Form).

### Complainant (Person Filing the Complaint)

Name: (b) (6) \_\_\_\_\_ (b) (6) \_\_\_\_\_  
Cell Phone: (b) (6) \_\_\_\_\_ Residential Hall & Room Number (b) (6) \_\_\_\_\_  
Address: (b) (6) \_\_\_\_\_  
City, State, Zip: (b) (6) \_\_\_\_\_  
Email address: (b) (6) \_\_\_\_\_  
How do you prefer to be contacted? Phone: (b) (6) \_\_\_\_\_

### Respondent (Individual Complaint Is Against)

Name: (b) (6) \_\_\_\_\_  
Student: (b) (6) \_\_\_\_\_ (b) (6) \_\_\_\_\_  
Cell Phone: \_\_\_\_\_ Residential Hall & Room Number (b) (6) \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_



**HASKELL INDIAN NATIONS UNIVERSITY**  
 Title IX Coordinators Office  
 Discrimination Complaint Resolution Process  
 Explanation of Complainant Rights and Responsibilities

This form documents the information shared with the Complainant regarding an investigation by the Title IX Coordinators Office, into a claim of discrimination, harassment, and/or retaliation.

Date:

Topic Discussed:

5/16/2022

Discrimination Complaint Resolution Process (Copy Provided)

- Applicable University policies
- Timeframe for Investigation
- Correspondence regarding investigation
- Opportunity to provide information verbally and/or in writing
- Opportunity to submit supporting documentation, identify witnesses, and/or provide witness statements
- Policy prohibiting retaliation
- Opportunity to bring a representative to meetings
- Abuse of Discrimination Complaint Resolution Process
- Confidentiality
- Anonymity (limitation on investigation) – if applicable
- Right to file a criminal complaint – if applicable
- Campus and community resources – if applicable

I acknowledge that the information identified above was communicated to me by the Title IX Coordinators Office and that I have had the opportunity to ask questions about the Discrimination Complaint Resolution Process and the information provided to me. I also acknowledge that I have received a copy of the Discrimination Complaint Resolution Process.

Name of Complainant: (b) (6)

Signature of Complainant: (b) (6) Date: 5/16/22

This information was communicated and the signature witnessed by the undersigned Title IX representative:

(b) (6)



**HASKELL INDIAN NATIONS UNIVERSITY**  
**STUDENT RIGHTS OFFICE**  
155 Indian Avenue, #5015  
Lawrence, Kansas 66046-4817  
[dmckinney@haskell.edu](mailto:dmckinney@haskell.edu)  
785-830-2754

## MEMORANDUM

DATE: Monday, May 16, 2022

TO: (b) (6)

FROM: Danelle McKinney, Student Rights Specialist  
Student Conduct Office: 785-830-2754

RE: Incident Report Notification

This is a notification that several Incident Reports were given to our office indicating a possible multiple violations of the Student Code of Conduct:

- **Our office has suspended your housing privileges for the Fall 2022 semester. Since you are currently enrolled at Haskell Indian Nations University for this semester, we would like for you to resolve this issue prior to your break so that you might have the privilege of housing should you need it. Please call or email our office as soon as possible to address this issue.**
- The above violation(s) are against the Code of Student Conduct which all students are expected to follow while attending Haskell Indian Nations University. A meeting will be held to discuss this incident report at the Student Rights Office located in **Room 102, Pushmataha.**
- Please read your appointment notice, as your rights are listed on this.

Cc: Student File


**Our mission at Haskell Indian Nations University is to build the leadership capacity of our students by serving as the leading institution of academic excellence, cultural and intellectual prominence, and holistic education that addresses the needs of Indigenous communities.**

# Haskell Indian Nations University Incident Report

Title IX

Reporter Name (b) (6)  
Date Reported to you (mm/dd/yyyy) (b) (6)  
Affiliation (b) (6)  
Department Facilities  
Email of Reporter (b) (6)  
Phone number of reporter (b) (6)  
Name of the Individual Concerning Incident (b) (6)  
Student ID number (b) (6)  
Date of Birth (mm/dd/yyyy) (b) (6)  
Is the Individual over or under the age of 21? (b) (6)  
Phone Number (b) (6)  
Student Resident (b) (6)  
Student Email  
Other Student Involved (b) (6)  
Date of Incident (mm/dd/yyyy) (b) (6)  
Time of incident unknown  
Location of Incident (b) (6)  
Alcohol Involved? (b) (6)  
Drugs Involved? (b) (6)  
Sexual Misconduct? (b) (6)  
Stalking, Dating Violence/Domestic Violence (b) (6)

Incident Description  
(b) (6)

  
Danelle McKinney, Student Conduct Administrator

5/16/2022  
Date



**HASKELL INDIAN NATIONS UNIVERSITY**  
**STUDENT RIGHTS OFFICE**  
155 Indian Avenue, #5015  
Lawrence, Kansas 66046-4817  
[Danelle.mckinney@bie.edu](mailto:Danelle.mckinney@bie.edu)  
785-749-8415



Date: Monday, May 16, 2022

TO: (b) (6)

Address/Hall: 701 SW Medford Ave. Topeka KS 66606

FROM: Danelle McKinney, Student Rights Specialist  
Student Conduct Office

RE: Complaint Received (b) (6)

Our office has received a complaint regarding threats of violence directed towards another Haskell student. Due to the nature of the complaint a Zero Tolerance Policy for Health and Safety will be enforced. Our policies of response are listed in the Campus Violence section of our Student Code of Conduct found on page 42.

This letter is notifying you that in the best interest of the affected party/parties, we are recommending a No Contact Order. This is a temporary order designed to prevent further incidents that may impact the affected party who is listed as (b) (6). This means that both parties are prohibited from initiating, or contributing through third-parties, by any physical, verbal, electronic, or written communication with any housing staff member including Student Resident Assistants (SRA), their family, friends and/or acquaintances. This prohibition includes messaging through Facebook, Twitter, Instagram, Tumblr or other social media. You are also to refrain from interfering with or damaging any housing member's (including SRAs) personal possessions. The "No Contact Directive" will remain in effect until further notice from the Director of Housing or the Student Conduct Administrator. Moreover, retaliation against persons who may pursue or participate in a university investigation; whether by you or by your associates, is a violation of university policy. While I understand you have a right to communicate with your family and friends about this matter, please understand that those discussions should not be intended to reach the above listed affected party in order to intimidate or further harass him/her.

Any violation of this order will result in an Emergency Suspension Level III. Please refer to the Code of Conduct for more information. If you have any questions or concerns regarding this matter, please do not hesitate to contact the Student Rights Specialist at 785-749-8415.





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**STUDENT RIGHTS OFFICE**  
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785-749-8415



Date: Monday, May 16, 2022

TO: (b) (6)

Address/Hall: (b) (6)

FROM: Danelle McKinney, Student Rights Specialist  
Student Conduct Office

(b) (6)

RE: Complaint Received (b) (5)

Our office has received a complaint regarding threats of violence directed towards another Haskell student. Due to the nature of the complaint a Zero Tolerance Policy for Health and Safety will be enforced. Our policies of response are listed in the Campus Violence section of our Student Code of Conduct found on page 42.

This letter is notifying you that in the best interest of the affected party/parties, we are recommending a No Contact Order. This is a temporary order designed to prevent further incidents that may impact the affected party who is listed as (b) (6). This means that both parties are prohibited from initiating, or contributing through third-parties, by any physical, verbal, electronic, or written communication with any housing staff member including Student Resident Assistants (SRA), their family, friends and/or acquaintances. This prohibition includes messaging through Facebook, Twitter, Instagram, Tumblr or other social media. You are also to refrain from interfering with or damaging any housing member's (including SRAs) personal possessions. The "No Contact Directive" will remain in effect until further notice from the Director of Housing or the Student Conduct Administrator. Moreover, retaliation against persons who may pursue or participate in a university investigation; whether by you or by your associates, is a violation of university policy. While I understand you have a right to communicate with your family and friends about this matter, please understand that those discussions should not be intended to reach the above listed affected party in order to intimidate or further harass him/her.

Any violation of this order will result in an Emergency Suspension Level III. Please refer to the Code of Conduct for more information. If you have any questions or concerns regarding this matter, please do not hesitate to contact the Student Rights Specialist at 785-749-8415.



U.S. Department of the Interior  
**Bureau of Indian Education**

Bureau of Indian Education Witness Declaration/Affidavit

Date: July 11, 2022, 1:00 PM CST

Witness Statement: (b) (6), Student/Athlete,  
Haskell Indian Nations University (HINU)

I am currently a student at HINU and entered as a (b) (6) during the fall semester of August, 2021 to present. At the time of this incident, I was 18 years old.

I would like to initially state, HINU allows perpetrators to work, attend school, and live on campus. When I reported (b) (6), I was told my assailant (b) (6) (b) (6), would be allowed to continue with school, be allowed to come back and live on campus. It is very hard to live (b) (6), and even harder when I was told there was not much HINU could do.

(b) (6), at one point was a personal friend of mine. I knew him from a group of people here on campus, and he knew that I was a vulnerable person, I am vulnerable. I can feel and see spirits, and during the time of the incident, I was grieving due to the loss of (b) (6) (b) (6) (b) (6) and is a student here at HINU; and is (b) (6) is from the east coast. I made a report to HINU after the incident, and I was told (b) (6) would be allowed to remain a student and be eligible for housing. I wanted to see if there was something that could be done. It is hard to live with (b) (6), while having to continue to see (b) (6) on campus, this made it much more difficult to deal with.

On April 26, 2022, (b) (6) called me out of the blue and invited me to spend the night at his home, which I agreed to, based upon the understanding I was to sleep on the couch. (b) (6) knew I was sick of being at the dorm due to (b) (6) and because his roommate had a dog. Knowing that I liked dogs, he invited me over. (b) (6) picked me up early in the morning hours (just after midnight) from my dormitory (Winona Hall), I was on crutches due to a leg injury, he drove me to (b) (6), approximately 20-30 minutes from Lawrence, Kansas. (b) (6) house is a three-story house, his room is in the basement. When he picked me up at my dorm, my cell phone wasn't completely charged, and I left in my pajamas. I took a toothbrush, a fresh pair of underwear, a blanket and pillow, and my backpack with homework so I could do a little bit of studying. I didn't think anything was wrong at the time, as he already knew I wasn't interested in him, other than being a friend. I met (b) (6) through my (b) (6) (b) (6) (b) (6)

Prior to this incident, I dated (b) (6) for approximately five (5) months. This was not a healthy relationship as I would often have to (b) (6). After dating (b) (6) for a short period of time, he started to get aggressive with me, so I left him for a couple of weeks. When I returned, he became even more aggressive with me. I spoke to (b) (6) about

the abuse, and she told me that I needed to get away from the situation. (b) (6) is a known (b) (6), and is (b) (6); and (b) (6).

On the night when (b) (6) picked me up, we arrived at his house and (b) (6) were asleep on the couch. (b) (6) is known by other HINU students for having a nice couch. (b) (6) said I could sleep in his bed, which was located in the basement; being afraid and not knowing where I was, I agreed. (b) (6)

(b) (6). When walking down into the basement, he was directly behind me, and I noticed the windows were completely blacked out. I was afraid he might do something to me, so I walked down the steps the best I could.

When we were laying on the bed, I wasn't sure what time it was, but I woke up and he was

(b) (6). The (b) (6) (b) (6). At one point, I woke up and went upstairs to use the restroom. I went back down to the basement, and (b) (6). I had to play nice, I did not know the location of his home and the area it was located, and because there were other males in the house, I wasn't sure what they would do to me.

When I went back downstairs, (b) (6). Everyone knows I (b) (6), and everyone knows that (b) (6) is far more potent. (b) (6) kept forcing (b) (6), (b) (6) is far more potent. I know this because (b) (6) (b) (6).

Because I was scared, being (b) (6), not knowing where I was, and the basement windows being blacked out, I could go missing; (b) (6) and was (b) (6) e. (b) (6). I (b) (6).

(b) (6) I was confused and could not get away from the situation due to being on crutches. (b) (6)

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

(b) (6) (b) (6) I finally snapped out of it, and (b) (6)

(b) (6) (b) (6)

I was eventually driven back to the dorm, and we went through a fast-food restaurant to pick up food. When I got to my dorm room, my roommate noticed I was not all there; from that point on, (b) (6). I told my roommate that I was feeling kind of loopy, (b) (6) (b) (6)

(b) (6) (b) (6) had their suspicions something was going on; I was close with (b) (6) . I stopped answering their calls and text messages, I was no longer posting on social media; I no longer was eating. (b) (6) was close to him.

A few days later, (b) (6) showed up at (b) (6) house (b) (6) (b) (6) . I will be going to the police very soon. I had not gone to the police at this point because I was confused, and I was not prepared (emotionally) to stand trial. I wanted to stable myself before I go after (b) (6) for what happened, and I wanted to talk to different witnesses, like the neighbors who were having a party next door at the time of the incident. I wanted to gather as much evidence as I could from the incident; I still have the shirt from that night.

(b) (6) eventually died, and when I was (b) (6) ; (b) (6) (b) (6)

On May 14, 2022, I went to (b) (6) who is the (b) (6) at HINU. When I met with (b) (6) , she created a file (b) (6) so it could be on record as officially reporting with HINU. (b) (6) provided me with counseling options and (b) (6) (b) (6) created a no-contact order to be served (b) (6) to prevent him from having direct contact with me. If HINU would address issues pertaining to these types of reports, there wouldn't be more victims.

(b) (6) wasn't able to go any further with the no contact order and attempted to get both sides of the story. I do want both sides of the story told, but she doesn't have too much power to make anything happen. But because of HINU's policy, she is limited to how much she can do. (b) (6) and (b) (6) .

Despite reporting the incident to HINU, (b) (6) was allowed to start applying for housing and remain a student while the no-contact order was in place. Even though this no-contact order was in place, our times were split at the dining hall; why as a victim should I have to be limited to having access to places such as the library and dining hall. My grades started to decline due to (b) (6) and being around (b) (6) in the classroom and the library.

My professors provided support I needed, but I couldn't quite go to (b) (6) (b) (6) who was (b) (6) . I missed her class a lot because there was already hostility between us, as she would treat me differently. I was originally signed and committed to running for HINU's track team, but with the turmoil that happened with Clay Mayes (Mayes), I tried sticking with the track team for several weeks, but it didn't seem it was going to work out. I really didn't like the environment; the other teammates were rude, and I felt my presences wasn't wanted. I felt it wasn't the right time to be on the track team, especially being under a lot of emotional distress. The (b) (6) wasn't communicating with me, he wasn't taking my phone calls or responding to my text messages. At that point, I felt like I needed to take a break from the track team and red shirt for a year so I wouldn't lose my eligibility.

During the track and field season, (b) (6) was helping coach, she eventually became the (b) (6) could no longer coach because (b) (6)

During the cross-country season, a lot of the other cross-country runners were talking bad about Mayes. I did not participate by bad mouthing him because I had a lot of respect for him for being a good coach. The cross-country team was confused as to why (b) (6) who was living in another state, was allowed to work out independently, be part of the team and compete in cross country meets. She didn't technically practice under any specific coach from HINU.

(b) (6)

There is a medical report available for (b) (6) which states, (b) (6) (b) (6) At one point, (b) (6) commented on my injury, and I did not like that, I felt it was unprofessional.

A (b) (6) of mine (b) (6) (b) (6) . There was another girl on campus, (b) (6) (b) (6) , HINU did nothing about it. (b) (6) (b) (6) .

HINU could have prevented these assaults, these (b) (6) obtained a restraining order, but it was not served, and the order was never executed because the subject returned to the Pine Ridge Reservation.

I confided in my (b) (6) , who is a (b) (6) and (b) (6) who both work for HINU housing. They are both (b) (6) , so I went to them for support and relatability, they did see a change in me.

After this, I will be going to the police.

Another individual, (b) (6) , who was (b) (6) was subject to a prior investigation. (b) (6) , he was (b) (6) (b) (6) should have records of the previous incidents.

Early Sunday morning after my incident, I went to practice with my team and Mayes. While at practice, I still could not run from being on crutches, and everyone saw (b) (6) . Later that day, Mayes invited the cross-country team to his house for a BBQ and team building. While at Mayes's house, I opened up to him and (b) (6) . He encouraged me to go to the police and get therapy, he provided a lot of emotional support. I (b) (6) (b) (6) this conversation helped me come to the conclusions on my own. While I was still at Mayes house, I had a (b) (6) in both the bathroom and patio and had a break-down. (b) (6) (b) (6)

If you have connections to different staff around HINU, you are untouchable, you're golden, but if you don't, it's very hard to succeed.

I am not aware if my situation was reported to Haskell University leadership, but (b) (6) tried to do what she thought was best, and reinforced, it was not my fault, and I didn't do anything wrong. I am unaware when an event like this happens if Haskell's Leadership are mandatory reporters.

When the cross-country season came to an end, Mayes was cut. We were not sure if the team was going to have enough runners, so (b) (6) acting as our (b) (6) recruited some softball and basketball team members to run with us. Our season was pretty much over from that point. I eventually made an effort to transition into indoor track and field, and eventually outdoor track and field, but due to the hostility of the indoor track season, I didn't want to participate in outdoor track.

(b) (6) told us we could not have contact with Mayes because there was an on-going investigation. I had heard allegations Mayes created a hostile environment for the cross country team, would talk bad about other HINU staff, was too harsh or unprofessional, and the team was complaining about not getting certain gear or not getting gear they were promised. I felt the environment was already going to be hostile from the beginning. The group who made the allegations I hung out with at the beginning of my freshman year, I wanted to get to know the team. The upper classmen would complain about the rules Mayes had because when (b) (6) was the coach, he didn't have strict rules. The track and field team here is treated more as a resume builder, rather than an actual collegiate sport. Anyone could practically walk on the team and become part of the track and field team without any recruiting or any specialized track experience. HINU teams aren't very successful, and that's how the cross country team was treated for quite a few years.

The group complaining about Mayes wasn't used to being held to higher standards. Mayes rules included, we weren't to be partying, drinking, or smoking, we shouldn't be out very late, we're supposed to go to bed early. Mayes would monitor us on social media and advise being out late wasn't going to allow your body to fully recover. A lot of the cross country team members felt those rules were too stringent, and they weren't being allowed to enjoy their youth, and they thought they should still be allowed to go partying.

Mayes explained his rules and the cross country team was here to make a difference unlike other communities, and in order to do so, we can't just be the stereotype of drinking, smoking, and partying. It was a long talk on how morally it was good, it could affect other native communities, and a lot of people are watching (the cross country team) right now and looking up to us. We needed to lead by example as we are representing this university. This meeting wasn't hostile, Mayes just made himself clear.

If rules were broken, you were required to attend five (5) church services or 30 hours of community service. For example, there was a girl caught lying about drinking, smoking, and partying a lot; there was a lot of video evidence of her. Her punishment was, she was removed from the team as captain, but if she wanted to come back to the team, everyone on the team had to agree. Mayes suggested she go and work with the Special Olympics because a lot of kids think it's cool being trained by a college athlete, and she had good leadership skills, maybe that could have helped her reflect and improve on things and understand why she was here as an athlete. I was included on one-on-one meetings as an unbiased witness. I was just the witness,

and I felt the meeting should have been more sympathetic towards the athlete's case and other points, I felt like she could have had more accountability, but the meeting was not hostile. These rules were sent in the group chat on Facebook Messenger, and Mayes, said here are the rules. If anyone wanted to challenge the rules, we had to have a group conversation and explain why that rule shouldn't be there. I personally didn't feel the rules were unreasonable. For example, if you were late to practice, you had to do barrel roles.

Overall, Mayes wanted the athletes to stay sober, but there were exceptions. For example, if you were struggling with alcoholism or drug use, and if you spoke to him before he found out and says, I'm struggling with this, I need help, he understood. Mayes would provide resources to get proper help before taking it anywhere drastic or punishment. But if Mayes had to find out from an outside source or find out that you've been lying, he would be upset.

Prior to Mayes, (b) (6) was the cross country and track coach, that's also where I felt like maybe the cross-country team environment wasn't going to be the best. A lot of the current runners were long time runners who had already been running for (b) (6) and were used to his rules and his coaching style. So, when there is a brand-new coach, that new coach will have a different coaching style and approach. (b) (6) he's kind of like a grandpa, gets emotional with you and talks issues out. Mayes, he's a little more standoffish, but he tries to show with his actions.

I had a weird situation, in April or May of 2021, I came down to HINU and signed on with the track team. I wasn't aware Mayes and (b) (6) did not get along. At the end of June/July, I started getting recruitment messages from Mayes, stating, thanks for joining the cross-country team. This made me confused because Haskell's website, said (b) (6) was the cross country and track and field coach. I initially thought Mayes was the assistant coach, but when they both started sending me workouts at the same time, I wasn't aware they weren't communicating with each other, it seemed they weren't communicated with each other. These receiving messages, were double workouts, (b) (6) thought I was his track athlete, but Mayes thought I was a cross country athlete and would be responsible to transition me into track and field.

Both (b) (6) and Mayes would get in debates, (b) (6) would say, I was his runner because I signed with him, Mayes would say, I'm his runner at the moment because I'm on the cross-country team and we are in cross country season. Mayes rules were much different from (b) (6) and (b) (6) didn't care whether you would drink, smoke or party; he pretends to be young.

(b) (6) wouldn't get upset when the runners would come in late or when they missed practices versus Mayes. The only time (b) (6) would get really upset at me, was when I suggested I start to train with Mayes and do his workouts.

(b) (6) had rules, and Mayes had rules, but neither set of rules were formalized for the team to abide by. Mayes did have exceptions for students who may have had academic challenges or falling behind in class. If you needed an exception, you had to call Mayes and let him know. One of Mayes biggest rules, if you are over 21 and you are caught giving alcohol or weed or tobacco to one of the athletes under 21, he would immediately contact the police. Mayes had no tolerance for that, and if caught, you were straight off the team.

At the time I signed my letter of intent to come to HINU, it did not include any specific rules, it said I was going to be representing HINU as an athlete. However, I am aware for the most part, of the NAIA's code of conduct such as no drinking or partying, posting of any sexually explicit content, or accepting money if I won athletic competitions. I do know, we are not to smoke (marijuana), but a lot of the athletes do because they don't get drug tested. Another one of Mayes important rules is staying on top of grades. If an athlete qualifies at the conference level, there was mandatory covid testing. There have been no drug testing requirements, just having passing grades was emphasized. I believe the required grade point average to compete was 2.5.

(b) (6) was more tolerant of the athletes partying, he would just say, be safe. Showing up to practice didn't seem to be much of an issue to (b) (6) it was more of just show up and finish your work out. HINU is known as a party school. A majority of the coaches here at HINU are more relaxed about the partying. The basketball coach, who is currently our temporary cross-country coach indicated, if any athlete was to go out and party, call him and give him updates, such as getting pulled over by the police or any other legal trouble. I personally liked Mayes rules better, because I feel like it pushed me to be a better person.

I don't recall the exact date, but in November Mayes stopped coaching. The other runners (b) (6) athletes) showed up and we were told Mayes was no longer the cross-country coach. (b) (6) retired at the end of the winter season. We went out on winter break and when we came back, (b) (6) was the athletic director again. I was told she previously held this position and was removed because she misplaced \$30,000. I found (b) (6) hire to be very suspicious, because I know there were probably a lot of candidates who would have applied to work here.

I believe it was still November, and the HINU administration called the cross-country team into a mandatory meeting. Vice President Tonia Salvini (Salvini) was there, and those in attendance were made to sign a memorandum before we could leave stating we were not to contact Mayes. Salvini stated they couldn't legally do anything to us, but we are not to tell any of our family or our friends what's happening, this felt like intimidation, kind of scary. Salvini had all the athletes thinking we could be removed from HINU. I felt like it was a way to cover up more of what has been going on. Salvini made me feel I could not speak to anyone about the memorandum and situation, I felt like that was an intimidation tactic. I found it hard to question the situation when it's the Vice President of HINU. I wanted to trust she had the best intentions for the students. I called my mom, and told her about this memorandum, she wasn't happy about it.

Many of the cross-country athletes weren't sure what was going on because Mayes was a good coach, this seemed like a form of harassment and bullying. Mayes was holding different meetings with the team trying to figure out how we could improve. We couldn't speak about anything that occurred in the cross-country season, and we did not have a coach. HINU gave us an interim coach, which was the basketball coach. It seemed like there was a lot of bullying and harassment going on, and there would be times when I felt conversations were being recorded. For example, some of the athletes signed up for the St. Patrick's Day Irish mile run, which was a one (1) mile fun run on Main Street in Lawrence, Kansas. This event was something to get our feet wet since many of us had not raced in a while, it was a way for the team to get back together, we didn't get any T-shirts, money, or rewards from it. Subsequently, we were called into a meeting and told by (b) (6) her hands were tied, and she would let us go with this one violation because we couldn't lose our eligibility or put our entire cross country team eligibility at risk for doing this fun run. We didn't think there was anything wrong with it because it wasn't



competitive and other sports, are allowed to go do competitive events such as basketball. I think (b) (6) didn't want us running for Mayes and we went as a group to the St. Patrick's Day run. We were told (b) (6) had seen us practicing together and we weren't even supposed to be practicing with Mayes.

Eventually we (Mayes cross country team) would meet up and decide we're going to run in a group. A lot of us missed running as a group and having that team aspect, it is much safer to run as a group. We started having workouts on and off campus, near the pow-wow grounds, but we were told by (b) (6) we couldn't do that anymore. (b) (6), (b) (6), (b) (6), (b) (6), and (b) (6) were all present at that meeting with Salvini and at the meeting with (b) (6). If we were going out to do any kind of fun runs, (b) (6) had to sign off on any race we would do in the future, even if it's a small community race. One athlete, (b) (6), was told she would not be able to compete in a community race, because that would push her out of eligibility to compete under NAIA rules. NAIA was contacted to verify and said, it would not, so long as prizes or money were not collected.

A big part of the problem with HINU is, if the cross-country team starts succeeding under this new coach, people might start questioning (b) (6) and why the track and cross-country programs weren't successful in past years. I think HINU couldn't hold (b) (6) more accountable for doing his job when he's not quite qualified for the job to begin with. (b) (6) and (b) (6), and several other transfer runners, would attest to the cross-country team was not competitive, and (b) (6) was not qualified to coach.

I thought when I was being recruited for the track and field as a senior in high school, (b) (6) was (b) (6) and didn't think there would be anything wrong. I have been running for a while with experience in different events, but I noticed something with (b) (6) training wasn't quite right. I have enough training to notice a lot of the techniques he was using would result in injuries. For example, running on concrete and sidewalks is really bad for legs and could lead to shin splints. Runners should run on gravel or dirt paths to avoid shin splints and injuries. I was told under (b) (6) coaching to do long runs on the roadway, which is really bad for runners' legs. Based upon his coaching style, I was starting to become injured more often.

I started doing research on (b) (6) coaching credibility and started to realize it wasn't a good fit. He didn't know enough information to properly coach track and field. My opinion was supported by HINU's historical running records since (b) (6) has been the coach. A lot of these running times I would have obtained when I was 15 years old. (b) (6) coaching style made me realize, maybe it's not going to push me to the level I needed to be.

Prior to coming to HINU, I didn't do any research on (b) (6). I had offers to other schools, but I wanted to run for HINU. (b) (6) at HINU. I wanted to follow in their footsteps and to run at a native university, then maybe transition to a different college. I didn't feel like a D2 college was the best fit for me, classroom sizes are larger, and I wanted to be with a smaller NAIA university. Again, I didn't do any coaching research prior to coming to HINU, but when I got here, I started to see who the alumni runners were and who ran for the (b) (6)s ((b) (6) and (b) (6)). The current runners were out of shape, and I started to think, if these are what (b) (6) runners look like and they're not very much in shape, maybe I should do more research into his credibility as a coach.

There's a lot of nepotism here at HINU. Mayes is an extremely talented coach. I feel he would develop the cross-country program into more of a competitive program. That would bring more eyes to HINU and people would notice a difference and would have started to poke holes and see things aren't adding up. For example, why did (b) (6) have this coaching position for so long and why his runners weren't more successful. People might realize, why isn't HINU recruiting more talented athletes into the program. Mayes's coaching would have brought more attention to athletic funding and where money is going, because each team is supposed a set amount of money and it's not quite adding up. If the athletics program isn't doing good, there's less eyes, there's less people watching and observing, trying to see what's going on around HINU, including the nepotism.

In comparison to Mayes and (b) (6) standards and program rules, I felt that Mayes coaching style was more progressive, and I felt the team was becoming more competitive. I felt the cross-country team did quite well with the rules in the beginning. When the past runners, started to become upset and attempt to persuade the freshman runners the rules should not be applied at the collegiate level, it created problems. It's good the cross-country team was pushed by Mayes with his rules. A lot of us started to succeed athletically. (b) (6) rules were lenient, a lot of the other runners didn't push themselves and didn't care to succeed as much. The ones who followed Mayes stricter rules were improving a lot more, that was evident by the competitions. The group running for (b) (6) who didn't have rules, were not meeting the run times like collegiate athletes, were not running the times they should, or were getting last place at running events.

If we did not meet our times at meets, there were no repercussions from Mayes. He would provide positive reinforcement and re-emphasize the rules, and say if you not following them, your body can't properly recover, such as having alcohol in your system or not sleeping.

Mayes would use me as a moderator to address one-on-one issues with more senior runners who weren't following the rules. I made recommendations to proactively address issues they had prior to getting out of control. One particular runner did not like the advice, and the runner's mother called Mayes and told him off. This did hurt Mayes's feelings, because this runner ran for Mayes prior to coming to HINU, but also ran for (b) (6), prior to Mayes coming to HINU, and Mayes didn't like to see that wedge between the two of them (Mayes and his former runner).

(b) (6) would talk to athletes and (b) (6)  
(b) (6)  
(b) (6) (b) (6) is very uncomfortable with (b) (6) There is some sort of harassment situation involving (b) (6) When the (b) (6) occurred, (b) (6) took his (b) (6)  
(b) (6). I'm not comfortable with him and I've never had (b) (6). I thought it was odd but brushed it off because I didn't know what to think. I spoke with (b) (6), and she said that's happened to her as well. Mayes never touched me like this. The only time Mayes touched me in anyway, was when I was asking him to roll me out or grass out our legs, and someone would always be present.

At times, I would catch (b) (6) it weired us out. For example, at the Sports banquet I was in a dress, and (b) (6) (b) (6). (b) (6). I tried to excuse it at first, thinking I was overreacting. But I (b) (6)

(b) (6) (b) (6) made me uncomfortable. I tried to rationalize (b) (6) but I just found it odd. When (b) (6)(b) (6) there weren't many people around, when it happened to (b) (6), I'm not sure if others were around.

(b) (6), I didn't really think much of it, but when (b) (6), I thought that was really weird and I felt uncomfortable. (b) (6) (b) (6). When (b) (6) looked at me, he took a moment to pause, and (b) (6). It wasn't a normal glance, it (b) (6) I was trying to brush it off because a lot of students really like him. (b) (6) (b) (6).

(b) (6), who was on the cross-country team took some time off from the team and school. She lived down the hall for me in the dorms, then suddenly I stopped seeing her around. Come springtime, I learned she moved out and moved into her parents' place.

The whole (b) (6) situation made me uncomfortable.

I'm still not quite sure, why (b) (6) stopped talking to me, I believe it's probably because I came to him wanting to be trained by (b) (6). I feel (b) (6) treated me like that because, (b) (6) took his job. I know (b) (6) teams have gone to nationals before, and had a lot of really big public relations, a lot of his primary track runners, their times are extremely fast, and his runners tend to succeed.

Once I stopped running for (b) (6), (b) (6) started treating me badly. One time I was on my crutches and walked into the training room, (b) (6) and (b) (6) were both talking to (b) (6). I came into the room and (b) (6) gave me a very ugly look, and even (b) (6) looked at me weird, and made a comment on my leg which I didn't appreciate it. (b) (6) is the (b) (6) (b) (6) for the athletics program. When (b) (6) became the (b) (6) (b) (6) became the track coach and was trying to get me to run for the track team. I was going to accept the offer until I looked at her training methods and her credentials and realized I did not want to run for her, I declined. (b) (6) only ran track in high school, and I did not want to waste an entire year of eligibility on someone new to coaching.

(b) (6) was sending other track athletes to talk to me and tell me, I'm not going to be able to run for the team, unless I showed up for practices. Which is again not true, because (b) (6) is able to show up to a meet and compete, even though she doesn't show up to practices, but I was told I need to show up to practices or I'm not on the team anymore. The transfer runners were pretty upset about that, we thought it wasn't fair we have to go to their practices and (b) (6) didn't.

Me, the new runners, and the other transfer runners are in the same group, we train with Mayes. Mayes sends us work outs to do, and we report on how things went. When (b) (6) and (b) (6) found out they told the transfer runners we could affect our team's eligibility.

Mayes isn't currently contracted with the school, so it wouldn't be an issue if we trained with him. Mayes is just doing it out of the goodness of his heart, he wants us to succeed athletically.

Track and cross country are individual sports, but people like to combine them because they're both running sports. Each sport gets an allocation of funds based upon need. With track and field, Mayes got a slow start ordering gear because he was hired in February. Mayes promised us he would get us whatever athletic gear he could since he started coaching late.

I did not see any of Mayes family in HINU athletic gear. All the athletic gear was clearly for us athletes. Maybe when recruiting, he would hand out a hoodie to a recruit who wanted to come to HINU.

I had heard from Mayes the (b) (6)s had stolen gear, which I wouldn't be too surprised about, especially hearing about issues over the years. I wouldn't be very surprised if they were taking any athletic gear especially with (b) (6) beforehand and misplacing \$30,000, because that's a lot of money.

There are others who want to talk about what is going on here at HINU, I just don't want to give up any of their names yet, I don't have their consent, that's something very personal.

I would recommend you talk to (b) (6); he works at Tecumseh and has been here since the 1990's. (b) (6) is (b) (6) and is in charge of student activities. He would have a lot of information about nepotism going on around here at HINU.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

*Signed:*

*Executed on (Date):*



U.S. Department of the Interior

# Bureau of Indian Education

Date: July 12, 2022, 8:36 AM CST

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Witness Statement: (b) (6) Haskell  
Indian Nations University

The process of how a student files a complaint is to encourage the student to contact the police if it is an actual rape, because it's hard to continue further if there is not a police report. Haskell falls under the Executive Order (EO) 13160; however, the Code of Conduct and the spirit of Title IX are also followed. The process is good because there are certain things that don't necessarily have to be completed. The process begins with the student being informed about their rights and provided with their complaint. To show equity between the complainants the same process applies to the respondent. For situations that do not fall under the educational purposes those situations are not investigated. If a sexual assault happened within the boundaries of our campus (HINU) this would be reported per the Clery Act of 1986. On the Consumer Disclosure page on the Haskell website the Annual Campus Security and Fire Safety Report (ASFSR) shows crimes that occurred within our campus (HINU) bounds, to include residential halls, and within the property adjacent to our (HINU) geography. If a sexual assault occurs off campus that's within a classroom, this would be considered part of our (HINU) jurisdiction. There are classes or programs that take place off campus to include the golf course, or when the track team or basketball team has to stay somewhere like at a hotel. This would be investigated because athletics are part of the Haskell program. The investigation would be accomplished in conjunction with local law enforcement only if the victim chooses to file a report.

In a crime such as sexual assault, domestic violence, stalking, dating violence, support is the one of the services that can be offered. Haskell is required to mitigate any risks involved that could impact both parties in the complaint. Unless law enforcement is contacted, then more steps can be taken such as issuing a no contact order. I learned how to become an investigator through the SCAN (Suspected Child Abuse and Neglect) protocol provided by BIE.

Everyone on campus is considered a mandatory reporter except for accredited/licensed counselors and clergy. Clergy does not work within the bounds of the Federal government but there are attempts to train them (Clergy) in mandatory reporting or campus security authorities. Reportable crimes are any incidents regardless of whether law enforcement or emergency medical personnel are involved. For example, robbery and burglary are the two most common reportable crimes for any theft that occurs within our geography. Underage consumption or possession is the most common crime. In

the last two (2) to three (3) years there were over 150 to 200 incidents of alcohol, underage consumption, trafficking, and contributing to the delinquency of a minor. These issues have gone down because of COVID. Prior to that, there were many more incidents until we were able to secure a protocol that involves all staff to work together. Many students have now chosen to go off campus, so we don't have many incidents due to COVID. We worked diligently on bringing down the number by getting the education out, making sure we let them (students) know what our expectations were. This has drastically reduced the amount of underage consumption, and physical assaults. Reportable crime information is available in a book and website. There is not a lot that we don't count because we go through the entire process whether they are over age or not. There is a separate category for narcotics, alcohol, drugs, weapons, and marijuana.

Every single action or incident was followed in accordance with policies and procedures. The Code of Conduct shows the students' right to due process and everything listed from 25 CFR 42. According to the Trump administration that came through with the new Department of Education regulations regarding Title IX and EO 13160 and sexual assault, we're not allowed to contact police anymore. It's only through the victim that can contact them (police). Police will not respond if we tell them. They (police) only want to talk to the victim.

In a situation if there was a 17-year-old. I'm going to call the parent and follow scan protocol. Especially when it comes to sexual assault. Of course, I would go through my chain of command. I have confidence that my immediate supervisor would be okay if I contacted the parent. Under FERPA, for cases of health and safety we are allowed more access to share information.

Generally, when we have visitors on campus, they'll (visitor) park somewhere, and the security will check them because there isn't really a checkpoint. There are approximately four (4) full time, (1) part-time contracted security personnel. Security is on 24/7. On the weekends they (security) will double up during orientation, commencement, pow wows, or any event that could be a potential heightened risk of crime.

The dorm rooms are coed in the sense they have different wings or different floors. They have intervisitation times during certain hours up to 2 A.M. on the weekends and 12 A.M. on the weekdays. They are not allowed to visit across the way, but they can leave, and the doors lock after the curfew to keep out the homeless people that live in the area.

(b) (6) filed about three (3) allegations. The most recent incident occurred about three (3) to four (4) weeks ago. Her (b) (6) friend (b) (6) reported that she (b) (6) told him (b) (6) an individual (b) (6) was following them in the residential hall, during practice, listening to whatever they were talking about. (b) (6) and her friend were talking about meeting in their room on a particular night when the individual (b) (6) heard this. The (b) (6) knocked on her (b) (6) door, he wasn't wearing a shirt, trying to get into her room. She didn't let him in. This information was provided by a third party (b) (6), notes were taken and going to be

placed on a complaint form, but (b) (6) never signed or verified that that is what he said. (b) (6) was contacted by email about the complaint because anytime a person files a complaint, we have to give the complainant rights, the respondent rights and also the victim has rights too. If (b) (6) doesn't respond due to maybe a level of fear, I will defer it to another person who has Title IX training, but we only have one other person who can do that (b) (6). We have a system set up that can be interchangeable so there is no conflict of interest.

This rape (involving (b) (6) and (b) (6)) occurred a week or two (2) before it was reported to me. If it would have happened within a certain amount of time within 24 to 48 hours, I would have encouraged her to go to LMH to get a Sexual Assault Nurse Examination (SANE) kit done.

On Monday, May 16, 2022, (b) (6) approached me about (b) (6) she knows through track or cross country. I assumed it was through cross country. He (b) (6) was not an enrolled as a student with Haskell when the alleged rape occurred. (b) (6) said (b) (6) started hitting on her (b) (6) declining him (b) (6) because she didn't see him like that. (b) (6) asked (b) (6) on several dates. (b) (6) wanted to call her one night, so she called him. They talked since she said she could not sleep in the dorms, because of paranormal activity which (b) (6) said she is somebody who is sensitive to paranormal activity. (b) (6) invited her to go over to his place to sleep. He drove her over to Topeka because that is where he lives. When they got there, they (b) (6) and (b) (6) are laying in his bed, and she made it clear to him she didn't want to sleep with or kiss him. She took her own stuff like blankets, pillows. (b) (6) kept getting closer and she told him she didn't want to cuddle, and she leaned into the wall and moved away from him. Then she fell asleep and woke up and he was playing with her hair and rubbing her back. She was scared. (b) (6) went upstairs and then he came back. They watched cartoons and he asked her if she wanted to smoke on his vape pen, but (b) (6) didn't know what brand it was or what was in it. (b) (6) kept telling her to take a hit off it. She was afraid she was taking too many hits. (b) (6) started to hit on (b) (6) and that's when things weren't clicking right. (b) (6) couldn't remember what was going on. At one point she remembered (b) (6) (b) (6). She put her clothes on trying to stay calm and asked him to take her home. (b) (6) asked (b) (6) why she wanted to leave, and she said she forgot about a sports thing. While her phone was charging, he was (b) (6) in front of her. (b) (6) was starting to be afraid of him, she kept telling him she needed to go back. She said she felt dirty while being driven back home. (b) (6) asked her if she wanted to get food and she said no but they stopped to get food. When she got back to the dorm, she called her friend and she tried to convince herself that it was consensual. She never went to the police. She even told her former cross-country coach (Clay Mayes). He (Mayes) didn't press her for details and was just supportive. (b) (6) talked about her feelings of being raped, and the pain she has gone through. (b) (6) also talked about how (b) (6) groomed and raped her. The incident with (b) (6) brought all those feelings back.

With a situation like this, we mitigate the risk because a police report was not filed. The only thing I can do is try to keep them off campus. His (b) (6) housing privileges would have been suspended for the fall semester, but he was not in housing. He lived off campus and he wasn't even enrolled at the time. I sent him a letter saying that a

complaint was made, that he needed to come see me even though he wasn't technically a student or anything. The incident report and no contact order were sent to him and (b) (6) for her protection.

This incident was reported to my supervisor and the Clery team. Victims' assistance will be offered for those having trouble like their grades or falling back, this is what the team (Clery) will keep an eye out for. The Clery team really does a lot at orientation to explain to people about what rape, sexual assault, sexual harassment is. In the State of Kansas, a kiss is considered a rape if there's intent. I tell them (students) about confidentially, I tell them all about our process. I give them an example of what it looks like, and then I also give them all the resources that are available. So, we have mental health resources, we have the hospital health center for them and if they want to do a rape kit, we can go to LMH for that. We have the sexual trauma care center, so they can talk to somebody there. The very first thing a student gets when they come on campus is the code of conduct and a list of our policies, procedures and some resources and let them know where to go if they need help. We are required to notify every single person on campus about this report because it tells them where to report a sexual assault, theft, or any kind of issues they have. By October 1<sup>st</sup> we are required by law to notify the students and give them a hard copy, but we send it by email.

There are only 3 (three) allegations, so the last allegation was not a formal complaint. The incident allegedly occurred around March 2022. It was considered a non-disclosure report. A non-disclosure report is when someone is asking questions to see if this would be a report or not. Generally, I do not disclose these type conversations. I think in this incident, an instructor (b) (6) came to me and said that (b) (6) (b) (6) approached her and said that one of the track coaches (b) (6) was kind of scoping her out like looking at her whole body. It is my understanding (b) (6) didn't say anything, he didn't touch her, but it made her feel uncomfortable knowing he was checking her out. She reported that to the instructor (b) (6) who reported this to me. I said, okay because it involved an employee, I really want you (b) (6) to file that complaint just because it needed to be investigated. Even though our policies say that I investigate issues of sexual assault, sexual harassment, domestic and dating violence and stalking, I am not allowed or authorized to investigate any cases involving employees. I told her (b) (6) to file the complaint and I will send it off. (b) (6) use to work in my office, she used to be my administrative assistant, so she (b) (6) knows a lot about Title IX, FO 13160. I told her to file the complaint, but I never got response after sending her (b) (6) the complaint form. I don't have a file because that wasn't a formal complaint, I don't necessarily create a full-fledged file, I just hold on to it in the event anybody should ask.

In regard to other incidents that involved a similar situation with coaches. In December 2021, it was reported to us that there was another student (b) (6) I didn't work fully on this case because I was looking for the file, I was on leave at the time, so it was right around Christmas time. This individual (b) (6) reported during a basketball tournament a coach (b) (6) approached her while standing in line to get some refreshments. (b) (6) allegedly cut in line, went right up to her and rubbed against her. This made (b) (6) feel extremely uncomfortable and then he said, something to her about taking pictures or something. I only have the complaint form and her account of



what happened. I don't have a copy of the responses of how I tell them about the resources and confidentiality and the process. I tried very extensively to reach out to the victim to come and talk so we could formally go through that complete process and (b) (6) no longer cooperated with my office. I don't think she cooperated with anybody else. This is a sexual harassment case so this wouldn't necessarily go to the police, but I do know that Ms. Tonia Salvini was made aware of that situation, and I believe Salvini was in the process of sending that information on to HR. (b) (6) is not rerolled this semester, she did not come back after the fall or winter semester. I believe she may have been having mental health issues. This had something to do with the incident with the coach, maybe she was traumatized. I'm guessing because I didn't talk to (b) (6). We did try to get a release of information to speak with her family and her mother told me she (b) (6) was having some issues.

In regard to another incident involving (b) (6) I guess this occurred about the beginning of the year around February or March in between the time (b) (6) reported hers and (b) (6). This would be a non-disclosure one. I'm thinking that was told to me by Tonia Salvini. I assumed Salvini was documenting that it would have been a similar act, where (b) (6) was checking individuals out. I don't think this one was rubbing up against the subject, but the subject expressed concerns of feeling uncomfortable around him (b) (6). Salvini expressed concerns about (b) (6) teaching or not. I guess he was removed from teaching, but he was still coaching. I do not have any information regarding this, it was only disclosed to me in a conversation.

In situations where I'm not authorized to investigation employees, I would send that on to Salvini and she will send that on to HR. In these particular cases I normally don't go through my immediate supervisor (b) (6) because that's kind of how we would deal with it in the past.

I guess I should say this about (b) (6). I never want to get into the habit of saying that I don't believe victims because if I get in that habit then I'm not doing my job that well. However, I do have to say that in that incident where she reported to Tina (b) (6) about the allegations of what happened with coach (b) (6) checking her out. There's a dynamic in there that I recognize. There was a situation back in the fall where the cross-country coach (Mayes) took over what coach (b) (6) use to be. Mayes was hired as a cross country coach and half of the cross-country team came forward with allegations about Mayes. There were 11 allegations against him, but I took the three that were the most egregious. Using the Graston method, which is kind of like a muscle relaxer or something. He was not using the proper tools which could damage the nerves and the muscles of the student. So, I was concerned about that. Another allegation was that he was running a non-student. He had a student (b) (6) participate in in a cross-country meet and switched his name with someone who was not actually enrolled at Haskell. The other student (b) (6) actually ran as (b) (6) in the run. I believe this happened at the University of Missouri in Colombia. I started the investigation. Then another runner that was running for Mayes was reported to have been making threats and intimidating students. He (Mayes) would say personal things to the students that were offensive. He said to one student, if I was an athlete and had to do grade checks, I would not share my grades with my coach because that is embarrassing. He told another student I'll throw you under the bus and

I'll be the one driving it, and he said if you don't get off your phone, I'll shove it where the sun don't shine! Threats like that are concerning to me, especially if students are exhibiting the level of fear, I certainly was getting that from the students. The last thing that was really concerning to me happened later in this investigation was a student had reported that he (Mayes) had recorded him. Mayes allegedly disclosed the student had mental health issues and had anxiety and depression. After Mayes was removed, he went on social media and posted that video of that top runner explaining that he had mental health issues and anxiety, which is extremely confidential. It was so upsetting that the student athletes went to Mayes and told him to take it down and Mayes said no, I'm not taking it down and more students went to him and said that's not appropriate to take it down. So, Mayes finally took it down, but I was going to report it because a student reported it to me. Somehow, I talked to (b) (6) and she said oh, I reported it. I said, it looks messy if you report it because it looks like you're supporting your brother (b) (6) to get rid of him. But I was told to leave it alone and that it was being dealt with.

In regard to the 11 allegations. Lack of communications, having practices and not having practices. Showing favoritism, Mayes was pitting one student (b) (6) against other players. False promises about gear that he never provided. Changes in behavior, lying consistently. It was obvious who his favorites were. Mayes talked badly about the athletic trainer (b) (6) and said he doesn't know what he's talking about. Disorganization, a lot of these were exceptionally low level. This is another one I thought was really concerning, he had his cross-country runners watch his children during meets. This was really a concern for me, he was letting his kids into the weight room. In the town of Lawrence, you can't even have anybody under the age of 14 in a weight room even with the parent present. Such a safety issue and he's bringing his (b) (6) in there. He has (b) (6) and he would make the students watch them. To me, health and safety were the ones that I was concerned with the most. (b) (6) and several runners (b) (6) (b) (6) that put their names on the 11 allegations.

I picked the top three and I was trying to collect information about it and then that's when Ms. Salvini got involved and said we're hiring an independent investigator to handle the case because it involved an employee. I took everything that I could. Worked as much as I could to get student statements, and then I sent it on. It was authorized by (b) (6) and some lady name (b) (6) her last name was (b) (6). There was a FOIA request that came through by Mayes and I presented all that evidence and then I got investigated by (b) (6) and I gave her everything. So, I just assumed you all knew what that was all about. In that situation with Clay Mayes, Ms. Salvini reported to me that there was speculation that the (b) (6) and his sister (b) (6) were being targeted by the athletic director (b) (6). Salvini said that since she was worried that it was really getting messy, she wanted to hire an independent contractor. In the midst of it, (b) (6) was one of the factions. So, when I got the report from (b) (6) about (b) (6) I thought about how (b) (6) was a dedicated supporter of Clay Mayes. (b) (6) reported as early as three (3) to four (4) weeks ago, that they were still having practice. I spoke to another student yesterday that said that when she (b) (6) is returning to Haskell in the fall, and she said she's going to run under Clay Mayes. But I know that Clay is not an employee here.

In regard to the no contact order. Ms. Salvini just issued it and I'll tell you why that's messy. If I'm going to issue a no contact order to somebody, I'm not going to give it to a group. If I have 21 people in a group and I want them to have a no contact order with an individual, I'm not going to write it to the group. I'm going to write 21 different no contact orders. Because if this is confidential and you don't want anybody talking to anybody about it, you sure don't send it to everybody as a group because they're going to talk about it. And, then you don't tell them that they can't talk to their parents. In my no contact orders, it says specifically, while I understand that you have a right to talk to your family about it, it should not intercede with the investigation. I'm so glad I did not have anything to do with that. In regard to regulations used for the no contact order, I only use what was suggested to me in my training.

In regard to Clay Mayes' termination. I'm aware of it because it was in the paper (Lawrence Journal World). He (Mayes) had already served a suspension once within three (3) months of working as a coach, and I'm not sure what that suspension was. But Mayes had done something and was suspended for a week. I don't know if it was inappropriate purchasing or unauthorized purchase, or I really don't know what it was. They were talking about how he had already been suspended so he wasn't supposed to have contact, but he still managed to have contact. So, if you are working for the federal government, even if you are a contractor, if you get disciplinary or adverse action within that first year of working, you're not going to make it through your probation.

Regarding customary practice of Haskell instructors, coaches, etc., to have students at their home to have cookouts, barbecues, just hang out. It is extremely frowned upon under the Ethics Committee, but I'm aware that it does happen. I guess for myself I would not do that because it opens me up to allegations.

Regarding ethics policy containing fraternization clause. I believe it does. I know that it was brought on about a year ago. That would come out of the President's office to look at fraternization. I know that there is a policy that came out. Maybe Administration only issued it to employees, and I could probably go through my e-mail to see when that policy came out.

I don't know if I should say this. The more you understand the relationships, the easier it is for you to understand the facts of everything that's going on. This is just again pretty much my opinion but, I had some apprehension about coming and speaking about this. It all stems back to seven years ago, we had a former (b) (6) (b) (6) She was removed because of the issue about the annual safety report the numbers were not correct, she did not want certain things reported. There was an investigation that was conducted and there was no act of wrongdoing on my part. It was an OIG investigation. During that time (b) (6) was moved out of the President's office and (b) (6) was (b) (6) and she was removed. (b) (6) and (b) (6) were close. I'm concerned that when (b) (6) came in that that there may be factions from what happened seven years ago. I'm triggered, as that was a time of distress for me. I am very firm in my understanding of my policies, my procedures, and I take very good notes. If you want a copy of anything you can have it. I have

nothing to hide. But I have to admit that I'm concerned about some of these factions that are taking place. I'm concerned that Clay Mayes still feels like he can still be a coach here.

Regarding supervising. I think (b) (6) supervisors (b) (6) but they might have mitigated that because of nepotism. I really thought it was kind of concerning that they hired (b) (6) to be the (b) (6) over Clay Mayes, because I thought that was kind of messy. It would be like a conflict of interest, but I don't make those decisions that's just my own opinion. (b) (6) is a (b) (6) If that's what coaches are called, I don't know. The coaches have a dual role, they coach, but they also teach.

I think the one thing that I would say would be that whole issue with the social media posting that video might be one. I'm not sure how much they knew how much evidence they had on that. The other thing was that Mayes was given a no contact order with the students, and he just completely did not follow it. They tried to mitigate the risk between the people who came forward and Mayes would still find ways. I have emails from him asking me, "Can I talk to this person?". Mayes at first said that I was on a witch hunt against him, but I wasn't, I was just collecting the evidence. I told them, I'm just gonna talk to you colleague to colleague. You know, you wanna make sure you have evidence to protect yourself. I became a little bit like an advocate for him. Then he started saying, "Well, can I talk to students about this?" I told him, "Mayes, you really shouldn't be having any contact with anybody you know, because that looks messy." I just knew he wasn't gonna listen to me. He made it clear at the beginning that he was not going to follow ethics very well. I think he felt really betrayed when people didn't rally to support him.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

Signature:

(b) (6)

Executed on (Date):

9/7/2022



# Haskell Indian Nations University

## Title IX Coordinators Office

Complaint Number (e.g.14-001):	(b) (6)	Assigned to:	(b) (6)
Type of Complaint:	S.A. / Phys. Assault / Stalking	Date received by Title IX:	10/1/2022
Date of Offending Conduct:	4/10/2022, 4/11/2022, 4/25/2022	Date closed:	

Complainant(s): \_\_\_\_\_ Respondent(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Brief Summary/ Nature of Complaint:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Task/ Document in File	Time Limit for Completion	Date Completed	Completed by (initials)	File Review
Complaint (with Date)	Upon Receipt	4/21/2022 <i>on or about</i>	(b) (6)	
Acknowledgement Letter to complainant(s)	7 days after receipt of complaint	4/26/2022	(b) (6)	
Notification Letter to Respondent(s)	3 days after verification of complaint with complainant(s)	4/21/2022	(b) (6)	
Letter(s) Communicating interim measures, if any (e.g., no contact order, documentation of referral for services, etc.) or contemporaneous with receipt or verification of complaint, as appropriate under the circumstances		No Contact 4/26/2022	(b) (6)	
Interview with Complainant	<i>Police took report.</i>			
Interview with Witness				
Interview with Respondent				
Police Report (if Applicable)				
Other physical Evidence				
Extensions of Time	Within 55 days of Complaint if investigation will go beyond 60 days.			
Report and Recommendations to Administrators	Within 60 days of complaint			
Concluding Letters with result to Complainant(s) and Respondent(s)				





# HASKELL INDIAN NATIONS UNIVERSITY

Accredited by Higher Learning Commission

Title IX Coordinator  
155 Indian Avenue  
Lawrence, Kansas 66046-4800  
(785) 749-8415

[TitleIX@haskell.edu](mailto:TitleIX@haskell.edu)

## Formal Student Title IX Complaint

Haskell Indian Nations University is committed to prompt resolution of complaints in a manner consistent with the Haskell Indian Nations University Student Code of Conduct and the Sexual Misconduct policy.

PLEASE PRINT CLEARLY

If you believe you have experienced sexually assault, harassment, dating violence, stalking, bullying/cyberbullying by any member of the Haskell community (on or off campus) or while participating in a college-sponsored activity, you are encouraged to bring it to the attention of the Title IX Coordinator and/or other University official. This form and any attachments can be submitted to the Title IX Coordinator's Office located in Room 2082 OK Hall.

You may also email the form to [dmckinney@haskell.edu](mailto:dmckinney@haskell.edu) (subject line- Title IX Complaint Form).

### Complainant (Person Filing the Complaint)

Name: (b) (6)  
Cell Phone: (b) (6) Residential Hall & Room Number: off campus  
Address: (b) (6)  
City, State, Zip: Lawrence, KS 66046  
Email address: (b) (6) @haskell.edu

How do you prefer to be contacted? Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Respondent (Individual Complaint Is Against)

Name: (b) (6)  
Student: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_ Residential Hall & Room Number: (b) (6)  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

# Haskell Indian Nations University Incident Report

Mental Health

Reporter Name (b) (6)

Date Reported to you (mm/dd/yyyy) 04/21/2022

Affiliation Counseling

Department University Services

Email of Reporter (b) (6)

Phone number of reporter (b) (6)

Name of the Individual Concerning Incident (b) (6)

Student ID number (b) (6)

Date of Birth (mm/dd/yyyy) (b) (6)

Is the Individual over or under the age of 21? Over 21

Phone Number (b) (6)

Student Resident Hall (b) (6)

Off Campus Address if applicable Student Resides Off-Campus, (b) (6)

Student Email (b) (6)

Other Student Involved Yes

Date of Incident (mm/dd/yyyy) 04/10/2022

Time of incident N/A- Incident was Off-Campus

Location of Incident off campus

Alcohol Involved? Yes

Sexual Misconduct? Yes

Incident Description

I spoke with (b) (6) on Thursday, April 21, at approximately 11:00am at (b) (6). He informed me that he was heavily intoxicated and believed he may have been sexually assaulted by (b) (6) Stands. He mentioned to me that he had bite marks on his chest when he woke up. They were partying together and the last person he remembered being with was (b) (6). He also mentioned that (b) (6) informed him previously that she had sexual thoughts of both sexes.

  
Danelle McKinney, Student Conduct Administrator

4/26/2022  
Date





HASKELL INDIAN NATIONS UNIVERSITY  
STUDENT RIGHTS OFFICE  
155 Indian Avenue, #5015  
Lawrence, Kansas 66046-4817  
[Danelle.mckinney@bie.edu](mailto:Danelle.mckinney@bie.edu)  
785-749-8415

Tuesday, April 26, 2022

TO: (b) (6)

FROM: Danelle McKinney, Student Conduct Administrator  
Haskell Indian Nations University



RE: NO CONTACT ORDER for Complainant

Our office has received your complaint regarding threatening behavior from a Haskell student directed towards you. Allegations within the complaint cite harassment and/or violence as a potential issue that is creating an environment that makes you, a reasonable person feel harm or distress as a result of the conditions at the place where you are currently residing.

This letter is notifying you that in the best interest of you and the Haskell community, a No Contact Order is being put into place for you and the following individuals: (b) (6). This means that all parties are prohibited from initiating, or contributing through third-parties, by any physical, verbal, electronic, or written communication with any housing staff member including College Resident Assistants (CRA), their family, friends and/or acquaintances. This prohibition includes messaging through Facebook, Twitter, Instagram, Tumblr or other social media. The "No Contact Directive" will remain in effect until further notice from the Title IX Coordinator. Moreover, retaliation against persons who may pursue or participate in a university investigation; whether by you or by your associates, is a violation of university policy. While I understand you have a right to communicate with your family and friends about this matter, please understand that those discussions should not be intended to reach the above listed affected party in order to intimidate or further harass him/her.

Any violation of this order will result in an adverse action. Please refer to the Code of Conduct for more information. If you have any questions or concerns regarding this matter, please do not hesitate to contact the Title IX Coordinator at 785-749-8415.



U.S. Department of the Interior  
**Bureau of Indian Education**

Date: August 10, 2022, 9:06 AM MST.

Bureau of Indian Education Witness Declaration/Affidavit – (b) (6)

Haskell Indian Nations University (HINU) - Administrative Investigation

Witness Statement:

(b) (6), (b) (6), Haskell Indian Nations University (HINU)

On April 21, 2022, I reported my sexual assault to HINU, but was uncomfortable talking to (b) (6) so I reported the incident to (b) (6) who is a male. (b) (6) told me the incident would be reported to HINU, and the police would be contacted; however, my incident was never reported. On April 26<sup>th</sup>, I had to report my incident a second time, because nothing had been done up until that point.

On April 11<sup>th</sup>, 2022, during the early morning hours at my off-campus apartment, I was sexually assaulted and the perpetrator was (b) (6)

Talking about my incident is very difficult, because I have reported it and discussed it with (b) (6) and (b) (6), and nothing that I know of was ever done. According to (b) (6) (b) (6) was a HINU student at the time of the incident.

At the time of the incident, there were no witnesses, just (b) (6) and me, and alcohol was involved. My testimony is, (b) (6) did sexually assault me, and I was not a willing participant. I wanted to report the incident earlier, but I didn't feel comfortable doing so. I eventually contacted (b) (6) the only person I know of in the Students' Rights office, but I was made aware I could also talk to (b) (6) who is a counselor.

On April 21, 2022, I reported the incident to (b) (6), but I don't think anything was recorded, and no report was taken. I don't think HINU did anything to address my issue, so I had to go back five (5) days later to meet with (b) (6) and fill out paperwork, and so it could be reported to the Lawrence Police (police) department. At the time of the incident I was (b) (6) old.

I don't think HINU handled the situation appropriately, because I talked with (b) (6) several times, he indicated HINU would (financially) cover the counseling services as a result of the incident. I remember going to (b) (6), but no one ever got back to me, nor did anyone from HINU ever follow up to check on me, or to verify if services were ever provided.

I was the person who reported the incident, so the no contact order indicated I could not come within 30 feet of the perpetrator (b) (6). To my understanding, my girlfriend (b) (6) (b) (6) was also assaulted by (b) (6). I don't know the exact location when she was assaulted, but they did share a dorm together and I think it happened there. I don't recall the timeframe it happened, but I believe she was (b) (6) old at the time.

(b) (6) was invited to my home (apartment) when the assault occurred, but (b) (6) didn't tell me she was assaulted by (b) (6). (b) (6) currently does not feel comfortable around (b) (6). To my understanding, (b) (6) did not realize what happened to her because she was asleep. It

wasn't until my situation happened, that (b) (6) realized what happened to her. I was not present when her alleged incident happened.

(b) (6) told me of another victim who is a student at HINU, her name is (b) (6). (b) (6) filed a complaint with HINU through (b) (6) and (b) (6) encouraged me to report my incident as well. I don't believe (b) (6) and (b) (6) complaints were handled correctly, and they probably feel the same way I did when I reported my incident. I am not sure (b) (6) goes to HINU anymore, but I believe she was kicked out for alcohol related issues, that is what I believe (b) (6) stated to me. I believe (b) (6) would speak to this investigation board.

I would have liked for HINU to document my situation when I first reported it; it just seemed nothing was being addressed and pushed forward. Initially, (b) (6) was very helpful in getting me counseling services, and telling me HINU would pay for it, but none of it ever happened.

When I made my report to the police department, I am unsure the police did anything, I know (b) (6) was not arrested. I believe the police did take a report and contacted (b) (6) and took her statement. I have not followed up with the police, not even to check on the status of my report.

When I arrived at HINU, I came in as (b) (6), and I was supposed to take a seminar class which allegedly addressed issues related to my incident. However, I did not take the class until this past Summer 2022.

In the Fall of 2021, I was on the track team and (b) (6). I would see (b) (6) at all the events at HINU, along with his wife (b) (6). I am part of the student government committee, and (b) (6), so I would see (b) (6) there as well. I initially approached him and asked if I could be on the track team. I am not currently on the team due to the amount of classes I was taking.

I am aware of Clay Mayes (Mayes) and have heard people talk about him. The tone of the comments were dependent upon who was making the comments. Some people would say he was a great coach, and other people weren't fond of him. I never heard (b) (6) talk about Mayes.

I have heard (b) (6) acting inappropriately with students, and have heard directly from several female athletes, that he would inappropriately touch them on their backs during workouts. The one (1) female athlete I know of specifically is (b) (6) she talked about specific issues involving (b) (6).

There were times I was behind closed doors with (b) (6) but I did not experience any inappropriate behavior, nor am I aware of any issues involving other male athletes. I would help put away athletic equipment but never felt uncomfortable around him.

Going back to my own personal experience, I did have a conversation with (b) (6) she said she was sorry and didn't want me to tell anyone about the incident. Due to the consumption of alcohol, I wasn't awake when the assault occurred, but I understood it happened because she told me to purchase plan B after the assault. (b) (7)(D), (b) (6) who is with the police department. I don't have a copy of the police report, and I am not sure how to obtain a copy.

Going back to my visit with (b) (6) he did provide me with an email with services I could contact. On April 26, 2022, that is when I made contact with (b) (6) and she filed the Title IX no-contact order. On the same day, she called the police and they came to HINU and took a report.

Like I stated, I wanted (b) (6) help, so he went with me to (b) (6) counseling services. After the initial intake at (b) (6), they told me it was going to be a two (2) month waiting period to obtain services; I never heard back from them. Since my initial contact with (b) (6) and (b) (6) I have not heard back from them regarding my incident, nor have they contacted me to see if I am doing ok.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

Signed: (b) (6)

*Executed on (Date):* 08/31/2022



# Haskell Indian Nations University

## Title IX Coordinators Office

Complaint Number (e.g.,14-001):	(b) (6)	Assigned to:	(b) (6)
Type of Complaint:	S.A.	Date received by Title IX:	4/14/2022
Date of Offending Conduct:	on or about 4/5-6/2022	Date closed:	

Complainant(s): (b) (6) Respondent(s): (b) (6)

Brief Summary/ Nature of Complaint:  
 (b) (6)

Task/ Document in File	Time Limit for Completion	Date Completed	Completed by (initials)	File Review
Complaint (with Date)	Upon Receipt	4/14/2022	(b) (6)	
Acknowledgement Letter to complainant(s)	7 days after receipt of complaint	4/18/2022	(b) (6)	
Notification Letter to Respondent(s)	3 days after verification of complaint with complainant(s)	4/22/2022	(b) (6)	
Letter(s) Communicating interim measures, if any (e.g., no contact order, documentation of referral for services, etc.) or contemporaneous with receipt or verification of complaint, as appropriate under the circumstances		4/14/2022	(b) (6)	
Interview with Complainant		4/14/2022	(b) (6)	
Interview with Witness				
Interview with Respondent				
Police Report (if Applicable)				
Other physical Evidence				
Extensions of Time	Within 55 days of Complaint if investigation will go beyond 60 days.			
Report and Recommendations to Administrators	Within 60 days of complaint			
Concluding Letters with result to Complaint(s) and Respondent(s)				





HASKELL INDIAN NATIONS UNIVERSITY  
STUDENT RIGHTS OFFICE

155 Indian Avenue, #5015  
Lawrence, Kansas 66046-4817  
[Danelle.mckinney@bic.edu](mailto:Danelle.mckinney@bic.edu)  
785-749-8415

Monday, April 18, 2022

TO: (b) (6)

FROM: Danelle McKinney, Title IX Coordinator  
Haskell Indian Nations University

RE: NO CONTACT ORDER

Our office has received your complaint regarding threatening behavior from a Haskell student directed towards you. Allegations within the complaint cite harassment and/or violence as a potential issue that is creating an environment that makes you, a reasonable person feel harm or distress as a result of the conditions at the place where you are currently residing.

This letter is notifying you that in the best interest of you and the Haskell community, a No Contact Order is being put into place for you and the following individuals: (b) (6). This means that all parties are prohibited from initiating, or contributing through third-parties, by any physical, verbal, electronic, or written communication with any housing staff member including College Resident Assistants (CRA), their family, friends and/or acquaintances. This prohibition includes messaging through Facebook, Twitter, Instagram, Tumblr or other social media. The "No Contact Directive" will remain in effect until further notice from the Title IX Coordinator. Moreover, retaliation against persons who may pursue or participate in a university investigation; whether by you or by your associates, is a violation of university policy. While I understand you have a right to communicate with your family and friends about this matter, please understand that those discussions should not be intended to reach the above listed affected party in order to intimidate or further harass him/her.

Any violation of this order will result in an adverse action. Please refer to the Code of Conduct for more information. If you have any questions or concerns regarding this matter, please do not hesitate to contact the Title IX Coordinator at 785-749-8415.



U.S. Department of the Interior  
**Bureau of Indian Education**

HASKELL INDIAN NATIONS UNIVERSITY - ADMINISTRATIVE INVESTIGATION

Bureau of Indian Education Witness Declaration/Affidavit

Date: August 10, 2022, 5:34 p.m. (MDT)

Witness Statement – (b) (6), Haskell Indian Nations University (HINU)

I am currently an enrolled student at Haskell Indian Nations University (Haskell). I am pursuing a bachelor's degree in American Indian Studies. I enrolled in the spring term of 2022 and attended a summer session. This fall will be my third term at Haskell.

I was sexually assaulted by (b) (6), a fellow Haskell student, sometime between the night of April 3, 2022, and the morning of April 4, 2022. (b) (6) and I were friends. I met her at a party, and we hung out every day. (b) (6) and I both stayed in the (b) (6). She was in the lower level, and I was on the second level. I believe (b) (6) transferred to Haskell the same semester as I did. (b) (6) has had a few girlfriends in the past and is bisexual. I was aware of this when I first met her.

On Friday, August 3, 2022, around 10 p.m., (b) (6) and I decided to go dancing at a Mexican restaurant that is rented out by deejays. (b) (6) bought some alcohol from somebody, and we drank in the parking lot and danced. We left the restaurant parking lot about 1:30 a.m. on August 4, 2022, and went to an afterparty at the (b) (6). I think we arrived there about 2 a.m. (b) (6) kept wanting to take shots and kept trying to get me to do more but I turned her down. After that I remember there were three of us in the vehicle, me, (b) (6), and (b) (6), an acquaintance. (b) (6) was getting tired, and we had just stopped at McDonald's and were heading back to the (b) (6). I told (b) (6) we should probably drop off (b) (6). (b) (6) was disappointed and wanted me to take another shot. I was already pretty gone so I just took it.

We dropped (b) (6) off at Haskell and made sure she went inside. Then we turned on the music and I think I passed out. I can't remember anything from there, but I firmly believe (b) (6) sexually assaulted me when it was just the two of us in the vehicle. She had driven us to her friend (b) (6) house but I'm pretty sure she wouldn't have done anything to me in her friend's house. I wasn't told by anyone that they had seen (b) (6) do anything to me.

The next morning, I felt terrible when I woke up. I normally wake up hungover but for some reason I just popped out of bed and that was a red flag because it was so unexpected for me to do that. I thought something was weird and it seemed like I was in fight or flight mode. I felt like I was missing something, but I couldn't put my finger on it. When I went to the restroom, it hurt to pee. I went to (b) (6) room and told her last night was fun.

Later that evening it was getting close to dinner time around 5:00 p.m. so I decided to change my clothes. I was in the restroom and when I lifted my shirt, I saw lipstick marks on my breasts from the lipstick I was wearing the day before and I had bruises on my left forearm. One thing that scared me was that I felt like I couldn't tell (b) (6) about this, which made me think that she was the one who did it. I told (b) (6) (b) (6), one my friends and a fellow Haskell student, that I didn't know what happened the day before. I



could really trust (b) (6), so I opened-up to her and cried about it. When I confronted (b) (6) she made it seem like she was just as drunk and didn't know who did it.

For the longest time, I couldn't figure out who assaulted me until one of my other friends, (b) (6), also a Haskell student, was assaulted by (b) (6). We realized (b) (6) had assaulted me because she had left the same hickies on (b) (6) chest. (b) (6) denied it all very quickly. When she had sexually assaulted the next individual, she shut me and my other friend out. She sexually assaulted three of us. (b) (6) was guilty but she was denying every allegation against her.

On April 14, 2022, I reported the assault to the dorm staff, (b) (6) and (b) (6), both (b) (6) (b) (6) (b) (6) had asked me what happened to you three stooges hanging out, so I told him. He asked me if I wanted to talk to (b) (6) about it. (b) (6) was very compassionate and recommended that I speak to (b) (6). She immediately drove me to (b) (6) office and (b) (6) took the report.

(b) (6) was very understanding and caring of my situation. She talked in a caring type of way that made me feel at ease. (b) (6) printed out the Title IX process and she said she was going to issue the no contact order to (b) (6). She explained that from there they would do an internal investigation with the committee to see if (b) (6) would be a threat on campus. The committee is comprised of (b) (6) and a few other board members. (b) (6) said she would try her best to get (b) (6) off campus.

On Monday, April 18, 2022, the no contact order was issued to me. I'm not sure when it was issued to (b) (6) but it took a while. I believe the no contact order was put in place to keep me and (b) (6) away from each other. However, it took several days for (b) (6) to issue the no contact order.

I had also encouraged my two friends, (b) (6) and (b) (6), to speak up about being assaulted by (b) (6) because I believed that we shouldn't have to deal with having a predator like her on campus. I encouraged (b) (6) to report her because he was partially conscious when he was assaulted, and he saw that it was (b) (6). I didn't see anything so I felt like no one would believe me and that I would be called a liar.

I don't recall when (b) (6) was removed from campus, but it was about two weeks after we had reported it. (b) (6) was not removed because of the assaults. She was removed for an alcohol incident where she was found by dorm staff passed out and unconscious in the (b) (6) dorm parking lot.

As for the investigation process, I understood that the committee needed to assess whether a person is a threat to anyone on campus. However, I felt that it was ridiculous that they even had to have a meeting to assess if someone who had sexually assaulted three people was a danger to other students on campus. It made no sense to me that they had to do that, and it was their priority. I couldn't understand why they just didn't take our word. At that point they had photographic evidence.

Additionally, all three of our reports were combined into one. I'm not sure about the miscommunication or how this happened. When we met with (b) (6) she brought the police in and all three of us reported the assaults. No one walked us through the process of the police report or told us that the three separate accounts would be combined into one case. In the end, we ended up with one case number, which is not what we wanted. It also seemed as though the police were not taking us seriously. We learned that (b) (6) had filed a police report alleging she was sexually assaulted by another one of the victims. The police advised us this it looked like a "he said, she said" type of situation. From there, we felt discouraged that we weren't being taken seriously.

I recommend getting in touch with (b) (6) she knows another victim who was assaulted by a man named (b) (6). That victim dropped out of Haskell because they allowed (b) (6) to just roam around campus. That's the problem with Haskell, they just let predators roam around. I suggest meeting with (b) (6) because she has a lot of information about the incidents involving (b) (6) and (b) (6) (b) (6).

I do not believe there is enough information available for young people to know what to do in case of a sexual assault. That's why I'm running for Student Government Association Vice President. I want forums to discuss sexual assault on campus and how common it is. I feel there is not enough information and discussion surrounding this topic. I was not even aware there is a report on sexual abuse posted on the school website.

I also think opening an office for victims of sexual assault would be very effective. There is no office or safe space for students to go to express themselves. Hiring sufficient support services like therapists or physicians for these students would be beneficial. They need a place to go to get sanitary products and condoms if they need them. Students on campus are sexually active. They need an office or a safe space for men and women. If a situation arises that needs to be reported, they could call the Title IX staff.

I believe (b) (6) provided us information about available services through the Indian Health Service or the sexual assault trauma center. She said they'd help us to file a PFA (protection from abuse order) against (b) (6). We wanted this to be on (b) (6) record because we don't want anyone else to be hurt. We also know she wants to pursue nursing. I think it's sick that someone who takes advantage of people while they are unconscious wants to go into the medical profession.

We filed for a PFA. The judge granted us a temporary restraining order until we were able to get (b) (6) address. We received an extension from the court and the court clerk helped us get (b) (6) address to send the packet to her. (b) (6) is living in South Dakota with her (b) (6).

In terms of what the school did in my situation, I feel that they could have done more concerning safety and in speeding up the Title IX process. For me, it was a very discouraging experience, especially from a school that is entrusted with my safety. My safety was on the line while I was staying in the same dorm as (b) (6). They could have done more instead of letting her stay in the dorm. They could do more for the victims. I'm not sure how many victims drop out of Haskell. I feel that while it should be an obligation to contact the police, they should ask the victim if they want the police called for them. I feel that speeding up the process would be beneficial for the victims. I also believe it would lower dropout rates for female students.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

*Signed:*

*Executed on (Date):*



# Haskell Indian Nations University

## Title IX Coordinators Office

Complaint Number (e.g., 14-001):	(b) (6)	Assigned to:	(b) (6)
Type of Complaint:	S.A.	Date received by Title IX:	7/15/2022
Date of Offending Conduct:	On or about Feb. 10	Date closed:	

Complainant(s): (b) (6)

Respondent(s): (b) (6)

Brief Summary/ Nature of Complaint:

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Task/ Document in File	Time Limit for Completion	Date Completed	Completed by (initials)	File Review
Complaint (with Date)	Upon Receipt	4/18/2022	(b) (6)	
Acknowledgement Letter to complainant(s)	7 days after receipt of complaint		(b) (6)	
Notification Letter to Respondent(s)	3 days after verification of complaint with complainant(s)	4/21/2022	(b) (6)	
Letter(s) Communicating interim measures, if any (e.g., no contact order, documentation of referral for services, etc.) or contemporaneous with receipt or verification of complaint, as appropriate under the circumstances		4/21/2022	(b) (6)	
Interview with Complainant		4/18/2022	(b) (6)	
Interview with Witness				
Interview with Respondent				
Police Report (if Applicable)				
Other physical Evidence				
Extensions of Time	Within 55 days of Complaint if investigation will go beyond 60 days.			
Report and Recommendations to Administrators	Within 60 days of complaint			
Concluding Letters with result to Complaint(s) and Respondent(s)				



HASKELL INDIAN NATIONS UNIVERSITY  
STUDENT RIGHTS OFFICE

155 Indian Avenue, #5015  
Lawrence, Kansas 66046-4817  
[Danelle.mckinney@bie.edu](mailto:Danelle.mckinney@bie.edu)  
785-749-8415

Monday, April 18, 2022

TO: (b) (6)

FROM: Danelle McKinney, Title IX Coordinator  
Haskell Indian Nations University

RE: NO CONTACT ORDER

Our office has received your complaint regarding threatening behavior from a Haskell student directed towards you. Allegations within the complaint cite harassment and/or violence as a potential issue that is creating an environment that makes you, a reasonable person feel harm or distress as a result of the conditions at the place where you are currently residing.

This letter is notifying you that in the best interest of you and the Haskell community, a No Contact Order is being put into place for you and the following individuals: (b) (6). This means that all parties are prohibited from initiating, or contributing through third-parties, by any physical, verbal, electronic, or written communication with any housing staff member including College Resident Assistants (CRA), their family, friends and/or acquaintances. This prohibition includes messaging through Facebook, Twitter, Instagram, Tumblr or other social media. The "No Contact Directive" will remain in effect until further notice from the Title IX Coordinator. Moreover, retaliation against persons who may pursue or participate in a university investigation; whether by you or by your associates, is a violation of university policy. While I understand you have a right to communicate with your family and friends about this matter, please understand that those discussions should not be intended to reach the above listed affected party in order to intimidate or further harass him/her.

Any violation of this order will result in an adverse action. Please refer to the Code of Conduct for more information. If you have any questions or concerns regarding this matter, please do not hesitate to contact the Title IX Coordinator at 785-749-8415.



# HASKELL INDIAN NATIONS UNIVERSITY

Accredited by Higher Learning Commission

Title IX Coordinator  
155 Indian Avenue  
Lawrence, Kansas 66046-4800  
(785) 749-8415

[TitleIX@haskell.edu](mailto:TitleIX@haskell.edu)

## Formal Student Title IX Complaint

Haskell Indian Nations University is committed to prompt resolution of complaints in a manner consistent with the Haskell Indian Nations University Student Code of Conduct and the Sexual Misconduct policy.

PLEASE PRINT CLEARLY

If you believe you have experienced sexually assault, harassment, dating violence, stalking, bullying/cyberbullying by any member of the Haskell community (on or off campus) or while participating in a college-sponsored activity, you are encouraged to bring it to the attention of the Title IX Coordinator and/or other University official. This form and any attachments can be submitted to the Title IX Coordinator's Office located in Room 2082 OK Hall.

You may also email the form to [dmckinney@haskell.edu](mailto:dmckinney@haskell.edu) (subject line- Title IX Complaint Form).

### Complainant (Person Filing the Complaint)

Name: (b) (6)  
Cell Phone: (b) (6) Residential Hall & Room Number (b) (6)  
Address: (b) (6)  
City, State, Zip: (b) (6)  
Email address: (b) (6)  
How do you prefer to be contacted? Phone: \_\_\_\_\_ Email:

### Respondent (Individual Complaint Is Against)

Name: (b) (6)  
Student: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_ Residential Hall & Room Number (b) (6)  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_



HASKELL INDIAN NATIONS UNIVERSITY  
Title IX Coordinators Office  
Discrimination Complaint Resolution Process  
Explanation of Complainant Rights and Responsibilities

This form documents the information shared with the Complainant regarding an investigation by the Title IX Coordinators Office, into a claim of discrimination, harassment, and/or retaliation.

Date:

Topic Discussed:

(b) (6)

Discrimination Complaint Resolution Process (Copy Provided)  
Applicable University policies  
Timeframe for Investigation  
Correspondence regarding investigation  
Opportunity to provide information verbally and/or in writing  
Opportunity to submit supporting documentation, identify witnesses, and/or provide witness statements  
Policy prohibiting retaliation  
Opportunity to bring a representative to meetings  
Abuse of Discrimination Complaint Resolution Process  
Confidentiality  
Anonymity (limitation on investigation) – if applicable  
Right to file a criminal complaint – if applicable  
Campus and community resources – if applicable

I acknowledge that the information identified above was communicated to me by the Title IX Coordinators Office and that I have had the opportunity to ask questions about the Discrimination Complaint Resolution Process and the information provided to me. I also acknowledge that I have received a copy of the Discrimination Complaint Resolution Process.

Name of Complainant:

(b) (6)

Signature of Complainant:

(b) (6)

Date:

4/19/2022

This information was communicated and the signature witnessed by the undersigned Title IX representative:



U.S. Department of the Interior

# Bureau of Indian Education

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Notes: Voluntary Student Athlete Statement

Date: July 12, 2022, 11:59 AM CST.

Witness Statement:

(b) (6) - Haskell Indian Nations University (HINU)

I have never experienced any form of harassment or sexual assault at HINU, but my roommate (b) (6) said she was raped by a current student. (b) (6) stated the rape occurred on campus and told me approximately three (3) days after the incident.

To my understanding the incident occurred about a month ago from today. As a roommate, I was thinking about what happened to her, (b) (6) was obviously upset regarding the whole situation. I noticed changes in her, she stopped coming to practices, and was isolating herself. Prior to this incident, she was a really outgoing individual and very talkative. I am unaware of what exactly happened, and I don't know who the assailant was nor do I know his name. I do not know who (b) (6) is.

(b) (6) stated, she was at some guy's apartment where they started smoking marijuana. (b) (6) said she was going in and out (of consciousness), and when she woke up, 'he' was on top of her, in the middle of having sex, and she wanted to get away and come back to HINU. Prior to the incident, it was common to see her leave and to my understanding was with him most of the time. I didn't really see (b) (6) use alcohol or drugs.

As an athlete, if you were to abuse drugs and/or alcohol, it would definitely take a toll on your athleticism and your ability to compete. I am aware of some HINU rules, but we don't have anything formal and we don't have drug tests. As an athlete, I was accustomed to having rules and standards, even back in high school.

I know (b) (6) was experiencing some issues with the (b) (6) and (b) (6) (b) (6), and the whole situation with Clay Mayes (Mayes). I was told a group of athletes were provided a memorandum to sign stating they were not to have contact with Mayes because of an ongoing investigation. I was not part of this meeting, because I started attending HINU in the spring semester of 2022.

When I arrived at HINU, I had previously run for Mayes at another school and transferred to HINU with the intention on running for him. He is a good coach, a little scatter brained at times, but overall a good coach. Mayes is very transparent with his coaching style and his

training programs are predicated upon each runners' individual physical capabilities and fitness. Mayes rules were primarily communicated verbally to the team, but his biggest rule involved alcohol and giving alcohol to minors. Although he wasn't the coach at HINU when I arrived, I understood similar rules and standards were being instituted with the cross-country team because of Mayes. I recall these rules to be verbally communicated, but he would also use a group chat to communicate with the team. When I ran for Mayes at Antelope Valley, California, I didn't have any issues with him.

Prior to coming to HINU, I wasn't totally aware of Mayes's situation, but when I arrived here, I learned his contract was suspended. When I arrived at HINU, it was weird because we couldn't talk to Mayes or train with him, we were told by (b) (6) we could get in trouble and jeopardize our eligibility by having a season taken away from us. It seemed like (b) (6) was trying to keep track of everything we (runners) were doing and were told to train with (b) (6). In regard to their coaching credentials, to my understanding, (b) (6) threw the javelin and (b) (6) was involved with sports activities.

(b) (6), who is also the men's head basketball coach, was appointed as our temporary cross-country coach for the upcoming year.

I am not aware of any harassment issues involving other students. I would consider Antelope Valley to be safer than HINU. I am somewhat satisfied with HINU, but I am not sure if I will remain a student here. Due to the on-going issues with the athletic department, I might transfer to Fort Lewis College in Colorado at the end of the year, it's closer to home, but it depends on how the up-coming cross-country season turns out. I have received my athletic gear from Mayes, the type of gear I received is common gear for a runner. I am not aware of (b) (6) giving away athletic gear.

I have been to Mayes's house for team building sessions and BBQ's. This was very common for Mayes to do, host the team at his house; he did this back at Antelope Valley. When I arrived at HINU, I did not sign anything such as a letter of intent, rules, or code of conduct. The runners who were running and training for (b) (6), were all signing letters of intent.

In regard to any fun runs, we ran the Irish mile (a St. Patrick's Day run in Lawrence, KS) and someone saw us and reported us to (b) (6) she said she had to sign off on these types of activities. I didn't understand why this was a requirement, it is my own time and I know we aren't allowed to run for money, we didn't even get t-shirts from this event. Another cross-country runner was told they couldn't participate in a running event back home in Shiprock, New Mexico, unless they obtained prior written approval from (b) (6). To my knowledge, there are no official rules which prohibit anyone from participating in these types of events.

(b) (6) was mean to us, she held a meeting from a Thursday to Sunday, and to my knowledge no administrative personnel were part of the meeting.

I still have access to the group chat, and I know Mayes still wants to coach and I believe he is still recruiting people to attend HINU. I did not sign any forms when I arrived at HINU, and I am not familiar with Mayes's signature. The form you showed me with (b) (6) name on it, I am not positive this is Mayes's signature, but I do know (b) (6), she is from back home, she went to (b) (6).



Although I was recruited by Mayes, I have not received any harassment from Albert. Mayes had rules, but (b) (6) didn't. I am aware of some intimidation and bullying coming from the cross-country team. I know there are four (4) girls, who have made the overall team environment very hostile, they are coming back this up-coming season. We were told by (b) (6) and (b) (6); we could leave with Mayes since he wasn't our coach anymore. These runners were complaining about the athletic gear, they felt they had to fight for Mayes's attention, and the fact that the cross-country equipment was not Nike but another brand.

My dealings with (b) (6), (b) (6), and (b) (6), I feel like I am not acknowledged, and I know other runners who run for Mayes feel the same way. There appears to be an alliance, your either with Mayes or (b) (6). Those individuals who were with (b) (6), they would try to get you to say negative things about Mayes and would try to record conversations. (b) (6), (b) (6), (b) (6), were the ones who were recording and instigating these issues.

Overall, the entire team (both men and women), would work out and train together. Mayes would often use the Graston technique to treat muscle issues, it is similar to scraping out a muscle. I am not aware of anyone ever being injured as a result of this technique. The only person I knew who was injured and on crutches was (b) (6) but it wasn't related to the Graston technique. (b) (6) is the one who does the medical assessments for HINU.

I have seen Mayes bring his kids to Coffin Complex and into the cardio room, but I am not aware of any policy or regulation which would prohibit him from doing so.

When Mayes had team meetings at his house, his family, including his wife was there. Mayes would always invite the entire team to attend, but not everyone would come. I have never seen Mayes treat any of his athletes differently, and his desire was to keep the cross-country team away from the stigma of alcoholism and drug abuse. This is a stigma within Indian Country, and he has a desire for us to be a role model; he advocates for his runners to be coaches and instructors. I am not aware of any other coach at HINU who advocates for a positive role model like Mayes does. These are the reasons why I wanted to run for Mayes, his coaching style, attitude, and mentality.

Some of the other athletes did not support the rules and wanted to continue to party, even the night before events. Although I wasn't here in the fall of 2021, (b) (6) was the one who would tell me this information.

(b) (6) is the (b) (6). If I were ever assaulted or raped, I know to report it to the authorities, but I wouldn't know who to report it to at HINU. When I started here, I attended a seminar and was provided a handbook with contact information. I don't remember taking a course, nor have I ever heard of the Haskell Seminar. I am not sure what information should be provided to a person by HINU regarding assaults. I don't know why (b) (6) didn't report her incident immediately, but I know she had told Mayes.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

Signed:

Executed on (Date):



U.S. Department of the Interior

# Bureau of Indian Education

Date: July 12, 2022, 4:45 AM CST.

Administrative Investigation, Haskell Indian Nations University (HINU)

Bureau of Indian Education Witness Declaration/Affidavit - (b) (6)

## Witness Statement:

(b) (6), HINU - (b) (6).

On October 5, 2021, at 11:10 am, I sent Clay Hayes (Hayes) a text message as I was coming out of (b) (6). I texted Clay Hayes telling him I saw (b) (6) (b) (6) and (b) (6) loading shoe boxes and athletic apparel into the truck bed of (b) (6) black truck. The Jim Thorpe building is where (b) (6) is and where he stores athletic equipment, inside a locked cage.

This cage is approximately four (4) x 10 feet. The IT department has networking equipment located inside this cage, which we are required to access the cage to do work. Over the years, I have gone into Jim Thorpe, the (b) (6) would always get a little dicey and inquisitive to what we (the IT department) are doing, even though it is part of our job. This cage has always been full of athletic gear for their programs, which was commonly known as the Cross-Country and Track and Field programs.

On October 5, 2022, I observed the (b) (6) loading shoe boxes and athletic gear into their personal vehicle, from the cage at Jim Thorpe, but I didn't know their intention or where they were taking the gear. I had heard in the past, the athletic gear stored at Jim Thorpe never got to the intended recipients. I was also told, this is the way it's been, and this is what has always gone on. I heard this from individuals that were former runners, who ran at HINU approximately 10-15 years ago, and had similar concerns. They also told me of instances where they saw other athletes receiving special treatment from the coaching staff. This is something I never saw specifically—it was always just hearsay statements from previous runners (about favoritism).

I personally have never seen the (b) (6) steal anything or taking athletic gear off campus, I just saw this one instance on October 5, 2021, as they were loading the athletic gear into (b) (6). The (b) (6) were the only two I observed that day.

As of October 5, 2021, I understood (b) (6) was transitioning away from coaching the cross-country team, and when Hayes arrived at HINU, there was nothing left or turned over to him. There was not equipment for his cross-country running team, such as athletic equipment, running shoes or shirts. Hayes told me he was concerned there was nothing left over for his team.

When I saw the (b) (6) loading items into their truck on October 5th, they were loading shoe boxes. Based upon my prior visits, this storage cage was full of shoe boxes stacked two feet high around the perimeter of the cage, for approximately 12 cross-country athletes. (b) (6) also stored other exercise equipment (jump ropes, weights, etc.) in this same cage. I did not take a photo of the (b) (6) loading the shoe boxes into the truck, because it was not uncommon to see them doing this. However, I recall this particular instance because this was during the Mayes situation, and he indicated to me there was no cross-country athletic gear available for the team.

Since observing the (b) (6) loading their truck with gear, I haven't returned to Jim Thorpe, so I wouldn't be able to verify how much was taken or if more boxes are gone. I was able to witness this incident because (b) (6) is facing north, and my supervisor's office is to the west, and directly across from Jim Thorpe. I am constantly going back and forth to my supervisor's office, so it wasn't uncommon to see (b) (6) back a vehicle up to Jim Thorpe's westside door and take stuff.

On October 5<sup>th</sup>, when I witnessed them loading the truck with athletic gear, I found it curious because I had not seen the (b) (6) remove any items in a while because we didn't have classes or any students on campus. It seemed odd for them to be loading shoe boxes into (b) (6) truck during this time period. My observation that day was out of character.

I cannot verify if the equipment the (b) (6) were removing were cross country shoes, they were just shoe boxes. However, I was personally aware this storage cage at Jim Thorpe had been full of athletic shoe boxes, it was my assumption this was the location the cross-country team equipment was being stored. Based upon the timing of the Mayes's incident, it was an educated guess, but the (b) (6) could have just moved those shoe boxes to a different building, I didn't follow them. I did find it odd when Mayes told me there were no running shoes available to give to his runners.

I found Mayes's statement to be weird, to my knowledge this storage cage is under lock and key and was full of athletic gear and shoes. To my understanding, access was limited to (b) (6) and the IT department. The only other person who would have had a key to access the cage would have been (b) (6).

It is my understanding, Mayes didn't have an office, but if he did, it was in Coffin Complex. I don't think Mayes was aware of this particular storage cage inside Jim Thorpe. This building was (b) (6) office and there wouldn't have been a need for Mayes to be at Jim Thorpe. Jim Thorpe is a fitness center.

I knew Mayes from previous years and when he coached at Acone College, he is an excellent cross-country coach. Mayes requested that I text him if I saw the Gipp's removing equipment, but I told him it's not my job to watch them. However, I did send Mayes the text message because he stated he needed new cross-country equipment. My assumption, (b) (6) had no reason to be taking all the equipment if he was no longer the cross-country coach. In October 2021, (b) (6) may have been the acting athletic director, but I had no understanding of why they were loading the equipment into her truck.

To my understanding, all the other athletic programs have their own storage in Coffin Complex. As of today, I am not sure if the cross-country equipment is still being stored in Jim Thorpe's cage because I haven't had a need to go back to this storage cage for IT related reasons.

I don't have anything more to say regarding Mayes's situation, other than the Bureau's oversight of HINU. It has been a history of inconsistency and frustration due to the back-and-forth oversight of HINU and the Bureau doesn't understand how things are run here. (b) (6) was hired with no prior government experience, and immediately started violating federal regulations in regard to management, operations, and human resources. I don't think this was intentional, HINU's policies are different from the public sector. Whether it is (b) (6) (b) (6) or Mayes, it is a systemic issue of the lack of leadership of the federal government.

The fraud waste and abuse, I do have knowledge of, but the person that was involved is no longer here, so it would be a moot point.

My assumption on the use of alcohol use by students, is based upon my interaction with the IT student workers. They do share stories of recreational alcohol and drug use here on campus. Like any other college institution, it does occur here. In my opinion, campus security is not sufficient because we are limited in our resources, basically there is one (1) security officer per shift for a student population of over 600.

I am not personally aware of any sexual allegations. In the past, I have over-heard incidents from the students talking, but it's all 'reservation gossip'.

The only concerns I have, are based upon what this Administrative Investigation Board is investigating or observing here at HINU. If it is regarding certain personalities, this wouldn't be the first time. There are records of previous investigations which have established a pattern of ongoing issues. If you can get a copy of those investigations, it will tell a story of what goes on here at HINU. Typically, if you were to put this report into a database and search certain employees last names, you're going to come across the same names. I imagine, since you are investigating the Mayes issues, you are investigating (b) (6) and anyone associated with her.

I don't have personal vendettas with anyone, or any negative interactions with the (b) (6), so their behavior is unfamiliar to me. I have never been personally attacked, but since I have knowledge of issues involving employees, who have been attacked by the (b) (6), I've tried to maintain my interactions with the (b) (6) as more of a working relationship.

Nepotism here at HINU is definitely an issue. I think locally, there are concerns and there are a lot of people from the same families.

When Sue Warner (Warner) was HINU President, she was an outside employee, meaning she didn't graduate from HINU. Warner was making decisions based upon experiences and information she wouldn't have known. For example, my former co-worker who is now my supervisor, he was referred to as (b) (6)". This inference is in reference to (b) (6) (b) (6) was giving Warner inside information of HINU when she was the assistant to the president's office.

I never had any issues with (b) (6) he was easy going and I was always able to have a conversation with him.

There are no IT permission settings which allow the (b) (6) to make approvals for each other, their approval duties are separated.

(b) (6) is an instructor and coach, and he is the last of the hybrid coaching and instructor positions, everyone else is not allowed to have a dual role.

When (b) (6) became the athletic director again, she could not supervise him. To my knowledge, (b) (6) was fired and relieved of her duties, and was offered to resign as the athletic director and resume her old position as an instructor right before her probationary period ended. There were allegations of mismanagement and circumventing of federal processes and procedures, but I don't know the specifics.

I have never personally witnessed any kind of threatening, intimidating or sexual misconduct, nor have I had any negative interaction with people who do those things, I don't get treated that way or with things of that nature.

In regard to interviewing any other witnesses, no one comes to mind. I don't want to leave you with the thought that things are dire straits because there are a lot of people who work hard and who are here for the students. It seems the people who are a GS-11 and down, there are no problems, but when you go up, those are the people with the problems.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

*Signed:*

*Executed on (Date):*



U.S. Department of the Interior  
**Bureau of Indian Education**

HASKELL INDIAN NATIONS UNIVERSITY - ADMINISTRATIVE INVESTIGATION

Bureau of Indian Education Witness Declaration/Affidavit

Date: July 12, 2022, 3:25 p.m. (CDT)

Witness Statement: (b) (6) Haskell Indian Nations University, retired

I was the (b) (6) for Haskell Indian Nations University (Haskell). I was at Haskell for (b) (6)

I am not aware of any incidents of rape and sexual assault in the Athletic Department. I am also not aware of any sexual misconduct that happened in my department and nothing was brought to my attention from any athlete or coach.

Around the spring or summer of 2020, (b) (6) (b) (6) (b) (6) (b) (6), and I decided we needed to give special attention to the programs and move them along to be on a higher level. We had one coach, (b) (6), that coached the men and women cross-country, men and women indoor track, men and women outdoor track, and men and women marathon teams. It wasn't fair to spread him (b) (6) out so thin and expect to have national level programs. He was also a full-time teacher. It wasn't fair because he wasn't getting paid anymore. We split the programs so each one would get a more specialized coach. We gave (b) (6) the choice and he chose track and field.

Then we started looking for a cross-country coach. That's when Clay Mayes's name came up. I had never met Mayes before that. My first impression was that he had everything we were looking for to move our program back onto a national level. Based on his resume, he sounded good. He had a good network to recruit from, his work with Native Americans, and cross-country runners had already been established. We didn't pre-select Mayes. He was the most qualified. At the time, there might have been another applicant, but he wasn't as qualified. There didn't seem to be a lot of interest at the time.

Our established procedures for recruiting a coach are done through the contracting office. Mayes was hired as a contractor. I was told it was the same as if the school was hiring an electrician or a plumber. We were just hiring out for athletic work. Our coaches that are hired under contract don't get benefits and we don't (have to) supply them with anything such as office space, computers, etc. They are supposed to have everything when they come. When Mayes came on, I went over all our forms. The GSA request form, the purchase request form, and all the forms and things he was going to need daily.

I was hired (b) (6). It was in our PDs (position descriptions) to split our time between coaching and instructing. About 15 years ago, we were called into a meeting, and they decided that we were just going to be instructors. They said we could still coach if the dean signed off on it. We

worked it out where it was half and half, and they gave us at least one class relief to coach a sport. The only ones left doing this were myself and (b) (6).

We didn't get additional compensation to coach, but they would give us leave time to coach. We're supposed to teach 12 hours a semester to be a full-time instructor. If I was a softball coach for 5-6 hours, then I would only have to teach 9 hours, or I'd negotiate it down to half time. When I retired from football and went to softball, they kept it like that for a few years. Then they wanted me to teach 9 hours, but I told them I couldn't do both because either they'd have a pitiful program, or I wasn't going to be teaching very well. So, they took one of the classes away. Coaching would be five hours a day when you do a good job coaching.

As to whether the instructor/coach positions were academically driven or athletically driven, I can only speak for myself. I had to show qualifications, experience, and degrees. (b) (6) started at Haskell one year before me. He was an instructor/coach. I understand his background was with high school. I know we were all supposed to get a master's degree. He's the only one in the Athletic department that doesn't have a masters.

For my programs, I had my athletes sign my handbook. When I was (b) (6), I made sure the coaches had a handbook in place with their own policies and procedures, but it wasn't mandatory. Most of the rules and procedures are standard and contained within the Athletic Department handbook.

Mayes was given access to all the equipment. We decided to let (b) (6) keep all the cross-country and track and field stuff rather than try to separate it all. My understanding is that (b) (6) stored it in Jim Thorpe Hall and Mayes would not have access to it unless it was given to him by (b) (6). This was (b) (6)'s area, and it was checked out to him for his use, which at the time was cross-country and track. We just started ordering new stuff for cross country and I worked with Mayes on the orders. Everything was ordered timely. The only delays would have been if something was on backorder from the vendor.

Mayes set expectations and rules for the runners and their performance. I visited with him about what was common sense and standard. I would've been a little stricter with the runners. A lot of them were too slow and not college runners but he wanted to give everyone a chance since it was his first year. Mayes would hold practices at 6 a.m. and they worked out most every day. I went to some of the practices and saw him working with all of them. I didn't see anything except someone trying to improve kids and get them ready.

The allegations against Mayes were coming from the kids he was trying to keep. They were coming in last in the meets. They were the kids that came from the (b) (6) camp. I saw that those kids were not what we wanted to recruit. Mayes was trying to help all the kids and build a good program. I didn't witness any of those allegations that were made. I didn't see anything but good and it was all positive. I think later there might have been a split, but I never saw anything negative.

There was an incident where Mayes let a girl run because he believed she was eligible. According to the registrar, she was not eligible. Mayes thought that if the registrar didn't tell him that a person wasn't eligible that they could go. However, he needed to wait until he was told they were eligible. As punishment for this lack of eligibility check Mayes was given two weeks off without pay. This was around the first part of October 2021. He could still coach, just not be here on campus. We wanted to keep the program running.

We reported what happened at that meet. If NAIA (National Association of Intercollegiate Athletics) thought there was malice involved and we were just trying to cheat which was NOT the case, there could be ramifications. The steps we follow is that we have an eligibility chair from another college that we report to. We reported what happened to the eligibility chair and told them the circumstances, new coach,

the process that should have been followed, and what we did. Then it was over and there were no ramifications.

The allegation that Mayes ran a runner in place of another runner didn't hold water. (b) (6) Sports Information Director, reported it to me. (b) (6) said she got a call from a parent about this, so I asked for the name of the parent because I wanted all the details. She came back the next day and said she just heard it in the hallway as she was passing by-some students. There was a photograph that showed the two guys standing there with the mom at the meet. They were trying to say that one of the guys didn't even go to the meet and the other guy ran and said it was him. There were too many things that didn't add up. I wasn't going to throw our program and our coach under the bus because of something we might have heard in the hallway.

Mayes told me that there wasn't any wrongdoing. He said the kid ran but he didn't finish. I didn't get anything from the people running the meet. It seemed to me at the time that someone was just trying to hammer Coach Mayes. I told (b) (6) that she was getting close to harassing Mayes and that she could get her contract terminated if they prove she's harassing him, or if it's a Federal employee she could face an employee investigation for harassment or intimidation. I told her if she can't prove anything solid, then she needed to back off.

It's my belief that somebody was looking over Mayes's shoulder to see if he would mess up. It seemed to me that somebody was trying to make Mayes be unsuccessful or get in trouble or get fired. If he wasn't perfect, there was somebody there to show the imperfections. I can't prove who, but I have my suspicions and I'd rather not say because I can't prove anything.

We've used letters of intent when recruiting athletes. We have used them for over 35 years that I've been here, and it's never been a problem. It's not a contract between the student and the program. It does not mean that the student is automatically in. It means that the student intends to come to Haskell and be in the athletic program. Haskell's intent to give the student a good education and the opportunity to play college sports. It's all dependent on the student getting accepted into school and it's not a guarantee. It's part of the recruiting process. Kids want to sign a letter of intent, take pictures at a table, and be with their families and coaches. We want them too, but they have to get accepted. As far as recruiting students to come to Haskell there are different types of styles and things that just seem to work for different sports.

There are rules for runners who compete unattached to a university or a program. Some of the criteria for unattached runners is that we do not supply anything to them, no transportation, no uniforms, no school logos. They are on their own. They just show up and run unattached. That's all legal and it's not uncommon to see people run unattached. It's kind of like a redshirt program other than they can't represent.

Regarding why they might run unattached. What could happen is that you might have somebody that's ineligible to run, but they will be eligible the next semester and the coach wants to keep them around. The coach could say they could run on their own and there is nothing wrong with that. I think Coach Mayes did have a couple guys that ran unattached. If they ran unattached and got their picture taken, people start saying Mayes had them running and they weren't supposed to run. They could have run unattached and there is nothing wrong with that. It has been done here every year with people running unattached in cross-country and track.

As to whether cross country and track runners are prohibited from participating in fun runs and community events. We want them to run. If they're having a fun run downtown, we have unattached people and people run there. There are no repercussions for running a fun run event. They are on their own and they are not representing Haskell and Haskell didn't send them.



Regarding the no contact order. What happened was there were some allegations involving Mayes that were brought to me, so I took them to Tonia Salvini, Vice President of University Services. Then we had a meeting with Salvini, Dr. Tamarah Pfeiffer, President, and (b) (6). (b) (6) said that if the students feel threatened then maybe we should have a no contact order for now. I didn't think it was necessary, but they said it would only be for a couple of weeks and this procedure would be over and done with and would protect the students and protect Mayes. It was only supposed to be for the students that were on the active roster who were involved in the allegations.

I was in the classroom in Coffin Complex when Salvini came to the sports complex to talk to the students about what we were doing. She told everyone on the cross-country roster, including the volunteer coaches, they could not have any contact with Mayes until this was all done. Salvini told them it was to protect everyone. I took it all as positive situation and that it was the best for everyone. There was nothing threatening on either side. The students were told that they were not to contact Mayes and he was not to contact them. If he did contact them, they were supposed to let us know. We did not tell the students that they could not discuss this with their parents. We had everyone sign the no contact order. I understood that it would be done before the end of the semester, at least by Christmas break. My last day was December 31, 2021. I heard later that the students said they were told that they were never to discuss this with their parents.

There was no physical or sexual assault, just some girls saying they didn't feel safe. I didn't think the accusations were that harsh. It started as the students didn't like the way Mayes coached. If you don't like a coach's style of coaching, you don't play for him. You don't make false accusations and get him fired. That's what I felt like was happening. I felt like it was false accusations, but I agreed to do it because it was only going to be for a few weeks.

I spoke with (b) (6) and went to (b) (6) to ask them what the next steps are. Tuchawena told me that he would work with the President on this and that I would be notified if needed. I never heard from anyone again.

There were differences in coaching methods. (b) (6) wanted to be their friends. (b) (6) and (b) (6) were more concerned about PRs (personal records) even if they weren't good, coming in next to last. Coach Mayes was more of a competitor, and he wanted to push them. That was the attitude that the (b) (6) and I wanted. One coach wanted to have more of a personal connection and the other wanted to win and have a more professional connection.

I would say that it is normal for coaches to raise their voices during practice if something is not going right or to call a kid out. I would be as guilty as anybody of this. I heard something about the allegation involving the student on their cellphone while Mayes was trying to coach. To say whether the comment about "putting it where the sun doesn't shine" was appropriate or inappropriate, it may not have been meant that way. It's what may have been needed to make the student understand or get their attention. It is a style of a coach. Some coaches say harder words than that. To say Mayes made a statement that was inappropriate or wrong, that would be between those two. At a college level, if they don't like your coaching style, they can choose to leave.

There is nepotism. A few athletic directors ago, (b) (6) was the (b) (6) and (b) (6) was still a (b) (6). They tried to get around it then by saying Al was really an instructor under the Academic Dean of Students. When I left, (b) (6) was still the (b) (6) and (b) (6) became the (b) (6). I understand that (b) (6) has been detailed as the (b) (6), but I heard (b) (6) still coaches. No matter what level of coach, the (b) (6) still supervises the coaches. There are other relations working on campus, but they don't seem to be supervising one another.

In my opinion, just being a coach in one sport doesn't make you a good coach in another sport. I believe (b) (6) had some type of background in coaching equestrian. They also made (b) (6) (b) (6). The (b) (6) would be the one making these decisions, and I heard (b) (6) made the decisions after I left. I don't know how they got this through the contracting process. I was told several times that you can't add money without reopening the contract. I don't know how you make someone a coach of another program, or if they gave them any more money or not. I was told you couldn't assign people to do things and not pay people. I was told you can't do this and now after I left it gets done.

I don't know about the allegations involving the method used to stretch calf muscles. A running coach might know about a stretching method. A golf coach or a football coach might know something different. (b) (6) is responsible for the health of all the athletes. He doesn't get into the stretching, warm-up, and prep. He's the only trainer we had and was stretched thin so he would treat the injuries and help athletes get better. He's been working for Haskell around 15 years. I had a pretty good relationship with him. He did his job and knew it well in my opinion.

I sent an email to Tony Dearman on behalf of Mayes because it felt like he was being railroaded. He wasn't given the opportunity to coach like he needed to improve his program and mold and bond with the kids to get it going at a college level. The nepotism is there with the (b) (6) and people have brought the conflict of interest between the (b) (6) to my attention. If they were mad at Mayes because he is now coaching what (b) (6) used to coach, it wasn't Mayes's fault. If they were trying to make Mayes look bad so they could put (b) (6) back, (b) (6) didn't have to leave. He could have been the cross-county coach, but he made the choice to go to track.

I am not aware of Mayes putting anything on social media about a particular athlete and mental health issues.

Regarding whether Haskell is a party school. I haven't been to a college that isn't a party school. If you want to party, it's here. If you want to come and do good things, it's here. It's a choice you make.

I do not recognize the signature on the letter of intent dated July 1, 2022. It looks like a big "C" and something else, but I don't know what Mayes' signature looks like. I was under the assumption that Mayes was still recruiting until he was either terminated or fired. I don't know if his contract was ended or terminated. I cannot verify whether any of the signatures are Mayes's signatures.

One of the reasons I retired was because I wasn't the greatest (b) (6) in the world. I didn't have a secretary, I wasn't a secretary, but I had to act like a secretary and with the technology and computers. I was spending all my time, six or seven hours trying to do administrative work, so how could I do (b) (6) work. They wouldn't hire a secretary for me.

I have never seen (b) (6) act inappropriately in anything. He's been the most levelheaded (b) (6) we've had (b) (6). He got the job I wanted but his (b) (6).

Billy Mills gave cross-county program a \$10,000 donation. I saw the check and the picture of the check said it was for cross-country. The cross-country students were all standing around the check in the picture. After (b) (6), I was told it wasn't for cross-country and that it was for another program. The money would have gone into the student bank. The contact person for the student bank is (b) (6). I did mention the check to Mayes because he wanted to know how much money they had.

Donations or monies raised on a particular program or club would go to soft money account in the student bank. It's not under as strict government regulation. The program or club would have a plan of operation

on how it's drawn out, how it's used, and how it's approved. Bigger donations would go to the Foundation and there is a process on how to request those donations. The Foundation is run by (b) (6)  
(b) (6)

(b) (6). When we separated the programs, the men and the women received equal amounts. It was almost \$40,000 for cross-country. Mayes was not able to use that money. Mayes told me after I left that he was minus \$30,000 dollars for his budget, and he couldn't spend any money. I know for a fact that he got about \$20,000 each for the men and the women. I never signed for that many purchases in the fall of 2021. Cross-country didn't travel or do that much as a team. It seemed like another barrier someone was (being put) in Mayes's way so he couldn't do his job.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

(b) (6)

*Executed on (Date):*  
September 15, 2022



U.S. Department of the Interior  
**Bureau of Indian Education**

Date: July 19, 2022, 1:37 PM CST

Bureau of Indian Education Witness Declaration/Affidavit - (b) (6)

(b) (6)

Haskell Indian Nations University

(b) (6)

Haskell Foundation

(b) (6) studying exercise physiology, wanting to be a college track coach. I was advised to meet with (b) (6) at Haskell Indian Nations University (HINU), who at that time was (b) (6). (b) (6) I was able to work with (b) (6) for one academic year as (b) (6) and have remained in contact with him ever since then. In 2014, Tuckwin contacted me to see if (b) (6)

(b) (6)

Early on during my tenure as the As the (b) (6) (b) (6) mentioned he was interested in supporting Haskell hiring wanted to bring in a new head cross-country coach, Clay Mayes (Mayes), who had been coaching in Oklahoma and California. (b) (6) was the cross-country coach and athletic director for many years at Haskell and filled many roles at HINU; he taught in the business school, was inducted into the American Indian Sports Hall of Fame, and was honored at the Kansas City Chiefs football game a couple of years ago.

When (b) (6) was the athletic director, (b) (6) became the (b) (6) (b) (6) and there was a concern (b) (6) was not developing the program, not even close to what (b) (6) had accomplished. As a result, (b) (6) made an attempt to remove (b) (6) as the (b) (6) but was unsuccessful. Another (b) (6) was (b) (6) at the time and did not allow (b) (6) to be removed. As a result, ever since the (b) (6) were not exactly have been less than friendly, if not actually but hostile towards (b) (6) when he proposed to remove (b) (6) as the (b) (6) (b) (6)

According to (b) (6) Mayes was interested in becoming the cross-country coach at HINU and Mayes had reached out to (b) (6) who was the athletic director at the time. Subsequently, a meeting had occurred with Tanner, then (b) (6) (b) (6) and I. Both (b) (6) and I supported hiring Clay Mayes to coach at Haskell. (b) (6) As a result of our support, (b) (6) strongly encouraged the hiring of Mayes. Because (b) (6) was supportive of Mayes coming to HINU, and to my

understanding gave (b) (6) the option of (b) (6) or the (b) (6) (b) (6) (b) (6) took the (b) (6) which allowed HINU to hire attract Mayes as the head men's and women's cross-country coach. With my support, Mayes was brought on as the head cross-country coach, but the (b) (6), particularly (b) (6) were intent on undermining Mayes from the very beginning. They did what they could to undermine ~~for~~ Mayes ~~to be unsuccessful~~, with what clearly appeared to be the goal of getting rid of him.

(b) (6) I had very little interactions with the (b) (6) unless I went to Jim Thorpe to work out (exercise / (b) (6) managed the Jim Thorpe workout facility). My interactions with the (b) (6) were more tenuous, and never ~~but not~~ extensive.

I do recall a conversation with (b) (6) at Navarre Hall relatively soon after I started as (b) (6) I told him I had a (b) (6), ran for KU, helped coach (b) (6) with coaching track and field at Haskell many years before, and I was hopeful that (b) (6) would accept my offer to ~~thought he could use my~~ help; but he was not interested whatsoever in my assistance. On a separate occasion, I asked (b) (6) if I could come out and watch the cross-country team practice. On another occasion at the Jim Thorpe facility I suggested that I could ~~s~~ and help with the sprinting/running, throwing and jump events in track and field. (b) (6) gave no response to any of my overtures; he never responded to any of my offers to help with his programs.

On another occasion, I became friendly with a Haskell track and field athlete who was a shot putter, and told this athlete, I had coached a woman at (b) (6) (b) (6) (b) (6) we talked about track and field and the shot put, and we talked about me watching ~~I watched~~ him at practice throw the shotput. I told him before I watched him throw the shot, we needed to get the (b) (6) approval and he needed to ask them for their approval. ~~but he thought the (b) (6) had to be ok with me talking to him~~. After speaking with the (b) (6) the athlete ~~He~~ advised me that the (b) (6) were not ok with me watching him throw the shot put at practice, so I never did observe him throwing the shot in practice. #.

HINU didn't have much of a track team under (b) (6) I know that for a few years, the track and field program had been terminated ~~was defunct~~, Within the last few years Haskell re-started the track and field program, but have had very little success. ~~and an attempt was being made to revamp it.~~

After Mayes became the ~~The~~ cross-country coach ~~team was not so cohesive, and~~ Mayes wanted me to help the program and I submitted my name as an assistant cross-country coach. As the (b) (6), I thought I could help coach by taking a couple of hours out of my schedule each day. It was in August 2021, and I met with Mayes and filled out the background investigation forms to be an assistant coach. It is my recollection I was to ~~proceed and help as~~ My interest in becoming the assistant cross-country coach was never realized, because however, the powers that be (b) (6) and (b) (6) and perhaps others) prevented the completion of the process of qualifying me to assist with the cross-country program, inclusive of not by allowing my background check process to be completed, and would not let me coach.

I followed up in January 2022, regarding my background investigation with (b) (6) (b) (6) HINU Human Resources. Mona stated that herself and (b) (6) believed ~~that~~ believed that there were serious errors with how I had completed my background

investigation forms, so I proceeded to complete them again. When I met with (b) (6) in early January 2022 in her office to once again fill out the background check papers, I discovered the serious errors were, 1) I had signed my name (b) (6) and not (b) (6) and 2) ~~and which proved to be fatal~~, under the Any Other Names section, I didn't write anything down, but ostensibly I should have put "N/A", but I didn't.

According to (b) (6) despite these background investigation forms being submitted in September 2021, ~~and again in January of 2022, these errors precluded the background investigation from proceeding.~~ I am still not cleared from the background investigation process, and Menaprocess. Mona said early in 2022 that my background check it could not be completed because there was no requisition for services submitted by Mayes for me to act as an assistant coach. However, ~~I am aware when asked, Clay Mayes told me that he did submitted~~ the requisition more than once. ~~At one point, (b) (6) had some issues with the background investigation forms and Mona said they had major problems.~~

The Nike contract with HINU, I have no information to provide.

With regard to (b) (6) relationships at HINU, I understand (b) (6) is related to or is good friends to (b) (6) I presume, (b) (6) might have had some influence on bringing in (b) (6) as the (b) (6)

~~For a period of time, and if indeed I understand that~~ there is a federal regulation, that family cannot supervise other family members. ~~For a period of time, I believe that each other, and (b) (6)~~ was supervising her (b) (6) At HINU, people make up their own rules ~~to their perspective~~ on how things should work to their advantage or to simply exercise an authority that does not exist. Individuals have gotten away with what they want to do versus doing what is in the best the overall intent, and that is the interest of the students and the University. There are a lot of little cliques who work together to do what they want to do; like getting rid of Mayes or whatever it may be. It is amazing, the amount of immaturity and self-interest at HINU.

I have not seen any intimidation, but there was one thing that happened. The Haskell Foundation I received grants from a granting agency interested in preserving regarding historical buildings. The grants allowed us to engage / employ a structural engineer to make improvements to the Haskell Archway (the west entrance to the football stadium) archways to prevent further water penetrations into the structure. The contractor could have saved the Foundation money if they could have used a lift owned by HINU. We had to ask Vice President Tonia Salvini (Salvini) whether our contractor could use the lift. I was never involved in the discussion with her people to explain how this could work with any liability issue solved, and but her decision was to she did not allow a third party to use the lift because it was federal property and because of liability concerns. Contractors can insure and eliminate limit the liability issue by naming and protect HINU and its agents and employees as insured on the contractor's insurance certificate; but no positive response was ever received from Salvini despite my efforts to explain a possible solution to her liability concerns. In fact, in an email she expressed her concern that she felt like I was trying to do her job --when I was only trying to save the Foundation \$3,000.00. trying to save HINU \$3,000.00.

At one-point, former President Graham told the Foundation it must ~~to~~ move from Navarre to Pushmataha Hall. The Foundation was thrilled for a new venue for fundraising, but this pushed Salvini out of Pushmataha and back to Navarre Hall and she was upset about being

forced to move; and might have blamed the Foundation for this move. (b) (6) eventually moved all his direct reports to Navarre Hall. The Foundation's move to Pushmataha Hall This was done despite the Foundation having a rental agreement in place with HINU to occupy space located in Navarre Hall.

In June of 2021, without any discussion whatsoever, Salvini directed that delegated without discussion, she moved the Foundation move into to the the small back office in Pushmataha The remainder of Pushmataha, including its two offices, conference room, etc. were to be occupied by e and moved the dean of students, into our office. There was no discussion, no acknowledgment that we had a valid lease in place, just a directive. The problem at HINU is there is no leadership, and communication has been extremely disjointed; the lack of good leadership has been the case since my tenure. When I first started at the Foundation, the then The President did not last long due to not truthfully reporting criminal activity. (b) (6) was a big-time failure and I met with him once a week during his tenure. I was disappointed in his executive skills; I was not surprised he was let go.

In 2021, when the Foundation was directed to relocate by Salvini a second time. This forced the Foundation to cram into one small office at the back of Pushmataha, we were forced to and store re the rest of many of our office items in offsite storage. In April of 2021, the Haskell Foundation's This was done after the board of trustees elected to terminate the employment of remove two (2) of our employees. After the removal of our 2 employees, Haskell facilities (managed by Salvini) and we were locked us out of the building for several days. In addition, after the removal of the 2 employees, Soon after, the internet our internet service was discontinued for several days. All of the foregoing interrupted which seemed seemed to be a form of vindictiveness. The Foundation is we are still today operating out of sitting in the small office in the back of Pushmataha Hall.

With regard to any fraud and asset misappropriation occurring at HINU, I am aware of the allegations that and the (b) (6) might be involved, by keeping HINU property for themselves. I have no firsthand knowledge of the (b) (6) taking HINU property. It wouldn't surprise me; Judith was at the previous athletic director and was let go for misappropriation of funds.

Then acting President Dr. Tamarah Pfeiffer, let Mona, (b) (6) and Salvini run the place. They were are not interested in professionally, objectively managing in HINU. There has been a clear lack of leadership, direction, and accountability at HINU; things like that should have never happened.

My original statements about public knowledge of my testimony was to protect the Foundation. Several people might say, there are people who are part of the (b) (6) clique, and if they find out I spoke ill of any of the (b) (6) they will want to retaliate. I don't think retaliation would be a concern to will happen to me personally but I am concerned more so for with the Foundation. The Foundation is a positive to HINU. Just the other day, I picked up a check from our the accountants to help repair a vehicle for a student so she could drive home for the summer to South Dakota, and we recently established a fund to help pay for with mental health services for Haskell students; we do not have the support that we get no support but should have had it from HINU. The Foundation is governed by policies and procedures; a greater collaboration between of HINU, and the Foundation, and the president of the board of trustees should be occurring.

If there are any concerns, ~~it would be the problems for the Foundation~~ it would be retaliation against the Foundation, and the lack of collaboration and working together with all aspects of HINU.

*I declare, under the penalty of perjury, and the laws of the United States of America, the foregoing is true and correct.*

Signed:

(b) (6)

Executed on (Date):

8/29/2022



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This content is from the eCFR and is authoritative but unofficial.

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## **Title 34 - Education**

### **Subtitle B - Regulations of the Offices of the Department of Education**

#### **Chapter I - Office for Civil Rights, Department of Education**

#### **Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities**

##### **Receiving Federal Financial Assistance**

##### **Subpart A Introduction**

**§ 106.1** Purpose and effective date.

**§ 106.2** Definitions.

**§ 106.3** Remedial and affirmative action and self-evaluation.

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## Appendix A to Part 106

Guidelines for Eliminating Discrimination and Denial of Services  
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Vocational Education Programs

# PART 106 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

**Authority:** 20 U.S.C. 1681 *et seq.*, unless otherwise noted.

**Source:** 45 FR 30955, May 9, 1980, unless otherwise noted.

## Subpart A - Introduction

### § 106.1 Purpose and effective date.

The purpose of this part is to effectuate title IX of the Education Amendments of 1972, as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part. This part is also intended to effectuate section 844 of the Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484. The effective date of this part shall be July 21, 1975.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.2 Definitions.

As used in this part, the term:

- (a) **Title IX** means title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except sections 904 and 906 thereof; 20 U.S.C. 1681, 1682, 1683, 1685, 1686.
- (b) **Department** means the Department of Education.
- (c) **Secretary** means the Secretary of Education.
- (d) **Assistant Secretary** means the Assistant Secretary for Civil Rights of the Department.
- (e) **Reviewing Authority** means that component of the Department delegated authority by the Secretary to appoint, and to review the decisions of, administrative law judges in cases arising under this part.
- (f) **Administrative law judge** means a person appointed by the reviewing authority to preside over a hearing held under this part.

- (g) **Federal financial assistance** means any of the following, when authorized or extended under a law administered by the Department:
- (1) A grant or loan of Federal financial assistance, including funds made available for:
    - (i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and
    - (ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.
  - (2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.
  - (3) Provision of the services of Federal personnel.
  - (4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.
  - (5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.
- (h) **Program or activity** and *program* means all of the operations of -
- (1)
    - (i) A department, agency, special purpose district, or other instrumentality of a State or local government; or
    - (ii) The entity of a State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
  - (2)
    - (i) A college, university, or other postsecondary institution, or a public system of higher education; or
    - (ii) A local educational agency (as defined in 20 U.S.C. 8801), system of vocational education, or other school system;
  - (3)
    - (i) An entire corporation, partnership, other private organization, or an entire sole proprietorship -
      - (A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
      - (B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
    - (ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

- (4) Any other entity that is established by two or more of the entities described in paragraph (h)(1), (2), or (3) of this section; any part of which is extended Federal financial assistance.

(Authority: 20 U.S.C. 1687)

- (i) **Recipient** means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives such assistance, including any subunit, successor, assignee, or transferee thereof.
- (j) **Applicant** means one who submits an application, request, or plan required to be approved by a Department official, or by a recipient, as a condition to becoming a recipient.
- (k) **Educational institution** means a local educational agency (LEA) as defined by section 1001(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (l), (m), (n), or (o) of this section.
- (l) **Institution of graduate higher education** means an institution which:
- (1) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences; or
  - (2) Awards any degree in a professional field beyond the first professional degree (regardless of whether the first professional degree in such field is awarded by an institution of undergraduate higher education or professional education); or
  - (3) Awards no degree and offers no further academic study, but operates ordinarily for the purpose of facilitating research by persons who have received the highest graduate degree in any field of study.
- (m) **Institution of undergraduate higher education** means:
- (1) An institution offering at least two but less than four years of college level study beyond the high school level, leading to a diploma or an associate degree, or wholly or principally creditable toward a baccalaureate degree; or
  - (2) An institution offering academic study leading to a baccalaureate degree; or
  - (3) An agency or body which certifies credentials or offers degrees, but which may or may not offer academic study.
- (n) **Institution of professional education** means an institution (except any institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the Secretary.
- (o) **Institution of vocational education** means a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study.
- (p) **Administratively separate unit** means a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

- (q) **Admission** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by a recipient.
- (r) **Student** means a person who has gained admission.
- (s) **Transition plan** means a plan subject to the approval of the Secretary pursuant to section 901(a)(2) of the Education Amendments of 1972, under which an educational institution operates in making the transition from being an educational institution which admits only students of one sex to being one which admits students of both sexes without discrimination.

[45 FR 30955, May 9, 1980; 45 FR 37426, June 3, 1980, as amended at 65 FR 68056, Nov. 13, 2000; 85 FR 30579, May 19, 2020]

### § 106.3 Remedial and affirmative action and self-evaluation.

- (a) **Remedial action.** If the Assistant Secretary finds that a recipient has discriminated against persons on the basis of sex in an education program or activity under this part, or otherwise violated this part, such recipient must take such remedial action as the Assistant Secretary deems necessary to remedy the violation, consistent with 20 U.S.C. 1682.
- (b) **Affirmative action.** In the absence of a finding of discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex. Nothing herein shall be interpreted to alter any affirmative action obligations which a recipient may have under Executive Order 11246.
- (c) **Self-evaluation.** Each recipient education institution shall, within one year of the effective date of this part:
  - (1) Evaluate, in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel working in connection with the recipient's education program or activity;
  - (2) Modify any of these policies and practices which do not or may not meet the requirements of this part; and
  - (3) Take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.
- (d) **Availability of self-evaluation and related materials.** Recipients shall maintain on file for at least three years following completion of the evaluation required under paragraph (c) of this section, and shall provide to the Assistant Secretary upon request, a description of any modifications made pursuant to paragraph (c)(ii) of this section and of any remedial steps taken pursuant to paragraph (c)(iii) of this section.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30572, 30579, May 19, 2020]

### § 106.4 Assurance required.

- (a) **General.** Every application for Federal financial assistance shall as condition of its approval contain or be accompanied by an assurance from the applicant or recipient, satisfactory to the Assistant Secretary, that the education program or activity operated by the applicant or recipient and to which this part applies will be operated in compliance with this part. An assurance of compliance with this part shall not be satisfactory to the Assistant Secretary if the applicant or recipient to whom such assurance applies fails

to commit itself to take whatever remedial action is necessary in accordance with § 106.3(a) to eliminate existing discrimination on the basis of sex or to eliminate the effects of past discrimination whether occurring prior or subsequent to the submission to the Assistant Secretary of such assurance.

(b) **Duration of obligation.**

- (1) In the case of Federal financial assistance extended to provide real property or structures thereon, such assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used to provide an education program or activity.
- (2) In the case of Federal financial assistance extended to provide personal property, such assurance shall obligate the recipient for the period during which it retains ownership or possession of the property.
- (3) In all other cases such assurance shall obligate the recipient for the period during which Federal financial assistance is extended.

(c) **Form.** The Director will specify the form of the assurances required by paragraph (a) of this section and the extent to which such assurances will be required of the applicant's or recipient's subgrantees, contractors, subcontractors, transferees, or successors in interest.

[45 FR 30955, May 9, 1980, as amended at 45 FR 86298, Dec. 30, 1980; 65 FR 68056, Nov. 13, 2000; 85 FR 30579, May 19, 2020]

### § 106.5 Transfers of property.

If a recipient sells or otherwise transfers property financed in whole or in part with Federal financial assistance to a transferee which operates any education program or activity, and the Federal share of the fair market value of the property is not upon such sale or transfer properly accounted for to the Federal Government both the transferor and the transferee shall be deemed to be recipients, subject to the provisions of subpart B of this part.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.6 Effect of other requirements and preservation of rights.

(a) **Effect of other Federal provisions.** The obligations imposed by this part are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 704 and 855 of the Public Health Service Act (42 U.S.C. 292d and 298b-2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation.

(Authority: Secs. 901, 902, 905, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1685)

(b) **Effect of State or local law or other requirements.** The obligation to comply with this part is not obviated or alleviated by any State or local law or other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex, to practice any occupation or profession.

- (c) **Effect of rules or regulations of private organizations.** The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives Federal financial assistance.
- (d) **Constitutional protections.** Nothing in this part requires a recipient to:
  - (1) Restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution;
  - (2) Deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution; or
  - (3) Restrict any other rights guaranteed against government action by the U.S. Constitution.
- (e) **Effect of Section 444 of General Education Provisions Act (GEPA)/Family Educational Rights and Privacy Act (FERPA).** The obligation to comply with this part is not obviated or alleviated by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99.
- (f) **Title VII of the Civil Rights Act of 1964.** Nothing in this part may be read in derogation of any individual's rights under title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* or any regulations promulgated thereunder.
- (g) **Exercise of rights by parents or guardians.** Nothing in this part may be read in derogation of any legal right of a parent or guardian to act on behalf of a "complainant," "respondent," "party," or other individual, subject to paragraph (e) of this section, including but not limited to filing a formal complaint.
- (h) **Preemptive effect.** To the extent of a conflict between State or local law and title IX as implemented by §§ 106.30, 106.44, and 106.45, the obligation to comply with §§ 106.30, 106.44, and 106.45 is not obviated or alleviated by any State or local law.

[45 FR 30955, May 9, 1980, as amended at 65 FR 68056, Nov. 13, 2000; 85 FR 30573, 30579, May 19, 2020]

## § 106.7 Effect of employment opportunities.

The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19 2020]

## § 106.8 Designation of coordinator, dissemination of policy, and adoption of grievance procedures.

- (a) **Designation of coordinator.** Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this part, which employee must be referred to as the "Title IX Coordinator." The recipient must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator pursuant to this paragraph. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the



person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

(b) **Dissemination of policy** -

(1) **Notification of policy.** Each recipient must notify persons entitled to a notification under paragraph (a) of this section that the recipient does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by title IX and this part not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission (unless subpart C of this part does not apply) and employment, and that inquiries about the application of title IX and this part to such recipient may be referred to the recipient's Title IX Coordinator, to the Assistant Secretary, or both.

(2) **Publications.**

(i) Each recipient must prominently display the contact information required to be listed for the Title IX Coordinator under paragraph (a) of this section and the policy described in paragraph (b)(1) of this section on its website, if any, and in each handbook or catalog that it makes available to persons entitled to a notification under paragraph (a) of this section.

(ii) A recipient must not use or distribute a publication stating that the recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by title IX or this part.

(c) **Adoption of grievance procedures.** A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this part and a grievance process that complies with § 106.45 for formal complaints as defined in § 106.30. A recipient must provide to persons entitled to a notification under paragraph (a) of this section notice of the recipient's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the recipient will respond.

(d) **Application outside the United States.** The requirements of paragraph (c) of this section apply only to sex discrimination occurring against a person in the United States.

[85 FR 30573, May 19, 2020]

## § 106.9 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any person, act, or practice shall not be affected thereby.

[85 FR 30573, May 19, 2020]

## Subpart B - Coverage

## § 106.11 Application.

Except as provided in this subpart, this part 106 applies to every recipient and to the education program or activity operated by such recipient which receives Federal financial assistance.

[45 FR 86298, Dec. 30, 1980, as amended at 65 FR 68056, Nov. 13, 2000; 85 FR 30579, May 19, 2020]

## § 106.12 Educational institutions controlled by religious organizations.

- (a) **Application.** This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
- (b) **Assurance of exemption.** An educational institution that seeks assurance of the exemption set forth in paragraph (a) of this section may do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part that conflict with a specific tenet of the religious organization. An institution is not required to seek assurance from the Assistant Secretary in order to assert such an exemption. In the event the Department notifies an institution that it is under investigation for noncompliance with this part and the institution wishes to assert an exemption set forth in paragraph (a) of this section, the institution may at that time raise its exemption by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization, whether or not the institution had previously sought assurance of an exemption from the Assistant Secretary.
- (c) **Eligibility.** Any of the following in paragraphs (c)(1) through (6) of this section shall be sufficient to establish that an educational institution is controlled by a religious organization, as contemplated under paragraph (a) of this section, and is therefore eligible to assert a religious exemption to the extent application of this part would not be consistent with its religious tenets:
  - (1) That the educational institution is a school or department of divinity.
  - (2) That the educational institution requires its faculty, students, or employees to be members of, or otherwise engage in religious practices of, or espouse a personal belief in, the religion of the organization by which it claims to be controlled.
  - (3) That the educational institution, in its charter or catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof, or is committed to the doctrines or practices of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.
  - (4) That the educational institution has a doctrinal statement or a statement of religious practices, along with a statement that members of the institution community must engage in the religious practices of, or espouse a personal belief in, the religion, its practices, or the doctrinal statement or statement of religious practices.
  - (5) That the educational institution has a published institutional mission that is approved by the governing body of an educational institution and that includes, refers to, or is predicated upon religious tenets, beliefs, or teachings.
  - (6) Other evidence sufficient to establish that an educational institution is controlled by a religious organization, pursuant to 20 U.S.C. 1681(a)(3).

- (d) **Severability.** If any provision of this section or its application to any person, act, or practice is held invalid, the remainder of this section or the application of its provisions to any person, act, or practice shall not be affected thereby.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30573, 30579, May 19, 2020; 85 FR 59980, Sept. 23, 2020]

### § 106.13 Military and merchant marine educational institutions.

This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.14 Membership practices of certain organizations.

- (a) **Social fraternities and sororities.** This part does not apply to the membership practices of social fraternities and sororities which are exempt from taxation under section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at institutions of higher education.
- (b) **YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls.** This part does not apply to the membership practices of the Young Men's Christian Association, the Young Women's Christian Association, the Girl Scouts, the Boy Scouts and Camp Fire Girls.
- (c) **Voluntary youth service organizations.** This part does not apply to the membership practices of voluntary youth service organizations which are exempt from taxation under section 501(a) of the Internal Revenue Code of 1954 and the membership of which has been traditionally limited to members of one sex and principally to persons of less than nineteen years of age.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.15 Admissions.

- (a) Admissions to educational institutions prior to June 24, 1973, are not covered by this part.
- (b) **Administratively separate units.** For the purposes only of this section, §§ 106.16 and 106.17, and subpart C, each administratively separate unit shall be deemed to be an educational institution.
- (c) **Application of subpart C.** Except as provided in paragraphs (d) and (e) of this section, subpart C applies to each recipient. A recipient to which subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of that subpart.
- (d) **Educational institutions.** Except as provided in paragraph (e) of this section as to recipients which are educational institutions, subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.
- (e) **Public institutions of undergraduate higher education.** Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex.

[45 FR 30955, May 9, 1980, as amended at 45 FR 86298, Dec. 30, 1980; 85 FR 30579, May 19, 2020]

## § 106.16 Educational institutions eligible to submit transition plans.

- (a) **Application.** This section applies to each educational institution to which subpart C applies which:
- (1) Admitted only students of one sex as regular students as of June 23, 1972; or
  - (2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the sex not admitted prior to June 23, 1965.
- (b) **Provision for transition plans.** An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of subpart C unless it is carrying out a transition plan approved by the Secretary as described in § 106.17, which plan provides for the elimination of such discrimination by the earliest practicable date but in no event later than June 23, 1979.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

## § 106.17 Transition plans.

- (a) **Submission of plans.** An institution to which § 106.16 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each such unit.
- (b) **Content of plans.** In order to be approved by the Secretary a transition plan shall:
- (1) State the name, address, and Federal Interagency Committee on Education (FICE) Code of the educational institution submitting such plan, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.
  - (2) State whether the educational institution or administratively separate unit admits students of both sexes, as regular students and, if so, when it began to do so.
  - (3) Identify and describe with respect to the educational institution or administratively separate unit any obstacles to admitting students without discrimination on the basis of sex.
  - (4) Describe in detail the steps necessary to eliminate as soon as practicable each obstacle so identified and indicate the schedule for taking these steps and the individual directly responsible for their implementation.
  - (5) Include estimates of the number of students, by sex, expected to apply for, be admitted to, and enter each class during the period covered by the plan.
- (c) **Nondiscrimination.** No policy or practice of a recipient to which § 106.16 applies shall result in treatment of applicants to or students of such recipient in violation of subpart C unless such treatment is necessitated by an obstacle identified in paragraph (b) (3) of this section and a schedule for eliminating that obstacle has been provided as required by paragraph (b) (4) of this section.
- (d) **Effects of past exclusion.** To overcome the effects of past exclusion of students on the basis of sex, each educational institution to which § 106.16 applies shall include in its transition plan, and shall implement, specific steps designed to encourage individuals of the previously excluded sex to apply for admission to such institution. Such steps shall include instituting recruitment which emphasizes the institution's commitment to enrolling students of the sex previously excluded.

[45 FR 30955, May 9, 1980, as amended at 65 FR 68056, Nov. 13, 2000; 85 FR 30579, May 19, 2020]

## § 106.18 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any person, act, or practice shall not be affected thereby.

[85 FR 30573, May 19, 2020]

## Subpart C - Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

### § 106.21 Admission.

- (a) **General.** No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in §§ 106.16 and 106.17.
- (b) **Specific prohibitions.**
  - (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies shall not:
    - (i) Give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;
    - (ii) Apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or
    - (iii) Otherwise treat one individual differently from another on the basis of sex.
  - (2) A recipient shall not administer or operate any test or other criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable.
- (c) **Prohibitions relating to marital or parental status.** In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:
  - (1) Shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;
  - (2) Shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;
  - (3) Shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and
  - (4) Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.22 Preference in admission.

A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.23 Recruitment.

(a) **Nondiscriminatory recruitment.** A recipient to which this subpart applies shall not discriminate on the basis of sex in the recruitment and admission of students. A recipient may be required to undertake additional recruitment efforts for one sex as remedial action pursuant to § 106.3(a), and may choose to undertake such efforts as affirmative action pursuant to § 106.3(b).

(b) **Recruitment at certain institutions.** A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.24 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any person, act, or practice shall not be affected thereby.

[85 FR 30574, May 19, 2020]

## Subpart D - Discrimination on the Basis of Sex in Education Programs or Activities Prohibited

### § 106.30 Definitions.

(a) As used in this part:

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in § 106.8(a).

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Consent.** The Assistant Secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault, as referenced in this section.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must comply with the requirements of this part, including § 106.45(b)(1)(iii).

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

**Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

(b) As used in §§ 106.44 and 106.45:

**Elementary and secondary school** means a local educational agency (LEA), as defined in the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, a preschool, or a private elementary or secondary school.

**Postsecondary institution** means an institution of graduate higher education as defined in § 106.2(l), an institution of undergraduate higher education as defined in § 106.2(m), an institution of professional education as defined in § 106.2(n), or an institution of vocational education as defined in § 106.2(o).

[85 FR 30574, May 19, 2020]

### § 106.31 Education programs or activities.

- (a) **General.** Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of
  - (1) a recipient to which subpart C does not apply, or
  - (2) an entity, not a recipient, to which subpart C would not apply if the entity were a recipient.
- (b) **Specific prohibitions.** Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:
  - (1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
  - (2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
  - (3) Deny any person any such aid, benefit, or service;
  - (4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;
  - (5) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
  - (6) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
  - (7) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.
- (c) **Assistance administered by a recipient educational institution to study at a foreign institution.** A recipient educational institution may administer or assist in the administration of scholarships, fellowships, or other awards established by foreign or domestic wills, trusts, or similar legal instruments, or by acts of foreign governments and restricted to members of one sex, which are designed to provide opportunities to study abroad, and which are awarded to students who are already matriculating at or who are graduates of the recipient institution; *Provided*, a recipient educational institution which administers or assists in the administration of such scholarships, fellowships, or other awards which are restricted to members of one sex provides, or otherwise makes available reasonable opportunities for similar studies for members of the other sex. Such opportunities may be derived from either domestic or foreign sources.
- (d) **Aid, benefits or services not provided by recipient.**



- (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.
- (2) Such recipient:
  - (i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and
  - (ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

[45 FR 30955, May 9, 1980, as amended at 47 FR 32527, July 28, 1982; 65 FR 68056, Nov. 13, 2000; 85 FR 30579, May 19, 2020]

### § 106.32 Housing.

- (a) **Generally.** A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).
- (b) **Housing provided by recipient.**
  - (1) A recipient may provide separate housing on the basis of sex.
  - (2) Housing provided by a recipient to students of one sex, when compared to that provided to students of the other sex, shall be as a whole:
    - (i) Proportionate in quantity to the number of students of that sex applying for such housing; and
    - (ii) Comparable in quality and cost to the student.
- (c) **Other housing.**
  - (1) A recipient shall not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by such recipient.
  - (2) A recipient which, through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such reasonable action as may be necessary to assure itself that such housing as is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole:
    - (i) Proportionate in quantity and
    - (ii) Comparable in quality and cost to the student.

A recipient may render such assistance to any agency, organization, or person which provides all or part of such housing to students only of one sex.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.34 Access to classes and schools.

- (a) **General standard.** Except as provided for in this section or otherwise in this part, a recipient shall not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex.
  - (1) **Contact sports in physical education classes.** This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.
  - (2) **Ability grouping in physical education classes.** This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.
  - (3) **Human sexuality classes.** Classes or portions of classes in elementary and secondary schools that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.
  - (4) **Choruses.** Recipients may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.
- (b) **Classes and extracurricular activities -**
  - (1) **General standard.** Subject to the requirements in this paragraph, a recipient that operates a nonvocational coeducational elementary or secondary school may provide nonvocational single-sex classes or extracurricular activities, if -
    - (i) Each single-sex class or extracurricular activity is based on the recipient's important objective -
      - (A) To improve educational achievement of its students, through a recipient's overall established policy to provide diverse educational opportunities, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective; or
      - (B) To meet the particular, identified educational needs of its students, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective;
    - (ii) The recipient implements its objective in an evenhanded manner;
    - (iii) Student enrollment in a single-sex class or extracurricular activity is completely voluntary; and
    - (iv) The recipient provides to all other students, including students of the excluded sex, a substantially equal coeducational class or extracurricular activity in the same subject or activity.

- (2) **Single-sex class or extracurricular activity for the excluded sex.** A recipient that provides a single-sex class or extracurricular activity, in order to comply with paragraph (b)(1)(ii) of this section, may be required to provide a substantially equal single-sex class or extracurricular activity for students of the excluded sex.
- (3) **Substantially equal factors.** Factors the Department will consider, either individually or in the aggregate as appropriate, in determining whether classes or extracurricular activities are substantially equal include, but are not limited to, the following: the policies and criteria of admission, the educational benefits provided, including the quality, range, and content of curriculum and other services and the quality and availability of books, instructional materials, and technology, the qualifications of faculty and staff, geographic accessibility, the quality, accessibility, and availability of facilities and resources provided to the class, and intangible features, such as reputation of faculty.
- (4) **Periodic evaluations.**
  - (i) The recipient must conduct periodic evaluations to ensure that single-sex classes or extracurricular activities are based upon genuine justifications and do not rely on overly broad generalizations about the different talents, capacities, or preferences of either sex and that any single-sex classes or extracurricular activities are substantially related to the achievement of the important objective for the classes or extracurricular activities.
  - (ii) Evaluations for the purposes of paragraph (b)(4)(i) of this section must be conducted at least every two years.
- (5) **Scope of coverage.** The provisions of paragraph (b)(1) through (4) of this section apply to classes and extracurricular activities provided by a recipient directly or through another entity, but the provisions of paragraph (b)(1) through (4) of this section do not apply to interscholastic, club, or intramural athletics, which are subject to the provisions of §§ 106.41 and 106.37(c) of this part.

(c) **Schools -**

- (1) **General Standard.** Except as provided in paragraph (c)(2) of this section, a recipient that operates a public nonvocational elementary or secondary school that excludes from admission any students, on the basis of sex, must provide students of the excluded sex a substantially equal single-sex school or coeducational school.
- (2) **Exception.** A nonvocational public charter school that is a single-school local educational agency under State law may be operated as a single-sex charter school without regard to the requirements in paragraph (c)(1) of this section.
- (3) **Substantially equal factors.** Factors the Department will consider, either individually or in the aggregate as appropriate, in determining whether schools are substantially equal include, but are not limited to, the following: The policies and criteria of admission, the educational benefits provided, including the quality, range, and content of curriculum and other services and the quality and availability of books, instructional materials, and technology, the quality and range of extracurricular offerings, the qualifications of faculty and staff, geographic accessibility, the quality, accessibility, and availability of facilities and resources, and intangible features, such as reputation of faculty.
- (4) **Definition.** For the purposes of paragraph (c)(1) through (3) of this section, the term “school” includes a “school within a school,” which means an administratively separate school located within another school.

[71 FR 62542, Oct. 25, 2006, as amended at 85 FR 30579 May 19, 2020]

### § 106.35 Access to institutions of vocational education.

A recipient shall not, on the basis of sex, exclude any person from admission to any institution of vocational education operated by that recipient.

[71 FR 62543, Oct. 25, 2006, as amended at 85 FR 30579, May 19, 2020]

### § 106.36 Counseling and use of appraisal and counseling materials.

- (a) **Counseling.** A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.
- (b) **Use of appraisal and counseling materials.** A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipients shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.
- (c) **Disproportion in classes.** Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.37 Financial assistance.

- (a) **General.** Except as provided in paragraphs (b) and (c) of this section, in providing financial assistance to any of its students, a recipient shall not:
  - (1) On the basis of sex, provide different amount or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate;
  - (2) Through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or
  - (3) Apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.
- (b) **Financial aid established by certain legal instruments.**
  - (1) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to

members of a particular sex specified therein; *Provided*, That the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

(2) To ensure nondiscriminatory awards of assistance as required in paragraph (b)(1) of this section, recipients shall develop and use procedures under which:

(i) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;

(ii) An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under paragraph (b)(2)(i) of this section; and

(iii) No student is denied the award for which he or she was selected under paragraph (b)(2)(i) of this section because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

(c) ***Athletic scholarships.***

(1) To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.

(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and § 106.41.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

## § 106.38 Employment assistance to students.

(a) ***Assistance by recipient in making available outside employment.*** A recipient which assists any agency, organization or person in making employment available to any of its students:

(1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and

(2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

(b) ***Employment of students by recipients.*** A recipient which employs any of its students shall not do so in a manner which violates subpart E of this part.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

## § 106.39 Health and insurance benefits and services.

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate Subpart E of this part if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.40 Marital or parental status.

- (a) **Status generally.** A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.
- (b) **Pregnancy and related conditions.**
  - (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.
  - (2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
  - (3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section shall ensure that the separate portion is comparable to that offered to non-pregnant students.
  - (4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.
  - (5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

[45 FR 30955, May 9, 1980, as amended at 65 FR 68056, Nov. 13, 2000; 85 FR 30579, May 19, 2020]

### § 106.41 Athletics.

- (a) **General.** No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.
- (b) **Separate teams.** Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport

involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

- (c) **Equal opportunity.** A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:
- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
  - (2) The provision of equipment and supplies;
  - (3) Scheduling of games and practice time;
  - (4) Travel and per diem allowance;
  - (5) Opportunity to receive coaching and academic tutoring;
  - (6) Assignment and compensation of coaches and tutors;
  - (7) Provision of locker rooms, practice and competitive facilities;
  - (8) Provision of medical and training facilities and services;
  - (9) Provision of housing and dining facilities and services;
  - (10) Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Assistant Secretary may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

- (d) **Adjustment period.** A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### **§ 106.42 Textbooks and curricular material.**

Nothing in this regulation shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### **§ 106.43 Standards for measuring skill or progress in physical education classes.**

If use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, the recipient shall use appropriate standards that do not have that effect.

(Authority: 20 U.S.C. 1681, 1682)

[71 FR 62543, Oct. 25, 2006, as amended at 85 FR 30579, May 19, 2020]

## § 106.44 Recipient's response to sexual harassment.

- (a) **General response to sexual harassment.** A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, §§ 106.30, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. A recipient's response must treat complainants and respondents equitably by offering supportive measures as defined in § 106.30 to a complainant, and by following a grievance process that complies with § 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in § 106.30, against a respondent. The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in § 106.30, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Department may not deem a recipient to have satisfied the recipient's duty to not be deliberately indifferent under this part based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.
- (b) **Response to a formal complaint.**
- (1) In response to a formal complaint, a recipient must follow a grievance process that complies with § 106.45. With or without a formal complaint, a recipient must comply with § 106.44(a).
  - (2) The Assistant Secretary will not deem a recipient's determination regarding responsibility to be evidence of deliberate indifference by the recipient, or otherwise evidence of discrimination under title IX by the recipient, solely because the Assistant Secretary would have reached a different determination based on an independent weighing of the evidence.
- (c) **Emergency removal.** Nothing in this part precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- (d) **Administrative leave.** Nothing in this subpart precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with § 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

[85 FR 30574, May 19, 2020]



## § 106.45 Grievance process for formal complaints of sexual harassment.

- (a) **Discrimination on the basis of sex.** A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under title IX.
- (b) **Grievance process.** For the purpose of addressing formal complaints of sexual harassment, a recipient's grievance process must comply with the requirements of this section. Any provisions, rules, or practices other than those required by this section that a recipient adopts as part of its grievance process for handling formal complaints of sexual harassment as defined in § 106.30, must apply equally to both parties.
  - (1) **Basic requirements for grievance process.** A recipient's grievance process must -
    - (i) Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with this section before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in § 106.30, against a respondent. Remedies must be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described in § 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;
    - (ii) Require an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
    - (iii) Require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A recipient must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in § 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in paragraph (b)(6) of this section. A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in paragraph (b)(5)(vii) of this section. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;
    - (iv) Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;

- (v) Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the recipient offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;
- (vi) Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the recipient may implement following any determination of responsibility;
- (vii) State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;
- (viii) Include the procedures and permissible bases for the complainant and respondent to appeal;
- (ix) Describe the range of supportive measures available to complainants and respondents; and
- (x) Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

(2) **Notice of allegations -**

- (i) Upon receipt of a formal complaint, a recipient must provide the following written notice to the parties who are known:
  - (A) Notice of the recipient's grievance process that complies with this section, including any informal resolution process.
  - (B) Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in § 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under § 106.30, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under paragraph (b)(5)(iv) of this section, and may inspect and review evidence under paragraph (b)(5)(vi) of this section. The written notice must inform the parties of any provision in the recipient's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

- (ii) If, in the course of an investigation, the recipient decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to paragraph (b)(2)(i)(B) of this section, the recipient must provide notice of the additional allegations to the parties whose identities are known.
- (3) **Dismissal of a formal complaint** -
- (i) The recipient must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in the recipient's education program or activity, or did not occur against a person in the United States, then the recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX or this part; such a dismissal does not preclude action under another provision of the recipient's code of conduct.
  - (ii) The recipient may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
  - (iii) Upon a dismissal required or permitted pursuant to paragraph (b)(3)(i) or (b)(3)(ii) of this section, the recipient must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
- (4) **Consolidation of formal complaints.** A recipient may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.
- (5) **Investigation of a formal complaint.** When investigating a formal complaint and throughout the grievance process, a recipient must -
- (i) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the recipient and not on the parties provided that the recipient cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the recipient must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
  - (ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
  - (iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

- (iv) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
  - (v) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
  - (vi) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
  - (vii) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
- (6) **Hearings.**
- (i) For postsecondary institutions, the recipient's grievance process must provide for a live hearing. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the recipient under paragraph (b)(5)(iv) of this section to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party, the recipient must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's

prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Recipients must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

- (ii) For recipients that are elementary and secondary schools, and other recipients that are not postsecondary institutions, the recipient's grievance process may, but need not, provide for a hearing. With or without a hearing, after the recipient has sent the investigative report to the parties pursuant to paragraph (b)(5)(vii) of this section and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

**(7) *Determination regarding responsibility.***

- (i) The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the standard of evidence described in paragraph (b)(1)(vii) of this section.
- (ii) The written determination must include -
  - (A) Identification of the allegations potentially constituting sexual harassment as defined in § 106.30;
  - (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - (C) Findings of fact supporting the determination;
  - (D) Conclusions regarding the application of the recipient's code of conduct to the facts;

- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
  - (F) The recipient's procedures and permissible bases for the complainant and respondent to appeal.
- (iii) The recipient must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (iv) The Title IX Coordinator is responsible for effective implementation of any remedies.
- (8) Appeals.**
- (i) A recipient must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:
    - (A) Procedural irregularity that affected the outcome of the matter;
    - (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
    - (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
  - (ii) A recipient may offer an appeal equally to both parties on additional bases.
  - (iii) As to all appeals, the recipient must:
    - (A) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
    - (B) Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
    - (C) Ensure that the decision-maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of this section;
    - (D) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
    - (E) Issue a written decision describing the result of the appeal and the rationale for the result; and
    - (F) Provide the written decision simultaneously to both parties.

(9) **Informal resolution.** A recipient may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, a recipient may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the recipient -

- (i) Provides to the parties a written notice disclosing: The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (ii) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

(10) **Recordkeeping.**

- (i) A recipient must maintain for a period of seven years records of -
  - (A) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of this section, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
  - (B) Any appeal and the result therefrom;
  - (C) Any informal resolution and the result therefrom; and
  - (D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.
- (ii) For each response required under § 106.44, a recipient must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. If a recipient does not provide a complainant with supportive measures, then the recipient must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

[85 FR 30575, May 19, 2020]

## § 106.46 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any person, act, or practice shall not be affected thereby.

[85 FR 30578, May 19, 2020]

## Subpart E - Discrimination on the Basis of Sex in Employment in Education Programs or Activities Prohibited

### § 106.51 Employment.

#### (a) *General.*

- (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives Federal financial assistance.
- (2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.
- (3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.
- (4) A recipient shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this part.

#### (b) *Application.* The provisions of this subpart apply to:

- (1) Recruitment, advertising, and the process of application for employment;
- (2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;
- (3) Rates of pay or any other form of compensation, and changes in compensation;
- (4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;
- (5) The terms of any collective bargaining agreement;
- (6) Granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for persons of either sex to care for children or dependents, or any other leave;
- (7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;



- (8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;
- (9) Employer-sponsored activities, including those that are social or recreational; and
- (10) Any other term, condition, or privilege of employment.

[45 FR 30955, May 9, 1980, as amended at 65 FR 68056, Nov. 13, 2000; 85 FR 30579, May 19, 2020]

### § 106.52 Employment criteria.

A recipient shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless:

- (a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and
- (b) Alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.53 Recruitment.

- (a) **Nondiscriminatory recruitment and hiring.** A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.
- (b) **Recruitment patterns.** A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.54 Compensation.

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

- (a) Makes distinctions in rates of pay or other compensation;
- (b) Results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.55 Job classification and structure.

A recipient shall not:

- (a) Classify a job as being for males or for females;
- (b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or
- (c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in § 106.61.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.56 Fringe benefits.

- (a) **Fringe benefits defined.** For purposes of this part, *fringe benefits* means: Any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provision of § 106.54.
- (b) **Prohibitions.** A recipient shall not:
  - (1) Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;
  - (2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; or
  - (3) Administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.57 Marital or parental status.

- (a) **General.** A recipient shall not apply any policy or take any employment action:
  - (1) Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or
  - (2) Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.
- (b) **Pregnancy.** A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
- (c) **Pregnancy as a temporary disability.** A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

- (d) **Pregnancy leave.** In the case of a recipient which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.58 Effect of State or local law or other requirements.

- (a) **Prohibitory requirements.** The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.
- (b) **Benefits.** A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.59 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a *bona-fide* occupational qualification for the particular job in question.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.60 Pre-employment inquiries.

- (a) **Marital status.** A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."
- (b) **Sex.** A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.61 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

[45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

### § 106.62 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any person, act, or practice shall not be affected thereby.

[85 FR 30578, May 19, 2020]

### Subpart F-Retaliation

**Source:** 85 FR 30578, May 19, 2020, unless otherwise noted.

### § 106.71 Retaliation.

(a) **Retaliation prohibited.** No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation. The recipient must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under § 106.8(c).

(b) **Specific circumstances.**

- (1) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under paragraph (a) of this section.
- (2) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under paragraph (a) of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### § 106.72 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any person, act, or practice shall not be affected thereby.

## Subpart G - Procedures

**Source:** 85 FR 30579, May 19, 2020, unless otherwise noted.

### § 106.81 Procedures.

The procedural provisions applicable to title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 34 CFR 100.6-100.11 and 34 CFR part 101. The definitions in § 106.30 do not apply to 34 CFR 100.6-100.11 and 34 CFR part 101.

### § 106.82 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any person, act, or practice shall not be affected thereby.

## Appendix A to Part 106 - Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs

**Editorial Note:** For the text of these guidelines, see 34 CFR part 100, appendix B.

[44 FR 17168, Mar. 21, 1979]

## Presidential Documents

### Executive Order 13160 of June 23, 2000

### **Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 921–932 of title 20, United States Code; section 2164 of title 10, United States Code; section 2001 *et seq.*, of title 25, United States Code; section 7301 of title 5, United States Code; and section 301 of title 3, United States Code, and to achieve equal opportunity in Federally conducted education and training programs and activities, it is hereby ordered as follows:

**Section 1.** *Statement of policy on education programs and activities conducted by executive departments and agencies.*

1–101. The Federal Government must hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance. Existing laws and regulations prohibit certain forms of discrimination in Federally conducted education and training programs and activities—including discrimination against people with disabilities, prohibited by the Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, as amended, employment discrimination on the basis of race, color, national origin, sex, or religion, prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-17, as amended, discrimination on the basis of race, color, national origin, or religion in educational programs receiving Federal assistance, under Title VI of the Civil Rights Acts of 1964, 42 U.S.C. 2000d, and sex-based discrimination in education programs receiving Federal assistance under Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.* Through this Executive Order, discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent will be prohibited in Federally conducted education and training programs and activities.

1–102. No individual, on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in, a Federally conducted education or training program or activity.

**Sec. 2.** *Definitions.*

2–201. “Federally conducted education and training programs and activities” includes programs and activities conducted, operated, or undertaken by an executive department or agency.

2–202. “Education and training programs and activities” include, but are not limited to, formal schools, extracurricular activities, academic programs, occupational training, scholarships and fellowships, student internships, training for industry members, summer enrichment camps, and teacher training programs.

2–203. The Attorney General is authorized to make a final determination as to whether a program falls within the scope of education and training

programs and activities covered by this order, under subsection 2-202, or is excluded from coverage, under section 3.

2-204. "Military education or training programs" are those education and training programs conducted by the Department of Defense or, where the Coast Guard is concerned, the Department of Transportation, for the primary purpose of educating or training members of the armed forces or meeting a statutory requirement to educate or train Federal, State, or local civilian law enforcement officials pursuant to 10 U.S.C. Chapter 18.

2-205. "Armed Forces" means the Armed Forces of the United States.

2-206. "Status as a parent" refers to the status of an individual who, with respect to an individual who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- (a) a biological parent;
- (b) an adoptive parent;
- (c) a foster parent;
- (d) a stepparent;
- (e) a custodian of a legal ward;
- (f) in loco parentis over such an individual; or
- (g) actively seeking legal custody or adoption of such an individual.

**Sec. 3. Exemption from coverage.**

3-301. This order does not apply to members of the armed forces, military education or training programs, or authorized intelligence activities. Members of the armed forces, including students at military academies, will continue to be covered by regulations that currently bar specified forms of discrimination that are now enforced by the Department of Defense and the individual service branches. The Department of Defense shall develop procedures to protect the rights of and to provide redress to civilians not otherwise protected by existing Federal law from discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent and who participate in military education or training programs or activities conducted by the Department of Defense.

3-302. This order does not apply to, affect, interfere with, or modify the operation of any otherwise lawful affirmative action plan or program.

3-303. An individual shall not be deemed subjected to discrimination by reason of his or her exclusion from the benefits of a program established consistent with federal law or limited by Federal law to individuals of a particular race, sex, color, disability, national origin, age, religion, sexual orientation, or status as a parent different from his or her own.

3-304. This order does not apply to ceremonial or similar education or training programs or activities of schools conducted by the Department of the Interior, Bureau of Indian Affairs, that are culturally relevant to the children represented in the school. "Culturally relevant" refers to any class, program, or activity that is fundamental to a tribe's culture, customs, traditions, heritage, or religion.

3-305. This order does not apply to (a) selections based on national origin of foreign nationals to participate in covered education or training programs, if such programs primarily concern national security or foreign policy matters; or (b) selections or other decisions regarding participation in covered education or training programs made by entities outside the executive branch. It shall be the policy of the executive branch that education or training programs or activities shall not be available to entities that select persons for participation in violation of Federal or State law.

3-306. The prohibition on discrimination on the basis of age provided in this order does not apply to age-based admissions of participants to education or training programs, if such programs have traditionally been age-specific or must be age-limited for reasons related to health or national security.

**Sec. 4. Administrative enforcement.**

4-401. Any person who believes himself or herself to be aggrieved by a violation of this order or its implementing regulations, rules, policies, or guidance may, personally or through a representative, file a written complaint with the agency that such person believes is in violation of this order or its implementing regulations, rules, policies, or guidance. Pursuant to procedures to be established by the Attorney General, each executive department or agency shall conduct an investigation of any complaint by one of its employees alleging a violation of this Executive Order.

4-402. (a) If the office within an executive department or agency that is designated to investigate complaints for violations of this order or its implementing rules, regulations, policies, or guidance concludes that an employee has not complied with this order or any of its implementing rules, regulations, policies, or guidance, such office shall complete a report and refer a copy of the report and any relevant findings or supporting evidence to an appropriate agency official. The appropriate agency official shall review such material and determine what, if any, disciplinary action is appropriate.

(b) In addition, the designated investigating office may provide appropriate agency officials with a recommendation for any corrective and/or remedial action. The appropriate officials shall consider such recommendation and implement corrective and/or remedial action by the agency, when appropriate. Nothing in this order authorizes monetary relief to the complainant as a form of remedial or corrective action by an executive department or agency.

4-403. Any action to discipline an employee who violates this order or its implementing rules, regulations, policies, or guidance, including removal from employment, where appropriate, shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act of 1978, Public Law No. 95-454, 92 Stat. 1111.

**Sec. 5. Implementation and Agency Responsibilities.**

5-501. The Attorney General shall publish in the **Federal Register** such rules, regulations, policies, or guidance, as the Attorney General deems appropriate, to be followed by all executive departments and agencies. The Attorney General shall address:

- a. which programs and activities fall within the scope of education and training programs and activities covered by this order, under subsection 2-202, or excluded from coverage, under section 3 of this order;
- b. examples of discriminatory conduct;
- c. applicable legal principles;
- d. enforcement procedures with respect to complaints against employees;
- e. remedies;
- f. requirements for agency annual and tri-annual reports as set forth in section 6 of this order; and
- g. such other matters as deemed appropriate.

5-502. Within 90 days of the publication of final rules, regulations, policies, or guidance by the Attorney General, each executive department and agency shall establish a procedure to receive and address complaints regarding its Federally conducted education and training programs and activities. Each executive department and agency shall take all necessary steps to effectuate any subsequent rules, regulations, policies, or guidance issued by the Attorney General within 90 days of issuance.

5-503. The head of each executive department and agency shall be responsible for ensuring compliance within this order.

5-504. Each executive department and agency shall cooperate with the Attorney General and provide such information and assistance as the Attorney General may require in the performance of the Attorney General's functions under this order.



5-505. Upon request and to the extent practicable, the Attorney General shall provide technical advice and assistance to executive departments and agencies to assist in full compliance with this order.

**Sec. 6. Reporting Requirements.**

6-601. Consistent with the regulations, rules, policies, or guidance issued by the Attorney General, each executive department and agency shall submit to the Attorney General a report that summarizes the number and nature of complaints filed with the agency and the disposition of such complaints. For the first 3 years after the date of this order, such reports shall be submitted annually within 90 days of the end of the preceding year's activities. Subsequent reports shall be submitted every 3 years and within 90 days of the end of each 3-year period.

**Sec. 7. General Provisions.**

7-701. Nothing in this order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order 12250.

**Sec. 8. Judicial Review.**

8-801. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701, *et seq.*



THE WHITE HOUSE,  
*June 23, 2000.*

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>(b) (6)</b>				2. Social Security Number <b>(b) (6)</b>		3. Date of Birth <b>(b) (6)</b>		4. Effective Date 12/30/2021															
<b>FIRST ACTION</b>						<b>SECOND ACTION</b>																	
5-A. Code 932		5-B. Nature of Action TERM OF DETAIL				6-A. Code		6-B. Nature of Action															
5-C. Code		5-D. Legal Authority				6-C. Code		6-D. Legal Authority															
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority															
7. FROM: Position Title and Number UNCLASSIFIED DUTES  D03L01 0000000 A130103						15. TO: Position Title and Number INSTRUCTOR OF HEALTH & P. E.  D03L01 0001030 A130103																	
8. Pay Plan		9. Occ. Code		10. Grade or Level		11. Step or Rate		12. Total Salary		13. Pay Basis PA		16. Pay Plan GS		17. Occ. Code 1701		18. Grade or Level 11		19. Step or Rate 10		20. Total Salary/Award \$84904.00		21. Pay Basis PA	
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay						20A. Basic Pay \$72487.00		20B. Locality Adj. \$12417.00		20C. Adj. Basic Pay \$84904.00		20D. Other Pay \$0.00					
14. Name and Location of Position's Organization IN28 DIRECTOR, BUREAU OF INDIAN EDUCA HASKELL INDIAN NATION UNIVERSITY  LAWRENCE, KANSAS												22. Name and Location of Position's Organization IN28 DIRECTOR, BUREAU OF INDIAN EDUCA HASKELL INDIAN NATION UNIVERSITY  LAWRENCE, KANSAS											
<b>EMPLOYEE DATA</b>																							
23. Veterans Preference <b>(b) (6)</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>(b) (6)</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite						25. Agency Use		26. Veterans Preference for RIF <b>(b) (6)</b>			
27. FEGLI <b>(b) (6)</b>												28. Annuitant Indicator 9 NOT APPLICABLE						29. Pay Rate Determinant 0					
30. Retirement Plan <b>(b) (6)</b>						31. Service Comp. Date (Leave) <b>(b) (6)</b> 1984						32. Work Schedule G FULL-TIME SEASONAL						33. Part-Time Hours Per Biweekly Pay Period					
<b>POSITION DATA</b>																							
34. Position Occupied <b>(b) (6)</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category <b>(b) (6)</b> E - Exempt N - Nonexempt						36. Appropriation Code						37. Bargaining Unit Status <b>(b) (6)</b>					
38. Duty Station Code 20-3010-045						39. Duty Station (City - County - State or Overseas Location) LAWRENCE, DOUGLAS, KANSAS																	
40. Agency Data FUNC CLS 00		41. <b>(b) (6)</b>		42. EDUC LVL 17		43. SUPV STAT 8		44. POSITION SENSITIVITY NONSENSITIVE/LOW RI															
45. Remarks <b>(b) (6)</b>																							
46. Employing Department or Agency IN - INDIAN EDUCATION												50. Signature/Authentication and Title of Approving Official 212681252 / ELECTRONICALLY SIGNED BY: HEATHER IMAM HR SPECIALIST											
47. Agency Code IN28		48. Personnel Office ID 1801		49. Approval Date 01/06/2022																			

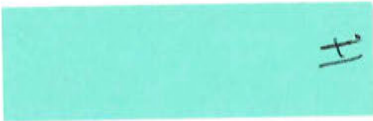


(b) (6)

Mar 2



to Tony.Dearman@BIE.EDU, me ▾



Mr. Dearman,

My name is (b) (6) and (b) (6)

(b) (6)

I am sending you this email to ask that you take a personal interest in the situation that is happening in the Athletic Department concerning the Cross Country Program. I believe that there is intimidation and bullying at least going on toward Coach Clay Mayes. He has now had his contract put on hold and is not getting paid for "not being able to do his job", but look at his recruiting and program building that he 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 her (b) (6) this year, which is not Coach Mayes's fault. I think some nepotism also may exist with the Athletic Director supervising her

(b) (6)

(b) (6) (The Athletic Director supervises all coaches to some point)

Cross Country is one of the more visible Athletic Programs in Indian Country across the nation and could be a very good program if it had support and positive effort toward it and it's coach. I am not the only one who feels this way and we all want to support the Cross Country Program.

Clay Mayes deserves to be supported and backed by the University and Athletic Department, but it seems to all of us that know and understand Haskell Athletics that he has not been given a chance to thrive. He has been trying to battle barriers and limitations put in front of him since he got to Haskell.

Please do not take my word on this but contact him and visit with him on this. I believe that he is being railroaded out by several other people also that are in the click at Haskell against him.

Please contact me if you need anything else on this

# **ETHICS GUIDE**

**for**

# **DOI Employees**



**2017 (Interim Update)**

# DOI ETHICS GUIDE 2017 (Interim Update)

## INTRODUCTION

This publication is a summary of the ethics laws and regulations that apply to Department of the Interior (DOI) employees. It is not meant to cover every ethics situation or every detail of the ethics statutes and regulations. Furthermore, this guide is not intended to replace the advice of DOI or Bureau ethics counselors. It is intended to give a basic framework and help you identify everyday ethics questions. If you have an ethics question, you should contact an appropriately designated ethics counselor before taking action, provide him or her with all the relevant facts, and receive advice as to the course of action to take.

The DOI ethics program is administered by the Departmental Ethics Office (DEO) and managed by the Designated Agency Ethics Official (DAEO), the principal ethics official for DOI. Working with the assistance of a network of Bureau and DOI ethics personnel, the DEO implements the statutory and regulatory ethics requirements of the Executive Branch and DOI.

On August 14, 2017, the Secretary signed [Secretarial Order 337](#), which realigned the reporting structure for the DOI's ethics program and unified eleven of the thirteen Bureau and Office ethics programs into one centrally managed office directly reporting to the DEO in the DEO. Under the previous structure, the DOI ethics program consisted of thirteen disparate ethics programs with varying staffing and operational standards. In less than six months, the ethics programs for eleven Bureaus and Offices were consolidated into the DEO and directly reporting to the DEO. The DAEO also continues to serve in a leadership role for the ethics programs for the DOI's Office of Inspector General and the National Indian Gaming Commission.

As reflected in one of the cross-cutting principles of the DOI's strategic plan, the realignment of ethics programs into the DEO as directed by Secretary Bernhardt will assist the DOI and its employees in maintaining the public trust and confidence in the integrity of government by adhering to high ethical standards and ensuring that government business is conducted with impartiality, transparency, accountability, and integrity.

Employees who have ethics questions are encouraged to contact an ethics counselor in their respective Bureau or office. Contact information for the DEO is as follows:

Departmental Ethics Office (DEO)  
184 C Street, NW, S 111  
Washington, DC 20240  
202-208-7100 | DOI Ethics | [sol.doi.gov](http://sol.doi.gov)  
<https://www.doi.gov/ethics>

Contact information for the Bureau and office ethics counselors is available at:  
<https://www.doi.gov/ethics/em>

Forms referenced in this guide are available on the DOI Ethics Office website:  
<https://www.doi.gov/ethics/forms>

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## BASIC OBLIGATION OF PUBLIC SERVICE

### Basic Obligation of Public Service

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**Public service is a public trust.** Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in 5 C.F.R. 2635-101 as well as the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 C.F.R. Part 2635 and in DOI supplemental agency regulations contained in 5 C.F.R. Part 101 and 4 C.F.R. Part 20.

**General Ethics Principles.** The following general ethics principles apply to every employee and you are expected to both adhere to and apply the principles set forth below in determining whether your conduct is proper:

- Public service is public trust requiring you to place loyalty to the Constitution, the laws and ethical principles above private gain.
- You shall not hold financial interests that conflict with the conscientious performance of duty.
- You shall not engage in financial transactions using non-public Government information or allow the improper use of such information to further any private interest.
- You shall not except as permitted by regulation solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by your agency or whose interests may be substantially affected by the performance or nonperformance of your duties.
- You shall put forth honest effort in the performance of your duties.
- You shall not knowingly make unauthorized commitments or promise of any kind purporting to bind the Government.
- You shall not use your public office for private gain.
- You shall act impartially and not give preferential treatment to any private organization or individual.
- You shall protect and conserve Federal property and shall not use it for other than authorized activities.
- You shall not engage in outside employment or activities including seeking or negotiating for employment that conflict with your official Government duties and responsibilities.
- You shall disclose waste, fraud, abuse and corruption to appropriate authorities.
- You shall satisfy in good faith your obligations as a citizen including all just financial obligations especially those – such as Federal, state or local taxes – that are imposed by law.

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- You shall adhere to all laws and regulations that provide equal opportunities for all Americans regardless of race, color, religion, sex, national origin, age, or disability.
- You shall endeavor to avoid any actions creating the appearance that you are violating the law, the Standards of Ethical Conduct for employees of the Executive Branch, or DOI supplemental ethics regulations. Whether particular circumstances create an appearance that the law or the Standards of Ethical Conduct for employees of the Executive Branch have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

## GOVERNMENT-WIDE CRIMINAL ETHICS STATUTES



These laws apply to all Federal employees and each carries criminal penalties for noncompliance. They also serve as a basis for the ethics regulations known as the *Standards of Ethical Conduct for Employees of the Executive Branch* ([5 C.F.R. Part 2635](#)).

### **18 U.S.C. § 201 – Bribery of Public Officials Prohibited**

This statute prohibits a Federal employee from directly or indirectly receiving or soliciting anything of value in exchange for being influenced in the performance or nonperformance of any official act, including giving testimony, or in exchange for committing fraud.

### **18 U.S.C. § 203 – Restrictions on Compensated Representational Activities**

This statute prohibits a Federal employee, other than as provided by law for the proper discharge of official duties, from directly or indirectly seeking or accepting compensation for representational services rendered either personally or by another before a Federal court or Government agency in a particular matter in which the United States is a party or has a direct and substantial interest. Representational services include any communications on behalf of another party with the intent to influence the Government. There are limited exceptions, such as for representing oneself or one's immediate family or a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility.

### **18 U.S.C. § 205 – Restrictions on Acting as an Agent or Attorney**

This statute prohibits a Government employee, other than in the proper discharge of his or her official duties, from acting as an agent or attorney for anyone before a Federal court or Government agency, whether compensated or not. There are limited exceptions, such as for representing other Federal employees in personnel matters, representing a not-for-profit organization in certain matters if a majority of its members are current Federal employees or their spouses or dependent children, representing oneself or one's immediate family or a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility, or acting as an agent or attorney in certain matters for a trial organization or inter-trial consortium to which the employee is assigned under the Intergovernmental Personnel Act or 28 U.S.C. 48 after advising the Government in writing of



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any personal and substantial involvement the employee has had in connection with the matter.

We advise any employee who seeks to use a limited exception in the statute to first seek advice from an ethics counselor.

## **18 U.S.C. § 207 - Post-Government Employment Restrictions**

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This statute does not bar an individual regardless of rank or position from accepting employment with any private or public employer. It does impose restrictions on certain communications that a former employee may make as a representative of a third party back to the Federal Government. These restrictions are explained more fully in the “Restrictions on Post-Government Employment” section of this Guide.

## **18 U.S.C. § 209 – Supplementation of Federal Salary Prohibited**

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This statute prohibits a Government employee from receiving any salary or any contribution to or supplementation of salary or anything of value from an outside source as compensation for services he or she is expected to perform as a Government employee.

## **ETHICS PROHIBITIONS UNIQUE TO DOI EMPLOYEES**

A summary of DOI-specific and Bureau-specific restrictions are listed below. If you are not certain if you are covered by one or more of the restrictions below, check with an ethics counselor from your office or Bureau.

### **5 C.F.R. § 3501.103(c) – All DOI Employees**

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This regulation prohibits, with limited exceptions, all DOI employees, their spouses, and their minor children from acquiring or retaining any claim, permit, lease, small tract entries, or other rights that are granted by the Department in Federal lands. This prohibition does not restrict the recreational or other personal or noncommercial use of Federal lands by an employee or the employee’s spouse or minor children, on the same terms available to the general public.

### **Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, Office of Natural Resources Revenue, and Certain Office of the Secretary Employees – 5 C.F.R. § 3501.103(b)**

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This regulation applies to all employees of the Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), Office of Natural Resources Revenue (ONRR), and certain employees within the Office of the Secretary (OS) and other Departmental offices that report directly to a Secretarial officer who are in positions classified at GS-1 and above. Employees in these offices may not acquire or hold any direct or indirect financial interest in Federal lands or resources administered or controlled by the Department. This generally includes stock or bond interests in most oil, gas, and mining companies that hold leases on Federal lands to conduct their operations.

### **Bureau of Land Management Employees – 43 U.S.C. § 11 and 43 C.F.R. § 20.401**

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Bureau of Land Management (BLM) employees are prohibited from voluntarily acquiring direct

## DOI ETHICS GUIDE 2017 (Interim Update)

Prohibited by the direct or indirect prohibited by the spouse or minor child of a direct or indirect employee financial interests in Federal lands. Prohibited interests include stocks, bonds, and sector mutual funds in oil, gas, geothermal, and mining companies that hold leases or other property rights on Federal lands. Prohibited interests also include companies that hold substantial Rights-of-Way on Federal lands. A direct or indirect employee may not be a member or employee of a business which has interests in Federal lands nor serve as a private sector real estate agent. Additionally, direct or indirect employees may not occupy or use Federal lands other than on the same terms as use of Federal lands is available to the general public or take any benefits from Federal lands based upon a contract, grant, lease, permit, easement, rental agreement, mineral rights, grazing rights, or other holdings which the BIA issues or regulates.

### U.S. Geological Survey Employees – 43 U.S.C. § 31(a), 43 C.F.R. § 20.401(b), and 5 C.F.R. § 3501.104

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U.S. Geological Survey (USGS) employees, their spouses and minor children are prohibited from owning stock in oil, gas, and other mining companies that hold significant leases on Federal lands and their ability to have financial interests in entities engaged in mining activities on private land in the United States or in energy sector mutual funds is limited by the USGS Conflict of Interest policy. Prohibited and limited financial holdings are listed in the [Financial Guide for USGS Employees](#). The ability of USGS employees, their spouses or minor children to own oil, gas or other mineral leases or receive royalties from such leases is extremely limited. Employees may not execute any surveys or examinations for private parties.

### Office of Surface Mining Reclamation and Enforcement Employees and Certain Other Federal Employees – 30 U.S.C. § 1211(f), 30 C.F.R. Parts 705 and 706, 43 C.F.R. §20.402, and 5 C.F.R. § 3501.104(a)

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This law prohibits all Office of Surface Mining Reclamation and Enforcement (OSMRE) employees and any other Federal employee who performs functions and duties under the Surface Mining Control and Reclamation Act of 1977 from having any financial interests in surface or underground coal mining operations. If you don't work for the OSMRE but have responsibilities connected with mining and reclamation operations, contact an ethics counselor from your Bureau/office to determine whether you are covered by this law.

Prohibited financial interests under this law include companies that are involved in developing, producing, preparing, or loading coal or reclaiming the areas upon which such activities occur.

30 U.S.C. §1217(g) prohibits employees of state regulatory authorities from performing any function or duty under the Surface Mining Control and Reclamation Act of 1977. *See also* 43 C.F.R. Part 70

## CONFLICTS AND IMPARTIALITY

### 18 U.S.C. § 208 – Financial Conflicts of Interest

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This criminal statute prohibits a Federal employee from participating personally and substantially

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on behalf of the Federal Government in any particular matter in which he or she has a financial interest. In addition the statute provides that the financial interests of certain other “persons” are treated as the employee’s interests. These other persons include the employee’s spouse, minor child, general partner in an organization in which he or she serves as an officer, trustee, partner or employee and any person or organization with whom the employee is negotiating or has an arrangement concerning future employment.

There are limited regulatory exemptions authorized by the Office of Government Ethics (OGE) and an exception for certain financial interests arising solely out of Native American birthrights and a very limited waiver authority.

## 5 C.F.R. § 2635.502 – Impartiality in Performing Official Duties Due To Personal or Business Relationships

You must take appropriate steps to avoid any appearance of loss of impartiality in the performance of your official duties. An employee should not participate in a particular matter involving specific parties if it is likely to affect the financial interests of a member of the employee’s household, or if the employee knows that he or she has a “covered relationship” with a party or party representative in such matter and where the employee believes that a reasonable person could question his or her impartiality in the matter.

The term “covered relationship” includes a wide variety of personal and business relationships that an employee or his or her family members may have with outside parties. An employee whose impartiality could be questioned should consult with his or her ethics counselor before taking official action in a particular matter. An employee should follow this same procedure if the performance of his or her official duties could affect the financial interests of a friend, relative or person with whom he or she is affiliated in a non-Federal capacity.

## DISCLOSURE OF FINANCIAL INTERESTS

All DOI employees including Special Government Employees (SGEs) and Intergovernmental Personnel Act (IPA) detailees are subject to conflict of interest restrictions and may be required to file either a public OGE Form 278e or confidential OGE Form 400 financial disclosure report. These reports are among the primary tools used by ethics personnel to determine whether employees are in compliance with the ethics and standards of conduct provisions covering a particular position.

OGE Form 278e must be filed by Presidentially appointed confirmed by the Senate (PAS) employees, non-career Senior Executive Service (SES) employees, SES employees, Senior level SES employees, Professional SES employees, Schedule C employees, certain Special Government Employees (SGEs) and certain IPA detailees.

OGE Form 400 must be filed by employees whose positions are designated by their office or bureau as requiring confidential financial disclosure reporting using the criteria in 5 C.F.R. § 2634.404 as well as by SGEs and IPA employees who are not required to file OGE Form 278e.

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Compliance with financial disclosure requirements is a condition of employment. Employees who are required to file and fail to do so in a timely manner may be subject to disciplinary action up to and including removal from government service. An employee who willfully falsifies the information on his or her report, willfully omits information, or willfully fails to file his or her report may be subject to civil penalties and/or criminal prosecution by the Department of Justice.

The Stop Trading on Congressional Knowledge Act of 2012 (SOC Act) requires all employees who file public financial disclosure reports (OGE Form 278e) to file Periodic Transaction Reports (OGE Form 278) for reportable transactions over \$1,000 in stock, bonds, and securities by the filer, spouse, or dependent child no later than 30 days after receiving notification of the transaction but in no case later than 45 days after the transaction.

If an employee who is required to file an OGE Form 278e or a Periodic Transaction Report required by the SOC Act files more than 30 days after the statutory deadline and any extension periods, he/she is subject to a \$200 late filing fee.

## GIFTS

### Gifts from Outside Sources – 5 C.F.R. § 2635.202

Under the ethics regulations a gift is anything that has monetary value which you obtain for less than “market value.” The gift might be tangible or intangible. A gift may include, but is not limited to, a gratuity, favor, discount, cash, gift certificate, gift card, entertainment, hospitality, loan, forbearance, or other item having monetary value. It also applies to services, training, transportation, travel, lodging, and meals. *See C.F.R. § 2635.203(b).*



“Market value” is the retail price that you, the recipient of the gift, would have to pay to purchase it. If you cannot readily determine the retail value of a gift, you may estimate its value by reference to the retail cost of items of similar quality. If a ticket entitles you to food, refreshments, entertainment, or any other benefit, the market value is the face value printed on the ticket.

### Exclusions – Some Things Just Aren’t Gifts – 5 C.F.R. § 2635.203

Some items are excluded from the definition of gift and you may accept them pursuant to certain specific regulatory exclusions.

- Modest items of food and non-alcoholic refreshments such as soft drinks, coffee and donuts, not offered as part of a meal.
- Greeting cards and items of little intrinsic value such as plaques, certificates, or trophies which are intended primarily for presentation.
- Prizes in contests open to the general public.
- Commercial discounts available to the general public or to all government employees.
- Commercial loans, pensions and similar benefits on terms available to the general public.

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- Anything for which you pay fair market value.
- Anything that is paid for by the government.
- Free attendance provided by the sponsor of an event to which you have been assigned to present information on behalf of the agency.

If you are assigned to participate as a speaker or panel participant or otherwise to present information on behalf of DOI or your bureau at a conference or other event, you may accept free attendance at the event on the day of your presentation if it is provided by the sponsor of the event. This is not considered a gift to the employee or the agency. For speaking engagements, free attendance has the same meaning as for widely attended gatherings. As with a widely attended gathering, you must receive approval prior to the event.

- If the event is longer than one day and you are offered free attendance for any days on which you are not assigned to present information on behalf of DOI or your bureau, free attendance for those nonspeaking days may be acceptable under the widely attended gathering exception to the gift rules. You still must seek approval from your ethics counselor.

As a general rule, you may not directly or indirectly solicit or accept a gift:

- 1 From a prohibited source or
- 2 Even because of your official position.

For this purpose, the definition of prohibited source is any person, company, or organization that has business with your agency, is seeking to do business with your agency, conducts operations that are regulated by your agency, or has interests that might be affected by the performance or nonperformance of your official duties, or is an organization, a majority of whose members are described above.

For the purposes of the gift rules, the Department is broken down into the following components:

- Bureau of Indian Affairs, including the Office of Indian Education Programs
- Bureau of Land Management
- Bureau of Reclamation
- Bureau of Ocean Energy Management
- Bureau of Safety and Environmental Enforcement
- National Indian Gaming Commission
- National Park Service
- Office of Surface Mining Reclamation and Enforcement
- Office of the Special Trustee for American Indians
- U.S. Fish and Wildlife Service, and
- U.S. Geological Survey.
- The remainder of the Department, including the Office of the Secretary, Office of the Solicitor, Office of Inspector General, and the immediate office of each Assistant Secretary.

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If you work for a listed component, then your “agency,” for purposes of the gift rules, is your component within DOI. For instance, a company whose only involvement with the Department and its employees is that it conducts activities regulated by BPA could only be a prohibited source for a BPA employee—not an employee of any other listed component.

For employees of the remainder of the Department, your “agency” for purposes of the gift rules is the entire Department. For example, that same company that only conducts activities regulated by BPA could also be a prohibited source for an employee of the Office of the Solicitor, the Office of Inspector General, etc.

## Considerations in Declining an Otherwise Permissible Gift – 5 C.F.R. 2635.201(b)

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You should consider declining an otherwise permissible gift if you believe that a reasonable person could question your impartiality or integrity as a result of accepting the gift.

Factors to consider:

- Does the gift have a high market value?
- Does the timing of the gift create an appearance that the donor is attempting to influence an official action?
- Is the donor someone whose interests may be affected by the performance of your duties?
- Will acceptance of the gift provide the donor with disproportionate access to the employee or the agency?

Remember, it is never inappropriate and frequently prudent to decline a gift.

## Exceptions to the Gift Prohibition – 5 C.F.R. § 2635.204

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There are some limited circumstances when you can accept gifts given because of your official position or from prohibited sources. Even where a gift exception is applicable, you should always consider whether it is appropriate to decline the gift.



### Gifts valued at \$20 or less (retail market value), per occasion

**from a single source.** Gifts that do not exceed \$20 per occasion or \$10 from a single source in any given calendar year may be accepted. You may not accept cash or checks made out to you under any circumstance. Gift cards valued at \$20 or less for specific vendors/restaurants are permissible, however, gift cards such as Visa/MasterCard/American Express that can be used at any retailer are treated the same as cash and could not be accepted under this exception. If the gift is valued over

\$20 you may not pay the difference in order to accept the gift. If the aggregate value of gifts from the same source on a given occasion exceeds \$20, you may decline any distinct and separate item in order to accept those items aggregating \$20 or less.

**Widely Attended Gatherings.** Acceptance of free attendance from the sponsor of a widely attended gathering is permissible as long as certain prior approval requirements are met.

Employees must receive written approval prior to the event using form DOI 118. An event is

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Publicly attended if it is expected that a large number of persons will attend and that persons with a diversity of views or interests will be present. For example, an event may be considered a publicly attended gathering if it is open to members from throughout the interested industry or profession or if those in attendance represent a range of persons interested in a given matter. Attendance at such an event will be in the employee's personal capacity, i.e. on the employee's own time or if authorized by the agency on excused absence.

There is an additional restriction on accepting free attendance to a publicly attended gathering if someone other than the sponsor of the event invited you and is paying for your attendance (such as if a corporation or friends group invited you to sit at their table). In that case, you may accept free attendance only if more than 100 persons are expected to attend, the gift of your attendance has a market value of \$100 or less, and your attendance is approved as being in the interest of DOI or your Bureau. This dollar figure may change periodically. Please verify the current allowance with your ethics counselor.

Free attendance may include waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, instruction, and materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodging, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees. Under certain circumstances, DOI or your Bureau may be able to accept travel expenses from outside sources to attend these events as described below in the "Traveling on Official Business" section of this Guide.

**Discounts and similar benefits that are offered to the public, other groups that you belong to, or to all Government employees.** This exception includes favorable rates offered to all Government employees even when you are off duty. It also includes favorable rates and commercial discounts offered to members of a group or class in which membership is unrelated to Government employment.

**Gifts based on outside business or employment relationships.** This exception permits you to accept gifts that result from your outside affiliations, outside work, or other relationships and those of your spouse, including gifts customarily provided by a prospective employer in connection with bona fide employment discussions, provided the gift is not offered or enhanced due to your official position, and gifts provided by a former employer to attend a reception or similar event when other former employees have been invited to attend, the invitation and benefits are based on the former employment relationship, and it is clear that such benefits have not been offered or enhanced because of the employee's official position.

**Awards and honorary degrees.** Employees may accept awards with an aggregate value of \$200 or less given as a bona fide award for meritorious public service by a person who does not have interests affected by the employee's performance or nonperformance of official duties. Awards valued at more than \$200 or that include cash or an investment interest of any amount require prior written approval from an ethics counselor. Employees may accept honorary degrees upon written approval from their ethics counselor.

**Gifts from a political organization.** You may accept a gift given in connection with political

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activities permitted by the Hatch Act as amended 5 U.S.C. 5721-22

**Gifts based on a personal relationship.** You may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than your position. If the gift is given for business reasons or is not personally paid for by the family member or friend it is not covered under this exception.

**Social Invitations.** You may accept a gift of food, refreshments, and entertainment not including travel or lodgings at a social event attended by several persons where no fee is charged to anyone in attendance and the invitation is not from a prohibited source. A written determination from the agency designee is required if either the sponsor of the event or the person extending the invitation is not an individual.

**Gifts of informational materials.** You may accept unsolicited gifts of informational materials provided that the aggregate market value of all informational materials received from any one person does not exceed \$100 in a calendar year. If the value exceeds this amount, seek guidance from your ethics official. Informational materials are writings, recordings, documents, records, or other items that: are educational or instructive in nature, are not primarily created for entertainment, display, or decoration, and contain information that relates in whole or in part to the following categories:

1. The employee's official duties or position, profession, or field of study
2. A general subject matter area, industry, or economic sector affected by or involved in the programs or operations of the agency, or
3. Another topic of interest to the agency or its mission.



## Disposition of a Prohibited Gift

If you are not otherwise authorized by regulation to accept a gift, then you must promptly return the gift or pay the donor for its market value. If the gift is a tangible item valued at \$100 or less, you may destroy the item. If the gift is perishable, such as food or flowers, it may be shared within your office, donated to charity, or destroyed, as long as an ethics official or your supervisor grants approval.

If you receive a gift that doesn't fall within an exclusion or exception, the department or bureau may be able to accept the item as a gift to the agency using its statutory gift acceptance authority. Employees should consult with the Office of the Solicitor and their ethics counselor in such cases on any such items.

## Gifts from Foreign Governments

In accordance with the Emoluments Clause of the U.S. Constitution, you may not accept anything of value from a foreign government, unless specifically authorized by Congress. This rule applies whether you are on or off duty. Any unit of a foreign government, whether it is



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national, state, local, or municipal level is covered. It also applies to gifts from international or multinational organizations composed of government representatives. It also may apply to gifts of honoraria, travel, or per diem from foreign universities which are often considered as part of the foreign government. Spouses and dependent children of Federal employees are also banned from accepting gifts from foreign governments.

The following gifts from foreign governments are authorized under the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342:

- Gifts of minimal value \$100 or less as of January 2017 but this amount is revised periodically
- Travel expenses including transportation, food and lodging for travel taking place entirely outside the U.S. that exceed minimal value
- Educational scholarships
- Medical treatment

If the value of a gift exceeds minimal value and where refusal of a gift could cause embarrassment either to the United States or the foreign government offering the gift, the gift may be accepted on behalf of the Department. Employees should consult with the Departmental Ethics Office or an ethics counselor from their office or Bureau regarding such gifts.

## Gifts Between Employees – 5 C.F.R. 2635 Subpart C

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General Rules: Generally, you can't give a gift to a person above you in your supervisory chain. You can't solicit donations to buy a gift for a superior. You can't accept a gift from an employee that receives less pay than yourself. However, there are some exceptions.

Gifts are permissible if:

- There is a personal relationship between you and the other employee that would justify the gift and there is no subordinate/official superior relationship.
- A personal hospitality gift provided at a residence which is of a type and value you customarily provide to personal friends.
- A gift given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions (e.g. a bottle of wine or a bouquet of flowers)
- A gift other than cash that has an aggregate market value of \$10 or less per occasion.
- A gift of leave transferred under an approved agency leave sharing plan but not to your immediate supervisor
- Items such as food and refreshments to be shared in the office among several employees.
- There is a special and infrequently occurring occasion of personal significance such as marriage, illness, the birth or adoption of a child, or an occasion that terminates a subordinate/official superior relationship such as retirement, resignation or transfer. On such occasions, an employee may give an appropriate gift exceeding the \$10 limit and may request donations of nominal amounts within the office for contributions to fund an

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appropriate gift. Donations must be entirely voluntary. Employees must be free to contribute a suggested amount, a lesser amount, or nothing at all.

## TRAVEL

### Traveling on Official Business – 41 C.F.R. Chapter 304

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Generally, your official travel must be paid for with appropriated funds. Under certain circumstances, however, an employee may accept in-kind travel benefits from a non-Federal source or DOI or your bureau/office may be reimbursed for your travel expenses by a non-Federal source.

### Travel Expense Acceptance – 31 U.S.C. § 1353

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This law allows executive branch agencies to accept reimbursement or in-kind donations from non-Federal sources for an employee's transportation expenses (including food, lodging, incidental expenses and registration costs) to certain functions related to the employee's official duties.

Acceptance of travel expenses from non-Federal sources is only permitted when the employee's travel is for attendance at a conference, meeting, seminar, training course, speaking engagement, or similar event that takes place away from the employee's official duty station (the employee must be in a travel status). Travel under this authority may not be used for events required to carry out DOI's statutory and regulatory functions such as investigations, inspections, audits, or site visits, or to attend vendor promotional training.

In addition to an approved travel authorization, the employee must also have an approved ethics form (E-2000) in advance of travel.

Approval for accepting travel expenses is also subject to conflict of interest considerations. Acceptance of travel expenses from non-Federal sources will not be approved if it could cause a reasonable person with knowledge of all the relevant facts to question the integrity of the programs or operations of the department, its offices or bureaus.

It is not permissible for the employee to personally accept reimbursement from an outside source. All checks must be made out to DOI or to the employee's bureau. With prior approval, employees may accept "in kind" items such as airline tickets, meals, or hotel accommodations. In addition to accepting travel expenses for an employee, DOI may accept travel expenses for a spouse to accompany the employee to the same event where the spouse's presence is determined to be in the interest of DOI or the employee's bureau.

### Frequent Flyer Benefits – 41 C.F.R. § 301-53

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Federal employees may retain for personal use promotional items, including frequent flyer miles, earned on official travel.

### Airline Bumping Benefits

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An employee may voluntarily give up his seat on an oversold flight as long as it does not interfere

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With his or her official duties and there is no increase in costs to the Government. If this situation applies the employee may keep any gift or compensation under the following conditions. The employee may not claim additional travel expenses including per diem as a result of giving up his or her seat. The employee must take annual leave if his or her travel is delayed during duty hours and pay any expenses accrued while on leave. Any benefits resulting from an employee being involuntarily bumped from an oversold flight belong to the Government.

## OUTSIDE WORK AND ACTIVITIES



Outside work or activities are permitted unless they are prohibited by statute or regulation or would require the employee's disqualification from matters central or critical to the performance of his or her official duties.

### **Engaging in Employment with a Prohibited Source**

501 supplemental ethics regulation 5 C.F.R. 501.101 requires all Department employees to seek prior written approval from a Departmental or Bureau ethics counselor

before engaging in employment with a prohibited source. The Outside Work or Activities Form is used to obtain approval from your ethics counselors. For this purpose the definition of prohibited source is any person, company or organization that has business with your agency is seeking to do business with your agency, conducts operations that are regulated by your agency or has interests that might be affected by the performance or nonperformance of your official duties or is an organization a majority of whose members are described above.

The separate agency components within the Department are the same as for "Gifts from Domestic and Private Sources." 5 C.F.R. § 3501.102. Check with your office or bureau ethics counselor for any office-specific or bureau-specific procedures or restrictions that may apply to your situation.

**Definition of Employment.** Employment means any form of non-Federal business relationship involving the provision of personal services by the employee with or without compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing done under an arrangement with another person for production or publication of the written product. It does not however include participation in the activities of a non-profit charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization unless the participation involves the provision of professional services or advice for compensation other than reimbursement for actual expenses.

**PAS Employees.** Presidentially appointed confirmed by the Senate employees PAS may pursue certain outside activities but may not receive outside earned income for engaging in any such activity and must receive approval from the White House and O.

**SES Employees.** Non-career Senior Executive Service SES employees may not in any calendar

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year receive outside earned income which exceeds 10% of the annual rate of basic pay for level II of the Executive Schedule. These non-career employees have additional outside earned income and employment and affiliation restrictions and should consult with OIG before engaging in any outside activity.

All outside work must take place outside official duty hours or while employees are on authorized leave. Employees may not use or permit the use of their official titles, positions, or government resources in their outside work or activities.

## **Serving as an Expert Witness – 5 C.F.R. § 2635.805**

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You may not serve with or without compensation as an expert witness in your private capacity in any proceeding before a court or agency of the United States in which the U.S. is a party or has a direct or substantial interest without prior approval from the head of the OIG.

If you are subpoenaed to testify as an expert in any such matter you must notify your supervisor and the designated agency Ethics Official immediately and request approval to proceed. If you receive OIG approval you must still comply with OIG and Bureau work and outside activity requirements. For instance, all OIG employees must obtain prior approval to work paid or unpaid for a prohibited source and all USFS employees must obtain prior approval for any outside work or activity that is related to the USFS duties or the USFS mission.

## **Teaching, Speaking, and Writing – 5 C.F.R. § 2635.807**

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Generally, you may not receive compensation other than travel expenses for outside teaching, speaking, or writing that relates to your official duties.

For purposes of this regulation, a teaching, speaking, or writing activity relates to your official duties if:

- The activity is undertaken as part of your official duties
- The circumstances indicate that the invitation to engage in the activity was extended to you primarily because of your official position rather than your expertise on the particular subject matter
- The invitation to engage in the activity or the offer of compensation for the activity was extended to you by a person who has interests that may be substantially affected by the performance or nonperformance of your official duties
- The information conveyed through the activity draws substantially on nonpublic information or
- The subject of the activity deals in significant part with:
  1. A matter to which you are presently assigned or to which you have been assigned during the previous year, or
  2. Any ongoing announced policy, program, or operation of OIG or your office or Bureau.

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**Exception for Teaching Certain Courses.** Even if the subject matter deals with your official duties, you may accept compensation for teaching a course requiring multiple presentations offered as the regularly established curriculum of an accredited institution of higher education, a secondary school, an elementary school, or a program of education sponsored and funded by the Federal Government or by a state or local government. You may only receive compensation under these circumstances for outside teaching, not for teaching carried out as part of your official responsibilities. If the class involves providing services to prohibited sources, prior approval is required.

**Reference to Official Position.** If you are engaged in teaching, speaking, or writing as an outside activity, you may not use or permit the use of your official title or position except:

- You may include your title or position as one of several biographical details when such information is given to identify you, provided that it is not given more prominence than other significant biographical details.
- You may use your title or position in connection with an article published in a scientific or professional journal, provided that it is accompanied by a disclaimer that the views expressed do not necessarily represent the views of DOI or the United States Government, and
- If you are ordinarily addressed using a general term of address such as “The Honorable,” or a rank, such as a military or ambassadorial rank, you may use that term of address or rank.

**Prior Approval Requirements.** Before engaging in outside teaching, speaking, or writing for compensation, make sure that you comply with department and bureau prior approval requirements for outside activities and employment.

## Fundraising – 5 C.F.R. § 2635.808

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Unless permitted by law, regulation or special authority, department employees may not engage in any form of fundraising in the workplace. This includes, but is not limited to, conducting raffles, lotteries, bake sales, carnivals, athletic events, etc. for charitable organizations.

**In your official capacity.** An employee may participate in fundraising in an official capacity only as authorized by statute, Executive Order or regulation. When authorized to participate in fundraising in an official capacity, an employee may use his official title, position and authority.

The Combined Federal Campaign (CFC) and special disaster relief solicitations approved by the Office of Personnel Management are generally the only authorized solicitation of employees for charitable fundraising in the Federal workplace. The rules governing acceptable fundraising activities by Federal employees are described in 5 C.F.R. Part 2635.

Employees and other persons are prohibited from selling or soliciting for personal gain within any building or on any lands occupied or used by DOI. Exception is granted for department authorized operations including, but not limited to, the Interior Department Recreation Association, the Indian Arts and Crafts store, and for cafeteria, newsstand, snack bar, and

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vending machine operations that are authorized by DOI for the benefit of employees or the public. 40 C.F.R. § 20.104

**In your personal capacity.** An employee may generally engage in fundraising in a personal capacity outside the workplace provided he or she does not:

- Personally solicit funds or other support from a subordinate or from any person the employee knows is a prohibited source (flip to the “Gifts” tab for definition of prohibited source)
- Use or permit the use of his or her official title/position or any authority associated with his or her public office to further the fundraising effort or
- Engage in any action that would otherwise violate the ethics laws or regulations.

## **Serving as an Officer or Member of a Board of Directors of an Outside Organization**

In order for an employee to serve as an officer or board member of a non-Federal organization as part of their official duties, he/she must have a written authorization of assignment from either the Secretary of the Interior or the head of their Bureau or Office prior to engaging in such official service. To start the process of requesting an authorization of assignment, contact the OIG or your servicing ethics office.

Prior approval from an ethics counselor is required if an employee is interested in serving in their personal capacity as an officer or board member of a non-Federal organization that is a prohibited source. See the Outside Work and Activities section of this Guide for a definition of prohibited source.

## **POLITICAL ACTIVITY**

### **DOs and DON'Ts**

Consult the Office of Special Counsel (OSC) website for additional information and guidance on political activity at: <https://osc.gov/Pages/HatchAct.asp>

[Watch the DAEO's recent presentation on the Hatch Act and the 2020 elections.](#)

The Hatch Act (5 U.S.C. 5372-5374) restricts Federal employee involvement in partisan political activity. Partisan political activity is any activity directed toward the success or failure of a partisan candidate, political party, or partisan political group. Violation of the Hatch Act may result in disciplinary action, to include removal from Federal employment. Employees should consult with the Departmental Ethics Office before engaging in any partisan political activity.

There are three different classes of employees under the Hatch Act:

1. Career Senior Executive Service (SES) Administrative and Judges (SES)

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- Administrative appeals judges Contract appeals board members and employees of certain intelligence or enforcement agencies or offices are the most restricted group.
2. **SW non-career S Schedule C and S employees** are in the lesser restricted group. This group may participate in certain partisan political activity only in a purely personal (not official) capacity.
  - Presidentially appointed Senate confirmed personnel are subject to special Hatch Act rules. They are less constrained in terms of where and when they can engage in political activity because of their 24-hour duty status. They too however may only participate in partisan political activity in a purely personal (not official) capacity.

## Hatch Act Rules

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**No Use of Official Authority.** Federal employee may **not** use his or her official authority or influence for the purpose of interfering with or affecting the result of an election. Prohibited activities include but are not limited to using his or her official title while participating in political activity using his or her authority to coerce any person to participate in political activity or soliciting accepting or receiving uncompensated individual volunteer services from a subordinate for any political purpose.

**No Fundraising.** Federal employee may not solicit accept or receive political contributions. Examples include asking for donations e.g. by mail email or social media working a phone bank if asking for contributions hosting a fundraiser inviting others to a fundraiser or sharing or liking fundraising posts on social media.

**No Partisan Political Activity at Work.** Federal employee may not engage in partisan political activity while:

- On duty including when telecommuting or on official time for union duties
- In a government room or building including break rooms conference rooms and union offices if inside a Federal building or any room or building occupied in the discharge of official duties.
- Wearing a government uniform badge or insignia.
- Using a government owned or leased vehicle.

The restrictions on engaging in partisan political activity at work apply even if you are:

- Using a personal device or email account.
- Sharing or forwarding content authored by others.
- Sharing or forwarding to friends or like-minded coworkers.

The restrictions even apply to union email if it meets the definition of partisan political activity.

This prohibition does not apply to PDS officials. However a PDS official may not conduct any of these activities while acting in an official capacity. For example a PDS official may not

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Wear a political button or display a screen saver/poster/candidate photograph in his or her office while actually performing the duties of his or her office. PDS officials should contact the Departmental Ethics Office before engaging in any partisan political activity.

**Use of Privately-Owned Vehicles.** You may display a partisan political bumper sticker on your privately-owned vehicle and park it in a Federal parking lot. Up to two partisan political bumper stickers—for example, one for candidate in a Presidential race and one for candidate in a congressional race—could not violate the Hatch Act. Employees must be cautioned though against displaying other partisan political materials or even bumper stickers in such a way that makes the vehicle appear to be a campaign mobile. If you use your private vehicle for official purposes, you must cover the bumper sticker(s) while the vehicle is being used for official duties.

**Candidacy for Public Office.** The Hatch Act and other Government policies may restrict an employee's ability to run for public office. If you are considering running for public office, contact the EEO and your servicing ethics office for guidance.

## MISUSE OF POSITION

### **Use of Public Office for Private Gain – 5 C.F.R. §§ 2635.101 and .702**

As a DOI employee, you may not use your public office for your own private gain or for the private gain of friends, relatives, business associates, or any other entity, no matter how worthy. Except as provided by law or regulation, you may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that could reasonably be construed to imply that DOI or the Government sanctions or endorses any of your personal activities or the activities of another.

### **Inducement or Coercion of Benefits – 5 C.F.R. § 2635.702(a)**

You may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that is intended to coerce or induce another person—including a subordinate—to provide any benefit, financial or otherwise, to yourself or to friends, relatives, or persons with whom you are affiliated in a nongovernmental capacity.

### **Appearance of Government Sanction – 5 C.F.R. § 2635.702(b)**

You may not use or permit the use of your Government position, title or any authority associated with your public office in a manner that could reasonably be construed to imply that your agency or the Government sanctions or endorses your personal activities or those of another.

**Letters of Recommendation.** You may sign a letter of recommendation using your official title only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of a person with whom you have dealt in the course of Federal employment or whom you are recommending for Federal employment.

### **Endorsements – 5 C.F.R. § 2635.702**

DOI employee shall not use or permit the use of his Government position or title or any



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authority associated with his public office to endorse any product, service or enterprise except:

1. In furtherance of statutory authority to promote products, services or enterprises
2. As a result of documentation of compliance with agency requirements or standards
3. Under an agency program in recognition for accomplishment in support of DOI's mission.

You may endorse an outside program in your private capacity, however, your endorsement may not make reference to your official title or position within DOI or your Bureau.

**Giving Preferential Treatment to Relatives.** Nepotism or showing favoritism on the basis of family relationships, is prohibited. The Department's policy on nepotism is based directly on the nepotism law in 5 U.S.C. § 10.

A public official may not appoint, employ, promote, advance or advocate for the appointment, employment, promotion or advancement of a relative in or to any civilian position in the agency in which the public official serves or over which he or she exercises jurisdiction or control. This restriction encompasses all of DOI in addition to all DOI bureaus. An individual appointed, employed, promoted or advanced in violation of the nepotism law is not entitled to pay.

**Exceptions to the Nepotism Policy.** When necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property or a national emergency as defined in 5 C.F.R. § 20.402(a)(1), a public official may employ relatives to meet those needs without regard to the restrictions in 5 U.S.C. § 10. Such appointments are temporary and may not exceed 90 days, but the agency may extend such an appointment for one additional 90-day period if the emergency need still exists at the time of the extension. Questions regarding nepotism should be referred to your servicing Human Resources Office.

### USE OF GOVERNMENT PROPERTY, TIME, AND INFORMATION

It is your responsibility as an employee to protect and conserve government-owned or leased property and vehicles and to use them only for authorized purposes. See 5 C.F.R. §§ 201.70, 201.704 and 705.

You are misusing a government vehicle when you use it for personal benefit as opposed to using it for the benefit of the government.

You may **NO**t use government purchasing authority or a government charge card for personal acquisitions, even if you reimburse the government.

When leaving government service, you may not remove government property or files and you may not use government copiers to make copies of files to take with you.

You are prohibited from using official government envelopes with or without applied postage or official letterhead stationery for personal business. This includes mailing your resumes/applications for Federal or private positions. Violation of the prohibition against using franked (postage paid) envelopes may result in a fine. 18 U.S.C. § 171.

# DOI ETHICS GUIDE 2017 (Interim Update)

You must use official time—both your own and that of your superordinates—in an honest effort to perform official duties.

You are prohibited from engaging in any financial transaction using “insider” or nonpublic information or allowing the improper use of nonpublic information to further your own private interest or that of another. Nonpublic information is information that the employee gains by reason of Federal employment and knows or reasonably should know has not been made available to the general public (e.g. classified or other information that is routinely exempt from disclosure).

The DOI’s limited personal use policy (410 DM 2) applies only to personal use of Department-owned or leased computers and internet service, telephones, fax machines, and non-color photocopiers. Your bureau or office may not change any part of this policy to relax the restrictions explained below.

This limited personal use policy does not apply to the use of government-owned or leased motor vehicles or to the use of government charge cards. The policy applies to government equipment used on government premises. Employees may not, without proper authorization, remove government equipment from the office for home use.

## Use of Computers and the Internet

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Employees may use government computers and the internet for personal use on their personal time before and after work, during lunch and other breaks, provided there is no additional cost to the government. Employees may make personal purchases over the Internet, provided they have the purchased item sent to a non-government address. The following activities are absolutely prohibited on any government-owned or leased computer:

- Browsing [Read a recent article from the OIG on Arch Madness and Gambling](#)
- Visiting and downloading material from pornographic websites
- Lobbying Congress or any government agency
- Campaigning – political activity
- Online stock trading activities
- Online real estate activities
- Online activities that are connected with any type of outside work or commercial activity, including day trading
- Endorsements of any products, services or organizations
- Fundraising for external organizations or purposes (except as required as part of your official duties under applicable statutory authority and bureau policy)
- Any type of continuous audio or video streaming from commercial, private, news, or financial organizations.

## Use of DOI E-Mail

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# DOI ETHICS GUIDE 2017 (Interim Update)

DOI does not place any restrictions on incoming email. Under current policy in 410 CFR 2 employees may send out personal email provided that:

- Personal use of email does not cause congestion, delay, or disruption of service to any government system or equipment.
- Messages are not sent to more than five addresses (no mass mailings)
- The employee does not represent himself or herself as acting in an official capacity.
- Messages do not contain partisan political messages.

It is important to note that any email on any DOI email system may become an official record. Employees have no right to privacy for email transmissions. DOI is often required to release employee emails pursuant to the Freedom of Information Act or Inspector General, court, or Congressional orders.

## Use of DOI Telephones

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Federal employees may use government property only as authorized. Employees may use DOI landline telephones for personal calls when they are necessary, provide a benefit to DOI, and do not result in any additional costs to the government. Such calls are deemed to be in the interest of the government to the extent they enable employees to remain at their work stations, thereby increasing government efficiency.

Personal phone calls may not adversely affect the performance of official duties or the employee's work performance, must be of reasonable duration and frequency, and could not reasonably have been made during non-duty hours.

DOI cell phones may be used for personal calls only to the extent that such calls could be authorized on a DOI landline telephone and so long as no additional costs are imposed on the government.

## Use of Government Transportation Subsidy Program Benefits

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Benefits may only be used for qualifying transportation expenses such as mass transit (subway, rail, bus, or other similar public transportation mode) and are only available for days you actually commute to work. You must deduct any days you are on leave, official travel, or do not commute using qualified modes of transportation when you receive your net quarterly or monthly distribution. Benefits are not transferable and you are required to return any unused benefits when you leave DOI. Additional information, including answers to frequently asked questions, is available at <http://www.doi.gov/ofas/support/services/transportation/subsidy.cfm>

## Use of Government Travel Cards While in Official Travel Status

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Government Travel Cards may only be used for official travel and may not be used for any personal purchases. Government charge card training is available at this link: <https://chargecardtraining.ic.doi.gov/>

# DOI ETHICS GUIDE 2017 (Interim Update)

Unless authorized by statute or regulation all forms of gambling activities are prohibited at all times in facilities owned or leased by the Government. Federal employees may not engage in gambling activities while on duty. Prohibited gambling activities include but are not limited to raffles lotteries numbers games football pools etc. See 5 C.F.R. 2700201 and 41 C.F.R. 10274. [Read a recent article from the GAO on Arch Madness and Gambling.](#)

## PROCUREMENT INTEGRITY ACT

You may not disclose “contractor bid or proposal information” or “source selection information” other than as provided for by law. See 41 U.S.C. 2102 210 and 48 C.F.R. 101104.1

If you participate in a procurement in excess of \$10,000 you must report to your supervisor and ethics counselor any contacts regarding potential employment from any contractor that submits an offer on the procurement. You must also reflect the possibility of employment by that contractor or disqualify yourself from further participation in DOI matters involving the procurement unless you obtain approval to participate from your ethics counselor.

If you are serving in one of seven specified positions (procuring contracting officer program manager source selection authority etc.) or make one of seven specified types of decisions (award a contract establish overhead rates approve issuance of a payment etc.) on a contract over \$10 million you may not accept compensation as an employee consultant officer or director from the contractor for one year. Consult your ethics counselor for additional information on the Procurement Integrity Act.

## SEEKING NON-FEDERAL EMPLOYMENT 18 U.S.C. § 208 and 5 C.F.R. §§ 2635.601 through .607

The “seeking employment” rules are more restrictive than most Federal employees realize. The financial interests of any entity with which you are negotiating or have an arrangement concerning future employment are deemed to be the same as your own for purposes of the criminal conflict of interest rules. There may be criminal or administrative penalties if you participate in any DOI matters that affect the financial interests of a prospective employer.

Furthermore the Office of Government Ethics (OIG) interprets most forms of communication regarding prospective employment with a non-Federal source other than requesting a job application to be seeking employment. You must receive a written authorization or waiver before you participate in any particular matter at DOI that affects the financial interests of a prospective employer. Such authorizations or waivers are only granted in limited circumstances.



You are no longer seeking employment when either you or the prospective employer reflects the possibility of employment and all discussions regarding possible employment have terminated.

You are also no longer seeking employment if 180 months pass after you send an unsolicited

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resume or employment proposal and you receive no indication of interest. Any response to a prospective employer that defers discussions until the foreseeable future does not terminate employment discussions.

The Stop Trading on Congressional Knowledge Act of 2012 (SOC Act) requires Public Financial Disclosure Report (OP Form 278e) filers to file a statement notifying their agency ethics official of any negotiation for or agreement of future employment or compensation with a non-federal entity within three business days after commencement of the negotiation or agreement. An employee who files a notification statement also must file with the agency's ethics official a recusal statement whenever there is a conflict of interest or appearance of a conflict of interest with the entity 18 USC 208 and C.F.R. 201 through 207.

## RESTRICTIONS ON POST-GOVERNMENT EMPLOYMENT (AFTER YOU LEAVE FEDERAL SERVICE)



After you leave Federal service 18 U.S.C. 207 imposes certain post-employment restrictions that may limit the type of work you may perform for your new employer for certain periods of time. See C.F.R. Part 241.

The Procurement Integrity Act See 41 U.S.C. 2104 and 48 C.F.R. 104.1 101 imposes additional restrictions for certain employees who participated in costly procurement work.

Former employees who are carrying out official duties as an employee or as an elected or appointed official of a tribal organization or intertribal consortium are not subject to 18 U.S.C. 207 restrictions if they advise the government in writing of any personal and substantial involvement they had as a government employee in connection with the matter see 20 U.S.C. 40i.

### **Lifetime Restriction – 18 U.S.C. § 207(a)(1)**

If you participated personally and substantially in any particular matter involving specific parties grants contracts licenses permits applications litigation etc. involving specific parties you may never appear or communicate on behalf of another to any Federal department agency, or court any Federal agency not just your bureau or OI regarding that same particular matter.

### **Two-Year Restriction – 18 U.S.C. § 207(a)(2)**

For particular matters involving specific parties under your official responsibility during your last year of government service you are restricted for two years after you leave government service from appearing or communicating on behalf of another to any Federal department agency, or court regarding those same particular matters.

### **One-Year Restriction on Aiding and Advising – 18 U.S.C. § 207(b)**

For one year after government service terminates you may not aid or advise any entity other

# DOI ETHICS GUIDE 2017 (Interim Update)

than the United States concerning any ongoing trade or treaty negotiation in which you participated personally and substantially during your last year of government service.

## ADDITIONAL LAWS THAT APPLY TO FORMER SENIOR EMPLOYEES

Additional restrictions apply to employees in the following positions:

- Levels II through V of the Executive Schedule and those paid equal to or greater than 80% of the rate for level II of the Executive Schedule and
- Former very senior employees (level 1 of the Executive Schedule)

### **One Year Restriction on Communication with One's Former Agency – 18 U.S.C. § 207(c)**

For one year after leaving senior service no former "senior" employee may make, with the intent to influence any communication to or appearance before the department or agency in which he or she served in the one year period prior to termination from senior service. Consult your ethics counselor for certain limited exceptions to this prohibition.

### **One Year Restriction Relating to Foreign Entities – 18 U.S.C. § 207(f)**

For one year after leaving government service a former senior employee may not knowingly aid, advise, or represent a foreign entity with the intent to influence the official actions of any employee of any U.S. agency or department.

### **Two-Year Restriction for Very Senior Employees – 18 U.S.C. § 207(d)**

For two years after service in a very senior position former Executive Level I employees and certain very senior employees in the Executive Office of the President are prohibited from making any communication to or appearance before:

- 1 any individual appointed to an Executive Level position or
- 2 any employee of a department or agency in which the former very senior employee served during his or her last year of government service.

## CONTACT INFORMATION

### **Departmental Ethics Office (DEO)**

184 C Street NW, S 111  
Washington DC 20240  
202 208 7100 [DOI@ethics.ios.doi.gov](mailto:DOI@ethics.ios.doi.gov)  
<https://www.doi.gov/ethics>

Contact information for the Bureau and office ethics counselors is available at:  
<https://www.doi.gov/ethics/em>

*This document serves as an interim version of the 2017 Ethics Guide and was updated in February 2020 by the U.S. Department of the Interior Departmental Ethics Office.*

# Declaration for Federal Employment\*

(This form may also be used to assess fitness for federal contract employment)

Form 306 (Rev. 2011)  
OMB No. 3205-0102

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.) If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.
15. Do you receive, or have you ever applied for, retirement pay, pension, or other retired pay based on military, Federal civilian, or District of Columbia Government service?

(b) (6)

## Continuation Space / Agency Optional Questions

16. Provide details requested in items 7 through 15 and 18c in the space below or on attached sheets. Be sure to identify attached sheets with your name, Social Security Number, and item number, and to include ZIP Codes in all addresses. If any questions are printed below, please answer as instructed (these questions are specific to your position and your agency is authorized to ask them).

[Redacted Continuation Space]

(b) (6)

**APPLICANT:** If you are applying for a position and have not yet been selected, carefully review your answers on this form and any attached sheets. When this form and all attached materials are accurate, read item 17, and complete 17a.

**APPOINTEE:** If you are being appointed, carefully review your answers on this form and any attached sheets, including any other application materials that your agency has attached to this form. If any information requires correction to be accurate as of the date you are signing, make changes on this form or the attachments and/or provide updated information on additional sheets, initialing and dating all changes and additions. When this form and all attached materials are accurate, read item 17, complete 17b, read 18, and answer 16a, 18b, and 18c as appropriate.

17. I certify that, to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application materials, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question or item on any part of this declaration or its attachments may be grounds for not hiring me, or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purposes of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, personnel specialists, and other authorized employees or representatives of the Federal Government. I understand that for financial or lending institutions, medical institutions, hospitals, health care professionals, and some other sources of information, a separate specific release may be needed, and I may be contacted for such a release at a later date.

17a. Applicant's Signature: \_\_\_\_\_ Date \_\_\_\_\_

17b. Appointee's Signature: (b) (6) \_\_\_\_\_ Date (b) (6) / 20

<b>Appointing Officer:</b>
Enter Date of Appointment or Conversion
MM / DD / YYYY

18. Appointee (Only respond if you have been employed by the Federal Government before): Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

- 18a. When did you leave your last Federal job? \_\_\_\_\_ DATE: MM / DD / YYYY
- 18b. When you worked for the Federal Government the last time, did you waive Basic Life Insurance or any type of optional life insurance?  YES  NO  DO NOT KNOW
- 18c. If you answered "YES" to item 18b, did you later cancel the waiver(s)? If your answer to item 18c is "NO," use item 16 to identify the type(s) of insurance for which waivers were not canceled.  YES  NO  DO NOT KNOW

U.S. Office of Personnel Management

5 U.S.C. 1302, 3301, 3304, 3328 & 6716

Optional Form 306  
Revised October 2011  
Previous editions obsolete and unusable

# Declaration for Federal Employment\*

(\*This form may also be used to assess fitness for federal contract employment)

Form Approved  
OMB No. 3206-0102

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.) If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.
15. Do you receive, or have you ever applied for, retirement pay, pension, or other retired pay based on military, Federal civilian, or District of Columbia Government service?

(b) (6)

## Continuation Space / Agency Optional Questions

16. Provide details requested in items 7 through 15 and 18c in the space below or on attached sheets. Be sure to identify attached sheets with your name, Social Security Number, and item number, and to include ZIP Codes in all addresses. If any questions are printed below, please answer as instructed (these questions are specific to your position and your agency is authorized to ask them).

(b) (6)

## Certifications / Additional Questions

**APPLICANT:** If you are applying for a position and have not yet been selected, carefully review your answers on this form and any attached sheets. When this form and all attached materials are accurate, read item 17, and complete 17a.

**APPOINTEE:** If you are being appointed, carefully review your answers on this form and any attached sheets, including any other application materials that your agency has attached to this form. If any information requires correction to be accurate as of the date you are signing, make changes on this form or the attachments and/or provide updated information on additional sheets, initialing and dating all changes and additions. When this form and all attached materials are accurate, read item 17, complete 17b, read 18, and answer 18a, 18b, and 18c as appropriate.

17. I certify that, to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application materials, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question or item on any part of this declaration or its attachments may be grounds for not hiring me, or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purposes of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, personnel specialists, and other authorized employees or representatives of the Federal Government. I understand that for financial or lending institutions, medical institutions, hospitals, health care professionals, and some other sources of information, a separate

17a. Applicant's Signature:

(b) (6)

Date

(b) (6) 1/6

Appointing Officer:

Enter Date of Appointment or Conversion:  
MM/DD/YYYY

17b. Appointee's Signature:

(Sign in Ink)

Date

18. Appointee (Only respond if you have been employed by the Federal Government before): Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

18a. When did you leave your last Federal job?

MM/DD/YYYY

DATE

18b. When you worked for the Federal Government the last time, did you waive Basic Life insurance or any type of optional life insurance?

YES  NO  DO NOT KNOW

18c. If you answered "YES" to item 18b, did you later cancel the waiver(s)? If your answer to item 18c is "NO," use item 16 to identify the type(s) of insurance for which waivers were not canceled.

YES  NO  DO NOT KNOW

U.S. Office of Personnel Management

5 U.S.C. 1302, 3301, 3304, 3320 & 0716

Optional Form 306  
Revised October 2011  
Previous editions obsolete and unusable



# Declaration for Federal Employment\*

(\*This form may also be used to assess fitness for federal contract employment)

Form Approved:  
OMB No. 3206-0182

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.) If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.

(b) (6)

15. Do you receive, or have you ever applied for, retirement pay, pension, or other retired pay based on military, Federal civilian, or District of Columbia Government service?

## Continuation Space / Agency Optional Questions

16. Provide details requested in items 7 through 15 and 18c in the space below or on attached sheets. Be sure to identify attached sheets with your name, Social Security Number, and item number, and to include ZIP Codes in all addresses. If any questions are printed below, please answer as instructed (these questions are specific to your position and your agency is authorized to ask them).

(b) (6)

## Certifications / Additional Questions

**APPLICANT:** If you are applying for a position and received a tentative/conditional job offer or have not yet been selected, carefully review your answers on this form and any attached sheets.

**APPOINTEE: If you are being appointed,** carefully review your answers on this form and any attached sheets, including any other application materials that your agency has attached to this form. If any information requires correction to be accurate as of the date you are signing, make changes on this form or the attachments and/or provide updated information on additional sheets, initialing and dating all changes and additions. When this form and all attached materials are accurate, read item 17, complete 17b, read 18, and answer 18a, 18b, and 18c as appropriate.

17. I certify that, to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application materials, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question or item on any part of this declaration or its attachments may be grounds for not hiring me, or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purposes of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, personnel specialists, and other authorized employees or representatives of the Federal Government. I understand that for financial or lending institutions, medical institutions, hospitals, health care professionals, and some other sources of information, a separate specific release may be needed, and I may be contacted for such a release at a later date.

17a. Applicant's Signature: (b) (6) Date: (b) (6) 2021  
(Sign in ink) (MM / DD / YYYY)

**Appointing Officer:**  
Enter Date of Appointment or Conversion  
MM / DD / YYYY

17b. Appointee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Sign in ink) (MM / DD / YYYY)

18. **Appointee (Only respond if you have been employed by the Federal Government before):** Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

18a. When did you leave your last Federal job? Date: \_\_\_\_\_  
(MM / DD / YYYY)

18b. When you worked for the Federal Government the last time, did you waive Basic Life Insurance or any type of optional life insurance?

(b) (6)

18c. If you answered "YES" to item 18b, did you later cancel the waiver(s)? If your answer to item 18c is "NO," use item 16 to identify the type(s) of insurance for which waivers were not canceled.

(b) (6)

**Declaration for Federal Employment\* Continuation Page**  
(\*This form may also be used to assess fitness for federal contract employment)



(b) (6)

this form?

(b) (6)

# Declaration for Federal Employment

Form Approved:  
OIG No. 3206-01-2

This form may also be used to assess fitness for federal contract employment

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.) If  ES, use item 1 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.

(b) (6)

15. Do you receive, or have you ever applied for, retirement pay, pension, or other retired pay based on military, Federal civilian, or District of Columbia Government service?

## Continuation Space Agency Optional Questions

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(b) (6)

## Certifications Additional Questions

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1. I certify that, to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application materials, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question or item on any part of this declaration or its attachments may disqualify me for not hiring me or for firing me after I am in work and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purposes of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, personnel specialists, and other authorized employees or representatives of the Federal Government. I understand that for financial or lending institutions, medical institutions, hospitals, health care professionals, and some other sources of information, a separate specific release may be needed, and I may be contacted for such a release at a later date.

1a. Applicant's Signature: (b) (6) Date: (b) (6) 2022  
(Sign in ink) (MM / DD / YYYY)

**Appointing Officer:**  
Enter Date of Appointment or Conversion  
MM / DD / YYYY

1b. Appointee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Sign in ink) (MM / DD / YYYY)

1. Appointee Only respond if you have been employed by the Federal Government before: Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

1a. When did you leave your last Federal job? Date: (MM / DD / YYYY)

1b. When you worked for the Federal Government the last time, did you waive basic life insurance or any type of optional life insurance?

(b) (6)

1c. If you answered YES to item 1b, did you later cancel the waiver(s)? If your answer to item 1c is NO, use item 16 to identify the type(s) of insurance for which waivers were not canceled.

# Declaration for Federal Employment

Form Approved:  
OIG No. 3206-01-2

This form may also be used to assess fitness for federal contract employment

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.) If  ES, use item 1 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.

(b) (6)

15. Do you receive, or have you ever applied for, retirement pay, pension, or other retired pay based on military, Federal civilian, or District of Columbia Government service?

## Continuation Space Agency Optional Questions

16. Provide details requested in items through 15 and 16c in the space below or on attached sheets. Be sure to identify attached sheets with your name, Social Security Number, and item number, and to include ZIP Codes in all addresses. If any questions are printed below, please answer as instructed. These questions are specific to your position and your agency is authorized to ask them.

(b) (6)

## Certifications Additional Questions

**APPLICANT:** If you are applying for a position and received a tentative/conditional job offer or have not yet been selected, carefully review your answers on this form and any attached sheets.

**APPOINTEE:** If you are being appointed, carefully review your answers on this form and any attached sheets, including any other application materials that your agency has attached to this form. If any information requires correction to be accurate as of the date you are signing, make changes on this form or the attachments and/or provide updated information on additional sheets, initialing and dating all changes and additions. When this form and all attached materials are accurate, read item 1, complete 1b, read 1c, and answer 1a, 1b, and 1c as appropriate.

1. I certify that, to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application materials, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question or item on any part of this declaration or its attachments may disqualify me for not hiring me or for firing me after I begin work and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purposes of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, personnel specialists, and other authorized employees or representatives of the Federal Government. I understand that for financial or lending institutions, medical institutions, hospitals, health care professionals, and some other sources of information, a separate specific release may be needed, and I may be contacted for such a release at a later date.

1a. Applicant's Signature: (b) (6) Date: (b) (6) 2022  
(MM / DD / YYYY)

**Appointing Officer:**  
Enter Date of Appointment or Conversion  
MM / DD / YYYY

1b. Appointee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Sign in ink) (MM / DD / YYYY)

1. Appointee Only respond if you have been employed by the Federal Government before: Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

1a. When did you leave your last Federal job? Date: (MM / DD / YYYY)

1b. When you worked for the Federal Government the last time, did you waive basic life insurance or any type of optional life insurance?

(b) (6)

1c. If you answered YES to item 1b, did you later cancel the waiver(s)? If your answer to item 1c is NO, use item 16 to identify the type(s) of insurance for which waivers were not canceled.



14. Do any of your relatives work for the agency or government organization to which you are submitting this form

(b) (6)

# Declaration for Federal Employment\*

Form Approved:  
OMB No. 3206-0182

(\*This form may also be used to assess fitness for federal contract employment)

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.) If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.
15. Do you receive, or have you ever applied for, retirement pay, pension, or other retired pay based on military, Federal civilian, or District of Columbia Government service?

(b) (6)

## Continuation Space / Agency Optional Questions

16. Provide details requested in items 7 through 15 and 18c in the space below or on attached sheets. Be sure to include your name, Social Security Number, and item number, and to include ZIP Codes in all addresses. If any questions answer as instructed (these questions are specific to your position and your agency is authorized to ask them).

(b) (6)

## Certifications / Additional Questions

**APPLICANT:** If you are applying for a position and received a tentative/conditional job offer or have not yet been selected, carefully review your answers on this form and any attached sheets.

**APPOINTEE: If you are being appointed,** carefully review your answers on this form and any attached sheets, including any other application materials that your agency has attached to this form. If any information requires correction to be accurate as of the date you are signing, make changes on this form or the attachments and/or provide updated information on additional sheets, initialing and dating all changes and additions. When this form and all attached materials are accurate, read item 17, complete 17b, read 18, and answer 18a, 18b, and 18c as appropriate.

17. I certify that, to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application materials, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question or item on any part of this declaration or its attachments may be grounds for not hiring me, or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purposes of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, personnel specialists, and other authorized employees or representatives of the Federal Government. I understand that for financial or lending institutions, medical institutions, hospitals, health care professionals, and some other sources of information, a separate specific release may be needed, and I may be contacted for such a release at a later date.

- 17a. Applicant's Signature: (b) (6) Date: (b) (6) 2022  
(Sign in ink) (MM / DD / YYYY)
- 17b. Appointee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Sign in ink) (MM / DD / YYYY)

<b>Appointing Officer:</b> Enter Date of Appointment or Conversion MM / DD / YYYY
---

18. **Appointee (Only respond if you have been employed by the Federal Government before):** Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

- 18a. When did you leave your last Federal job? (b) (6) 2002

- 18b. When you worked for the Federal Government the last time, did you waive Basic Life Insurance or any type of optional life insurance?

- 18c. If you answered "YES" to item 18b, did you later cancel the waiver(s)? If your answer to item 18c is "NO," use item 16 to identify the type(s) of insurance for which waivers were not canceled.

(b) (6)

# Declaration for Federal Employment\*

Form Approved:  
OMB No. 3206-0182

(\*This form may also be used to assess fitness for federal contract employment)

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.) If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.

(b) (6)

15. Do you receive, or have you ever applied for, retirement pay, pension, or other retired pay based on military, Federal civilian, or District of Columbia Government service?

## Continuation Space / Agency Optional Questions

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(b) (6)

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17a. Applicant's Signature: (b) (6) Date: (b) (6) 2022  
(Sign in ink) (MM / DD / YYYY)

**Appointing Officer:**  
Enter Date of Appointment or Conversion  
MM / DD / YYYY

17b. Appointee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Sign in ink) (MM / DD / YYYY)

18. Appointee (Only respond if you have been employed by the Federal Government before): Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

18a. When did you leave your last Federal job? Date: \_\_\_\_\_  
(MM / DD / YYYY)

18b. When you worked for the Federal Government the last time, did you waive Basic Life Insurance or any type of optional life insurance?

(b) (6)

18c. If you answered "YES" to item 18b, did you later cancel the waiver(s)? If your answer to item 18c is "NO," use item 16 to identify the type(s) of insurance for which waivers were not canceled.

(b) (6)

**Declaration for Federal Employment\* Continuation Page**  
(\*This form may also be used to assess fitness for federal contract employment)

[Redacted]

14. Do any of your relatives work for the agency or government organization to which you are submitting this form?

(b) (6)

[Redacted]



# Declaration for Federal Employment\*

(\*This form may also be used to assess fitness for federal contract employment)

Form Approved:  
OMB No. 3206-0182

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.) *If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.*
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(b) (6)

## Continuation Space / Agency Optional Questions

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(b) (6)

## Certifications / Additional Questions

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17a. Applicant's Signature: (b) (6) Date: (b) (6) 19

17b. Appointee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Sign in ink)

**Appointing Officer:**  
Enter Date of Appointment or Conversion  
MM / DD / YYYY

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18a. When did you leave your last Federal job? \_\_\_\_\_ DATE: MM / DD / YYYY

18b. When you worked for the Federal Government the last time, did you waive Basic Life Insurance or any type of optional life insurance?

(b) (6)

18c. If you answered "YES" to item 18b, did you later cancel the waiver(s)? If your answer to item 18c is "NO," use item 16 to identify the type(s) of insurance for which waivers were not canceled.

# Declaration for Federal Employment\*

(\*This form may also be used to assess fitness for federal contract employment)

Form Approved:  
OMB No. 3206-0192

## Additional Questions

- 14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.) If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.
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(b) (6)

## Continuation Space / Agency Optional Questions

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17a. Applicant's Signature  Date  2019

17b. Appointee's Signature  Date \_\_\_\_\_  
(Sign in Ink)

**Appointing Officer:**  
Enter Date of Appointment or Conversion  
MM / DD / YYYY

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18a. When did you leave your last Federal job? \_\_\_\_\_ MM / DD / YYYY  
DATE:

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- 18c. If you answered "YES" to item 18b, did you later cancel the waiver(s)? If your answer to item 18c is "NO," use item 16 to identify the type(s) of insurance for which waivers were not canceled.

(b) (6)

# Declaration for Federal Employment\*

(\*This form may also be used to assess fitness for federal contract employment)

Form Approved:  
OMB No. 3208-0182

## Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.) If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works.
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17a. Applicant's Signature

(b) (6)

Date

(b) (6) / 16

Appointing Officer:

Enter Date of Appointment or Conversion  
MM / DD / YYYY

17b. Appointee's Signature:

(Sign in ink)

Date

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MM / DD / YYYY

DATE:

18b. When you worked for the Federal Government the last time, did you waive Basic Life Insurance or any type of optional life insurance?

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(b) (6)

Re: Touching Base \*xc uniforms/gear\*

(b) (6) k@haskell.edu>  
To: Clay Mayes (b) (6) @gmail.com> (b) (6) edu>

Wed, Jul 14, 2021 at 8:44 AM

Hi Clay,

Always point them in the direction of the questionnaire if possible. It's the easiest and quickest way to get all the information coaches need!

(b) (6)

From: Clay Mayes (b) (6) @gmail.com>  
Sent: Tuesday, July 13, 2021 10:14:49 PM  
To: (b) (6) @HASKELL.edu>  
Cc: (b) (6) @HASKELL.edu>  
Subject: Re: Touching Base \*xc uniforms/gear\*

Wednesday works perfect for me!

By chance do you have any business cards with Haskell? I'm meeting the Zuni High School Coach, and Cleveland (NM) coach as well. I'd be happy to pass your contacts. Both programs have quite a few speedy track starters and field event studs.

I can also point them in the direction of the questionnaire if that is preferred, too.

Clay Mayes

(b) (6)

On Tue, Jul 13, 2021 at 6:50 PM (b) (6) @haskell.edu> wrote:

Let's wait until you get back. I don't want to impede on your travels. If next Wednesday works for all. Let me know and we could meet at Coffin at 10 am.

(b) (6)

Get Outlook for iOS

From: Clay Mayes (b) (6) @gmail.com>  
Sent: Tuesday, July 13, 2021 3:40:23 PM  
To: (b) (6) @HASKELL.edu>

Cc: (b) (6) @HASKELL.edu>

**Subject:** Re: Touching Base \*xc uniforms/gear\*

Perfect! Thank you so much. I know there is a certain protocol you'll have to educate me on with social media, too.

-Clay Mayes

On Tue, Jul 13, 2021 at 3:16 PM (b) (6) @haskell.edu> wrote:

Hi Clay,

I can make you a co-admin for the page. I'll have something made up this week for social media.

(b) (6)

---

**From:** Clay Mayes (b) (6) >

**Sent:** Tuesday, July 13, 2021 3:09:41 PM

**To:** (b) (6) @HASKELL.edu>

**Cc:** (b) (6) @HASKELL.edu>

**Subject:** Re: Touching Base \*xc uniforms/gear\*

I will reach out to directathletics and see if they will make a duplicate account for registration. In the past at Bacone, they would not do so. However, that was also 5 years ago, and times change.

For the Facebook XC page, are you the sole person posting on the page, or will I also have administrative abilities? I know I can relay the posts to you otherwise.

-Clay Mayes

On Tue, Jul 13, 2021 at 12:20 PM (b) (6) @haskell.edu> wrote:

Hello Everyone,

First and foremost I am available Friday to meet but (b) (6) will be on leave beginning Friday. I believe Tim can be present if needed.

To clear up some of the points made in previous emails sent:

- I will be creating the social media outlets for XC and will be an administrator for the accounts, as track has changed their platforms accordingly.
- Clay you will need to be registered by (b) (6) through Naia to check eligibility for PlayNaia. (b) (6) will need to add you as a staff member for you to set up an account. (b) (6) login information would be his personal account for athletes as all other coaches have.
- I'm not sure about the XC meet registration but I would assume you may need to make your own account. But (b) (6) may have better knowledge on that.

I look forward to meeting with you both on Friday and discussing everything further.

(b) (6)

**From:** (b) (6) @HASKELL.edu>  
**Sent:** Tuesday, July 13, 2021 9:42:34 AM  
**To:** Clay Mayes (b) (6)  
**Cc:** Aja McCormick <amccormick@HASKELL.edu>

**Subject:** Re: Touching Base \*xc uniforms/gear\*

Hello.

I have an event I am participating in to support the local Native American School Services program set for Wednesday and Thursday morning this week. I can meet on Friday at 10 am at Coffin. I also invited Aja to share and provide info regarding the NAIA, social media, and our website. Aja can also share on the budget.

Let me know if this works.

(b) (6)

Get [Outlook for iOS](#)

**From:** Clay Mayes <clay.j.mayes@gmail.com>  
**Sent:** Friday, July 9, 2021 10:51:07 PM  
**To:** (b) (6) @HASKELL.edu>  
**Cc:** (b) (6) @HASKELL.edu>  
**Subject:** Re: Touching Base \*xc uniforms/gear\*

Thank you for the update and response.

We can connect on Wednesday and can go from there.

Please do not hesitate to contact me if you have any questions or thoughts.

-Clay Mayes

(b) (6)

On Fri, Jul 9, 2021 at 3:14 PM (b) (6) @haskell.edu> wrote:

Hello.

I am finishing up this week with summer classes. It has been a process as some students needed more time and working with them to get everything completed.

I did glance through your emails. Today is not a good time as (b) (6)  
(b) (6) Tomorrow I am attending a meeting and we have a wedding to attend. I think I can review the questions this weekend and get some of the information back to you - XC runners, etc.

Our grades are due next Monday and I am off on Tuesday morning. I anticipate the best day to visit is Wednesday. I also started putting the uniforms and equipment together to deliver to you.

(b) (6)

**Bureau of Indian Education**

U.S. Department of Interior  
Haskell Indian Nations University  
155 Indian Avenue, Box 5011  
Lawrence, Kansas 66046  
Office Phone: (b) (6)  
Email: (b) (6)@bie.edu  
[www.haskell.edu](http://www.haskell.edu)  
[www.haskellathletics.com](http://www.haskellathletics.com)

Cell Phone: 785-766-2513  
Email: [agipp73@gmail.com](mailto:agipp73@gmail.com)

---

**From:** Clay Mayes (b) (6)  
**Sent:** Thursday, July 8, 2021 7:55 PM  
**To:** (b) (6)@HASKELL.edu>  
**Cc:** (b) (6)@HASKELL.edu>  
**Subject:** Fwd: Touching Base \*xc uniforms/gear\*

Hello (b) (6)

I wanted to follow up and see if you are able to relay/pass off the Haskell xc gear/uniforms at your earliest convenience. I can modify my daily schedule however suits you. I'm only busy on July 10th.

I hope all is well for you. And thank you for any and all help!

-Clay Mayes

(b) (6)

On Fri, Jun 25, 2021 at 5:18 AM Clay Mayes (b) (6) wrote:

I wanted to follow up with you (b) (6) and make sure I'm in a supportive role to help you as needed for when track rolls around.

Is there a date or time that I can give you a call, and I can work with you in continuing the success for Haskell?

I am still wanting to get ahold of you to acquire some of the contacts for the past Haskell xc runners. I only need contacts for the Haskell xc athletes. I'd like to follow up with them, send training, make sure they are get the vaccination finished, and that their paper work is completed.

Additionally, there is a cross country Facebook page for Haskell's xc team. Is there a possibility that I can

get access to the page and put up a couple of posts? With an extended deadline that ends in one week, it may churn some interest for possible Haskell XC student-athlete recruits.

I'd also like to advertise for the Haskell XC Invite on the Haskell XC Facebook page.

As always, I do appreciate your time, help, and guidance that you can provide.

-Clay Mayes

(b) (6)

On Mon, Jun 21, 2021 at 5:49 PM Clay Mayes (b) (6) wrote:

Hello (b) (6)

I was wanting to continue the tradition with your program in regards to Haskell's xc and track success. I was wanting to get some insight, wisdom, and information from you.

I was also wanting to help in various ways with some of the current runners, get their contact information, connect with them, and continue coaching/encouraging them forward with being a successful student-athlete at Haskell.

Some other things that come to mind with Haskell:

-The social media xc and track accounts for Facebook and Instagram

- [www.directathletics.com](http://www.directathletics.com)'s login and password information so we can register for meets

-playnaia's information to login and look over eligibility for the Haskell xc/track student-athletes

I'm sure I'm forgetting some vital things. So, any kind help you can lend would be greatly appreciated.

-Clay Mayes

(b) (6)

(b) (6)





**Haskell Athletics**

Sep 7 · 🌐



So excited to have the opportunity to share Haskell University Track & Field's journey to their season, having another program under our department and to have them guided by (b) (6) means exciting things are coming!



**Haskell University Track & Field**

Sep 7 · 🌐

(b) (6) brought a little turbo action to practice on Friday for a few of our throwers. Maxine closed out practice with a team break. 💜💛

11:09 PM

[#OneTeamOneGoal](#) [#HaskellTrackandField](#)



You must be blocked

11:09 PM

I wasn't blocked days ago

Must have blocked me to pull any material I could get off their

11:10 PM

 Tavia Hart and 33 others

2 Shares 

 Like

 Comment

 Share



Haskell Athletics updated their status. 

2d · 



**This content isn't available right now**

When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.

   **(b) (6)** and 33 others

2 Shares 

 Like

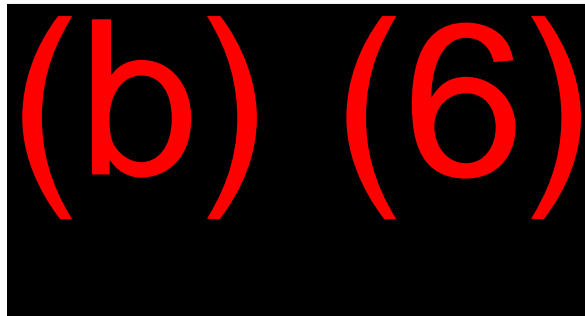
 Comment

 Share

## Fwd: Updated Purchase Order - Haskell XC

---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @HASKELL.edu  
**Date:** Fri, Dec 17, 2021, 1:04 PM  
 BIA Requisition Form copy.pdf 162 KB



Hello,

Here is an updated purchase order. It has the proper contacts for this document.

This purchase order is the gear we need to obtain in order to compete, train, and use for this school year as Haskell Student-Athletes.

With little gear passed forward from past years, we are very limited with having the basic resources to train and race.

-Clay Mayes

(b) (6)

---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @HASKELL.edu  
**Date:** Wed, Jan 5, 2022, 1:27 AM  
 BIA Requisition Form copy.pdf 162 KB

Here is my one of my recent PO's to (b) (6)

-Clay Mayes

(b) (6)

---

**From:** (b) (6) @HASKELL.edu  
**To:** Clay Mayes cmayes@HASKELL.edu  
**Date:** Wed, Jan 5, 2022, 6:50 AM

Good morning Coach,

Thank you for the reply, and requisition. I did receive this requisition back from Finance yesterday. It was returned to me with a few other requisitions from other programs. The reason your requisition was returned was your current program budget shows you as over in your supply line. Do you know what

your supply line amount is? I would like to know what you have from (b) (6) if you don't mind. I have what (b) (6) provided to me (on paper), and what had been provided to Finance in August.

In looking at the requisition I do have a couple questions:

1. during your orientation with Athletics was you informed of:
  - a. Haskell's relationship with Nike as it relates to:
    - i. Footwear - the reason why I am asking is we generally do not purchase footwear, unless the student has a specific need such as:
      1. there is a need for a wide width shoe
      2. a shoe specific to overpronation, sport specialty, etc.
        - a. if Nike has the shoe, Tim can reach out for the needed shoe.
      3. we don't have the size they need
        - a. if a size is needed and Tim is informed, he can reach out to Nike for the correct size.
      4. orthopedist or podiatrist recommendation
    - ii. Apparel
      1. we do not purchase items from competing brands as we could jeopardize our footwear relationship with Nike. Competing brands include Adidas, New Balance, Asics, Under Armour, Brooks, etc. In the past we were allowed to purchase Brooks shoes for a couple students based on their need without impacting our relationship with Nike.
      2. we can purchase apparel items from non-competing brands like Russell, Gilden, Hanes, etc.
      3. Nike has a relationship with BSN Sports. BSN (and formerly Lids) can provide product for purchase at close to wholesale price. For example, your requisition has a Dri-Fit T-shirt listed as \$23.00 (by the way it is \$25 on Eastbay at this time), if BSN provided a quote without a screen on the product the shirt may run around \$12 to \$14 dollars. It would yield a savings of at least \$135 dollars just on this one product, and thereby decrease the impact on your supply budget.

I was also provided the requisition for the starter for the Billy Mills Invite and the Conference Meet. I was informed by (b) (6) that (b) (6) was not paid for his services, and that he turned in a late requisition. I will need to provide a more descriptive justification as well as the deviation form to hopefully get (b) (6) paid. If for some reason it is not signed off on you will need to get a check requested from the University (the account you deposited race entry fees in to), so (b) (6) can be paid.

1. question - in your orientation was you informed that we need to make sure we have a requisition processed prior to services and/or product being provided or purchased? There are several rules as it relates to financially obligating the University or Federal Government prior to receiving

approval for services or products.

Please let me know if you have any questions.

Regards,

(b) (6)

***Bureau of Indian Education***

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046

Cell Phone (b) (6)

Office Phone (b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

**Facebook:** @HaskellUniversity

**Twitter:** @HaskellU

---

**From:** Clay Mayes cmayes@HASKELL.edu

**To:** (b) (6)@HASKELL.edu

**Date:** Sun, Jan 9, 2022, 6:46 PM

I was not informed of any relation with Nike shoes or apparel in my start at Haskell. I was just told there was a solid discount with Nike. We also did not have much in terms of assessable apparel and gear for my start at Haskell. I was detailed that I could order whatever is needed to get gear in on time for xc and before the first race.

I was not notified we needed to have particularly Nike gear, but I actually radiated to buying Nike at the start, regardless.

However with doing a PO for gear in July, and most PO's are done early in the year, there was next to nothing available across all brands and sizes. If needed, I do have emails from gear providers where they are detailing there is no inventory available for most of the brands and for most of the sizes with ordering that late in the season. With no uniforms, or warm ups available going into the xc season of 2021, getting any gear in at all was a tough task.

I did reach out about acquiring past gear that was used for the xc athletes, but I never received an answer via email. The only answer I received was a response later on in person from Gary that we needed new inventory since no gear would be passed forward.

I would like to follow our protocol and procedure for ordering gear and ordering the right items/gear/brand needed.

When we do purchase gear for the student-athletes, do we go through a Nike team catalog? I did ask for this from (b) (6) but did not receive a route to order gear. It was just noted, get the gear that is available.

In regards to orientation, I did not receive one. I inquired regularly from fellow administrators to get answers and follow our correct process, and to fulfill my work duties but did not get many responses. I was having to go to (b) (6) and ask as I go how to follow any set procedure or process.

I did email (b) (6) for the contacts for previous xc student-athlete, Haskell's meet entry information for DirectAthletics, past donations from Billy Mills for club accounts, but I never received any responses with any answers. I understand how busy fellow administrators are with being a professor, coaching, lessons, and teaching. If I do something wrong, I am happy to be educated to do it right, as well as, supply past messages to show I've inquired about our procedures, and about other information and that I did not receive the information in order to efficiently do my work duties.

Unfortunately, I have yet to be approached with any issues from any Athletics staff since I started last June, besides it being noted from (b) (6) to do 'Healthy Roster' more promptly. I would be happy to correct and follow whatever protocols are needed to follow. Any lessons or teachings needed, I can follow through and do them.

Just to reiterate my questions:

- 1.) Is there a catalog to order said xc gear?
- 2.) We go through Tim for ordering shoes? That's what I understood.
- 3.) Our supply line is limited with ordering gear, so there would need to be a justification to order the gear, correct? That approval may or may not be approved, correct?
- 4.) There needs to be another PO for the race timer with a more in depth explanation, correct?

Any and all information you can provide, I'm happy to follow through with!

-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Sun, Jan 9, 2022, 7:13 PM

(b) (6) was noting how the budget needed to be radiated to Nike but (b) (6) never passed forward any gear (when asked for it from (b) (6) and then also myself), and it was never noted we had to order Nike, nor was any Nike gear available.

I have emailed (b) (6) in regards to asking where the Billy Mills 10,000 donation is. Currently, it's in the track account and the check was wrote to "Haskell XC."

I never got any responses from 3 emails about that donation.

I also sent another 3 emails (b) (6) in June and July to obtain contacts for Haskell xc student-athlets, about gear being passed forward, and garnering basic information like the registration username and password for college xc meets, all of these emails were ignored and I never received any email with any answers.

Pictured is the Billy Mills check wrote to "Haskell XC"

I have still to get any answers for why this money is not in the xc club account.

(b) (6)

-Clay Mayes

(b) (6)

---

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Sun, Jan 9, 2022, 8:02 PM

Clay,

Thank you for the reply to my earlier email. I will share a few more details on the purchase requisition process (we don't refer to a PR as a PO) on Tuesday during our meeting. I do however want to answer the questions you have noted in the email thread.

1. We will go over the relationship with Nike in the meeting on Tuesday. To include the ordering process, deadlines for ordering footwear from Nike directly, team catalogs, BSN, etc.
2. Requisitions generally take only 2 weeks at the most to process from start to finish. Once it has been processed a person can reach out to the vendor. The only time an order may take more time is when digitization occurs with customized graphics, etc.
  - a. all PRs need a justification and can be denied by any number of individuals in the signature process if the items and/or justifications are deemed not necessary or lacking in rationale.



3. It is my understanding (b) (6) wanted Cross Country to start the season with new uniforms, hence the reason why older uniforms were not provided. His emails and conversations with AI indicated AI should use those uniforms for Track and Field.
  - a. I do know winter jackets, windbreakers, and backpacks had been turned over to cross country.
  
4. It is my understanding (b) (6) shared via email with (b) (6) I believe just prior to your arrival on campus, a number of items, to include: student-athlete contacts, 2021 Cross Country Schedule, and the Haskell Invite info (previous timer, starter, award designer, meet management process, etc.) as well as the Conference Meet management info (i.e. process, timer, starter, award process, etc.). I do know he also shared about the need to separate the DirectAthletics process to avoid duplicating student-athlete numbers (as numbers can be carried over with a new account specific to cross country), and about the Billy Mills Running Strong Grant.

The PR for the timer is now complete as I submitted a justification deemed appropriate and added the deviation form, and I will now add the invoice you provided. Keep in mind it still can be denied at the next level if questions arise as to why it was not paid at the time of service.

I hope this helps to answer the questions you have. If I have not answered a question from your email thread please let me know.

(b) (6)

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U.S. Department of Interior

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(b) (6)

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---

**From:** Clay Mayes [cmayes@HASKELL.edu](mailto:cmayes@HASKELL.edu)

To: (b) (6) @HASKELL.edu

Date: Sun, Jan 9, 2022, 8:18 PM

I look forward to the meeting. I really would love to work efficiently and all together.

With how important it was to field a full xc team starting recruitment late in the summer per NAIA rules, I followed up multiple times each week in regards to the unanswered emails in regards to obtaining xc student-athletes contacts, Direct Athletics registration, and other information, and no answers were provided to (b) (6). This is confirmed on a few separate occasions before and after fall classes started. If needed, I can share how this information was provided and documented.

I truly understand how busy professors and coaches are, let alone how hectic covid has been with external factors around us. With a crash course going into last fall, I can relate.

With moving forward, I am open to working with any faculty member with Haskell's best interests in mind, I have little doubt we have a lot of great people at Haskell and we can navigate Haskell to continue to grow and thrive. I am grateful for everyone at Haskell I am able to work with.

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(b) (6)

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To: Clay Mayes cmayes@HASKELL.edu

Date: Sun, Jan 9, 2022, 11:27 PM

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In response to your second paragraph, thank you, but I do not need to see the emails you are referencing. (b) (6) shared with me what he provided to (b) (6) in both information and responses to questions at the time he sent his replies. At this point, I believe the best course of action is to focus on moving forward, rather than speculate on why the information (b) (6) provided did not go from (b) (6) to you as you mention.

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(b) (6)

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(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @BIE.EDU  
Date: Sun, Jan 9, 2022, 7:01 PM

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To: (b) (6) @BIE.EDU  
Date: Sun, Jan 9, 2022, 7:13 PM

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(b) (6)

-Clay Mayes

(b) (6)

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Date: Sun, Jan 9, 2022, 8:02 PM

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(b) (6)

Doesn't answer status of money

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**From:** Clay Mayes [cmayes@HASKELL.edu](mailto:cmayes@HASKELL.edu)



To: (b) (6) @HASKELL.edu

Date: Sun, Jan 9, 2022, 8:18 PM

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-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Sun, Jan 9, 2022, 8:24 PM

(b) (6) notes basic race registration through direct Athletics was not share because of the confusion.

Direct Athletics will not make 2 accounts for a college, and because of this, and because of no responses about the status and where-a-bouts for Haskell Student-Athletes, there was numerous Haskell XC/Track Student-Athletes On the Direct Athletics account from past years. These students were there because direct athletics had to merge the past account with a new account

-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Sun, Jan 9, 2022, 10:41 PM

Update on the email thread.

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From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Sun, Jan 9, 2022, 11:27 PM

Clay,

You mentioned NAIA rules and recruitment, and the late summer. I know the NAIA does not have a recruiting calendar or dead period. What NAIA recruiting rules are you referencing? Are you referencing the NAIA's rules on recruitment of individuals who may have already committed or are identified with another institution?

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(b) (6)

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---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Date: Sun, Jan 9, 2022, 11:49 PM

The rule being referred to is Haskell needed 5 xc student-athletes per team at conference. Bearing there was only one male returner eligible for the Haskell men's xc team, a new team was needed to be brought in for Fall of 2021. Our application deadline last year was June 1st, my start date was June 22nd, and our soft deadline was loosely extended to Mid-July. With a new group needing to be brought in, we needed to field 5 athletes per team at conference, which correlated to recruiting around the clock, as well as, driving out to the southwest for a week to meet and recruit undecided students-athletes to Haskell. Thankfully, after a lot of time recruiting, and help from fellow Haskell administrators, a good group of student-athletes was brought in to follow the conference guidelines for a team.

-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @BIE.EDU  
Date: Mon, Jan 10, 2022, 12:59 AM

Email chain update with a couple more emails.

--  
The allegations that were made about myself are now apart of the current investigation I am going through. These allegations were associated with (b) (6) and (b) (6)

With (b) (6) as the (b) (6) I am weary there will be consistent and ongoing retaliation attacks from (b) (6), as well as, conflict of interest. (b) (6) had to either step down from the cross country or track position. (b) (6) is now my supervisor, and coaches with (b) (6) on the track team.

Additionally, other Haskell employees noted I will continue to experience attacks from Judith.

Documentation can be provided to validate such statements.

-Clay Mayes

(b) (6)

---

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Mon, Jan 10, 2022, 8:27 AM

Thank you, I am glad to see it was not a recruitment rule, and rather a conference rule as it related to fielding a team and the post-season.

## Fwd: (TRACK) Touching Base

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Cc: (b) (6) @BIE.EDU  
Date: Tue, Jan 11, 2022, 10:38 PM

Hello (b) (6)

I was wanting to do a follow up with our team's budget, and what was outlined previously with (b) (6) and relayed to our president.

We incorporated budgeting for a 1/2 marathon road race (this was talked about in an Athletics staff meeting) for a couple of our runners, as well as, a handful of Distance Festival-like track meets. It's all distance-based runners. The budget radiates around my contract, to which, is in regards to building the best all around team.

With Haskell being able to have more student-athletes represent and compete for the college following a tough year due to outside circumstances, it would bold well for the programs and holding them to a national level.

With new incoming Spring semester runners starting at Haskell we are not adding in more nationally leveled talented men and woman to the squad.

Additionally, I met in-person with (b) (6) attached and forwarded the past outline of the budget to

(b) (6)

-Clay Mayes

(b) (6)

---

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Cc: (b) (6) @BIE.EDU  
Date: Wed, Jan 12, 2022, 8:31 AM

Good morning Clay,

I appreciate you including Steve in your email as this will assist in communication.

For clarification, and in speaking with (b) (6) prior to his last day regarding contracts and the budget, and

upon review of the documents provided as well as meeting with our Finance officials, a change is needed to the athletic budget. When (b) (6) turned over documents to my attention, he also shared and understood changes to the budget would be needed.

Your SOW (Statement of Work) on record is for Cross Country only. The marathon as you are aware is part of NAIA Track and Field. Distance like events as you mentioned in your email to include half-marathon road races, distance carnivals, etc. are all part of Track and Field. The Track and Field program is under the direction of (b) (6) and his assistants (which includes me). Track and Field will manage these events.

As mentioned in our department meeting yesterday, all budgets are under evaluation. We are "restarting" the budget to be equitable in what each program needs as it relates to supplies, travel, and contracts.

If you are unhappy with your contact, please let me know.

(b) (6)

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---

**From:** Clay Mayes cmayes@HASKELL.edu

**To:** (b) (6)

**Date:** Wed, Jan 12, 2022, 8:52 AM

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**Re: Coffin Complex**

---

**From:** (b) (6) @HASKELL.edu  
**To:** Clay Mayes cmayes@HASKELL.edu  
**Cc:** (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
**Date:** Thu, Jan 13, 2022, 11:47 AM

Clay,

Can you please share with the cross country runners that Coffin is closed until we can test them? We had one of your runners in the building without a mask and he had yet to be tested. Hopefully, when he is tested he is okay. As you know if we have a positive, we will have to close the building for two days. He was down the east corridor and in the gym as I understand.

I informed him we could test him at 12:30 pm if he was interested in getting tested.

Thanks,

(b) (6)

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---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @HASKELL.edu  
**Cc:** (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
**Date:** Thu, Jan 13, 2022, 12:32 PM

I am unable to talk to the Haskell xc student-athletes returnees in any way at the moment. Once VP Tonia Salvini okays that I can contact them, I will. With our new student-athletes for xc, I've told them a

couple of times by phone and by messages, and I will tell them a couple more times here for good measure.

Once I am cleared to communicate with the xc returnees, I can develop a more efficient way to communicate with them.

-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Cc: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Date: Thu, Jan 13, 2022, 12:41 PM

Just found the student-athlete at 12:38 on the west side of the stadium, and I pointed him in the direction to go do his covid test.

Also, I sent out a follow up text to the new incoming xc student-athletes to test first and foremost, again, before entering the coffin complex.

-Clay Mayes

(b) (6)

---

3 Emails

# Fwd: Athletic Apparel Storage Room

From: (b) (6) @HASKELL.edu  
To: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Cc: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Date: Mon, Jan 24, 2022, 6:55 PM

Good evening all,

Just a quick message to inform you someone/people entered into the Athletic Department's storage area in the laundry area and took a number of items. I know there is a sign on the door as to the process to remove items, as inventory is a necessary component to these items as well. Since a request to check out items did not occur, my only thought was it had to be someone from outside Athletics. Subsequently, I filed a request to have the video surveillance reviewed for our building.

This is not the first time an access area to apparel and equipment items has been compromised on campus. In fact, someone tried to break into the cage at Thorpe Fitness Center. This attempted break-in is being investigated. Please check your equipment areas to see if you are missing any items. Additionally, if you would like to have new keys made to safeguard your equipment/apparel, etc. please let me know.

Thank you,

(b) (6)

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U.S. Department of Interior  
155 Indian Avenue  
Lawrence, Kansas 66046  
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Office Phone (b) (6)



From: (b) (6) @HASKELL.edu  
To: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, Clay Mayes cmayes@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Cc: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Date: Mon, Jan 24, 2022, 8:37 PM

(b) (6) thank you for your email. I appreciate your honesty. The items in question were taken over the weekend.

Again, thank you for your email,

(b) (6)

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---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @BIE.EDU  
Date: Wed, Jan 26, 2022, 1:53 AM

Below is (b) (6) emails she sent to all coaches that notes items were missing from a closet in Coffin that housed generic apparel for recruits & student-athletes.

(b) (6) also responded to (b) (6) email about the apparel in a closet in coffin.

With (b) (6) and (b) (6) knowingly taking numerous boxes, shoes, and high price gear from Jim Thorpe for friends/family/non-Haskell folks, then noting gear is "missing," only hides their unlawful actions and puts blame onto another co-worker.

I believe (b) (6) is now changing the keys to this closet/room where coaches can no longer have access this room, and is allocating other gear that she has in her possession. Doing so would allow (b) (6) to continue taking gear without it being seen in the open verse the cage that houses gear at Jim Thorpe.

If we can look at the cameras on October 5th from 11:30 a.m. to 12:30 p.m at Jim Thorpe, we can validate if her truck was loaded up with federal property meant for student-athletes.

-Clay Mayes

(b) (6)

---

4 Emails

Re: Budget information as of January 24, 2022

---

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Mon, Jan 24, 2022, 9:19 PM

Clay,

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

1. 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 down. Also, the contact amounts for (b) (6) and (b) (6) are posting to supplies as they were not placed in the contract accounting string. The only amounts listed in contracts is your salary and 2,000 for entry fees.

(b) (6)

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---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @HASKELL.edu

Date: Mon, Jan 24, 2022, 9:57 PM

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 helping family move 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 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 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

(b) (6)

---

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Mon, Jan 24, 2022, 11:31 PM

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 he 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 starter, and the awards? If the fees are used in this manner, it does not impact your supply budget and place one in a negative or overbudget situation.

(b) (6)

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---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** Clay Mayes cmayes@HASKELL.edu, (b) (6)  
**Date:** Mon, Feb 7, 2022, 2:24 AM

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**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @BIE.EDU  
**Date:** Mon, Feb 7, 2022, 2:39 AM

I'm trying iron out being noted I am over budget with my budget.

Previously this is what I was allotted for our team as of 12/31/201.

We didn't spend much money for xc this pasr Fall to save on funding to compete at track meets. I do

believe shortening the budget from being 30,000+ in the positive to now being in the negative for our funds by several thousand.

We technically could not even pay for hosting a xc meet and also hosting conference with what the budget was changed to.

Does Conference(championship races) count as part of our budget being post-season?

Are we able to come to a more realistic standard for our men and women team's budget?

Track has 2-4 eligible athletes, so they're not going to spend much, nor will they pay to host Track meets.

Here is what are full budget was before the xc season started:

Men's Budget-

Travel - \$20,000  
Supplies - \$1500  
Contracts - \$2,000

Women's Budget-

Travel - \$20,000  
Supplies - \$1500  
Contracts - \$2,000

Essentially, it appears we were cut 20,000 or so for our men's, and another 20,000 for our women's team.

Was there 40,000 budget decreases across the board for all sports?

(b) (6) has verified this change was not planned by him or by upper administration, nor did he have any idea that the budget would be changed for our team. (b) (6) also said (b) (6) was aware, but as of very recently, that was not the case according to (b) (6)

Any help and information is appreciated!

-Clay Mayes

(b) (6) has verified today that the change in budgeting was not planned by him or by upper administration, nor did he have any idea that the budget would be changed for our team. (b) (6) also previously told me (b) (6) was aware, but as of today, that was not the case as (b) (6) noted.

I'll pick your brain on this later, trying to respectfully navigate through all the hoopla.

-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @HASKELL.edu

Date: Mon, Feb 7, 2022, 3:52 PM

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.

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 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) (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 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)

---

From: (b) (6)@HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Mon, Feb 7, 2022, 4:29 PM

Hello Clay,

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 from July 1 through June 30. The next cycle will start on July 1, 2022.
2. 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 asked to adjust everyone's travel line.

I hope this helps answer your questions.

(b) (6)

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**From:** Clay Mayes cmayes@HASKELL.edu

**To:** (b) (6) @HASKELL.edu

**Date:** Mon, Feb 7, 2022, 4:38 PM

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)

---

**From:** (b) (6) @HASKELL.edu

**To:** Clay Mayes cmayes@HASKELL.edu

Date: Mon, Feb 7, 2022, 6:22 PM

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.

(b) (6)

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---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @HASKELL.edu

Date: Mon, Feb 7, 2022, 8:35 PM

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 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 conflicting information that needs to be discussed.

-Clay Mayes

(b) (6)

-Clay Mayes

(b) (6)

---

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Mon, Feb 7, 2022, 9:14 PM

Clay,

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 Athletics.

NOPE

(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.

(b) (6)

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---

**From:** Clay Mayes cmayes@HASKELL.edu

**To:** (b) (6) @HASKELL.edu

**Date:** Mon, Feb 7, 2022, 9:25 PM

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.

-Clay Mayes

(b) (6)

---

**From:** (b) (6) @HASKELL.edu

**To:** Clay Mayes cmayes@HASKELL.edu

**Date:** Mon, Feb 7, 2022, 9:58 PM

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.

(b) (6)

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**From:** Clay Mayes cmayes@HASKELL.edu

**To:** Clay Mayes cmayes@HASKELL.edu, (b) (6)

**Date:** Tue, Feb 8, 2022, 2:52 AM

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**From:** Clay Mayes cmayes@HASKELL.edu

**To:** Clay Mayes cmayes@HASKELL.edu

**Date:** Sat, Mar 5, 2022, 8:30 PM

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---

**From:** Clay Mayes cmayes@HASKELL.edu

Re: Admissions Meeting

Inbox



(b) (6)  
To (b) (6)

Feb 2

...

My apologies for the delay in getting this message to you. I am not sure if you heard, but school was canceled today via the Haskell e2Alert. Offices throughout campus are closed as well, due to the weather.

(b) (6)

Instructor Health, Sport and Exercise Science  
Haskell Indian Nations University

## Re: Children in the workplace

---

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Wed, Feb 2, 2022, 9:47 PM

Clay,

I know we spoke about this previously. Let me reiterate that children are not allowed in the workplace. As a Federal institution our guidelines are very straightforward in that bringing a child(ren) to the workplace can create a legal liability. Especially, if the child(ren) is left unattended or the parent is working and loses sight of their child.

Again, you will need to refrain from bringing your children to the workplace.

(b) (6)

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---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Date: Thu, Feb 3, 2022, 3:31 AM

On the first day you mentioned this you relayed you would send me the guidelines for where this rule is located in our handbook. Whenever you have time, please relay our most updated handbook to me. I will read over it multiple times. I have a couple handbooks saved, but they are different years. Here is



the one I've been going by:

[https://www.haskellathletics.com/d/Athletics\\_Student\\_Athlete\\_Handbook\\_Policy.pdf](https://www.haskellathletics.com/d/Athletics_Student_Athlete_Handbook_Policy.pdf)

(b) (6)

With how busy (b) (6) was last fall, it has felt like a touch and go experience. Up to this point, I never even went through orientation for work when I started.

As a new employee, I want to work together to learn Haskell's entire process. With the private colleges I worked at previously having contrastingly different rules, I need to continue re-reading over our administrative handbook until it's second nature. I need to make sure I'm as educated as possible on all our standards and to do so repetitively.

Additionally, I do appreciate you bringing this to my attention. I have not had many issues brought to me since starting at Haskell last Fall. As I noted before, any and all help one can offer is sincerely appreciated. As time goes in and we strive to all work together, we can make Haskell an epitome of pure success.

I do appreciate the opportunity I have been given Haskell. I want to fully utilize my line of work to continue bringing in very successful Native student-athletes who are great students, great athletes, and great role models to be for their communities.

-Clay Mayes

(b) (6)

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Thu, Feb 3, 2022, 2:28 PM

Hello Clay,

I am not sure what you are referencing with regard to "children in the workplace" in a handbook. As mentioned previously it is a Federal policy and not a student-athlete policy. Therefore, it will not be in the student-athlete handbook you provided in your email thread. This handbook is for student-athletes only.

In terms of your student-athletes sharing with you about Haskell Athletic staff bringing kids, grandkids, extended family, etc. to work and competitions in the past .... children, grandchildren, family can attend competitions etc. when you are not "working." For example, you can bring your children to a basketball game if you are a spectator. If the "child" or "grandchild" is a prospective student or student-athlete they are allowed to visit the campus like any other recognized high school student.

Once I receive the policy from Mona I will provide to our entire department.

(b) (6)

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Twitter: @HaskellU

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @HASKELL.edu

Date: Thu, Feb 3, 2022, 2:43 PM

As mentioned for being confused with past times, we also had athletic faculty travel have family travel with coaches in school vans, and go to campus on work days. That's why I was a little bewildered about the original rule, as we have had similar faculty members do the same thing.

For our next Athletics meeting I can apologize for making the mistake I will share I am not above any of our rules and regulations, and I will adhere to all rules and regulations from here on out. As detailed for the confusion, past administrators who have done the same actions (b) (6) (b) (6) that I also mentioned in person, being new to the area, icy roads, and a closed campus, I realized I need to read all of our rules and regulations. No matter how big the employers manual is, I'd like to read all of it to follow. The past handbooks I have used may not be as applicable as needed, and I do believe if I had a work orientation I would have been more versed for starting out as an employee at Haskell. I still welcome anyone to direct me in the right direction, as we are all working for common goals. If there is any lingering troubles or if I need to direct my energy more thoroughly for work, please do not hesitate to let me know.

Again, I appreciate you making me aware of this. I have had many instances where there was an issue and I was re-directed properly. At the end of the day I want to work together consistently with all co-workers, continue bringing in great students, people, and athletes, and Haskell to continue being a platform for all Native communities.

Thus, I will await that information from (b) (6)

If you can, you may or may not know, but I am still trying to obtain the policy for doing interviews from Mona as a coach at Haskell.

-Clay Mayes

(b) (6)

---

From: (b) (6) @HASKELL.edu

To: Clay Mayes cmayes@HASKELL.edu

Date: Thu, Feb 3, 2022, 4:22 PM

Clay,

Would you mind sharing who you are referencing in your following statement?... "we also had athletic faculty travel have family travel with coaches In school vans, and go to campus on work days."

Thanks,

(b) (6)

Haskell Indian Nations University

**Bureau of Indian Education**

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046

Cell Phone (b) (6)  
Office Phone (b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

**Facebook:** @HaskellUniversity

**Twitter:** @HaskellU

---

**From:** Clay Mayes cmayes@HASKELL.edu

**To:** (b) (6) @HASKELL.edu

**Date:** Thu, Feb 3, 2022, 4:49 PM

I am sorry, but I do not want to share. I want to work together, not impede against one another. Previously, I have even seen co-workers recently bring their dogs to work. I don't (personally) see it as an issue, but if that's our rules and our standards to abide by, then that's the rules and standards we can all work together on as a team. That's one of my main initiatives as an employee at Haskell is being told beforehand what I need to do to be better at my line of work, rather than finding out through in a less than ideal format or something was taken out of context, and incorrect.

Also noted before, I have not had many instances where I was told how to correctly execute a various work task, and it was a touch and go learning experience. As noted a few times already the context of these recent and current issues was due to surgical procedure going on, campus being closed, and icy roads. I now realize the standards still apply, and I need to sit down and review all of our rules and regulations thoroughly. I will do so repetitively as well.

Bearing this issue has been a previous hiccup for others, if I address it at our Athletics meeting we can all work together moving forward, which is my first and foremost goal.

Personally, I am willing to take ownership, and I will openly apologize for not being aware of these standards come our Tuesday Athletics staff meeting.

-Clay Mayes

(b) (6)

---

**From:** (b) (6) @HASKELL.edu  
**To:** Clay Mayes cmayes@HASKELL.edu  
**Date:** Thu, Feb 3, 2022, 5:17 PM

Clay,

Thank you for your reply. I will say we do have individuals who have received Federal clearance for animals in the building.

Our next Athletics meeting will be Thursday, February 10th.

Thanks,

(b) (6)

Haskell Indian Nations University

***Bureau of Indian Education***

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046

Cell Phone (b) (6)  
Office Phone (b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

**Facebook:** @HaskellUniversity

**Twitter:** @HaskellU

## Re: Haskell's Athletic's Coach Pic

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Date: Thu, Feb 3, 2022, 7:41 PM

If it's possible, I've been told by a few folks that it would help the image of Haskell's cross country to include a picture of myself on [haskellathletics.com](http://haskellathletics.com)'s cite, and under the 'coaches' for the xc team.

I figured you just got busy awhile back, but if you could upload one of the shots for my name, it would help with recruitment, and meeting and greeting people. It's no big, just a couple thoughts on it. I haven't scanned the entire Haskell Athletics's website. So, I am going off what some folks respectively relayed over to me.

-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Bcc: (b) (6) @BIE.EDU  
Date: Sat, Mar 12, 2022, 3:44 PM

Still looking to have a picture put up for our website for my bio Haskell Athletics if possible.

Some honors on my coaching bio for Haskell Athletics:

-3 Top 20 Team Finishes at Cross Country NAIA Nationals in 2015-2016-2017 at Bacone College with a predominantly native team - 90%+ with 15+ tribes represented.

-10th place team finish at NAIA cross country nations with University of Antelope Valley with a predominantly native team - 90%+ with 14 tribes represented

-5 Individual NAIA National Titles

\_2016 NAIA Indoor Track National Mile

\_2017 NAIA Indoor Track National Mile

\_2016 NAIA Cross Country National

\_2017 NAIA Outdoor Track 5000m and 10000m National

-Myself as a runner

\_Oklahoma State Champion in the 3200m in 2006

-Competed for University of Oklahoma(OU) and Oklahoma State University(OSU) in XC and Track.  
\_2008 NCAA XC Nationals Team Member (OSU)  
\_2009 Big 12 All Conference 10,000m Medalist  
\_2009 NCAA XC Nationals Team Member on a 12th place finishing team (OU)

Bachelor's Degree:  
Psychology

Partially finished Master's Degree:  
Human Relations

EMT Certified

We should be having our assistant coaches officially starting soon and when they are cleared 'officially'

They are:

(b) (6)

I'll send their information once they are cleared.

I also have wanted to put up another commitment for our team:

Speedy fella names: (b) (6)

(b) (6)

Located in: (b) (6)

(b) (6)

Here is two simple and fin questions I asked if needed for a post for his signing:

Question 1.) Why Haskell?

(b) (6) "I choose Haskell is because they focus on highlighting the overall wellness with the native community. I want to be a part of something bigger at Haskell. With Haskell showing an interest in my ability it makes me want to strive towards something bigger with the team."

Question 2.) The most influential person during your life?

(b) (6)

I'll start sending a few of our ladies signings for this upcoming this week, and then alternate back and forth with relaying the information on these signings. We have a lot of great student-athletes coming to Haskell to join our team! I am excited to see all our programs continue to be elevated as one unit!

-Clay Mayes

(b) (6)

---

2 Emails



**Fwd: Social Media Policy - University employees**

---

From: (b) (6) @HASKELL.edu  
To: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, Clay Mayes cmayes@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Cc: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Date: Mon, Feb 7, 2022, 9:51 PM  
 Social Media Policy.pdf 3.1 MB

Good evening all,

This is the first of a few policies you will see in the next couple of weeks. This policy focuses on Social Media.

In a recent conversation with the Office of the President, our university will be provided with additional guidance on social media from Washington.

As mentioned previously, if you have a social media page (i.e. Facebook, Instagram, Tik Tok, Twitter, etc.) with association to .. mention of .. referencing of Haskell, the page passwords need to be provided to me so I can share with Ms. Gonzales and Ms. Deer in the Office of the President. The Office of the President will serve as the repository for social media passwords associated with Haskell (i.e. HINU, Haskell University, etc.).

Please let me know if you have any questions regarding the university social media policy.

It is my understanding the Bureau is reviewing current pages for content and messaging.

FYI, there is also a social media policy for student-athletes as well. You will receive the student-athlete policy shortly. The student-athlete policy is for student-athletes.

Regards,  
(b) (6)

(b) (6)

(b) (6)

Haskell Indian Nations University

**Bureau of Indian Education**

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046

Cell Phone (b) (6)  
Office Phone (b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

Facebook: @HaskellUniversity

Twitter: @HaskellU

**From:** Clay Mayes cmayes@HASKELL.edu

**To:** (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu

**Cc:** (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu

**Date:** Mon, Feb 7, 2022, 9:57 PM

Can coaches also have access to the Haskell social media accounts for their sport as well? We would be able to have more consistent updates for the sports, and that way we could more equally represent each sport ideally.

The coaches  
-Clay Mayes

(b) (6)

**From:** (b) (6) @HASKELL.edu

**To:** Clay Mayes cmayes@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu

**Cc:** (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu

**Date:** Mon, Feb 7, 2022, 10:02 PM

Yes. (b) (6) has mentioned providing coaches with editor privileges to the Facebook page for their

respective sport. Keep in mind, the university has very specific guidance on graphics, imaging, etc.

(b) (6)

**Bureau of Indian Education**

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046

Cell Phone (b) (6)

Office Phone (b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

Facebook: @HaskellUniversity

Twitter: @HaskellU

---

**From:** Clay Mayes cmayes@HASKELL.edu

**To:** (b) (6)@HASKELL.edu, (b) (6)@HASKELL.edu, (b) (6)

(b) (6)@HASKELL.edu, (b) (6)@HASKELL.edu, (b) (6)

(b) (6)@HASKELL.edu, (b) (6), (b) (6)

(b) (6)@HASKELL.edu

**Cc:** (b) (6)@HASKELL.edu, (b) (6)@HASKELL.edu

**Date:** Mon, Feb 7, 2022, 10:05 PM

Can being an editor of the page make an original post on the social media account?

We have sports with updates routinely and other sports where the updates are sparse. The sports with consistent updates have great pages! Ideally, we'd like to do the same with our respected sports.

If the coaches can not make social media posts, we will need to develop a thorough strategy to equally represent our sports as social media is a massive platform for recruitment.

-Clay Mayes

(b) (6)

---

**From:** (b) (6)@HASKELL.edu

To: Clay Mayes cmayes@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) (b) (6)@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) (b) (6)@HASKELL.edu, (b) (6) (b) (6)@HASKELL.edu, (b) (6) (b) (6)@HASKELL.edu  
Cc: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu

Date: Mon, Feb 7, 2022, 10:09 PM

To Clays question .. yes, if you are an editor you can create a post.

(b) (6)

**Bureau of Indian Education**

U.S. Department of Interior  
155 Indian Avenue  
Lawrence, Kansas 66046  
Cell Phone (b) (6)  
Office Phone (b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

Facebook: @HaskellUniversity

Twitter: @HaskellU

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From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) (b) (6)@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) (b) (6)@HASKELL.edu, (b) (6) (b) (6)@HASKELL.edu, (b) (6) (b) (6)@HASKELL.edu  
Cc: (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Date: Mon, Feb 7, 2022, 10:11 PM

This is great news! If possible and if we can discuss this at our next athletes meeting, I'd like to be in accordance with our rules and regulations as we move forward.

-Clay Mayes

(b) (6)

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Cc: (b) (6) @HASKELL.edu  
Date: Tue, Feb 8, 2022, 10:37 AM

I have previously stated, on various occasions, that all coaches are welcome to have admin privileges to their respective social media pages. In addition to that I have stated if you do now wish to have them please advise what you would like me to post, regarding information, new recruits, events etc.. Teams who are currently in season will receive more informational output than those who are not in season as I am in contact with them for athletic events more consistently and receive information from said programs.

With that being said if there are social media pages that are developed for your program I as well as the presidents office need the log in information to said account. There are currently various social media accounts that I cannot access, nor delete because students ran them and log in information was not provided to their coaching staff or myself.

Those of you who have requested access are welcome to post on the pages with the use of the graphic designer, boxout sports to which I assigned privileges to their respective pages as well.

If there are any additional questions please let me know.

(b) (6)

Contractor, McCormick Analytics  
Haskell Indian Nations University  
155 Indian Ave,  
Lawrence, KS, 66046

(b) (6)

---

From: Judith Gipp jgipp@HASKELL.edu  
To: (b) (6) @HASKELL.edu, Clay Mayes cmayes@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu

## Athletics Meeting 2-10-2022

---

From: Clay Mayes cmayes@HASKELL.edu

To: Clay Mayes cmayes@HASKELL.edu, (b) (6)

Date: Thu, Feb 10, 2022, 11:59 AM

Today (b) (6) said she was working on our:

### Statement of Work

And doing so with another Haskell administrator and even working on the wording for the Statement of Work for the athletic employees/Coaches.

This is a direct conflict of interest with (b) (6) being the sister for (b) (6) and her also statement she is an (b) (6)

A couple employees who can verify this meeting:

(b) (6)

-Clay Mayes

(b) (6)

2-9-2022 to 2-10-2022 - Being Berated By (b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) Clay Mayes cmayes@HASKELL.edu

Date: Thu, Feb 10, 2022, 12:16 AM

To my surprise and after a talk today at 4:00 pm to 4:30 (2/9/2022) (b) (6) pulled me out of the weight room in coffin front of a couple golf athletes and (b) (6)

(b) (6)

(b) (6) noted in order for these new incomers (6 of them) to go to races unattached, that they must go to (b) (6) practices. And repetitively said, "maybe we can work something out to where they can represent us too."

Originally from July to December 31st, 2021, I was told I would be able to take student-athletes to various Distance Track carnivals, and road races. However (b) (6) said I was -11,000 in the budget, but according to my supervisor and CFO, (b) (6) on 2-8-2022 at 3:45 p.m. I had a budget of 38,000+ remaining.

I asked (b) (6) for a meeting 3 times over email and to have our CFO there so we could discuss the budget. She refused to meet and said it was decided the budget wasn't available unless it was for uniforms.

Whole (b) (6) was talking to me today, she contacted berated me about not knowing policies but when I asked her which rule she was referring to for her claims, she said, "Get this, it's there, look it up."

(b) (6) noted that she was preventing these student-athletes from traveling on their own budget and transportation to meets, as they (b) (6) needed to work out a deal with them to allow them.

It is not NAIA policy to follow these requirements for unattached and redshirt runners.

As of the last two meets (b) (6) took runners too, they had 2 runners the first meet in January, and the 2nd meet they had 4 runners. For both meets one of those track athletes was

(b) (6)

I was told after I had this talk with (b) (6) by a Haskell Admin to go ahead and be respectful and play nice. Not in a joking way, but in terms of having (b) (6) not continue to go after me, which the admin has noted (b) (6) will go after my position.

(b) (6) has berated me previously in person, and openly in front of other co-workers. I will continue being respectful but I am positive (b) (6) is trying to corner me to get a reaction and add a negative check mark to my file. During the meeting today in the gym on 2-9-2022, I was starting to go into shock from the constant attacks:

Saying it was not fair to other athletes at Haskell because the xc kids wont go hang out with them past class hours. That (b) (6) track kids said, "The xc kids are too good for us."

It's becoming emotionally exhausting to smile and be kind to (b) (6) while she finds ways to limit my work duties. Recently she made a social media policy baring from talking about Haskell in anyway on social media unless we relinquish our password and username. I also had (b) (6) approach me after (b) (6) most recently berated me and he noted, "It's so obvious what's she doing to you. She talks down to you, more than anyone else, and that's a lot. I don't see how you can take it but she treats you like a child."

-Clay Mayes

---



## Re: Recruits - Shirts

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Date: Thu, Feb 17, 2022, 7:48 PM

Do we still have shirts to give to recruits and parents?

I have some folks signing and just any sort of Haskell 'gear' looks great!

-Clay Mayes

(b) (6)

---

From: (b) (6) @HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Cc: (b) (6) @HASKELL.edu  
Date: Thu, Feb 17, 2022, 8:19 PM

We currently only have 2xl and 3xl shirts and sweatshirts. With some of the other items stolen from the closet prior to the lock change we don't have much to give. If you have cross country gear left over such as backpacks or jackets etc I suggest you provide that to your recruits tomorrow.

(b) (6)

Contractor, McCormick Analytics

Haskell Indian Nations University  
155 Indian Ave,  
Lawrence, KS, 66046

(b) (6)

---

From: (b) (6) @HASKELL.edu  
To: (b) (6) @HASKELL.edu, Clay Mayes cmayes@HASKELL.edu  
Date: Fri, Feb 18, 2022, 7:14 AM

Clay,

Parents are not allowed to receive items purchased with Federal dollars. Also, if you have cross country

## Re: Haskell's Athletic's Coach Pic

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Date: Thu, Feb 3, 2022, 7:41 PM

If it's possible, I've been told by a few folks that it would help the image of Haskell's cross country to include a picture of myself on [haskellathletics.com](http://haskellathletics.com) 's cite, and under the 'coaches' for the xc team.

I figured you just got busy awhile back, but if you could upload one of the shots for my name, it would help with recruitment, and meeting and greeting people. It's no big, just a couple thoughts on it. I haven't scanned the entire Haskell Athletics's website. So, I am going off what some folks respectively relayed over to me.

-Clay Mayes

(b) (6)

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From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Bcc: (p) (p) @BIE.EDU  
Date: Sat, Mar 12, 2022, 3:44 PM

Still looking to have a picture put up for our website for my bio Haskell Athletics if possible.

Some honors on my coaching bio for Haskell Athletics:

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-10th place team finish at NAIA cross country nations with University of Antelope Valley with a predominantly native team - 90%+ with 14 tribes represented

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\_2017 NAIA Indoor Track National Mile

\_2016 NAIA Cross Country National

\_2017 NAIA Outdoor Track 5000m and 10000m National

-Myself as a runner

\_Oklahoma State Champion in the 3200m in 2006

-Competed for University of Oklahoma(OU) and Oklahoma State University(OSU) in XC and Track.  
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Bachelor's Degree:  
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Partially finished Master's Degree:  
Human Relations

EMT Certified

We should be having our assistant coaches officially starting soon and when they are cleared 'officially'

They are:

(b) (6)

I'll send their information once they are cleared.

I also have wanted to put up another commitment for our team:

Speedy fella names: (b) (6)

(b) (6)

Located in: (b) (6)

(b) (6)

Here is two simple and fin questions I asked if needed for a post for his signing:

Question 1.) Why Haskell?

(b) (6) "I choose Haskell is because they focus on highlighting the overall wellness with the native community. I want to be a part of something bigger at Haskell. With Haskell showing an interest in my ability it makes me want to strive towards something bigger with the team."

Question 2.) The most influential person during your life?

(b) (6)

I'll start sending a few of our ladies signings for this upcoming this week, and then alternate back and forth with relaying the information on these signings. We have a lot of great student-athletes coming to Haskell to join our team! I am excited to see all our programs continue to be elevated as one unit!

-Clay Mayes

(b) (6)

2 Emails

---

**Fwd: Concerns and Questions**

---

Clay Mayes &lt;cmayes@haskell.edu&gt;

Tue, Jul 12, 2022 at 11:05 PM

To: (b) (6)

[Get Outlook for iOS](#)

---

**From:** Clay Mayes <cmayes@HASKELL.edu>**Sent:** Tuesday, October 5, 2021 4:04:59 PM**To:** (b) (6) @HASKELL.edu>**Subject:** Concerns and Questions

Hello Coach, I wanted to follow-up on a handful of matters and issues. It has created some hurdles as an employee for Haskell, and I'd like to make sure Haskell's best interest is followed, as well as, we're adhering to all regulations and protocols.

For myself, there has been an issue with transparency about not having access to various things as a Haskell Coach and administrator.

These things include:

1.)

Access to the original Facebook XC/Track Page. Which I have now officially been blocked by this page since 9/20/2021. This prevents me from seeing any posts from the page, and with one being blocked on social media it is usually traced to either harassment or when one doesn't want another to see various posts or statuses on their social media page. Bearing I have not liked a post or commented on a post in YEARS, it may be the first of those two.

This Haskell XC/Track page has been later changed to the name: 'Haskell Track.' This change was made after I asked about having access to it my first week in June of 2021 at Haskell.

In response: I was NEVER provided with information for this page from (b) (6) or (b) (6) as I was told both had access to this page.

(I Included documentation showing I am blocked by the page - I also can provide a video if needed to show I am unable to view the Haskell track page due to being blocked)

2.)

I was also not given access to the primary username and password for directathletics in order to do race registrations for Haskell. This form of registration for xc meets is done through this website, [directathletics.com](https://directathletics.com).

I have provided my first email on 6-21-2021 (in the scans) to (b) (6) to which I DIRECTLY asked for the directathletics login info. I followed up a SECOND time on June 25th, and I was not granted this information, nor did I receive a response for such questions. I had a few emails that I asked for this, and I was never provided the information for the login or password information for directathletics. Again, after a few emails address to (b) (6) I was not provided response to my questions about the Facebook page, directathletics, nor received any contacts for the xc returner. Almost 3 weeks later, I finally got a response, but with ZERO answers to the questions, on 7-9-2021 from (b) (6) that we could meet, however this first meeting was canceled due to (b) (6) having a conflict.

(b) (6) suggested to make my own directathletics account. This issues this has created was directathletics has appeared to merge the accounts new and old account for Haskell, as I noticed a vast number of Haskell runners on the roster. Some of these runners noted on the roster for directathletics never ran one race for Haskell, but they were on the Haskell directathletics roster none the less. One athletes who never ran one race, as an example, with Haskell is: Oskatewin Onestar.

(Scans are included of the directAthletics roster, to which, shows former athletes on the directathletics account. Again, I never received login information from Al Gipp, nor did I add these athletes. Again, I never received one contact to reach even one returning athlete).

3.)

I was never given access to work with the xc club account money, as my athletes agreed mutually to use part of the funds to create home xc meet shirts for our home meet on 10-9-2021.

I was told this money was navigated to the 'Gen 7,' track account. There is a 10,000 dollar donation from Billy Mills from November of 2017.

Bearing the 10,000 dollar donation was made out to:

"Haskell XC"

On the check/donation, I presume the money has relevance to cross country.

Some questions and concerns I have about a large some of money being moved from the track to the xc account:

**-Can this money be moved to the sole track account?**

**-Can this money be used for student-athletes hotels, gas, and food for travels to Washington, and not racing?**

**-Was (b) (6) made aware this money was moved all together a track account?**

**-The coaches for the Haskell website noted for this year (2017/2018) was:**

**(b) (6)**

Also in our handbook for coaches, it states that the "Coach's Requirements" as follows:

- Monitor the academic progress of their student-athletes
- Inform Student-athletes of their support options

(A scan is included for this page in our handbook - 'Page 1' for scans

(b) (6) was also stated as a coach for the 2019-2020 school year on our Haskell athletics website, as well as, recently calling herself a track coach.

5.)

This fifth point isn't about not having access, but I am seeing there is a trend with a lack of communication and there is information being purged.

Examples of this:

- Blocking another Haskell coach from viewing a social media Athletic page on Facebook.  
(Documents scanned and attached)

(b) (6) notes on 10-1-2021 that (b) (6) wiped her history of various posts in regards to traveling with Haskell XC/Track.  
(Documents scanned and attached)

-Moving large sums of money around to be unseen.

-Another Haskell admin, (b) (6) noting gear is being moved to (b) (6) truck on 10-5-2021. (b) (6) noted gear and money is being misused (b) (6) will only share this if his identity isn't released, and this report stays anonymous from his end).

-Clay Mayes

(b) (6)



Oct 5, Doc 4.pdf

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**Fwd: [EXTERNAL] Information**

---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @BIE.EDU  
**Date:** Mon, Mar 14, 2022, 11:21 AM



Can you send me the information from Friday. Essentially everything agreed upon moving forward. I know no-contact agreement was reinstated.

-Clay Mayes

(b) (6)

---

**From:** (b) (6) @BIE.EDU  
**To:** Clay Mayes cmayes@HASKELL.edu  
**Date:** Mon, Mar 14, 2022, 11:28 AM

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

(b) (6)

*Bureau of Indian Education*  
Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046  
Office (b) (6)  
Fax (b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @BIE.EDU  
**Date:** Mon, Mar 14, 2022, 12:22 PM

Thank you, sir! Let me know if you need anything from my end.

Additionally, hopefully you had a good weekend, and again, thank you for the help!



**Bureau of Indian Education**  
Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046

(b) (6)



Website: [www.haskell.edu](http://www.haskell.edu)

---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Friday, March 18, 2022 12:46 PM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** [EXTERNAL] Updated work order

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Any movement on rescinded work order?

Clay Mayes

(b) (6)

---

**Fwd: [EXTERNAL] Updated work order**

Clay Mayes <cmayes@haskell.edu>

Tue, Jun 21, 2022 at 3:21 AM

To: (b) (6)

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---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Tuesday, March 22, 2022 4:41:24 PM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** Re: [EXTERNAL] Updated work order

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 investigation.

-Clay Mayes

(b) (6)

---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Monday, March 21, 2022 3:53 PM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** Re: [EXTERNAL] Updated work order

That works, and thank you.

-Clay Mayes

(b) (6)

---

**From:** (b) (6) @BIE.EDU>  
**Sent:** Monday, March 21, 2022 3:27 PM  
**To:** Clay Mayes <cmayes@HASKELL.edu>  
**Subject:** Re: [EXTERNAL] Updated work order

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

(b) (6)



**Key Return**

(b) (6) @bie.edu>

Thu, Mar 24, 11:29 AM

To: Clay Mayes <cmayes@haskell.edu>, Clay Mayes (b) (6)

Please let me know what time you can meet to return your keys this afternoon in the Coffin parking lot.

(b) (6)

***Bureau of Indian Education***

Haskell Indian Nations University

155 Indian Ave

Lawrence KS 66046

Office (b) (6)

Fax (b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

**From:** Clay Mayes (b) (6)  
**Sent:** Thursday, March 24, 2022 6:43 PM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** [EXTERNAL] Re: Key Return

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I'm out of the area but will be back Sunday night. Monday is a day I can drop them off

On Thu, Mar 24, 2022 at 11:29 AM (b) (6) @bie.edu> wrote:

Please let me know what time you can meet to return your keys this afternoon in the Coffin parking lot.

(b) (6)

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Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046

(b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

Key Return

(b) (6) @bie.edu>  
To: Clay Mayes (b) (6)

Fri, Mar 25, 2022 at 8:20 AM

Ok thanks.

(b) (6)

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Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046

(b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

From: Clay Mayes (b) (6)  
Sent: Thursday, March 24, 2022 6:43 PM  
To: (b) (6) @BIE.EDU>  
Subject: [EXTERNAL] Re: Key Return

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I'm out of the area but will be back Sunday night. Monday is a day I can drop them off

On Thu, Mar 24, 2022 at 11:29 AM (b) (6) @bie.edu> wrote:

Please let me know what time you can meet to return your keys this afternoon in the Coffin parking lot.

(b) (6)

Key Return

(b) (6) @bie.edu>  
To: Clay Mayes (b) (6)

Mon, Mar 28, 2022 at 11:58 AM

Following up to see if you are able to bring keys to Coffin parking lot today? Thanks.

(b) (6)

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Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046  
Office (b) (6)  
Fax (b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

From: Clay Mayes (b) (6)  
Sent: Thursday, March 24, 2022 6:43 PM  
To: (b) (6) @BIE.EDU>  
Subject: [EXTERNAL] Re: Key Return

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I'm out of the area but will be back Sunday night. Monday is a day I can drop them off

On Thu, Mar 24, 2022 at 11:29 AM (b) (6) @bie.edu> wrote:

Please let me know what time you can meet to return your keys this afternoon in the Coffin parking lot.

(b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

---

**From:** Clay Mayes (b) (6)  
**Sent:** Tuesday, March 29, 2022 10:26 AM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** Re: [EXTERNAL] Re: Key Return

I'll know a little bit more as I travel to the area but should be back around 11:15 or so and can drop off the keys/ID around then.

On Mon, Mar 28, 2022 at 11:58 AM (b) (6) @bie.edu> wrote:  
Following up to see if you are able to bring keys to Coffin parking lot today? Thanks.

(b) (6)

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Haskell Indian Nations University  
[155 Indian Ave](#)  
[Lawrence KS 66046](#)

(b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

---

**From:** Clay Mayes (b) (6)  
**Sent:** Thursday, March 24, 2022 6:43 PM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** [EXTERNAL] Re: Key Return

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I'm out of the area but will be back Sunday night. Monday is a day I can drop them off

Key Return

(b) (6) @bie.edu>  
To: Clay Mayes (b) (6)

Tue, Mar 29, 2022 at 11:24 AM

Let me know when you are here and I can meet you outside.

(b) (6)

*Bureau of Indian Education*  
Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046

(b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

**From:** Clay Mayes (b) (6)  
**Sent:** Tuesday, March 29, 2022 10:26 AM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** Re: [EXTERNAL] Re: Key Return

I'll know a little bit more as I travel to the area but should be back around 11:15 or so and can drop off the keys/ID around then.

On Mon, Mar 28, 2022 at 11:58 AM (b) (6) @bie.edu> wrote:  
Following up to see if you are able to bring keys to Coffin parking lot today? Thanks.

(b) (6)

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155 Indian Ave  
Lawrence KS 66046  
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Fax (785) 830-2760

Website: [www.haskell.edu](http://www.haskell.edu)



Key Return

(b) (6) @bie.edu>  
To: Clay Mayes (b) (6)

Tue, Mar 29, 2022 at 11:57 AM

I'm on my way to lunch so I can meet you in Coffin lot.

(b) (6)

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Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046  
Office (b) (6)  
Fax (b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

From: Clay Mayes (b) (6)  
Sent: Tuesday, March 29, 2022 11:54 AM  
To: (b) (6) @BIE.EDU>  
Subject: Re: [EXTERNAL] Re: Key Return

I can run keys and card over in 5 minutes, that work?  
On Tue, Mar 29, 2022 at 10:31 AM (b) (6) @bie.edu> wrote:  
OK thanks.

(b) (6)

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Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046  
Office (b) (6)  
Fax (b) (6)

## Touching Base

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @HASKELL.edu

Date: Mon, Nov 22, 2021, 3:21 PM

Hello (b) (6)

I'm touching base with you about last weeks issues I noted. I wanted to see if there was an update and a scheduled meeting in pursuing such issues?

As always, thank you for any and all help and your time.

-Clay Mayes

(b) (6)

---

- 2.) We go through (b) (6) for ordering shoes? That's what I understood.
- 3.) Our supply line is limited with ordering gear, so there would need to be a justification to order the gear, correct? That approval may or may not be approved, correct?
- 4.) There needs to be another PO for the race timer with a more in depth explanation, correct?

Any and all information you can provide, I'm happy to follow through with!

-Clay Mayes

(b) (6)



---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @BIE.EDU  
**Date:** Sun, Jan 9, 2022, 7:01 PM

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---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @BIE.EDU  
**Date:** Sun, Jan 9, 2022, 7:13 PM

(b) (6) was noting how the budget needed to be radiated to Nike but (b) (6) never passed forward any gear (when asked for it from (b) (6) and then also myself), and it was never noted we had to order Nike, nor was any Nike gear available.

I have emailed (b) (6) in regards to asking where the Billy Mills 10,000 donation is. Currently, it's in the track account and the check was wrote to "Haskell XC."

I never got any responses from 3 emails about that donation.

I also sent another 3 emails (b) (6) in June and July to obtain contacts for Haskell xc student-athlets, about gear being passed forward, and garnering basic information like the registration username and password for college xc meets, all of these emails were ignored and I never received any email with any answers.

Pictured is the Billy Mills check wrote to "Haskell XC"

I have still to get any answers for why this money is not in the xc club account.



Fwd: Touching Base

Clay Mayes <cmayes@haskell.edu> Mon, Feb 7, 2022 at 8:07 PM  
To: Clay Mayes <cmayes@haskell.edu>, (b) (6)

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From: (b) (6) @HASKELL.edu>  
Sent: Wednesday, January 12, 2022 8:31:01 AM  
To: Clay Mayes <cmayes@HASKELL.edu>  
Cc: (b) (6) @BIE.EDU>  
Subject: Re: Touching Base

Good morning Clay,

I appreciate you including (b) (6) in your email as this will assist in communication.

For clarification, and in speaking with (b) (6) prior to his last day regarding contracts and the budget, and upon review of the documents provided as well as meeting with our Finance officials, a change is needed to the athletic budget. When (b) (6) turned over documents to my attention, he also shared and understood changes to the budget would be needed.

Your SOW (Statement of Work) on record is for Cross Country only. The marathon as you are aware is part of NAIA Track and Field. Distance like events as you mentioned in your email to include half-marathon road races, distance carnivals, etc. are all part of Track and Field. The Track and Field program is under the direction of Al and his assistants (which includes me). Track and Field will manage these events.

As mentioned in our department meeting yesterday, all budgets are under evaluation. We are "restarting" the budget to be equitable in what each program needs as it relates to supplies, travel, and contracts.

If you are unhappy with your contact, please let me know.



## Pursue Coaching / Track Meets / Routes

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Tue, Jan 18, 2022, 1:07 PM

- D4BFAFD7-CB32-4444-B75C-17A823B727E1.png 579 KB
- 4830F849-CCEB-49B0-90F7-A0C113FADB34.png 443 KB
- 45160FD4-09BC-4609-BD01-1BC947597D0F.png 407 KB
- D523666C-C208-4591-89A9-AF82014545ED.png 430 KB

Hello,

I will give you a call to arrange a meeting today to discuss a few plausible routes.

- 1.) I am seeking to help coach and guide the student-athletes from the Fall semester. I am happy to make sure it is approved by them and by their comfort level.
- 2.) Pursue using my budget to attend a few track meets and road races. A previous document I email includes what was previously discussed with (b) (6)
- 3.) If needed, looking at using the cross country club's account to pursue track meets (if needed).

I also attached previous information from a Haskell student-athlete (b) (6) who noted using the club account to pay for attending meets as a Haskell track student-athlete. In doing so I just wanted to detail that this was one viable route to giving some of my student-athletes an opportunity to race some track meets.

-Clay Mayes

(b) (6)

Verizon LTE

11:56 AM



< 12

(b) (6)



## Update - Reaching Out

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Thu, Jan 20, 2022, 4:59 PM

I wanted to check back and see if there was an update on being able to coach and help Fall's runners?

Also was following up on the ability to take some runners to track meets.

-Clay Mayes

(b) (6)

---

---

**Fwd: Work Intimidation****Clay Mayes** <cmayes@haskell.edu>

Sat, Mar 12, 2022 at 3:44 PM

To: (b) (6)

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---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Tuesday, January 25, 2022 3:25:25 PM  
**To:** (b) (6) <(b) (6)@BIE.EDU>  
**Subject:** Work Intimidation

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 me, as I had a previously conversation with (b) (6) about the generic gear.

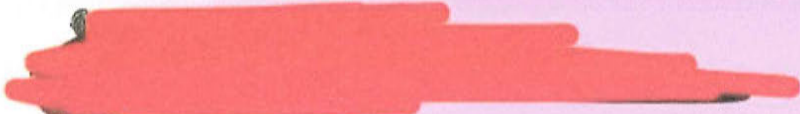
(b) (6) sent an email to all the coaches about using the storage for gears, as it was previously noted that was what it was used for.

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

I can detail the day and tone they were loading (b) (6) truck with gear from Jim Thorpe, as another administrator 'also' saw it (as did I) and (b) (6)

Is it possible to check the cameras at Jim Thorpe 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 Jim Thorpe Gym but (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) loading their truck up with gear within an hour after they did so on October 5th.

-Clay Mayes

(b) (6)



## Fwd: Weekend Incident On Split Fanta Soda



**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @bie.edu  
**Date:** Thu, Jan 27, 2022, 12:35 PM

This past weekend I spilled a drink in the office, Orange Fanta Soda, and there was no paper towels left in the men's restroom. I used the paper towels in the women's restroom in the coaches office, which student-athletes do not use. I believe one can access cameras to see this, or I can probably find orange residue showing where the soda spilled under my desk this past weekend.

I went in and out of the women's restroom to get towels, as no one was in there, nor was anyone in the offices at that time. To my knowledge no staff member was in the building at this time. Perhaps someone was walking by, but I do not recall seeing anyone do this either.

This was after practice and there was zero student-athletes in the building. There was zero staff members in the offices while I was in the offices the entire time.

I am unsure how this was reported, but I would ask which students-athletes were able to enter coffin without being let into coffin per covid protocols, and not having a key to access coffin.

I did have practice earlier this day, all student-athletes left before I spilled the drink, and I also started to arrange my storage space for my gear which I share with (b) (6) under the bleachers, and in a closet by the swimming pool.

Please don't hesitate to ask myself any questions or address any thoughts.

-Clay Mayes  
Haskell XC Coach

(b) (6)

---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** Clay Mayes cmayes@HASKELL.edu  
**Date:** Sun, Jan 30, 2022, 10:26 AM

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---

2 Emails

## Re: Systematic Attacks from Co-worker

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @bie.edu

Date: Thu, Jan 27, 2022, 12:55 PM

I've routinely been met with hostile responses and irrational behavior from (b) (6). (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) 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).

I also have 2 co-workers who have seen (b) (6) actions towards myself. One of which said today he can validate it these issues, (b) (6) can be reached at:

(b) (6)

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

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Fri, Jan 28, 2022, 3:15 PM

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) Monday/Tuesday at the latest.

I 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 (b) (6) would be a great source to share such issues I have been experiencing systematically.

---

**Fwd: Student No-Contact Clarification**

Clay Mayes &lt;cmayes@haskell.edu&gt;

Tue, Jun 21, 2022 at 3:23 AM

To: (b) (6)

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---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Monday, January 31, 2022 4:32:34 PM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** Re: Student No-Contact Clarification

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 no-contact agreement.

I have sent 4 emails to Tonia Salvini 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.

Currently, I am awaiting a response from (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 Mayes

(b) (6)

---

**From:** (b) (6) @BIE.EDU>  
**Sent:** Monday, January 31, 2022 4:19:43 PM  
**To:** Clay Mayes <cmayes@HASKELL.edu>  
**Subject:** Student No-Contact Clarification

I received clarification that the Student No-Contact statement signed on Nov 4 applies to all students who are on the Cross Country team last semester or this semester.

(b) (6)

*Bureau of Indian Education*  
Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046  
Office (b) (6)

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

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

-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Tue, Feb 1, 2022, 12:25 AM

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) has 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

(b) (6)

---

3 Emails

**Re: [EXTERNAL] Obtaining Policies**

---

**From:** Clay Mayes cmayes@HASKELL.edu  
**To:** (b) (6) @BIE.EDU  
**Date:** Wed, Feb 9, 2022, 5:14 PM

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

(b) (6)

---

**From:** (b) (6) @BIE.EDU  
**To:** Clay Mayes cmayes@HASKELL.edu  
**Date:** Thu, Feb 10, 2022, 10:49 AM

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.

(b) (6)

*Bureau of Indian Education*

Haskell Indian Nations University

155 Indian Ave

Lawrence KS 66046

Office (b) (6)

Fax (b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

---

---

**Fwd: [EXTERNAL] Obtaining Policies**

---

Clay Mayes &lt;cmayes@haskell.edu&gt;

Tue, Jun 28, 2022 at 5:50 PM

To: (b) (6)

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---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Thursday, February 10, 2022 11:17:41 AM  
**To:** (b) (6) @BIE.EDU>  
**Subject:** Re: [EXTERNAL] Obtaining Policies

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.

-Clay Mayes

(b) (6)

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**From:** (b) (6) @BIE.EDU>  
**Sent:** Thursday, February 10, 2022 10:49 AM  
**To:** Clay Mayes  
**Subject:** Re: [EXTERNAL] Obtaining Policies

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.

(b) (6)

*Bureau of Indian Education*  
Haskell Indian Nations University  
[155 Indian Ave](#)  
[Lawrence KS 66046](#)

# Athletics Meeting 2-10-2022

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From: Clay Mayes cmayes@HASKELL.edu

To: Clay Mayes cmayes@HASKELL.edu, (b) (6)

Date: Thu, Feb 10, 2022, 11:59 AM

Today (b) (6) said she was working on our:

## Statement of Work

And doing so with another Haskell administrator and even working on the wording for the Statement of Work for the athletic employees/Coaches.

This is a direct conflict of interest with (b) (6) being the sister for (b) (6) and her also statement she is an assistant coach for Track.

A couple employees who can verify this meeting:

(b) (6)

-Clay Mayes

(b) (6)

## Re: Champions of Character

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From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @BIE.EDU  
Date: Wed, Feb 16, 2022, 4:15 PM



Just whenever you have free time, if you can send an email noting I could not attend the champions of character event, I can place it within my documents.

-Clay Mayes

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From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @BIE.EDU  
Date: Wed, Feb 16, 2022, 6:15 PM

I wanted to keep you looped in, but I am working on pursuing a meeting with our president, as I have not had any resolve with the harassment, and ongoing issues. Some of which includes being followed at work, my budget going from 30,000+ to being in the hole 11,000.

I also wanted to pursue the conflict of interest I am in the midst of:

<https://bja.ojp.gov/program/project-safe-neighborhoods-psn/summary-standards-conduct-and-conflict-interest-rules>

With (b) (6) being (b) (6) and there is consistent actions that correlate to her and (b) (6) benefit, it has inhibited my work duties. I do have 2 other co-workers who are able to validate such issues for the meeting as well.

I do trust your judgement. So, if you have any wisdom to offer, I'm all ears.

Personally, I would like to navigate to being able to fulfill my work duties without being pressured or inhibited in any form. I do appreciate my job at Haskell, but with the constant pressure to cause detrimental harm to my job, I feel some course of action may be needed.

-Clay Mayes

(b) (6)

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2 Emails



## Overview

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From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Fri, Feb 18, 2022, 4:50 PM

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.

-Clay Mayes

(b) (6)

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# Updates

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From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @BIE.EDU

Date: Wed, Feb 23, 2022, 3:25 PM

I have a couple updates with the investigation I filed. It's not too urgent, but I can relay that information as needed.

-Clay Mayes

(b) (6)

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Emailing: Clay Mayes Stop Work Order2

Clay Mayes (b) (6)  
To: (b) (6) @BIE.EDU (b) (6) @bie.edu>

Sat, Feb 26, 5:30 PM

Here was a follow up email with (b) (6). As they noted my contract is on pause until the investigation against myself ceases because I am unable to set up practices currently.

A couple points in the email:

- 1.) It's an NAIA rule we can't practice beyond more weeks this semester with the training week rule. Unless my cross country student-athletes did both xc and track, as well as, myself being labeled as a cross country AND track coach, I can only practice 6 more weeks this semester. Practicing any less does not cause any violations, or issues since it's technically are off-season.
- 2.) It was repetitively noted within the meeting, which I have recorded, I would be able to resume my contract once the investigation finishes, as I would be able set up practices, again.
- 3.) Originally, a Haskell administrator contacted them, which may fall under retaliation with the investigation that is going on for harassment.
- 4.) Beyond the meeting, I am looking for written documentation noting I can resume work once the investigation is completed. I am not worried about any ill findings for the investigation about myself, I just want to be able to resume my job once the investigation is finished.

-Clay Mayes

----- Forwarded message -----

From: Clay Mayes (b) (6)  
Date: Sat, Feb 26, 2022 at 1:08 PM  
Subject: Re: Emailing: Clay Mayes Stop Work Order2  
To: (b) (6) @bie.edu>

Just for my own documentation, and to reiterate what was said within the meeting this past Thursday with you and (b) (6)

I also wanted to additionally detail that we are following NAIA rules for our cross country program, and we can NOT practice the entire Spring semester of 2022. I detailed this below. Here is the rule that HAS to be followed as a coach at Haskell.

<https://www.naia.org/legislative/24-week-season-coaches>

I am NOT a Haskell track coach, nor am I even allowed to take student-athletes to track meets at this moment in time. Our current athletic director has confirmed this in person, by phone, and by email numerous times. An example and email is attached.

IMPORTANT NAIA rule ALL coaches must follow at Haskell, and this is something that has been brought to my attention by our former Athletic Director and current Athletic Director we are currently in the OFF-SEASON for cross country for this school year and we can NOT meet for the entire spring of 2022 semester per NAIA rules. We started practice before

the season started this past Fall semester of 2021 and when the season ended, our practices also stopped.

Per NAIA rules, I am NOT able to practice beyond 6 more weeks this Spring semester of 2022. If we were to resume practice post-spring break on March 21st, and have practice for the remaining spring semester of 2022's school year by the end of the school year we would hit the EXACT and MAX amount of practices we can hold.

I can provide more information as needed for this rule that I have to follow.

--

The latter half of this email I wanted to validate if my contract will resume once the investigation finds no violation for the claims mentioned about myself?

My contract has been paused due to being unable to fulfill all my current work duties listed on my contract?

My contract has been paused due to an investigation currently going on about myself as there is a 'no-contact' agreement that Vice President Tonia Salvini issued with myself in regards to meeting and coaching with Haskell xc student-athletes.

With a no-contact agreement being put into place, it is the sole reason I am unable to meet with Haskell xc student-athletes for practice? As it was mentioned this is one of my contracted working duties.

As you and (b) (6) noted, this no contact agreement prevents my full performance to be fulfilled on my contract, thus my contract has been currently stopped.

One issue I vocally brought up within the meeting this past Thursday is there is a current investigation going on due to false allegations and harassment at Haskell towards myself from multiple Haskell administrators involved.

When the investigation against myself finishes and if there is no evidence for the allegations, this would allow me to resume my contracted work duties at Haskell, correct? That was my full understanding.

If the investigation validates there is no ill findings from myself, this would also validate the investigation is directly connected to and has been created from false allegations and attacks.

I also want to mention that whichever administrator from Haskell contacted you all at Divisions of Acquisitions that may be tied to a retaliatory action taken in response by current Haskell administration who are now being investigated for systematic attacks, harassment, and intimidation.

Thank you for any information that you can provide. I appreciate your time.

-Clay Maves

(b) (6)

Emails:

[Quoted text hidden]

Re: [EXTERNAL] Contact EOC



From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @BIE.EDU  
Date: Mon, Feb 28, 2022, 10:14 AM

I am looking to contact who our Employment Opportunity Commission's Counselor would be for Haskell. Do you know how I can obtain their contact information?

-Clay Mayes

(b) (6)

From: (b) (6) @BIE.EDU  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Mon, Feb 28, 2022, 10:16 AM

I am not sure but I will see what I can find.

(b) (6)

**Bureau of Indian Education**  
Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046  
Office (b) (6)  
Fax (b) (6)

Website: [www.haskell.edu](http://www.haskell.edu)

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @BIE.EDU  
Date: Mon, Feb 28, 2022, 1:45 PM

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) 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

(b) (6)

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3 Emails

**Fwd: Extending Contract - Questions**

Clay Mayes &lt;cmayes@haskell.edu&gt;

Wed, Mar 23, 2022 at 10:48 PM

To: (b) (6)

[Get Outlook for iOS](#)**From:** Clay Mayes**Sent:** Wednesday, March 9, 2022 12:39:09 AM**To:** (b) (6) @BIE.EDU>**Subject:** Extending Contract - Questions

I am looking to obtain a little more information, to document a few matters, and I have a few questions.

I have read when a Haskell administrator continues their contract for their renewal each year, the deciding parties for their renewal are:

-The Athletic Director

And

-The "Leadership Team"

Post-investigation, I am not concerned with any ill intent being found from my end and after that investigation is concluded, and if there needs to be a statement made: "I would like to continue working and coaching at Haskell for 2022/2023." If there is an appeal process to follow, I can also do so.

I have been recently told I am suppose to note this as part of the process, which I've conveyed to (b) (6) on 12-15-2021 and 12-22-2021 by email and in-person. I noted I wanted to continue with (b) (6) on 2-10-2022 and she said, "Okay, I am rewriting your SOW."

My start date with working last year at Haskell was on 6-22-2021.

My finish date to start the next year is May 31st if (b) (6) was correct. With how long my background check was, and from what (b) (6) noted not too long ago, I now realize that may have consumed part of the full year for my contract.

First question:

What administrators are considered part of our leadership team?

For our athletic director (b) (6) noted in the last Haskell's athletics meeting I was at on 2-10-2022 that she was one of two people that have been and will continue to currently write each coaches', "statement of work," for all Haskell Athletic coaches and is currently in the process to helping re-write the "SOW's" for the following year for each Haskell Coach.

Coaches/administrators that were present for this meeting that acknowledge this from (b) (6) and followed up with questions during this meeting:

(b) (6)

I do feel there is a conflict of interest for (b) (6) to have any say for any Haskell coach's "statement of work," and being their supervisor with currently supervising family.

With myself replacing (b) (6) as the cross country coach, (b) (6) and (b) (6) being our athletic director we have a regulation not being followed, which is in connection to being a, "conflict of interest."

Our regulation for this can be found here:

<https://bja.ojp.gov/program/project-safe-neighborhoods-psn/summary-standards-conduct-and-conflict-interest-rules>

2nd question:

"Do I need to do anything to obtaining or pursuing a fair assessment with moving forward as a coach at Haskell for the following contracted year?"

I do feel confident with our results once I can get to my first year's recruiting class for Fall of 2022 with starting 3 weeks past our deadline line last Fall of 2021's semester on 6/22/2021.

We did have the largest incoming Spring of 2022 recruitment class come in at 7 new student-athletes.

We finished the school year with 38,000+ in the budget remaining. I do think this being documented on your end would help, as I was unable to have (b) (6) agree that I finished my budget on the positive side.

3rd Question:



Are you able to detail I finished with 38,000+ left in the budget?

Or that we finished well within our means in spending and adhering to our team's budget.

I know there may be 1,000-3,000 of leeway, as there may have been small changes.

(b) (6) did note on 12-29-2021 he was not going to change my budget as he retired on 12-31-2021 and if my budget were to change, that would be conducted by (b) (6)

I do feel a work orientation for our next contracted year for myself, and other coaches may go a long way, as new coaches did not receive a work orientation.

(b) (6) was able to help (b) (6) to some degree, which helped. Where as I was not able to obtain any past information, resources, or help in rebooting the xc program for Fall of 2021 with 1 eligible xc returner for men, and 1 eligible xc returner for women. There was a handful of ineligible returnees, but they were not able to compete with being ineligible previously.

-Clay Mayes

(b) (6)

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**Update - Complaint**

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Clay Mayes (b) (6) @gmail.com>

Fri, Mar 11, 5:23 PM

To: (b) (6) @BIE.EDU (b) (6) @bie.edu>

Let me know if this works. Bennett lists his email below as well.

-Clay Mayes

(b) (6)

----- Forwarded message -----

From: (b) (6) @bia.gov>

Date: Wed, Mar 9, 2022 at 10:50 AM

Subject: Update - Complaint

To: Clay Mayes <(b) (6)>

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.

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

[Quoted text hidden]

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Haskell Indian Nations University

Office of the President

155 Indian Ave

Lawrence, Kansas 66046



February 24, 2022

To: (b) (6)

Cc: (b) (6)

From: Interim President, Haskell Indian Nations University – Dr. Tamarah Pfeiffer 

Subject: (b) (6)

I, (b) (6) (b) (6) at Haskell Indian Nations University, shall not perform any supervisory duties or responsibilities with respect to (b) (6) (b) (6). This is referencing anything to do with personnel actions, co-coaching duties or responsibilities. The guidance for program coordination and personnel will be assigned to (b) (6).

I understand any violation of this agreement would be in violation of 62 BIAM 11.31 and 11.32; and Title 5 United States Code Section 3110, Employment of relatives. It is defined as a prohibited personnel practice in Title 5 United States Code Section 2302 (b) (7). Any violation of this will make me subject to disciplinary action by the appropriate Management Officials in the Bureau of Indian Education (BIE).

(b) (6)

(Print Name)

02-24-2022  
(Date)

**From:** [Pfeiffer, Tamarah](#)  
**To:** (b) (6); (b) (6); (b) (6); (b) (6)  
**Cc:** (b) (6); (b) (6)  
**Subject:** Recusal Memorandum  
**Date:** Thursday, February 24, 2022 3:47:34 PM  
**Attachments:** (b) (5), (b) (6)

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Good Afternoon,



As the new AD for Haskell Indian Nations, (b) (6) has formally signed a recusal agreement. To ensure that fair and equitable treatment of all coaches under her purview; (b) (6) will be supervised by (b) (6) on any requests, personnel matters, or budget requests for track and field. (b) (6) will ensure that (b) (6) (b) (6) is made of aware of the recusal agreement effective today 2/24/22.

Any questions regarding this recusal agreement please contact the President's office. Supervisory oversight of academics will be (b) (6) and (b) (6) as co-deans.

Thank you for supporting our students and staff,  
Tamarah

**Tamarah Pfeiffer, Ph.D (Diné)**  
Acting President of Haskell Indian Nations University

**Bureau of Indian Education**  
Haskell Indian Nations University  
155 E. Indian Ave.  
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Website: [haskell.edu](http://haskell.edu)

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