

POSITION DESCRIPTION								
1. Position Number HU 000 85			2. Explanation (show any positions replaced) This PD replaces the former PD # IE14047					
3. Reason for Submission <input type="checkbox"/> New <input checked="" type="checkbox"/> Redescription <input type="checkbox"/> Reestablishment <input checked="" type="checkbox"/> Standardized PD <input type="checkbox"/> Other								
4. Service <input type="checkbox"/> HQ <input checked="" type="checkbox"/> Field	5. Subject to Identical Addition (IA) Action <input type="checkbox"/> Yes (multiple use) <input checked="" type="checkbox"/> No (single incumbent)							
6. Position Specifications Subject to Random Drug Testing <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No -- Subject to Medical Standards/Surveillance <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Telework Suitable <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Fire Position <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Law Enforcement Position <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7. Financial Statement Required <input type="checkbox"/> Executive Personnel-OGE-278 <input checked="" type="checkbox"/> Employment and Financial Interest-OGE-450 <input type="checkbox"/> None required		10. Position Sensitivity and Risk Designation <u>Non-Sensitive</u> <input type="checkbox"/> Non-Sensitive: Low-Risk <u>Public Trust</u> <input checked="" type="checkbox"/> Non-Sensitive: Moderate-Risk <input type="checkbox"/> Non-Sensitive: High-Risk <u>National Security</u> <input type="checkbox"/> Noncritical-Sensitive: Moderate-Risk <input type="checkbox"/> Noncritical-Sensitive: High-Risk <input type="checkbox"/> Critical-Sensitive: High-Risk <input type="checkbox"/> Special Sensitive: High-Risk				
		8. Miscellaneous Functional Code: -- BUS: 8888	9. Full Performance Level Pay Plan: GS Grade: 12					
11. Position is <input type="checkbox"/> 2-Supervisory <input checked="" type="checkbox"/> 4-Supervisor (CSRA) <input type="checkbox"/> 5-Management Official <input type="checkbox"/> 6-Leader: Type I <input type="checkbox"/> 7-Leader: Type II <input type="checkbox"/> 8-Non-Supervisory		12. Position Status <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> SES <input type="checkbox"/> Excepted (specify in remarks) <input type="checkbox"/> SL/ST		15. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt				
		13. Duty Station Lawrence, KS						
		14. Employing Office Location Haskell Indian Nations University		17. Competitive Area Code: Competitive Level Code: 605				
		16. Cybersecurity Code #1: -- #2: -- #3: --						
18. Classified/Graded by		Official Title of Position		Pay Plan	Occupational Code	Grade	Initial	Date
a. Department, Bureau, or Office		Athletic Program Director		GS	1701	12	TR	9/30/2021
b. Second Level Review				GS		12		
19. Organizational Title of Position (if different from, or in addition to, official title) Athletic Director for Haskell Indian Nations University				20. Name of Employee (if vacant, specify)				
21. Department, Agency, or Establishment U.S. Department of the Interior				c. Third Subdivision				
a. Bureau/First Subdivision Bureau of Indian Education				d. Fourth Subdivision Intercollegiate Athletics				
b. Second Subdivision Haskell Indian Nations University				e. Fifth Subdivision				
22. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to, but not limited to: FLSA determinations; position sensitivity and requirements; and appointment/payment of public funds. False or misleading statements may constitute violations of such statutes or their implementing regulations.								
a. Typed Name and Title of Immediate Supervisor Tamarah Pfeiffer, Ph.D, Acting President for Haskell Indian Nations University				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)				
Signature TAMARAH PFEIFFER Digitally signed by TAMARAH PFEIFFER Date: 2021.09.29 10:00:56 -05'00'				Signature				Date
23. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.				24. Position Classification Standards Used in Classifying/Grading Position October 1991. PCF for General Education and Training Series, GS-1701 October 1991. PCF for Education Services Series, GS-1740 Aug 1974 GEG for Positions of Managers of Operating Education Programs October 1991. PCS for Education Program Series, GS-1720				
Typed Name and Title of Official Taking Action Thomas Royston, HR Specialist (Classification)								
Signature THOMAS ROYSTON Digitally signed by THOMAS ROYSTON Date: 2021.09.30 11:23:05 -06'00'								
25. Position Review		Initials	Date	Initials	Date			
a. Supervisor					Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.			
b. Classifier		TR	5 OCT 2021					
26. Remarks FPL GS 12  TR- edit block 18a.								

# **ATHLETIC PROGRAM DIRECTOR**

## **GS 1701 - 12**

### **INTRODUCTION**

This position is located in the Department of Interior, Bureau of Indian Education, Haskell Indian Nations University (Haskell), Vice President for University Services, Athletic Director Office aligned to Intercollegiate Athletics

The main functions of the Haskell Indian Nations University Athletic Director Office are to:

1. Holds all employees and contractors to job duties including ethical standards of conduct with students, staff, faculty and outside stakeholders.
2. Prepares and applies all fiscal spending of athletics aligned to federal guidelines.
3. Responsible for aligning all athletic activities aligned to both local, state, federal and NAIA regulations.
4. Oversees the safety and well-being of athletes and athletic staff to ensure promotion of inter-collegiate regulatory guidance.

Haskell's vision is to become a national center for Indian education, research, and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives.

The purpose of this position is to serve as the Director of the intercollegiate athletics program for Haskell Indian Nations University (Haskell), fostering high standards of integrity of competitive athletics program, athletic excellence and academic success.

The position is accountable to the President, Haskell for the development, supervision and administration of the Intercollegiate Athletics Program ensuring that it complies with National Association of Intercollegiate Athletics (NAIA) rules and regulations, Haskell's policies and rules, and applicable Federal regulations.

### **MAJOR DUTIES AND RESPONSIBILITIES**

#### *MANAGEMENT and SUPERVISORY DUTIES*

50 %

Supervises and Evaluates all staff under the Athletic Program Director.

The position carries out the full range of first line supervisory duties and responsibilities, including:

Plans work to be accomplished by Program Support Assistant (GS-06) and Sports Specialist(GS-11), sets and adjusts short-term priorities, and prepares schedules.

Assigns work to subordinate employees based on organization priorities and consideration of difficulty and requirements of assignments such that the experience, training, and abilities of staff are effectively utilized to meet organization and customer needs.

Balances workload and provides advice, guidance, and direction on a wide range of work and administrative issues.

Selects or recommends selection of candidates for vacancies, promotions, details, and reassignments.

Establishes, modifies, and interprets performance standards.

Explains performance expectations to employees and provides regular feedback on strengths and weaknesses.

Holds employees responsible for satisfactory completion of work assignments.

Appraises subordinate workers performance ensuring consistency and equity in rating techniques.

Recommends awards when appropriate and approves within-grade increases.

Hears and resolves employee complaints and refers serious unresolved complaints to higher level management.

Initiates action to correct performance or conduct problems.

Effects minor disciplinary measures such as warnings and reprimands and recommends action in more serious disciplinary matters.

Prepares documentation to support actions taken.

Identifies employee developmental needs and provides or arranges for training (formal and on-the-job) to maintain and improve job performance.

Encourages self-development.

Approves leave schedule assuring adequate coverage for peak workloads and traditional holiday vacation time.

Promotes an environment in which employees are empowered to participate in and contribute to effective mission and organizational work accomplishments.

Discharges security responsibilities by ensuring education and compliance with security directives for employees.

Recognizes and takes action to correct situations posing a threat to the health or safety of subordinates.

- Applies EEO principles and requirements to all personnel management actions and decisions, and ensures all personnel are treated in a manner free of discrimination.
- Periodically reviews position descriptions to ensure accuracy, and the most effective utilization of personnel resources.

**Education Program Mgt.**

**25 %**

Responsible for leadership of the program including the management and administration of the program, training plans, and resources; athletic development and assessment, and maintenance of effective relationships with professional athletics programs of other higher education institutions, Tribal communities and other stakeholders, and maintenance of productive administrative relations and with other units and staff of Haskell.

- Responsible for establishing policy and procedure for time schedules for eligibility of all sports in accordance with Haskell regulations and the NAIA.

Works with the faculty athletic representative (FAR) to determine eligibility of all athletes in all sports.

Responsible for development of standards and procedures for coaches and student-athletes

who participate and represent Haskell in their respective intercollegiate athletics.

Responsible for the scheduling of all athletic contests, contest officials, logistics, and travel for all athletic teams with each respective head coach.

**Education Services technical work**

**25%**

Develops or directs the development of curricula for athletic programs, evaluates developed materials for accuracy, technical/professional relevancy and validity, and submits curricula justification and cost estimates to the Haskell President.

Plans, oversees, and carries out proactive marketing, promotion, and advertising the overall intercollegiate athletic program designed to increase revenues and promote positive image and competitiveness of the program and within athletic budget.

Prepares athletic schedules and assures coordination with the scheduling efforts of other Units to provide efficient coaching coverage, including practices and athletic contests.

□ Evaluates professional development needs, and develops seminars, training sessions, and other professional development activities such as coaching contracts, clinics, workshops, and classes to best improve coaching staff capabilities.

Observes and documents team practices, athletic contests, and related team activities on a periodic basis to assure adequacy of coaching, adherence to program objectives, and for the purpose of performance evaluation of the coaching staff.

Responsible for planning, managing, and coordinating all administrative matters, such as the program budget, human resources, acquisition, safety, facilities, etc.

Participates in and designates faculty to assist with programs and activities related to student recruitment, advising, and placement. The incumbent will assure cooperation and coordination of the Athletic Program with the other programs and staff.

Oversees the concessions and gate sales at all events that take place in the athletic facilities. This includes but is not limited to the Haskell Stadium, Coffin Sports Complex, Haskell Notarium, Golf Driving Range, Cross Country course, Softball field, Soccer field, and other practice fields on the Haskell campus.

Responsible for the preparation, organization, and management of all athletic contests to ensure they are administered properly, including overseeing officials at the scoring table, game announcers, and half-time activities.

Responsible for the preparedness of the facilities that accommodate all courses and sporting events and activities to ensure meets regulation and safety.

May be required to serve on or provide services on technical and educational committees.

Represents the college by attending meetings or serving as a member of private or government organizations at the local, state, or national level dealing with a variety of issues related to intercollegiate athletics.

Prepares a yearly recruitment plan for all endorsed NAIA sports sustainable by athletic budget allocations for the year.

Works closely with VPA, VPSS, and other offices to ensure that communication is clear and everyone is knowledgeable of the daily schedules of athletes and any staff.

Other duties as assigned.

## **CONDITIONS OF EMPLOYMENT and OTHER SIGNIFICANT INFORMATION**

The incumbent may be required to work other than normal hours as necessary to handle emergency situations or peak workloads.

Appropriately handles and safeguards sensitive and/or classified information in accordance with regulations to reduce potential compromise.

Work frequently requires travel away from the duty station on field assignments. Travel involves transit via airplane and motor vehicle. The incumbent is required to drive a motor vehicle to conduct work at field locations. A valid State Driver's license is required. Position is subject to a favorable background investigation.

The incumbent may be required to work other than normal hours as necessary to handle emergency situations or peak workloads.

Appropriately handles and safeguards sensitive and/or classified information in accordance with regulations to reduce potential compromise.

Work frequently requires travel away from the duty station on field assignments. Travel involves transit via airplane and motor vehicle.

The position is identified as requiring the services of an occasional driver under the BIA Driving Policy; a valid State Driver's license is required when driving on the job. Position is subject to a favorable background investigation.

Telework Determination: BIE has determined this position is suitable for telework only during emergency or natural disaster. FPPS Code: B

## **FACTOR LEVEL DESCRIPTIONS**

### **1 . Knowledge Required by the Position**

**Level 1-7, 1250 pts**

Professional knowledge of wide range of the concepts, theories, and techniques of sports management and program management for application to a University intercollegiate athletic program as well as extensive experience in sports being managed or professional knowledge of wide range of the concepts, theories, and techniques of education administration.

Knowledge of and experience in administration of a program involving budget, human resources, travel, and procurement responsibilities, and applicable procedures and regulations.

Knowledge of a wide variety of principles, concepts and techniques of developing total athletic fitness program through health, nutrition, substance abuse prevention, smoking cessation, and stress management.

Knowledge of and ability to judge and evaluate the performance of athletics to ensure the most qualified are selected and trained to compete in intercollegiate competition.

Knowledge of a wide variety of principles, concepts and techniques such as competitive sports program management, athletic enrollment, athletic schedules, development of varied unrelated athletic programs, fielding athletic teams that are capable of competing on the collegiate level of competition.

Knowledge and skill to develop or select athletic curriculum and courses/programs for a collegiate athletic program that will meet the required educational needs of a unique student population of American Indian and Alaskan Natives from various tribal groups with very different cultural backgrounds.

Knowledge of learning processes and multimedia instructional concepts for a college athletic program and skill in utilizing this knowledge for development or evaluation of instructional programs, performance appraisal criteria, staff training, and performance evaluation.

Knowledge and skill in generating and maintaining effective work relationships with a wide range of college and university competitive sports contacts, strong communication skills as well as modern sports promotion techniques.

Knowledge and proficient with word, excel, and other data processes in addition to communication through phone, email and Haskell website and Haskell Facebook.

## **2. Supervisory Controls**

**Level 2-4, 450 pts**

Works under general supervision of the President, Haskell; who makes assignments in terms of overall objectives and any limitations on the scope of programs. Incumbent consults with and advises the supervisor on such aspects as priorities, staffing, funding requirements and milestones. Incumbent plans and carries out assignments independently, setting own priorities and coordinating/consulting as necessary. Independently resolves problems involving deviations from established procedure, unfamiliar situations, or unusual requirements. Coordinates corrective actions or adjustments with responsible activities. Supervisor is kept advised on progress of the program and any potentially controversial issues. Is knowledgeable of both state and federal guidance as it relates to student athletic programs, fiscal, programing, and academics, Completed work is reviewed in terms of overall performance and effectiveness in meeting program objectives, milestones on time and within budget.

## **3. Guidelines**

**Level 3-4, 450 pts**

Guidelines will consist of Federal, State, Unit, Bureau of Indian Education, University, NAIA regulations, procedures, policies, and directives as well as requirements and guidelines related to education and accreditation organizations, such as the North Central Association and the Higher Learning Commission.

Guidelines provide the general parameters under which the intercollegiate athletics program should be operated. However, because of the wide variations in the athletic programs, and are not typical Federal programs incumbent must employ ingenuity and originality in developing new or improved approaches for obtaining results and overcoming unusual problems where guidelines and precedents are lacking.

Where guidelines are available, they cannot be directly and easily applied, requiring mature judgment in the frequent interpretation and adaption of guidelines to meet specific local Haskell program requirements.

## **4. Complexity**

**Level 4-4, 225 pts**

The incumbent provides leadership and management for an intercollegiate athletic program which involves the development and administration of various athletic sports program activities, including securing coaching contracts, including scheduling, training programs, safety of athletes, program content in several athletic areas, coaching staff responsibilities and coverage for all athletic teams, evaluation of coaching efforts, and review of results to assure that Haskell and program educational objectives are being achieved and within a defined athletic yearly budget.

The incumbent considers different factors such as the program needs of the athletic programs, enrollment in various sports, scheduling conflicts with other areas of instruction, and budget limitations. The incumbent considers and responds to the unique needs of students. Is active in a constant review of sports programs in relation to the university's needs, flexibility of staffing requirements and practice schedules; development of unique program outlines and sports practice plans; and instructional approaches, concepts, techniques, and materials that are unique to the program. All in all, there are many decisions involved concerning the planning, implementing, supervising, coordinating, and administering the intercollegiate athletic program for Haskell.

**5. Scope and Effect**

**Level 5-4, 225 pts**

The purpose of the work is to manage and administer an intercollegiate athletics program for Haskell Indian Nations University. The work affects the operations of Haskell's athletic programs and other universities' athletic programs as well as Haskell's goals and objectives.

**6. Personal Contacts**

**Level 6-3, 60 pts**

Contacts are with school athletes, volunteers, college staff, and facilities personnel, university personnel in support services such as procurement and personnel, and students. Outside contacts are with athletic program representatives from other higher education institutions, Tribal organizations, business organizations, other government agencies and educational-intercollegiate athletic committees or organizations. Contacts generally occur in groups or individually in moderately unstructured settings, on a non-routine basis. Some one time contacts may be lengthy and complex depending on program issues.

**7. Purpose of Contacts**

**Level 7-3, 120 pts**

The purpose of contacts are to effect the skillful promotion of the highest possible degree of program acceptance, participation, and cooperation in dealings with identified contacts listed under Factor 6 through highly motivating program planning, work relationships and exceptionally effective promotional methods and techniques.

At this level, some contacts require exceptional skill in motivating and influencing uncooperative persons or working with professional sports organizations that set rules and policies for national sports or program representatives of other higher education institutions. Tact and diplomacy are required when operating in a hostile environment to ensure productive resolution.

**8. Physical Demands**

**Level 8-1, 5 pts**



The work is sedentary in nature but does require frequent movement through offices, classrooms and around the athletic facilities, training areas and practice fields. The incumbent may assist in preparation and administration of numerous situations involving campus athletic activities.

**9. Work Environment**

**Level 9-1 5 pts**

Work is normally performed in an office, meeting rooms or sports complex settings. Some of the work involves exposure to inclement weather. Some travel maybe involved

**Total Points fund = 2,790**

**GS-12 Point Range = 2,755-3,150**

**Final Determination = GS 12**

## Position Designation Record

Department DEPARTMENT OF THE INTERIOR IN  
 Agency DEPT OF INTERIOR-DEPT OF INDIAN AFFAIRS  
 Supplemental Duty  
 Position Title Athletic Director GS 1701-12  
 Position Description HU 000 85  
 Series and Grade/Pay Band  
 Position Description Number Tom Royston HR Classification  
 Designator's Name & Title

## Final Position Designation and Investigation

Sensitivity Level	Risk Level	Investigation	Form
Non-Sensitive	Moderate Risk	Tier 2	SF 85P

Label	Points
Total Initial Position Designation Points from Step 2	50
Adjusted Position Designation Points from Step 3	30

## Summary

### National Security

No national Security Duties

### Suitability

Duties	Degree of Potential for Compromise or Damage
Government service delivery, including customer service or public liaison duties	Severe impact Duties involve customer service responsibilities and/or public liaison that could severely impact the public's trust through severe damage/harm to: <ul style="list-style-type: none"> <li>The integrity or efficiency of the service</li> <li>Individuals or business entities</li> <li>Government programs or operations impacting the public's trust</li> </ul>

## Adjustment for Scope of Program and Correlation to Extent of Impact

Program Scope and Impact	Impact
Adjustment for Scope of Program and Correlation to Extent of Impact	Agency Impact <ul style="list-style-type: none"> <li>Program operations affect only one agency.</li> <li>Misconduct or damage would have potential for a</li> </ul>

<b>Program Scope and Impact</b>	<b>Impact</b>
	local impact on the agency, and/or the individuals or private entities affected by the agency.
<b>Level of Supervision</b>	<b>Ability to act independently</b>
Adjustment for level of supervision or other controls	Close technical supervision - ability to act independently infrequently <ul style="list-style-type: none"> <li>• Continuing review of all work by a technical expert.</li> </ul>

Designator's Name: Tom Royston HR Classification

Designator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**U.S. DEPARTMENT OF THE INTERIOR  
Employee Performance Appraisal Plan**

Employee Name: (b) (6)	Title/Series/Grade: Instructor/1701/11		
Duty Station: Haskell Indian Nations Univ. (Lawrence, KS)	Appraisal Period: 2021	From Date: 9/30/2021	To Date: 2/28/2022

**Part A-1: Establishment of Performance Plan:** Signatures certify that performance plan (Part E) was discussed with the employee.

✓ (b) (6)	(b) (6)	(b) (6)
09-30-2021	30 September 2021	Date: 3/3/22

**Part A-2: Employee Input into Performance Plan Development:** Signatures certify that the rating official solicited the employee's involvement in developing the performance plan.

(b) (6)	Date: 09-30-2021	R: (b) (6)	Date: 30 Sept. 2021
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**Part A-3: Employee Training:** Signatures certify that the employee reviewed the "Understanding Performance Management" guidance or was otherwise provided training on the performance management policy.

✓ (b) (6)	Date: 09-30-2021	(b) (6)	Date: 30 Sept. 2021
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**Part A-4: Individual Development Plan:** Signatures certify that the employee's Individual Development Plan was created. (Optional)

Employee: N/A	Date:	Rating Official:	Date:
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**Part B: Progress Review:** Signatures certify that performance was discussed.

Employee: did not meet	Date:	Rating Official:	Date:
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**Part C: Summary Rating Determination:** Assign the numerical rating level that accurately reflects the employee's performance for each of the critical elements (Use only whole numbers: **Outstanding = 5 points; Exceeds Expectations = 4 points, Fully Successful = 3 points, and Unacceptable = 0 points.**) See next page for complete instructions.

Element Number	Numerical Rating
1	(b) (6)
2	
3	
4	
5	
Total:	(b) (6)

Total Numerical Rating (b) (6) ÷ Number of Elements (b) (6) = Numeric Summary Rating (b) (6)

**Part D: Summary Rating:** Use conversion chart to determine rating. Check appropriate box:

(b) (6)	4.6 – 5.00 AND No Critical Element rated lower than "Exceeds Expectations"
(b) (6)	3.6 – 4.59 AND No Critical Element rated "Unacceptable"
(b) (6)	3.0 – 3.59 AND No Critical Element rated "Unacceptable"
(b) (6)	One or more Critical Elements rated "Unacceptable"

Check here if Interim Rating: \_\_\_\_\_  
Performance Award: QSI \_\_\_\_\_ Cash: \$ \_\_\_\_\_ or 3 % of pay Time Off \_\_\_\_\_

**Part E: Critical Elements and Performance Standards:** List each of the employee's critical elements (at least one, but not more than five) and their corresponding performance standards. If Benchmark Standards are used, indicate "Benchmark Standards are attached" in the space below, and ensure they are attached to this form. **At a minimum, measurable criteria must be identified at the Fully Successful level.** For at least one critical element, identify the strategic/mission goal that the critical element supports.

<p><b>Critical Element 1 Title:</b></p> <p>Teaching: Engaging students in learning at the University level</p>	<p><b>Critical Element Description:</b> Element 1 addresses the critical interactive and multifaceted work that university faculty members undertake to engage their students in learning processes as indicated by the Haskell mission framework.</p> <p><u>Haskell Mission Statement:</u> The mission of 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.</p> <p><u>Haskell Vision:</u> Haskell is a unique and diverse inter-tribal university committed to the advancement of sovereignty, self-determination, and the inherent rights of Tribes.</p> <p><u>CIRCLE (Institutional Values):</u> Communication, Integrity, Respect, Collaboration, Leadership, and Excellence (<a href="https://www.haskell.edu/about/values-code">https://www.haskell.edu/about/values-code</a>)</p> <hr/> <p><b>Strategic Goal Alignment:</b> (List the goal or initiative with which the critical element aligns)</p> <p>Haskell will increase student retention, graduation, and transfer rates by improvements in academic programs and practices, non-academic opportunities; and will evaluate the effectiveness of outcomes and strategies that support a culture of learning and success for Haskell students across the campus. (Haskell Initiative 2)</p>
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**Performance Standards**

<b>Outstanding</b>	<ul style="list-style-type: none"> <li>Aligns course activities with 90% of targeted learning outcomes in all courses taught. There is evidence these course activities were completed.</li> </ul>
<b>Exceeds Expectations</b>	<ul style="list-style-type: none"> <li>Aligns course activities with 60% targeted learning outcomes in all courses taught.</li> </ul>
<b>Fully Successful</b>	<ul style="list-style-type: none"> <li>Aligns course activities with 30% of targeted learning outcomes in all courses taught.</li> </ul>
<b>Unacceptable</b>	<ul style="list-style-type: none"> <li>Aligns course activities with targeted learning outcomes.</li> </ul> <p><i>There is no evidence that course activities are aligned with targeted learning outcomes.</i></p>

**Narrative Summary**

Describe the employee's performance for the critical element. A narrative summary must be written for each element assigned a rating of Outstanding or Unacceptable.

(b) (6) continues to demonstrate her positive contributions to the University and her students. She aligned course activities with 100% of the learning outcomes as published in her syllabi for HSES 204, HSES 231, HSES 260, and HSES 262. At our EPAP wrap-up, we discussed course outcomes and the assignments she created to ensure that students had the opportunity to master the outcomes/objectives. (b) (6) is a conscientious faculty member, and remains committed to the growth of her students – as evidenced by her course design and assignments. Her syllabi are on file as are her course assignments. (b) (6)(b) (6) for this critical element.

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Rating for Critical Element 1:

(b) (6)

**Part E: Critical Elements and Performance Standards:** List each of the employee's critical elements (at least one, but not more than five) and their corresponding performance standards. If Benchmark Standards are used, indicate "Benchmark standards are attached" in the space below, and ensure they are attached to this form. **At a minimum, measurable criteria must be identified at the Fully Successful level.** For at least one critical element, identify the strategic/mission goal that the critical element supports.

<b>Critical Element 2 Title:</b>	<b>Critical Element Description:</b> (Describe the results (e.g., product, service, duty) for which the employee is accountable and responsible)
	<b>Strategic Goal Alignment:</b> (List the goal or initiative with which the critical element aligns) ▪

**Performance Standards**

<b>Outstanding</b>	
<b>Exceeds Expectations</b>	
<b>Fully Successful</b>	
<b>Unacceptable</b>	

**Narrative Summary**

Describe the employee's performance for the critical element. A narrative summary must be written for each element assigned a rating of Outstanding or Unacceptable.

**Rating for Critical Element 2:**

Outstanding-5     Exceeds Expectations-4     Fully Successful-3     Unacceptable-0

**Part E: Critical Elements and Performance Standards:** List each of the employee's critical elements (at least one, but not more than five) and their corresponding performance standards. If Benchmark Standards are used, indicate "Benchmark Standards are attached" in the space below, and ensure they are attached to this form. **At a minimum, measurable criteria must be identified at the Fully Successful level.** For at least one critical element, identify the strategic/mission goal that the critical element supports.

<b>Critical Element 3 Title:</b>	<b>Critical Element Description:</b> (Describe below the results (e.g., product, service, duty) for which the employee is accountable and responsible)
	<b>Strategic Goal Alignment:</b> (List the goal or initiative with which the critical element aligns) ▪

**Performance Standards**

<b>Outstanding</b>	
<b>Exceeds Expectations</b>	
<b>Fully Successful</b>	
<b>Unacceptable</b>	

**Narrative Summary**

Describe the employee's performance for the critical element. A narrative summary must be written for each element assigned a rating of Outstanding, or Unacceptable.

**Rating for Critical Element 3:**

Outstanding-5    Exceeds Expectations-4    Fully Successful-3    Unacceptable-0



**Part E: Critical Elements and Performance Standards:** List each of the employee's critical elements (at least one, but not more than five) and their corresponding performance standards. If Benchmark Standards are used, indicate "Benchmark Standards are attached" in the space below, and ensure they are attached to this form. **At a minimum, measurable criteria must be identified at the Fully Successful level.** For at least one critical element, identify the strategic/mission goal that the critical element supports.

<b>Critical Element 4 Title:</b>	<b>Critical Element Description:</b> (Describe the results (e.g., product, service, duty) for which the employee is accountable and responsible)
	<ul style="list-style-type: none"> <li>•</li> </ul>
	<b>Strategic Goal Alignment:</b> (List the goal or initiative with which the critical element aligns)
	<ul style="list-style-type: none"> <li>▪</li> </ul>

**Performance Standards**

<b>Outstanding</b>	
<b>Exceeds Expectations</b>	
<b>Fully Successful</b>	
<b>Unacceptable</b>	

**Narrative Summary**

Describe the employee's performance for the critical element. A narrative summary must be written for each element assigned a rating of Outstanding or Unacceptable.

**Rating for Critical Element 4:**

Outstanding-5    Exceeds Expectations-4    Fully Successful-3    Unacceptable-0

**Part E: Critical Elements and Performance Standards:** List each of the employee's critical elements (at least one, but not more than five) and their corresponding performance standards. If Benchmark Standards are used, indicate "Benchmark Standards are attached" in the space below, and ensure they are attached to this form. **At a minimum, measurable criteria must be identified at the Fully Successful level.** For at least one critical element, identify the strategic/mission goal that the critical element supports.

<b>Critical Element 5 Title:</b>	<b>Critical Element Description:</b> (Describe below the results (e.g., product, service, duty) for which the employee is accountable and responsible)
	<b>Strategic Goal Alignment:</b> (List the goal or initiative with which the critical element aligns)

Performance Standards	
<b>Outstanding</b>	<input type="checkbox"/>
<b>Exceeds Expectations</b>	
<b>Fully Successful</b>	
<b>Unacceptable</b>	

**Narrative Summary**

Describe the employee's performance for the critical element. A narrative summary must be written for each element assigned a rating of Outstanding or Unacceptable.

**Rating for Critical Element 5:**

Outstanding-5   
  Exceeds Expectations-4   
  Fully Successful-3   
  Unacceptable-0



U.S. Department of the Interior

# Bureau of Indian Education

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Notes: Student Statement

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

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

Regarding being a student at (HINU) witnessed or heard about assaults taking place on campus from other students or Haskell administration. Witnessed, no. Bullying, I have never seen anything.

Regarding residence on HINU campus. This past semester, I stayed at (b) (6) I've also stayed at (b) (6) and (b) (6).

Regarding freshman year orientation or new student orientation. Yes, orientation was given, took place in the auditorium. It's like three (3) to four (4) days long. Several different Haskell (HINU) students that have gone through it previously. They kind of help you get enrolled in your classes, give you a tour of the campus, have activities, ice breakers to get to know one another. People from Navarre Hall will talk to you about enrolling, registering. Usually, the people involved in housing would come speak to you on certain days. People that are involved in student misconduct will talk about guidelines, there are several different papers about the student handbook. I think it's more so like common sense, treat others with respect, don't bring drugs and alcohol on campus.

Regarding knowing the process if there was an issue with another student or staff member. I think you could probably go to your RA (residential advisor) versus if it's happening in the dorm, they probably refer you to the Students Rights Services. Initially, when something happens, you'll go to whoever you feel comfortable.

Regarding faculty members being a part of orientation. (b) (6) is the main person who oversees it.

Regarding signing papers to acknowledge, you read the student handbook. Whenever you go to the dorm, that's when you sign papers and the student handbook. Kind of make like a roommate agreement, that you will respect your roommate's property and their going to respect yours. If there is a conflict, then you can switch rooms or make it into an agreement.

Regarding the reasons why you attended Haskell. (b) (6)

(b) (6)

(b) (6)

One day I was walking down with (b) (6) she used to work at (b) (6). As, we walked around we ran into (b) (6). He said, you should join the cross-country team, I (b) (6) know you're a runner. You'll have fun, it's a great way to get to know people and to stay in shape. It's been a very good experience. Whenever I joined the team, we start out with two days, so we'd run in the morning and again in the evening. As the season went on, I think we grew to be a pretty big family. I think my experience at school has been good because of the cross-county team. I think I've made a lot of relations and friendships through the cross-county team.

Regarding being provided with an athletic handbook. I know that you'll have a meeting with the whole Athletic Department, so all the teams come, and we talk about being responsible, being respectful, trying to live like a healthy life and that's what were provided with.

Regarding whom gives the presentations/meeting. For instance, like the women's basketball team will take over and they'll give a presentation for that. We do an activity with like the whole athletic department. It like rotates out every time we have a meeting.

Regarding different standards between coaches. I think (b) (6) was more so like he would talk to you about stuff and kind of wanting to earn your trust and build that relationship of trust. Expecting you to be a good athlete and not do drugs or that sort of thing. Like you're not going to drink around your grandpa or grandma. With (b) (6), he was like if you're in trouble, call me I'll come pick you up no questions asked. (b) (6) has those qualities of creating that runner coach relationship where we have trust in him, he has trust in us. It makes you want to do better.

Then with Clay (Clay Mayes) who every time we had practice, he was like you guys don't drink, don't do drugs. If I catch you, I'm going to let your parents know about it. Kind of like threatening, almost. He'd talk about his previous runners that he had that would have drinking problems. He'd name them by their name. I don't drink or do drugs. If I did, I wouldn't want to tell him (Mayes) about it or you know, like keep it a secret. Clay was more so like if I catch you doing this, you're going to have a punishment, you're going to have do all these things if you're caught. Creating a lot of secrecy on the team. The way Clay ran things the team was divided. It wasn't really that sort of sense of like family. Like a lot of us on cross-county were in groups. I think that's the reason why some of them drink so much. I think a lot of people did follow Clay (Mayes). Obviously, they've had a different experience with Clay (Mayes) then a lot of us at Haskell (HINU) had. I've talked with previous runners, and they said that he (Mayes) had favorites. Those people that were his favorites, he really talked them up and built a relationship with them then those that weren't. That's why those that were good runners followed him because they had a good relationship with him. He's (Mayes) very good at talking himself up. Clay

(Mayes) was more regiment I don't think he really knew how to build that relationship at least not with any of at HINU.

Regarding competitive meets (placing higher or lower) than previous years. I'd say sort of the same. Obviously, he (Mayes) had good runners, I'm not going to deny that he brought good people. But my freshman year, the boys/men's team went to nationals and so this talk about how (b) (6) wasn't producing is a lie. (b) (6) was producing and he had good runners.

Regarding knowing (b) (6). I think she came to here either my freshman or junior year. She (b) (6) was like a (b) (6) person. I remember she took our pictures. Whenever track season come, she was kind of like an (b) (6), I think she helps with eligibility.

Regarding bringing concerns about coach Mayes's coaching style to anyone. At first, we complained a little bit with one of the RA's. One particular day we were studying in the library and one of our teammates came up and she was crying. On her phone there was text messages between her and Clay. She (unknown) didn't compete in meets all season since she was ineligible with NAIA because she come from another school. Clay was pushing her to run but she didn't want to because she'd loss a whole season of eligibility if she ran that one meet. She didn't want to run this meet because she still has a couple more years to run a full season. He (Mayes) texted her like your mean, how lethargic you've been this whole season, you don't care about the team that sort of stuff. She felt torn like, should she run or should she not. We were going to tough out the season with Clay (Mayes) but now that we see her crying, we didn't know who to turn to. I think we called or texted (b) (6) to come to the media room (location Coffin Hall). In the media room some of us were crying, some of us were antsy we didn't know what was going to happen. We didn't want Mayes to see us over there because that's where his office is. We talked about our coach, and we didn't know what to do. She (b) (6) said, just sit down relax we'll talk through it. I'll take notes that way you can turn this into somebody. I think (b) (6) was going to be out, so we were going to give it to the (b) (6) that was (b) (6), and we were all comfortable with him because he was our (b) (6). This had to be sometime in October. After turning it over to (b) (6) I think (b) (6) got more information from us and probably went over to the people in Navarre, like (b) (6). We didn't plan on going to Clay or the (b) (6) at the time. I thought (b) (6) was going to tell Mayes about it.

Regarding the notes written. My friend (b) (6) was injured a lot of the season. When you were running, you're running all on gravel roads so it's kind of messing up our calf's. Mayes said, I can scrape you guys. Kind of like graston. We didn't know you were supposed to be certified to do this technique. The way it's supposed to work is you take a graston tool, you rub it out on the muscle. But with Mayes, he would use anything he could find like a wrench, a broke piece of equipment that was in the weight room. She (b) (6) had that done by Mayes and it made it worse. She had bruises which you do get from grastons but like it just looks different. One time during practice we were just

doing abs and Mayes told us to be quiet, and one of the runners just kept talking. Mayes said, shut the fuck up! Like its cross-country, maybe expect that for football or like a more intense sport. That was written down. We went away for a meet and this kid (unknow) was on his phone and Mayes told him if you don't get off that phone, I'm going to shove it where the sun don't shine. There were so many things we had to write down.

Regarding a meeting with Salvini. I don't remember much of the team that was there, I think some people weren't there. It was about signing a no contact order and going to discuss that Mayes was going to be gone for a while. I forget what word they use but he wasn't going to be coaching us for a while. Salvini seemed very comforting like, if you need to talk to someone you can talk to me. You could discuss it with your family, you can't discuss it with anyone outside of the team or with Mayes. Obviously, some of Mayes runners seemed upset like the ones that followed him. We're relieved that we weren't going to have to see him (Mayes). Like we could breathe because we knew something was getting done about it. For people that weren't there we had to take the paper and give it to them.

Regarding being informed why a new coach was coming in. I was expecting coach Gipp to be our coach for that season. Then (b) (6) let us know that he would not be coaching that season. I've been an athlete my whole life, so I know you have to be coachable. There is going to be new coaches and that's just how life is. I like (b) (6) as a coach.

With COVID you know, so this is on myself, I gained weight. I wasn't running as much. Obviously, I wasn't progressing like I was a few years before, but I was progressing my times were getting faster. He (Mayes) had specialized workouts for each runner and so with mine like for a long run people would get six miles. Mayes would give me three miles. Like do you do not believe in me that I can't do better or like I can't run the miles, or that you just didn't want to wait for me to come back. I don't think he (Mayes) was pushing me in way that I needed it. I wasn't performing while in the meets my time was getting slower. I think my motivation was going down, but I'd have PR (personal record) every week. Like with (b) (6) is very encouraging like he'd talk with me after my meets. He'd say you still did a good job at least you finished.

Regarding social gatherings, sponsored by the school, teacher faculties. Yeah, we had a barbecue by the Athletic Department and all the teams were there. (b) (6) would have pumpkin carving contests at his house for Halloween. I think different families would invite us to their house and feed us providing a sense of home. Clay had a Halloween night at this house, meetings, and pizza.

Regarding inappropriate touching, inappropriate behavior, or behavior that might make you feel uncomfortable. I did not see any sexual behavior between Mayes, or anything sexual behavior except for just the graston but I didn't interpret that as sexual. Coach (b) (6) has never, I have never seen sexual behavior by him. Regarding (b) (6) rubbing backs. Yeah, it's a pat and he rubs it sometimes, I don't interpret that as sexual. Regarding seeing him rubbing male athletes' backs, yes but it was not in a sexual way. It was done in a way that many coaches do.

Regarding how to acquire athletic gear, records management. If you're recruited, they'll ask you for your t-shirt sizes, and shoe sizes so they'll have it ordered when you come in. Sometimes for the next season (b) (6) and (b) (6) will give us a list of things. I don't know if we ever filled out forms, I believe they fill out a form and turn it into Nike or wherever they get it from. Shoes would be more specific to the runner. Like for more stability, they give Pegasus or wider foot they use a Vomero. I think we usually get two (2) pairs of shoes per season. A lot of us will have the same thing, but the pants are kind of different. I like to run in leggings, so they'll order me leggings, and some girls like to wear spandex, so they order them spandex, some like more free-flowing running shorts. Cross-country stuff use to be stored at Thorpe fitness center. The school workout area, but that cage is also locked. At coffin (hall), I think you have to have a key card to get into that specific room. My friend (b) (6), worked with (b) (6) When she was walking into the media room (Coffin Hall) she saw Mayes taking stuff when the season was already over. I've gone to Thorpe and there is a lot of shoes. They'll (unknown) pull your shoe size, shoe style down.

I thought it was weird HINU use to be a boarding school. You just have, like, a history of like forced religion and so like one of the punishments I had was either volunteer somewhere for 10 hours, or you go to church. That just didn't sit right with me.

Regarding additional information. We have a lot of evidence of what happened like nothing was made up, you can ask my team.

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): 9/13/2022



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

HASKELL INDIAN NATIONS UNIVERSITY - ADMINISTRATIVE INVESTIGATION

Date: July 13, 2022, 1:40 p.m. (CDT)

Bureau of Indian Education Witness Declaration/Affidavit

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

I graduated from Haskell Indian Nations University (Haskell) during the Spring of 2020. I finished my semester online due to the Covid 19 pandemic.

I met Clay Mayes through personal friends. I had asked him to coach me and help me with my training. I didn't know he was applying for the coaching position at Haskell, but he did let me know that he had secured the position. Soon after Coach Mayes took the position in the summer of 2021, he learned he could hire two assistant coaches. I was going to assist as a volunteer and completed the background check. Coach Mayes and I turned it in to (b) (6) at the time. After the background check was turned in, I started coming to practices with (b) (6) permission (b) (6), the other assistant coach that was going to be hired, decided not to come here.

About a month into the semester, I began noticing there was tension in the Athletic Department. My former (b) (6) and (b) (6), both (b) (6), would not speak to me unless I spoke to them. It was weird because I had spent four years under them and volunteered. I thought it was odd that complaints and reports were being made and that they weren't reporting to (b) (6), which is who they should have been reporting to. They were contacting other people.

At one point, there were reports being made every other day. They reported me because they said my background check was lost and then said I didn't complete the form correctly. They said I shouldn't be around the athletes. After that, I went to practices mainly off campus. One time I went in early to the weight room to take pictures with the team because I was under the impression that I was going to be part of the team.

While I was still waiting for my background check to clear, I sent multiple emails to see if there was anything I could do to help. One time, (b) (6), Special Assistant to the President, said (b) (6) (b) (6) didn't turn the background check form in. However, (b) (6) told me himself that he did. (b) (6) made me do my background three times. She kept saying I filled it out wrong. When she said she would meet with me, she cancelled my appointment after I drove 45 minutes to meet with her. Then she texted me a few minutes later and said I missed a box. I was told months later that the forms had changed.

As the months went by, they continued to harass Coach Mayes and make false reports. Right around conference time is when they had the no contact order put in place. (b) (6) and Coach Mayes had me sign the no contact order. They asked me to meet them and handed me the form. They told me that it should be done in two weeks and to weather the storm. I signed the order in good faith knowing that the investigation would be done.



(b) (6), had been leading the no contact order. She was meeting with students in her personal apartment. (b) (6) was gathering evidence and statements from the girls who didn't want to run at conference. They met multiple times, gathering, and recording stuff to present to Haskell Administration, including (b) (6), Tonia Salvini, University Services Vice President, and Dr. Tamarah Pfeiffer, Acting President. (b) (6) has been known to make drastic outbursts toward people. She's yelled at (b) (6) when she didn't get her way. She is also continuously rude to (b) (6) (b) (6) and to Coach Mayes. I know she's close with (b) (6) and they hang out outside of work.

After the no contact order was in place, we had a conference coming up and I knew Coach Mayes had everything set up. We had a meet coordinator from another school. I volunteered with (b) (6) to help get the meet going. Coach Mayes had also talked to the basketball coach about having some girls run at conference so we would have enough runners. We were short runners because some girls who weren't fond of Coach Mayes made it clear that they weren't going to run at conference. They had told this to Coach Mayes before the no contact order was in place and they had stopped showing up to practices. In the end, they still showed up to conference to run and Coach Mayes had made sure they still had bibs. These girls included (b) (6) and (b) (6). They were returners from when (b) (6) was their coach.

When I came to Haskell, (b) (6) was my coach and (b) (6) was the assistant. There was no active recruiting. I filled out the questionnaire and (b) (6) called me about two weeks after I filled it out. It was good because at that time I had lost most of my offers because of an injury. The only recruiting that happened was with walk-ons with students that were there.

(b) (6) coaching style was drastically different from what I was used to in high school. Although practices were mandatory, there were no consequences for not going. It was more like you'd get a gold star for showing up. I had little confidence in (b) (6) coaching style. He only threw javelin. His workouts were repetitive, and he caused lots of injuries. There was no structure or direction in how he built the team. I just stopped caring at some point. I just showed up because I wanted to be a collegiate letterman. I had no desire to compete and that's part of the reason I reached out to Clay Mayes because I saw how he was developing the runners.

(b) (6) didn't discipline the team. If a team member consumed too much alcohol and we had to get them, we would tell (b) (6) but he would not do anything. The coaching staff was okay with letting kids run amuck. For example, during my freshmen year we had a Lawrence burning re-enactment run that started at 4:30 a.m. One of our teammates showed up five minutes before the start. He fell out of a car with a bottle in his hand. (b) (6) didn't do anything about it. The only discipline I saw was when one of our teammates (b) (6) got hospitalized for alcohol poisoning. This is the only time I saw someone get in trouble.

I also didn't like how (b) (6) and (b) (6) treated their athletes. During my freshman year, (b) (6) (b) (6) quit. The next semester she told me that she didn't really like (b) (6) right now. She said he had saw her after break and commented about her weight saying, "Looks like you really put it on." She said it put a bad taste in her mouth. A couple of senior girls stopped showing up as well. (b) (6) (b) (6) never really did anything about bullying on the team. There were several people who left due to this. He didn't do anything unless it was someone he favored and only then did it warrant a reaction from them.

I never witnessed anything egregious, but (b) (6) was pretty hands on. He was pretty hands on even with the guys. He would rub your shoulders and your back. He did this to me, and it was a little uncomfortable but because I'm a guy I never thought too much about it. I had just got back from a run, and I didn't have a shirt on when he came up and did a back or shoulder rub. I can't count the number of

times he rubbed me. (b) (6) would come up to you and put his hand on your back. I would just move away. I mentioned this to my teammates once or twice kind of as a joke and mocked (b) (6) voice. Everyone knew exactly what the joke was because it's weird when a grown man is rubbing on another grown man's shoulders. It made me uncomfortable, and I would just get up and walk away. The girls would give a nervous laugh.

In my sophomore year, (b) (6) and (b) (6) started treating me differently. Even when I was healthy, I was told to stay home, and they would take ineligible runners to the meets. This didn't make sense because they weren't able to put points on the board. When I asked who was going to the Arkansas meet, (b) (6) told me they were taking (b) (6). (b) (6) was a freshman who was fast when he came but he was ineligible. I was confused as to why I wasn't going. I don't believe I fit their mold, which was being complacent with the team's trajectory and just being satisfied with getting a new t-shirt and a new pair of shoes.

In my junior year, I didn't even join the team for practices in the spring, and trained with my friend (b) (6) (b) (6) who was a runner for the University of Kansas. (b) (6) didn't speak to me at all even though I worked in Thorpe with him during that time. He only would really speak to me when he needed me to do something He just signed my time sheet.

During my senior year, no one on the coaching staff talked to me much. I wasn't on team group chats, and I wasn't invited to team events. I usually had to ask to be added to things the coaches created and put on.

When we won the conference title back in 2018, I believe it was because Coach Mayes was going to be at Haskell. He told me he reached out to Haskell when Bacone College closed. He said that he thought he might be coming to Haskell but at some point, they told him no. He said he had his car packed and was ready to come to Lawrence. I know a lot of guys came to Haskell thinking Coach Mayes was going to here. That's the only reason we won conference.

Regarding asset misappropriation and missing money, I was aware before all of this happened with Coach Mayes that (b) (6) was asked to step down as Athletic Director because of missing money. They were always ordering new t-shirts and there were also times they would say they didn't have a big budget, but the teams would stay in nice hotels.

When I started as a student worker in my junior year, they got a lot of new equipment, treadmills, weights, and bikes. We took it over to Coffin to store it. I thought it was weird when another time (b) (6) told me and a teammate to take my teammate's truck and move a whole lot of shoes from Coffin to Thorpe. They would also buy kids different pairs of shoes. I've seen non-team members wear our gear, our shoes, and their family members too. I've seen people wearing our gear that were completely unrelated to our team. I know a lot of stuff was given away. The other coaches didn't give gear away.

I recommend speaking with (b) (6) and (b) (6), who are both students, and (b) (6) (b) (6) who runs the campus shop at Tecumseh Hall.

*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): 9/5/2022





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**ARTICLE I General Institutions/Conferences****I SECTION A Membership: Types and Requirements**

1. Active Membership shall be accorded to colleges and universities which meet the following requirements:
  - a. Be a four-year college or university or an upper-level, two-year institution that awards a bachelor's (baccalaureate) degree, or its equivalent.
  - b. Be accredited by one of the following national accrediting bodies: (Middle States Association of Colleges and Schools (MAS); New England Association of Schools and Colleges, Commission on Institutions of Higher Education (NEASC-CIHE); New England Commission of Higher Education (NECHE); North Central Association of Colleges and Schools, The Higher Learning Commission (NCA-HLC); Southern Association of Colleges and Schools, Commission on Colleges (SACS); Northwest Commission on Colleges and Universities (NWCCU); Western Association of Schools and Colleges, Accrediting Commission for Schools (WASC-ACS)), or be a member of Universities Canada.
  - c. Sponsor and declare an intent to participate in NAIA approved postseason in a minimum of six NAIA championship sports no later than the beginning of the fourth full academic year of active NAIA membership.
 

NOTE 1: Single-gender institutions must sponsor and declare an intent to participate in NAIA approved postseason in a minimum of three NAIA championship sports no later than the beginning of the fourth full academic year of active NAIA membership.

NOTE 2: An institution falling below the minimum sport sponsorship requirement, due to a failure to sponsor the minimum number of sports or the withdrawal of a declaration of intent to participate in one or more sports, shall be submitted to the NAIA Membership Committee for review. The committee may issue any penalty listed in NAIA Bylaws Article VI, Section C. The committee may recommend to the Council of Presidents the institution be expelled from membership in the NAIA.

NOTE 3: An institution may request from the Council of Presidents, through the NAIA Membership Committee, an exception from this requirement.
  - d. The institution must publish a statement recognizing the institution's commitment to character-driven athletics and the five NAIA core values for character-driven athletics.
  - e. Administer athletics programs in compliance with the constitution, bylaws, and other legislation and policies of the Association.
  - f. Conduct its intercollegiate athletics programs in a manner consistent with established NAIA standards.
  - g. Be reviewed for membership by the appropriate committee of an affiliated conference, with a recommendation submitted to the NAIA President/Chief Executive Officer for final action by the Council of Presidents.
  - h. Pay active institutional membership dues and conference dues when applicable.
2. Associate Membership shall be accorded to four-year colleges and universities and upper-level, two-year institutions that award bachelor's (baccalaureate) degree(s) but do not hold accreditation or membership in one of the bodies listed above, or to institutions that hold accreditation or membership in one of the bodies listed above but are classified as developing athletic programs, as defined by the Council of Presidents. Such institutions:

- a. Must be committed to the development of accredited baccalaureate program;
- b. Must achieve recognized accreditation status within a maximum period of six years after the date of acceptance of the institution by the NAIA as an associate member;
- c. Shall administer their athletics programs in compliance with the constitution, bylaws, and other legislation and policies of the Association;
- d. Shall publish a statement recognizing the institution's commitment to character-driven athletics and the five NAIA core values for character-driven athletics;
- e. Conduct its intercollegiate athletics programs in a manner consistent with established NAIA standards;
- f. Are allowed to participate in the national statistical program and shall be eligible for other general services from the National Office;
- g. Shall have their coaches accepted into membership of the NAIA Coaches Association;
- h. Shall not be eligible to compete in postseason competition, to serve on national committees or to vote on national issues. However, representatives of associate member institutions are encouraged to attend national meetings;
- i. Shall not be eligible to participate in the national awards program, with the exception of the Daktronics-NAIA Scholar-Athlete Program and NAIA Scholar Team Award;
- j. Shall, when holding membership in an affiliated conference, count toward conference membership totals for determining whether the conference earns a single automatic qualification to the NAIA national competition in any sport for which the NAIA associate member has declared its intent to sponsor as a varsity intercollegiate sport. The institution shall also count toward any sport-specific minimum participant requirements for the applicable NAIA qualifying tournament. An associate member institution shall not count toward the conference membership total that enables the conference to earn multiple automatic qualifications to NAIA national competition;
- k. Must have been reviewed for associate membership by the appropriate committee of an affiliated conference, with a recommendation submitted to the NAIA President/Chief Executive Officer for final action by the Council of Presidents; and
- l. Must pay associate membership dues when applicable.

## **I SECTION B CONTROL OF ATHLETICS PROGRAM**

The control of athletics shall be the responsibility of the institution's chief executive officer. No member institution shall participate in any athletics contest which is not under the direct control and supervision of the institution's administration. The institution's chief executive officer is encouraged to appoint a faculty athletics committee to act in an advisory capacity.

## **I SECTION C FACULTY ATHLETICS REPRESENTATIVE**

A faculty athletics representative shall:

- a. Be appointed by the chief executive officer of the institution to represent the institution in the development of sound educational policies for athletics;
- b. Be a regular member of the faculty, but not assigned as a coach or athletics administrator;
- c. Be charged with the responsibility of ensuring that all participants in intercollegiate competition are eligible in accordance with the rules and regulations of the Association prior to their representing the institution in any manner;



- d. Meet with the institution's chief executive officer to review NAIA and conference issues regarding academics and athletics;
- e. Participate (either in person or via conference call) in any conference-wide meeting which is set for the purpose of rules education;
- f. Participate (either in person or via conference call) in conference meetings when items on the agenda are pertinent to the faculty member's role as the faculty athletics representative of his/her institution;
- g. Be encouraged to attend the first NAIA National Convention occurring after being appointed faculty athletics representative; and
- h. Work with the athletics director to provide a rules education program in a manner consistent with the best practices approved and published by the Council of Faculty Athletics Representatives. Such a program shall include educating the institution's:
  - 1) Administrators who participate in eligibility certification (e.g. registrar, newly appointed faculty athletics representative or athletics director);
  - 2) Sports coaches;
  - 3) Student-athletes; and
  - 4) Appropriate faculty (including advising centers).

#### **I SECTION D ATHLETICS COMPLIANCE ADMINISTRATOR**

When appointed, an athletics compliance administrator shall work in cooperation with the faculty athletics representative and athletics director to foster an environment of education and adherence to all institution, conference and NAIA regulations.

An athletics compliance administrator may:

- a. Assist the director of athletics, faculty athletics representative, athletic staff, students, and fans in understanding and abiding by institution, conference and NAIA regulations.
- b. Perform duties that may include researching students' athletic experience and/or, amateurism, and tracking participation dates, practice seasons, and/or team financial aid limits.
- c. Perform duties as requested by the faculty athletics representative that may include preparation of eligibility in accordance with institution, conference and NAIA rules.
- d. Assist the faculty athletics representative in providing a rules education program for students, coaches and administrators regarding institutions, conference and NAIA rules.
- e. Be a member of the athletics office (e.g., coach or athletics department staff) or an institutional staff member (e.g., academic advisor, etc.) but not assigned as a faculty athletics representative or director of athletics.
- f. Work with the athletics director, faculty athletics representative and registrar to develop policies and procedures to monitor and ensure compliance with all NAIA and conference rules and regulations.

#### **I SECTION E SENIOR WOMAN LEADER**

All NAIA institutions will name a senior woman leader to promote meaningful representation of women in the leadership and management of intercollegiate sports on NAIA campuses. This role provides an identifiable female presence at each member institution with whom staff and student-athletes can communicate. The role of senior woman leader may be held by a female administrator or coach who will serve as a key participant in senior-level management decisions regarding intercollegiate athletics on campus. The athletics director may designate the role to any female within the athletic department as they deem appropriate.

A senior woman leader's functions shall include, but are not limited to, the following:

- a. Communicate regularly with the athletics director, not only for leadership development, but also to consult on major departmental and university initiatives;
- b. Participate in providing leadership and guidance in the area of Title IX and gender equity planning for the overall department, to include both men's and women's sports;
- c. Assist the athletics director and senior management with strategic planning processes and decision making for the athletics department;
- d. Participate in budget development and major financial decisions for the athletics department operations and initiatives; and
- e. Advocate for student-athlete well-being while also serving as a mentor and resource for direct reports and other athletics staff members.

As assigned by the athletics director, a senior woman leader's functions could also include the following: fully engage in the hiring, onboarding, and evaluation processes for coaches and staff; meet regularly with institutional senior leaders (e.g. president/chancellor, vice presidents, etc.); and assist in providing leadership oversight for both men's and women's sports.

NOTE: NAIA member institutions will develop and fully integrate the senior woman leader role into their athletics department structure by August 1, 2023.

## **I SECTION F INSTITUTIONAL STATEMENT OF ATHLETICS AIMS AND OBJECTIVES**

It is recommended that each member institution prepare a clear statement of the aims and objectives of its intercollegiate program and publish it in the institutional catalog along with other official literature that interprets institutional policy. It is suggested that the basic committee for preparing this statement should include the athletics director, the director of physical education, members of the faculty athletics committee, dean of the college and the chief executive officer. The chief executive officer of the institution should take the responsibility for naming this committee. It is requested that a copy of the statement be sent to the National Office.

## **I SECTION G INSTITUTIONAL CHAMPIONS OF CHARACTER® RESPONSIBILITIES**

1. Each member institution shall appoint a staff member as campus liaison to lead and promote Champions of Character on behalf of the institution.
2. Each member institution will develop and implement a Champions of Character campus program, which will address the following:
  - a. Ongoing character education and professional development for coaches, athletics administrative staff and student-athletes;
  - b. Hospitality and game management of athletics events;
  - c. Conduct in competition;
  - d. At least one annual servant-leadership activity which will be characterized by student leadership and engage the athletic community; and
  - e. Ongoing oversight and assessment of progress in the plan's implementation.
3. The coaching staff at each member institution, including, but not limited to, all paid and voluntary head, associate, assistant and graduate assistant coaches, shall complete the Character-Driven Coaching online training. Coaches must complete the Character-Driven Coaching online training course within the first 60 days from the effective date of employment.
4. Each institution shall verify each year that its coaches completed the training.
5. Any coach failing to complete the training within the first 60 days of hire shall be reported to the National Conduct and Ethics Committee.

**I SECTION H FREQUENCY OF PLAY AND SCHEDULING**

1. The maximum number of varsity games, contests or playing dates an institution may schedule is listed below. The number of junior varsity or freshman games, contests or playing dates scheduled during the academic year cannot exceed the number of varsity games, contests or playing dates scheduled during that academic year. Further, no student may compete in a sport in an academic year in more than the number of games, contests or playing dates listed below (this includes varsity, junior varsity, freshman, etc.), excluding NAIA-approved postseason participation.

<b>Sport</b>	<b>Number of Games/ Contests/ Playing Dates</b>
Baseball	<u>50 contests</u>
Basketball (men's & women's)	<u>28 games</u> EXCEPTION: A student who participates in a varsity contest and a junior varsity contest on the same day and at the same location is considered to have participated only in one game. A student may invoke this exception a maximum of 10 times during an academic year.
Beach Volleyball	<u>26 dates</u>
Bowling (men's & women's)	14 contests
Competitive cheer	10 cheerleading contests. A student may not participate in more than 10 total dates between competitive cheer and competitive dance.
Competitive dance	10 dance contests. A student may not participate in more than 10 total dates between competitive cheer and competitive dance.
Cross country (men's & women's)	<u>7 meets</u>
Football	11 games, with a student limited to participating in no more than 15 contests. (This includes varsity, junior varsity, freshman games and scrimmages.)
Golf (men's & women's)	<u>12 matches/tournaments</u>
Lacrosse (men's & women's)	18 games
Soccer (men's & women's)	18 games played at any time during the sport season. Three additional dates to be played only after the fall term has concluded. The three additional dates may be played only during weekends and other nonscheduled class dates, according to the academic calendar.
Softball	<u>50 contests</u>
Swimming & diving (men's & women's)	12 meets
Tennis (men's & women's)	24 dates/tournaments and/or scrimmages (except for the ITA exception listed below).
Indoor track & field (men's & women's)	10 meets counted on the basis of an individual student's participation in the meet
Outdoor track & field (men's & women's)	10 meets or (12 meets if indoor track and field is not sponsored) counted on the basis of an individual student's participation in the meet
Volleyball (men's)	<u>26 dates</u>
Volleyball (women's)	<u>26 dates</u>
Wrestling (men's & women's)	<u>18 dates</u>

For a contest of any kind (i.e. scrimmage, exhibition, game/meet, etc.), once the contest has commenced the designation of the type of contest will be officially recorded as such, and the designation cannot be changed retroactively.

Approved  
Ruling:  
FOP for Split  
Squads

Interpretation:  
Soccer Games  
□ Additional  
Soccer Dates

Interpretation:  
Calculating  
Forfeits □  
Rescheduling  
FOP □imits

In the sports of baseball, beach volleyball, cross country, golf, lacrosse, indoor track and field, outdoor track and field, soccer, softball, swimming and diving, tennis, volleyball and wrestling, an institution is allowed one exhibition competition per season. In the sports of competitive cheer and competitive dance, an institution is allowed one cheer exhibition competition and one dance exhibition competition per season. The competition must meet the definition of an exhibition under Article V, Section B, item 6 of the NAIA bylaws. The exhibition competition will count as one varsity game, contest or playing date within the limits stated above.

Exhibition competition is not allowed in the sport of football.

For the sport of basketball, an institution is allowed one or more exhibition competitions per season so long as the total number of games, exhibitions and scrimmages does not exceed 30. For the sport of basketball, an exhibition competition will not count as a varsity game.

**EXCEPTION 1:** In the sport of tennis, the Fall ITA regional and national singles and doubles tournaments shall not count towards the student's playing limits.

**EXCEPTION 2:** In the sport of wrestling, participation in any of the following shall not count towards the student's playing limits: US Senior Nationals (or the international equivalent), any competition in which a student represents USA wrestling (or the international equivalent), or participation in national or Olympic team trials or competition as a member of a national or Olympic team. To qualify for this exception, the student must meet one of the following criteria:

1. Current conference champion title holder;
2. Place at the most recent NAIA national invitational/championship; or
3. Previously qualified for a national team.

A student who has qualified for any of these events may practice with his or her NAIA coach(es) and one teammate per session prior to and during the event without counting towards the NAIA program's 24-week season per Article I, Section H, Item 5.

2. The following number of scrimmage dates per sport will be allowed in addition to the maximum number of varsity games, contests, or playing dates which an institution may schedule or in/on which a student may compete.

<b>Sport</b>	<b>Number of Scrimmage Dates</b>
Baseball	2
Basketball (men's & women's)	2
<u>Beach volleyball</u>	<u>2</u>
Bowling (men's & women's)	0
Competitive cheer	1
Competitive dance	1
Cross country (men's & women's)	0
Football	1
Golf (men's & women's)	0
Lacrosse (men's & women's)	2 (plus 3 additional scrimmage dates to be conducted before the end of the fall term, and to be played only during the weekends and other non-scheduled class dates.)
Soccer (men's & women's)	2

Softball	2 (plus 3 additional scrimmage dates to be conducted before the end of the fall term, and to be played only during weekends and other non-scheduled class dates.)
Swimming and diving (men's & women's)	0
Tennis (men's & women's)	1
Indoor and outdoor track and field (men's & women's)	0
Volleyball (men's)	2
Volleyball (women's)	2 (plus 3 additional scrimmage dates to be conducted after the end of the fall term, and to be played only during weekends and other non-scheduled class dates.)
Wrestling (men's & women's)	0

3. In those sports where scrimmages are allowed, an institution that does not schedule or participate in the maximum number of allowable varsity games, meets or playing dates may conduct additional scrimmages of up to the NAIA limits. In no case can the combined number of scheduled contests and scrimmages exceed the maximum number listed in Article I, Section H of the NAIA Bylaws.

Approved Ruling:  
Contest Limits:  
Scheduling  
Core  
Scrimmages

**CASEBOOK EXAMPLE**  
Approved Ruling: In the sports where scrimmages are not allowed, all athletics competition against competitors not identified with the institution shall be included in the maximum number of varsity games, contests, or playing dates the institution may schedule (frequency of play) or games in which a student may compete in a sport during an academic year. This applies to contests meeting the definition of a scrimmage, and participation in such contests is considered regular season competition.

4. A maximum of two contests against teams from foreign countries (excluding Canada and Mexico) played in the United States and/or Canada/Mexico will be permitted without counting against the frequency of play limits. Contests held in a foreign country (except Canada and Mexico) will not apply to the limitation. Conditions set forth in Article II, Section E of the NAIA Bylaws must be met.
5. Each sport shall have a maximum 24-week practice and competition season established by each member institution. Frequency of play, practice and scheduling policies shall be applied only during the period of August 1 to May 15, pursuant to the following specifications. The start date specified is the earliest possible date on which any activity meeting the definition of a practice or competition may occur, though teams are free to choose a later date. Scrimmages and exhibitions are excluded and not subject to the start date for competitions.

**EXCEPTION:** If a sport holds its national championship in the spring and an affiliated conference/Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) completes its qualifying competition for postseason in the fall academic term, then the start date for practices, scrimmages and exhibitions for participating conference/CAC teams is 17 days prior to the first allowable competition, not to precede August 1.

<b><u>Sport</u></b>	<b><u>Start Date for Practices, Scrimmages &amp; Exhibitions</u></b>	<b><u>Start Date for Competitions</u></b>
<u>Baseball</u>	<u>September 1</u>	<u>Thursday of last full weekend in January for games occurring after winter break; Fall games are permissible anytime beginning September 1</u>
<u>Basketball (men's &amp; women's)</u>	<u>35 days prior to first allowable game</u>	<u>Last Thursday in October</u>
<u>Beach volleyball</u>	<u>September 1</u>	<u>Thursday of last full weekend in January for dates occurring after winter break; Fall dates are permissible anytime beginning September 1</u>
<u>Bowling (men's &amp; women's)</u>	<u>September 1</u>	<u>September 1</u>
<u>Competitive cheer</u>	<u>September 1</u>	<u>September 1</u>
<u>Competitive dance</u>	<u>September 1</u>	<u>September 1</u>
<u>Cross country (men's &amp; women's)</u>	<u>17 days prior to first allowable meet</u>	<u>4<sup>th</sup> Thursday in August</u>
<u>Football</u>	<u>24 days prior to first allowable game, not to precede August 1</u>	<u>4<sup>th</sup> Thursday in August</u>
<u>Golf (men's &amp; women's)</u>	<u>7 days prior to first allowable competition</u>	<u>4<sup>th</sup> Monday in August</u>
<u>Lacrosse (men's &amp; women's)</u>	<u>September 1</u>	<u>September 1</u>
<u>Soccer (men's &amp; women's)</u>	<u>17 days prior to first allowable game, not to precede August 1</u>	<u>3<sup>rd</sup> Thursday in August</u>
<u>Softball</u>	<u>September 1</u>	<u>Thursday of last full weekend in January for games occurring after winter break; Fall games are permissible anytime beginning September 1</u>
<u>Swimming and diving (men's &amp; women's)</u>	<u>September 1</u>	<u>September 1</u>
<u>Tennis (men's &amp; women's)</u>	<u>September 1</u>	<u>September 1</u>
<u>Indoor track and field (men's &amp; women's)</u>	<u>September 1</u>	<u>September 1</u>
<u>Outdoor track and field (men's &amp; women's)</u>	<u>September 1</u>	<u>September 1</u>
<u>Volleyball (men's)</u>	<u>September 1</u>	<u>Thursday of last full weekend in January for dates occurring after winter break; Fall dates are permissible anytime beginning September 1</u>
<u>Volleyball (women's)</u>	<u>17 days prior to first allowable competition</u>	<u>3<sup>rd</sup> Thursday in August</u>

	<u>date, not to precede August 1</u>	
<u>Wrestling (men's &amp; women's)</u>	<u>35 days prior to first allowable competition date</u>	<u>Last Thursday in October</u>

Frequency of play, practice, and scheduling outside of this period is governed by each member institution and will not be regulated by the NAIA.

There shall be no more than three break periods during the 24 weeks. NAIA-approved postseason participation shall not be counted as part of the 24-week period. A week is defined as Monday (12:00 a.m.) through Sunday (11:59 p.m.). Any practice or competition during this period shall constitute one of the 24 weeks permitted.

### **CASEBOOK EXAMPLE**

#### **Break Periods**

Approved Ruling: A break is any week Monday (12:00 a.m.) through Sunday (11:59 p.m.) or series of consecutive weeks in which no practice or competition occurs. Scheduled breaks for the institution that meet the definition (such as Christmas vacation) must be counted as one of the three allowable breaks if no practice or competition occurs.

As an exception, a team participating in NAIA-approved postseason shall not count practice activities towards the team's 24-week season, as described below:

**EXCEPTION 1:** When a conference, Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions), or unaffiliated grouping qualifying competition occurs, any practice activities occurring during the week(s) of the competition will be exempt. Once teams are selected for NAIA national championship competition, institutions not selected must cease practice activities or comply thereafter with the restrictions of the 24-week rule.

Any regular season or non-qualifying events occurring during this time must be counted towards the team's frequency of play limits, even if the week is exempt from the 24-week season due to this exception.

**EXCEPTION 2:** Practice activities for teams selected to participate in NAIA national championship competition will continue to be exempt. The team may continue to utilize the exception through its final contest in national championship competition.

**EXCEPTION 3:** For all other forms of NAIA-approved postseason, practice activities occurring between the deadline for the sport's completion of conference, Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions), or unaffiliated grouping qualifying competition and the team's participation in its final contest in NAIA-approved postseason shall not count towards the team's 24-week season. Once teams are selected for NAIA-approved postseason, institutions not selected for the NAIA-approved postseason must cease practice activities or comply thereafter with the restrictions of the 24-week rule. Teams selected to participate in NAIA-approved postseason must count all activities at the conclusion of its postseason participation.

**CASEBOOK EXAMPLE****Postseason Tournaments**

Approved Ruling: Conference, Continental Athletics Conference (CAC) (formerly the Association of Independent Institutions) and unaffiliated grouping qualifying tournaments held at the end of the season are considered postseason and will be approved by the NAIA. Such tournaments do not count in the maximum number of scheduled contests/ dates allowed. Conference or other tournaments held prior to the end of the season which do not result in an automatic qualifier for postseason championships, shall count against the frequency of play limits.

6. Practice will be defined as follows: An activity organized and/or directed by an identified member of the coaching staff of that sport in which appropriate equipment is used or instruction and/or evaluation of the athlete takes place.

In the sport of football, the following regulations apply:

- a. Beginning on the first day of practice for each student, a five-day acclimatization period is required for all student-athletes, and should be conducted as follows:
  - 1) Days 1-2: Helmets are the only piece of protective equipment student-athletes may wear.
  - 2) Days 3-4: Helmets and shoulder pads are the only pieces of protective equipment student-athletes may wear.
  - 3) Day 5 and thereafter: student-athletes may practice in full pads and utilize any protective equipment.
- b. Prior to a team's first competition, each student is limited to a maximum of four total hours per day of on-field and/or physical activity, which includes all on-field practices, skills work, conditioning, and walkthrough sessions that are organized or directed by an identified member of the coaching staff. Within those four total hours, the following restrictions apply:
  - 1) A student is limited to a maximum of three total hours per day of physical activities, including skills work, on-field practice, and conditioning sessions.
  - 2) Following each physical activity, a three-hour recovery period must be provided, during which students may not engage in on-field or physical activity, or weight training. However, when a physical activity is interrupted due to unforeseen catastrophes or weather conditions, the three-hour recovery period is not required.
  - 3) On-field walkthrough sessions are permitted provided no protective equipment is worn and footballs are the only football implements used, and no conditioning takes place.

7. All-Star Competitions:

- a. A student-athlete may represent his/her NAIA institution in an all-star competition under the following conditions:
  - 1) The student is eligible for NAIA participation during the term in which the all-star contest occurs, or
  - 2) The all-star contest occurs during the academic year, or subsequent summer, in which the student completes his/her fourth season of competition and/or 10th semester/15th quarter term of attendance.
- b. A student is limited to participating in all-star competition for a particular sport on no more than two dates between August 1st and May 15th. There is no limit on the number of all-star contests in which a student may participate between May 16th and July 31st.

Important  
Practice  
Interpretations:  
[Definition of a  
Practice,](#)  
[Joint Practice,](#)  
[Open Gym](#)



- c. Any or all expenses related to travel, meals and lodging for the competition may be paid by the student-athlete, his/her NAIA institution, affiliated conference or certified football conference, or the host of the all-star competition.
- d. All-star contests in the sports of baseball, basketball, competitive cheer, competitive dance, football, lacrosse, soccer, softball and volleyball will not count toward team or individual contest limits in Article I, Section H, Item 1 of the NAIA bylaws. Practice activities in these sports directly related to the all-star competition, and consisting only of all-star competition participants, shall not count toward any team's 24-week season provided such activities occur no more than five days prior to the start of the competition.
- e. All-star contests in all other sports shall count against frequency of play and scheduling limits listed in this section of the NAIA Bylaws.
- f. NAIA coaches may administer, direct and/or conduct all-star related practice and game activities that involve student-athletes identified with other institutions. Such actions by a coach will not be considered violations of NAIA recruiting or tryout regulations, and will not trigger the notification requirement in Article II, Section D, Item 1.
- g. All-Star competitions may not use the NAIA or Champions of Character trademarks without prior approval of the National Administrative Council. The terms and conditions of such approval are established by National Administrative Council Policy.

#### **I SECTION I MEMBERSHIP DUES PAYMENT DEADLINE**

Institutions whose dues are not postmarked by September 1 shall not be eligible to participate in NAIA postseason competition for the school year pending review by the Council of Presidents. Institutions which have submitted a purchase order postmarked on or before September 1 shall be considered as meeting the dues payment deadline.

#### **I SECTION J POSTSEASON RESTRICTIONS**

1. NAIA institutions that make formal application for NCAA membership shall not be allowed to participate in NAIA postseason contests beginning with the second full academic year after application for NCAA membership has been made, unless a waiver is granted by the National Administrative Council. If the institution withdraws from the NCAA membership application process, the institution will be allowed to participate in NAIA postseason competition, provided the institution maintains NAIA membership.
 

If an NAIA institution withdraws from the NCAA membership application process, the institution will be allowed to participate in NAIA postseason competition, provided:

  - a. The institution maintains NAIA membership;
  - b. The institution submits written verification to the National Administrative Council that the institution is no longer involved in the formal NCAA application process; and
  - c. The National Administrative Council grants the institution permission to participate in NAIA postseason competition.
2. NAIA institutions that make two or more formal applications for NCAA membership in a five-year period shall not be allowed to participate in NAIA postseason contests beginning with the academic year immediately following the second application for NCAA membership has been made, unless a waiver is granted by the National Administrative Council. An institution's subsequent withdrawal from the NCAA membership process shall not negate this postseason prohibition.

NOTE 1: An institution must submit an official request for a postseason waiver prior to the beginning of the full academic year in which the institution seeks to

compete in NAIA postseason competition. All requests are to be reviewed by the National Administrative Council.

NOTE 2: If active NCAA membership is achieved, the institution's individual sports program(s) will be allowed to participate in NAIA postseason competition, as a dual member, provided the institution maintains NAIA membership.

## **I SECTION K POSTSEASON PARTICIPATION FOR FIRST-YEAR MEMBERS**

Institutions may become members by affiliation of all intercollegiate sports within either or both programs (men's and/or women's) or they may become members by affiliating intercollegiate teams on a sport-by-sport basis within either or both programs (men's and/or women's).

Institutions approved for active membership in the NAIA shall become eligible for postseason participation immediately. Any institution holding full or per-sport membership in an affiliated conference or Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) during its first year as an NAIA member will count toward the conference's or CAC's membership total for determining whether the conference/CAC champion earns a single automatic qualification to the national competition. The institution shall also count toward any sport-specific minimum participation requirements for the applicable NAIA qualifying tournament. The institution shall not count toward the conference's membership total that enables the conference/CAC to earn multiple automatic qualifications to NAIA national competition.

## **I SECTION L REGISTRATION OF SPORTS SPONSORSHIP**

At the time institutions join the Association and yearly thereafter, they must declare which sports they are sponsoring on an intercollegiate level for the given school year.

During an academic year, institutions changing a sport from club to intercollegiate status, or from intercollegiate to club status, shall not have that sport considered for NAIA postseason competition for one calendar year from when the change occurred.

### **CASEBOOK EXAMPLE**

#### **Notification of Change from Intercollegiate to Club Status**

Approved Ruling: When status changes from intercollegiate to club, a notification letter must be sent to the conference/ Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) commissioner (as appropriate), the eligibility chair and the National Office. The institution must also notify each institution that it has scheduled in the specific sport. Because the NAIA does not recognize club sport participation, the institutions that were originally scheduled as intercollegiate contests cannot count the club games for their won-loss record or for statistics.

Playing-date agreements need not be honored by a member institution if the institution changes from intercollegiate to club status.

## **I SECTION M ELIGIBILITY EXCEPTIONS FOR DUAL MEMBERS**

NAIA member institutions shall be allowed sport exception(s). The exception(s) will waive NAIA eligibility compliance for the selected sport(s) for competition against non-NAIA institutions.

Members wishing to use exception(s) must notify the NAIA, in writing, yearly of the sport(s) in which they wish to be excepted. Such notification must be provided no later than May 1 and will apply to the academic year following the May 1 deadline. The exempted sport(s) and their participants will not be eligible for NAIA postseason competition or honors in those specific sports, unless the conference of which the institution is a member wishes to have the institution participate in its conference cross country and golf postseason competition. Regardless of the results of its team or individual participants during the conference competition, neither the institution nor its individual

athletes will be eligible to participate in NAIA championship competition. Students participating are charged a season of competition and by the date of the first competition, members must file with their eligibility chair a list of students competing. The exception does not apply to competition against other NAIA members who have not filed for a similar exception. If such competition takes place, all NAIA eligibility and certification regulations apply to that competition.

## **I SECTION N DECLARATION OF INTENT TO PARTICIPATE IN NAIA POSTSEASON COMPETITION**

Every year, each active member institution shall be required to submit to the National Office its declaration of intent to participate in the national championship program in all NAIA sponsored sports. The declaration period shall take place from April 1 to June 1. Declarations are due no later than June 1 and apply to the following academic year.

Should an institution declare its intent not to participate in a national championship in any NAIA sponsored sport, it shall not be considered for participation in NAIA postseason competition leading to the national championship in those sports for that season.

NOTE 1: Postseason competition is defined as conference, Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions), or unaffiliated grouping qualifying events. Further, those institutions shall waive their right to be included in the ratings in those specific sports.

Should an institution declare its intent to participate in a national championship program in championship sports, it must honor that commitment if the team in that sport meets the qualification standards established and is selected by the appropriate affiliated conference or Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions). This regulation requires an institution to follow the commitment in each championship sport listed above to its conclusion, which terminates with a national championship, unless the following procedure is followed.

Should the institution's chief executive officer determine that an earlier declared sport team does not meet institutional standards to participate in any postseason competition, written notification of this decision must be sent to the NAIA National Office at least four weeks prior to the beginning of postseason competition. Failure to adhere to these procedures shall require the selected institutional team to fulfill its obligation of participating in postseason play to its conclusion.

NOTE 2: An institution that properly declares its intent to participate in postseason play, and later removes itself from that obligation, shall count toward an approved qualifying group's membership total for determining whether the qualifying group earns a single automatic qualification to the NAIA national competition. The institution shall also count toward any sport-specific minimum participant requirements for the applicable NAIA qualifying tournament. The institution shall not count toward the approved qualifying group's membership total that enables the qualifying group to earn multiple automatic qualifications to NAIA national competition.

If an institution submits notification to remove itself from the obligation of participation in the postseason for a particular sport for three consecutive seasons, the institution will be placed on NAIA suspension in that sport for the following academic year. Suspension does not allow the institution to participate in postseason events in that sport.

To enter NAIA postseason play, an institution shall be required to meet conference, Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions), and/or national entry deadlines and qualifying standards when applicable.

For more information on the declaration of intent as it pertains to invitational sports, see the National Administrative Council policy article XXVII, section B, item 2c.

**I SECTION O SUMMER, NIGHT, CORRESPONDENCE, AND EXTENSION COURSES**

1. Summer sessions may be used to earn credit hours which may be applied to meet the 24/36-Hour Rule or the second term in college Nine-Hour Rule as applicable, but are subject to the limit as listed in Article V, Section C, Item 6, paragraph 4 of the NAIA Bylaws.

Summer credit must be earned subsequent to one of the two terms of attendance. However, summer terms cannot constitute a term of attendance. If the college has no summer session, or in instances where it is educationally desirable for the student concerned to attend a summer session at a different institution, credits may be earned at a second institution, and such enrollment shall neither constitute a term of attendance nor identify the student with the second institution.

2. Credits earned by attending night, correspondence and extension courses approved by the home institution, may be applied in satisfying the 24/36-Hour Rule and/or the 12-Hour Enrollment Rule but are subject to the definition of "term of attendance."

**I SECTION P UNUSUAL CALENDARS**

Colleges must certify that a student is enrolled in 12 or more institutional credit hours during the term of competition. If the institution's calendar precludes this, the institution must certify that the student is carrying at least three-fourths of the scholastic load, which a student is allowed to carry without special permission, as defined by its catalog. In institutions where three-fourths is not a feasible fraction (e.g. where credit hours are limited to units of five and the normal class load is 15 credit hours) two-thirds may be substituted for three-fourths. The institution must certify that the student is accumulating academic credit in such an amount that the student could be declared as making normal progress and that the student would, by completing credit at the same rate, complete a recognized four-year baccalaureate degree in no more than 10 semesters of attendance or its equivalent.

**I SECTION Q EXCHANGE PROGRAMS**

1. Domestic
 

All institutions having exchange programs involving students must have the exchange program approved, in writing, by the National Eligibility Committee before students begin the program.

Students are identified with the institution where their records are kept and fees are paid. Students who pay their fees and/or have their records kept at another institution during the exchange program period shall be considered as transfer students upon returning to their original institution unless written approval has been given by the National Eligibility Committee in advance of the program.
2. Foreign
 

A United States citizen attending a foreign university under the student abroad plan, a student exchange plan or a comparable program is not considered to be a transfer student upon returning and becoming identified with the original United States institution.

**CASEBOOK EXAMPLE****Exchange Programs**

Approved Ruling: Students are identified with the institution where their fees are paid and their records are kept and not where they attend class. If exchange students from your institution pay their fees to your institution and their records are kept by your institution, they are considered identified with your institution. Should fees be paid and/or records kept at the exchange institution, the student shall become identified with that institution unless advance written approval has been received from the NAIA National Eligibility Committee for this program.

**I SECTION R HOSTING HIGH SCHOOL ALL-STAR GAMES**

Member institutions are requested not to permit the use of their facilities or their personnel for staging high school all-star games unless such games are approved by the state high school athletics association in the state where the contest is held, and state high school athletics associations are involved if the participants are from more than one state.

**I SECTION S ALCOHOLIC BEVERAGES AND TOBACCO**

Beer, wine, liquor or any other form of alcoholic beverages or any form of tobacco product shall not be endorsed by the NAIA. The advertisement of such products in connection with NAIA postseason events, as well as sponsorship, is permissible under the following conditions:

1. All such advertisements must receive advance approval from the NAIA President/Chief Executive Officer.
2. Alcoholic beverages in any form shall not be allowed to be sold, disbursed or brought into the public area of any event.

**I SECTION T PARTICIPATION IN AWARDS PROGRAM**

Should an institution elect not to participate in championship events because of participation in or declaration to another championship event for any or all sports included in the Declaration of Intent to Participate program for men and women, the institution shall waive its right to be included in the awards program and statistical program for those sports during the season.

**EXCEPTION:** Student-athletes from dual member institutions that elect not to participate in a championship event shall be eligible to receive NAIA scholar-athlete awards.

**I SECTION U CRITERIA FOR AFFILIATED CONFERENCES**

An Affiliated Conference must meet the following requirements:

1. An affiliated conference shall be organized under governing documents that include formal recognition of the responsibility to operate in a manner consistent with minimum standards established by the NAIA.
2. Governing documents of an affiliated conference shall require that final authority for the operations of the conference reside with a formal body (e.g. Conference Council of Presidents) composed of institutional chief executive officers within the conference.
3. Governing documents of an affiliated conference shall establish those matters fully within the direct control of chief executive officers, including, but not limited to:
  - a. Amendments to the constitution, bylaws and other governing documents;
  - b. Budget approval and financial oversight;
  - c. Employment and supervision of the conference commissioner;
  - d. Conference membership; and

- e. Approval of the conference strategic plan.
4. Enumeration of the above responsibilities shall not be construed to deny the right of the Conference Council of Presidents to exercise any other power or perform other duties within the field of governance of the affairs of the conference.
  5. Presidents shall exercise authority in matters under their direct control by convening at least one meeting annually, in which votes may be exercised only by presidents in attendance.
  6. An affiliated conference shall employ a commissioner to provide effective leadership and administrative support to the conference, and may employ other professional staff determined by the conference necessary to ensure adherence to NAIA standards. The commissioner shall not be concurrently employed by any conference member institution.
    - NOTE: Affiliated conferences not fully in compliance with this criterion when it takes effect will be required to submit a specific plan and timetable by which the conference will fulfill the provisions.
  7. Authorize the Council of Presidents to conduct periodic reviews of affiliated conference operations and determine sanctions related to violations of conference requirements. Conference sanctions would be consistent with those currently in place for institutional violations of NAIA rules.
  8. Establish a Champions of Character Conference Committee, composed primarily of Champions of Character campus liaisons. The committee shall be charged with development and oversight of conference character education and activities.
  9. An affiliated conference must have as full members a minimum of six institutions with NAIA active membership.
    - a. Should an affiliated conference lose a member institution(s) and drop to five full member institutions, a grace period shall be extended to the conference for two years following the date the conference officially drops to five full members, provided the conference maintains a minimum of five full member institutions at all times.
    - b. During this grace period, the conference shall remain eligible for automatic qualification in any sport in which the conference had been qualified for an automatic qualification berth immediately prior to dropping to five full member institutions, and provided five teams are declared in the sport. If the conference continues to sponsor the sport and retain its automatic qualification berth, a conference institution is not permitted to join another conference as a per-sport member. A conference that fails to regain six full member institutions by the expiration of the grace period shall no longer be eligible for automatic qualification until it again satisfies all standard requirements for automatic qualification as determined by the National Administrative Council.
  10. The constitution or charter of an affiliated conference shall provide for a commissioner, eligibility chair, faculty athletics representative, registrar, information director and designate(s) for coordinator of officials.
  11. The eligibility rules and standards of an affiliated conference shall be at least as strict as the NAIA.
  12. An affiliated conference shall sponsor a minimum of three championships in NAIA recognized sports, of which at least one must be conducted each season (fall-winter-spring) for men and women (co-ed conferences). Single-gender conferences must sponsor a minimum of three

championships in NAIA recognized sports, of which at least one must be conducted each season (fall-winter-spring). Affiliated conferences must have at least four institutional teams participating in each of the championship events.

13. An affiliated conference shall pay national dues to be established by the Council of Presidents and/or abide by revenue sharing policies with the NAIA for postseason events to be established by the appropriate council.
14. An affiliated conference must have a conduct in competition oversight committee composed of a minimum of three members. The committee's responsibilities include recommending the scope of the conference's activities related to event management, hospitality, conduct in competition, and sanctions related to conduct in competition within the conference.
15. Governing documents of an affiliated conference shall include a clearly defined application and approval process for conference membership.

**NOTE:** When conference/Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) governing documents allow for multiple tiers of membership, an affiliated conference/CAC may permit an NAIA active member to join the conference/CAC on a per-sport(s) basis if the institution otherwise holds membership in an affiliated conference/CAC which has fewer than six institutions declaring intent to participate in NAIA postseason in the given sport(s).

Institutions shall submit eligibility certification, request exceptional rulings, submit self-reported violations and report statistics through the affiliated conference/CAC in which the institution competes in a given sport. An institution eligible for NAIA postseason and holding per-sport(s) membership in an affiliated conference/CAC shall:

- a) Count toward the automatic qualification calculations for the affiliated conference/CAC in the given sport for which the institution holds per-sport membership;
- b) Be eligible for automatic qualification to the national competition through the affiliated conference/CAC in the given sport for which the institution holds per-sport membership; and
- c) Be eligible for awards programs, conference/CAC ratings, national ratings, national statistical rankings and publications contests through the affiliated conference/CAC in the given sport for which the institution holds per-sport membership.

## **I SECTION V ELIGIBILITY CHAIR**

The eligibility chair shall be appointed by the conference/ Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) governing body, with input from the conference/CAC faculty athletics representatives. The eligibility chair must have significant experience in eligibility certification and eligibility rules, including but not limited to serving as an institutional faculty athletics representative, serving as eligibility chair of another NAIA conference/CAC, or serving as a former member of the National Eligibility Committee. The eligibility chair shall:

1. Receive and review the eligibility certification as submitted by the faculty athletics representative of each member;
2. Serve as the chair of the conference/CAC eligibility committee;
3. Receive and review all reports of institutional violations and all requests for exceptions from its members. The eligibility chair shall share these reports and requests with the

conference/CAC commissioner, the conference/CAC eligibility committee and report the committee's recommendation to the National Office;

4. Attend the NAIA National Convention regularly, but not less than once every three years; and
5. Facilitate rules education activities for the conference/CAC, with specific attention to the rules education of newly appointed faculty athletics representatives, athletics directors and coaches.

## I SECTION W MEMBER INSTITUTIONS OF NON-AFFILIATED CONFERENCES

In cases where member institutions of non-affiliated conferences have conference standards that are less stringent than those of the NAIA, the institution must conform to the higher rules and standards of the NAIA.

## I SECTION X STAFF MEMBERS REPRESENTING PROFESSIONAL SPORTS ORGANIZATIONS

Interpretation  
Coaches Dual  
Roles &  
Working for  
Professional  
Sports  
Organization

Staff members of all member institutions' athletics departments shall not accept compensation or gratuities of any kind (either directly or indirectly) for representing a professional sports organization or an athlete as an agent in the negotiation of a contract for any student.

Staff members of all member institutions' athletics departments shall not accept compensation or gratuities of any kind (either directly or indirectly) in acting as scouts for a professional sports organization during the regular academic year of the staff members' institution.

## I SECTION Y FOUR-YEAR INSTITUTIONS WHICH OFFER ASSOCIATE (TWO-YEAR) DEGREES

Should a student receive an associate (two-year) degree from an institution that also offers a baccalaureate (four-year) degree, the student is identified with the four-year institution.

### CASEBOOK EXAMPLE

#### **Institution Offering Association and Baccalaureate Degrees**

Case: A student receives an associate degree from an institution that offers a four-year degree. Upon receiving the associate degree, can the student transfer to an NAIA institution and have the 16-week residency requirement waived?

Approved Ruling: No. The student is identified with the four-year institution athletically even though the student was in the two-year program. The 16-week residency requirement shall apply as applicable.

## I SECTION Z BYLAWS AMENDMENT PROCEDURES

Proposed amendments must be sponsored by an authorized NAIA council, an NAIA standing committee, an NAIA association or an affiliated conference.

All proposed amendments to the NAIA Bylaws shall be submitted in writing to the NAIA President/Chief Executive Officer. Such proposals must be postmarked no later than 90 days prior to the annual meeting of the Association. A proposed amendment shall be mailed from the National Office to each active member institution in good standing, and each affiliated conference or Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) commissioner postmarked no later than 30 days before the annual meeting.

A proposed amendment sponsored by an NAIA affiliated conference/CAC or NAIA coaches association must have a minimum of one additional NAIA affiliated conference/CAC, NAIA council or NAIA standing committee co-sponsor the proposed amendment.



The proposed amendments, with the opinion of the NAIA Constitution and Bylaws Committee, shall be read to the voting delegates at the annual meeting.

After discussion of the proposed amendment on the floor of the annual meeting, the voting delegates shall vote. Upon receiving a majority approval vote by the delegates, the proposed amendment shall become effective on August 1 following approval of the proposal unless otherwise stated.

Article VIII of the NAIA Bylaws, "Standing Committees," shall be excluded from the above amendment procedures.

## **ARTICLE II General Student**

### **II SECTION A ADMISSION STANDARDS, GENERAL**

All students participating in intercollegiate athletics must be admitted to member institutions under admission standards that are equal to or higher than those applied to the general student body of that institution.

### **II SECTION B FINANCIAL ASSISTANCE**

Assignment of scholarships, grants in aid, or student loans shall be controlled by the faculty through the regularly constituted committee on student loans and scholarships.

#### **1. Institutionally Provided Financial Aid and Financial Benefits**

- a. Any financial aid or scholarships provided to prospective or enrolled students, shall be administered by the institution's regular process as approved by the office of financial aid.

A member institution shall award no more financial aid or scholarships to a student-athlete than the actual cost of:

1. Tuition;
2. Mandatory fees, books, and supplies required for courses in which the student-athlete is enrolled; and
3. Board and room for the student-athlete only, based on the official board and room allowance listed in the official institutional publication.

- b. Additional financial benefits in money or in kind provided by the institution and awarded to prospective or enrolled students is permissible so long as such items are available to the general student body, and awarded on such bases as will not discriminate for or against presumed or recognized athletes.

Further financial benefits to a student-athlete by a member institution, other than listed above, is prohibited.

#### **2. Athletically Related Expenses**

- a. Expenses incidental to intercollegiate athletic competition may be provided by an institution, directly or via an institution's representative or authorized booster. A prospective or enrolled student may also receive expenses incidental to non-intercollegiate athletic competition provided by a club or recreational team, or tournament/event director.

These expenses included but are not limited to athletically related travel, lodging, meals, awards, apparel and necessary medical and/or dental expenses. Necessary medical and/or dental expenses may include medical, surgical, medication and therapy expenses incurred as a result of an athletic related injury; medical examination costs; and athletic related medical insurance. Institutions shall not provide assistance for expenses for treatment of a student-athlete's illness or injury not resulting from intercollegiate athletics participation.

- b. For students who are members of an intercollegiate team, additional ancillary expenses are permissible when such expenses are related to the student's membership on the team and provided by the affiliated conference or national office, institution or institution's representative (if approved by the institution's athletics director). Such additional ancillary expenses include but are not limited to student-athlete advisory or student-athlete leadership activities, team building outings, and mission trips.

Funds provided by boosters or booster clubs must be administered in accordance with the COP Policy Article XIV.

### 3. Financial Benefits

Financial benefits in money or in kind is unrestricted when provided by a prospective or enrolled student's immediate family or from those on whom they are legally dependent. Immediate family is defined as a spouse, parent, grandparent, sibling, child, stepparent, stepsibling, stepchild and/or host family.

A prospective or enrolled student-athlete may receive benefits from other individuals, including but not limited to institutional and club coaches, faculty members and friends. Such individuals may provide occasional meals, transportation, entertainment, gifts or personal fundraisers. Benefits received unrelated to athletics or status as a student-athlete are permissible. Providing cash or preloaded debit cards is strictly prohibited. Ultimate responsibility for applying this regulation rests with the institution.

**EXCEPTION:** In cases of a natural disaster or emergency, a third party relief organization (e.g. Red Cross, United Way, local community organization, etc.) or other first responders may also provide assistance in money or in kind provided any such assistance is available to all individuals affected by the disaster or emergency.

This does not include or restrict any financial benefits earned on the basis of employment or payment for actual services rendered.

Any financial benefits or recognized awards received through any athletic participation shall be subject to NAIA Bylaws Article VII, and are not subject to the financial assistance limitations described here.

All donations to the general athletics program and/or the athletics scholarship fund by outside organizations shall be deposited in an institutional fund and be administered by appropriate institutional committees under the control of the chief executive officer.

This regulation regarding maximum financial aid to a student-athlete is not intended to place pressure on any member institution to increase its program to this level. This regulation is made to protect the NAIA from overly ambitious programs and to help protect the amateur status of student-athletes.

## II SECTION C CAMPUS VISITATIONS AND TRYOUTS OF PROSPECTIVE STUDENTS

1. The Association's attitude toward campus visitation of prospective students is formulated from the following three major principles:
  - a. The protection of the student in maintaining normal academic progress in high school and junior college.
  - b. The coordination of this rule with the overall policies of the institution affecting procurement of students with special talents.
  - c. The control of tryouts consistent with making the intercollegiate program an integral part of the total program without legislating against the student.
2. Individual or group tryouts may be conducted, for the purpose of assisting in the assessment of athletics promise if tryouts are a part of the general institutional policy in the evaluation and

Interpretation  
& Approved  
Ruling:  
Prospective  
Students  
Tryouts,  
Camps/Clinics,  
& Summer  
Participation

admission of students with special talents. Tryouts, where permitted, shall be limited to no more than two days for a specific student per member institution.

#### **CASEBOOK EXAMPLE**

##### **Coach Observation**

Approved Ruling: NAIA coaches may attend high school and junior college competitions and/or practices to observe potential student-athletes. For this to be considered observation and not a tryout, the NAIA coach cannot ask the student to exhibit a particular skill, direct or ask the coach to organize the workout in a particular manner. Further contact or discussion with the student must fall under the parameters of the recruiting bylaws per Article II, Section D.

3. No part of the travel expense, meals, and lodging of prospective students making visitations to an institution shall be paid by the institution unless such practice is a part of the general institutional policy in procurement of other students with special talents and not only for the express purpose of securing athletes.

#### **CASEBOOK EXAMPLE**

##### **Expenses Paid by Institution**

Approved Ruling: It is permissible for an athletic department to provide meals and or general expenses for prospective student-athletes only if it is part of the institution's general practice to do so for students with special talents who are participating in a campus visit or tryout. While there is no monetary limit, the athletic department should provide similarly priced meals and or reimbursement for travel, lodging, etc., to those provided for non-athletes in line with institutional policy.

## **II SECTION D RECRUITMENT**

1. Recruitment of an Enrolled Student-Athlete

If, during the school year or summer vacation period, the athletics director, faculty athletics representative, or coach of a member institution is contacted or becomes aware of contact by an athlete who enrolled at another institution of higher learning (two-year or four-year), it shall be the responsibility of the contacted institution (athletics director or faculty athletics representative) to notify, in writing, the institution (athletics director or faculty athletics representative) where the athlete is presently enrolled within 10 days following the first contact.

A coach or another representative of a member institution shall not initiate contact with an athlete who has enrolled at another four-year institution. It is permissible to contact a student who is currently enrolled at a two-year institution once the student completes the academic year in which the student utilizes his/her first season of competition.

A coach or another representative of a member institution may respond to a contact by an athlete only after the enrolled athlete's institution (athletics director or faculty athletics representative) has been notified as prescribed above.

2. Recruitment of a Non-Enrolled Student

A coach or another representative of a member institution shall not contact an athlete who has drawn equipment and is engaged in organized pre-school practice at another institution.

3. Recruitment of a Graduate Student-Athlete

As soon as a student completes his or her undergraduate degree and graduates from a four-year institution, an NAIA coach or institutional representative may initiate contact with the student. An NAIA coach or institutional representative can initiate contact the day following a student's graduation date or completion of all academic requirements for his or her undergraduate degree, whichever is later.

Approved  
Ruling:  
Responding to  
Contact

If an athletic director, faculty athletics representative, or coach of a member institution is contacted or initiates contact with such an athlete, written notification of the contact is not required to be provided to the student's undergraduate institution.

#### **CASEBOOK EXAMPLE**

##### **Recruitment of Enrolled Graduate Student**

Case: A men's swimmer graduates with his undergraduate degree in December 2016. The student continues enrollment at the same institution in the graduate school in order to continue competing in Spring 2017. Prior to Fall 2017 the student contacts an NAIA school with the intent to transfer. Is notification required?

Approved Ruling: Yes. Per Article II, Article D, Item 1, the student is currently an enrolled student at an institution of higher learning and therefore notification will be required to the student's current institution.

4. Violation of any part of the recruitment policy shall cause an immediate investigation by the National Conduct and Ethics Committee for appropriate action.

## **II SECTION E INTERNATIONAL COMPETITION**

International amateur competition for individuals representing an institution or institution teams shall be permitted, providing individual students representing their institutions are eligible according to NAIA rules and standards (and conference, if applicable). The NAIA President/Chief Executive Officer shall be notified prior to such participation. Such international play shall not affect seasons of participation.

#### **CASEBOOK EXAMPLE**

##### **International Competition Exception**

Case: When the Pan American Games, Olympic Games, World University Games or any other NAIA-approved international competitions are held during a term and the lateness of their competition prevents a student from enrolling in a term, may such a student compete for the member institution during this term?

Approved Ruling: Identification will be waived for any participant in NAIA-approved international competition who may, by reason of participation, not be able to enroll (or who is required to enroll in a reduced load, (i.e. fewer than 12 hours) during the term in which such competition is held. However, before such participation occurs, officials of each institution must submit the names of all athletes participating under this exception to their eligibility chair and to the National Office.

- a. Such a student will be eligible to compete in intercollegiate contests, including NAIA events, upon returning from approved international competition, provided the student:
  - 1) Meets all eligibility requirements except the 12-Hour Enrollment Rule, and
  - 2) Was enrolled at the institution during the immediately preceding term.
- b. Participation under this exception after returning to the institution will count as one of the four permitted seasons of competition.
- c. The student shall not be charged with a term of attendance for such participation if the student is carrying fewer than 12 institutional credit hours.

**II SECTION F FOREIGN STUDENTS IN THE UNITED STATES**

1. Foreign nationals enrolling in a member institution shall be subject to all NAIA eligibility rules and regulations. It is incumbent upon the institution at which the student enrolls to establish the nature of the foreign institution (e.g. whether the institution is equivalent to a four-year college, a junior college or a secondary school.) Documentation to establish proper classification shall be on file and shall be available upon request by the eligibility chair and/or National Eligibility Committee.
2. A student, who is not a United States citizen, enrolled in a member institution may return to the country of origin for the purpose of attending college for a period not to exceed one year and then return to the same member institution previously attended without establishing residency. The year that the student spent in the foreign country attending college shall be applied to the total terms of attendance allotted.

**CASEBOOK EXAMPLE****Foreign Attendance**

Approved Ruling: For purposes of computing duration of eligibility for athletic participation, a year of attendance at a foreign college or university shall count as two semesters or three quarters.

**ARTICLE III NATIONAL HEADQUARTERS: ITS FUNCTIONS****III SECTION A THE NATIONAL HEADQUARTERS**

The NAIA maintains a national headquarters where the NAIA President/Chief Executive Officer and the National Office staff conduct the administrative and business affairs of the organization.

The National Office staff, in addition to its other functions, assists the member institutions in any problems of scheduling, staff replacements, publicity or any other problems that may arise.

Coordination of these many activities normally is accomplished from the National Office, as are administration, operation and supervision of all the organization's national events.

The National Office staff shall oversee a library of films from the various national competitions which shall be available for showing by member institutions.

The NAIA President/Chief Executive Officer is charged with the responsibility of maintaining contact with other athletics and educational organizations with which the NAIA is affiliated.

The further broadening of services is under constant study by the councils of the Association.

**III SECTION B DUTIES OF THE NAIA PRESIDENT/CHIEF EXECUTIVE OFFICER**

The administrative authority of the Association is vested in the NAIA President/Chief Executive Officer. In the exercise of this authority, it shall be the duty of the NAIA President/Chief Executive Officer to seek the advice of appropriate councils and exercise best judgment in an earnest effort to promote the best interests of the NAIA.

All executive powers not delegated to the Council of Presidents and not expressly or by implication denied the NAIA President/Chief Executive Officer may be exercised by that official, subject to the supervision of the Council of Presidents.

The NAIA President/Chief Executive Officer shall:

1. Ensure that accurate records are kept of all meetings of the Association;

2. In cooperation with the chair of the Council of Presidents, prepare the agenda for all meetings of the Council of Presidents, the National Coordinating Committee and the annual meeting;
3. Keep all councils, the National Coordinating Committee and all member institutions informed in all matters pertaining to the general welfare of the NAIA;
4. Be responsible for final decisions in matters involving organizational problems within adopted policies of the Council of Presidents;
5. Be responsible for all contracts regarding the property, funds, projects and activities as necessary and proper for the successful execution of the functions of the organization;
6. Receive all funds belonging to the NAIA and deposit in financial institutions that are approved by the Council of Presidents;
7. Have full power to draw checks against such financial institution deposits as are required to pay the debts, expenses and other financial obligations of the Association;
8. Be custodian of all property belonging to the NAIA;
9. Cause to be made an annual audit of books and accounts, and present such audit to the Council of Presidents;
10. Be responsible for presenting to the Council of Presidents a detailed report of all receipts and disbursements during the preceding fiscal year ending June 30 and a proposed operating budget for the ensuing fiscal year;
11. Cause to be prepared the use of forms and other printed materials required by the NAIA and to furnish such forms and materials as required;
12. Be responsible for the employment and direction of the National Office staff under policies established by the Council of Presidents;
13. Oversee all necessary arrangements for the various events conducted under the auspices of the NAIA;
14. Cause to be published throughout the school year an official publication of the organization;
15. Conduct an active public relations and promotions program;
16. Aggressively pursue membership of those institutions meeting the standards of the Association;
17. Serve in an advisory capacity with regular or special committees established by the Council of Presidents and, except as may be specifically provided otherwise, issue all official releases from the National Office;
18. Be the official representative of the Association at ceremonial or other social occasions requiring the presence of the NAIA President/Chief Executive Officer; and
19. Designate the NAIA representative at meetings and functions requiring NAIA attendance.

In addition to the above enumerated responsibilities and duties, the NAIA President/Chief Executive Officer may exercise any powers and perform any duties necessary and proper for carrying out programs and policies unless such responsibilities or duties have been expressly delegated to some other official or committee.

**III SECTION C NATIONAL OFFICE PERSONNEL HANDLING MONIES TO BE BONDED**

The NAIA President/Chief Executive Officer and other National Office personnel designated by the NAIA President/Chief Executive Officer shall be bonded for an amount of money to be determined by the Council of Presidents.

**III SECTION D PROCEDURE IN THE EVENT OF INCAPACITY OF THE NAIA PRESIDENT/CHIEF EXECUTIVE OFFICER**

Should illness or other incapacity prevent the NAIA President/Chief Executive Officer from fulfilling the duties of the office, it shall be the responsibility of the Executive Committee of the Council of Presidents to take such action as will provide for continuing the administration of the Association.

**ARTICLE IV ASSOCIATION ORGANIZATION AND STRUCTURE**

**IV SECTION A STRUCTURE OF NAIA PROGRAMS**

The NAIA shall be structured to provide a men’s program and a women’s program. An institution that meets the membership requirements may affiliate all of the institution’s intercollegiate sports in the men’s program, the women’s program, both programs, or on a sport-by-sport basis within either program. Upon affiliation with the NAIA, all intercollegiate sports recognized by the NAIA in either and/or both programs must conform to the policies and regulations of the NAIA.

**EXCEPTION:** See Article I, Section L.

**IV SECTION B ORGANIZATION AND STRUCTURE**

An important role of the NAIA is to provide the most democratic process possible for its membership in the matter of organization of national competitions, planning and procedures of the NAIA, growth of program, and the determination of policies of the organization.

In the interest of democratic participation, the basic structure of the NAIA is the conference, for members which are affiliated, or the Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) for independent institutions.

Conference or CAC tournaments or championships are encouraged in all sports recognized by the NAIA.

**IV SECTION C COUNCIL OF PRESIDENTS DUTIES**

The NAIA governing body is the Council of Presidents.

For the transaction of business by the Council of Presidents, a quorum shall consist of one third of the members of the Council.

Qualifications, composition and elections for openings on the Council of Presidents are listed in Article V of the Constitution. The Council of Presidents shall exercise full authority in the following matters:

1. Initiating operational policies necessary to perform those duties reserved in the Constitution and Bylaws to the Council of Presidents.
2. All fiscal matters of the Association.
3. The employment and supervision of the NAIA President/Chief Executive Officer and, through the NAIA President/Chief Executive Officer, all personnel of the National Office.
4. The submission at the NAIA National Convention of a detailed report on all receipts and disbursements during the preceding fiscal year ending June 30. The audited financial statement shall be printed and distributed to the membership in such form as to facilitate a comparison of the items of income and expenditure in connection with the various activities

of the Association during the fiscal year just concluded with the corresponding items for the preceding year.

5. Authorization of the Executive Committee of the Council of Presidents to transact necessary business of the Association in the interim between meetings of the Council of Presidents.
6. The review and action on all recommendations submitted by the appropriate committee/association through the authorized councils.
7. Decisions on withdrawal of membership or denial of specific sports sponsorship for a member institution.
8. Administrative supervision of the Conference Commissioners Association.
9. Periodic review of affiliated conference operations and sanctions related to violations of conference requirements.

The enumeration of the above responsibilities and duties shall not be construed to deny the right of the Council of Presidents to exercise any other power or to perform any other duty within the field of governance of the affairs of the NAIA. No policies and procedures exercised by the Council of Presidents shall conflict with established policies of the constituent assembly.

#### **IV SECTION D NATIONAL COORDINATING COMMITTEE DUTIES**

The National Coordinating Committee shall exercise authority in the following matters:

1. Reviewing operational policies for approval or referral which were developed by the three councils. Those policies reserved in the Constitution and Bylaws to the Council of Presidents as the official governing body of the Association shall be excluded from this charge;
2. Acting as the communications link between the National Administrative Council, the Council for Student-Athletes and the Council of Faculty Athletics Representatives;
3. Acting on all requests for appeals arising from decisions of the National Eligibility Committee, the National Conduct and Ethics Committee, National Administrative Council, the Competitive Experience Committee, the Home School Committee, the NAIA Membership Committee, the National Drug Testing and Education Committee, and/or the Council of Faculty Athletics Representatives. The National Coordinating Committee's decision on appeals is final, except for those decisions reserved for the Council of Presidents;
4. Soliciting nominations for the at large position to the National Coordinating Committee under the approved guidelines and presenting the candidates to the membership for final selection at the annual meeting each year; and
5. Acting upon requests for reinstatement of amateur status in accordance with established Association procedures, and review any failure by a student to uphold to uphold his or her notification responsibility per Article VII, Section B, Item 8.

The chair of the National Coordinating Committee shall also serve as an ex officio member of the Council of Presidents.

#### **IV SECTION E NATIONAL ADMINISTRATIVE COUNCIL DUTIES**

The National Administrative Council shall exercise authority in the following matters:

1. Initiating operational policies for conference, independent and national competition, national statistical services, national awards and drug testing at national competition;



2. Providing administrative supervision of all NAIA Coaches Associations, the Conduct and Ethics Committee, the National Drug Testing and Education Committee and those associations/committees assigned by them which deal with conference, independent and national competition;
3. Annually reviewing and establishing the conference, independent and national qualification plans for postseason competition for all sports;
4. Reviewing and acting on all recommendations from those associations/committees within their area of responsibility; and
5. Conducting nominations and elections in accordance with the Constitution when openings on the Council arise.

The chair of the National Administrative Council shall serve as an ex officio member of the Council of Presidents.

#### **IV SECTION F COUNCIL OF FACULTY ATHLETICS REPRESENTATIVES DUTIES**

The Council of Faculty Athletics Representatives shall exercise authority in the following matters:

1. Initiating operational policies for evaluation and implementation of Association academic standards.
2. Providing administrative supervision of the National Eligibility Committee, the National Faculty Athletics Representatives Association, the National Registrars Association and those committees assigned to them which deal with academic standards and their enforcement.
3. Reviewing and acting on all recommendations from those committees within their area of responsibility.
4. Conducting nominations and elections in accordance with the Constitution when openings on the Council arise.

The chair of the Council of Faculty Athletics Representatives shall serve as an ex officio member of the Council of Presidents.

#### **IV SECTION G COUNCIL FOR STUDENT-ATHLETES**

The Council for Student-Athletes shall exercise authority in the following matters.

1. Initiating operational policies for the Champions of Character program, and conducting research and education that will benefit the health, safety and development of NAIA student-athletes.
2. Providing administrative supervision of the Champions of Character Advisory Committee, Athletic Trainers Association, Association of Student-Athletes and those committees assigned to it which deal with issues of student-athlete health, safety and development.
3. Reviewing and acting on all recommendations from those committees within its area of responsibility.
4. Conducting nominations and elections in accordance with the Constitution when openings on the Council arise.

The Council for Student-Athletes shall have two co-chairs: the chair of the Association of Student-Athletes, and a non-student representative of the council. The co-chair who represents the Association of Student-Athletes shall serve as an ex officio member of the Council of Presidents. The non-student co-chair shall serve on the National Coordinating Committee.

**IV SECTION H ESTABLISHING POLICIES BY COUNCILS**

Prior to establishing a policy, a council, through its National Coordinating Committee representative, must present the recommended policy to the full National Coordinating Committee. Should there be no more than one member of the National Coordinating Committee in opposition, the policy shall be enacted.

Should two or more members of the National Coordinating Committee request further study or otherwise oppose the recommended policy, the policy shall be reviewed and voted upon by the appropriate councils. The result of the councils' action shall be presented to the National Coordinating Committee for final vote. A two-thirds vote of approval shall be required for acceptance. Policies necessary to perform those duties reserved in the Constitution and Bylaws to the Council of Presidents, as the official governing body of the Association, shall be excluded from this procedure.

**ARTICLE V Eligibility**

NOTE: To access past years' bylaw amendments for Article V, please select the following links to see what changes were made in each of the corresponding years.

**V SECTION A APPLICATION OF ELIGIBILITY RULES**

Institutional membership within either or both programs (men's and/or women's) or institutional membership on a sport-by-sport basis within a program charges each institution with the responsibility of knowing, administering and enforcing the eligibility standards adopted by the members of the Association in respect to the institution's intercollegiate sports affiliated within the NAIA.

The eligibility rules which follow apply to all students representing their institution in any manner (scrimmages, intercollegiate, etc.) against competitors not directly identified with the institution in any sport recognized by the NAIA.

Any student identified with a two- or four-year college or university who then becomes identified at an NAIA institution shall also be subject to the following regulations, which were submitted and approved by the member institutions.

**V SECTION B DEFINITIONS**

1. Eligibility Case: An actual or possible violation of an NAIA rule or regulation as reported by the institution to the conference/ Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) commissioner, the eligibility chair and/or the National Office or notification to the institution by the conference/CAC commissioner, the eligibility chair or National Office.
2. Eligibility Certification: Completion and filing of the NAIA Official Eligibility certificate, NAIA Certificate of Clearance, Transfer Player Eligibility Statement (when applicable), Eligibility Certificate for Entering Freshmen (when applicable), and Competitive Experience Outside Intercollegiate Athletics form (when applicable) for all students prior to allowing those students to represent the institution in any manner during a term.
3. End of a Term: Date listed in the institutional catalog as the last day of a term. If no such date is given, the end of the term shall be the last day of the final exam period for that term.
4. Enrollment: Completion of institution's enrollment forms or cards (payment of fees is not considered by the NAIA as a definition of enrollment).

5. Entering Freshman: A student who upon becoming identified with an NAIA institution has not been previously identified with any institution(s) of higher learning for any two semesters or three quarters (or the equivalent).
6. Exhibition: A competition against competitors not identified with the institution when:
  - a. The competition does not meet the definition of a scrimmage pursuant to Article V, Section B, Item 18 of the NAIA Bylaws;
  - b. The competition is noted as an Exhibition on the institutional schedule; and
  - c. The competition is against a Non-NAIA opponent.

If the competition meets this definition then it shall not be included in individual and team statistics, won-loss records or coaching records. The competition shall count against frequency of play limits pursuant to Article I, Section H, Item 1 of the NAIA Bylaws. An NAIA institution will be limited to one exhibition per season. A student will be charged a season of competition for participating in an exhibition competition.

7. Good Standing: Maintenance of NAIA eligibility standards as well as the general institutional requirements for all students in order to represent the institution in any extracurricular activity.
8. Identification: Representing an institution in an intercollegiate contest or enrolling in 12 or more institutional credit hours with a minimum of nine institutional credit hours at the NAIA member institution in any given term (excluding summer session) as reported by the institution's registrar on an official transcript based on the institution's official census date.

**EXCEPTION:** An entering freshman shall identify with an institution during the student's first two semester terms or first three quarter terms by representing an institution in an intercollegiate contest or enrolling in 12 or more credit hours with a minimum of nine credit hours at the NAIA member institution as reported by the institution's registrar on an official transcript based on the institution's official census date.

NOTE 1: For any student seeking eligibility as a first-time participant in any NAIA sport, this definition of identification shall be applied to all terms, regardless of the dates during which the terms occurred.

NOTE 2: For all other students, this definition of identification only applies to terms that begin after April 14, 2014. For terms that begin prior to April 14, 2014, the definition of identification in effect during the term shall apply.

NOTE 3: Participation in an intercollegiate contest in the fall before school starts identifies the student with the institution and charges the student with a season of competition and a term of attendance, even if the student decides to transfer or leave school before classes start. The Progress Rule (Article V, Section C, Item 9) shall apply for participation in the same sport.

However, the term shall not be applied in determining the Nine-Hour Rule or the 24/36-Hour Rule if enrollment in 12 institutional hours was not noted on the institution's official transcript.

Approved  
Rulings □  
Casebook  
□ Examples for  
Identification

**CASEBOOK EXAMPLE****Branch Campus Identification**

Approved Ruling: Identification is validated by the official transcript that shows the student meeting the definition of identification at the particular institution. A student may compete for a branch campus location, given that the branch campus location has a separate certification and eligibility process than the parent institution. However, a student-athlete may compete for only one campus location in a given term. The student may not compete for the parent institution if they are certified to compete for the branch campus location during the academic term. If the student wishes to transfer after competing at the branch campus location, the transfer rules will apply, even if transferring to the parent institution.

**CASEBOOK EXAMPLE****International Students – Identification**

Approved Ruling: International transcripts often reflect only courses for which the student took and passed the exam at the end of a term. For courses where the final exam was not taken, the course generally does not appear on the official transcript. A letter from a school official may serve in conjunction with – or in lieu of, when no official transcript is available – an official transcript to show the additional coursework for which the student was enrolled.

An international student will be considered to have identified and will be charged a term of attendance if the student attended any class and was enrolled in a regular, full-time course load. An international student whose official academic record does not reflect all attempted coursework but who attended a class while enrolled as a regular full-time student at an international university will be charged with a term of attendance based on a letter from a school official showing all coursework attempted.

9. Institutional Credit Hour: Any credit hour attributed to a course that is recorded on the transcript with a grade and credit hours earned. Institutional credit hours shall be accepted for eligibility certification purposes only after the instructor submits the completed course grade in the normal manner to the institutional registrar for posting on the transcript.

**EXCEPTION:** Coursework awarded earned credit hours with a grade of F (or the equivalent) shall not be considered institutional credit hours for purposes of the Nine-Hour Rule (Article V, Section C, Item 5), 24/36-Hour Rule (Article V, Section C, Item 6) and the Progress Rule (Article V, Section C, Item 9).

Credit hours attributed to a course in progress shall be considered institutional credit for purposes of determining identification and enrollment in 12 credits when, as applied to the general student body, the course would appear on the transcript with a grade and credit hours earned upon completion.

The grade assigned to a course may include, but is not limited to, a letter grade, credit/no credit, pass/fail, and satisfactory/unsatisfactory.

**CASEBOOK EXAMPLE****Institutional Credit**

Case: A student enrolled in a course for three credit hours and subsequently failed the course, showing zero hours earned for the course on the student's transcript. Had the student completed the course successfully, credits associated with the course would have been shown on the student's transcript as earned and with a grade. Does the course count as institutional credit for this student?

Approved Ruling: Yes. The course itself is considered institutional credit even if a student fails the course. A student's performance in a given course does not determine whether the course meets the definition of institutional credit for purposes of identification and 12-hour enrollment. The student has not earned any institutional credit hours for the course, but the course will be considered institutional credit hours attempted by the student in that term and will be used for evaluating identification, 12-hour enrollment and GPA calculations.

**Recognition of Credits**

Approved Ruling: When the grades are submitted in the normal manner to the registrar for posting on the transcript and the student is properly certified, the student is then recognized as having the credits apply in meeting NAIA regulations.

10. Inter-Term: A session or a group of courses that occurs and is reflected on the official academic transcript between two regular academic terms and is reported on the official academic transcript. These sessions cannot meet the definition of a term of attendance as defined in Article V, Section B, Item 21. Summer terms cannot constitute an inter-term.

The inter-term shall be treated as follows in determining eligibility:

- a. Inter-terms are considered non-terms. A student cannot identify during the inter-term, and hours earned during the inter-term are considered non-term hours and shall be applied toward eligibility accordingly.
- b. Completed inter-term credit can be used toward eligibility requirements once the grades are posted in the normal manner and as long as the credit is shown to be earned before the start of the NAIA institution's Winter/Spring term. Credit is considered earned at the end of the academic term that the course is attributed to on the issuing institution's transcript, pursuant to Article V, Section B, Item 3. If the issuing institution's transcript does not attribute the course to an academic term and instead includes specific start/end dates, the end date listed on the transcript will be used. If neither a term nor dates appear on the issuing institution's transcript, dates of the course as verified by the institution's registrar may be used.

For students with continuing identification at the same NAIA institution, the credit must be approved and accepted by the NAIA institution and appear on the NAIA institution's transcript.

- c. Courses taken in these sessions cannot be used to meet the 12-Hour Enrollment Rule as described in Article V, Section C, Item 3.

**CASEBOOK EXAMPLE****Non-Term — Attendance at a Non-Accredited Institution**

Case: A student attends a non-accredited college, either junior or senior college, which may or may not sponsor an intercollegiate athletics program. What is the status of such a student?

Approved Ruling: For institutions in the U.S., the NAIA shall use The Database of Accredited Postsecondary Institutions and Programs compiled by the U.S. Department of Education Office of Post Secondary Education to determine if terms are to be recognized by the NAIA. If an institution is listed in this online database at the time of a student's attendance, the student transferring from this institution shall be charged terms of attendance, seasons of competition and be required to meet residency regulations as applicable.

If the institution is not listed in the online database and is not an NAIA associate member, the student is considered not to have attended an institution of higher learning with regard to athletic eligibility. Foreign postsecondary institutions are considered accredited when determining terms of attendance.

NOTE: The NAIA shall use the Accredited Institutions of Post Secondary Education published by the Council on Post Secondary Accreditation by the American Council on Education to determine if terms are to be recognized by the NAIA for terms prior to August 1, 2012.

**CASEBOOK EXAMPLE****Non-Term — High School**

Approved Ruling: High school students may take 12 or more hours of college credits in a term without establishing a term of attendance.

**Non-Term — Military Service**

Approved Ruling: Members of the armed services, while on active duty, may take 12 or more hours of college work during a term without establishing a term of attendance.

11. Intercollegiate Contest: Any athletics competition in a sport recognized by the NAIA and sponsored by the institution as an intercollegiate sport against competitors not identified with the institution. Alumni contests are considered to be competition within the institution and not recognized as intercollegiate.
12. Non-Term: Any term that does not meet the definition of a term as defined in Article V, Section B, Item 21.
 

NOTE: This definition of non-term only applies to terms that begin after August 1, 2004. Prior to August 1, 2004, a non-term was enrollment in fewer than nine institutional credit hours at a single institution during a given term or any summer session or inter-term.
13. Normal Progress: The accumulation of academic credit at a rate so as to meet the minimum standards listed in Article V, Section C, Item 9 of the NAIA Bylaws.
14. Participation: Competing in an intercollegiate contest as defined by Article V, Section B, Item 11 of the NAIA Bylaws.
15. Postseason Competition: Conference, Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) or unaffiliated grouping qualifying events.

Approved Ruling:  
A prospective student-athlete must be identified with the NAIA institution in order to compete over the summer.

16. Prospective Student: An individual who has never identified or whose previous collegiate identification was with another collegiate institution. The individual remains a prospective student until the student identifies with an institution in accordance with Article V, Section B, Item 8.

Prospective students are not permitted to practice or compete with an institution's team.

**EXCEPTION 1:** A prospective student may practice and compete with an institution's team during the summer (May 16th-July 31st) if the student is a high school graduate (or the equivalent) and not identified with any other institution of higher learning, and:

1) Enrolled in a full-time class load, as defined by the institution, for the applicable summer term, or

2) Enrolled in at least 12 institutional credit hours for the immediately subsequent fall term.

Such practice activities and competitions are not considered to be a tryout.

**EXCEPTION 2:** A prospective student, who is a high school graduate (or the equivalent) and not identified with any other institution of higher learning, may practice with an institution's team(s) prior to the start of the institution's academic term, or between regular academic terms, if the practice activity occurs during the team's 24-week season. Such practice activities are not considered to be a tryout.

17. Residency: Identification with an institution for 16 calendar weeks (112 calendar days) during the regular school year (summer session not included).

18. Scrimmage: A competition against competitors not identified with the institution when:
- The competition is not listed or is noted as a scrimmage on the institutional schedule; and
  - No scores or statistics are reported by the NAIA institution(s).

Scrimmages shall not be allowed in the following intercollegiate sports: competitive cheer, competitive dance, cross country, golf, swimming and diving, indoor and outdoor track and field, and wrestling. Students must be certified as eligible prior to participating in a scrimmage. Seasons of competition will not be charged to students who participate only in scrimmages. Transfer students shall be governed by the association under which they competed.

#### **CASEBOOK EXAMPLE**

##### **Scrimmage – Reporting Scores/Statistics**

Approved Ruling: For a contest to be considered a scrimmage, scores and statistics cannot be reported by the NAIA institution. This includes scores or statistics listed or appearing in an article on statistical reporting sites, athletic or institutional websites, social media posts such as facebook or twitter, or community newspapers or websites.

##### **Scrimmages – Season of Competition**

Approved Ruling: A student participating in a contest that fits the definition of a scrimmage (Article V, Section B, Item 19) shall not be charged a season of competition.

##### **Non-Intercollegiate Scrimmage**

Approved Ruling: Students who have competed in only non-intercollegiate scrimmages will not be charged a season of competition if the scrimmage(s) meet the definition of an NAIA scrimmage, and if the student participates in no more than the number of scrimmage allowed for the sport per NAIA Bylaws Article I, Section H, Item 2.

19. Season of Competition:

- a. Participation in more than 20% of the maximum allowable number of intercollegiate contests or dates (excluding scrimmages) at an NAIA institution, whether in a varsity, junior varsity or freshman program, during the 24-week season. Any participation in NAIA-approved postseason shall result in a season of competition. The NAIA shall count seasons of competition based on intercollegiate participation charged by another intercollegiate athletic association.

A student who participates in the following number of contests or dates during the 24-week season will be charged a season of competition.

Baseball	<u>11 contests</u>	Lacrosse	5 contests
Basketball	7 contests	Softball	<u>11 contests</u>
Bowling	4 contests	Swimming and diving	3 meets
Competitive cheer	3 dates	Tennis	6 dates/tournaments
Competitive dance	3 dates	Indoor track and field	3 meets
Cross country	<u>2 meets</u>	Outdoor track and field	3 meets
Football	3 contests	Volleyball	6 dates
Golf	<u>3 contests</u>	Wrestling	5 dates
Soccer	5 contests		

NOTE 1: These limits shall be updated annually to reflect 20% of the maximum allowable contests or dates as listed in Article I, Section H, Item 1 of the NAIA Bylaws.

- b. Participation in any professional-level competition on or after the first day of the thirteenth month following high school graduation. A student will be charged a season of competition for participating in at least one professional-level event within a 12-month period. A team, league or event will be defined as professional-level competition and result in charging a student a season of competition if any one of the following is met:
  - i. Competition on a team or within a league (all sports) shall result in a season of competition if the team or league self-declares as professional.
  - ii. Competition on a team or within a league (all sports) shall result in a season of competition if both of the following are met:
    - 1) The team or league self-declares as semi-professional; and
    - 2) Team(s) within the league pay or reimburse participants beyond actual expenses of travel, meals and lodging.
  - iii. For individual sports, a student’s participation will be evaluated based on the student’s specific division, series or group/heat within the event. If that division, series or group/heat within the event is self-declared as professional or semi-professional, the student’s competition shall result in a season of competition charged.

The NAIA shall take at face value seasons of competition based on non-collegiate participation as assessed by another intercollegiate athletic association, including determination of unattached status. Additional seasons of competition, based on professional-level participation, will be charged when the student is not enrolled in a collegiate institution, or is enrolled but does not represent the institution in intercollegiate competition.



**CASEBOOK EXAMPLE****Summer Competition – Transfers and Students with Break in Enrollment**

Approved Ruling: Competition after May 15 by a student who transfers institutions or has a break in enrollment is subject to a competitive experience review if the student was not charged with a season of intercollegiate participation during the preceding academic year. Summer competition by a student charged with a season of intercollegiate competition during the preceding academic year is not subject to a competitive experience review unless the summer participation falls outside of the student's 12-month window.

Case: A student identifies at a junior college but does not compete in the spring. The student participates in elite level competition during the summer, beginning after May 15. Can the student compete in intercollegiate competition during the subsequent academic year without being charged an additional season of competition?

Approved Ruling: Yes. The intercollegiate competition occurring during the subsequent academic year is considered a continuation of the in-progress season charged for the summer competition. Unless the summer competition falls outside of the student's 12-month window. The student is charged for the elite level summer competition, regardless of whether the student participates in intercollegiate competition during the subsequent academic year.

**EXCEPTION 1:** An individual who trains or competes as a member of a non-collegiate postsecondary education (i.e. preparatory school) team will not be charged a season of competition.

**EXCEPTION 2:** The date of a student's 18th birthday will be used as the date of high school graduation if:

- a. The date of high school graduation cannot be ascertained; or
- b. The student earned a high school equivalency through the GED or other exam(s) without otherwise graduating high school.

**EXCEPTION 3:** An individual who participates in national or Olympic team trials or competes as a member of a national or Olympic team will not be charged a season of competition for such participation.

**EXCEPTION 4:** As an exception, a student who suffers a season-ending injury while enrolled at a non-NAIA institution may request a medical hardship from the NAIA to have the intercollegiate season of competition returned. All medical hardship requests must meet the following criteria:

- a. They must involve an injury or illness which is beyond the control of the student or coach and which incapacitates the student from competing further during the sport season in question as verified by the attending physician (i.e. M.D. or D.O.) who must have examined the student during the sport season in question.
- b. Hardships cannot be requested for students who are incapacitated in the last regular-season contest or postseason competition.
- c. Participation by a student after being examined by a physician for the incapacitating injury or illness and before receiving written medical clearance shall nullify hardship considerations.
- d. The student must have participated in 20% or fewer of the maximum allowable number of intercollegiate contests or dates, excluding scrimmages, during the 24-week season as listed for the sport. If the student competed in more than 20% of the maximum limit (see detailed list in Article V, Section B, Item 18a), the student is not eligible for a medical hardship.

- NOTE 1: For any student seeking eligibility as a first-time participant in a given NAIA sport, this definition of season of competition shall be applied to all prior competition in that sport, regardless of the date of competition.
- NOTE 2: For all other students, this definition of season of competition only applies to competition that occurs after May 1, 2022. For all prior competition for these students, the definition of season of competition in effect at the time shall apply.
- NOTE 3: For purposes of this bylaw, eligibility shall be determined by a national third-party administrator (NAIA Eligibility Center) authorized by the Council of Presidents.
- NOTE 4: Unless specified elsewhere in the NAIA Bylaws (i.e. Article V, Section F, Item 9) no student shall be charged more than one season of competition during any 12-month period. Participation in professional-level competition after May 15 shall be charged within the 12-month period that includes the subsequent academic year.
- NOTE 5: Athletes charged a season of competition pursuant to this paragraph must also comply with other applicable NAIA Bylaws, including Article VII (Amateur Rules) and Article V, Section C (Eligibility Requirements).
20. Start of Term: Date listed in the institutional catalog as the first day of a term. If no such date is given, the start of the term shall be the first date of classes for that term according to the institution's academic calendar.
21. Term of Attendance: A term of attendance is any quarter, semester or trimester (excluding summer sessions) in which the student becomes identified at a single institution. The word "term" as used throughout the bylaws refers to quarter, semester or trimester, whichever applies as the official unit of class attendance at any college or university.
- If a student identified with an institution officially totally withdraws from that institution within 21 calendar days following the official opening date of classes as stated in the institutional catalog and returns and again becomes identified with the same institution (without becoming identified at another institution), the student shall not be charged with a term of attendance for the term in which the student withdrew.

### **CASEBOOK EXAMPLE**

#### **Term of Attendance**

Approved Ruling: A student is identified and charged a term upon enrolling in 12 or more institutional credit hours at a single institution or at least nine or more institutional credit hours at an NAIA institution with at least three hours at another institution as reported by the institution's registrar on an official transcript based on the institution's official census date, or by representing an institution in an intercollegiate contest.

#### **Term of Attendance – Graduate Student**

Approved Ruling: A graduate student will be charged a term of attendance by enrolling in the number of institutional credit hours that equates to full time enrollment as defined by the institution's graduate school policies.

**CASEBOOK EXAMPLE****Withdrawal and Transfer**

Case: A freshman enrolled for 12 credit hours at an institution this past fall and withdrew prior to the institution's official census date. The student withdrew within the drop period established by the institution, and no courses appear on the official transcript for the term. Is this student subject to the Nine-Hour Rule (Article V, Section C, Item 5) for eligibility certification purposes in the next term?

Approved Ruling: No. The student withdrew from classes prior to the institution's census date, and no classes appear on the official transcript for the fall term. Therefore the student did not identify in the fall term and is not charged a term of attendance. The student is not considered a second-term freshman for eligibility purposes during the next term.

22. Transfer: A student who becomes identified with an NAIA institution after having previously been identified with a two- or four-year institution of higher learning. Transfer students must complete the official NAIA Transfer Player Eligibility Statement prior to their first participation at the NAIA institution no matter how long ago the transfer occurred.

Once the student has completed the transfer form and has been in attendance for one term, the student is no longer considered a transfer student at the institution.

23. Varsity Intercollegiate Sport: A sport that has been accorded that status by the institution's chief executive officer or committee responsible for intercollegiate athletics policy and satisfies all of the following conditions:
- It is a sport that is administered by the department of intercollegiate athletics;
  - It is a sport for which the eligibility of the student is reviewed and certified by the institution's faculty athletics representative or designated eligibility representative; and
  - It is a sport in which qualified participants receive the institution's official varsity awards.

**V SECTION C ELIGIBILITY REQUIREMENT**

For a student to be eligible for any NAIA recognized intercollegiate competition, a member institution must ensure that the student conforms to the following regulations. Any student competing in a sport recognized by the NAIA who is a first-time NAIA participant must receive an eligible determination from the NAIA Eligibility Center prior to representing an NAIA institution in competition against competitors not directly identified with the institution. The Council of Faculty Athletics Representatives shall determine specific policies and exceptions necessary to institute this requirement. See the Council of Faculty Athletics Representatives policy for further information.

A first-time NAIA participant shall be defined as any student who has not previously represented an NAIA institution by competing in a scrimmage, exhibition or contest. This includes varsity, junior varsity and freshman team competitions in any sport that was recognized by the NAIA at the time of the student's competition.

- An entering freshman student must be a graduate of an accredited high school or be accepted as a regular student in good standing as defined by the enrolling institution.
- An entering freshman student can be eligible immediately by achieving an overall high school grade point average of 2.300 or higher on a 4.000 scale. Alternatively, an entering freshman student can become eligible by meeting two of the three entry-level requirements below. The three entry-level requirements are as follows:

- a. A minimum score of 18 on the ACT or 970 on the SAT (Evidence-Based Reading and Writing and Math) for tests taken beginning May 2019. EFFECTIVE DATE May 1, 2019 (for tests taken beginning May 1, 2019);

**EXCEPTION:** For ACT tests taken beginning March 2016 through April 30, 2019, a minimum score of 16 will satisfy this requirement. This exception will apply to tests taken through April 30, 2019, after which point the exception no longer applies. For SAT tests taken prior to May 1, 2019, a minimum score of an 860 will satisfy this requirement.

NOTE: The test score must be achieved at a single test sitting administered by a certified tester on a National, International or official state assessment testing date to apply to this requirement. A test taken under any conditions other than those listed is considered by both testing agencies to be a residual test and cannot be used for certification purposes. The ACT/SAT must be taken prior to the beginning of the term in which the student initially participates.

**CASEBOOK EXAMPLE**  
**Untimed ACT/SAT Scores**

Approved Ruling: Students diagnosed with a learning disability may use untimed ACT/SAT test results to meet freshman eligibility standards. However, the test must be arranged, approved and conducted according to the procedure established by the ACT or SAT national office for the administration of such tests. Minimum score results needed to meet NAIA freshman eligibility standards still must be achieved.

**ACT/SAT Testing in the Fall Term**

Approved Ruling: A student may take the ACT/SAT during the current fall term and use the results to meet the entering freshman requirement, provided the test is taken on a national testing date, the minimum score is achieved, and the results are received from the national test center in the usual manner before the student represents your institution. The key factor is that the test must be taken prior to the beginning of the term in which the student initially participates. Students would be eligible for participation on the day following the close of the fall term. Residual tests are not accepted.

- b. An overall high school grade point average of 2.000 or higher on a 4.000 scale;

**EXCEPTION:** A prospective student attending an accredited U.S. high school, can satisfy NAIA entering freshman academic requirements prior to completing high school graduation requirements provided the student has registered with the NAIA Eligibility Center and satisfies one of the following sets of academic criteria:

1. A student may satisfy freshman academic requirements upon completing six semesters, or its equivalent, of secondary education by obtaining:
  - i) An ACT/SAT test score in accordance with the regulations found in Bylaws Article V, Section C, Item 2a; and
  - ii) An overall high school grade point average of 3.000 or higher on a 4.000 scale.
2. A student may satisfy freshman academic requirements upon completing seven semesters, or its equivalent, of secondary education by obtaining:
  - i) An ACT/SAT test score in accordance with the regulations found in Bylaws Article V, Section C, Item 2a; and
  - ii) An overall high school grade point average of 2.500 or higher on a 4.000 scale.

The early determination of eligibility by the NAIA Eligibility Center shall be the center's only determination. It shall be the responsibility of the certifying member institution to verify that an entering freshman has graduated from an accredited high school or been accepted as a regular student in good standing as defined by the enrolling institution and met all other NAIA, conference and institutional academic requirements prior to representing the institution in any manner against outside competition.

### **CASEBOOK EXAMPLE**

#### **High School GPA**

Approved Ruling: The GPA shall be determined from the student's high school transcript that includes all coursework taken through the term immediately prior to graduation (e.g. the eighth term of school in which eight terms are necessary for a student to graduate).

#### **High School GPA — Overall 2.000**

Approved Ruling: Should a high school use a four-point scale, the high school GPA shall be used. Should a high school use something other than a four-point scale (e.g. a 12-point scale which uses the + and -), all high school grades will be converted to the four-point scale to establish the GPA. Should the high school report grades as a numerical percentage, a student in the "C" range is considered to have met this regulation.

#### **High School GPA — Attending Multiple High Schools**

Approved Ruling: If a prospective student-athlete attended multiple high schools, the GPA listed on the student-athlete's final transcript is the GPA that will be used to determine initial eligibility.

#### **High School GPA — Prep School Attendance**

Approved Ruling: Should a student be identified with a preparatory school for one full academic year, the GPA at the preparatory school shall be combined with the overall high school GPA for application to the freshman rule.

- c. Rank in the upper half of the student's high school class, as it appears on the final high school transcript after the student's date of graduation. The class rank must appear on the student's transcript, leaving certificate or other academic document. If the student's class rank does not appear on the above-mentioned documents, the rank can be provided to the NAIA Eligibility Center via the NAIA High School Portal.

**EXCEPTION 1:** Completion of nine institutional credit hours prior to identification at any institution of higher education can be used if no class rank appears on the final official high school transcript. The credit hours must be completed with a grade of "C" or better. The coursework must be accepted as institutional credit on the certifying NAIA institution's official transcript. The coursework must also be shown as earned prior to the term in which the student wishes to compete, as indicated on an official transcript. For CLEP or AP credit not applied to the transcript within a term, official documentation issued by the testing service noting the date the exam was taken will suffice.

For purposes of this rule, the NAIA does not recognize a +/- attached to a letter grade. Consequently, a C+, C, and C- shall count as a C.

**Exception 2:** As an exception and in accordance with policies found in the Membership Guide to the NAIA Eligibility Center, a letter from the student's principal

or headmaster, assistant or vice principal, guidance counselor or registrar, written on the school's letterhead and with the school's official seal, stating that the student meets the class rank requirement can be accepted.

#### **CASEBOOK EXAMPLE**

##### **High School Class Rank**

Approved Ruling: The class ranking shall be determined from the student's high school transcript that includes all coursework taken through the term immediately prior to graduation (e.g. the eighth term of school in which eight terms are necessary for a student to graduate).

##### **High School Class Rank — Top 50%**

Approved Ruling: An incoming freshman student who graduates number 50 out of a high school graduating class of 100 shall meet the class rank requirement.

##### **High School Class Rank — Prep School Attendance**

Approved Ruling: Once students graduate from high school, their class ranking will not change. Attendance at a preparatory school will not affect this regulation.

- NOTE 1: GED and HiSet Students  
The GED or HiSet certification of achievement will be recognized as satisfying the grade point average equivalent. A GED or HiSet student must achieve a test score in accordance with the regulations found in Bylaws Article V, Section C, Item 2a to meet the freshman requirements.
- NOTE 2: Home-schooled Students  
Home-schooled students who complete a home schooling program conducted in accordance with the laws of the student's state of residence will meet entering freshmen requirements by satisfying any of the following three options:  
For tests taken beginning May 2019, achieve a minimum score of 20 on the ACT or 1040 (Evidence-Based Reading and Writing and Math) on the SAT.  
For ACT tests taken prior to March 2016, a minimum score of 20 is required. For ACT tests taken beginning March 2016 through April 2019, a minimum score of 18 will satisfy this requirement. For SAT tests taken prior to May 2019, a minimum score of 950 (Evidence-Based Reading and Writing and Math) is required.  
Completion of nine institutional credit hours prior to identification at any institution of higher education. The credit hours must be completed with a grade of "C" or better. The coursework must be accepted as institutional credit on the certifying NAIA institution's official transcript. The coursework must also be shown as earned prior to the term in which the student wishes to compete, as indicated on an official transcript.  
Receive a home school waiver from the NAIA Home School Committee. A student receiving a home school waiver will be recognized as meeting entering freshman requirements. The Council of Faculty Athletics Representatives shall establish policy governing the issuance of a home school waiver by the NAIA Home School Committee.

**NOTE 3: International Students**

An incoming freshman who graduated from a high school outside of the United States or one of the U.S. territories shall meet the same eligibility criteria required of a regular freshman student listed in Article V, Section C, Item 1 and Article V, Section C, Item 2. High school graduation and cumulative grade point averages shall be determined based on current published NAIA initial-eligibility academic guidelines for international students.

**CASEBOOK EXAMPLE****International Student – Multiple Graduation Dates**

**Approved Ruling:** When an international student graduates from a high school in the student's native country, and subsequently graduates from a high school in the United States, the date of graduation from the high school in the United States shall be used for eligibility purposes. Official records from the high school in the United States shall be used for compliance with NAIA initial freshman eligibility regulations.

3. The student must be identified and enrolled in a minimum of 12 institutional credit hours at the time of participation.

**EXCEPTION:** A student who will complete requirements for graduation for a baccalaureate degree within 10 semesters, 15 quarters, 12 trimesters or less may retain eligibility during the last term of attendance of the senior year by enrolling in fewer than 12 institutional credit hours. By signing the Official Eligibility Certificate, the registrar verifies that the student has completed all other academic requirements for graduation except for the currently enrolled credits.

A student invoking the above exception who completes all academic requirements for graduation and who subsequently enrolls in and seeks a second baccalaureate or equivalent degree at the same institution, who enrolls in and pursues a second major area of study at the same institution, who enrolls in a graduate or professional school, who is enrolled in a fifth-year, post-baccalaureate degree teacher education program or post-baccalaureate certification program is eligible to participate provided the student has athletic eligibility remaining and meets the criteria of the exception to Article V, Section D, Item 5.

The term in which the student invokes this exception shall be counted as a term of attendance. However, this term will not count in the calculation of the 24/36-Hour Rule. For a semester school to calculate the 24 credit hours, the institution should consider the two terms immediately preceding the term the student completes the requirements for graduation.

A student who invokes the above exception and does not graduate forfeits any remaining eligibility in all sports sponsored by the NAIA.

**CASEBOOK EXAMPLE****Maintaining Institutional Identification**

Approved Ruling: A student must maintain 12 institutional credit hours, with at least nine institutional credit hours at an NAIA institution in order to participate in intercollegiate athletics. Upon reducing the class load to fewer than 12 institutional credit hours, the student is no longer eligible.

**12-Hour Enrollment Rule — Graduate Hours**

Approved Ruling: Graduate credit hours may be included in the 12 institutional credit hours in which a student must be enrolled.

**12-Hour Enrollment Rule Exception — Last Term of Attendance**

Case: A student invokes the 12-Hour Enrollment Rule Exception during spring 2016 and graduates at the end of the academic term with a BA in Biology. The student has the opportunity to return fall 2016 and chooses to re-enroll in BA Chemistry. The student only needs nine hours in this degree program to graduate at the end of the academic term in fall 2016. Can the student invoke the 12-Hour Enrollment Rule Exception more than once if the student has less than 12 hours remaining in the second degree program?

Approved Ruling: No. A student can be enrolled in only one "last term of attendance" and therefore cannot invoke the exception more than once.

4. The student must maintain institutional identification during any term of participation. For exceptions see Article V, Section D, Items 3 and 4.
5.
  - a. An entering freshman who satisfies initial eligibility requirements in Bylaws Article V, Section C, Item 2 must have accumulated a minimum of nine institutional credit hours prior to identification for the second term of attendance.
 

Only those institutional credit hours earned after identification (at any institution) may be applied toward meeting the Nine-Hour Rule for a second-term freshman.
  - b. An entering freshman who satisfies one of the initial eligibility requirements found in Bylaws Article V, Section C, Item 2 can gain eligibility in a subsequent term if the student passed 12 institutional credit hours with a grade of "C" or better during the first term of attendance at the certifying NAIA institution.

For purposes of this rule, the NAIA does not recognize a +/- attached to a letter grade. Consequently, a C+, C, and C- shall count as a C.

**CASEBOOK EXAMPLE****Passing Grade – Mid Year Eligibility**

Approved Ruling: A grade of a "P" may be used in lieu of a C to gain mid-year eligibility if the official transcript or academic catalogue specifically states that a grade of a P equates to a grade of a C in the grading rubric.

**Nine-Hour Rule — Summer Attendance Prior to Initial Identification**

Approved Ruling: A student who enters college for the first time in the summer and then enrolls for the fall term, may not apply summer credit hours to meet the Nine-Hour Rule. Summer attendance does not identify a student with an institution. The hours earned in the summer cannot count toward the Nine-Hour Rule because they occur prior to the student's initial identification.



**CASEBOOK EXAMPLE****Nine-Hour Rule — Identification**

Case: A student graduates high school in May. She enrolls in 12 credit hours at an NAIA institution the subsequent fall. She passes all 12 hours, but only six meet the definition of institutional credit. The student has not taken any additional college coursework. Is the student eligible for the spring semester?

Approved Ruling: No. An entering freshman identifies in the fall by enrolling in 12 credit hours. She is considered a second-term freshman in the spring and must have accumulated at least nine institutional credit hours prior to the beginning of the student's second term of attendance.

**Nine-Hour Rule — Incomplete Grades**

Case: A first-term freshman passes eight hours and receives four hours of incomplete work. An extension is granted to complete the work because the student is otherwise passing the incomplete course. Does this student satisfy the Nine-Hour Rule required for second term freshmen?

Approved Ruling: No. The student has not passed the nine institutional credit hours required for all second-term freshmen and is therefore ineligible. Upon making up the incomplete and having the grade submitted to the registrar for posting on the transcript, the Nine-Hour Rule would then be satisfied. The athlete shall not compete until this incomplete is made up, the grade is submitted to the registrar and the student is properly certified as eligible. The same also applies to complying with the 24/36-Hour Rule.

6. After completion of the second semester term or third quarter term of attendance and from then on, a student must have accumulated a minimum of 24 institutional credit hours in the two immediately previous terms of attendance in a semester system or 36 institutional credit hours in the three immediately previous terms of attendance in a quarter system.

A student transferring from a quarter system to a semester system must have accumulated 24 institutional credit hours in the previous two terms of attendance after the first term of attendance at the new institution.

A student in a quarter system must have accumulated 24 institutional credit hours in the previous two quarter terms of attendance if completion of three quarter terms of attendance has not occurred. Upon completion of three quarter terms of attendance the student must have accumulated 36 institutional credit hours.

No more than 12 institutional credit hours earned during summers and/or during non-terms may be applied to meet the 24/36-Hour Rule. Such credit must be earned after one or both of the two immediately previous terms of attendance.

All credit hours used to meet this total of 24/36 institutional credit hours are to be taken at face value and are not to be converted, even if earned at different institutions using different credit-hour systems (e.g. quarter and semester).

**EXCEPTION 1:** See Article V, Section B, Item 8, Note 3.

**EXCEPTION 2:** A transfer student who has met the graduation requirements for an associate degree from a junior college will be exempt from meeting the 24/36-Hour Rule for the first term upon transferring to an NAIA institution provided:

- a. The transferring student passed all hours required for graduation in the term in which graduation occurs; and
- b. Less than 24/36 hours were required for graduation during the last two semesters/three quarters terms.

Students receiving this exception must pass at least 12 hours in their first term of attendance at the four-year school to retain eligibility for a second term. The last semester/trimester/quarter at the junior college shall count as a term of attendance.

Note: This rule applies to all student-athletes' certification beginning with the 2019-2020 academic year, regardless of when the student's graduation or terms of attendance occurred.

**EXCEPTION 3:** A student will be exempt from meeting 24/36-Hour Rule only during the first term in which the student initially competes in any sport at the intercollegiate level, provided the student has not previously participated in any intercollegiate sport at any institution, and meets one of the following:

- a. Meets freshman eligibility requirements (applies only to students in the first four semesters/six quarters, or the equivalent, of attendance); or
- b. Has an overall GPA of 2.000 on a 4.000 scale calculated on the basis of all transcripts from all institutions (applies to students in all terms following the fourth semester/sixth quarter, or the equivalent, of attendance).

### **CASEBOOK EXAMPLE**

#### **Summer Credit Excluded from 24/36-Hour Rule**

Case: A student passes four hours during the summer 2016 term, 12 hours during the following Fall 2016 term, and eight hours during the spring 2017 term. Does the student meet the requirements of the 24/36-Hour Rule going into Fall 2017 term?

Approved Ruling: No. In this case, the summer credit was earned prior to one of the two terms of attendance. For summer credit to be applied, it must be earned after one or both of the two terms being applied.

#### **24/36-Hour Rule — Transfer Credit**

Case: A student enrolls in a winter course outside of his NAIA institution in hopes of using the credit for eligibility purposes for the spring term. When the official transcript is released from this institution, the institution assigns the credit to the following spring term, not the winter term. The NAIA institution will allow for the credit to be transferred in under its winter term, in accordance with its transfer credit policies. Can the student use these credits for eligibility for the spring term?

Approved Ruling: No. Regardless of how the NAIA institution will treat the credit, if the credit is posted on the official transcript from the original institution as completed in the spring term, the credits cannot be used to determine eligibility for to the spring term.

#### **24/36-Hour Rule — Identified Student**

Case: A freshman at an NAIA institution is registered in 10 credits at their institution and two institutional credits at an outside institution during the fall academic term. The student earns an A in the outside course; however, the student's NAIA institution will not accept the credit as transfer credit on its institutional transcript. Can these credits be used to satisfy the 24/36-Hour Rule?

Approved Ruling: No. If the student is currently identified at an NAIA institution and the institution will not accept the transfer credits, these credits cannot be used towards the 24/36-Hour Rule.

**CASEBOOK EXAMPLE****24/36-Hour Rule — Non-NAIA Transfer Student**

Approved Ruling: When a non-NAIA student enrolls in fewer than 12 institutional credit hours due to completing all academic requirements for graduation for a baccalaureate degree and competes, that term shall be counted as a term of attendance. However, this term will not count in the calculation of the 24/36-Hour Rule. This term shall be excluded and the immediately previous two semester/ three quarter terms shall be used.

Official verification must be provided by the registrar confirming that the student was enrolled in the final remaining credits required to meet degree completion. Such verification must be provided to the eligibility center.

**24/36-Hour Rule — Converting Terms**

Case: A student completed 10 semester hours during the first term at a junior college and completed 12 quarter hours the next term at our institution. As a matter of institutional policy, we convert all hours to our terms, and thus the 10 semester hours would equal 15 quarter hours. Using this method, the 15 and 10 quarter hours would total more than 24 hours the two previous terms. Is this permissible in determining NAIA eligibility?

Approved Ruling: No. Credits earned at a school are not to be converted but taken at face value when applying the 24/36-Hour Rule. In this case, the athlete has completed only 22 hours of credit the last two terms and would not be eligible.

**24/36-Hour Rule — Transfer Quarter System**

Case: A student is enrolled at an institution which uses a quarter system. The student has completed 11 institutional credits in Fall 2015 term of attendance, 14 institutional credits Winter 2016 term of attendance and 11 institutional credits Spring 2016 term of attendance. Is the student eligible under the 24/36-Hour Rule?

Approved Ruling: Yes. Under the 24/36-Hour Rule, a student who completes 36 institutional credit hours during the last three quarter terms of attendance is eligible to compete, provided he meets all other eligibility requirements.

Case: The student now transfers from the quarter system to a semester system entering Fall 2016. The student passes 12 institutional credit hours in the Fall 2016 at her new institution. Will she meet the requirements of the 24/36-Hour Rule due to her passing 36 hours in her previous three terms of attendance and be eligible for the spring semester?

Approved Ruling: No. A student must accumulate 36 institutional credit hours in the previous three quarter terms of attendance. If a student does not complete three quarter terms, the rule of accumulating 24 institutional credit hours in the previous two terms of attendance takes precedent. In this instance, the student has accumulated only 23 hours in the previous two terms of attendance and is not eligible.

**24/36-Hour Rule vs. Progress Rule**

Case: What is the difference between the 24/36-Hour Rule and the Progress Rule for participation in a second season of competition? If a student has earned 24/36 hours in the last two semester/three quarter terms of attendance, isn't the Progress Rule met as well?

Approved Ruling: The 24/36-Hour Rule and the Progress Rule are two separate concepts and are to be applied independently.

The 24/36-Hour Rule states that a student must have accumulated a minimum of 24/36 institutional credit hours in the immediately previous two semester/three quarter terms of attendance. These hours are always taken at face value, even if a transfer is involved and the new institution does not accept all of the hours.

7. The student must be making normal progress toward a recognized baccalaureate degree and maintain the minimum grade point average as defined by the institution and the NAIA (when applicable).
8. Upon reaching junior academic standing as defined by the institution, a student must have a cumulative GPA of at least 2.000 on a 4.000 scale. The 2.000 cumulative GPA or higher must be certified each grading period in which the student wishes to compete after junior academic standing is reached.

#### **CASEBOOK EXAMPLE**

##### **Calculating Undergraduate and Graduate GPA**

Case: A student completes an undergraduate degree in December of 2015. The student continues to identify with the institution by enrolling in a master's program spring of 2016. The student will continue with the master's program for fall 2016. The institution's GPA will separate the undergraduate GPA and graduate GPA on their official transcript. How should the NAIA institution evaluate the student's GPA for Article V, Section C, Item 8?

Approved Ruling: The NAIA institution shall certify the student according to the policies of their respective institution. If the institution separates the GPA after one term in graduate school, the NAIA institution must take the official GPA as presented on the transcript.

9. a. To participate a second season in a sport, all students must have accumulated at least 24 semester/36 quarter (or equivalent) institutional credit hours. Transfer students shall use institutional credit hours as certified by the previous institution(s) to meet this requirement only for their first term of attendance at a member institution. Thereafter, only institutional credit recognized by the student's current institution and submitted to the registrar for posting on the transcript shall apply.

**EXCEPTION:** A freshman who initially becomes identified after the first term in the fall shall meet this requirement by having passed 12 semester or 20 quarter institutional credit hours. This exception shall apply to the second season of competition regulation only.

To participate the third season in a sport, all students must have accumulated at least 48 semester/72 quarter (or equivalent) institutional credit hours. Transfer students shall use institutional credit hours as certified by the previous institution(s) to meet this requirement only for their first term of attendance at a member institution. Thereafter, only institutional credit recognized by the student's current institution and submitted to the registrar for posting on the transcript shall apply.

To participate the fourth season in a sport, all students must have accumulated at least 72 semester/108 quarter (or equivalent) institutional credit hours, at least 48 semester/72 quarter hours of which must be in general education and/or in the student's major field of study.

**EXCEPTION:** An entering freshman who has been charged one or more seasons of competition for non-intercollegiate participation will be exempt from meeting the Progress Rule for one year (two semester/three quarter terms) at an NAIA institution. This exception applies only to a student's first season of competition at the NAIA institution, after which the student will be required to have earned the requisite hours needed to satisfy the Progress Rule.

Transfer students shall use institutional credit hours as certified by the previous institution(s) to meet this requirement only for their first term of attendance at a member institution. Thereafter, only institutional credit recognized by the student's current institution and submitted to the registrar for posting on the transcript shall apply.

- b. To participate in a second, third and/or fourth season in a sport, all students must have and maintain a total cumulative GPA of at least 2.000 on a 4.000 scale. The GPA for students with continuing identification at your institution shall be calculated according to the official institutional policy for all students. The GPA for entering transfer students shall be calculated by dividing all quality points achieved by the total number of hours attempted for all courses listed on all official transcripts from all institutions previously attended.

**EXCEPTION:** A student is exempt from this requirement during their second season of competition in a sport if the previous season of competition was charged for non-intercollegiate participation.

#### **CASEBOOK EXAMPLE**

##### **Freshman Exception for Progress Rule**

Case: A student identifies at an NAIA institution in the spring 2017 semester and competes in the sport of swimming. The student transfers to a quarter school for Fall 2017 and competes in swimming, using the Progress Rule exception. Can the student continue to use the exception for the Winter 2018 quarter?

Approved Ruling: Yes. The student will be able to use the exception as the student is still being certified for their second season of competition during the winter 2018 term. The exception is specific to the season of competition, not the academic term.

##### **Progress Rule — Transfer Credit taken at Face Value First Term Only**

Approved Ruling: A transfer student bringing in "D" credit may have the "D" credit hours applied to all academic requirements the first term the student is identified only. Thereafter only those credits that are accepted toward a degree or are required by your institution and placed on your institutional transcript may apply.

##### **Credit Hours Used for Eligibility**

Approved Ruling: All institutional credit hours used for eligibility, (e.g., 24/36-Hour Rule and Progress Rule) must show on the transcript as earned in the term prior to the semester the student is seeking eligibility and wishes to compete.

10. The student must be eligible according to the institution's standards for intercollegiate competition.
11. The student must be eligible according to affiliated conference standards when such standards are more stringent than NAIA rules and standards.
12. A repeat course is defined as a course previously passed with a grade of "D" or better in any term, summer or non-term, and subsequently retaken.

For the purposes of this rule, the NAIA does not recognize a +/- attached to a letter grade. Consequently, a B+, B, and B- shall count as a B, a C+, C, and C- shall count as a C and D+, D, and D- shall count as a D.

Repeat courses previously passed with a grade of "D" in the initial attempt and retaken, earning a grade of "C" or better, shall be considered toward satisfying the 24/36-Hour Rule.

Repeat courses previously passed with a grade of "D" in the initial attempt and retaken, earning a grade of "D", shall be excluded and cannot be considered towards satisfaction of the 24/36-Hour Rule. Only the initial attempt shall be considered toward satisfying the 24/36-Hour Rule.

A maximum of one repeat course per term previously passed with a grade of "D" (or the equivalent) may be counted toward satisfying the 12-Hour Enrollment Rule.

Repeat courses previously passed with a grade of "C" or better cannot be applied to meet either the 12-Hour Enrollment Rule or the 24/36-Hour Rule.

**EXCEPTION:** If at the time of certification, a student's declared major field of study at the NAIA institution requires the student to repeat a specific course to satisfy a degree completion or general education requirement, the repeat course(s) that was not passed with the requisite grade can be applied to meet the 12-Hour Enrollment Rule and the 24/36-Hour Rule.

A maximum of one repeat course per term previously passed with a grade of "C" or "D" (or the equivalent) may be counted toward satisfying the 12-Hour Enrollment Rule.

**NOTE:** This rule applies to all student-athletes' certification beginning with the 2019-2020 academic year, regardless of when the coursework was completed.

#### **CASEBOOK EXAMPLE**

##### **Repeat Course — Term of Attendance**

Approved Ruling: All repeat courses previously passed shall be applied to the definition of a term of attendance. The allowing of one course previously passed with a "D" grade to count toward satisfying the 12 institutional credit hour rule is an exception to the 12-Hour Enrollment Rule only.

##### **Re-taking a Failed Course**

Approved Ruling: A student may repeat a course that was previously failed and have it count toward the current 12-Hour Enrollment Rule and, if passed, toward the 24/36-Hour Rule. A failed course is not considered a repeat course.

13. For the fall term only, if athletic contests are scheduled before the opening date of classes, an enrolled student may compete prior to the first day of class, provided the student meets all other eligibility requirements.

For all other terms during the regular academic year, a student enrolled in the second (or subsequent) term may compete between terms (beginning on the day following the close of the concluding term), provided the student meets all eligibility requirements for the upcoming term.

14. A student who is eligible the last day of a term (as reported on the institution's official academic calendar) may retain eligibility until midnight of the 30<sup>th</sup> calendar day following the close of a term to allow an institution time to recertify eligibility through the official Eligibility Certification Process (as reported on the institution's official academic calendar) may retain eligibility until midnight of the 30<sup>th</sup> calendar day following the close of a term to allow an institution time to recertify eligibility through the official Eligibility Certification Process. This regulation does not apply to students who complete all requirements for graduation or complete 10 semesters of attendance (or equivalent). Further, students who are discovered to be ineligible by the institution through the official Eligibility Certification Process or by conference standards shall lose eligibility immediately upon such discovery.

15. A student enrolling in college after the date set by the institution for enrollment of regular full time students will not be eligible to compete in intercollegiate athletics until two full calendar weeks of residency have been completed.

**CASEBOOK EXAMPLE**

**Late Enrollment**

Approved Ruling: A student completing enrollment after the date established and published by an institution for enrollment of regular full-time students must be withheld from all participation until establishing two full calendar weeks of residency. Competition may begin the 14th day after attending class.

**V SECTION D RETENTION: REESTABLISHMENT OF ELIGIBILITY (ALSO SEE ARTICLE V, SECTION E, ITEM 2)**

1. A student may participate four seasons in one sport in 10 semesters, 12 trimesters or 15 quarters of attendance if otherwise eligible. The 10 semesters need not be consecutive. During the ninth or tenth semester, or equivalent, the student may participate in any sport in which the student has not already used four seasons of competition.
2. With reference to establishing or reestablishing eligibility in the same institution, a student is eligible for athletics participation on the day following the close of a term, provided the student meets all eligibility requirements for the upcoming term and is properly certified as eligible.

**CASEBOOK EXAMPLE**

**Recognition of Credits**

Approved Ruling: When the grades are submitted in the normal manner to the registrar and are posted on the transcript and the student is properly certified, a student is then recognized as having the credits apply in meeting NAIA regulations.

**Incomplete Grades**

Approved Ruling: If a student is ineligible due to having insufficient hours but can become eligible if an incomplete grade is made up satisfactorily, the student shall not compete until the incomplete is made up, the grade is submitted to the registrar as described above and the student is properly certified as eligible.

3. A student attending a college on the trimester system may participate in spring sports if the student was identified the previous term at that institution and completed 24/36 institutional credit hours or more since the beginning of the fall term of the current school year, and is otherwise eligible although not enrolled during the third trimester.

**CASEBOOK EXAMPLE**

**Eligibility for Postseason Play**

Case: An NAIA institution's softball team has made it to the postseason world series during the same time grades for the spring 2016 academic term were finalized at the institution. One of the softball players who was eligible and competed the entire spring 2016 term did not earn 24 hours between the fall 2015 and spring 2016 academic terms and will be ineligible for the fall 2016 academic term. Is this student ineligible for the softball postseason?

Approved Ruling: No. Per Article V, Section D, Item 4, a student who is eligible during the regular sport season shall retain eligibility for participation in NAIA postseason competition provided the student was in attendance the term immediately preceding the postseason competition.

4. A student who is eligible during the regular sport season for a particular sport and who is eligible at the end of the regular sport season shall retain eligibility in that particular sport for participation in NAIA postseason competition provided the student was in attendance the term immediately preceding the postseason competition.
5. A student who has completed all academic requirements for graduation from a four-year institution as defined by that institution shall no longer be eligible to compete in intercollegiate athletics.

**EXCEPTION 1:** A student who has completed all academic requirements for graduation and who is enrolled and seeking a second baccalaureate or equivalent degree at the same institution, or who is enrolled and pursuing a second major area of study at the same institution may participate in intercollegiate athletics provided the student has athletic eligibility remaining.

**EXCEPTION 2:** A student who has completed all academic requirements for graduation and who is enrolled in a graduate program, professional school or fifth-year, post-baccalaureate degree teacher education program or post-baccalaureate certification program may participate in intercollegiate athletics provided the student has athletic eligibility remaining and the following conditions are satisfied:

1. The graduate must be enrolled in a full-time class load as defined by the school in lieu of 12 institutional credits at the time of participation.
2. To maintain eligibility status, the student must successfully complete the full-time class load as defined by the institution.
3. The registrar must verify that the above conditions have been met prior to participation of the student.

6. A student who has been dismissed/expelled or suspended (or its equivalent) for any reason, including athletic department policy, from any institution of higher learning must establish residency of two semesters, two trimesters, or three quarter terms of attendance at a four-year institution or until the institutional dismissal or suspension period at the sanctioning institution has been terminated, whichever is shorter, before intercollegiate participation at an NAIA institution shall be permitted.

NOTE: This provision applies to all student-athletes beginning with the 2016-2017 academic year, regardless of when the suspension and/or residency occurred.

**EXCEPTION 1:** If the suspension (or its equivalent) occurred at a two-year institution within the student's first two semesters, three trimesters, or three quarter terms of attendance, the required residency (if necessary) may take place at any two-year or four-year institution.

**EXCEPTION 2:** A student who has been dismissed/ expelled or suspended (or its equivalent) for failure to meet institutional academic requirements, but still meeting NAIA eligibility requirements at the time of dismissal/suspension, shall not be subject to this restriction provided the student has not participated in intercollegiate athletics at any collegiate institution for one full calendar year after suspension from the original institution.

## V SECTION E TERMINATION OF ELIGIBILITY

1. A student terminates athletic eligibility at the end of a term upon completing 10 semesters, 12 trimesters or 15 quarters in which the student is identified (See Article V, Section B, Item 8 of the NAIA Bylaws).

**EXCEPTION 1:** A female student will be granted a two semester or three quarter one-time extension due to pregnancy. The request for the extension period of time will be processed as an exceptional ruling to a standard rule.



**EXCEPTION 2:** A student may be granted up to a two semester or three quarter one-time extension to the ten semester rule due to a debilitating illness (e.g. cancer, chemical dependency) and treatment, or a sufficiently intrusive psychological or mental illness. Appropriate medical documentation that establishes the student's inability to compete is required and must be provided by an individual who is qualified and licensed to diagnose and treat the particular illness (e.g., doctor of medicine, doctor of osteopathic medicine, psychologist, psychiatrist, clinical counselor, etc.). The request for the extended period of time will be processed as an exceptional ruling to a standard rule.

#### **CASEBOOK EXAMPLE**

##### **Counting Terms of Attendance** (Semesters/Quarters/Trimesters)

Approved Ruling: All terms (not hours) are converted to the type of term used by the institution currently being attended. The terms are converted as follows:

1 semester = 1 1/2 quarters = 1 1/5 trimesters

1 quarter = 2/3 semester

1 trimester = 5/6 semester

NOTE: This conversion refers only to terms of attendance. Credit hours earned at an institution are not converted but rather applied at face value.

##### **Fractions of Terms**

Approved Ruling: A student may play out a term if they have two-thirds of a term left.

However, if a student has less than one-half a term remaining at the beginning of a term, their eligibility terminated.

2. A student who loses eligibility at the end of a term because of graduation becomes ineligible at the end of the week (11:59 p.m., Saturday) in which the term ends.
 

**EXCEPTION:** Students who graduate at the close of the fall/winter term and who have qualified for NAIA national competition for the immediately following spring/summer through the conference event held in the fall/winter shall not be required to have been in attendance the immediately preceding term prior to postseason competition to be eligible. The student is subject, however, to any contrary ruling which may be made by the local institution or conference.
3. A student who loses eligibility at the end of a term other than because of graduation or completion of 10 semesters/15 quarter terms of attendance becomes ineligible no later than midnight of the 30th calendar day following the close of the term. If an institution checks eligibility prior to the 30-day deadline (Article V, Section J, Item 2) and determines that a student has become ineligible, the student becomes ineligible immediately.
4. No student shall be permitted to participate in intercollegiate athletics for more than four seasons in any sport.
5. Any student for whom any of the following conditions apply shall have no eligibility remaining in that sport within the NAIA:
  - a) Completed eligibility;
  - b) Been permanently banned in a given sport(s) at any four-year institution, either NAIA-affiliated or other; or
  - c) Been permanently banned in a given sport(s) by any athletic association (two-year or four-year).

A student for whom any of these conditions apply cannot regain eligibility in that sport at an NAIA institution.

**EXCEPTION:** For eligibility purposes the NAIA does not recognize the NCAA “five-year rule” or age-limitation regulations.

## V SECTION F TRANSFER REQUIREMENTS: GENERAL

1. A student previously identified with an institution of higher learning (two- or four-year), who then transfers to a member college or university must complete the Official NAIA Transfer Player Eligibility Statement, and the institution must submit this statement to the eligibility chair prior to the student participating.
2. A student becomes identified with an institution upon representing an institution in an intercollegiate contest or enrolling in 12 or more institutional credit hours as reported by the institution’s registrar on an official transcript based on the institution’s official census date (summer session not included). Anyone transferring after identification becomes a transfer student.
3. If a student identified with an institution officially withdraws from that institution within 21 calendar days following the start of term and returns and becomes identified with the same institution (without becoming identified at another institution), the student shall not be charged with a term of attendance for the term in which the student withdrew.
4. If a student becomes identified at an institution and officially totally withdraws from that institution within 21 calendar days and subsequently becomes identified at an NAIA institution after remaining out of school for at least two full consecutive semesters, two full consecutive trimesters or three full consecutive quarters following the term of withdrawal, the term shall not be counted in application of the Nine-Hour Rule or 24/36-Hour Rule. The term shall be charged as a term of attendance with respect to the 10 semester, 12 trimester or 15 quarter limit. However, the transfer rule shall apply and the term shall be counted in application of the Nine-Hour Rule or the 24/36-Hour Rule if the athlete participated during the 21 days.
5. If a student identified with an institution officially withdraws from that institution then transfers and becomes identified with another institution, the student shall be charged with a term of attendance (and zero hours credit) if they meet the definition of identification as determined by the official transcript after the institution’s official census date.
6. A transfer student who was suspended or was declared otherwise ineligible due to misconduct while representing an institution in competition, in accordance with Article VI, Section B, Item 7, must serve the period of suspension at the institution to which the student transfers before intercollegiate participation shall be permitted.

### **CASEBOOK EXAMPLE**

#### **Suspension within Previous Athletic Department**

**Case:** A student was admitted in good standing and has enrolled at our institution. The student was placed on suspension by the previous institution’s athletic department. Does the previous suspension for violating athletic department policies affect eligibility at our institution?

**Approved Ruling:** Yes. The student must establish two full semesters (or the equivalent) at your institution or until the institutional suspension period at the suspending institution has been terminated, whichever is shorter. This residency of two semesters is still required if the student was allowed to attend the previous institution after the athletic department policy suspension. However, violation of team/coach’s rules is not considered the same as violating institutional athletic department policies.

7. Attendance during a summer session or in a non-term (enrolled in fewer than 12 credit hours) does not count toward satisfying the 16-week residence requirement.
8. A student transferring to an institution using the trimester system may meet the residency requirements by enrolling in any regular trimester and establishing 16 calendar weeks (112 calendar days) of residence.
9. A student charged with a season of competition in one sport by different institutions in the same academic year shall be charged with two seasons of competition. A student could amass two seasons of competition within one academic year.

**EXCEPTION:** A student competing at a junior college who meets the requirements for graduation from that junior college and transfers to a member institution during the same sport season and is otherwise eligible to compete at the member institution in the same sport shall be charged with only one season of competition.

## V SECTION G TRANSFER: PREVIOUS IDENTIFICATION AT A FOUR-YEAR INSTITUTION

1. A student who has participated in an intercollegiate contest at the immediately previous four-year institution and then transfers to an NAIA member institution shall be required to be in residence for a period of 16 calendar weeks before being eligible for the sport(s) previously participated in at the four-year institution.

A student shall have the 16 calendar weeks residency requirement waived for participation in that same sport provided the student has a cumulative minimum overall GPA of 2.000 (on a 4.000 scale) from all previously attended institutions of higher learning and receives a written release from the athletics director, assistant or associate athletics director, or compliance officer at the immediately previous four-year institution.

**EXCEPTION 1:** If a student's NAIA school requests a written release from the student's previous four-year institution and the previous institution does not respond to the request within 30 days, the written release will be deemed automatically approved, provided the NAIA institution can produce the prescribed written documentation showing a transfer release was requested. To satisfy this requirement, the NAIA institution's request must be made via email and directed to the previous four-year institution's athletics director, associate athletics director and/or compliance officer, including as many of these individuals as possible.

**EXCEPTION 2:** A student who has completed all academic requirements for graduation and who has transferred to an NAIA institution and enrolled in a graduate program, professional school or fifth-year, post baccalaureate degree teacher education program will not be subject to the residency requirement. A graduate transfer student can compete immediately at the new institution, and there is not a release or minimum GPA required, pursuant to any applicable conference rules.

A student who has not participated in an intercollegiate contest at the immediately previous four-year institution is not subject to the residency period in that sport.

The term "16 weeks" refers to 16 consecutive calendar weeks (112 calendar days), including vacations and inter-terms (except summer terms). The 16 weeks does not refer to school weeks.

Approved  
Rulings for  
Transfer  
Residency

**CASEBOOK EXAMPLE****16-Week Residency Period – Practice**

Case: Can a student-athlete, who must fulfill the 16-week residency period, practice with the team during the 16-week residency period?

Approved Ruling: As long as the student is enrolled at the institution during the residency period, the student can practice with the team.

2. This period shall be counted from the opening date of classes as stated in the official college catalog or from the date on which the student enrolls, whichever is later. No part of the 16 weeks shall fall between the end of the term immediately preceding the regular summer term and/or summer vacations and the beginning of the fall term.
3. The residency requirement shall be satisfied at the beginning of the day following the end of the 16 calendar weeks (at the beginning of the 113th calendar day) from the first day of class. Should the 16-week period be satisfied after the institution's regular season has been completed, the student has established eligibility for the following season in that sport but is not eligible for postseason athletic competition in that sport which is held during an extended period of the term just completed.

**V SECTION H TRANSFER: PREVIOUS IDENTIFICATION AT A JUNIOR COLLEGE**

A student whose immediately previous identification and participation was with a two-year institution and who transfers to an NAIA member institution shall not be required to meet the 16-week residency requirement. The student shall fulfill all academic requirements of the NAIA and is entitled to only four seasons of competition in a given sport at the intercollegiate level.

**V SECTION I MILITARY SERVICE ELIGIBILITY EXCEPTION**

1. A student whose college attendance has been interrupted or delayed by one year or more of continuous active military duty in the armed forces of any nation shall be eligible for athletic participation immediately upon enrolling in a minimum of 12 institutional credit hours and becoming identified.

The student may retain eligibility in the succeeding term by:

- a. Having earned a minimum of 24/36 institutional credit hours the two immediately previous terms of attendance; or
  - b. Satisfying the requirements for a second-term student by having completed nine institutional credit hours the immediately previous term of attendance.
2. The duration of the application of the Military Service Eligibility Exception shall be limited to the first two full semesters or three quarters following release from active duty. Thereafter, the student is not entitled to any provisions of the Military Service Eligibility Exception rule, and all regulations shall apply.
  3. **Military Service Seasons of Competition Exception**  
An individual serving full-time in the armed forces of any nation shall not be charged with a season of competition for competing in outside competition while representing the military (base team or intra-military) during the period of full-time service.

**V SECTION J SUBMISSION OF NAIA OFFICIAL ELIGIBILITY CERTIFICATES**

1. It shall be the responsibility of the faculty athletics representative of each member institution to check the eligibility of each student prior to allowing the student to represent the institution in

any manner (i.e. scrimmages, intercollegiate contests) against competitors not directly identified with the institution in any sport recognized by the NAIA.

An NAIA Official Eligibility certificate signed by the registrar, athletics director, coach and faculty athletics representative of the institution is to be submitted to the appropriate eligibility chair prior to participation. Reports become delinquent on the date following the first contest.

#### **CASEBOOK EXAMPLE**

##### **30 Day Extension of Eligibility**

Approved Ruling: After the end of a term, an institution has 30 calendar days or until the first contest after the end of the term (whichever is later) to re-check the eligibility of all students who were certified as eligible for the term just ending. This applies only to students being re-certified between the terms during the academic year. Students establishing eligibility for the second term must be certified prior to participation.

During this 30-day period, all students who were eligible during the term just ending may continue to represent their institution in intercollegiate athletics. Should a student continue to represent an institution after this 30-day period and not be re-certified, it shall be considered a violation of Article V, Section J, Item 1. Further, students declared ineligible by the institution or conference shall lose eligibility immediately upon such declaration.

NOTE: The Certificate of Clearance is required for completion of eligibility certification, but it is not required to be submitted to the eligibility chair. The faculty athletics representative must retain a signed copy of the Certificate of Clearance, and produce the certification upon request.

2. Institutions which sponsor sports that carry over from one term to another (basketball, swimming and diving, wrestling, etc.) must certify that students participating in these sports are eligible for all terms in which the competition takes place.

#### **CASEBOOK EXAMPLE**

##### **Submitting Eligibility Certificates**

Approved Ruling: The NAIA Official Eligibility Certificate, the Certificate of Clearance, and if applicable, the Transfer Player Eligibility Statement, and Competitive Experience Outside Intercollegiate Athletics Form must be sent to the eligibility chair before competition is allowed. Students competing prior to submitting the proper forms are participating ineligibly. Penalties for delinquent filing can be severe.

##### **Certification of Student-Athletes**

Approved Ruling: Eligibility certification is required for all students before representing their institution in any manner (scrimmage, exhibition, freshmen, junior varsity or varsity) against competitors not directly identified with the institution in any sport recognized by the NAIA. The institution must submit eligibility certification to the eligibility chair prior to participation.

## **V SECTION K PROCESSING OF ELIGIBILITY CASES**

1. Eligibility cases are defined as cases where an actual or possible violation of an NAIA rule or regulation has taken place.
2. Should the eligibility chair after reviewing all information determine that a violation has not occurred, the case will be closed at that time.
3. Eligibility cases which are initiated by an institution must be submitted by the faculty athletics representative and the athletics director at that institution to the eligibility chair.

When apparent violations come to the attention of the eligibility chair, the eligibility chair shall notify in writing the faculty athletics representative, the athletics director and the chief executive officer of the institution before processing the case.

4. The eligibility chair shall inform the conference/ Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) commissioner (when appropriate) and the national eligibility staff liaison of each new eligibility case being investigated upon receipt of the case.
5. Upon receipt of an actual or apparent violation, the eligibility chair shall obtain the following information and send it to the eligibility committee members, the national eligibility staff liaison, and the chief executive officer of the institution being investigated:
  - a. All pertinent data on the case (e.g. type of violation, date, place, etc.);
  - b. An up to date transcript of the student(s) involved;
  - c. A written statement signed by the institution's athletics director and faculty athletics representative concerning the case and corrective steps to be taken by the institution; and
  - d. Statement from the student(s) involved, if possible.
6. A recommendation from the eligibility committee as to the disposition of the case shall be submitted by the eligibility chair on behalf of the conference/ Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) to the chief executive officer of the institution being investigated and the national eligibility staff liaison for dispersal to the National Eligibility Committee.
7. The chief executive officer, after reviewing the case and the eligibility committee recommendation or conference action, may within seven days of receipt send a response to the national eligibility staff liaison which will be included in the material sent to the NAIA National Eligibility Committee.
8. In eligibility cases involving the participation of an ineligible student, Article VI, Section B, Item 2 in the NAIA Bylaws is to be applied by the institution.
9. Institutions are encouraged to contact their eligibility chair for clarification of an existing regulation. The eligibility chair may give interpretations of existing regulations but may not give a ruling on a specific individual.
 

When the eligibility chair deems it desirable, the request may be forwarded to the National Office for clarification by the NAIA National Eligibility Committee.
10. The conference/CAC commissioner shall inform in writing the institution's athletics director and chief executive officer when an institution receives a warning, reprimand or suspension related to misconduct in competition.
11. Conferences may not make final determinations relative to cases where a violation has occurred. All eligibility cases must be processed through the NAIA National Eligibility Committee or the NAIA National Conduct and Ethics Committee for appropriate action.
12. Conference action taken by an affiliated conference whose requirements are more stringent than those of the NAIA will be supported by the NAIA. Should a conference member be found to be in violation of an Association rule, the case will be processed to include a recommendation from the conference.

In cases where NAIA members belong to a non-affiliated conference, the NAIA National Eligibility Committee shall rule whether such conference action against a member institution shall be respected and supported.

**CASEBOOK EXAMPLE****Request for an Eligibility Ruling**

Case: A student wants to participate this weekend, but the faculty athletics representative has concerns about the student's eligibility status. Due to the lack of time, can the eligibility chair, a member of the National Eligibility Committee, or the National Office be called for a telephone ruling?

Approved Ruling: No. Neither the eligibility chair nor the National Office can rule on an eligibility case. The National Eligibility Committee is the only body designated within the Association that may rule on eligibility cases. Such rulings will be made only after receipt and review of all information pertaining to the case.

The faculty athletics representative of each member institution is charged with certifying that a student has complied with all regulations. The faculty athletics representative relies heavily upon the information from the registrar and, to some extent, the athletics director and coach, but the final decision rests with the faculty athletics representative.

The request for clarification of a specific rule may be requested by phone from the eligibility chair, but the clarification shall apply only to the specific rule. The final determination with regard to eligibility status of an individual again rests with the institutional faculty athletics representative.

**V SECTION L PROCESSING REQUESTS FOR AN EXCEPTIONAL RULING TO A STANDARD RULE**

In exceptional cases, where extenuating circumstances exist, an institution may request an exceptional ruling to a standard rule. Such a request may be made before or after participation of the student(s) involved. If applicable, such student(s) shall be withheld from further competition until the case is closed.

Exceptional cases are to be processed as follows:

1. The request for an exceptional ruling must be submitted to the eligibility chair by the faculty athletics representative and the athletics director of the institution requesting the ruling. The request must include all pertinent information concerning the request. Transcripts, the standard rule in question, and the reasons why an exceptional ruling should be granted must be included.
2. The eligibility chair shall see that the request for an exceptional ruling is forwarded to the National Office along with the eligibility committee's recommendation. The conference/Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) commissioner shall also receive a copy of the request and the eligibility committee's recommendation.
3. The institution requesting the exceptional ruling shall secure a recommendation from the conference/CAC (when applicable). The conference/CAC recommendation shall be sent to the National Office.
4. The institutional request and all documentation shall be sent to the National Eligibility Committee, through the national eligibility staff liaison, for a ruling. The ruling shall apply only to the specific case and will not establish a precedent.

## ARTICLE VI    INFRACTIONS AND PENALTIES

### VI SECTION A    ENFORCEMENT

The Council of Presidents has the power to enforce provisions of the Constitution and Bylaws and all other policies.

The Council of Presidents has authorized the National Eligibility Committee to act on behalf of the Association in processing all eligibility cases and, when appropriate, to apply appropriate penalties of Article VI, Section C of the NAIA Bylaws which are not reserved exclusively to the Council of Presidents. The National Conduct and Ethics Committee shall also be empowered to process all conduct and/or ethics cases and apply appropriate penalties of Article VI, Section C of the NAIA Bylaws which are not reserved exclusively to the Council of Presidents.

#### **CASEBOOK EXAMPLE**

##### **Withholding an Athlete from Participation**

Approved Ruling: If there is reasonable doubt as to a student's eligibility, the National Eligibility Committee may direct an institution to withhold a student from competition pending a final ruling.

The Council of Presidents is empowered by the membership as the only body which may expel member institutions or deny specific sports sponsorship for member institutions. Such action shall not be taken lightly and will be considered only after a full review by an appropriate committee has been conducted and a recommendation for such action has been submitted to the Council for action.

### VI SECTION B    INFRACTIONS

#### 1. Institutional Violation(s): An Administrative Error Not Requiring Forfeits

An administrative error is defined as an eligibility case where one or more students who were otherwise academically eligible were left off the official eligibility certificate, or where the filing of the official eligibility certificate was completed correctly but was filed after the date of first competition and within five days of the first contest. In such cases the following shall apply:

- a. Forfeitures shall not be required for contests in which improperly certified students who were otherwise eligible competed;
- b. Such institutions also shall receive an official warning for the first offense; and
- c. Repeated violations of certification procedures shall lead to an official reprimand and/or probation and/or suspension of the sport or of all sports sponsored in the affected program (men's and/or women's).

#### 2. Institutional Violation(s): Use of Ineligible Athletes or Other Violations of NAIA Bylaws Regulations Which Require Institutional Forfeits

Forfeits are required in cases where the National Eligibility Committee or the affected institution has determined that a competing student was academically ineligible, an eligibility certificate was submitted over 5 days late, or other NAIA Bylaws regulations have been violated, other than administrative error(s) defined above.

#### 3. Reporting Violations: An Institutional Responsibility

Should any chief executive officer, faculty athletics representative, athletics director and/or coach become aware of an apparent institutional violation involving an athlete or institutional representative of any member institution, it shall be the responsibility of the individual to notify their athletics director and faculty athletics representative of that violation immediately. The



athletics director or faculty athletics representative, upon being notified, shall contact in writing the athletics director and faculty athletics representative at the institution in question and send copies of the notification to the National Office and the eligibility chair. This notification shall take place within five days of receiving the information. Failure to abide by any part of this regulation shall be viewed as unethical conduct and shall cause an investigation by the National Conduct and Ethics Committee for appropriate action against the institution for withholding information.

#### **CASEBOOK EXAMPLE**

##### **Protest Stipulation**

Approved Ruling: An NAIA institution may lodge a protest questioning the eligibility of a specific student. Such protest must be documented and must be submitted in accordance with the NAIA Bylaws.

However, if the protest is submitted fewer than 15 days prior to the beginning date of an NAIA event or championship, and if the student in question has been duly certified by the institution as eligible for competition in that event or championships, it shall not receive consideration until after the NAIA national event is completed. Should the protest be upheld, penalties shall include forfeiture of any individual or team honors won. Institutions considering the filing of such a protest are cautioned to ensure that a basis for protest does, indeed, exist and can be documented.

#### 4. Declaration of Intent to Participate in NAIA Postseason Competition

Should an institution declare its intent to participate in baseball, basketball, competitive cheer, competitive dance, cross country, football, golf, lacrosse, soccer, swimming and diving, tennis, indoor track and field, outdoor track and field, volleyball and/or wrestling then decline an invitation to participate or change its declaration after the filing deadline, it shall be suspended in the affected sport for the next academic year in which the institution sponsors the sport on an intercollegiate level in the NAIA. Institutions suspended due to a failure to meet Declaration of Intent to Participate requirements shall not be permitted to participate in NAIA national championship competition. The suspended institution may, at the conference's discretion, be permitted to participate in conference postseason competition and/or receive conference awards. Upon written request by the affected institution within 30 days of notification of suspension, the National Administrative Council may revoke the suspension and apply alternative penalties as deemed appropriate.

For more information on the declaration of intent as it pertains to invitational sports, see the National Administrative Council policy article XXVII, section B, item 2c.

#### 5. Delinquent Filing of the Declaration of Intent to Participate Certificate

Institutions which fail to file the official Declaration of Intent to Participate certificate in baseball, basketball, competitive cheer and dance, cross country, football, golf, lacrosse, soccer, swimming and diving, tennis, indoor track and field, outdoor track and field, volleyball and wrestling with the National Office by June 1 shall:

- a. Be declared ineligible to participate in NAIA postseason competition in those sports in which they are delinquent;
- b. Cause statistical service of NAIA to be denied in the sport(s) found delinquent; and
- c. Cause their students and coaches within the delinquent sport(s) to be ineligible for NAIA awards in the delinquent sport(s) for that season.

## 6. Violations of Requirements for Affiliated Conferences

Should an affiliated conference fail to meet established requirements, the Council of Presidents may apply sanctions including, but not limited to, the following:

- a. Place the conference on official warning for a specified time. A warning is notification that a violation has occurred and notification that future violations will lead to stronger penalties.
- b. Place the conference on official reprimand for a specified time. A reprimand is notification that a violation has occurred, which requires a written response of corrective measures to be taken by the institution.
- c. Place the conference on probation for a specified time. Probation is notification that a serious violation has occurred, which requires a written response of corrective measures to be taken by the conference. Any future violation while on probation may lead to suspension of the conference. Probation shall be listed on the NAIA website.
- d. Place the conference on suspension for a specified time. Suspension of a conference shall cause the institutions which are members of the conference to forfeit all automatic bids (either conference bids or unaffiliated groupings) to NAIA national championships competition. Teams from suspended conferences may be selected for NAIA national championship events through the at-large process.

## 7. Conduct in Competition

It is the responsibility of the offending institution to provide written notification to its commissioner of any incidents of misconduct during a contest, including ejections from a contest, within five days of the incident.

Any coach or student-athlete ejected on one or more occasions while representing an NAIA member institution in competition shall be subject automatically to the following penalties:

- a. Suspension for the next contest after the coach or student-athlete is ejected for the first time (in one sport) in a single season. A coach or student-athlete ejected for fighting, as reported by the game official, shall be automatically suspended for one additional contest.
- b. Suspension for the next two contests if a coach or student-athlete accumulates two ejections (in one sport) in a single season. This includes postseason play and may carry over to the following year depending on when the ejection occurs. A coach or student-athlete ejected for fighting, as reported by the game official, shall be automatically suspended for one additional contest.
- c. Ineligibility for the remainder of all regular season and postseason participation if a coach or student-athlete accumulates three ejections (in one sport) in a single season. Should the third ejection occur in either of the last two contests of the year, the coach or returning student-athlete will be suspended for the first two contests of the following year.

**NOTE 1:** Any coach or student-athlete ejected from a junior varsity or varsity contest shall be suspended for the next contest at the same level or higher as the contest from which the student or coach was ejected. Contests that are defined as scrimmages and exhibitions shall not satisfy the suspension penalty.

Any coach who changes employment from one NAIA institution to another NAIA institution while subject to a pending suspension due to misconduct during a contest must serve the term of the suspension at the new institution.

A transfer student who was suspended or declared otherwise ineligible due to misconduct while representing an institution in competition must serve the period of suspension at the institution to which the student transfers before intercollegiate participation shall be permitted.

Ejections are not subject to appeal. Suspensions resulting from this bylaw caused by an ejection which are greater than the sport-specific rule may be appealed to the National Conduct and Ethics Committee with initial notification to, and recommendation from the conference/ Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions). The National Conduct and Ethics Committee may uphold, reduce or remove the suspension based on review of game video or other available information. Suspensions resulting from the bylaw equal to or less than the sport-specific rule may not be appealed.

NOTE 2: An institution or affiliated conference shall retain the right to apply more stringent penalties than the NAIA rules and standards. If sport specific rules are more stringent than NAIA rules, the institution must also conform to the sport specific rules.

#### 8. Character-Driven Coaching Online Training

It is the responsibility of each institution to ensure every coach completes the Character-Driven Coaching online training within the first 60 days from the effective date of employment, in accordance with Bylaws Article I, Section E. An institution has an obligation to self-report the failure of any coach who does not complete the training accordingly. The National Conduct and Ethics Committee shall review any such report, and the institution and coach shall be subject automatically to the following penalties:

- a. The coach is prohibited from participating in any scrimmage, exhibition, or contest until the course has been successfully completed and verification is provided to the National Office.
- b. Following successful completion of the course and verification provided to the National Office, the institution must withhold the coach from the next regularly scheduled contest.
- c. The institution must conduct a review of its internal processes for ensuring timely completion of the training for all coaches, and report its findings to the National Office.
- d. The coach must successfully complete the course within 30 days of the official closing letter from the National Conduct and Ethics Committee.

Failure to comply with these requirements or repeated violations shall lead to further sanctions, which may include but are not limited to an official reprimand, probation and/or suspension of individual coaches and/or the institution's athletics department.

#### 9. Use of an Ineligible Student in Intercollegiate Competition

Any member institution which permits the use of a student who is ineligible according to NAIA rules and standards in either program in which it holds membership shall thereby automatically:

- a. Forfeit all contests in which the ineligible student participated or the institutional violation occurred. Letters of notification and forfeiture of contests won shall be sent to the athletics director of the offended institution with copies of the letter to the appropriate eligibility chair and the National Office;
- b. Charge the ineligible student with a season of competition for participating pursuant to Article V, Section B, Item 19;
- c. Cause a review of the case by the appropriate committees of this Association. The ineligible student may be assessed additional penalties up to being declared ineligible for further intercollegiate competition for withholding information or supplying false or incomplete information;
- d. Supply to the eligibility chair and, if applicable, the conference/CAC commissioner a complete statement concerning the ineligible participation, including a listing of the ineligible student's college work (transcript preferred), a statement of institutional action to

correct the situation which led to the violation, and a statement from the student(s) if possible;

- e. Be suspended from participation in all postseason events sponsored by the NAIA only in the sport in which the ineligible student participated, until all required information is submitted; and

NOTE: The sport in which the violation occurred shall remain suspended from participating in NAIA events until the case is finalized by the appropriate committee of the Association, which will notify the institution involved.

- f. Have the case reviewed by the appropriate committees of this Association. The institution may be subject to additional penalties.

NOTE: Forfeits shall not be required nor will an institution be subject to any penalties if a student who has been properly certified as eligible represents an institution in competition but is subsequently determined to have been ineligible due to any of the following:

- a. A mistake by the NAIA Eligibility Center;
- b. False information was supplied by the student; or
- c. False information was supplied on the student's behalf.

Forfeits shall be required and the institution may be subject to additional penalties if the institution knew of the eligibility center's mistake or the dissemination of false information, or if the institution failed to perform due diligence on the student's eligibility certification.

#### **CASEBOOK EXAMPLE**

##### **Ineligible Participation – Institution**

Approved Ruling: The institution shall automatically be suspended from competing in all NAIA postseason competition in the program affected until clearance is given by the National Eligibility Committee and shall forfeit all contests in which the ineligible student was used.

##### **Ineligible Participation – Student**

Approved Ruling: The ineligible student shall be charged with a term of attendance and a season of competition in that sport by the institution as standard procedure. In addition, the National Eligibility Committee may require the institution to charge the student with additional seasons of participation as a penalty.

##### **Ineligible Participation – Student Reestablishes Eligibility**

Approved Ruling: If a student participates, is subsequently ruled ineligible in a given sport, and then reestablishes eligibility during the same season, the student may be charged with a second season of competition in that sport if the student again competes during the same season in which the student initially was ruled ineligible.

#### 10. Violations Reviewed by the National Conduct and Ethics Committee

The chief executive officer of an institution reported to be in violation shall be notified of the allegation prior to a formal investigation. The National Conduct and Ethics Committee shall collect and consider all information regarding the issue, and, in cases where violations are found to have occurred, take action as authorized in Article VI, Section C of the NAIA Bylaws.

The Council of Presidents is empowered by the membership to suspend or expel member institutions whose athletics conduct or behavior has clearly violated the Code of Ethics or recruitment policy.

Should a possible violation of the NAIA Coaches Code and/or Code of Ethics occur involving one or more institutions participating in a national championship during the course of competition at the site of the national championship, the national championship Tournament Committee shall be authorized to review the case and, if a violation is found to have occurred, may place an institutional team, participant(s), and/or staff members on suspension for one or more contests. Such sanctions shall be limited to the duration of the applicable national championship. All pertinent information and decisions by the tournament committee shall be forwarded to the Conduct and Ethics Committee for further review.

#### 11. Student-Athlete's Failure to Report Name, Image, Likeness Compensation

A student-athlete receiving compensation for the use of his or her name, image or likeness to promote a commercial product or enterprise, or public or media appearance must report it in writing to his or her athletics director when such promotion includes reference to his or her status as a student-athlete or institution. Failure to do so shall result in an institutional self-report, to be reviewed by the National Coordinating Committee. The committee is empowered to review such violations and apply penalties as necessary, including but not limited to a warning or reprimand to the student-athlete, withholding the student from future competitions, and/or determining the student has lost his or her amateur status.

### VI SECTION C PENALTIES

The NAIA National Eligibility Committee, and/or National Conduct and Ethics Committee, and/or National Drug Testing and Education Committee, after reviewing the violation(s), shall apply one or more of the following courses of action.

1. Place any or all of the institution's athletics program on official warning for a specified time. A warning is an institutional notification that a violation has occurred and notification that future violations will lead to stronger penalties.
2. Place any or all of the institution's athletics program on official reprimand for a specified time. A reprimand is an institutional notification that a violation has occurred which requires a written response of corrective measures to be taken by the institution.

After ten days has expired without a proper written response, a reminder shall be sent from the national office. This reminder shall constitute notice to the institution that if a second 10-day period expires without a response, the school shall be suspended from postseason until it is filed. Continued failure to file or repeated failure to respond on time may result in additional penalties.

3. Place any or all of the institution's athletics program or staff on probation for a specified time. Probation is an institutional notification that a violation has occurred which requires a written response of corrective measures to be taken by the institution. Any future violation while on probation is likely to lead to suspension of any or all athletics programs. Probation shall be listed on the NAIA website.

After ten days has expired without a proper written response, a reminder shall be sent from the national office. This reminder shall constitute notice to the institution that if a second 10-day period expires without a response, the school shall be suspended from postseason until it is filed. Continued failure to file or repeated failure to respond on time may result in additional penalties.

4. Require the institution to withhold the student in question from competing in one or more contests during the current or next sport season and/or charge the student with one or more additional seasons of competition and/or ban the student from further intercollegiate competition. Banning of a student may result from improper conduct, withholding information or supplying false information about previous seasons of competition or attendance at institutions of higher learning.
5. Require the institution to relieve athletic staff of NAIA-designated responsibilities for a set period of time and/or ban the staff member(s) from further involvement in the institution's NAIA-sponsored athletic programs. During this time the staff member(s) is prohibited from engaging in all NAIA-sponsored activities involved with any NAIA member's athletics program. Banning of athletic staff may result from improper conduct, violating the NAIA Coaches Code or supplying false information regarding eligibility or financial aid. All decisions in which an NAIA member institution's athletic staff representative is banned will be reviewed by the NAIA Council of Presidents prior to notification of the staff member and the NAIA member institution and is subject to review and modification at the discretion of the Council of Presidents at any time.
6. Place any or all of the institution's athletics program or staff on suspension for a specified time. Suspension shall deny the institution's participants and/or staff member(s) in the affected sport(s) the opportunity to participate in any postseason competition. The specific sport(s) and their participants shall also be excluded from the national awards program, and all statistical services during the period of suspension. Institutional suspensions shall be listed on the NAIA website during the suspension period.

An institution that properly declares its intent to participate in postseason play, and is later suspended under the provisions of this regulation, shall count toward an approved qualifying group's membership total for determining whether the qualifying group earns a single automatic qualification to the NAIA national competition. The institution shall also count toward any sport-specific minimum participant requirements for the applicable NAIA qualifying tournament. The suspended institution shall not count toward the approved qualifying group's membership total that enables the qualifying group to earn multiple automatic qualifications to NAIA national competition.

7. Deny voting privileges during the suspension to institutions which have their total athletics program on suspension. Such institutions are no longer considered to be in good standing within the Association.
8. Recommend to the NAIA Council of Presidents the denial of specific sports sponsorship for a member institution for a specified time.
9. Recommend to the NAIA Council of Presidents the withdrawal of institutional membership.

#### **VI SECTION D NOTIFICATION OF PENALTIES**

The chief executive officer of the institution involved shall be notified of action taken by the appropriate council or its duly appointed committee. The National Office shall also inform the eligibility chair and the conference/ Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) (when applicable) of the action taken.

#### **VI SECTION E APPEALS**

An institution (chief executive officer, athletics director or faculty athletics representative) shall have the right to request an appeal of a ruling by the National Eligibility Committee, the National Conduct and Ethics Committee, the National Administrative Council, the Competitive Experience Committee, the Home School Committee, the NAIA Membership Committee, the National Drug Testing and Education Committee and/or the Council of Faculty Athletics Representatives on behalf of the

institution and/or student to the National Coordinating Committee, within 30 days of notification, provided:

1. There is new or additional evidence pertinent to the case that was not considered in reaching the initial decision;
2. The decision reached was demonstrably capricious or arbitrary; and/or
3. There was demonstrable bias or discrimination which influenced the decision.

The chief executive officer, the faculty athletics representative or the director of athletics may request an appeal of the findings to the National Coordinating Committee on one or more of the listed grounds. An individual may appeal on his or her own behalf a ruling that includes the penalties listed in Article VI, Section C, Item 5. Requests for an appeal must be made in writing to the NAIA President/Chief Executive Officer within 30 days of the notification to the school and/or individual of the original decision. The letter should clearly state the reasons for the requested appeal and include documentation and information to support that request.

An affiliated conference commissioner may, on behalf of an institution, appeal a decision regarding championship alignment. The process for requesting such an appeal shall be followed as outlined above.

The National Coordinating Committee will review the written request for appeal and reach one of the following decisions:

1. No sufficient grounds exist for allowing the appeal;
2. The appeal is justified and the case is returned to the appropriate national committee for reconsideration; or
3. The appeal is justified and the case will be decided by the National Coordinating Committee.

All current rights to provide testimony/evidence remain for the appealing institution or individual under investigation in both the original and appeal process.

The National Coordinating Committee shall be informed of all committee findings as part of its responsibility for reviewing appeals of the National Eligibility Committee and the National Conduct and Ethics Committee.

## ARTICLE VII AMATEUR RULES AND REINSTATEMENT PROCEDURES

### VII SECTION A DEFINITION OF AN AMATEUR

1. To properly control competition in the NAIA program, only amateur students shall be eligible to participate in a given sport. An amateur is a student who engages in athletics contests for educational values, personal pleasure, satisfaction, and for the love of the sport, not for monetary or material gain.
2. A student who becomes a professional in a particular sport recognized by the NAIA is considered a professional in that sport only (except for the sport-specific exception listed below) and therefore is ineligible for intercollegiate competition in that sport, except as permitted by the governing legislation of the NAIA.

**EXCEPTION 1:** A student who becomes a professional in cross country, indoor track and field or outdoor track and field is considered a professional in all three sports.

**EXCEPTION 2:** A student who becomes a professional in indoor or arena football is considered a professional in the sport of football.

**EXCEPTION 3:** A student who becomes a professional in indoor soccer is considered a professional in the sport of soccer.

**EXCEPTION 4:** A student who becomes a professional in beach volleyball is considered a professional in the sport of volleyball.

## VII SECTION B ACTS PERMITTED BY NAIA AMATEUR CODE

The following acts will NOT cause an athlete to lose amateur standing.

1. Playing with an amateur team against a professional team or player if competing under the sponsorship or approval of NAIA or the governing body of the sport concerned.
2. Participating as a member of a team while not receiving remuneration (expense reimbursement) beyond actual expenses of travel, meals and lodging only from the immediately previous city to the event, even though other members of the team may receive remuneration in excess of NAIA amateur limits. Expenses must be itemized and properly documented.
3. Receiving reasonable compensation for officiating or coaching in amateur, recreational or interscholastic programs. A student may solicit and be paid reasonable compensation on a lesson basis.
4. Coaching at the intercollegiate level when compensation (if any) meets the criteria set forth in Article II, Section B of the NAIA Bylaws. Such compensation shall be considered athletic aid, as defined by official NAIA policy, and shall be reported as such.
5. Competing in a non-team athletics contest, certified as amateur by that sport's national governing body, and receiving financial reimbursement (expense reimbursement) for such participation when such remuneration does not exceed the actual expenses for travel, meals and lodging only from the immediately previous city to the event. Expenses must be itemized and properly documented.
6. Participating in radio or television programs for the purpose of promoting an amateur athletic event.
7. Receiving reasonable compensation for supervision of physical education, playground or recreational activities.
8. Receiving compensation for use of name, image or likeness to promote any commercial product or enterprise, or public or media appearance. It is the responsibility of the student-athlete to notify their institution's athletics director in writing of any compensation the student receives from the use of their name, image or likeness in relation to their school or status as a student-athlete.



**CASEBOOK EXAMPLE****Tryouts at Professional Camps**

Approved Ruling: Attendance at a professional camp to participate in a tryout is not a violation of amateur standing in the NAIA if there is no contract (player or agent), no financial payment (though student may be housed and fed), and no participation against other teams.

**Competition Against Professional Team**

Case: Is it permissible within NAIA eligibility rules for a student to compete on a collegiate team against a professional team?

Approved Ruling: Yes, if the game is under the sponsorship or has written approval of the NAIA or of the sport's governing body.

**Playing with Players Having Lost Amateur Standing**

Case: May a student compete on a non-professional team where some players are receiving compensation in excess of travel, meals and lodging?

Approved Ruling: Yes, provided the team is not considered professional in any manner and the student in question receives no more than actual expenses for travel, meals and lodging. Such expenses must be documented and itemized.

**Officiating/Coaching**

Approved Ruling: A student may coach or officiate at the amateur, recreational or interscholastic level for reasonable compensation. A student may coach at the intercollegiate level as long as compensation (if any) meets the criteria set forth in Article II, Section B of the NAIA Bylaws and, as compensation is institutionally controlled, must be included in the Year-End Report as institutionally related financial aid. The student may belong to an official's association without prejudice to amateur standing.

**Employment of Students**

Approved Ruling: With certain restrictions, employment in areas such as summer camps, recreation programs, municipal centers or private clubs will not jeopardize an athlete's eligibility. Students may solicit and be paid a reasonable amount on a lesson basis, or wages must be paid on a fixed hourly, weekly, or monthly basis that is commensurate with the going rate for such employment. Students may give instruction when incidental to the overall job requirements.

**VII SECTION C RECOGNIZED AWARDS RECEIVED BY STUDENTS**

The NAIA shall recognize the following award structure for awards directly resulting from place of finish or participation in athletics as conforming to the amateur regulations of this Association.

1. Individual awards presented to a student in recognition of intercollegiate athletics participation, or other athletic participation occurring during an academic term in which the student is identified with an NAIA member institution, shall be approved by the member institution and conference, if applicable, and shall conform to the following requirements:
  - a. All such awards must be of a personal nature (e.g. trophies, scholarship funds distributed in accordance with NAIA financial assistance rules, non-transferable clubhouse credits). Cash awards, cash equivalents or certificates redeemable for cash shall cause a student to lose amateur standing within the NAIA; and
  - b. A student may receive more than one award while being recognized (e.g. a first-place team trophy and an outstanding-performer watch), but the value of each

individual award shall not exceed \$1,000.00, nor shall the combined value of all such awards exceed \$1,500.00.

2. An individual participating as a recognized amateur under the rules of a sport's national governing body shall adhere to the amateur award regulations of the national governing body of that particular sport when the individual is not institutionally identified or when such events are held during the summer in which the individual is not representing an institution.

## VII SECTION D ACTS THAT RESULT IN LOSS OF AMATEUR STANDING

The following acts will cause a student to lose amateur standing for participation in intercollegiate competition recognized by the NAIA in the sport in which any or all such acts occur.

1. Receiving (directly or indirectly) expense reimbursement beyond actual expenses of travel, meals and lodging only. Expenses must be itemized and properly documented.
2. Signing a contract with any professional team.
3. Participating in any athletics contest as a professional or as a member of a team where the student in question receives remuneration exceeding the actual expenses of travel, meals and lodging only.

Amendments to this section may be authorized and implemented by the Council of Presidents, in consultation with the National Coordinating Committee, if needed on an emergency basis. Such authority should only be invoked by the Council of Presidents if external factors – such as changes in state or federal law rendering compliance with NAIA amateurism regulations impossible – create a situation where action outside the normal legislative amendment process as described in Bylaws Article I, Section Z is necessary. If such emergency action is necessary, a proposal codifying the emergency action should be brought before the NAIA membership for consideration through the standard legislative procedure at the association's next business meeting.

### **CASEBOOK EXAMPLE** **Semi-Professional Teams**

Case: A student has signed an agreement to play for a semi-professional soccer team. Although this team bills itself as "semi-professional," none of the players receive more than actual expenses of travel, meals and lodging. Has the student lost amateur standing?

Approved Ruling: Yes, because the team includes the word "professional" in its advertising. The student is considered to have signed an agreement with a professional team.

## VII SECTION E REINSTATEMENT APPLICATION PROCEDURES

A student who has lost amateur status in a sport shall have amateur standing reinstated in that sport upon satisfying the following conditions:

1. Ceasing to participate in violation of NAIA amateur-standing regulations;
2. Being charged a season of competition in that sport for every competition season in which the student competed in any manner as a professional or in which the student was in violation of the NAIA amateur code;
3. Fulfilling two consecutive semesters/three consecutive quarters (or the equivalent) of attendance at the NAIA institution at which the student wishes to participate prior to being allowed to represent the institution in that sport in any manner in intercollegiate athletics; and

4. Having appropriate verification regarding satisfaction of these criteria submitted to the NAIA National Coordinating Committee for review and final dispensation.

## **ARTICLE VIII DRUG TESTING AND REINSTATEMENT PROCEDURES**

The NAIA conducts testing for performance enhancing drugs at NAIA National Championship and NAIA Invitational competitions. The following penalties and processes shall apply for any student(s) who test positive on such a drug test.

### **VIII SECTION A CHALLENGE OF A POSITIVE TEST**

An institution may challenge the results of a positive test. The National Drug Testing and Education Committee will consider all such challenges, and will consider any applicable medical exemptions.

### **VIII SECTION B PENALTIES**

A student-athlete who tests positive for use of a banned substance, as defined by the NAIA banned substances list, shall be sanctioned as outlined below.

1. As a first offense, a student-athlete who tests positive for the use of any banned substance:
  - a. Shall be immediately suspended from further competition in all sports;
  - b. Shall be suspended in all sports for a minimum of 365 days from the date of the specimen collection that led to the positive test result;
  - c. Shall be charged one additional season of competition in the applicable sport as a punitive measure (in addition to being charged a season of competition for the student's actual participation); and
  - d. Shall be charged one punitive season of competition in all additional sports because of the positive test result (in addition to any seasons of competition the student may have been charged for actual participation).
2. As a second offense, a student-athlete who tests positive for the use of any banned substance:
  - a. Shall immediately lose all remaining eligibility within the NAIA in all sports.

A positive test on an exit test (see Article VIII, Section E, Item 3) taken during the reinstatement process shall constitute a second offense.

An institution's athletics program(s) or staff member(s) may be brought before the National Conduct and Ethics Committee for additional penalties if the institutional staff member(s) provided or required the student's use of the banned substances that led to a positive test.

### **VIII SECTION C REPORTING OF INDIVIDUAL COMPETITION RESULTS**

1. Individual placings and honors earned by a student-athlete who tests positive at the national championship will be vacated, and will remain vacant. Subsequent placings will not be reassigned.
2. In the sports of cross country, golf, indoor track and field, outdoor track and field, swimming and diving, tennis, and wrestling, if a student-athlete tests positive and the individual student-athlete's score/points affects the team score/points:
  - a. The individual's points will be deducted from the overall team score/points; and
  - b. Team scores will be recalculated accordingly, and all team placings will be reassigned (if applicable).

### **VIII SECTION D REPORTING OF TEAM COMPETITION RESULTS**

In the sports of baseball, basketball, competitive cheer, competitive dance, football, lacrosse, soccer, softball, tennis, and volleyball, if a student-athlete who competed as a member of the team at the

national championship tests positive, any determination regarding the team's placement or honors will be determined by the National Drug Testing and Education Committee.

## **VIII SECTION E STUDENT-ATHLETE REINSTATEMENT**

A student-athlete who tests positive for the use of any banned substance as a first offense must successfully complete a reinstatement process before the student is eligible to resume competing. The student must successfully satisfy the following conditions:

1. Complete the required suspension and be charged seasons of competition as dictated in Section B, Item 1.
2. Complete an appropriate counseling or treatment program, as determined by the student-athlete's institution. The institution shall dictate the specific treatment plan, as it deems appropriate, for the specific student-athlete. The institution must provide verification that it approved the treatment plan and that the counseling or treatment program has been completed.
3. Pass an additional drug test (i.e. exit test) administered by the NAIA's third-party provider during the 11<sup>th</sup> month of the suspension.
4. Receive verification from the National Drug Testing and Education Committee that all components of reinstatement have been satisfied.

## **ARTICLE IX STANDING COMMITTEES**

(This Article is excluded from the NAIA Bylaws Amendment Procedures as per Article I, Section Y of the NAIA Bylaws. Revisions may be made by appropriate governing councils to allow them to exercise their responsibility.)

### **IX SECTION A POLICIES OF SELECTION**

A great deal of the planning and work on the various projects of the NAIA is accomplished by standing committees. These committees are established by the Council of Presidents at their request or the request of one of the governing councils. The Council of Presidents shall strive for equitable and/or proportionate representation, as applicable, from each program on these committees.

Each standing committee has a member from one of the councils to serve as a coordinator. A chair, vice-chair and other officers deemed necessary to administer the committee are established and are perpetuated by recommendations from the committee to the affected council.

### **IX SECTION B COMMITTEE RECOMMENDATIONS**

Recommendations from the committee shall be submitted to the NAIA President/Chief Executive Officer who shall direct them to the appropriate council(s) for review and action.

The NAIA President/Chief Executive Officer shall notify the committee and general membership of action taken.

### **IX SECTION C STANDING COMMITTEES AND DESCRIPTIONS**

#### **1. Awards/Hall of Fame Committee**

This committee annually reviews the Association's recognition and awards programs and recommends revisions, additions or deletions, where appropriate, to the National Administrative Council. The Hall of Fame Program, recognition programs, special awards, awards of merit, trophies, bowls, banners and plaques to championship teams and individuals, All America and Scholar-Athlete certificates, all-tournament team awards, and other awards authorized by the Association, are under the review and jurisdiction of this committee. This committee comprises

five members from the NAIA Athletics Directors Association (if nominated and selected by ADA membership, associate/assistant athletic directors may represent the ADA), two members from the NAIA Faculty Athletics Representatives Association, three members from the coaches associations, a member of the NAIA Sports Information Directors Association and two at-large positions will be designated for females and/or minorities. The chair is elected by this group. The National Administrative Council shall make the appointments to this committee. The term of appointment shall not exceed three years and is renewable.

## 2. National Conduct and Ethics Committee

This committee shall be charged with reviewing and acting upon cases:

- a. Involving inappropriate conduct of a physical or verbal nature by players, coaches or fans;
- b. Involving violations of the NAIA Code of Ethics;
- c. Involving violations of the Institutional Financial Aid Policy (See Council of Presidents Policy);
- d. Involving violations of the campus visitation/tryout, financial assistance, recruitment, scheduling and/or frequency of play regulations;
- e. In which a student or institutional representative provides false or inaccurate information to the NAIA or to a member institution; and/or
- f. Involving violations of the Declaration of Intent to Participate in postseason-play regulations.

The committee comprises three members from the NAIA Athletics Directors Association, two members from the NAIA Faculty Athletics Representatives Association and two at-large positions will be designated for females and/or minorities. Each association shall select its own members with the committee chaired by a member of the NAIA Athletics Directors Association. This committee shall report to the National Administrative Council. This committee is authorized to impose penalties on institutions' athletics programs, coaches and/or students as authorized in Article VI, Section C of the NAIA Bylaws.

## 3. Constitution and Bylaws Committee

The functions of the Constitution and Bylaws Committee are as follows:

- a. To be responsible for an annual review of the Constitution and Bylaws;
- b. To work with amendment presenters to assure the intent of the proposal has been met and determine the effect the proposal will have on current regulations not addressed in the proposal; and
- c. To present an opinion on all NAIA Bylaws amendment proposals to the membership at the annual meeting.

This committee shall make recommendations to the Council of Presidents regarding the Constitution and Bylaws.

This committee shall be chaired by the chair of the National Eligibility Committee and shall include the parliamentarian for the annual business meeting, a representative from the National Administrative Council, Council of Faculty Athletics Representatives and, if desired, Council of Presidents as well as the entire National Eligibility Committee.

## 4. Conference Information Directors Committee

This committee is charged with promoting and publicizing events, programs and activities within the conference. This committee reviews all phases of conference publicity and information as well as providing guidance on national policy involving statistics and other information related items. All recommendations are submitted to the National Administrative Council, which oversees

this committee. This committee includes all conference and information directors and is organized to include a chair, a vice-chair and a Secretary.

#### 5. Competitive Experience Committee

This committee is appointed by and reports to the Council of Faculty Athletics Representatives. A member of the Council of Faculty Athletics Representatives shall be appointed by the Council of Faculty Athletics Representatives to serve as chair. The committee shall consist of nine members (including the chair), and shall include, at a minimum, two active institutional faculty athletics representatives or conference eligibility chairs, one athletics compliance administrator, three directors of athletics currently employed at an NAIA member institution, a conference commissioner currently employed by an affiliated NAIA conference, and two at-large positions will be designated for females and/or minorities.

The committee's duties include:

- a. Oversight of operations of the NAIA National Eligibility Center. The committee shall prepare reports related to the operation of the Eligibility Center for review periodically by the Council of Faculty Athletics Representatives and Council of Presidents;
- b. Development of policies (for review by the Council of Faculty Athletics Representatives) related to administration of the NAIA National Eligibility Center, including definitions and determination of elite-level competition; and
- c. Review of appeals submitted by member institutions related to eligibility determinations for individual student-athletes rendered by the NAIA National Eligibility Center.

#### 6. Divisions of Competition Committee

This committee is appointed by and reports to the National Administrative Council. The committee shall consist of five to seven members which shall include a minimum of two active coaches. The committee shall deal with the implementation and administration of divisions of competition in those sports approved for divisional competition.

The committee's duties include:

- a. Hearing appeals of divisional placement;
- b. Recommending the reassignment of teams to postseason competitive groupings when competition is not available otherwise; and
- c. Establishing working policy for the administration of divisions of competition.

#### 7. National Eligibility Committee

- a. The National Eligibility Committee is appointed by the Council of Faculty Athletics Representatives to serve as the official body to administer all eligibility matters.

An officer of the Council of Faculty Athletics Representatives is named each year to serve as coordinator for this committee and to work closely with the committee in the administration of the program. The National Eligibility Committee is composed of five members: four faculty athletics representatives/ eligibility chairs and one athletics compliance administrator whose normal function in their institution or conference makes them knowledgeable and skillful in this area. Selection of the committee will take gender and minority representation into consideration to maintain a balance on the committee.

NOTE: Additional selection criteria should be applied at the next regularly occurring election cycle.

- b. The National Eligibility Committee's duties are as follows:

- 1) Operates under policies developed by the Council of Faculty Athletics Representatives and works with the NAIA President/Chief Executive Officer in the disposition of all eligibility cases, problems or interpretations;
- 2) Acts as the interpreting body of the Constitution and Bylaws for the Association;
- 3) Is authorized to impose penalties on an institution's athletics program and/or charge an institution with the responsibility of imposing sanctions on students as authorized by Article VI, Section C of the NAIA Bylaws;
- 4) Initiates such changes in NAIA standards or policies as it feels are in the best interest of the organization and makes recommendations for consideration by the annual meeting body and membership; and
- 5) Works with the faculty athletics representatives and athletics directors of member institutions in developing a national program of rules and standards.

#### 8. NAIA RISE Committee

This committee will consist of up to 16 members: one representative of the Council of Presidents, one representative of the Faculty Athletics Representatives Association, two representatives of the Association of Student-Athletes (one male and one female), four representatives of the Conference Commissioners Association, one representative from the Athletics Compliance Administrators Association, up to four at-large members to be appointed by the Council of Presidents, and three at-large positions to be designated for females and/or minorities.

Note: Additional selection criteria should be applied at the next regularly occurring election cycle.

The NAIA RISE Committee reports to the Council of Presidents. The purpose of this committee is to raise the level of commitment and awareness about issues related to leadership, diversity, and inclusion in the governance of all phases of the NAIA.

#### 9. International Relations and Competition

This committee is responsible for surveying all areas of international athletics and to make recommendations for a practical program for the organization which will provide opportunities and challenges for individual athletes and teams, and fulfill the NAIA's responsibility as a national collegiate administrative body with membership in all national governing bodies, the United States Olympic Committee (USOC), and the United States-International University Sports Federation (US-IUSF).

This committee shall be established by and report to the Council of Presidents.

#### 10. Home School Committee

The functions of this committee are as follows:

- a. Review proposed changes to the NAIA home school waiver policies and make recommendations on such proposals to the CFAR;
- b. Review and act upon home school waiver requests from schools and/or student-athletes; and
- c. Review and research applicable state regulations on home school education and make recommendations to the CFAR regarding necessary policy changes.

This committee is appointed by and reports to the Council of Faculty Athletics Representatives. It consists of five members, a minimum of two from the Faculty Athletics Representatives Association, a minimum of one from the Council of Faculty Athletics Representatives, a minimum of one from the Registrars Association and one at-large member.

## 11. Champions of Character Advisory Committee

The functions of this committee are as follows:

- a. Use the guiding principles of the NAIA strategic plan in concert with the developed strategies and performance objectives in order to create a course of action and integrate throughout the NAIA membership.
- b. To be responsible for an annual review of conduct in competition, Scorecard implementation, online education, convention programming, development of resources, character research, and annual award.
- c. Oversee the Campus Character Liaison responsibilities.
- d. Specific national Champions of Character awards selection. (i.e. Dr. LeRoy Walker, Coach of Character, All That's Right in Sports).
- e. Provide annual review and recommendations of rules and programming to the Council for Student-Athletes.

The committee shall consist of 11 members: one representative from the Council of Presidents, one representative member from the from the Conference Commissioners Association (CCA), one representative member from the Athletic Directors Association (ADA) (if nominated and selected by ADA membership, associate/assistant athletic directors may represent the ADA), two Campus Character Liaisons (CCL), one men's sport head coach, one women's sport head coach, two members (one male and one female) from the Association of Student-Athletes (ASA) and two at-large positions to be designated for females and/or minorities. Each body shall select its own members, with the committee chaired by a member of the NAIA National Administrative Council. Selection of the committee will take geographic location into consideration to maintain a balance on the committee. Additional professionals may be asked to assist the committee and must be qualified by experience and or title. This committee shall report to the Council for Student-Athletes and work in consultation with the Council of Presidents and other key stakeholders.

## 12. National Drug Testing and Education Committee

The functions of this committee are as follows:

- a. To be responsible for an annual review of the drug testing policy;
- b. Provide annual recommendations to the National Administrative council on championships at which testing will occur and methods for selecting student-athletes to be tested;
- c. Review and rule upon exception requests and appeals related to positive drug tests; and
- d. Review NAIA drug education program and provide recommendations to the Council for Student-Athletes.

The committee shall consist of 10 members: one member from the Council of Presidents, one member from the Athletics Directors Association (if nominated and selected by ADA membership, associate/assistant athletic directors may represent the ADA), two members from the Athletic Trainers Association, one member from the Faculty Athletics Representatives Association, one member of the Conference Commissioners Association, and two members from the National Administrative Council, and two at-large positions to be designated for females and/or minorities. Each body shall select its own members with the committee chaired by a member of the NAIA National Administrative Council. Additional professionals may be asked to assist the committee and must be qualified by experience and or title. This committee shall report to the National Administrative Council and work in consultation with the Council for Student-Athletes and other key stakeholders.



## ARTICLE X ASSOCIATIONS OF THE NAIA

### X SECTION A ORGANIZATION OF ASSOCIATIONS WITHIN THE NAIA

Each association shall have a member from an appropriate council as its coordinator. Officers necessary to conduct the business of each association shall be elected from among the members of each association.

### X SECTION B ASSOCIATION RECOMMENDATIONS

Each association shall hold an annual meeting at a time established by that association.

Recommendations from each association shall be presented to the NAIA President/Chief Executive Officer who shall route the recommendation to the appropriate council for action. The NAIA President/Chief Executive Officer shall notify each association and the general membership of action taken.

### X SECTION C ASSOCIATIONS AND DESCRIPTIONS

#### 1. Athletics Directors Association (NAIA ADA)

This association is organized to foster the professional growth and development of all member institution representatives who are engaged in the administration of intercollegiate athletics.

Periodic newsletters and NAIA Athletics Directors Workshops are used to effect an exchange of ideas and information to enhance the administration of programs and the NAIA.

Additional projects to extend professional services to NAIA athletics directors shall be adopted from time to time.

#### 2. Athletics Trainers Association (NAIA ATA)

This association is organized to promote the growth of certified athletics trainers within the NAIA, educate the membership on the importance of injury prevention and rehabilitation, assist the association in staffing national events with certified trainers, promote in service training and in all ways act to upgrade the athletics training profession.

Membership shall be open to all those performing in the capacity of trainers at member institutions. Classification of membership is as follows:

- a. Certified: NAIA trainers who are certified by the National Athletics Trainers Association (NATA);
- b. Associate: Full-/part-time students who act as student trainers; and
- c. Advisory: Team physicians of NAIA institutions

#### 3. Conference Commissioners Association (CCA)

This association recommends policies for the continued operation of the national conference affiliation program for men's and women's programs. The association works to strengthen interconference and conference-association relationships. It isolates problems common to NAIA conferences and organizes to study and achieve solutions to these problems. This association shall meet twice annually, once in conjunction with the NAIA National Convention and one other time each year.

Each affiliated conference shall have its commissioner or president eligible to vote on association business. Any commissioner or president of a certified football conference, who is not the commissioner or president of an affiliated conference, shall serve as a non-voting member of the association.

#### 4. Faculty Athletics Representatives Association (FARA)

This association makes recommendations to the Council of Faculty Athletics Representatives on all phases of the intercollegiate athletics program, particularly in the areas of academic requirements and policies. This association includes all faculty athletics representatives and shall meet annually during the NAIA National Convention.

#### 5. Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions)

NOTE – as of July 2021, the Association of Independent Institutions changed its name to Continental Athletic Conference (CAC). Per NAIA bylaws, the CAC meets the definition of an association and will be treated accordingly for purposes of policy and bylaw application.

NAIA members that are in good standing and not members of a conference shall hold membership in the Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions). This association makes recommendations to the National Administrative Council regarding policies for operation of the national independent institution program for men's and women's programs. It isolates problems common to all independent institutions and organizes to study and achieve solutions to these problems. This association shall meet once a year in conjunction with the NAIA National Convention. Each independent institution shall be eligible to have one vote on association business. The association shall elect its own President, Vice-President and Secretary. A faculty athletics representative and a registrar from an independent institution also will serve on the CAC's administrative committee.

The Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions) shall:

- a. Facilitate effective and active participation in the NAIA legislative process and governance structure;
- b. Work with the appropriate NAIA committees regarding championship opportunities for CAC members;
- c. Oversee the certification of eligibility for students at independent institutions and provide a mechanism for review of exception requests, violations and appeals;
- d. Provide weekly statistics services in the sports of baseball, men's and women's basketball, men's and women's lacrosse, softball, men's and women's soccer, and men's and women's volleyball;
- e. Select All-Independent teams in the sports of baseball, men's and women's basketball, men's and women's cross country, men's and women's lacrosse, men's and women's soccer, softball, and men's and women's volleyball;
- f. Provide recognition programs for students from all CAC member institutions;
- g. Provide timely communication between the National Office and CAC members; and
- h. Develop budget and financial operations to ensure fiscal accountability and responsibility.

#### 6. National Association of Intercollegiate Athletic Coaches Associations (NAIACA)

All active coaches at member institutions shall hold membership in the sport association in which they coach.

The NAIA Coaches Associations (NAIACA) are charged with the responsibility for carrying out programs beneficial to the coaches of the organization.

Each sport recognized by the NAIA shall establish a coaches association. Officers shall be elected from within the membership of each association with lengths of terms to be either for one or two years, as decided upon by each association. At least one female and/or minority member shall serve as an officer on each NAIACA's executive committee.

NOTE: Additional selection criteria should be applied at the next regularly occurring election cycle.

The NAIACA programs are conducted subject to the NAIA Constitution and Bylaws and association policies.

The objective of each association shall be:

- a. To help maintain the highest possible standards in the coaching profession;
- b. To arrange for and conduct clinics in its sport;
- c. To arrange for discussions on various phases of athletics problems;
- d. To promote professional growth within the coaching profession; and
- e. To take a leading role in the investigation of playing rules deemed desirable by the majority of the membership and to make recommendations for adoption or revision of rules in accordance with the desires of the majority.

Each NAIACA is charged with the formulation and distribution of a standard of ethics for the member coaches of its association and the establishment of means whereby such rules of conduct may be enforced throughout the membership.

All recommendations to achieve these objectives will be reviewed by the National Administrative Council for action.

#### 7. Registrars Association (NAIA RA)

This association makes recommendations to the Council of Faculty Athletics Representatives regarding the format of the official eligibility certificate, conversion tables/equivalency scores to be used for GED students and international students who will be first-time entering freshman students; interprets applications of unusual institutional calendars; and provides general guidance in its area of expertise.

This association includes all registrars at member institutions.

The association shall meet annually during the national convention of the American Association of Collegiate Registrars and Admissions Officers (AACRAO).

#### 8. Sports Information Directors Association (NAIA SIDA)

This association is responsible for the promotion and publicity of its member institutions. Membership is open to individuals of each member institution who are delegated the duties and responsibilities of handling sports information and promotion. Through its membership, the association recommends policies and procedures for statistical services and publication contests. NAIA Sports Information Directors Association works closely with College Sports Information Directors of America (CoSIDA) in the promotion of all intercollegiate athletics.

#### 9. Association of Student-Athletes (NAIA ASA)

This association is responsible for representing student-athletes within the governance of the NAIA and promoting amongst its membership the growth and development of the Champions of Character ideals. The association will comprise of no fewer than 24 student-athletes representing each affiliated conference and the Continental Athletic Conference (CAC) (formerly the Association of Independent Institutions). The CAC will have one representative per every 10 member institutions. Four at-large positions will be designated for minority student-athletes. Additional student-athletes nominated through the conference/CAC may serve as at-large members to ensure representation of each NAIA championship sport.

Representatives shall serve a single, two-year term. To be eligible to serve as a representative, a student must:

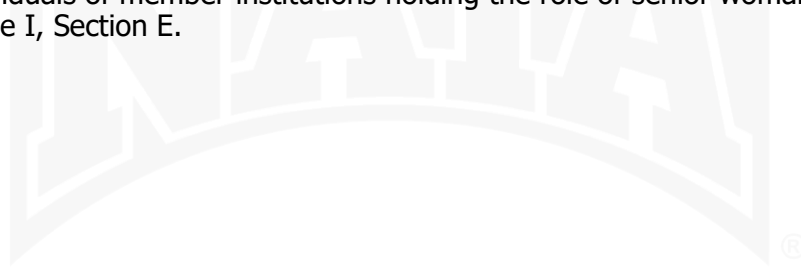
- a. Be identified with an NAIA member institution;
- b. Have completed at least one season of competition in an NAIA championship or invitational sport and two semester/three quarter terms of attendance at an NAIA member institution; and
- c. At the time of nomination have no less than two seasons of competition and four semester/six quarter terms of attendance of eligibility remaining in the NAIA.

#### 10. Athletics Compliance Administrators Association (ACAA)

This association is responsible for the professional development of athletics compliance administrators, and for assisting in responsible growth of the position across the association. This association may make recommendations regarding athletics compliance policies to the Council of Faculty Athletics Representatives. The association will meet annually at the NAIA National Convention, and membership is open to individuals of member institutions who are delegated the duties and responsibilities of an athletics compliance administrator as described in Article I, Section D.

#### 11. Senior Woman Leader Association (SWLA)

This association is responsible for the professional development of senior woman leaders, and for assisting in responsible growth of the position across the association. In addition to promoting the growth and development of senior woman leaders, this association will initiate professional development opportunities for female staff and student-athletes. The association will meet annually at the NAIA National Convention, and membership is open to all individuals of member institutions holding the role of senior woman leader as described in Article I, Section E.



# 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, (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)  
(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)



# No Response

Fwd: Work Intimidation



You

Jan 25

To (b) (6)

...

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



Re: Systematic Attacks from Co-worker



You

To (b) (6)

Jan 27



I've routinely been met with hostile responses and irrational behavior from (b) (6) and (b) (6). Recently, on 1/25/2022, (b) (6) followed me around at work in Coffin citing missing gear and persistently questioning and belittling myself about such issues. This is a big issue to me, as missing gear has been due to (b) (6) taking such federal property, as citing in a message.

On 10/5/2021 between 11:30 a.m. to 12:30 p.m. (b) (6) and (b) (6) took Haskell/Federal property out of Jim Thorpe to take. If video can be acquired, one can find video of federal property being taking by (b) (6) and (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,

Strom is never  
contacted



said today he can validate it these issues,

**(b) (6)** **(b) (6)** can be reached at:

**(b) (6)**

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

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)**

**(b) (6)**

-Clay Mayes

Haskell XC Coach

**(b) (6)**





No Response

(b) (6) Never Contacted



You

Feb 1

To (b) (6)



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

I do believe getting a second perspective and an honest way to documented what Adam Strom 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



2-9-2022 to 2-10-2022 - Being Berated By

(b) (6)



You

Feb 10

To

(b) (6)

and You



**To my surprise and after a talk today at 4:00 pm to 4:30 (2/9/2022) (b) (6) (b) (6) pulled me out of the weight room in coffin front of a couple golf athletes and (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.



Reply to All



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



## Overview



You

Feb 18

To (b) (6)



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

< 230



(b) (6) (HINU) >

She has it out for you, I know that she treats you different.

She seems to be constantly and passive aggressively talking about me.

I'm going to try and link up with (b) (6) today and see if there is any movement.

Thu, Jan 27, 1:37 PM

I'll call momentarily!

Fri, Jan 28, 11:38 AM

Getting with Brent Johnson



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 15, 2022, 10:05 a.m. (CDT)

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

I am a (b) (6) at Haskell Indian Nations University (Haskell). I've done this for about (b) (6). I am also a (b) (6). I've overseen the Jim Thorpe fitness center for the last (b) (6). When I first got here in the (b) (6) (b) (6) (b) (6)

I am hired as (b) (6), and I am required to (b) (6) a semester. This semester, they are looking at having me to (b) (6). In the fall, they have indoor track and field. I get release time to (b) (6), (b) (6) whom I go to for academic related matters. If it's related to coaching, I check in with (b) (6) (b) (6). Sometimes they gave me hours because I would do cross-country or because I oversee Jim Thorpe. The assignment at Jim Thorpe was made by (b) (6) (b) (6). Students wanted a separate place to work out and Jim Thorpe was empty, so they made it into a fitness center, and I oversee it. I hire student workers and am responsible for managing it. I have about 4 student workers at this time.

The last EPAP (Employee Performance Appraisal Plan) I had was about a month ago with (b) (6), (b) (6). I don't know if (b) (6) provided (b) (6) input about my coaching performance.

A while back, I don't remember which president it was, they wanted to get away from instructors that were also coaches. They wanted to hire more people by contracting out the coaching duties. I am the only one left who teaches and coaches. When I was hired as an instructor and coaching, it didn't require a master's degree. I have a (b) (6) (b) (6). I started (b) (6) through the Indian Health Service, but they wanted to place me once I finished my degree. I had a family at the time, so, I didn't finish my paper, but I have everything up to my paper.

We put track and field on the back burner in 2016 or 2017. When we started it back up, the (b) (6) (b) (6) had us do distance and mid-distance running only indoor and outdoor track. We were getting ready for outdoor track and the pandemic hit. We didn't have track and field in spring 2020, fall 2020, or spring 2021 because we were virtual off campus.

In late April or early May 2021, (b) (6), called me in and told me they were going to separate cross-country and track and field. He said that they needed me to choose one. A week went by,

and I said I would choose track and field. At the end of May, (b) (6), called me in and there were people sitting there, (b) (6) and (b) (6). I told them that I would like to coach both cross-county and track and field and get assistants to help. After some discussion, (b) (6) decided to separate the two. I said okay and left. I teach community health and use the medicine wheel approach in my teaching. I was upset for about 30 minutes when I left. I told myself I can either go backward or forward. Doing track and field gave me hope and I went forward from there.

I never met Clay Mayes before he came here. All I knew was that he was a coach at Bacone College. Some people told me about stuff that was being said. One of the former runners said that somebody was saying stuff about the team and myself. I told them we just need to move forward. I didn't read about anything. I have a Facebook page, but I don't read a lot of the stuff or comment much. At the end of the day, with all the young men and women here, I just tell them that I want to get them to graduate, enjoy their time here at Haskell, and enjoy being with their teammates.

I met Mayes when he came on campus. We met and he said he had contacted some of the former runners. It went fine and I told him to have a great season. They selected him, so I just stepped back and let him do his job. I still had a job and the fitness center, and I was getting ready for the first full season of indoor and outdoor track. I sent (b) (6) an email with all the cross-country information that came to my email, along with Haskell invite, and who were starters and who did awards. I don't recall Mayes emailing me.

I had ordered stuff before for cross-county. When it came in, I put it in my red Ford Escape, and (b) (6) (b) (6), helped me count it and make sure it was all there. This was around the end of July or August 2021. We took it over to Coffin Complex and gave it to (b) (6), so he could give it to Mayes. It was mainly gear, clothing, shoes, book bags, warm-up, and shoes from Nike. We took them to room 119. I recall (b) (6) said he was going to supply Mayes with a budget so he could get his own uniforms.

I believe my track and field budget is around \$8,000 for supplies and some travel. (b) (6) gave us our budgets on a slip of paper. He gave us a little more because he said we could hire assistants. There is a separate budget for post-season if a program makes it to conference or national championship. I don't know how much money each program receives. Everyone's program is different because of the number of players, meets, and games. I didn't have any changes to my budget after (b) (6) left and when (b) (6) came on as (b) (6) I did not hear about budget changes from the other coaches.

I'm the head coach for the upcoming track and field season. We have \$5,000 total to hire assistants and I'm trying to get two. I will also be teaching in the fall and spring semester.

As for other times we moved items from Thorpe to Coffin Complex, I believe in May or June 2021, I had to move stuff from a portable located across Thorpe because they were tearing it down. It was deer, rabbit, muskrat, and buffalo I had ordered for native games. Some of the other stuff we took, I'm unsure of the dates, but (b) (6) (b) (6), and it was going to be renovated, so we took items, mannequins, she used for her classes over there. This was around the spring semester in May or June 2021. It's probably been about a year. We have a whole cage that has HSES equipment there.

There is one key for students to get into Thorpe. I believe Haskell facilities and security and I have a key to the main door. IT and I have a key to the cage in Thorpe. IT has equipment in there.

I believe it was in November or December of 2021, we were going to get something from Thorpe to mail out. When I went to use my key, I found a key broken in the lock. I reported it to (b) (6), he does the locks and keys in facilities.

We get a certain number of shoes from Nike. We have to order them about a year out. I try to order one shoe in all sizes, unless they are returning athletes and I know their sizes. We have an inventory sheet. If there is surplus inventory, I keep all my stuff. I may have a shoe that is 3 years but it's brand new. Only the athletes receive shoes, and the coaches get one pair from Nike. As for other items, there may be leftover t-shirts that we may give away at other athletic events. Once athletes are accepted, I ask them what size shoes, t-shirts, shorts, and sweats they wear so I can make sure and order their size. I can speak for track and field and say that all the equipment and gear we received went to the athletes.

I don't recall the date, but when the guy from the warehouse brought the stuff to us for track and field, we opened it up and if there were shoes that didn't belong to track and field, I took them all back over from Thorpe to Coffin Complex. I don't remember the exact date or if it was on October 5, 2021. I didn't take equipment or used funds to buy gear for non-Haskell students. I've never done this before.

As for recruits, we have little things we might send them. For example, I have a girl coming in from Kansas, so I get a couple give aways from Admissions, a t-shirt that says Haskell, a sticker, and I put in a track and field t-shirt. I send that with a letter of intent for her to sign. When I get it back, I send it to (b) (6) to post on the Instagram or Facebook page that we signed a student to track and field.

I am aware of allegations of inappropriate conduct or unwelcome sexual advances and touching here at Haskell. I was accused of this. I believe it was December 17 or 18, 2021. Dr. Tamarah Pfeiffer, acting President, sent me an email with these allegations on there and said no contact with students. We were already out of school at the time. We were getting ready to come back in January 2022, when we went to online instruction, so I taught all my classes online.

The complaint was that I was in line at the concessions stand and the student in front of me said I touched her butt. There was an investigation. There was somebody from Albuquerque that helped me, I don't recall her name. There was another lady from Washington or Maryland, we talked on the phone, and she said she'd send me something to sign in a few weeks. I never received anything. In the first part of May 2022, I received a letter from Dr. Pfeiffer that it was dropped, and I came back to work.

When the accusation came about, it was during COVID, and I was trying to keep my distance. I was just going to order some drinks and I really didn't talk to a whole lot of students while I was in line. It was kind of packed in the lobby during a basketball game, and there was a single line. I was probably as far as from here to that table from the person in front of me.

As for any allegations such as I touched an unclothed male's shoulders or provided back rubs or shoulder rubs, that I do not recall. It may have been like a "Hey, how's it going?" thing but I try not to do anything inappropriate with students or staff on campus. The only complaint I'm aware of is the one Dr. Pfeiffer sent me. Other than that, I've never been accused of anything.

I don't know about students saying they are uncomfortable or that I rub them in the center of their backs. I don't recall this and don't know why they would make these types of allegations. I would be surprised to hear that I'd be described as "touchy feely". When students come back in the fall, they may want to come by and give me a hug. If they put their arm around me first, then I may acknowledge them.

As for instances where individuals felt that I was looking at them inappropriately, in a sexual way from their feet to their head, I've never heard that before. I don't know why somebody would say that.

I've never touched a person who was shirtless. At Jim Thorpe, when athletes come in one of the things required is they have to wear a shirt. When I did track and field, the only ones that probably didn't wear shirts would be the guys, but I never touched any of them. I guess I'm totally lost, I never.



My coaching style is: 1) to get you to graduate, 2) enjoy your time here on campus, your instructors, and your teammates, and 3) asking and/or encouraging students to think about what they are going to be doing in 5 years. You know, like are you going for your master's degree, do you have a job. I use the medicine wheel approach to do track and field. I try to get the student athletes in the best possible physical shape. I talk to them about nutrition, eating, and sleeping. The mental part is to teach them new things here. For emotional well-being, I'm looking at making sure they are having fun and having a good day. For spiritual wellbeing, I'm asking them about what they are thankful for. I also teach community health and there are things that Natives are number one and two in-health statistics, alcohol, diabetes, and cardiovascular disease. I try to get them to see if we can change those things and get them where they graduate with honor and go home and be a pillar of their community.

When Mayes took over, I stepped back. I didn't go to the home meet or conference meet. I didn't want to seem like I was there trying to be whatever. I tried to give him that space. I didn't want to be a center of attention or like, "He's there", or seem like I was trying to tell him how to do his job. I just let him do what he was brought here to do.

I didn't ask the runners who had run for me about their running or training with Coach Mayes. During the season, when I saw them, I might ask them how they were doing or how their families were doing. I didn't talk to them about running. If I did talk to them, it was about school.

As for standards for athletes, I give everybody an opportunity to give it a shot. It's a vision to get the athletes to go to nationals and run well, but we're also looking at life after running.

Regarding the student athlete handbook, we would talk to the student athletes about drug testing and their behavior. We talked about how long alcohol and drugs stay in their system and random drug testing. We also talked to them about representing your school and your family.

I see our goal is retention. For example, if we're getting ready to start a sport and if I don't have that retention, instead of three coming back to play I might only have one. If we have retention, we're going to be better because we have that experience. Without it, each year we're one and done. We need retention to be better. If we only focus on winning, and they don't make the grades, we lose them. We need to have a balance between academics and athletics. As for the athletes, if they are not competitive in the classroom, then they are not competitive in the field. They have to be committed to doing well academically and then that translates into the field.

As to whether nepotism is here at Haskell, I know people try to make allegations with (b) (6) as the (b) (6). As far as that, I said that you hired her, I was already here for 20 plus years when you hired her. When (b) (6) was going to take the athletic director position, I told her that I would probably just retire because I didn't want her to be badgered by that nepotism. The word nepotism could also mean favoritism and showing favoritism toward one employee over another. I didn't retire because (b) (6)

(b) (6) and I believe she is an adjunct for a couple of classes.

(b) (6) and (b) (6) She was hired when (b) (6). I don't know about (b) (6) being an (b) (6). As SID, she sends information out about sports. (b) (6) also checks student eligibility with our FAR (Faculty Athletic Representative). She also helped (b) (6) with the budgets. He sent them to her to check and then on to the President's Office.

As a federal employee, I do a lot of trainings, credit card training, sexual harassment, and driving training that can take hours. I don't think the contractors have to do the trainings. So, I don't know why they don't have a credit card. I have a credit card because I am a federal employee.

I would say that (b) (6) does not have favorites. She is really trying to get everybody to come together as one collective unit. She is trying to get the coaches to be supportive of one another and their sport. I don't know why people would feel intimidated by her or say that she's intimidating. She is really trying to work with all the coaches. I don't know her to hold a grudge. From what I observed, she tries to work with all the contractors.

We applied for a \$10,000 grant that was awarded to track and field. (b) (6) and I applied for it. I don't believe it was for cross-country. There are stipulations and guidelines for the grant on how it's spent. The check was deposited into the student bank. I don't know why the check had cross-country on it. When we wrote the grant, it was for track and field. I believe we spent some of it, but we haven't done anything for the past two or three years due to the pandemic. I will have to go to the student bank and see what it has on it.

When Billy Mills won the 10K, he did on the track. When we do the run, we're honoring Billy as the only American to win the 10,000 meters on a track, but to find a facility to run it, we run it on a cross-country course. We run it in November during cross-country season. Billy was also an outstanding cross-country runner when he was here at Haskell in high school and at the University of Kansas.

Regarding questions as to why (b) (6) would report alleged violations by Clay Mayes to the NAIA (National Association of Intercollegiate Athletics). We're looking at the integrity of the University and the sport. If we find a violation, we have to report it. This would have been the responsibility of the athletic director at the time. I know that Dr. Pfeiffer moved (b) (6) in to help (b) (6) because he was getting ready to retire. (b) (6) was following up on travel and requisitions. If there were any questions about NAIA violations, maybe (b) (6) was just doing what should have been done at the time.

As far as student athletes transferring from one school to another, I would refer it to the Athletic Director. They would fill out the form and take it to the FAR (Faculty Athletic Representative). Then the form is sent to the school that the student is transferring from to get a release. I believe this has to take place within 30 days and if we don't hear back, and if it's after the 30<sup>th</sup> day, we can contact the athlete.

I don't know why individuals or employees would feel intimidated by me. (b) (6) or (b) (6) I've never intimidated anybody on this campus, and I've been here for 36 years. I've never seen my wife or (b) (6) intimidate anyone. If you three all had the same last name and came into a building you'd get the same thing, why are they all coming in at the same time? All three of us were all teaching in separate classes. (b) (6) does student orientation, and I don't go because she's there. I get involved because I want to make sure the students have what they need to be successful.

*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 15, 2022, 9:14 AM CST.

Bureau of Indian Education Witness Declaration/Affidavit - (b) (6) - Employee  
Statement #2

Haskell Indian Nations University (HINU) - Administrative Investigation

Witness Statement: (b) (6), Haskell Indian Nations University (HINU) -  
Pontiac Hall.

During my testimony, I signed and dated a campus map to illustrate the location of my current office in relation to the Jim Thorpe building. This illustration shows the line of sight I had on October 5, 2021, the day I observed the (b) (6) and (b) (6) removing shoe boxes and athletic gear from Jim Thorpe.

As a follow up to my testimony regarding the text message I sent to Clay Mayes (Mayes) on October 5, 2021, it was my assumption when I saw the athletic gear being loaded into (b) (6) truck, these items were from inside the Jim Thorpe storage cage. However, I couldn't verify what those items were as I did not go and stand by the truck and ask what they were loading.

It was my assumption, given the Mayes situation and how he was being treated, the (b) (6) were doing this as an attempt to sabotage Mayes's opportunity at HINU. Mayes alluded to "they" were being a thorn in his side, because of the stories he told me regarding the treatment he received and how he was treated by (b) (6). According to Mayes, the thorn in his side was (b) (6).

After I re-read the text message I sent to Clay, it was (b) (6) truck they were loading the items into. Over the years, when they would be loading items out of Jim Thorpe, it was either in (b) (6) truck or (b) (6) vehicle.

From my vantage point, all I could see were items being loaded into the truck but did not specifically see if those items were shoes or t-shirts. On that day, I walked out of my office building and saw (b) (6) truck was backed up to Jim Thorpe's westside door. I couldn't see from my distance what was being loaded into the truck, nor could I describe the items; it was too far for me to see. I basically saw movement, and people moving back and forth. I didn't specifically see anything in (b) (6) or (b) (6) hand's but I could see people loading things into their truck.

In my previous testimony, I was assuming they were taking shoe boxes out of Jim Thorpe, but I couldn't say 100% they were shoe boxes. Having been in Jim Thorpe and in the storage cage, I have seen shoe boxes and t-shirts, this is why I made the assumption.

The IT's closet is located in the storage cage, which is under lock and key and is limited to (b) (6), since his office is located in Jim Torpe building. This building is used as a Fitness center and I have seen bicycles, work out products, balls, and yoga mats stored inside this storage cage. I don't recall ever seeing any Mannequins, or any medium to large sized cardboard boxes in this cage. However, IT doesn't go into this cage on a regular basis.

I am not aware if anyone has made a formal complaint about the (b) (6). People have told me they have filed complaints against the (b) (6), but I don't know the specifics; a lot of this information is just hearsay. I have never experienced any intimidating behavior by (b) (6) but it is possible other people were intimidated, maybe they have experienced it.

I have never witnessed any inappropriate conduct but have heard from other runners and students in the past there was favoritism occurring, such as athletes who would get special treatment and extra athletic gear.

I was not aware of any misconduct by the (b) (6) towards any faculty, but I did testify I was aware of the hardships Mayes was experiencing. I don't have any additional information to testify about.

There are some people here at HINU who are concerned with the family dynamics and relationships, such as (b) (6) being an employee at the President's office and having undue influence over the college. To my knowledge, no one ever filed a formal complaint; a lot of people wouldn't go that far for fear of retaliation. Like I told the gentleman (b) (6) the other day, I would feel the same way. Regardless, if it is the (b) (6) or anyone else, it makes it hard to investigate people without witnesses. I feel HINU is now a "He Said She Said" environment. When you don't know if your conversations are being recorded, it is a concern. For example, the IT department sends two (2) employees to a job, just so we can have witness to validate the service.

(b) (6) was my coworker from 2003 to 2007, he left for another BIA IT position in the Southern Plains but returned in December 2021 and is currently the IT supervisor. (b) (6) has two (2) daughters, one (1) graduated and the other is trying to finish up here at HINU. I am unaware of any issues pertaining to his daughters while attending HINU.

When dealing with the current regulations and when things change at HINU, I would hear about the changes from the weekly meetings. When I was the Acting IT Director, I participated in the BIE meetings where we would be informed about changes to policies. I also learned, any person working for HINU could dial in and listen to these meetings, this is something we weren't allowed to do.

It was my understanding, only the President's office and the Finance department were allowed to be included in the BIE meetings. Once I was no longer the Acting IT Director, I didn't have access to these meetings, nor did anyone else in the IT department. Any information such as policy, training, and changes to contracting all stayed in in the President's office. There have been various types of President's over the years; acting, temporary, and removed presidents, and because of the constant vacancy, the employees no longer get the information from the meetings with the BIE. I am sometimes tasked with updating forms, but the HINU website is normally updated by the third-party contractor, Kern Marketing.

In regard to the academic information, such as degrees, I don't have access, only the Registrar's office does. The Registrar is responsible for updating HINU's website with any academic information. There is no security concern related to the current structure and access to this information, but it is limited to (b) (6) office and there is no one who could step in as an administrator if necessary.

The negative perception of all the presidents who have come and gone or have been removed is not limited to just the presidents, it includes other employees' as well. In the government, there is a process and timetable for everything. We prepare the paperwork, and it goes off to a different location for processing. When people have no experience with the government, this is what causes the issues, they don't understand how the government works. Even when it comes to hiring new employees, it used to take approximately 30 days, now its anywhere from three (3) to six (6) months to on-board a new employee. When it involves an instructor, and it takes this long, you can be guaranteed to remove a person from teaching and cancel the class for the next semester. This has resulted in HINU hiring adjunct

instructors because we are down to 25 federal employees, which approximately 70 employees are needed to function. The other problem is all the acting positions, and the amount of time it takes a person who is acting to learn all the policies, by then, we get another person who is acting. When a new president comes in and wants to affect change, they end up having to take direction from a person working in Anadarko, Oklahoma, who requires certain tasks in order for them to follow the policies.

I worked at Indian Health Services (IHS) and the on-boarding process is totally different from HINU. At IHS, they took the time to provide proper orientation, and resources to make you successful. But here at HINU, you are brought in and told to sign documents, then sent on your way, and sometimes to an office with no supervisor or direction. For new employees, HINU is not very welcoming. The only persons who get the red-carpet treatment are the presidents and vice-presidents, but anyone else who is not a supervisor have to fend for themselves.

In regard to me coming in to testify, I don't feel concerned at the moment, but it could change based upon who has seen me come in here. There is a lot of traffic coming in and out of the library, but I would be concerned if anyone saw me coming in here to testify and who is friendly with the (b) (6) family. I don't want to be guilty by association, if any disciplinary action is a result of this investigation and it is known or if I was seen in this room. I could be seen as someone who was associated with the investigation and maybe reporting on disciplinary issues.

If I saw staff members moving boxes and loading up a vehicle, I wouldn't know who I would report it to, there isn't a clearly defined process. In a hypothetical situation, if I saw someone taking Dell computer boxes, I don't know who I would report it to. I could report it the President's office if we had a permanent president. With the current Acting President, I would not feel comfortable reporting it to them based upon the fact they could be friends with faculty who are taking these items. So, reporting issues like this to an Acting President would create retaliation.

I do recall an issue as it relates to this interview. I don't recall when this was, maybe two (2) months ago, the HINU lock smith reached out to me and needed to check my keys. Apparently, the tip of the key, which is a universal key, to the Jim Thorpe storage cage was broken off inside the lock and he asked me about the key. I felt like I was singled out because I have key access to this storage cage, but I haven't had to go into Jim Thorpe in a while.

I don't have access to the security cameras but to my understand it is a web-based access, but (b) (6) has direct access to the system. The IT department wasn't involved with the overall installation of the system, but structurally it is housed on our IT infrastructure. (b) (6) for the (b) (6) 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):*

**From:** (b) (6)  
**To:** (b) (6); (b) (6); (b) (6); (b) (6)  
**Subject:** Re: [EXTERNAL] Re: Haskell Investigation - Follow-Up  
**Date:** Friday, December 16, 2022 7:21:16 AM

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Hello,

Thank you for the response.

Erland Paisano  
505-563-3024

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**From:** (b) (6) <(b) (6)>  
**Sent:** Thursday, December 15, 2022 4:24 PM  
**To:** (b) (6)@bie.edu  
**Subject:** [EXTERNAL] Re: Haskell Investigation - Follow-Up

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello, it is very common for coaches to help Athlete with the process for that application into Haskell. That is one of the priority responsibilities of a recruiter, which is coaches to help make sure those we are trying to get in has help and everything they need as far as the application goes. this would have been portrayed to Clay as part of the recruiting process. That has always been what we did was to help our kids apply to get into Haskell.

[Sent from AT&T Yahoo Mail for iPhone](#)

On Thursday, December 15, 2022, 12:38 PM, (b) (6)@bie.edu wrote:

(b) (6),

As part of the investigation, we need to know if it was common for student/athletes to seek help from athletic staff and coaches when completing the academic application/process to attend Haskell Indian Nations University? If so, did Clay Mayes mention this to you, or did you say anything to him regarding this process?

(b) (6)

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Please take a moment to complete our HR Customer Satisfaction Survey. Your feedback is important.  
Thank you.  
BIE survey - [BIE HR Customer Satisfaction Survey](#)

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CONFIDENTIALITY NOTICE: This e-mail and any documents may contain information that is privileged, confidential, or otherwise protected from disclosure. Interception, dissemination, distribution, or copying of this e-mail or the information herein is prohibited, and the information should only be viewed by the intended recipient. Any misuse or unauthorized disclosure may result in both civil and criminal penalties. If you have received this e-mail in error, please notify the sender by reply e-mail and destroy the original message and all copies.

• Told athlete (b) (6) "doesn't know what he's doing"

• Treats athlete with medical treatments such as graston with binder clips, wrenches, used with lotion or bio freeze hand sanitizer.

• (b) (6)

#### Missouri Southern Stampede

• Athlete at Missouri Southern stampede stated (b) (6) did not run, when athletics received email stating otherwise

• XC jerseys etc is not Nike - Brooks is the brand which is not approved by athletics.



UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Indian Education  
1011 Indian School Rd. NW, Suite 150  
Albuquerque, NM 87104

IN REPLY REFER TO:  
Human Resources Office

MEMORANDUM

TO: (b) (6), Security Officer/Compliance Officer

FROM: (b) (6), Acting Human Resources Officer

(b) (6)

DATE: December 6, 2022

SUBJECT: Review of Applicant Qualifications – (b) (6)

The purpose of this memorandum is to inform you that I have reviewed the qualifications for (b) (6) for the position of Athletic Director, GS-1701-12 located at Haskell Indian Nations University.

**The Basic Requirement:**

Degree: that included or was supplemented by major study in education or in a subject-matterfield appropriate to the position. OR

Combination of education and experience -- courses equivalent to a major in education, or in a subject-matter field appropriate to the position, plus appropriate experience or additional course work that provided knowledge comparable to that normally acquired through the successful completion of the 4-year course of study described above.

**Specialized Experience for GS-13:**

One (1) year of specialized experience that equipped the applicant with the particular knowledge, skills, and abilities to successfully perform the duties of this position. This experience is related to the work of the position and equivalent to at least the GS-11 level in the Federal service that includes: responsible for leadership of an athletic program including the management and administration, training plans, recruitment and retention of student athletes, resources; athletic development and assessment; maintenance of effective relationships with professional athletic programs, administration and support with administration measure of intercollegiate sport competition and regulations, tribal communities and other stakeholders.



**Based on resume submitted:**

(b) (6) meets the Basic Education Requirement as he possesses a (b) (6)  
(b) (6); Major (b) (6)  
He also possesses a (b) (6); Major (b) (6)  
(b) (6)

(b) (6) did not possess the specialized experience. His resume did not show the leadership of an athletic program including the management and administration of it. Resume did not indicate development of training plans, or anything with recruitment and retention of student athletes.

Based on this review, (b) (6) is not qualified for the Athletic Director, GS-1701-12 position as he lacks the specialized experience equivalent to at least the next lower grade level in the federal service or private sector. (GS-11). If you need further clarification, please let me know. Thank you.

Fwd: Assistant Coaches - (b) (6)

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @bie.edu  
Date: Tue, Sep 14, 2021, 11:38 PM  
 Sep 14, Doc 3.pdf 4.9 MB

Hello (b) (6)

Hopefully, I did this correctly. I'm looking at adding a few coaches with xc. Here are the names, emails, and contacts for potential Haskell xc coaches:

- 1.) (b) (6) - Email: (b) (6)
- 2.) (b) (6) - Email: (b) (6)
- 3.) (b) (6) - Email: (b) (6)

I was also navigated to getting their background information. After talking to a few folks, they noted you needed their background information.

Here is (b) (6) background forms. If there is any issues, don't hesitate to let me know, and I'll make sure to follow your instructions.

-Clay Mayes

(b) (6)

---

From: (b) (6) @BIE.EDU  
To: Clay Mayes cmayes@HASKELL.edu, (b) (6) @HASKELL.edu  
Cc: (b) (6) @bie.edu  
Date: Wed, Sep 15, 2021, 8:49 AM

Clay,

Please come by or give me a call, I have some concerns with your requests.

1. As a federal contractor you should not be handling anyone's PII information, nor sending through email.
2. Federal background investigations are requested by a federal employee – Gary Tanner will need to request these on your behalf.
3. How are these three individuals getting paid?

4. What is the duration of their services? Dates
5. Title?
6. All packets submitted are incomplete
7. No services can be rendered until they receive a favorable screening.

(b) (6)

Special Assistant to the President/SPOC

(b) (6) @bie.edu

Haskell Indian Nations University

Cell (b) (6)

Des (b) (6)

Fax (b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu (b) (6) @bie.edu  
To: (b) (6) @HASKELL.edu (b) (6) @bie.edu  
Cc: (b) (6) @bie.edu

Date: Wed, Sep 15, 2021, 3:37 PM

Thanks for taking the time to visit with me today, (b) (6) After the next upcoming meeting, I'll follow the necessary guidelines and procedure.

-Clay Mayes

(b) (6)

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From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @HASKELL.edu  
Date: Thu, Sep 16, 2021, 7:36 PM

Noted in the email, (b) (6) noted for me to call or stop by.

Additionally after this email was sent, Mona called me and left me a voicemail asking me to stop by a SECOND time after she sent this. After being asked on 2 occasions, I went ahead and stopped by to visit Mona a little after 4:00 p.m. yesterday.

As I'm learning for the next occasion, if anyone outside of our Athletics circle asks for my time, or for me to visit with them, I will be going through you first and foremost before.

During this meeting, it lasted 10 minutes, and (b) (6) suggested before coaches were to do background checks, to keep in mind each background check costs 600 dollars per person, and that doing these

**Fwd: Assistant Coaches - (b) (6)**

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From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6) @HASKELL.edu

Date: Thu, Sep 16, 2021, 7:36 PM

Noted in the email, (b) (6) noted for me to call or stop by.

Additionally after this email was sent, (b) (6) called me and left me a voicemail asking me to stop by a SECOND time after she sent this. After being asked on 2 occasions, I went ahead and stopped by to visit (b) (6) a little after 4:00 p.m. yesterday.

As I'm learning for the next occasion, if anyone outside of our Athletics circle asks for my time, or for me to visit with them, I will be going through you first and foremost before.

During this meeting, it lasted 10 minutes, and (b) (6) suggested before coaches were to do background checks, to keep in mind each background check costs 600 dollars per person, and that doing these checks can be seen as wasted spending, and that it should be the coaches sole responsibility to coach their team, rather than hire assistants. (b) (6) added and noted the coaches need to be held accountable and really don't need to have assistants because it's what we are contracted to do.

I actually documented this meeting, and the notes in regards to this meeting are detailed in a notebook on my desk at the moment.

-Clay Mayes

(b) (6)

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From: Clay Mayes cmayes@HASKELL.edu

To: (b) (6)

Date: Thu, Dec 30, 2021, 7:31 PM

Sep 14, Doc 3.pdf 4.9 MB

-Clay Mayes

(b) (6)

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From: Clay Mayes cmayes@HASKELL.edu



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

HASKELL INDIAN NATIONS UNIVERSITY - ADMINISTRATIVE INVESTIGATION

Date: August 1, 2022, 10:43 a.m. (MDT)

Bureau of Indian Education Witness Declaration/Affidavit

Witness Statement: (b) (6), Bureau of Indian Education

I am a (b) (6) ) with the Bureau of Indian Education (BIE).

Back in November 2021, there were emails sent that were sent to me from (b) (6) (b) (6) from some members of the Haskell Indian Nations University (Haskell or University) cross-county team regarding their concerns about Clay Mayes, Cross-County Coach. I provided this information to the Solicitor's Office, and they said to have a third-party look into it. In early December 2021, I submitted it to the United States Postal Service (USPS) to investigate.

The no contact order was issued by Tonia Salvini, Vice President of University Services. Once Mayes was served with the no contact order, he filed a hostile work environment claim. I sent the claim to the USPS for investigation. Mayes was in contact with me about the status and I told him it was assigned to an investigator.

At some point around February or March 2022, Mayes contacted Director Tony Dearman about his contract being stopped. I contacted Salvini to obtain more information about why the contract was stopped. Salvini said that during one of her contract meetings with (b) (6) (b) (6) she mentioned the ongoing investigations and they immediately stopped Mayes' contract. I was informed that this was normal protocol. I then asked for Mayes' SOW (Statement of Work) and after reviewing it, I said that Mayes could not have contact with the cross-country team, but he could still do administrative work. The contracting office stated that this was the University's call. I relayed this to Salvini and told her she might want to check with (b) (6), and the contracting office to see if Mayes could do administrative work. Later that morning, Salvini called me about a potentially more serious concern involving student applications.

The allegations were that Mayes was potentially inappropriately filling out cross country students' admissions applications and financial aid applications. From my understanding, Salvini received an email from (b) (6) about the student applications. Somebody was going through Mayes' desk and saw an envelope from a student addressed to Mayes. They also found copies of applications from the previous year in his desk. (b) (6) alerted (b) (6), (b) (6), about what was found and told her she might want to look into the matter. I think that some of the cross-country students were returning, so they pulled these applications and then looked at the entire cross-country team.

(b) (6) contacted several students who stated that Mayes informed them to mail their upcoming applications to him, and he would submit them on their behalf. From my understanding, the application packets and \$10 application fee went straight to Mayes, then he transcribed the information and mailed the packet to the University from Lawrence, Kansas.

After the applications were reviewed, it was confirmed that the information on the applications were either incorrect or missing information. They compared these with last semester's applications. The applications had the same handwriting from students living in six or seven different areas.

This was a huge concern for the University because of the potential fraud. From talking to Salvini, she explained that when a student applies for financial aid, they get money from the Department of Education (DOE), or through a Pell Grant. If there is incorrect information on the financial aid form, it could delay or stop payment to a student, which would be a huge financial burden for the student. Salvini said they were also concerned because it could potentially open the University up to an investigation by the DOE, which could result in a harsh penalty, sanctions, and an audit.

I asked Salvini if the \$10 fees were submitted with the applications. My understanding was there was no payment. We discussed this and I told her it would be up to the University to decide whether they should waive the fee or have the students make the payment again.

I did not recommend to anyone that Mayes' contract be terminated. In general, I don't get involved with contractors unless there is a harassment complaint. For Mayes, there was the initial complaint, and then he brought in the hostile work environment claim. I told Salvini that the other investigations were still pending. I said that it was up to them to decide whether to terminate the contract. I told her my concerns were the applications and the impact it may have on the University. I told her to look at it from the University and student perspective. When I spoke to Salvini about this, I didn't know she had a meeting with Dr. Tamarah Pfeiffer, Acting President. Two hours later, or the next day, Dr. Pfeiffer sent the email to the contracting office to terminate Mayes' contract. I believe Salvini was also in discussion with (b) (6) (b) (6), and the individual in the contracting office during this time.

My understanding is that based upon conversations between Salvini and Dr. Pfeiffer, Dr. Pfeiffer elected to cancel Mayes' contract primarily because of the incorrect information on the applications. The University had to make the corrections on the applications so that the students could get on board and receive their financial aid.

I provided all the information about the students' applications to the Office of Inspector General (OIG). The OIG Special Agent, either a (b) (6) or (b) (6), informed me that he would look at it and may possibly send it back to the BIE to investigate. I have not received any further direction from the OIG.

Typically, in Employee and Labor Relations, we wait for an investigation to conclude before action is taken. Mayes is a unique scenario because he is a contractor and the allegations with the students' applications were a different issue than the matters that were being investigated. So, they can terminate the contract at any time.

I don't know if they talked to Mayes about the applications before terminating his contract. I don't know if they talked to the students, but I believe (b) (6) did contact several students. I did not speak to (b) (6) about this issue.

As far as BIE, in my experience, this is the first time a contract has been cancelled mid-way through the contract. The investigation on the applications is still open until we receive information from OIG.

My understanding is that Mayes was still recruiting students for the cross-country team. When the letter of intent with Mayes' signature was sent in by (b) (6), I asked her if anybody was recruiting at that

time, and she said no. When Mayes completes a letter of intent, he posts it on his personal social media account. His personal account also shows that the t-shirts he gives out are not the ones Haskell gives out. I also understand Mayes is still practicing with students. I told (b) (6) that she needed to inform the students that this is a liability issue because Mayes is not part of the University.

I kept telling (b) (6) and (b) (6), and (b) (6) (b) (6) (b) (6), that what the cross-country students are submitting is the information they are getting from Mayes. For instance, some of the information the students submitted about (b) (6) (b) (6) (b) (6) taking equipment is coming from Mayes. He was the only person aware of this. The information the students listed isn't stuff they would have known.

Haskell has had quite a lot of investigations. A lot of them are employees disgruntled with their supervisors. This is nothing new going on as far as Haskell. Once something happens, it gets on the media, or it gets sent to the (b) (6) (b) (6) and one hundred percent an investigation is going to happen. Here, it all stems from Mayes using the students against the University. Again, I think all the information is coming from Mayes and he is disgruntled about the termination of the contract.

Regarding Mayes' suspension last fall of 2021, I wasn't aware that Mayes was suspended until the investigation came to light. Salvini had mentioned that Mayes may have been suspended for a week. When I received the documentation, it showed that (b) (6) (b) (6) didn't want to suspend Mayes because he didn't find any wrongdoing by Mayes. From what I recall, Mayes had done something at one of the meets. He had his wife there and the University had paid for his spouse's room. The University said that when the travel itinerary list was submitted, her name was not on the list. When they looked at the hotel bill and paperwork, it didn't match up. (b) (6) (b) (6) didn't want to suspend him, but Dr. Pfeiffer told him that if he wasn't going to suspend him who would pay for the overage of the travel.

Regarding (b) (6) (b) (6) being a (b) (6) (b) (6) There are instructors who perform as coaches at the Southwestern Indian Polytechnic Institute (SIPI) as well. I have had these conversations with (b) (6) (b) (6) (b) (6) Special Assistant to the President. I think when (b) (6) (b) (6) was there, (b) (6) (b) (6) and I talked to him and Tanner about upcoming positions that some instructors wanted to partake in. (b) (6) (b) (6) told me that the contracting office would send out a recruitment for them and individuals could apply. However, as for (b) (6) (b) (6) I was not aware he was in that capacity as a coach for 15 years.

Whether this could be considered fraud, waste, abuse, or mismanagement. I could look at it as a potential mismanagement matter, but if it was all done correctly as far as recruiting and all that, then would it be a mismanagement matter? Occasionally, they will put out a recruitment for a coach. (b) (6) (b) (6) said that contracting officers are doing similar duties as staffing, in that they are recruiting coaches. I was not aware of the bathroom incident involving Mayes and (b) (6) (b) (6) Director.

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

Executed on (Date): September 14, 2022

Requisition Approval Email: Finance-Requisitions@bie.edu

U.S. Department of the Interior Bureau of Indian Affairs

REQUISITION

1. REQUISITION No: [redacted] 2. DATE: 5/10/2022

3. Vendor Name & Address: (b) (6)	4. Ship to (Name & Address): Haskell Indian Nations Univ. AMERICAN HORSE WAREHOUSE 155 Indian Ave- ATTN: Lawrence Ks 66046	5. Requested Delivery PURCHASE TO BE MADE BY: (b) (6)
--------------------------------------	--	---

NOTE: The accounting code strip must be entered below each Line No. Description in Block 7. Refer to the BIA Property Management Handbook: Small Purchases - Requisitions Section

6. Line No.	7. Description\Acctg. Code Strip	8. Qty	9. Unit	10. Unit Price	11. Total
1	Payment to serve as the assistant coach for track and field  Payments to be made bi-weekly First payment: May 16 ✓ Second payment: May 30 ✓ Third payment: June 13 ✓ paid 6/29/22 Fourth payment: June 27  NOTE: the drop down accounting has the correct number, however does not say track  Justification: Per the Office of the President, a new assistant coach was requested to assist with track and field in light of my role as athletic director. The following individual was named by the President as a possible individual.  Accounting: AADD03LTR4/A0E392020.999900/212A2106DD-Men's Cross Country Appropri	4	each	\$2,500.00	\$10,000.00
12. TOTAL ACTUAL COST				Total	\$10,000.00

13. REQUESTED BY:

(b) (6) \_\_\_\_\_ Date

Supervisor \_\_\_\_\_ Date

IT Approval \_\_\_\_\_ Date

14. APPROVING OFFICIAL CERTIFICATION: I certify the above items are authorized for this program and funds are available

(b) (6) \_\_\_\_\_ Date

Chief Financial Officer

(b) (6) 5.17.22 \_\_\_\_\_ Date

Acting President

E-MAILED 5/17/22





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

HASKELL INDIAN NATIONS UNIVERSITY INSTRUCTIONS

Bureau of Indian Education Witness Declaration/Affidavit

Date: July 14, 2022, 4:40 p.m. CST

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

I am the (b) (6) at Haskell Indian Nations University (Haskell). My contract began in May of 2021. I have 10 years of coaching experience and I have recruited many Native athletes. I'm an (b) (6). I was working for a Bureau of Indian Education compacted school, Akima Tribal Schools, which is state and federally funded. I wanted to make my way to Haskell and elected to apply for positions. After the third time trying I was selected as the Head Coach.

At the time I was hired there were no students on campus. I worked remotely and made the physical move in July of 2021. As I became more comfortable at Haskell I started to compare how Haskell was run in comparison to other places. At Haskell the lack of leadership and professionalism was no comparison. There were too many hands in the pot and it was well known that a few staff members (b) (6) and (b) (6) did a lot of the decision making even though (b) (6) was in charge.

In my first interaction with (b) (6) she "politely" scolded me for taking too many returning players, my son, and my nephew to work out in the Coffin Sports Complex. She said they couldn't work out because they were not students. I felt that I was in a certified profession and this was my first time in the gym and here I am kicked out. I sent (b) (6) my immediate supervisor an email questioning whether (b) (6) could do that. He said that as coaches we had access to the gym. (b) (6) replied and said they were a liability. A few days later we were putting up a circus tent for the welcome. It was 10 degree weather and my son and nephew were helping. They weren't a liability then. Something like that let me know where I stood and from there it was an uphill battle.

(b) (6) is very territorial. We didn't have an Instagram page up for the team and she wanted to post live updates and other things that were going on. I had a friend that did all this but (b) (6) said it all had to go through her. She said that years ago the Instagram password was lost, and the Haskell Women's basketball page was stagnant. It was petty things like that. Prior to games (b) (6) would be trying to change numbers just minutes before the game started. I understand the importance with stats but she could have taken care of the number thing after the game.

We have travel packets with travel authorizations, etc., that are put together before we leave. (b) (6) tried her best to keep this in order and she was helpful there. However, there were a few occurrences where (b) (6) said a player was eligible and then told me she wasn't eligible a few days later. The paperwork process was a crap shoot.

Around Halloween they had a parade for the sports athletes. My team was going on the road for a tournament. I told (b) (6) that it was too bad they were having it on that day because we'd be gone and

asked if they could have the parade on the 1<sup>st</sup> when we'd be back. (b) (6) just said my ineligible players could be in the parade. Normally when a team is on the road the common practice is to post the game and have a live stream, but (b) (6) didn't even post it. Instead she posted all the players in the parade.

His time went on the basketball program had some success and things started to fall in place. It was as if they decided they were going to help me and provide a service for the athletes.

Clay Mayes and I came to Haskell about the same time. My first tipoff that Clay was going to have a rough road was when I was helping (b) (6) put together some metal shelves. We were just making small talk and (b) (6) said, "I'm not sure about this Clay Mayes guy." Fast forward eight months and look what happened.

Clay and I shared the same module. He worked nonstop. I grew to have a lot of respect for him. Clay knew a lot of runners. He was getting ready for the first cross country meet and this was before I knew about travel packets. Clay was flustered because he said he did his paperwork over about 20 times. I thought I had better take note.

Clay also told me he may have messed up by having an ineligible runner compete. He said it was a bad move and it was a mistake. I could see how it could have happened because you're waiting until the last hour for the eligibility. Clay told me he was suspended for a pay period or two. After he made it through that it just got worse. He couldn't coach and he couldn't practice with his athletes. He kept trying to fight through it.

I recall one Saturday practice in early October 2021 where I saw these three students (b) (6), (b) (6), (b) (6) and a girl named (b) (6). I don't recall her last name in Coffin Complex. I saw that they were crying and they start talking to me about Coach Mayes and how he's mean to them and how he speaks down to them. I told them they needed to speak to (b) (6) but they said they couldn't because he and Coach Mayes were friends. I told them I had to go because I had a practice to run. Later I notified (b) (6) and Clay that I had three cross country girls in here crying and told them about the situation. They said they knew there were some issues with those three.

Months later when (b) (6) took over as athletic director two of those three (b) (6) and (b) (6) were running things like the Champions of Character events. It was the same people over and over. It bothered me because I have some athletes that are capable of doing good things. I even said this in a department meeting and asked why we have the same athletes run everything.

I don't know if it's favoritism but (b) (6), (b) (6), (b) (6) and (b) (6) she's involved in student government pick the students who show weakness or need. We have a Student Athlete Council SAC and there should have been a vote for the SAC board. I feel like they just handpicked the students so they can implement and share their ideas meaning those in leadership like (b) (6) and the others. It's more about control. I feel like they were being manipulated. It's a student athletic council and it should be student led.

Clay had hosted two meets here. One was a cross country meet and the other was the conference meet. There was also a fun run. Clay posted about unattached runners and community runners participating in a fun run and he said (b) (6) reported him to the National Association of Intercollegiate Athletics (NAIA). He was really stressed about this. I'm not sure why she reported him. She wasn't the Athletic Director at the time just a Health Sport and Exercise Science instructor. (b) (6), (b) (6), was the (b) (6). I think it was the administration that was trying to revamp the programs and they wanted to coach one sport versus both. My understanding is that (b) (6) thought he could do both and be successful. Maybe (b) (6) was upset that (b) (6) was no longer the cross country coach and she wanted to paint a bad picture or portray a bad image on the new cross country coach. Clay quickly contacted the NAIA to check on this. Whatever (b) (6) reported was unfounded. Clay said he asked NAIA and they said he was fine. Whatever allegations she made against

him he checked with his resources and he was fine. I found it interesting that neither (b) (6) nor (b) (6) attended a single cross-country event last season.

I felt like Clay was handed a dozen balloons and they constantly popped them. I believe Clay recruits better than anyone I've seen at the collegiate level. He does everything he needs to do. We were having a meeting and Clay was talking about all the folks he signed and how he thought they were on track for a national title. (b) (6) said, "We're not here for a national title. We're here for student retention." This is in front of a room full of coaches and I was getting ready to take my team to the nationals. I understand the small percentage of Native American student success and there has to be attention there. However, I viewed her comment as her seeing that Clay is excited, he's doing good things, he's doing his job and she was just going to take him down.

Regarding the athletic program budgets (b) (6) handed out little strips of paper and I got about 2000. When (b) (6) came on as (b) (6) she said she had a lot of Covid funds that she needed to spend down. I remember Clay said he had about 1000 in his budget but he ended up with negative 1000. I think (b) (6) shared this with everyone in a department meeting—about who had money and who didn't have money. She said there were amount of dollars for cross-county and they only travelled two or three times so they didn't need all the money for travel and it needed to be moved. I know before Mary retired (b) (6) and (b) (6) would go to meetings together to make the budgets. But after (b) (6) retired (b) (6) and (b) (6) would laugh about how Mary appropriated the funds in a meeting. I thought this was unprofessional because (b) (6) went to the budget meetings and helped (b) (6) make the budgets. No one was laughing about it with the new ones.

During another meeting it was alluded that someone was stealing running shoes and (b) (6) was making comments about people stealing shirts and socks. I responded to an email that if she was talking about items being taken during Christmas break that I had taken a handful of socks and shirts for a basketball camp. When (b) (6) was there was a closet full of gear that was to be used for recruiting purposes. There are no inventory records. I had heard that (b) (6) who is with IT information technology told Clay that truckloads of apparel had been taken from the Jim Thorpe building.

Clay mentioned to me that he happened to be at Coffin Complex on a Saturday. He said he spilled an orange drink and since there were no paper towels in the men's restroom he went to get some in the women's restroom. He said (b) (6) said that a student reported him going into the woman's bathroom. He checked with security and they said no one would have seen him go in there. At that point is this defamation of character.

(b) (6) coaches track and field but he did not coach for the 2021 – 2022 season. I believe it was due to a conflict of interest with (b) (6) being named (b) (6) and him working under her guidance. (b) (6) coached track and field as an interim coach. She had no experience other than being a Division I equestrian. It was frustrating to me because I worked hard to get my position and to see somebody appointed as the track coach and in a paid position. She is contractor like me and she also a contract with Chenega to teach as an adjunct. They also just appointed (b) (6), the Head Coach for Men's Basketball as the interim cross-country coach.

I think it's concerning that coaches are appointed to just take over other programs. Why not do a nationwide search and find someone who has the qualifications, resume and experience to have that position. I think it's a disservice to the University by not having someone with the expertise, qualifications and experience. I have not seen this at the collegiate level.

I have a bachelor's degree in mid-level math and a master's in School Administration. I applied for a Health Sport and Exercise Science HS/S instructor position in April of 2022. Around June 2022 I received a call from (b) (6) to inform me that I was offered the position and I

□

Witness Declaration/Affidavit of (b) (6)

could be a [redacted] when she called me back a few minutes later and said she forgot to inform me that if I accepted the position that I could no longer coach. She said that she had been told that I couldn't coach in a volunteer capacity and that it was a full-time instructor position.

I sent an email to [redacted] and she replied congratulating me. She said that I could accept the lower position and that I could give back to the University like [redacted] and [redacted], he's a [redacted] and [redacted] for the upcoming 2022 – 2023 season. However I had a conversation with [redacted] about two weeks earlier inquiring whether she knew anything about the HS position. I also shared my concerns with her about federal contractors not being able to volunteer. [redacted] said that [redacted] was fine with people doing more than one duty. [redacted] used herself as an example and said she was more than capable of performing both duties and instructor duties unlike the previous [redacted]. I didn't accept the position because I put too much time building my coaching career to just be a volunteer coach.

I shared the email from [redacted] with [redacted] and [redacted]. I told them I applied for the [redacted] position last fall because former Acting President Dr. Amarah Pfeiffer thought I might be interested in the position. However after I applied I received a message that I didn't have enough experience. I also told them I applied and interviewed for a Program Support Assistant to the [redacted] which was a [redacted] position. I told them that after the interview Dr. Pfeiffer called me and said that I was overqualified and that I rated at a [redacted]. She also said I would have to give up my coaching position. I told them I applied for the HS instructor position in April 2022 and that I didn't hear anything until I got the call from [redacted].

I shared all this with [redacted] and [redacted] because during a team meeting [redacted] told us we had a new employee our [redacted] who could be serving as the Program Support Assistant. [redacted] told us that it was "way cool" because [redacted] could be able to use her federal credit card for travel. I politely asked [redacted] to keep this between us because of a previous incident where I had a meeting with Dr. Pfeiffer to request a charter bus for travel to nationals and [redacted] who was acting [redacted] at the time didn't talk to me for a whole week.

I went to [redacted] because of the inconsistencies here. I feel there are relationships between [redacted] [redacted] [redacted] [redacted] [redacted] the [redacted] and [redacted]. I feel like I'm on an island. I'm not standoffish but at the same time I'm not going to be a pushover nor am I going to play their game. It doesn't sit well with me. In the spring [redacted] all these people I just named are sitting together. I walk in and no one offers me a chair. It's the same as when I walk into the athletic department. It's kind of cold at times. I'm not going to be manipulated or easily persuaded. These folks have all been here a while.

[redacted] asked for my resume three different times. Once it was about teaching in the fall. Then when she became [redacted] in January she asked me about teaching. Then in April or May she asked me if I'd be interested in teaching during the summer. She never responded to any of my submissions. When I met with [redacted] and [redacted] they said I was qualified to teach in other positions. After they referred me to [redacted] about Chenega and the process moved very quickly from there. I accepted an adjunct position to teach seven credits. It took a week to get through the process.

I have not witnessed any misconduct or equal misconduct or had any complaints or reports of sexual assault reported to me. As an educator, I'm a mandated reporter. I have not heard or witnessed [redacted] in his interactions with student athletes. I only see him in passing.

I've been stressed at this [redacted] I'm wondering if it's me. I've been successful as a coach and I moved here. I want Haskell Indian Nations University to be successful. I think it should be the best institution for Native Americans in the Nation. Google Haskell and you'll see turnover in leadership. It's a trickle-down effect. It's sad because its Native American people that are allowing these things to happen to

Native America youth potential leaders. Give jobs to the most qualified and certified people. Do self reflection and employee evaluations. There is no reason for us to be in this position at this University. I have three students who come here and have said when they graduate they want this degree to mean something.

If I could change anything it would be leadership and consistency. They should provide training even for contractors. If there's a problem who do I report it to? There isn't really an orientation. It also feels like everybody is distant here. Why not have a staff retreat or a meeting? The interim President should have a welcoming and people in administration should be something more than a title. It's about whose been here longer and who knows who and the system. It's those people who rise to the top.

As for other witnesses there is (b) (6) who works in (b) (6) (b) (6), but I don't know his last name. Sometimes they hear and see more than the average employee. A couple times he's shared with me that what Clay was going through was wrong. He also told me, "You're not in the clique, huh? They all have meetings there and you're not around." I just told him that I wasn't in the clique.

*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): 9/13/22

□

Witness Declaration/Affidavit of (b) (6)

**RE: Budget Data for Haskell Athletic Department**

(b) (6) @bie.edu>

Fri 7/15/2022 5:16 PM

To: (b) (6) @bie.edu>

Cc: (b) (6) @bie.edu>; (b) (6) @bie.edu>; (b) (6) @bie.edu>; Shamblin, Jackie R <Jackie.Shamblin@bie.edu>

📎 1 attachments (467 KB)

RE: [EXTERNAL] Re: Budget Transfer forms (3/athletics) - attached;

(b) (6), It seems to be a coincidence as to the timing of the budget transfers vs your trip to Haskell. Since I have started here, I am trying to hold Divisions/Departments accountable for budgets, teaching them how to "read" and "work" their budgets. As from what I have heard it was the "it's always been done that way" mentality. I have been having regular budget meetings and created a Budget Transfer Form for tracking purposes. Division are to provide budget transfers, if the categories originally budgeted for has changed for various reasons, to make their accounts current, they are sent to Finance (me) for review and approval prior to making changes, the only items that the division updates is the PR and Travel tabs, Finance updates all other tabs.

(b) (6) actually sent the Athletics budget transfer on 07/01/22 (email attached), but I was unable to access the file for review as my laptop was having network connectivity issues, trying to access Haskell files on a BIE device is very tricky and seems to be an on-going battle getting access (just in case you were wondering why it took over a week to approve and transfer). On 07/11/22 (coincidentally again), I reviewed FY22 Budget to have budget transfers completed as negative amounts were showing as over-expended. The reason for the transfer of travel to other areas is directly related to Covid restrictions and there was still some uncertainty of travel, other areas were focused on while the campus was closed or limited traffic, which has sufficed to getting much needed furniture and other equipment/supplies not only in Athletics but Campus-wide.

I know my explanation was lengthy, I want to ensure you that although I may be fairly new at Haskell, I understand process and procedures and want to make others aware that I review all Finance/Budget related items and will question anything outside of scope to get further justification. All departments do not hesitate to contact me or my staff for clarification on how to proceed with allowable purchasing affecting budget and I am working diligently to not have as many budget transfers in the future, with limited resources, it seems everyone is trying to just stay afloat to keep campus functioning for the students.

Please let me know if anything else is needed.

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

***Bureau of Indian Education***

Haskell Indian Nations University

155 Indian Ave

Lawrence KS 66046

Office (b) (6)

Mobile (b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

**From:** (b) (6) @bie.edu>  
**Sent:** Friday, July 15, 2022 5:39 PM  
**To:** (b) (6) bie.edu>  
**Cc:** (b) (6) bie.edu>; (b) (6) bie.edu>; (b) (6) bie.edu>; Shamblin, Jackie R <Jackie.Shamblin@bie.edu>  
**Subject:** RE: Budget Data for Haskell Athletic Department

(b) (6), I noticed on the information you sent that many of the athletic programs funding or budget for travel was reduced significantly earlier this week on July 11 and July 12, 2022, after our investigation started. I also noticed that a lot of the funds were reallocated from travel to supplies/equipment this week. Is it typical to move travel money to supplies this late in the year? In addition, does the athletic director have the authority to reallocate funds without coordinating the reallocation with your office? Please advise. Thanks!

---

**From:** (b) (6) @bie.edu>  
**Sent:** Friday, July 15, 2022 2:34 PM  
**To:** (b) (6) @bie.edu>  
**Cc:** (b) (6) bie.edu>; (b) (6) bie.edu>; (b) (6) bie.edu>; Shamblin, Jackie R <Jackie.Shamblin@bie.edu>  
**Subject:** RE: Budget Data for Haskell Athletic Department

Please see attached. Athletics budget for FY20, FY21, FY22. (b) (6) was acting Athletic Director effective 01/22 and perm around mid-February 2022. I will send password in follow-up email.

(b) (6)

**Bureau of Indian Education**  
Haskell Indian Nations University  
155 Indian Ave  
Lawrence KS 66046  
Office (b) (6)  
Mobile (b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

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**From:** (b) (6) @bie.edu>  
**Sent:** Friday, July 15, 2022 12:39 PM  
**To:** (b) (6) bie.edu>  
**Cc:** (b) (6) bie.edu>; (b) (6) bie.edu>; (b) (6) bie.edu>; Shamblin, Jackie R <Jackie.Shamblin@bie.edu>  
**Subject:** Budget Data for Haskell Athletic Department

Good afternoon (b) (6)! I am the Chair of an Administrative Investigation Team from BIE. I was informed you may have information related to the Haskell Athletic Department budget. I am hoping you can provide me with some historical data and provide the following:

1. All "athletic department" budget information for the past 3 years.
2. Changes made to the athletic department budget since (b) (6) became the Athletic Director, including decreases in budget for each athletic program.

Please note that I am on a stringent deadline to complete the investigation for the undersecretary and the BIE Director. If you have any questions or concerns, please let me know.

(b) (6)

Human Resources Education

1011 Indian School Rd., NW, Suite 150

Albuquerque, NM, 87104

Cell Phone: (b) (6)

Website: [www.bie.edu](http://www.bie.edu)



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

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Re: Email communications with Clay Mayes

(b) (6) @BIE.EDU>

Thu 8/4/2022 4:27 PM

To: (b) (6) @bie.edu>

Cc: (b) (6) @bie.(b) (6) @bie.edu>; (b) (6) @bie.edu>

Good evening (b) (6)

In March the BIE FOIA Office requested email communication between Clay Mayes and a number of individuals on campus, myself included. Would this FOIA request be something you would have access to? I turned in photocopies of my emails that included the name Clay, the name Mayes, the name Clay Mayes, emails with the words XC Coach, the words Cross Country, and the words Cross Country Coach.

If you don't have access to the FOIA requested please let me know and I will go back through my emails.

Regards,

(b) (6)

From: (b) (6) bie.edu>

Sent: Thursday, August 4, 2022 8:19 AM

To: (b) (6) BIE.EDU>

Cc: (b) (6) bie.edu>; (b) (6) bie.edu>;

(b) (6) bie.edu>

Subject: Email communications with Clay Mayes

Good morning (b) (6) ! As part of our administrative investigation, I am requesting any and all emails between you and Clay Mayes. Please let me know if you have any issues with providing the information requested. Thanks and have a good day.

(b) (6)

Human Resources Education  
1011 Indian School Rd., NW, Suite 150  
Albuquerque, NM, 87104  
Cell Phone: (b) (6)  
Website: [www.bie.edu](http://www.bie.edu)



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BIE survey - [BIE HR Customer Satisfaction Survey](#)

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**Re: Haskell AIB**

Salvini, Tonia L &lt;tonia.salvini@BIE.EDU&gt;

Mon 10/3/2022 12:53 PM

To: (b) (6) @bie.edu&gt;

Cc: (b) (6) @bie.edu&gt;; (b) (6) @bie.edu&gt;; (b) (6) @bie.edu&gt;

📎 21 attachments (3 MB)

[EXTERNAL] Re: Following Updated Job Duties-Recruitment ; [EXTERNAL] Following Updated Job Duties-Recruitment ; [EXTERNAL] Fwd: Update - Complaint; [EXTERNAL] Accepted: COR/Cross-Country Coaching Contract; Re: [EXTERNAL] Update Invesitgation; Re: [EXTERNAL] Update Invesitgation; Re: [EXTERNAL] Update Invesitgation; Re: [EXTERNAL] Update Invesitgation; Re: [EXTERNAL] Update Invesitgation; [EXTERNAL] Updated Information ; [EXTERNAL] Re: Champions of Character Event 2/15 6:00 pm; [EXTERNAL] Fwd: Champions of Character Event 2/15 6:00 pm; Re: [EXTERNAL] Update Invesitgation; Re: [EXTERNAL] Update Invesitgation; [EXTERNAL] Update Invesitgation; [EXTERNAL] Fwd: Student-Athlete Return, Spring 2022; [EXTERNAL] Re: Edit\* - Following up; [EXTERNAL] Fwd: Champions of Character-Driven Coaching Course; [EXTERNAL] Edit\* - Following up; [EXTERNAL] Following ip; [EXTERNAL] Re: Signed - no contact statement;

Thanks for your response -- I will now add all emails I received from him: the last email he sent -- I think he mistakenly sent to me -- should have been to the COR or contracting officer. I did not deal with any of these details. I would remind him of that from time to time verbally.

-Tonia

COVID-19/Status - Douglas County, Kansas

<https://reports.mysidewalk.com/4fda1b963e><https://coronavirus.jhu.edu/data/new-cases-50-states>

**Tonia L. Salvini (Northern Paiute)**

Vice President of University Services

Pronouns: she/her

***Haskell Indian Nations University***

155 Indian Avenue

Lawrence, KS 66046

Navarre Hall

Office: 785-749-8457

University Cell: 785-764-1346

[www.haskell.edu](http://www.haskell.edu)***Department of Interior/Bureau of Indian Education***

From: (b) (6) @bie.edu&gt;

Sent: Monday, October 3, 2022 1:46 PM

To: Salvini, Tonia L &lt;tonia.salvini@BIE.EDU&gt;

Cc: (b) (6) @bie.edu&gt;; (b) (6) @bie.edu&gt;;

(b) (6) @bie.edu&gt;

**Subject:** Re: Haskell AIB

Thanks for the prompt response and any emails you can provide.

---

**From:** Salvini, Tonia L <tonia.salvini@BIE.EDU>

**Sent:** Monday, October 3, 2022 12:35 PM

**To:** (b) (6) @bie.edu>

**Cc:** (b) (6) <(b) (6)@bie.edu>; (b) (6) <(b) (6)@bie.edu>;

(b) (6) <(b) (6)@bie.edu>

**Subject:** Re: Haskell AIB

(b) (6),

In response to the statement: It is not true. I have never received an email from Mr. Mayes re: student conduct. I received my first email from C. Mayes on 11/4/2021 and subsequently received 20 emails all regarding updates on the investigation or related to that - ending 3/22/2022. Each time I would receive an email, I usually forwarded them to B. Tuchawena. In my role, I do not directly work with student conduct issues.

In response to your request: I did not receive any emails regarding the nature of the statement Mr. Mayes made. If I would have, I would have forwarded it to the Student Rights and Conduct office. If there were to have been a situation with conduct, none of the employees would violate FERPA by discussing the case with any coach.

I did an email search: cmayes@haskell.edu (his campus address) and am glad to forward all of them to you. I am forwarding all of my correspondence to him.

Please let me know if you have any further questions.

-Tonia

COVID-19/Status - Douglas County, Kansas

<https://reports.mysidewalk.com/4fda1b963e>

<https://coronavirus.jhu.edu/data/new-cases-50-states>



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[www.haskell.edu](http://www.haskell.edu)

***Department of Interior/Bureau of Indian Education***

---

**From:** (b) (6) @bie.edu>  
**Sent:** Monday, October 3, 2022 11:49 AM  
**To:** (b) (6) @BIE.EDU>  
**Cc:** (b) (6) @bie.edu>; (b) (6) bie.edu>;  
(b) (6) bie.edu>  
**Subject:** Haskell AIB

Ms. Salvini, me and my team are trying to wrap up the Haskell administrative investigation. Per clay Mayes, he testified he tried to communicate with you several times but didn't get a response. He wrote:

“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 Tonia Salvini, 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.”

Please respond stating why you never responded or if you did respond to his inquiries or reports, please provide all email responses to Mr. Mayes. Thanks for your assistance with this request!

**Re: [EXTERNAL] Update Invesitgation**

Clay Mayes &lt;cmayes@HASKELL.edu&gt;

Mon 1/31/2022 3:32 PM

To: Salvini, Tonia L &lt;tonia.salvini@BIE.EDU&gt;

Am I able to touch base with (b) (6) and inquire about updates on the investigation?

-Clay Mayes

(b) (6)

---

**From:** Salvini, Tonia L <tonia.salvini@BIE.EDU>**Sent:** Monday, January 31, 2022 4:27 PM**To:** Clay Mayes**Subject:** Re: [EXTERNAL] Update Invesitgation

Hi Clay,

I request weekly updates from (b) (6) -- he is making arrangements with the selected investigator.

You will know better than I, the status, as the investigator will only be working exclusively with you and the students.

The investigator has been provided all contact information via (b) (6).

-Tonia

COVID-19/Status - Douglas County, Kansas

<https://reports.mysidewalk.com/4fda1b963e><https://coronavirus.jhu.edu/data/new-cases-50-states>**Tonia L. Salvini (Northern Paiute)**

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Pronouns: she/her

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[www.haskell.edu](http://www.haskell.edu)***Department of Interior/Bureau of Indian Education***

**From:** Clay Mayes <cmayes@HASKELL.edu>

**Sent:** Monday, January 31, 2022 4:18 PM

**To:** Salvini, Tonia L <tonia.salvini@BIE.EDU>

**Subject:** [EXTERNAL] Update Investigation

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I was wanting to do another follow up about the investigation? I have not heard back on an update, yet.

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

-Clay Mayes

(b) (6)

**[EXTERNAL] Re: Champions of Character Event 2/15 6:00 pm**

Clay Mayes &lt;cmayes@HASKELL.edu&gt;

Tue 2/15/2022 12:26 PM

To: Salvini, Tonia L &lt;tonia.salvini@BIE.EDU&gt;

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Any information you can provide me in regards to whether I can attend our champions of character event today at 6:00 p.m. would be appreciated!

Just let me know if I can attend and work the event.

-Clay Mayes

(b) (6)

---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Monday, February 14, 2022 3:59:29 PM  
**To:** Salvini, Tonia L <tonia.salvini@bie.edu>  
**Subject:** Fwd: Champions of Character Event 2/15 6:00 pm

Hello Vice President Tonia Salvini,

There is a champions of character event tomorrow and I'd really like to help with the event. There will be some students that were xc runners from Fall there and I believe are looped in with the investigation. Am I able to join and help with the event? Or not till the investigation is finished?

I'd like to contribute to Haskell and to all events. So, any guidance and information you can provide me is appreciated.

-Clay Mayes

(b) (6)

---

**From:** (b) (6) @HASKELL.edu>  
**Sent:** Monday, February 14, 2022 12:53:53 PM  
**To:** (b) (6) HASKELL.edu>; (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>  
**Cc:** (b) (6) @HASKELL.edu>; (b) (6) @HASKELL.edu>  
**Subject:** Champions of Character Event 2/15 6:00 pm

Hi Everyone,

Just a reminder we have a champions of character event tomorrow at 6:00 pm in the gym!



(b) (6)  
[Redacted]  
[Redacted]

Haskell Indian Nations University,  
155 Indian Ave, Lawrence, KS, 66046

(b) (6) @haskell.edu  
(b) (6)

[EXTERNAL] Fwd: Student-Athlete Return, Spring 2022

Clay Mayes <cmayes@HASKELL.edu>

Thu 1/13/2022 11:23 AM

To: Salvini, Tonia L <tonia.salvini@BIE.EDU>

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Here is the noted email in trying to obtain information for returnees for xc.

-Clay Mayes

(b) (6)

---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Monday, January 10, 2022 10:47 PM  
**To:** (b) (6)  
**Subject:** Fwd: Student-Athlete Return, Spring 2022

Hello (b) (6) I hope all is well with you.

I need a little infomation and guidance to find out who's returning for some of your fall xc student-athletes.

Any and all help is appreciated. I want to continue abiding by the standards for the investigation, and with that in mind I am unable to contact the student-athletes.

So, would it be possible to visit with you and have you help obtain some information about the xc students?

-Clay Mayes

(b) (6)

---

**From:** (b) (6) @HASKELL.edu>  
**Sent:** Monday, January 10, 2022 11:07:20 AM  
**To:** (b) (6) @HASKELL.edu>; (b) (6) p@HASKELL.edu>; (b) (6) ff @HASKELL.edu>; Clay Mayes <cmayes@HASKELL.edu>; (b) (6) @HASKELL.edu>; (b) (6) @gmail.com>; (b) (6) (b) (6) >; (b) (6) @HASKELL.edu>

Cc: (b) (6) @HASKELL.edu; (b) (6) @HASKELL.edu>

**Subject:** Student-Athlete Return, Spring 2022

Good morning all,

Tim and I just finished a meeting with Dr. Pfeiffer, Ms. Salvini, and (b) (6) regarding the return of our student-athletes for the spring semester. And we have been requested to provide the following:

1. Roster of students for the Spring 2022 Semester

a. Please provide (b) (6) and (b) (6) with your current (eligible to return to Haskell) roster

i. indicate status

1. continuing - those who attended in the fall 2021 semester
2. new - those who are coming into Haskell Spring 2022 as a "first-time" college student (no college credit earned)
3. transfer - those who have earned college credit and will be attending Haskell for the first time in the spring.
4. readmitted - those who previously attended Haskell, sat out from Haskell and are now returning (they do not have credits from other institutions while they "sat out" from Haskell).

2. Arrival date

a. Actual dates they will be either coming to Haskell for the first time (Spring 2022) or will be returning as a continuing student.

3. Information on COVID-19 Testing

a. All student-athletes who are not already on campus as of today, January 10<sup>th</sup>, will need to provide a negative PCR COVID-19 test result to Tim prior to checking into the residence halls and/or prior to the start of practice for the spring 2022 term.

- i. Students who do not provide their results to Tim will be quarantined to a local hotel until they can be tested for a return to campus.
- ii. Students who live off-campus will need to quarantine until they can get tested prior to a return to campus.

(b) (6) I know a few of your student-athletes have returned to campus already. Please provide me with a list of those who live within 4 hours of Haskell and will be arriving later due to travel issues/restrictions, etc. I have been asked to have them stay home until their normal check-in on Sunday as continuing students. This is so we can bring students in waves for testing and dormitory check-ins.

Finally, (b) (6) and Clay, since you are not in-season, we will need to visit as we will need coverage (i.e. supervision) at the hotel with our student-athletes. Please email me your preferred times in which you would like to provide coverage of a total of 8 hours per day. Feel free to converse if you would like to split up the 8 hours with two 4-hour coverage units per day. Housing will be setting up a schedule with their folks as well to help at the hotel. Once I have your times, I will provide them to Dr. Pfeiffer per the request to create a calendar of coverage.

I know this is a lot of information, however, it is important to and for our student-athletes return to campus.

Please let me know if you have any questions.

Regards,

(b) (6)

(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

## Haskell Administrative Investigation

(b) (6) @bie.edu>

Mon 10/3/2022 10:18 AM

To: (b) (6) @bie.edu>

Cc: (b) (6) @bie.edu>; (b) (6) @bie.edu>; (b) (6) @bie.edu>

(b) (6), I am trying to rap up the Haskell Administrative investigation. Mr. Mayes presented the following statement:

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), didn't process the paperwork. 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. Tanner 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 Direct Athletics. 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.

Please explain your involvement in this incident and whether the process changed as Mr. Mayes describes. Also, please provide any communications related to this incident and notification to coaches that the process changed. Thanks!

# assistant coaches

---

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, Clay Mayes cmayes@HASKELL.edu, (b) (6) @HASKELL.edu, (b) (6) @HASKELL.edu  
Date: Mon, Oct 25, 2021, 3:26 PM

Coaches,

Please provide me with documentation that your assistant coaches have had a favorable background check for athletic and is cleared for action. I need this right away so we can be in compliance as requested. This is what I have so far:

- Golf - (b) (6) - (b) (6)
- Volleyball - (b) (6)
- Women Basketball - (b) (6) - (b) (6)
- Track - (b) (6)
- Cross Country - (b) (6)
- Men Basketball - (b) (6)

Please let me know if I have left off anyone.

Thanks,

(b) (6)  
Interim Athletic Director

---

**From:** (b) (6)  
**To:** (b) (6)  
**Cc:** (b) (6); (b) (6); (b) (6)  
**Subject:** Re: Haskell Administrative Investigation  
**Date:** Monday, October 3, 2022 1:43:59 PM  
**Attachments:** (b) (6)

---

Good afternoon,

I have made copies of the files of the students that you have listed. I do not have any alcohol intoxication, possession or trafficking in the files. One of the incident reports indicate that the student, (b) (6) would not be written up because he was not violating the student code of conduct.

As for the visitation, at some point there was an email that was sent to students by Ms. Tonia Salvini indicating that visitation was opened back up. However, neither the Housing Program or my office received the notification. When the students came to see me in their hearings, they pointed out the email that they received. I am not sure why I didn't receive a copy of the email. At this point I am not sure if I will have time to put the document in the file, because I have been removed from my position and detailed to another position.

This brings me to my question. Would I be able to use my statement that I issued to the investigation team as evidence for my removal? I remember I specifically mentioned in my statement that I was fearful of losing my job because of my participation in the investigation. Not long after I mentioned this, I have had adverse action taken against me.

Any information you can provide regarding my statement would be greatly appreciated.

Thank you.

(b) (6)  
Student Rights Specialist, Student Conduct Office

*Bureau of Indian Education*  
U.S. Department of the Interior  
155 Indian Avenue, PO Box 5015  
Lawrence, KS 66046  
Cell Phone: (b) (6)  
Office Phone: (b) (6)

---

**From:** (b) (6)@bie.edu>  
**Sent:** Monday, October 3, 2022 11:07 AM  
**To:** (b) (6)@BIE.EDU>  
**Cc:** (b) (6)@bie.edu>; (b) (6)

(b) (6) @bie.edu; (b) (6) @bie.edu>

**Subject:** Haskell Administrative Investigation

(b) (6), my team and I are trying to finish up the Haskell (b) (6) and hav3 a couple of loose ends for which we need responses. Per Clay Mayes, he testified the following:

“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. McKinney 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 McKinney was aware of but did not follow protocol.”

Is this information true, and did you follow up and treat these individuals the same as others have been treated? If so, please provide us with evidence of your actions. Thanks!



**Re: Incident Report Form**

(b) (6) @HASKELL.edu>

Wed 1/26/2022 8:21 AM

To: Clay Mayes <cmayes@HASKELL.edu>

Yes, it was a good visit. Let me know if you have questions.

(b) (6)

***Bureau of Indian Education***

U.S. Department of the Interior

155 Indian Avenue, PO Box 5015

Lawrence, KS 66046

Cell Phone: (b) (6)

Office Phone: (b) (6)

Website: [www.bie.edu](http://www.bie.edu)

Facebook: @BureauofIndianEducation

Twitter: @BureauIndianEdu

---

**From:** Clay Mayes <cmayes@HASKELL.edu>

**Sent:** Tuesday, January 25, 2022 6:21 PM

**To:** (b) (6) @HASKELL.edu>

**Subject:** Re: Incident Report Form

Thank you for this and the other contacts.

I appreciate you taking the time to visit with me today.

Moving forward and having a lot of time to devote to recruiting, research, and bringing in the right people, I am hoping I rarely have to use this link/process, but when issues do arrive I will follow proper procedure.

Do let me know if you need anything on my end.

-Clay Mayes  
[Redacted Signature]

---

**From:** (b) (6) @HASKELL.edu>

**Sent:** Tuesday, January 25, 2022 2:18:22 PM

**To:** Clay Mayes <cmayes@HASKELL.edu>

**Subject:** Incident Report Form

<https://forms.office.com/Pages>

[/ResponsePage.aspx?id=WmbPisNmeUyeI9tOx\\_SR3CjAshE4qGdCuobkEP7QWfFUMIU5NVlaSUNUR1BRQkZCUkFUS1FTR1JRSi4u](#)

Please use this for incident reporting.



***Bureau of Indian Education***

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155 Indian Avenue, PO Box 5015

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## Re: Student-Athlete Return, Spring 2022

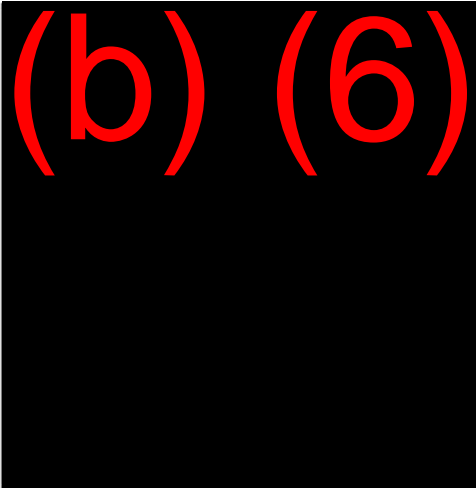
Clay Mayes <cmayes@HASKELL.edu>

Fri 1/14/2022 12:21 PM

To: (b) (6) @HASKELL.edu>

You're fine! I know it's a hectic time for work this time a year, too. We have 6 new spring semester runners for xc.

Here is this past's fall list:



Is there any update on the investigation? It's been about 2.5 months since the start, and I really want to save the runners I brought in for fall. I'm not sure who is or is not here for Spring of 2022.

I have followed all guidelines and agreements for the no-contact. I think if you are able to do research on your end, the complaints don't come from the noted runners above. And a majority of the above are runners I brought in. I included an asterisk (\*) if they didn't run at Haskell the previous season, showing they are new to Haskell as a student-athlete over the last 1.5-2 years.

I do want to get back to coaching and helping them get through a tough school year with covid circumstances.

Recently, I was told by another Haskell administrator that his 2 sons who are Haskell students were approached to join track from Haskell track runners.

If these two sons joined track they would get a bunch of Nike gear, and then they could quit track not long after. They just need to start off and join for a bit, get the gear and then do as they please.

From what these students noted, gear was being used for leverage to get all runners to join.

If needed, I can provide the names of these students and you are welcome to look into these reoccurring issues.

I always get worried about the tone of my emails and I apologize if it comes off brash. I really do

appreciate any and all direction you can help me with.

I do want to continue refining and adjusting my approach in helping my student-athletes have the right support to succeed. I do agree with your previous sentiments coming off less aggressive and having you and your team approach helping the student-athletes is an essential way to help each student-athlete succeed.

Just so you know, here is the new spring semester student-athletes who are coming this spring semester on my end.

(b) (6)

(b) (6)

(b) (6)

They're all fantastic people, students, and great runners. I made house visits for all of them during the recruiting process. I will update you on how they are doing if there is any troubles or issues. Usually the only hurdle I have seen with most of my runners in the past is they'll have to attend to a family member passing and they'd go home for a few days, and they'd get behind in school work.

If you need anything on my end to help with the Haskell students and the university, please let me know! I'm happy to volunteer and help however needed.

-Clay Mayes

(b) (6)

---

**From:** (b) (6) @HASKELL.edu>  
**Sent:** Friday, January 14, 2022 8:20:55 AM  
**To:** Clay Mayes <cmayes@HASKELL.edu>  
**Subject:** Re: Student-Athlete Return, Spring 2022

Good morning,

I do apologize I have been out sick this week. Do you have a roster I can work from? That might be the easiest way to get started.

Thank you.

(b) (6)

(b) (6)

***Bureau of Indian Education***

U.S. Department of the Interior

155 Indian Avenue, PO Box 5015

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Facebook: @BureauofIndianEducation

Twitter: @BureauIndianEdu

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**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Wednesday, January 12, 2022 12:36 PM  
**To:** (b) (6) @HASKELL.edu>  
**Subject:** Re: Student-Athlete Return, Spring 2022

Just following up. I know how busy you are, just at your earliest convenience I was trying to get a few updates, as well as, finding out which runners are coming back to Haskell this Spring of 2022. At this point, I have no knowledge who is or is not coming back. We do have 6 new spring semester student-athletes that are about to start at Haskell, and I'd like to have a small meeting with them and present and educate them on Haskell's resources.

-Clay Mayes

(b) (6)

---

**From:** Clay Mayes <cmayes@HASKELL.edu>  
**Sent:** Monday, January 10, 2022 10:47:01 PM  
**To:** (b) (6) @HASKELL.edu>  
**Subject:** Fwd: Student-Athlete Return, Spring 2022

Hello Danelle, I hope all is well with you.

I need a little intonation and guidance to find out who's returning for some of your fall xc student-athletes.

Any and all help is appreciated. I want to continue abiding by the standards for the investigation, and with that in mind I am unable to contact the student-athletes.

So, would it be possible to visit with you and have you help obtain some information about the xc students?

-Clay Mayes

(b) (6)

From: (b) (6) @HASKELL.edu>

Sent: Monday, January 10, 2022 11:07:20 AM

To: (b) (6) @HASKELL.edu>; (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) (b) (6) (b) (6) (b) (6) (b) (6) @HASKELL.edu>

Cc: (b) (6) @HASKELL.edu>; (b) (6) @HASKELL.edu>

Subject: Student-Athlete Return, Spring 2022

Good morning all,

Tim and I just finished a meeting with Dr. Pfeiffer, Ms. Salvini, and (b) (6) regarding the return of our student-athletes for the spring semester. And we have been requested to provide the following:

1. Roster of students for the Spring 2022 Semester

a. Please provide (b) (6) and (b) (6) with your current (eligible to return to Haskell) roster

i. indicate status

1. continuing - those who attended in the fall 2021 semester
2. new - those who are coming into Haskell Spring 2022 as a "first-time" college student (no college credit earned)
3. transfer - those who have earned college credit and will be attending Haskell for the first time in the spring.
4. readmitted - those who previously attended Haskell, sat out from Haskell and are now returning (they do not have credits from other institutions while they "sat out" from Haskell).

2. Arrival date

a. Actual dates they will be either coming to Haskell for the first time (Spring 2022) or will be returning as a continuing student.

3. Information on COVID-19 Testing

a. All student-athletes who are not already on campus as of today, January 10<sup>th</sup>, will need to provide a negative PCR COVID-19 test result to Tim prior to checking into the residence halls and/or prior to the start of practice for the spring 2022 term.

i. Students who do not provide their results to Tim will be quarantined to a local hotel until they can be tested for a return to campus.

ii. Students who live off-campus will need to quarantine until they can get tested prior to a return to campus.

(b) (6) I know a few of your student-athletes have returned to campus already. Please provide me with a list of those who live within 4 hours of Haskell and will be arriving later due to travel issues/restrictions, etc. I have been asked to have them stay home until their normal check-in on Sunday as continuing students. This is so we can bring students in waves for testing and dormitory check-ins.

Finally, (b) (6) and Clay, since you are not in-season, we will need to visit as we will need coverage (i.e. supervision) at the hotel with our student-athletes. Please email me your preferred times in which you would like to provide coverage of a total of 8 hours per day. Feel free to converse if you would

like to split up the 8 hours with two 4-hour coverage units per day. Housing will be setting up a schedule with their folks as well to help at the hotel. Once I have your times, I will provide them to Dr. Pfeiffer per the request to create a calendar of coverage.

I know this is a lot of information, however, it is important to and for our student-athletes return to campus.

Please let me know if you have any questions.

Regards,

(b) (6)

(b) (6)

*Bureau of Indian Education*

U.S. Department of Interior

155 Indian Avenue

Lawrence, Kansas 66046

Cell Phone

Office Phone

(b) (6)

**Website:** [www.haskell.edu](http://www.haskell.edu)

**Facebook:** @HaskellUniversity

**Twitter:** @HaskellIU

**Re: Acceptance of Future Haskell Student-Athletes**

(b) (6) @HASKELL.edu >

Fri 12/17/2021 1:56 PM

To: Clay Mayes <cmayes@HASKELL.edu>

Thank you for your inquiry. I will pass this along to the VPAA to see what they will do. As of right now, there's not much you can do, so I will see what I can find out.

Thank you for your patience.

(b) (6)

***Bureau of Indian Education***

U.S. Department of the Interior

155 Indian Avenue, PO Box 5015

Lawrence, KS 66046

Cell Phone:

(b) (6)

Office Phone:

Website: [www.bie.edu](http://www.bie.edu)

Facebook: @BureauofIndianEducation

Twitter: @BureauIndianEdu

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**From:** Clay Mayes <cmayes@HASKELL.edu>

**Sent:** Wednesday, December 15, 2021 6:59 PM

**To:** (b) (6) @HASKELL.edu >

**Subject:** Acceptance of Future Haskell Student-Athletes

Is there any process (or simple advice) beyond an appeal that you would suggest for student-athlete recruits that want to attend Haskell?

These plausible and future Haskell student-athletes have viable reasons for 1-2 bad college semesters, as well as, prove they have the basic skills with past high school grades, class ranking, and ACT scores.

I'm not running into a lot of student-athletes within this predicament, but a couple have legitimate reasons and had some troubles during the covid with not many resources available, or much face to face communication for classes.

Some current student-athletes that I've had to be hands off with and would be good student-athletes to help and save if their grades are currently iffy is:

(b) (6)



(b) (6)

I've been completely hands off interacting in anyway or talking to professors with the current process at hand. I do want to know if it is within reason to see what help they can get or what help they can obtain from others.

-Clay Mayes

(b) (6)

**Re: Student-Athletes Drinking**

(b) (6) @HASKELL.edu >

Wed 11/10/2021 8:41 AM

To: Clay Mayes <cmayes@HASKELL.edu>

Good morning,

Please call me at your earliest convenience at (b) (6)

Thank you.

*Danelle C. Crawford McKinney, M. Div.*

*Sisseton-Wahpeton Oyate*

**Student Rights Specialist, Student Conduct Office**

*Bureau of Indian Education*

U.S. Department of the Interior

155 Indian Avenue, PO Box 5015

Lawrence, KS 66046

Cell Phone: (b) (6)

Office Phone: (b) (6)

Website: [www.bie.edu](http://www.bie.edu)

Facebook: @BureauofIndianEducation

Twitter: @BureauIndianEdu

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**From:** Clay Mayes <cmayes@HASKELL.edu>

**Sent:** Tuesday, November 9, 2021 1:53 PM

**To:** (b) (6) @HASKELL.edu >

**Cc:** (b) (6) @HASKELL.edu >; (b) (6) @HASKELL.edu >

**Subject:** Re: Student-Athletes Drinking

These matters were brought to my attention last Thursday. Bearing these rules are also our team xc rules, the student-athletes who drink don't share this information unless caught.

-Clay Mayes

Haskell XC Coach

(b) (6)

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**From:** Danelle McKinney <dmckinney@HASKELL.edu>

**Sent:** Tuesday, November 9, 2021 10:49:36 AM

**To:** Clay Mayes <cmayes@HASKELL.edu>

**Cc:** (b) (6) @HASKELL.edu >; (b) (6) @HASKELL.edu >

**Subject:** Re: Student-Athletes Drinking

Good morning,

Thank you for your inquiry. Please find attached a copy of the Haskell Student Code of Conduct which everyone is expected to be responsible for knowing the contents of this document.

I will refer you to page 28 under the section **E. Adjudication Process**. It states "An incident report shall be filed with the Student Conduct Administrator within 5 business days of the incident." Since the time has passed on these violations, it is too late to file an incident report now.

It is important to point out that if the violations happened on campus, these are Clery reportable crimes for individuals under the age of 21 and anyone over the age of 21 in the presence of under 21 students. It is everyone's responsibility to report these incidents as soon as possible, regardless of whether or not you are handling things on your end. We are required by law to report these violations, whether or not adjudication occurs. Of course we do want them reported if it happens off campus as well, because there may be underlying issues that our team will have to address before things get out of control. Early detection to unhealthy behaviors can help us keep safety on the forefront of our minds. So this email is good documentation for our team to monitor the situation and to remind us to take quick action in the event of another violation.

Here is the link to file incident reports in the future:

[https://forms.office.com/Pages/ResponsePage.aspx?id=WmbPisNmeUyeI9tOx\\_SR3B29xW2DsJVdsBv8rhhS5qBUNk82NVFMUDdLSEYzR1BUNTIwRzQ1TUZXMS4u](https://forms.office.com/Pages/ResponsePage.aspx?id=WmbPisNmeUyeI9tOx_SR3B29xW2DsJVdsBv8rhhS5qBUNk82NVFMUDdLSEYzR1BUNTIwRzQ1TUZXMS4u)



### Fill | Incident Report Form

Haskell Indian Nations University Incident Report Form Instructions An incident report should be submitted to the Clery Compliance Committee for any of the following events: a violation of the Student Code of Conduct, documentation of a positive COVID case, or

[forms.office.com](https://forms.office.com)

Please let me know if you have any questions or concerns filling out the form.

Thank you for your cooperation.

(b) (6)

**Bureau of Indian Education**  
U.S. Department of the Interior  
155 Indian Avenue, PO Box 5015  
Lawrence, KS 66046  
Cell Phone: (b) (6)

Office Phone: (b) (6)

Website: [www.bie.edu](http://www.bie.edu)

Facebook: @BureauofIndianEducation

Twitter: @BureauIndianEdu

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**From:** Clay Mayes <cmayes@HASKELL.edu>

**Sent:** Monday, November 8, 2021 4:38 PM

**To:** (b) (6) @HASKELL.edu>

**Cc:** Gary Tanner <gtanner@HASKELL.edu>

**Subject:** Student-Athletes Drinking

I have some on-campus student-athletes drink alcohol/substance abuse on multiple occasions recently and it's came back on me a few times from not reporting the incidences to the right administrators.

These 3 student-athletes include:

(b) (6)

These incidences where also posted on their social media outlets like Snapchat.

If student-athletes on my end mess up, I've previously gave them options in response. Examples include: volunteer work or helping with a non-profit, etc. For these 3 student-athletes, they all quit the team about 1 day after all 3 did it on the same night on 10-29-2021.

If you can educate me on our proper protocols in response, I'm all ears.

-Clay Mayes  
Haskell XC Coach

(b) (6)

### RE: Haskell Administrative Investigation

(b) (6) @BIE.EDU>

Mon 10/3/2022 3:58 PM

To: (b) (6) @bie.edu>

Cc: (b) (6) @bie.edu>; (b) (6) @bie.edu>

(b) (6) @BIE.EDU>; (b) (6) @BIE.EDU>; (b) (6) @BIE.EDU>

(b) (6) below are my responses, let me know if I can be of any further assistance.

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

Haskell Indian Nations University  
Special Assistant to the President & SPOC  
COR Level II  
(b) (6) @bie.edu  
155 Indian Ave, Box 5030 Lawrence KS 66046  
Cell (b) (6)  
Desk (b) (6)  
Fax (b) (6)  
Website: www.Haskell.edu

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**From:** (b) (6) @bie.edu>  
**Sent:** Monday, October 3, 2022 12:30 PM  
**To:** (b) (6) @BIE.EDU>  
**Cc:** (b) (6) @bie.edu>; (b) (6) @bie.edu>; (b) (6) @bie.edu>  
**Subject:** Haskell Administrative Investigation

(b) (6), I am trying to wrap up the administrative investigation for Haskell. To do so, I need some clarification from you about the following statement from Clay Mayes:

He states, "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), didn't process the paperwork. 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) 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 Direct Athletics. 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 15th, 2021, I had submitted the background check forms for the two cross-country assistant coaches. The next day, (b) (6) 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 where 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) 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 Judith 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 presidents office policy is that you have turn in your paperwork two weeks in advance. I was well within that timeline multiple times.?

Did the paperwork have to be submitted 4 times due to changes?

(b) (6) Response: I have no way of knowing without going through Dr Pfeiffer emails, she requested meetings with Athletic staff due to them not sending in complete game day packets. As with most government processes for travel, there are several forms that must be completed (i.e., concur) before approval can be granted. Athletes require drivers, meals, vehicles all things to make an event successful and safely secure our students are traveling by safest means possible. I recall Dr. Pfeiffer would receive a vehicle request one day, another day a requisition to take the students out to eat before & after a game, registration fee requisitions paperwork on another day, referee fees on day of the game, etc.

These documents were coming in one by one for various games by various coaches. The purpose of Dr. Pfeiffer meeting/coaches to create a process that worked for everyone was to ensure we didn't have to forfeit any games due to paperwork not being submitted a complete packet in a timely fashion for approval. Just like with Concur, travel must be submitted in a specific timeframe, the requirements of our

then Interim President was the same. We meet on a few occasions to edit the process, eliminate what didn't work and keep what did and so fourth.

Mr. Mayes is correct in stating his paperwork was approved an hour before the game day, that is how Athletics typically operates. They submit paperwork for approval with 3-4 hours left before a game, that was the whole point in Dr. Pfeiffer teaching them how to submit a completed packet, just like the government has us all submit travel requests in Concur.

If so, what changes were made and how were they communicated to the coaches?

(b) (6) Response: Dr. Pfeiffer requested paperwork be submitted two weeks in advance with ALL the required forms-they were called game day packet request. Requisitions, vehicle requests, FAR listing (eligible students) fee, student rosters, requisitions to feed students as opposed to turning in forms one at a time on different days. Athletics is only allowed to let students that are academically eligible travel with the team to matches or meets. We created a draft checklist (coversheet) for Athletics and encouraged them to change as needed – they didn't change it to my knowledge and instead they used what we drafted up as their coversheet.

If not, why weren't the packages processed?

(b) (6) Response: If I recall correctly (just cannot think of names) the packets were processed under (b) (6) as acting AD, before Mr. Mayes was employed. (b) (6) as (b) (6) retired without getting new requisitions approved for additional funding for the two contract coaches, for the new year. Assisted coaches are paid for with government credit card (max 10K per year). The funding expired and (b) (6) never did more paperwork to extend the contractors. The background process was NOT the hold up as both already received a favorable screening. (b) (6) had to do the paperwork for additional funding and seek approval therefore causing delays. Based on how many times I asked (b) (6) for the paperwork, I was under the impression (b) (6) might not want to use the same contractors (her decision as the AD).

In his testimony, he alleges you scolded him about not following the chain of command. Please describe the chain of command for contractors.

(b) (6) Response: not applicable, Haskell has no chain of command. Mr. Mayes would often seek out guidance from me, I would direct him to his supervisor. I have worked for the government for 22 years, not once have I ever "scolded" any employee or contractor – it is not in my nature to do such a thing.

In the event the chain of command is followed but fail to meet deadlines, what is a coach required to do?

(b) (6) Response: not applicable, Haskell has no chain of command – this practice (memo) was rescinded by the NM HR Office and Tony Dearman, BIE Director under (b) (6) timeframe as President. However, in the event a contract misses a deadline, I would assume they would seek advise from their supervisor.

Per the statement, please tell us what authority you have to tell a coach that hiring two assistant coaches is a waste of money if the funds have been authorized and others have assistant coaches.

(b) (6) Response: not applicable, I never told Mr. Mayes it was a waste of money - hiring assistant coaches has been a standard practice at Haskell long before he was hired on as a contractor.

Please provide the names of the two assistant coaches and provide us the dates when the documentation was received for background checks, the dates you received them and whether or not they were submitted to BIE personnel security. If not submitted, please provide your reason(s) for not submitting these documents to personnel security.

(b) (6) Response: I am working in Riverton WY for next 90 days, I do not have my files with me to provide names. If I correctly recall (b) (6) was named the official AD and Dr. Pfeiffer asked that all pending items be held until (b) (6) had time to review and/or approve and this was the hold up on some of the items.

Lastly, can you explain (b) (6) role in submitting requests to the presidents office on behalf of the athletic department?

(b) (6) Response: I am not aware of (b) (6) role in submitting documents to the Office of the President, outside of the normal paperwork each department submits. This would be a question her supervisor (b) (6) could answer. I am aware that (b) (6) had access to DocUSign for athletics, (b) (6) called a few times looking for packets with me, however I was never listed on the routing path to receive them. (b) (6) would send packets to (b) (6) (Secretary in the OTP), (b) (6) is the first set of eyes to review the packets.

In addition, Mr. Mayes provided emails where he asked you for rules and procedures multiple times regarding various processes that he needed to ensure he stayed within boundaries so he wouldn't be in violation of anything. He claims you informed him you didn't have any. Please provide all email responses to any request from Mayes asking for assistance or for laws, rules, regulations, policies or procedures.

(b) (6) Response: Please provide documentation of this encounter and I will be happy to do the research on my end. I am not nor have been the supervisor to Mr. Mayes, I would not be the person providing him guidance, this should have been (b) (6) inner. As previous stated, I would direct Mr. Mayes to (b) (6) for guidance. Mr. Mayes would often catch me in the hallway and ask for a document, I would encourage him to email me (given it was a form I could provide) anything outside of a basic form I would have steered him to his immediate supervisor. It is not my place to have to provide "guidance" to federal contractors. I am a COR but I am not assigned to Mr. Mayes therefore I knew to steer him to the (b) (6)

Let me know if I can be of any further assistance





U.S. Department of the Interior

# Bureau of Indian Education

Date: August 19, 2022, 12:59 PM MST.

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

Haskell Indian Nations University (HINU) - Administrative Investigation

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

My duties and responsibilities include all aspects of the **enrollment application** process, and student recruitment activities; my department includes the Student Recruitment Specialist and one (1) student worker.

Our office is responsible to obtain the \$10.00 application fee, and we encourage online payments, money orders or in person payments. There is a confirmation number that is tied to the **on-line applications that we ask students to provide since there is a delay in receiving confirmation of these payments.** ~~and the applicants can only provide a handwritten application, we are not electronic yet.~~

Financial aid information is not included in the application, but it is handled by the **Finance office Financial Aid Office.** However, the needs analysis form which comes from the Tribes, on occasion gets submitted with the application to our office, but the form is taken to the Finance department.

We did have some application abnormalities in the Fall of 2022, regarding documentation from students. We do have records from students saying, "send the application to me (Clay Mayes), I will take care of it." I have a file in place to reference those students, and the HINU President's office is actively being informed of what is occurring.

When we were alerted to the situation (b) (6) was here, and I am not sure, if she alerted us to these applications, but some students started calling in asking about the status of their accounts during this time period. I remember asking my student employee to copy the three (3) student files that were in question; we would have to research the files to determine the sequence of events.

I recall Tonia Salvini (Salvini) alerting me that several applications were post marked from Kansas City, and the signatures were the same. The only thing I can think of is, I don't know if Mayes is from Kansas City, but there was nothing in the student files mentioning Mayes. There is no indication the applications came from Mayes, and it would be a fair statement to say; these applications could have been sent by anyone else. I am not aware if these students applied before, so we could not compare these applications with previous signatures.

It is a common practice for our students to obtain assistance with the **enrollment Admissions** application from coaches, parents, and faculty, but it is considered a contract with HINU **meaning we must have an original signature on the document.**, and ~~it needs to be ad herete~~. The fall applications are ~~not due until~~ June 1, 2022, and during the early processing in January 2022, is when we received the first file. The copies I had my student worker make, are for the 2022 Spring semester, so those applications would have been due by November 15<sup>th</sup>, 2021.

I have not talked with Mayes or had any communications with him in a couple of years. I understood at the time there were issues with Mayes, so I didn't reach out to him. I have never had any inappropriate interaction with him, but we tease each other a lot at HINU. The coaches would say, "oh thank you thank you" when we would provide a service, and we would say, "oh just get us Starbucks." This one (1) instance, Mayes did bring us Starbucks coffee and I wanted to give it back ~~de-due~~ to it being perceived as inappropriate, I believe we through it in the trash.

On another occasion, Mayes emailed me asking if he could be provided a briefing on the **enrollment application** process. I thought it was a great idea **and suggested** that we reach out to the other coaches, to ensure everyone understood the process, the Athletic Director at the time agreed, but it never happened.

I have been with **(b) (6)** for the **(b) (6)**. I have a **(b) (6)** and have been in the professional workforce for a number of years. Within admissions we are overworked and understaffed, we have one (1) staff member who has been here for over 42 years, which I will be losing **due to her retirement**, and I have one (1) student worker **limited to 20 hours a week**.

HINU as a whole is poorly run, we are a dysfunctional environment, and my supervisor, Tonia Salvini, is very challenging to work with. We had some issues this week, and I am definitely not staying in this position. I don't mind the work, but when Administrations intervenes with the admissions guidelines and criteria, it creates problems. A former president created an admissions criteria team, and there were meetings where I was left out. Those committee members would slip notes under my door regarding these meetings, and the orientation activities and working with students and families, those activities were taken from Admissions. To my understanding, there were several allotments made in the amount of \$44,000.00 for recruitment processes, but Admissions was not provided the funding. **(b) (6)** was assigned to **(b) (6)** which was not in his position description, nor was he part of Admissions, but he made **approximately** 200+ recruiting trips in a two (2) year period.

Last Friday, August 12<sup>th</sup>, 2022, **(b) (6)** Salvini asked that I accept an additional 60 students without covid shots, immunization records and application fees. I was asked to come in on **a-Saturday the weekend** for overtime but was reluctant to do so because I worked the last four (4) Saturdays **and Sundays**. I called **(b) (6)**, and advised him we could not accept these students, we cannot change the process of application acceptance. Salvini agreed but wanted to allow nine (9) additional **Transfer**

students in for this fall semester. Salvini said the President didn't like the fact that students were not being allowed into HINU without covid tests, she said that three (3) times. I pulled these student names and for on-campus housing; we weren't denying them, but their files were incomplete. You could not be on campus without Covid, can't take on campus classes without Covid, or can't be in Housing without having a Covid shot; so, Housing is now in an uproar. These are the 68 applicants I mentioned, 48 would have been accepted, and 15-17 would be denied due to their GPA.

I have felt threatened for my job. (b) (6) is acting on the premise of former (b) (6). I was called into a meeting, and I took my supervisor with me, we had a discussion and when I leaned up toward (b) (6) she said "don't stand up to me." I looked at my supervisor and she said, well you did lean up a little bit, and if you keep talking like this, you are going to be written up. I was having a dispute with my supervisor, and I was just standing up for the other students who followed the process. But with former (b) (6), the same issues were related to three (3) students who weren't admitted, not because of credentials but what tribe the student was from. The current 48 applications I mentioned, includes one (1) student who is from (b) (6). I do not like the appearance of that.

In response to the question on if I have ever had issues with the (b) (6) I responded: During my tenure, and you have to remember my history: I am the daughter of (b) (6) who is deceased, he was the former (b) (6). (b) (6) It was his student that the (b) (6) tried to change his (b) (6) which created a mess that forced that (b) (6) out. As far as today, I don't have any issues with the (b) (6).

If it wasn't for those (b) (6) these kids would not be taken care of. The (b) (6) are here for the students 24/7, and no one would be here to setup chairs, take care of the ambassadors or setup for the HINU pageant. I am certainly not advocating for the (b) (6) but there is no one here who would take care of these activities or students. In response to the question on if I have seen rude or intimidating behavior by (b) (6) I responded: I don't see why people would be intimidated by (b) (6) but I have a strong personality myself, so I don't have a problem dealing with other persons with strong personalities. For disclosure, I am a distant relative to (b) (6).

Again, my student worker found these applications, I don't remember exactly how. We brought the application issues to Salvini, and it was my student worker who found these three (3) applications with the abnormalities out of approximately 600-800 +200 applications submitted to the Admissions office. This is dependent on the semester. (b) (6) is his the student worker's name, and he is a non-traditional student who is not involved in any sports.

In response to the question on if I was paid for working Saturdays and Sundays, I responded: I quit working overtime because it was taking a long time to be compensated. I gave up on the overtime, so I asked for comp time and that worked for one (1) pay period. Salvini didn't approve my overtime, and it is causing me to be sick, because she is so scattered. At one (1) point, I was allowed to claim comp-time and overtime but no more.

In response to the question on if Tonia Salvini behaves in a "mean-spirited" way, I responded, no, that Salvini is disorganized, I think she is not qualified to manage the department office, and she is reactive versus proactive. For example, when the current COVID restrictions were put in place, the Registrar and I created Standard Operating Procedures (SOP's) which we shared with Salvini. ~~she does not like the current Covid requirements, the current Covid standard operating procedures, and~~ She disregarded those SOP's initiatives, and we are in a chaotic state with these verifications now. It is concerning no one is watching out for compliance issues; it hurts HINU and it's the reputation that's at risk. I have tried to work under her, but it is difficult, I have written four (4) policies, the online application, presented at least four sets of information for the website, etc., but my initiatives continue to be overlooked. I just can't do my job with the current administration.

No student has come to me to report any sexual assaults or misconduct, there are some staff who don't have the best reputation, but no students have come to me. There are all rumors and hearsay.

The enrollment application \$10.00 money orders are to be addressed to HINU, but sometimes cash is sent (not recommended), and the money orders are not endorsed to HINU. We note on the application if no fee was received from the student in their original mailing packet.

*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):

8-23-2022

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This content is from the eCFR and is authoritative but unofficial.

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## **Title 43 - Public Lands: Interior**

### **Subtitle A - Office of the Secretary of the Interior**

#### **Part 2 - Freedom of Information Act; Records and Testimony**

**Authority:** 5 U.S.C. 301, 552, 552a, 553, 31 U.S.C. 3717, 43 U.S.C. 1460, 1461, the Social Security Number Fraud Prevention Act of 2017, Pub. L. 115-59, September 15, 2017.

**Source:** 40 FR 7305, Feb. 19, 1975, unless otherwise noted.

#### **Subpart K** Privacy Act

**§ 2.220** Purpose and scope.

**§ 2.221** Definitions.

**§ 2.222** Records subject to Privacy Act.

**§ 2.223** Standards for maintenance of records subject to the Act.

*§ 2.224 [Reserved]*

**§ 2.225** Federal Register notices describing systems of records.

**§ 2.226** Assuring integrity of records.

**§ 2.227** Conduct of employees.

**§ 2.228** Government contracts.

*§§ 2.229-2.230 [Reserved]*

**§ 2.231** Disclosure of records.

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*§§ 2.233-2.234 [Reserved]*

**§ 2.235** Request for notification of existence of records: Submission.

**§ 2.236** Requests for notification of existence of records: Action on.

**§ 2.237** Requests for access to records.

**§ 2.238** Requests for access to records: Submission.

**§ 2.239** Requests for access to records: Initial decision.

**§ 2.240** Requests for notification of existence of records and for access to records: Appeals.

**§ 2.241** Requests for access to records: Special situations.

*§§ 2.242-2.244 [Reserved]*

**§ 2.245** Amendment of records.

**§ 2.246** Petitions for amendment: Submission and form.

**§ 2.247** Petitions for amendment: Processing and initial decision.

**§ 2.248** Petitions for amendments: Time limits for processing.

**§ 2.249** Petitions for amendment: Appeals.

**§ 2.250** Petitions for amendment: Action on appeals.

*§ 2.251 [Reserved]*

**§ 2.252** Statements of disagreement.

*§ 2.253 [Reserved]*

## § 2.254 Exemptions.

### Subpart K - Privacy Act

**Source:** 40 FR 44505, Sept. 26, 1975, unless otherwise noted. Redesignated at 67 FR 64530, Oct. 21, 2002. Redesignated at 77 FR 76902, Dec. 31, 2012; 78 FR 6216, Jan. 30, 2013.

### § 2.220 Purpose and scope.

This subpart contains the regulations of the Department of the Interior implementing section 3 of the Privacy Act. Sections 2.47 through 2.57 describe the procedures and policies of the Department concerning maintenance of records which are subject to the Act. Sections 2.60 through 2.66 describe the procedure under which individuals may determine whether systems of records subject to the Act contain records relating to them and the procedure under which they may seek access to existing records. Sections 2.70 through 2.77 describe the procedure under which individuals may petition for amendment of records subject to the Act relating to them. Section 2.79 lists records systems that have been exempted from certain requirements of the Act.

[48 FR 56583, Dec. 22, 1983]

### § 2.221 Definitions.

- (a) **Act.** As used in this subpart, "Act" means section 3 of the Privacy Act, 5 U.S.C. 552a.
- (b) **Bureau.** For purposes of this subpart, a "bureau" is any constituent bureau or office of the Department, including the Office of the Secretary and any other Departmental office.
- (c) **Individual.** As used in this subpart, "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.
- (d) **Maintain.** As used in this subpart, the term "maintain" includes maintain, collect, use or disseminate.
- (e) **Record.** As used in this subpart, "record" means any item, collection, or grouping of information about an individual that is maintained by the Department or a bureau thereof, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.
- (f) **System of records.** As used in this subpart, "System of records" means a group of any records under the control of the Department or a bureau thereof from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.
- (g) **Medical records.** As used in this subpart, "medical records" means records which relate to the identification, prevention, cure or alleviation of any disease, illness or injury including psychological disorders, alcoholism and drug addiction.
- (h) **Office of Personnel Management personnel records.** As used in the subpart, "Office of Personnel Management personnel records" means records maintained for the Office of Personnel Management by the Department and used for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

- (i) **Statistical records.** As used in this subpart, “statistical records” means records in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.
- (j) **Routine use.** As used in this subpart, “routine use” means a use of a record for a purpose which is compatible with the purpose for which it was collected.
- (k) **System notice.** As used in this subpart, “system notice” means the notice describing a system of records required by 5 U.S.C. 552a(e)(4) to be published in the FEDERAL REGISTER upon establishment or revision of the system of records.
- (l) **System manager.** As used in this subpart, “system manager” means the official designated in a system notice as having administrative responsibility for a system of records.
- (m) **Departmental Privacy Act Officer.** As used in this subpart, “Departmental Privacy Act Officer” means the official in the Office of the Assistant Secretary - Policy, Budget and Administration charged with responsibility for assisting the Assistant Secretary - Policy, Budget and Administration in carrying out the functions assigned in this subpart and for coordinating the activities of the bureaus of the Department in carrying out the functions which they are assigned in this subpart.
- (n) **Bureau Privacy Act Officer.** As used in this subpart, “Bureau Privacy Act Officer” means the official within each bureau assigned responsibility for bureau implementation of the Act and the regulations of this subpart.
- (o) **Working day.** As used in this subpart, “working day” means a regular Federal work day. It does not include Saturdays, Sundays or public legal holidays.

[40 FR 44505, Sept. 26, 1975, as amended at 47 FR 38327, Aug. 31, 1982; 48 FR 56583, Dec. 22, 1983; 53 FR 3749, Feb. 9, 1988]

## § 2.222 Records subject to Privacy Act.

The Privacy Act applies to all “records,” as that term is defined in § 2.46(e), which the Department maintains in a “system of records,” as that term is defined in § 2.46(f).

## § 2.223 Standards for maintenance of records subject to the Act.

- (a) **Content of records.** Records subject to the Act shall contain only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order of the President.
- (b) **Standards of accuracy.** Records subject to the Act which are used in making any determination about any individual shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making the determination.
- (c) **Collection of information.**
  - (1) Information which may be used in making determinations about an individual's rights, benefits, and privileges under Federal programs shall, to the greatest extent practicable, be collected directly from that individual.
  - (2) In deciding whether collection of information from an individual, as opposed to a third party source, is practicable, the following factors, among others, may be considered:

- (i) Whether the nature of the information sought is such that it can only be obtained from a third party;
- (ii) Whether the cost of collecting the information from the individual is unreasonable when compared with the cost of collecting it from a third party;
- (iii) Whether there is a risk that information collected from third parties, if inaccurate, could result in an adverse determination to the individual concerned;
- (iv) Whether the information, if supplied by the individual, would have to be verified by a third party; or
- (v) Whether provisions can be made for verification, by the individual, of information collected from third parties.

(d) ***Advice to individuals concerning uses of information.***

- (1) Each individual who is asked to supply information about him or herself which will be added to a system of records shall be informed of the basis for requesting the information, how it may be used, and what the consequences, if any, are of not supplying the information.
- (2) At a minimum, the notice to the individual must state:
  - (i) The authority (whether granted by statute or Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;
  - (ii) The principal purpose or purposes for which the information is intended to be used;
  - (iii) The routine uses which may be made of the information; and
  - (iv) The effects on the individual, if any, of not providing all or any part of the requested information.
- (3)
  - (i) When information is collected on a standard form, the notice to the individual shall be provided on the form, on a tear-off sheet attached to the form, or on a separate sheet, whichever is most practical.
  - (ii) When information is collected by an interviewer, the interviewer shall provide the individual with a written notice which the individual may retain. If the interview is conducted by telephone, however, the interviewer may summarize the notice for the individual and need not provide a copy to the individual unless the individual requests a copy.
  - (iii) An individual may be asked to acknowledge, in writing, that the notice required by this section has been provided.

(e) ***Records concerning activity protected by the First Amendment.*** No record may be maintained describing how any individual exercises rights guaranteed by the First Amendment to the Constitution unless the maintenance of the record is

- (1) expressly authorized by statute or by the individual about whom the record is maintained or
- (2) pertinent to and within the scope of an authorized law enforcement activity.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56583, Dec. 22, 1983]



## § 2.224 [Reserved]

### § 2.225 Federal Register notices describing systems of records.

- (a) The Privacy Act requires publication of a notice in the FEDERAL REGISTER describing each system of records subject to the Act. Such notice will be published prior to the establishment or a revision of the system of records. 5 U.S.C. 552a(e)(4).
- (b) Each bureau shall notify the Departmental Privacy Act Officer promptly of any modifications or amendments which are required in the then-current notice describing a system of records for which it is responsible.
- (c) A bureau desiring to establish a new system of records or a new use for an existing system of records shall notify the Departmental Privacy Act Officer, no fewer than ninety (90) calendar days in advance.

[48 FR 56583, Dec. 22, 1983]

### § 2.226 Assuring integrity of records.

- (a) **Statutory requirement.** The Privacy Act requires that records subject to the Act be maintained with appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained, 5 U.S.C. 552a(e)(10).
- (b) **Records maintained in manual form.** When maintained in manual form, records subject to the Privacy Act shall be maintained in a manner commensurate with the sensitivity of the information contained in the system of records. The following minimum safeguards, or safeguards affording comparable protection, are applicable to Privacy Act systems of records containing sensitive information:
  - (1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning also shall summarize the requirements of § 2.52 and state that the Privacy Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.
  - (2) During working hours,
    - (i) the area in which the records are maintained or regularly used shall be occupied by authorized personnel or
    - (ii) access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.
  - (3) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.
  - (4) Where a locked room is the method of security provided for a system, the bureau responsible for the system shall supplement that security by
    - (i) providing lockable file cabinets or containers for the records or

- (ii) changing the lock or locks for the room so that they may not be opened with a master key. For the purposes of this paragraph, a master key is a key which may be used to open rooms other than the room containing records subject to the Privacy Act, unless those rooms are utilized by officials or employees authorized to have access to the records subject to the Privacy Act.
- (c) **Records maintained in computerized form.** When maintained in computerized form, records subject to the Privacy Act shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standard's booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.
- (d) **Office of Personnel Management personnel records.** A system of records made up of Office of Personnel Management personnel records shall be maintained under the security requirements set out in 5 CFR 293.106 and 293.107.
- (e) **Bureau responsibility.**
  - (1) The bureau responsible for a system of records shall be responsible for assuring that specific procedures are developed to assure that the records in the system are maintained with security meeting the requirements of the Act and this section.
  - (2) These procedures shall be in writing and shall be posted or otherwise periodically brought to the attention of employees working with the records contained in the system.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56583, Dec. 22, 1983]

## § 2.227 Conduct of employees.

- (a) **Handling of records subject to the Act.** Employees whose duties require handling of records subject to the Privacy Act shall, at all times, take care to protect the integrity, security and confidentiality of these records.
- (b) **Disclosure of records.** No employee of the Department may disclose records subject to the Privacy Act unless disclosure is permitted under § 2.56 or is to the individual to whom the record pertains.
- (c) **Alteration of records.** No employee of the Department may alter or destroy a record subject to the Privacy Act unless
  - (1) such alteration or destruction is properly undertaken in the course of the employee's regular duties or
  - (2) such alteration or destruction is required by a decision under §§ 2.70 through 2.75 or the decision of a court of competent jurisdiction.
- (d) **Bureau responsibility.** The bureau responsible for a system of records shall be responsible for assuring that employees with access to the system are made aware of the requirements of this section and of 5 U.S.C. 552a(i)(1), which imposes criminal penalties for knowingly and willfully disclosing a record about an individual without the written request or consent of that individual unless disclosure is permitted under one of the exceptions listed in § 2.56 (b) and (c).

## § 2.228 Government contracts.

- (a) **Required contract provisions.** When a contract provides for the operation by or on behalf of the Department of a system of records to accomplish a Department function, the contract shall, consistent with the Department's authority, cause the requirements of 5 U.S.C. 552a and the regulations contained in this subpart to be applied to such system.
- (b) **System manager.** The head of the bureau responsible for the contract shall designate a regular employee of the bureau to be the manager for a system of records operated by a contractor.

## §§ 2.229-2.230 [Reserved]

## § 2.231 Disclosure of records.

- (a) **Prohibition of disclosure.** No record contained in a system of records may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.
- (b) **General exceptions.** The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:
  - (1) To those officers or employees of the Department who have a need for the record in the performance of their duties; or
  - (2) Required by the Freedom of Information Act, 5 U.S.C. 552.
- (c) **Specific exceptions.** The prohibition contained in paragraph (a) of this section does not apply where disclosure of the record would be:
  - (1) For a routine use as defined in § 2.46(j) which has been described in a system notice published in the FEDERAL REGISTER;
  - (2) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, U.S. Code.
  - (3) To a recipient who has provided the system manager responsible for the system in which the record is maintained with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;
  - (4) To the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;
  - (5) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;
  - (6) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

- (7) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;
- (8) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;
- (9) Pursuant to the order of a court of competent jurisdiction; or
- (10) To a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)).

(d) **Reviewing records prior to disclosure.**

- (1) Prior to any disclosure of a record about an individual, unless disclosure is required by the Freedom of Information Act, reasonable efforts shall be made to assure that the records are accurate, complete, timely and relevant for agency purposes.
- (2) When a record is disclosed in connection with a Freedom of Information request made under subpart B of this part and it is appropriate and administratively feasible to do so, the requester shall be informed of any information known to the Department indicating that the record may not be fully accurate, complete, or timely.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56584, Dec. 22, 1983; 50 FR 45114, Oct. 30, 1985]

## § 2.232 Accounting for disclosures.

(a) **Maintenance of an accounting.**

- (1) Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by § 2.56 (c), an accounting shall be made.
- (2) The accounting shall record
  - (i) the date, nature, and purpose of each disclosure of a record to any person or to another agency and
  - (ii) the name and address of the person or agency to whom the disclosure was made.
- (3) Accountings prepared under this section shall be maintained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(b) **Access to accountings.**

- (1) Except for accountings of disclosures made under § 2.56(c)(5), accountings of all disclosures of a record shall be made available to the individual to whom the record relates at the individual's request.
- (2) An individual desiring access to an accounting of disclosures of a record pertaining to the individual shall submit a request by following the procedures of § 2.63.

- (c) **Notification of disclosure.** When a record is disclosed pursuant to § 2.56(c)(9) as the result of the order of a court of competent jurisdiction, reasonable efforts shall be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56584, Dec. 22, 1983]

## §§ 2.233-2.234 [Reserved]

### § 2.235 Request for notification of existence of records: Submission.

(a) *Submission of requests.*

(1)

- (i) Individuals desiring to determine under the Privacy Act whether a system of records contains records pertaining to them shall address inquiries to the system manager having responsibility for the system unless the system notice describing the system prescribes or permits submission to some other official or officials.
- (ii) If a system notice describing a system requires individuals to contact more than two officials concerning the existence of records in the system, individuals desiring to determine whether the system contains records pertaining to them may contact the system manager for assistance in determining which official is most likely to be in possession of records pertaining to those individuals.

- (2) Individuals desiring to determine whether records pertaining to them are maintained in two or more systems shall make a separate inquiry concerning each system.

(b) *Form of request.*

- (1) An inquiry to determine whether a system of records contains records pertaining to an individual shall be in writing.
- (2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT INQUIRY."
- (3) The request shall state that the individual is seeking information concerning records pertaining to him or herself and shall supply such additional identifying information, if any, as is called for in the system notice describing the system.
- (4) Individuals who have reason to believe that information pertaining to them may be filed under a name other than the name they are currently using (e.g., maiden name), shall include such information in the request.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56584, Dec. 22, 1983]

### § 2.236 Requests for notification of existence of records: Action on.

(a) *Decisions on request.*

- (1) Individuals inquiring to determine whether a system of records contains records pertaining to them shall be promptly advised whether the system contains records pertaining to them unless
  - (i) the records were compiled in reasonable anticipation of a civil action or proceeding or
  - (ii) the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking (§ 2.79).

- (2) If the records were compiled in reasonable anticipation of a civil action or proceeding or the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking, the individuals will be promptly notified that they are not entitled to notification of whether the system contains records pertaining to them.
- (b) **Authority to deny requests.** A decision to deny a request for notification of the existence of records shall be made by the system manager responsible for the system of records concerning which inquiry has been made and shall be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however that the head of a bureau may, in writing, require
  - (1) that the decision be made by the bureau Privacy Act officer and/or
  - (2) that the bureau head's own concurrence in the decision be obtained.
- (c) **Form of decision.**
  - (1) No particular form is required for a decision informing individuals whether a system of records contains records pertaining to them.
  - (2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him or her shall be in writing and shall:
    - (i) State the basis for denial of the request.
    - (ii) Advise the individual that an appeal of the declination may be made to the Assistant Secretary - Policy, Budget and Administration pursuant to § 2.65 by writing to the Privacy Act Officer, Office of the Assistant Secretary - Policy, Budget and Administration, U.S. Department of the Interior, Washington, DC 20240.
    - (iii) State that the appeal must be received by the foregoing official within twenty (20) working days of the date of the decision.
  - (3) If the decision declining a request for notification of the existence of records involves Department employee records which fall under the jurisdiction of the Office of Personnel Management, the individual shall be informed in a written response which shall:
    - (i) State the reasons for the denial.
    - (ii) Include the name, position title, and address of the official responsible for the denial.
    - (iii) Advise the individual that an appeal of the declination may be made only to the Assistant Director for Workforce Information, Personnel Systems Oversight Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.
  - (4) Copies of decisions declining a request for notification of the existence of records made pursuant to paragraphs (c)(2) and (c)(3) of this section shall be provided to the Departmental and Bureau Privacy Act Officers.

[48 FR 56584, Dec. 22, 1983, as amended at 53 FR 3749, Feb. 9, 1988]

## § 2.237 Requests for access to records.

The Privacy Act permits individuals, upon request, to gain access to their records or to any information pertaining to them which is contained in a system and to review the records and have a copy made of all or any portion thereof in a form comprehensive to them. 5 U.S.C. 552a(d)(1). A request for access shall be submitted in accordance with the procedures in this subpart.

[48 FR 56584, Dec. 22, 1983]

## § 2.238 Requests for access to records: Submission.

### (a) Submission of requests.

(1)

- (i) Requests for access to records shall be submitted to the system manager having responsibility for the system in which the records are maintained unless the system notice describing the system prescribes or permits submission to some other official or officials.
- (ii) If a system notice describing a system requires individuals to contact more than two officials concerning access to records in the system, individuals desiring to request access to records pertaining to them may contact the system manager for assistance in determining which official is most likely to be in custody of records pertaining to that individual.

(2) Individuals desiring access to records maintained in two or more separate systems shall submit a separate request for access to the records in each system.

### (b) Form of request.

(1) A request for access to records subject to the Privacy Act shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT REQUEST FOR ACCESS."

(3) Requesters shall specify whether they seek all of the records contained in the system which relate to them or only some portion thereof. If only a portion of the records which relate to the individual are sought, the request shall reasonably describe the specific record or records sought.

(4) If the requester seeks to have copies of the requested records made, the request shall state the maximum amount of copying fees which the requester is willing to pay. A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the requested records. Requesters are further notified that under § 2.64(d) the failure to state willingness to pay fees as high as are anticipated by the Department will delay processing of a request.

(5) The request shall supply such identifying information, if any, as is called for in the system notice describing the system.

(6) Requests failing to meet the requirements of this paragraph shall be returned to the requester with a written notice advising the requester of the deficiency in the request.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56585, Dec. 22, 1983]

## § 2.239 Requests for access to records: Initial decision.

- (a) **Decisions on requests.** A request made under this subpart for access to a record shall be granted promptly unless
- (1) the record was compiled in reasonable anticipation of a civil action or proceeding or
  - (2) the record is contained in a system of records which has been excepted from the access provisions of the Privacy Act by rulemaking (§ 2.79).
- (b) **Authority to deny requests.** A decision to deny a request for access under this subpart shall be made by the system manager responsible for the system of records in which the requested record is located and shall be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however, that the head of a bureau may, in writing, require
- (1) that the decision be made by the bureau Privacy Act officer and/or
  - (2) that the bureau head's own concurrence in the decision be obtained.
- (c) **Form of decision.**
- (1) No particular form is required for a decision granting access to a record. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 2.64(d), the individual requesting the record shall also be notified of the amount of fees due or, if the exact amount has not been determined, the approximate amount of fees due.
  - (2) A decision denying a request for access, in whole or part, shall be in writing and shall:
    - (i) State the basis for denial of the request.
    - (ii) Contain a statement that the denial may be appealed to the Assistant Secretary - Policy, Budget and Administration pursuant to § 2.65 by writing to the Privacy Act Officer, Office of the Assistant Secretary - Policy, Budget and Administration, U.S. Department of the Interior, Washington, DC 20240.
    - (iii) State that the appeal must be received by the foregoing official within twenty (20) working days of the date of the decision.
  - (3) If the decision denying a request for access involves Department employee records which fall under the jurisdiction of the Office of Personnel Management, the individual shall be informed in a written response which shall:
    - (i) State the reasons for the denial.
    - (ii) Include the name, position title, and address of the official responsible for the denial.
    - (iii) Advise the individual that an appeal of the denial may be made only to the Assistant Director for Workforce Information, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.
  - (4) Copies of decisions denying requests for access made pursuant to paragraphs (c)(2) and (c)(3) of this section will be provided to the Departmental and Bureau Privacy Act Officers.
- (d) **Fees.**



- (1) No fees may be charged for the cost of searching for or reviewing a record in response to a request made under § 2.63.
- (2) Fees for copying a record in response to a request made under § 2.63 shall be charged in accordance with the schedule of charges contained in Appendix A to this part, unless the official responsible for processing the request determines that reduction or waiver of fees is appropriate.
- (3) Where it is anticipated that fees chargeable in connection with a request will exceed the amount the person submitting the request has indicated a willingness to pay, the official processing the request shall notify the requester and shall not complete processing of the request until the requester has agreed, in writing, to pay fees as high as are anticipated.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56585, Dec. 22, 1983; 53 FR 3749, Feb. 9, 1988]

## § 2.240 Requests for notification of existence of records and for access to records: Appeals.

- (a) **Right of appeal.** Except for appeals pertaining to Office of Personnel Management records, individuals who have been notified that they are not entitled to notification of whether a system of records contains records pertaining to them or have been denied access, in whole or part, to a requested record may appeal to the Assistant Secretary - Policy, Budget and Administration.
- (b) **Time for appeal.**
  - (1) An appeal must be received by the Privacy Act Officer no later than twenty (20) working days after the date of the initial decision on a request.
  - (2) The Assistant Secretary - Policy, Budget and Administration may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) working days of the date of the initial decision on the request.
- (c) **Form of appeal.**
  - (1) An appeal shall be in writing and shall attach copies of the initial request and the decision on the request.
  - (2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the initial request to have been in error.
  - (3) The appeal shall be addressed to Privacy Act Officer, Office of the Assistant Secretary - Policy, Budget and Administration, U.S. Department of the Interior, Washington, DC 20240.
- (d) **Action on appeals.**
  - (1) Appeals from decisions on initial requests made pursuant to §§ 2.61 and 2.63 shall be decided for the Department by the Assistant Secretary - Policy, Budget and Administration or an official designated by the Assistant Secretary after consultation with the Solicitor.
  - (2) The decision on an appeal shall be in writing and shall state the basis for the decision.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56585, Dec. 22, 1983; 53 FR 3749, Feb. 9, 1988]

## § 2.241 Requests for access to records: Special situations.

- (a) **Medical records.**

- (1) Medical records shall be disclosed to the individual to whom they pertain unless it is determined, in consultation with a medical doctor, that disclosure should be made to a medical doctor of the individual's choosing.
- (2) If it is determined that disclosure of medical records directly to the individual to whom they pertain could have an adverse effect on that individual, the individual may designate a medical doctor to receive the records and the records will be disclosed to that doctor.

(b) ***Inspection in presence of third party.***

- (1) Individuals wishing to inspect records pertaining to them which have been opened for their inspection may, during the inspection, be accompanied by a person of their own choosing.
- (2) When such a procedure is deemed appropriate, individuals to whom the records pertain may be required to furnish a written statement authorizing discussion of their records in the accompanying person's presence.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56585, Dec. 22, 1983]

**§§ 2.242-2.244 [Reserved]**

**§ 2.245 Amendment of records.**

The Privacy Act permits individuals to request amendment of records pertaining to them if they believe the records are not accurate, relevant, timely or complete. 5 U.S.C. 552a(d)(2). A request for amendment of a record shall be submitted in accordance with the procedures in this subpart.

[48 FR 56585, Dec. 22, 1983]

**§ 2.246 Petitions for amendment: Submission and form.**

(a) ***Submission of petitions for amendment.***

- (1) A request for amendment of a record shall be submitted to the system manager for the system of records containing the record unless the system notice describing the system prescribes or permits submission to a different official or officials. If an individual wishes to request amendment of records located in more than one system, a separate petition must be submitted to each system manager.
- (2) A petition for amendment of a record may be submitted only if the individual submitting the petition has previously requested and been granted access to the record and has inspected or been given a copy of the record.

(b) ***Form of petition.***

- (1) A petition for amendment shall be in writing and shall specifically identify the record for which amendment is sought.
- (2) The petition shall state, in detail, the reasons why the petitioner believes the record, or the objectionable portion thereof, is not accurate, relevant, timely or complete. Copies of documents or evidence relied upon in support of these reasons shall be submitted with the petition.

- (3) The petition shall state, specifically and in detail, the changes sought in the record. If the changes involve rewriting the record or portions thereof or involve adding new language to the record, the petition shall propose specific language to implement the changes.

[48 FR 56585, Dec. 22, 1983]

## § 2.247 Petitions for amendment: Processing and initial decision.

- (a) **Decisions on petitions.** In reviewing a record in response to a petition for amendment, the accuracy, relevance, timeliness and completeness of the record shall be assessed against the criteria set out in § 2.48. In addition, personnel records shall be assessed against the criteria for determining record quality published in the Federal Personnel Manual and the Departmental Manual addition thereto.
- (b) **Authority to decide.** An initial decision on a petition for amendment may be made only by the system manager responsible for the system of records containing the challenged record. If the system manager declines to amend the record as requested, the bureau Privacy Act officer for the bureau which maintains the system must concur in the decision, provided, however, that the head of a bureau may, in writing, require
  - (1) that the decision be made by the bureau Privacy Act officer and/or
  - (2) that the bureau head's own concurrence in the decision be obtained.
- (c) **Acknowledgement of receipt.** Unless processing of a petition is completed within ten (10) working days, the receipt of the petition for amendment shall be acknowledged in writing by the system manager to whom it is directed.
- (d) **Inadequate petitions.**
  - (1) If a petition does not meet the requirements of § 2.71, the petitioner shall be so advised and shall be told what additional information must be submitted to meet the requirements of § 2.71.
  - (2) If the petitioner fails to submit the additional information within a reasonable time, the petition may be rejected. The rejection shall be in writing and shall meet the requirements of paragraph (e) of this section.
- (e) **Form of decision.**
  - (1) A decision on a petition for amendment shall be in writing and shall state concisely the basis for the decision.
  - (2) If the petition for amendment is rejected, in whole or part, the petitioner shall be informed in a written response which shall:
    - (i) State concisely the basis for the decision.
    - (ii) Advise the petitioner that the rejection may be appealed to the Assistant Secretary - Policy, Budget and Administration by writing to the Privacy Act Officer, Office of the Assistant Secretary - Policy, Budget and Administration, U.S. Department of the Interior, Washington, DC 20240.
    - (iii) State that the appeal must be received by the foregoing official within twenty (20) working days of the decision.

- (3) If the petition for amendment involves Department employee records which fall under the jurisdiction of the Office of Personnel Management and is rejected, in whole or part, the petitioner shall be informed in a written response which shall:
  - (i) State concisely the basis for the decision.
  - (ii) Advise the petitioner that an appeal of the rejection may be made pursuant to 5 CFR 297.306 only to the Assistant Director for Workforce Information, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.
- (4) Copies of rejections of petitions for amendment made pursuant to paragraphs (e)(2) and (e)(3) of this section will be provided to the Departmental and Bureau Privacy Act Officers.
- (f) **Implementation of initial decision.** If a petition for amendment is accepted, in whole or part, the bureau maintaining the record shall:
  - (1) Correct the record accordingly and,
  - (2) Where an accounting of disclosures has been made pursuant to § 2.57, advise all previous recipients of the record that the correction was made and the substance of the correction.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56585, Dec. 22, 1983; 53 FR 3750, Feb. 9, 1988]

## § 2.248 Petitions for amendments: Time limits for processing.

- (a) **Acknowledgement of receipt.** The acknowledgement of receipt of a petition required by § 2.72(c) shall be dispatched not later than ten (10) working days after receipt of the petition by the system manager responsible for the system containing the challenged record, unless a decision on the petition has been previously dispatched.
- (b) **Decision on petition.** A petition for amendment shall be processed promptly. A determination whether to accept or reject the petition for amendment shall be made within thirty (30) working days after receipt of the petition by the system manager responsible for the system containing the challenged record.
- (c) **Suspension of time limit.** The thirty (30) day time limit for a decision on a petition shall be suspended if it is necessary to notify the petitioner, pursuant to § 2.72(d), that additional information in support of the petition is required. Running of the thirty (30) day time limit shall resume on receipt of the additional information by the system manager responsible for the system containing the challenged record.
- (d) **Extensions of time.**
  - (1) The thirty (30) day time limit for a decision on a petition may be extended if the official responsible for making a decision on the petition determines that an extension is necessary for one of the following reasons:
    - (i) A decision on the petition requires analysis of voluminous record or records;
    - (ii) Some or all of the challenged records must be collected from facilities other than the facility at which the official responsible for making the decision is located.
    - (iii) Some or all of the challenged records are of concern to another bureau of the Department or another agency of the Federal Government whose assistance and views are being sought in processing the request.

- (2) If the official responsible for making a decision on the petition determines that an extension is necessary, the official shall promptly inform the petitioner of the extension and the date on which a decision is expected to be dispatched.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56586, Dec. 22, 1983; 53 FR 3750, Feb. 9, 1988]

### § 2.249 Petitions for amendment: Appeals.

- (a) **Right of appeal.** Except for appeals pertaining to Office of Personnel Management records, where a petition for amendment has been rejected in whole or in part, the individual submitting the petition may appeal the denial to the Assistant Secretary - Policy, Budget and Administration.
- (b) **Time for appeal.**
  - (1) An appeal must be received no later than twenty (20) working days after the date of the decision on a petition.
  - (2) The Assistant Secretary - Policy, Budget and Administration may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) working days of the date of the decision on a petition.
- (c) **Form of appeal.**
  - (1) An appeal shall be in writing and shall attach copies of the initial petition and the decision on that petition.
  - (2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the petition to have been in error.
  - (3) The appeal shall be addressed to Privacy Act Officer, Office of the Assistant Secretary - Policy, Budget and Administration, U.S. Department of the Interior, Washington, DC 20240.

[40 FR 44505, Sept. 26, 1975, as amended at 47 FR 38328, Aug. 31, 1982; 53 FR 3750, Feb. 9, 1988]

### § 2.250 Petitions for amendment: Action on appeals.

- (a) **Authority.** Appeals from decisions on initial petitions for amendment shall be decided for the Department by the Assistant Secretary - Policy, Budget and Administration or an official designated by the Assistant Secretary, after consultation with the Solicitor.
- (b) **Time limit.**
  - (1) A final determination on any appeal shall be made within thirty (30) working days after receipt of the appeal.
  - (2) The thirty (30) day period for decision on an appeal may be extended, for good cause shown, by the Secretary of the Interior. If the thirty (30) day period is extended, the individual submitting the appeal shall be notified of the extension and of the date on which a determination on the appeal is expected to be dispatched.
- (c) **Form of decision.**
  - (1) The final determination on an appeal shall be in writing and shall state the basis for the determination.

- (2) If the determination upholds, in whole or part, the initial decision rejecting the petition for amendment, the determination shall also advise the individual submitting the appeal:
  - (i) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the agency;
  - (ii) Of the procedure established by § 2.77 for the filing of the statement of disagreement;
  - (iii) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Department, a brief statement by the Department summarizing its reasons for refusing to amend the record;
  - (iv) That prior recipients of the challenged record will be provided a copy of any statement of dispute to the extent that an accounting of disclosure was maintained; and
  - (v) Of his or her right to seek judicial review of the Department's refusal to amend the record.
- (3) If the determination reverses, in whole or in part, the initial decision rejecting the petition for amendment, the system manager responsible for the system containing the challenged record shall be directed to:
  - (i) Amend the challenged record accordingly; and
  - (ii) If an accounting of disclosures has been made, advise all previous recipients of the record of the amendment and its substance.

[40 FR 44505, Sept. 26, 1975, as amended at 48 FR 56586, Dec. 22, 1983; 53 FR 3750, Feb. 9, 1988]

## § 2.251 [Reserved]

### § 2.252 Statements of disagreement.

- (a) **Filing of statement.** If the determination of the Assistant Secretary - Policy, Budget and Administration under § 2.75 rejects in whole or part, a petition for amendment, the individual submitting the petition may file with the system manager for the system containing the challenged record a concise written statement setting forth the reasons for disagreement with the determination of the Department.
- (b) **Disclosure of statements.** In any disclosure of a record containing information about which an individual has filed a statement of disagreement under this section which occurs after the filing of the statement, the disputed portion of the record will be clearly noted and the recipient shall be provided copies of the statement of disagreement. If appropriate, a concise statement of the reasons of the Department for not making the requested amendments may also be provided to the recipient.
- (c) **Maintenance of statements.** System managers shall develop procedures to assure that statements of disagreement filed with them shall be maintained in such a way as to assure dissemination of the statements to recipients of the records to which the statements pertain.

[48 FR 56586, Dec. 22, 1983]

## § 2.253 [Reserved]

## § 2.254 Exemptions.

- (a) ***Criminal law enforcement records exempt under 5 U.S.C. 552a(j)(2)***. Pursuant to 5 U.S.C. 552a(j)(2) the following systems of records are exempted from all of the provisions of 5 U.S.C. 552a and the regulations in this subpart except paragraphs (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), (11), and (12), and (i) of 5 U.S.C. 552a and the portions of the regulations in this subpart implementing these paragraphs:
- (1) INTERIOR/FWS-20, Investigative Case File System.
  - (2) INTERIOR/BIA-18, Law Enforcement Services System.
  - (3) INTERIOR/NPS-19, Law Enforcement Statistical Reporting System.
  - (4) INTERIOR/OIG-02, Investigative Records.
  - (5) INTERIOR/DOI-10, Incident Management, Analysis and Reporting System.
  - (6) INTERIOR/DOI-50, Insider Threat Program.
- (b) ***Classified records exempt under 5 U.S.C. 552a(k)(1)***. Pursuant to 5 U.S.C. 552a(k)(1), the following systems of records have been exempted from paragraphs (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:
- (1) INTERIOR/DOI-50, Insider Threat Program.
  - (2) [Reserved]
- (c) ***Law enforcement records exempt under 5 U.S.C. 552a(k)(2)***. Pursuant to 5 U.S.C. 552a(k)(2), the following systems of records are exempted from paragraphs (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:
- (1) INTERIOR/OIG-2, Investigative Records.
  - (2) INTERIOR/FWS-21, Permits System.
  - (3) INTERIOR/BLM-18, Criminal Case Investigation System.
  - (4) INTERIOR/BLM-19, Civil Trespass Case Investigations.
  - (5) INTERIOR/BLM-20, Employee Conduct Investigations.
  - (6)-(7) [Reserved]
  - (8) INTERIOR/NPS-17, Employee Financial Irregularities.
  - (9) INTERIOR/Reclamation-37, Trespass Cases.
  - (10) INTERIOR/SOL-1, Litigation, Appeal and Case Files System, to the extent that it consists of investigatory material compiled for law enforcement purposes.
  - (11) INTERIOR/FWS-19, Endangered Species Licenses System.
  - (12) INTERIOR/FWS-20, Investigative Case File System.
  - (13) INTERIOR/BIA-24, Timber Cutting and Trespass Claims Files.
  - (14) INTERIOR/DOI-11, Debarment and Suspension Program.
  - (15) INTERIOR/DOI-10, Incident Management, Analysis and Reporting System.

- (16) INTERIOR/DOI-50, Insider Threat Program.
- (17) INTERIOR/DOI-24, Indian Arts and Crafts Board.
- (18) INTERIOR/BSEE-01, Investigations Case Management System (CMS).
- (19) INTERIOR/DOI-46, Physical Security Access Files.
- (d) **Records maintained in connection with providing protective services exempt under 5 U.S.C. 552a(k)(3).** Pursuant to 5 U.S.C. 552a(k)(3), the following systems of records have been exempted from paragraphs (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:
  - (1) INTERIOR/DOI-46, Physical Security Access Files.
  - (2) [Reserved]
- (e) **Investigatory records exempt under 5 U.S.C. 552a(k)(5).** Pursuant to 5 U.S.C. 552a(k)(5), the following systems of records have been exempted from paragraphs (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:
  - (1) [Reserved]
  - (2) INTERIOR/GS-9, National Research Council Grants Program.
  - (3) INTERIOR/OS-68, Committee Management Files.
  - (4) INTERIOR/DOI-11, Debarment and Suspension Program.
  - (5) INTERIOR/DOI-46, Physical Security Access Files.
  - (6) INTERIOR/DOI-50, Insider Threat Program.

[86 FR 49928, Sept. 7, 2021, as amended at 87 FR 8428, Feb. 15, 2022]



**Haskell Indian Nations University**

**Athletic Director**

**Rating 1-5 scale (5 being highest)**

**Candidate Rating Scale -**

**Vacancy number**

Applicant Names	Experience working in post-secondary athletic program	Experience as a coach	Supervisory experience	Raters Score <b>Possible 15/15</b>	Total Score	Comments
Points Possible	5	5	5			

Name: \_\_\_\_\_ Date: \_\_\_\_\_

# Bureau of Indian Education



## Haskell Indian Nations University

### INTERVIEW QUESTIONS

For  
Athletic Director

Candidate Name: \_\_\_\_\_

*Rubric:*

*4 = Fully answered question; response exhibited advanced understanding of content.*

*3 = Answered most aspects of the question; response exhibited a proficient understanding of content.*

*2 = Answered some parts of the question; response exhibited a limited understanding of content.*

*1 = Answered little or none of the question; response exhibited a decided lack of knowledge of content.*

A. Questions	B. Rubric Rating (4,3,2, or 1)
<b>Please provide us with a brief introduction and why you feel you are most qualified for the position?</b>	<i>No score</i>
1. Scenario: You have a coach that has not followed the appropriate guidelines regarding ensuring safety of student-athletes? What would you do?	
2. Why do you think the Faculty Athletic Representative (FAR) is important and what role they have in athletics?	
3. Please share four standards, processes and or procedures you feel are key to supporting a post-secondary athletic program?	
4. Please share your processes and experience in scheduling of athletic contests. What are two key logistics keys to ensuring that athletic teams are ready to compete?	

**Candidate Name:** \_\_\_\_\_

<p>5. Please describe your experience you have had in development of curricula and evaluating the curriculum of an athletic program? What was the outcome.</p>	
<p>6. Please share your personal experience and role in development of a budget and what do you feel are key areas that the budget should cover in a collegiate athletic program?</p>	
<p>7. Scenario: You have a student-athlete that lives in a residential hall and has been AWOL from practice multiple-times which has come to your attention by the coach. What course of action do you take and why?</p>	
<p>8. What are some considerations you see are necessary to recruit, retain and reward athletes?</p>	
<p>9. As an Athletic Director you will be responsible for a lot of daily emailing, and documentation regarding weekly athletic events. Please share with us any IT skills that will support this work and how you would go about organizing and tracking your coaches and athletes schedules and needs for athletic events?</p>	
<b>C. Total Rubric Rating Points</b>	
<b>D. Average/Mean Rubric Rating</b> [ $C \div 9 = (\text{average value})$ ]	
(                    )	

Facilitator Signature	Date	Interviewer Signature	Date
Print Name		Print Name	



United States Department of the Interior  
BUREAU OF INDIAN EDUCATION

**MEMORANDUM for AD Committee**

To: (b) (6)

Selecting Official: Tamarah Pfeiffer, Phd.

Position: **Athletic Director**

Vacancy Number: (b) (6)

Request Number(s): (b) (6)

Location of Interview: Telephone (all are Committee members are Teleworking)

Name	Date and Time contact
(b) (6)	11/16/21 11:00 pm
(b) (6)	11/16/21 1:00 pm
(b) (6)	11/16/21 3:00 pm

**From:** (b) (6)  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** Process  
**Date:** Thursday, December 15, 2022 12:21:08 PM  
**Attachments:** [Outlook-fx22vbj3.png](#)

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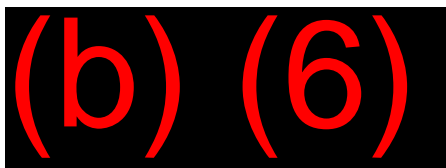
**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

(b) (6) & Respected Investigation Personnel,  
Please consider this email as a formal document to your request regarding student-athletes and the Haskell Indian Nations University application process.

I firmly believe that not only was it common for student-athletes to seek assistance with the application process, but at times coaches were the only staff to have consistent communication with the prospective "student," not merely a student-athlete BUT a student seeking enrollment. I recall in a Summer '21 coaches meeting, stating that "I need to know if my athletes have been accepted." This statement was followed up with reiterating I have recruits moving from the Pacific Northwest and financially planning a move, having to seek housing, while not knowing if there were accepted OR not accepted.

Through all the mishaps Mr. Clay Mayes endured, he continued to strive and provide young Native Americans with the opportunity to further their education by having Haskell as an option. His efforts were timeless and seemed ultimately driven by the impact he would have on potential student-athletes. As I considered myself "new" and still trying to find out the "Haskell Processes?" I asked Mr. Mayes how he assists his recruits with the application process. This question, prompted the March 18, 2022 email.

If you should have any further questions or concerns, feel free to contact me at your earliest convenience. The provided information is both factual and true to the best of my knowledge.



[www.haskellathletics.com](http://www.haskellathletics.com)

**Haskell Indian Nations University**



---

**From:** (b) (6) @bie.edu>  
**Sent:** Thursday, December 15, 2022 1:00 PM  
**To:** (b) (6) @HASKELL.edu>  
**Cc:** (b) (6) @bie.edu>; (b) (6) @bie.edu>; (b) (6) @bie.edu>  
**Subject:** Re: Haskell Investigation - Follow-Up - Application Process

(b) (6)

As part of the investigation, we need to know if it was common for student/athletes to seek help from athletic staff and coaches when completing the academic application/process to attend Haskell Indian Nations University? If so, did Clay Mayes mention this to you, or did you say anything to him regarding this process?

We are in possession of an email, dated March 18, 2022, sent from Mayes to you regarding the application process, can you provide any additional information and confirm this was common practice to assist the applicant or prospective students.

Thank you,

(b) (6)

Bureau of Indian Education

(b) (6)

Fax: (b) (6)

1011 Indian School Road NW Suite 150  
Albuquerque, NM 87104

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Please take a moment to complete our HR Customer Satisfaction Survey. Your feedback is important. Thank you.

BIE survey - [BIE HR Customer Satisfaction Survey](#)

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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 12, 2022, 1:08 p.m. (MDT)

Witness Statement: (b) (6), (b) (6)

I am the (b) (6) for the Bureau of Indian Education.

The incident involving my daughter, (b) (6) and (b) (6) happened in November 2021 during a men's basketball game. I don't recall the date, (b) (6) didn't tell me and her (b) (6), (b) (6), about the incident until December 2021. I cannot recall the date in December, but it was after (b) (6) took a job at Haskell Indian Nations University (Haskell) and we moved from (b) (6). I recall (b) (6) and I were in the basement talking about all her accomplishments since her (b) (6) and how well she was doing at Haskell. While we were having this conversation, (b) (6) told me about what happened at the November 2021 basketball game.

According to (b) (6), we were standing in the concession line during halftime. I recall that I was facing (b) (6) and her back was against the flow of traffic and people were walking behind her. (b) (6) said that at one point (b) (6) was walking behind her and that his hand touched her bottom. She said she immediately turned around to see who it was and saw that it was him. She didn't say anything to me at the time. I remember that the game was ready to start so I left her in the line and went to videotape the second half.

(b) (6) told me after I left her, she got out of the concession line because she started to feel sick to her stomach after what had happened to her. She said she went to the women's restroom and into one of the stalls and just started crying. She told me that after the other people left the restroom, she washed her face because she knew she was going to see me.

I recall when (b) (6) came back to where I was taping the game that she didn't have any food or drink. I asked her about it, and she said she decided to go get it somewhere else. I noticed her change of mood and wondered what might have happened. There was another girl with her at the time and they were going leave. I remember asking (b) (6) to take a battery to (b) (6) before they left. (b) (6) said that after she dropped off the battery, she was coming back up one of the stairways when (b) (6) called her name and said, "Hey (b) (6), smile." She said she didn't like what he said because of the incident that had just happened. She said she started crying again. Then, she came back to where I was, got her stuff, and left.

(b) (6) said when she and her friend got to the lobby that she started crying and told her friend what had happened. She said they left the gym and were going to her car, but she wanted to be by herself. She said she got in her car and drove, but she didn't know where she went. She said she was blank and had literally shut down.

After (b) (6) told me about what had happened with (b) (6) I asked her why she didn't tell anyone. She said she wanted to tell Coach Clay Mayes but she couldn't because she was forbidden to talk with him due to all the stuff that was going on at Haskell. She said she had signed the form and had told me about it. However, I didn't realize what she had signed at the time. I thought it was just a cross country consent form. This upset me because (b) (6) couldn't talk to the one person, she felt like she could confide in. I believe (b) (6) was trying to protect her coach and others, yet she is the one who got hurt.

When (b) (6) and I were through talking, I went upstairs and called my former supervisor to ask her to have Dr. Pfeiffer, Haskell's Acting President, call me. The next day, I spoke with Dr. Pfeiffer about the incident and had me complete a form.

(b) (6), reached out to (b) (6) although I'm not sure what they discussed. (b) (6) also provided me with information about off campus counseling centers and I told him I was going to leave it up to (b) (6) to decide what to do. I told him I wanted to make sure there would be a record in case something like this happens again.

I believe (b) (6) didn't want what happened to her to get out on campus to where the cross-country team heard about it. Some people really support (b) (6) and she didn't want it out there. I think she may have been concerned about retaliation from the students, not the faculty.

During the fall of 2019, (b) (6) quit cross country in her second year of running because she was being bullied by members of the team. I did not realize this was going on at the time, but I recall getting texts and calls from (b) (6) because he couldn't reach (b) (6). On one of the calls I received, (b) (6) asked me to see if (b) (6) would run at a meet in Joplin, Missouri. I spoke with (b) (6) and she agreed to run.

(b) (6) and I travelled to Joplin to attend the meet. We went to the Olive Garden where the team was eating and when (b) (6) saw me, she immediately got up from her seat, grabbed me and started crying. She didn't have to say anything. I went over to (b) (6) and told him this would be (b) (6) last meet running for him and that she would never run for him again. He just looked at me and didn't even ask what was going on. I went outside with (b) (6) and she told me she was being bullied and that it had been going on for a while. She said she had kept it to herself and was trying to work through it. The next day, she ran in the meet and then we left.

(b) (6) and (b) (6) grew up on the Haskell campus. They both grew up around (b) (6) (b) (6). I thought if anyone would be protected it would be (b) (6) because of the relationship our family had with their family. Apparently, that wasn't the case. After the incident, (b) (6) finished the rest of the school year but there were still issues with bullying. She would go to class but did not attend any outside activities because she didn't want to run into the girls who were bullying her.

During the summer of 2020, (b) (6) wanted to get into modeling and acting. We signed her up for some classes and it really helped her. When she went back to Haskell in the fall of 2021, she was uplifted and ready to return to campus life and everything else.

In the fall of 2021, (b) (6) also joined cross country again. She was really doing well considering she hadn't been running since the fall of 2019. She was excited to run for Coach Clay Mayes because he had tried to recruit her to run when he coached at Bacone College, but she had already committed to Haskell.

(b) (6) was in the (b) (6) when the incident happened with (b) (6). From (b) (6) account, it had to have been deliberate. (b) (6) also changed from that night. In the past, we've talked with (b) (6) and (b) (6) and we've had dinner with them when we attended cross country meets. After the incident happened, we never talked to them again. They never reached out to congratulate (b) (6) on his job



which is unusual. This was before we learned about the incident so I think (b) (6) may have told (b) (6) about what happened.

(b) (6) knew (b) (6). I trusted him. I think that if something like this happened you would say "Excuse me" or "I'm sorry, I didn't mean to do that." I think (b) (6) would have been okay if he would have acknowledged what he did. The fact that he didn't do it then is what hurt her the most. That is what made her feel that it was intentional. (b) (6) doesn't make claims about things like this happening and the reaction she had from this incident made me believe that it had to have been intentional. Maybe (b) (6) thought (b) (6) wouldn't say anything.

(b) (6) avoids going places on campus because she doesn't want to run into (b) (6). She told me she saw him once in Coffin Complex and he said, "Hey (b) (6), how's it going?" She said she looked at him and kept walking. Another time, (b) (6) and I were in the gym, and we had to bring (b) (6) in the through the back of the Complex to avoid the (b) (6). I told (b) (6) that (b) (6) has to be careful and watch where she goes yet (b) (6) can go anywhere he wants and that it was not fair.

(b) (6) is still considering running cross county because they just hired a new coach. This coach had been fired one time before. There was an altercation where he had got into it with another staff member and shut the door and wouldn't let her leave. The only reason they found out about it was because it was on video. (b) (6) told me about this.

I don't understand what is wrong with Haskell. Even with what happened, (b) (6) is coaching track. (b) (6), (b) (6), (b) (6), has been let go from her position before. She is a bully. At one time, there was a saying that the (b) (6) were running Haskell. They would say (b) (6) and (b) (6) were around (b) (6) when he coaches because he couldn't remember things, or they had to make sure he was where he needed to be. From what I gather on how (b) (6) treated Coach Mayes it makes me think of bullying because they want their way and if they don't get their way, they're going to find a way to get their way.

I don't feel intimidated because of what happened. I also couldn't speak to whether the (b) (6) may have used students to their advantage to get what they want.

As for why (b) (6) was bullied, I'm not sure. We provide everything (b) (6) needs and maybe it causes jealousy around others. (b) (6) is a Christian and has her Christian values. She relies on God to help her pull through things. She will also stand for others. The support we give, her excelling, and her doing what she needs to do could be a reason.

*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):*

**From:** (b) (6)  
**To:** (b) (6)  
**Cc:** (b) (6); (b) (6); (b) (6)  
**Subject:** RE: quick question (was Re: Haskell Administrative Investigation Inquiry)  
**Date:** Wednesday, October 12, 2022 12:44:20 PM

---

Good afternoon (b) (6)! I am following up to get your responses to the questions I posed regarding the supervising of (b) (6). We are trying to wrap up the report and need this information to proceed. Thanks and let me know if you have any additional questions!

---

**From:** (b) (6) @BIE.EDU>  
**Sent:** Thursday, October 6, 2022 3:49 PM  
**To:** (b) (6) @bie.edu>  
**Cc:** (b) (6) @bie.edu>; (b) (6) @bie.edu>; (b) (6) @bie.edu>  
**Subject:** quick question (was Re: Haskell Administrative Investigation Inquiry)

Good afternoon,

I am completing the questionnaire and have one question of clarification. My understanding is that federal requisitions is the formal request to purchase an item. My understanding of expenditures is that expenditures are the review of the spending.

I am requesting clarification on this so that I answer questions #1 and #4 correctly.

Thanks!

(b) (6)

(b) (6)

Text or call: (b) (6)  
Alternate email: (b) (6) [@haskell.edu](mailto:(b) (6)@haskell.edu)

Availability: 7:30am - 4:30pm (CDT) and by evening & weekend appointment

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**From:** (b) (6) @bie.edu>  
**Sent:** Wednesday, October 5, 2022 4:37 PM  
**To:** (b) (6) @BIE.EDU>  
**Cc:** (b) (6) @bie.edu>; (b) (6) @bie.edu>; (b) (6) to@bie.edu>  
**Subject:** Haskell Administrative Investigation Inquiry

(b) (6), I have one last item to clarify regarding your assignment to (b) (6), since he couldn't work for (b) (6). When you were detailed to be (b) (6) or was this on paper only, or did you perform the following:

1. Did you monitor all his requisitions?
2. Did you process his requisitions?
3. Did you perform assessments of his track program?
4. Did you approve or deny his athletic program expenditures?
5. Did you hold (b) (6) to job duties including ethical standards of conduct with students, staff, faculty and outside stakeholders?
6. Develop standards and procedures for him in his intercollegiate activities
7. Did you schedule all his contests?
8. Did you arrange his logistics and travel for him and his team?
9. Did you develop or direct the development of curricula for his athletic program?
10. Did you evaluate any developed material for accuracy, technical/professional relevancy for validity for his athletic program?
11. Did you submit curricula justification and cost estimates to the President, Haskell University, while Dr. Phieffer was the acting President, for (b) (6) athletic program?
12. Did you prepare his athletic schedules,
13. Did you ever have to coordinate with other coaches to ensure coaching coverage, including practice and athletic contests?
14. Did you observe and documents team practices, athletic contests, and related team activities on a periodic basis to ensure adequacy of coaching, adherence to program objectives, and for the purpose of performance evaluation of coaching staff?

In the event your answer to any of the above is yes. Please provide any evidence you have so we can include it in the investigation file. If you have any questions or concerns, please contact me at your convenience. Thanks!



# HASKELL INDIAN NATIONS UNIVERSITY

Accredited by Higher Learning Commission

Office of the President  
155 Indian Avenue  
Lawrence, Kansas 66046-4800  
[www.haskell.edu](http://www.haskell.edu)

December 21, 2021

(b) (6)

Haskell Indian Nations University  
Lawrence, Kansas 66046

RE: Notification of No-Contact Order

(b) (6)

On December 18, 2021, I had received a phone call from a student's parent regarding allegations of inappropriate touching. The parent disclosed to me that this occurred in November 13, 2021 during a Men's basketball game at Coffin Complex on the HINU campus. As you are aware, allegations of inappropriate touching are serious in nature. Therefore, please be informed of the following:

1. An investigation is the next step in response to the allegations. The investigation will be conducted through a 3<sup>rd</sup> party with consultation from the Bureau of Indian Education, Human Resources Department.
2. You are hereby to have no contact with any female students in any social and/or coaching venue.
3. This includes telephone calls, text messages, social media, third party contacts or other forms of direct and/or indirect contact.
4. This is confidential in nature. Please do not violate the privacy of this notice or other information surrounding this notice.
5. Please know any form of retaliation or retribution is prohibited. Such actions could be subject to discipline and possible removal.
6. As a Federal employee, you are required to participate in the investigatory process. Failure to participate or comply will result in disciplinary/adverse action taken against you up to an including removal from Federal service.

If you have any questions, please feel free to contact me at (785) 832-6644. Thank you.

Tamarah Pfeiffer, PhD  
Acting President  
Haskell Indian Nations University



**HASKELL INDIAN NATIONS UNIVERSITY**  
Accredited by Higher Learning Commission

Office of the President  
875 Indian Avenue  
Lawrence, Kansas 66044-4005  
[www.haskell.edu](http://www.haskell.edu)

**RECEIPT COPY:**

I hereby acknowledge receipt of this Non-Signation of No-Contact Order.

**(b) (6)**

12/21/21  
Date



## HASKELL INDIAN NATIONS UNIVERSITY

Accredited by Higher Learning Commission

Office of the President  
155 Indian Avenue  
Lawrence, Kansas 66046-4800  
[www.haskell.edu](http://www.haskell.edu)

March 7, 2022

(b) (6)

Haskell Indian Nations University  
Lawrence, Kansas 66046

RE: Amended Notification of No-Contact Order

(b) (6)

On December 18, 2021, you were issued with a No Contact Order regarding the allegations of inappropriate touching of a female student. The No Contact Order is hereby amended:

1. You will continue with virtual learning for all classes that you are instructing for this upcoming semester.
2. You will not have any contact with students in-person. All contacts will be made either via TEAMS and/or ZOOM as well as email.
3. Any contacts by the students will only pertain to classes which you instruct.
4. All other provisions contained in the No Contact Order dated December 18, 2021, remain the same.

You will continue to report to (b) (6) If you have any questions, please feel free to contact me at (785) 832-6644. Thank you.

Tamarah Pfeiffer, PhD  
Acting President  
Haskell Indian Nations University

### RECEIPT COPY:

I hereby acknowledge receipt of this Notification of No-Contact Order.

(b) (6)

March 8, 2022  
Date

# Haskell



HASKELL INDIAN NATIONS UNIVERSITY • 155 Indian Avenue, Lawrence, KS

May 2, 2022

(b) (6)

Haskell Indian Nations University  
Lawrence, Kansas 64066

**RE:** Notice of No Contact Order - Rescind

(b) (6)

On December 21, 2021, you were issued a No Contact Order based upon allegations of inappropriate touching of a female student. The investigation has been concluded and the allegations against you were unfounded at this time. As a result, the No Contact Order is rescinded. Therefore, you may resume your duties as an (b) (6)

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

Tamarah Pfeiffer, PhD  
Acting President  
Haskell Indian Nations University

CC: Julia Goodfox, Acting Vice President, Academic, HINU  
Judith Gipp, Athletic Director, HINU

**RECEIPT COPY:**

I hereby acknowledge receipt of this Notice to Rescind the No Contact Order Letter.

(b) (6)

5/2/2022  
Date

**From:** (b) (6) @bie.edu>

**Sent:** Wednesday, June 22, 2022 10:26 AM

**To:** Referrals, OIG <DOIOIGReferrals@doioig.gov>

**Subject:** Harassment Allegation

Good Morning,

Attached is a harassment intake form submitted by the Haskell Indian Nations University cross country team with allegations against the Haskell Indian Nations University Administration. The students filled out the Intake form collaboratively and is submitting it for consideration.

Please review the above attached form.

Thank you,

(b) (6)

Human Resources

1011 Indian School Road NW Suite 150

Albuquerque, NM 87104

Phone: (b) (6)

Cell Phone: (b) (6)

Fax: (b) (6)

**Website:** [www.bie.edu](http://www.bie.edu)



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

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [Instagram](#)



Please take a moment to complete our HR Customer Satisfaction Survey. Your feedback is important. Thank you.

- BIE survey - <https://arcg.is/1OjgXO>

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

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

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

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***Management Official Taking the Report***

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Name: (b) (6) Title: (b) (6)

Organization: Bureau of Indian Education

Date Information Reported: June 14, 2022 Time: 9:43 am

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***Individual Reporting Harassing Conduct***

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Name: 17 HINU Student-Athletes Title: Haskell Cross Country Student-Athletes

(b) (6) [Redacted]

Organization: Haskell Indian Nations University (HINU)  
Job Location: Lawrence, Kansas

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*Individuals Allegedly Engaging in Harassing Conduct (if known)*

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1. Name: (b) (6) Title: (b) (6)  
Organization: Haskell Indian Nations University  
Phone: (b) (6) Job location: Lawrence, Kansas

2. Name: (b) (6) Title: Haskell HR – but recently retitled  
Organization: Haskell Indian Nations University  
Phone: (b) (6) Job location: Lawrence, Kansas

3. Name: (b) (6) Title: (b) (6)  
Organization: Haskell Indian Nations University  
Phone: (b) (6) Job location: Lawrence, Kansas

4. Name: Tonia Salvini Title: VP of Student Affairs (Previously cited Acting President)  
Organization: Haskell Indian Nations University  
Phone: (b) (6) Job location: Lawrence, Kansas

5. Name: (b) (6) Title: (b) (6)  
Organization: Haskell Indian Nations University  
Phone: (b) (6) Job location: Lawrence, Kansas

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*Questions to Ask the Individual Reporting the Harassing Conduct*

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**1. Date(s) of alleged incident(s)/action(s):**

- 10/5/2021
- 10/28/2021
- 11/4/2021
- 1/1/2022
- 3/25/2022
- 3/26/2022
- 3/28/2022

**Ongoing violations for Fall of 2021's and Spring of 2022's semesters.**

2. Please describe specifically the alleged harassing conduct, including the protected status on which you believe it was based [i.e., race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, disability, family medical history (including genetic information), status as a parent, marital status, or political affiliation]:

- Harassment is based on sex.

(b) (6) and (b) (6) stealing thousands of dollars of federal property and multitudes of athletic gear from Haskell Indian Nations University and giving it to their family & friends. This has been seen by (b) (6), (b) (6), (b) (6), numerous administrators like (b) (6) and multiple student-athletes.

-Our cross country team being forced to sign/follow the: no-contact agreement and non-disclosure agreement. **These contracts are illegal due to our grievance process being removed.** We also **experienced efforts of intimidation** from the Vice President Tonia Salvini in order to mandate we **sign the contracts under immense duress, silencing our freedom of speech**, and being told there will be due process. Our athletic director, (b) (6), also stated the Vice President Tonia Salvini refused to have an administrative hearing for all allegations that were made. Both students and our team were **not allowed to voice our problems.**

2021 Fall Semester (b) (6) and Tonia Salvini **soliciting anonymous complaints from students and making decisions on these complaints violates our right to due process.** All 4 solicited students used were student-athletes for (b) (6), (b) (6), and (b) (6) while they coached cross country and track.

(b) (6) also refused to report ANY of the complaints to our (b) (6), (b) (6), (b) (6), as she **solicited 4 student-athletes** that competed for (b) (6), (b) (6), and (b) (6). (b) (6) did make us aware (b) (6) never brought one issue to him, but did detail (b) (6) and (b) (6) are incredibly close friends. (b) (6) stated (b) (6) **actions violated our grievance process and she went beyond her scope of work duties, and broke the chains of command.**

Human Resources (b) (6) **knowingly used these solicited complaints compiled by (b) (6) from students for an investigation with no due process.**

During the spring semester (b) (6) continued the process with **soliciting students to create complaints**, and uses fall's contracts stating the 7 new cross country student-athletes that started past January were legally **mandated to (unrightfully) follow the no-contact agreement and the non-disclosure agreeing.**

(b) (6) using **Intimidation, Harassment, and Bullying** in mandatory meetings she created to make us comply and unrightfully demanding with threats of being **reprimanded, punished, and removed as a student-athlete** if we did not comply.

-Haskell's BIE Federal Employees were not adhering to the 48 hours policy in place to **respond and react to becoming aware of these reports** in regards to be about harassment, bullying, intimidation, and other forms of attacks. **All our reports went unanswered.** Reports were made to:

**Intern Tamarah Pfeiffer** – We mailed a letter and sent multiple emails from multiple student-athletes on our team with the same letter attached stating our concerns. **No response.**

**Haskell Human Resources (b) (6)** – We went to **(b) (6)** office & multiple calls. No response.

**BIE Director Tony Dearman** – We mailed Mr. Dearman the same letter we mailed Ms. Pfeiffer. Multiple student-athletes also emailed the letter with our stated grievances. **No response.**

**Assistant Secretary Bryan Newland** – We mailed a letter and emailed the letter as an attachment with stated grievances. **No response.**

**-Bullying with mockery and vulgar names by the solicited students** and the students who socialize and hang out with **(b) (6)** outside of work hours:

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

**Violates the ethics policy with present forms of harassment, bullying, & intimidation.**

**-BIE's Conflict of Interest Regulation was being broken up** when **(b) (6)** become **(b) (6)** at the start of 2022. **(b) (6)** started supervising **(b) (6)**. Our **(b) (6)**, emailed the BIE Director, and stated this was a violation and conflict of interest.

**-Violation for breaching BIE contracts.** As a **former Haskell president** stated to us: “You cannot hire a coach on another contract for a different sport so this is problematic for **(b) (6)**. **(b) (6)** was hired for mens basketball based on his expertise. The contract for xc has to be competed out bc it's a different sport. I think the action described would be a contract violation.”

**(b) (6)** stating to multiple Haskell staff and students-athletes in March **(b) (6)** was **(b) (6)**. **(b) (6)** was hired to be the sports information director and as an adjunct professor, not coach track. **Another contract violation.**

Multiple applicants for Haskell's athletic director position for Spring of 2022 approached us and detailed the Human Resources administrator **(b) (6)** was expunging qualified **applicants** from the position as grounds to hire her close friend, **(b) (6)**, and manipulate the application process. Each applicant stated: Do a review on the application portal with all applications.

**Physical assault/sexual assault with groping from (b) (6).** This occurred with the meetings, and threats, and at times, being inappropriately touched by **(b) (6)**. Two of our women on our team have discussed they were uncomfortable around **(b) (6)** as he has groped them and they

knew it was crossing vital boundaries. We have not talked to the other women, but we are being told from others there is more women who feel this way.

### 3. Was this an isolated event or a pattern of similar events or behaviors?

These problems have been a pattern of behavior that has been going on with these 5 Haskell administrators for the entire school year:

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

Tonia Salvini

(b) (6)

### 4. Was the harassing conduct directed at you or someone else? If someone else, to whom was it directed?

The ongoing harassment conduct has been consistently directed at our cross-country team, anyone that was recruited, coached, or brought to Haskell by our coach, Clay Mayes (our xc coach), (b) (6), and (b) (6).

### 5. What was your reaction?

We became increasingly more uncomfortable, felt less safe, hopeless, and less trusting over time with consistent behaviors of violating our rules without repercussions, due process, consistent vindictive actions, soliciting students, and illicit conduct from: (b) (6), (b) (6), (b) (6), (b) (6), Tonia Salvini.

On one occasion with showing rules did not apply to these administrators, we witnessed (b) (6) (b) (6) and (b) (6) both stealing federal property from the Thorpe Center on-campus, during the middle of the work day, and loading it into the back of (b) (6). After there was no more room in their pick-up truck they drove directly off-campus. It was obvious **these administrators do not have to play by the rules, and can enforce any demands without consequences.**

Early in the Fall semester we were proactive with making reports to (b) (6) but following the meeting with Tonia Salvini on 11/4/2021 and (b) (6) and (b) (6) mandatory meetings with us during the most recent spring semester, we felt threatened to state/report ongoing abuses from administrators and students. In many ways, we ceased our normal way of life. Within these meetings these administrators used intimidation, had the students they solicited within the meetings, and repetitively reiterated **“we can reprimanded you as a student and as an athlete,”** ... and face severe consequences if we violated any of the erroneous rules these administrators put into place.

Many of us **reacted by going to the Indian Health Services on-campus with seeking medical attention** to resolve newfound anxiety, turmoil, and stress that was created from the mandated agreements and meetings with (b) (6), (b) (6), and Tonia Salvini.

These administrators at various times had full control over us with their tactics, intimidation, and actions. Most of us stopped going to train at the Athletic Coffin Complex. A lot of us became more selective with who we were hanging out with, felt confined to our dorms and our apartments. For us, training and running as a team is our way to cope and to heal from stress as our biggest outlet starting at Haskell was meet for practice, communicating, training, and talking to our coach, Clay Mayes. We were pressured over the course of months and submitted to the demands in not expressing these problems with our parents for fear of these administrators would find out,

We felt these problems would ‘*eventually*’ dissipate. However; we saw them magnify and worsen with time with these administrators. In desperation we began to seek counsel from current Haskell administrators, and former Haskell administrators. After we contacted a lot of administrators, we decided to pursue our team agreeing and composing a letter stating our issues and grievances with the **intern president, BIE director, and assistant secretary, and eventually with (b) (6)**.

#### **6. How did this conduct or behavior affect you? How did it make you feel?**

The actions, conduct, creation of illegitimate rules that mandated us to remain silent all contributed to being robbed of our experience as a Haskell student and as a Haskell athlete. With constantly told we could do nothing, seeing that rules did not apply to these administrators in any way all contributed to feelings of helplessness and feeling lost. We no longer has a sense of our identity as a collegiate student-athlete, and we were no longer welcome with the athletics administrator at Haskell as these abusers regularly found ways to constantly pressure us to comply and stay silent.

#### **7. Did you speak to the person who engaged in harassing conduct to ask them to cease? If so, what was their response?**

We addressed a handful of these actions with (b) (6) and (b) (6) in the spring semester meetings they made mandatory.

We expressed not being comfortable with the no-contact agreements, non-disclosure agreements, and vocal demands to cease talking, meeting, or simply talking about our coach. Both administrators responded by saying we could be face severe consequences, be reprimanded, stated we did not understand the federal process or Haskell’s regulations, and we must continue being silent due to the ‘seriousness of the situation.’ As our team knew, this situation was directly created by (b) (6), (b) (6), Tonia Salvini, and (b) (6) (HR prevented any and all forms of due process and rights).

**8. Can you identify other individuals with knowledge of the alleged conduct at issue or other actions/behaviors by the charged individual(s) in the past? (Include observations, what people heard, and who you told about the events in question.)**

(b) (6)  
Worked with Clay Mayes, also experienced harassment and intimidation from the same administrators. (b) (6) told us he was aware of the issues we faced and what our coached faced. (b) (6) can be contacted, but there is a fear of retaliation if his statements become knowledge for any of the mentioned administrators.

(b) (6)  
One of the people we sought for honest information was (b) (6) (b) (6) coached and worked at Haskell for over 30 years. (b) (6) is one of the most respected coaches and employees to every come out of Haskell.

(b) (6) -Athlete for Clay Mayes, & (b) (6)  
(b) (6)  
Was in attendance for some of our practices and had 2 years of experience being around (b) (6) as a (b) (6) (b) (6) was familiar with all people involved.

(b) (6) 12/31/2021  
(b) (6)  
(b) (6) was aware of ongoing problems, and stated early on, "They don't have anything on your coach, so they have to create miscellaneous allegations to make up reasons to going after him."  
(b) (6) was fair with everyone involved and was transparent with what he knew.

(b) (6) openly reported to Vice President Tonia Salvini, President Tamarah Pfeiffer, and the BLE Director Tony Dearman there was currently ongoing harassment, intimidation, and bullying going on at Haskell with our team, and our coach, Clay Mayes(email provided to validate these statements). A lot of us talked to (b) (6) about our concerns with the contracts, stated demands, and senseless actions from (b) (6), (b) (6), and (b) (6) (b) (6). During one conversation with (b) (6), and he made us aware he was removed from having a say about these issues and was told "(b) (6) you're removed because you're too close."

Tamarah Pfeiffer - (b) (6) told her – our team told her  
(b) (6) – our team told her  
Tonia Salvini - (b) (6) told her – our team told her

(b) (6) - (b) (6) that (b) (6) shared the issues with J (b) (6) as the (b) (6) breaking contracts, knowledge of retaliation and intimidation from (b) (6) with our coach, taking federal property, inappropriately touching students.

**9. Are there any documents or physical evidence that may support the claim of alleged occurrences? If so, please identify them.**



Yes.

Documents include:

-Haskell former president stating in a message there was contract violations

-Email from our past (b) (6), stating harassment and intimidation is going on.

-A team message to all of our team from our coach stating we were to report issues to our athletic director if we had problems. Doing so would have been following our correct process.

-Message from an administrator stating (b) (6) and (b) (6) were taking federal property and droves of athletic gear to give to their family and friends. Many of us have seen this in person, which included:

(b) (6)

Our coach Clay Mayes

-On 10/28/2021 a month after the team message that was sent on 9/29/2021, we are providing (b) (6) hand written notes and complaints she made with the 4 students outside of work. This was not our process, and these actions were in the form of systematic, harassment-like attacks.

-In October - Screen shots where a BIE GS 13 administrator was citing the actions conducted by (b) (6) was illegal.

-On 10/28/2021 - Screen shot of texts stating the notes were (b) (6) and she was meeting with students.

-11/4/2021 - One of the 2 contracts, No-Contact Agreement, we were demanded to sign with the mandatory meeting with VP Tonia Salvini.

-(LINK Below) BIE's regulation on Conflict of Interest and our Ethics policy linked below - There was a conflict of interest violation with our new (b) (6), on 1/1/2022 became the supervisor for (b) (6) who was coaching track.

<https://www.doi.gov/ethics/government-wide-ethics-laws>

<https://bja.ojp.gov/program/project-safe-neighborhoods-psn/summary-standards-conduct-and-conflict-interest-rules>

-Screen shots on our website showing (b) (6) coaching with (b) (6), and her (b) (6). Our athletic website states (b) (6) is the (b) (6). We were told

(b) (6) was verbally (b) (6) at the start of March of 2022

-3/2/2022 - An email made available to the public where our former (b) (6) (b) (6) states there's ongoing harassment and bullying to the BIE director that is going on with our coach.

**Our mailed letters we sent to:**

**President Tamarah Pfeiffer**

(We also sent letters via email)

**BIE Director Tony Dearman**

(We sent a copy of Ms. Pfeiffer's letter to Mr. Dearman - mail & email)

-Assistant Secretary Bryan Newland

(We also sent the letters via email)

**10. Do you feel that the alleged harasser(s) is a threat to your safety and well-being or that of others? If so, how?**

In regards to our general well being, and our mental health, absolutely.

At various times we were helpless, anxious, and stressed. A lot of us needed to seek counseling services or did seek counseling services with Indian Health Services, and sometimes coupled with obtaining medications.

Additionally our well being was even more affected as many of us started doing worse with our classes and academic standing due to no longer having the previous structure and the support from our coach and multiple ways. Our coach would email and contact a lot of our professors to help with our academic standing in giving us support, and helping address problems we may have in our classes, or address and helping us with problems in day to day life.

Since we were no longer able to attend and have practices with our coach, many of us felt we were not coping properly or ideally. Running is apart of our culture, our lifestyle, and is our way to heal from emotional duress, and anxiety-related issues.

We also felt intimidated and anxious with the aggressive behaviors from the meetings with Tonia, (b) (6) and (b) (6)

Many of us were not comfortable with these administrators that were breaking professional boundaries. This occurred with the meetings, and threats, and at times, being inappropriately touched by (b) (6) Two of our women on our team have discussed they were uncomfortable around (b) (6) as he has groped them and they knew it was crossing vital boundaries.

**11. Have you previously complained about this or related acts of harassing conduct by the same individual(s) to a supervisor or manager? If so, please identify the individual(s) to whom you complained, the date(s) of the complaint(s), and the resolution(s), if any.**

Reports to (b) (6)

We reported harassment, intimidation, and bullying to (b) (6) during the month of October and November of 2021. (b) (6) told us, "I was told I can no longer be involved with the ongoing situation with (b) (6) and the students. They said I was 'too close,' and removed me from having a say."

(b) (6) was not allowed to come to the 11/4/2021 meeting with VP Tonia Salvini)

Reports to Human Resources (b) (6):

We made reports over Fall's semester to HR for Haskell, (b) (6). We cited intimidation and bullying, and (b) (6) said she would look into it. Issues were never resolved and to our knowledge (b) (6) never acted on the reports.

Reports to Intern President Pfeiffer:

We sent emails during April of 2022, and we mailed a letter in April citing our concerns. There was no response of any kind.

Reports to BIE Director Tony Dearman:

We sent emails during April of 2022, and we mailed a letter in April citing our concerns. There was no response of any kind.

Reports to Assistant Secretary:

We sent emails during April of 2022, and we mailed a letter in April citing our concerns. There was no response of any kind.

**12. Is there any other information related to the incident(s)/action(s) or any other information related to the inquiry that you would like to provide?**

There is articles stating our problems and problems our coach has had. We would recommend reading them:

<https://www2.ljworld.com/news/general-news/2022/jun/10/haskell-athletes-were-made-to-sign-no-contact-agreements-stemming-from-investigation-of-former-coach-they-say-administrators-intimidated-them/>

<https://lawrencekstimes.com/2022/05/13/mayes-haskell/>

<https://amp.kansascity.com/opinion/editorials/article261833340.html>

Our objectives is giving BIE one week to respond to these reports as we have been making

reports for several months:

- 1.) Haskell administrators with a conflict of interest, and/or are facing serious allegations with our presented evidence to work from home and proceed to conducting an internal investigation on Haskell's campus to evaluate and investigate on going abuse conducted by multiple Haskell administrators. For Haskell's administrators to be interviewed about ongoing harassment, intimidation, and illegal actions that have went on challenged for decades. We would feel A LOT safer and more at ease if there was a legitimate response rather than all reports being neglected and ignored. Example of a conflict of interest: (b) (6), (b) (6), and (b) (6) having 6 other primary family members working in different departments at Haskell (For example).
- 2.) For our coach, Clay Mayes, to be immediately reinstated to coach and work with us, as his contract was cut months short. If our coach can not be reinstated, we would want to be told what the reasoning was and if that reasoning is unreasonable, we will proceed to look for legal representation to acquire the proper response for abusive actions by Haskell administrators. If the reasoning is sufficient, we will still ask our coach be allowed to coach us and be on campus, and our coach can choose whether he wants to volunteer and help us in regards to that route while things are reviewed and investigated. At this point there has been zero merits to ALL manipulated allegations that stem from a set group of Haskell administrators..
- 3.) For the mentioned former and one current Haskell administrators (b) (6), (b) (6), (b) (6), and (b) (6) to be called and interviewed about their knowledge on the the ongoing harassment and foul play by Haskell administrators.
- 4.) For there to be a STRONG response to all abuses that were validated that include theft, violating multiple regulations, and breaking our ethics policies. With all of us being apart of the native community, we should have no tolerance for people with ill intentions and behaviors at Haskell

We had 18 new student athletes for cross country and track this past year. 17 of them our coach recruited to Haskell this past school year. Our coach is the first person and the only recent person who has been actively able to build Haskell's cross country program in decades and doing so quickly!

If any other evidence, testimonies of if anything else is needed do not hesitate to let our team know!

**From:** (b) (6)  
**To:** (b) (6)  
**Cc:** (b) (6); (b) (6); (b) (6)  
**Subject:** Re: HINU AD Position (b) (6)  
**Date:** Sunday, November 6, 2022 7:40:30 AM  
**Attachments:** [image001.png](#)  
[Outlook-vw2hhd25.png](#)

---

(b) (6)

He was found not qualified based on a review of his resume. The specialist that rated the applicant entered the following notes in USA Staffing:

- Does not meet 1 year of specialized experience.
- JOA spec - Responsible for leadership of an athletic program including the management and administration, training plans, recruitment and retention of student athletes, resources; athletic development and assessment; maintenance of effective relationships with professional athletic programs, administration and support with administration measure of intercollegiate sport competition and regulations, tribal communities and other stakeholders.

I do not know if a quality review of ratings was completed before certs were issued. As of today, I went ahead and did a quick review and I concur with the initial rating. Applicant does not meet the specialized experience as defined in the vacancy announcement. Specifically, the applicant's resume does not demonstrate experience in leadership of an athletic program that included the management and administration, training plans; athletic development and assessment; maintenance of effective relationships with professional athletic programs, administration and support with administration measure of intercollegiate sport competition and regulations, tribal communities and other stakeholders.

At this point, a formal second level review needs to be completed and documented. I will work with (b) (6) on getting this done.

(b) (6)

Human Resources Office  
Cell Phone: (b) (6)  
Website: [www.bie.edu](http://www.bie.edu)



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Bureau of Indian Education**

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Please take a moment to complete our [BIE HR Customer Satisfaction Survey](#). Your feedback is important. Thank you!

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---

**From:** (b) (6) @bie.edu>  
**Sent:** Friday, November 4, 2022 5:46 PM  
**To:** (b) (6) @bie.edu>  
**Cc:** (b) (6) @bie.edu>; (b) (6) @bie.edu>  
**Subject:** HINU AD Position (b) (6)

(b) (6) can you tell me if (b) (6) screened himself out via selective placement factors when applying for the (b) (6)? If he didn't, can you tell us why he was not found qualified? We have to be able to explain how this occurred as he contends he has the experience. Thanks!

(b) (6)

1011 Indian School Road NW Suite 150  
Albuquerque, NM 87104  
Phone: (b) (6)  
Fax: (b) (6)  
Website: [www.bie.edu](http://www.bie.edu)



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Please take a moment to complete our HR Customer Satisfaction Survey. Your

feedback is very important to us. Thank you.

- BIE survey - [BIE HR Customer Satisfaction Survey](#)

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Go To



(b) (6)



# VACANCY 11270880



Vacancy 11270880

Assessment Package

Announcement

Applicant Overview

Certificates

Reviews

✓ Assessment: BIE Athletic Director GS170112 HINU +

USAJOBS Announcement Title	Pay Plan-Series-Grade	Assessment ID
Athletic Director	GS-1701-12	83529

Assessment Information    Competencies    Assessment Questionnaire    Screen-Out Criteria    Rating Criteria    Passing Score Criteria



History

Test Plan

Checklist

## Screen-Out Criteria (3)

	Name	Rating Combos	Ineligibility Code	Items
<input type="checkbox"/>	Basic Quals	1701-12	IQID	1
<input type="checkbox"/>	Min quals	1701-12	IQIE	1
<input type="checkbox"/>	COA	1701-12	IOAC	1





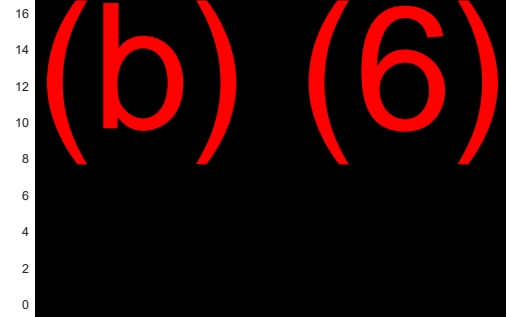


# Applicant Dashboard

Total Applications

23

Claimed Veterans Preference



Total Eligible

(b) (6)

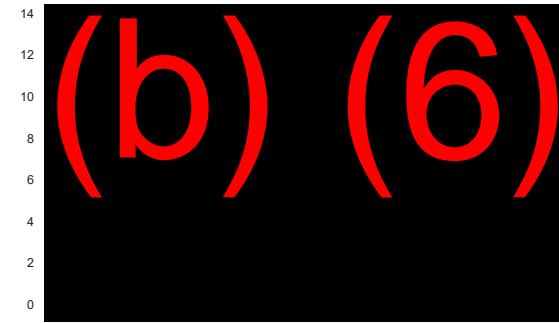
Total Referred

Total Selected

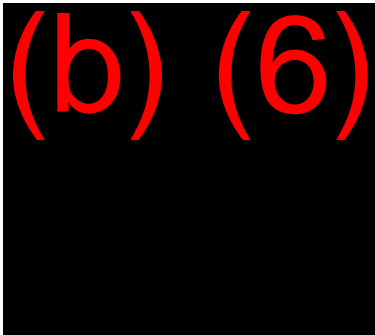
Total Hired

Total Entered on Duty

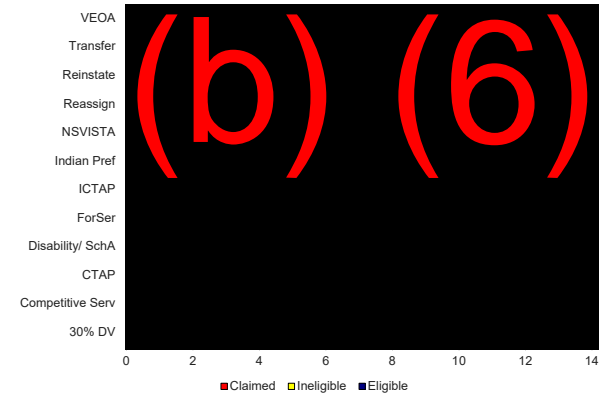
Applications by Adjudicated Veterans Preference



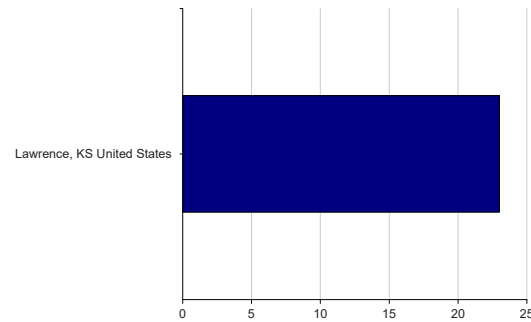
Applications by Record Status Code



Applications by Eligibility



Applications by Application Location



# Applicant Dashboard

Data Item/Metric	Description
Adjudicated Eligibility	A specific type of job requirement that may be considered during the referral process that the applicant has been adjudicated as meeting or not meeting.
Adjudication Status	The status or result of the eligibility adjudication process.
Announcement Close Date	The calendar date that an announcement closed.
Announcement Locations	Concatenated field showing all locations (city, state, country or city, country) that are associated with an announcement.
Announcement Number	The unique identifying number associated with an announcement.
Announcement Open Date	The calendar date that an announcement opened.
Announcement Released?	The calendar date that an announcement opened.
Announcement Status	The current status of an announcement as determined by the system and based on whether the announcement is released and if it is between the open and close dates.
Applicant Email Address	The email address provided by an applicant.
Applicant First Name	The first name of an applicant.
Applicant Last Name	The last name of an applicant.
Applicant Middle Name	The middle name of an applicant.
Application Location Description	The city, state, country or city, and country of the location for which an application was submitted.
Application Number	The unique identifying number associated with an individual applicant's application to a specific vacancy.
Application Final or Display Rating	Displays the Application Final Rating (e.g., 95, 80, 100) if available; otherwise, displays the Application Display Rating (e.g., IQID, ELTE).
Application Grade	The grade of the position to which an application was submitted.
Application Rating Notification Message	The message sent to an applicant.
Application Rating Notification Message Code	Code identifying what type of message has been sent to an applicant.
Application Series	The occupational code identifying the position for which an application was submitted.
Application Status	The status of a job application within the hiring process.
Applications by Adjudicated Veterans Preference	The number of unique applications submitted by individuals that have been adjudicated as having each type of veterans preference (e.g., CP, CPS, TP, XP).
Applications by Claimed Veterans Preference	The number of unique applications submitted by individuals claiming to have each type of veterans preference (e.g., CP, CPS, TP, XP).
Applications by Record Status Code	The number of unique applications submitted by each record status code (e.g., AA, AC, HH).
Claimed Eligibility	A specific job requirement that may be considered during the referral process that the applicant has claimed to meet.
Claimed Eligibility Label/Eligibilities	An abbreviated version or code for an eligibility claimed by an applicant.
Claimed Eligibility Type	The type of eligibility (e.g., Current Agency Employee, Transfer) claimed by an applicant.
Internal Contact Name	The last name, first name of the point of contact within the organization that is responsible for answering questions about the announcement.
Lowest Acceptable Grade	The lowest grade an applicant would accept for a vacancy.
Record Status Code	The status code of an application within the hiring process (e.g., AA, AC, HH).
Staffing Office Name	The name of the office managing the staffing process.
Staffing Organization Name	The name of the organization managing the staffing process.
Total Applications	Metric indicating the total number of unique applications received for a vacancy.
Total Eligible Applications	Metric indicating the total number of unique applications received for a vacancy that are eligible for at least one rating combination.
Total Entered on Duty	Metric indicating the total number of unique applications selected and entered on duty for at least one rating combination for the vacancy.
Total Hired Applications	Metric indicating the total number of unique applications selected by the hiring manager (Audit Code = Selected) and audited by the HR Specialist as hired (Return Status = Hired) for at least one rating combination for the
Total Ineligible Applications	Metric indicating the total number of unique applications received for a vacancy that are ineligible for all rating combinations for a vacancy (i.e., record status code is IN or EX).
Total Pending Applications	Metric indicating the total number of unique applications that are pending for at least one rating combination (i.e., record status code is PA, PI, or PS) for a vacancy.
Total Referred Applications	Metric indicating the total number of unique applications referred on at least one non-cancelled certificate for the vacancy.
Total Selected Applications	Metric indicating the total number of unique applications selected by the hiring manager (Audit Code = Selected) for at least one rating combination for the vacancy.
Total Suspended Applications	Metric indicating the total number of unique applications that are suspended for at least one rating combination (i.e., record status code is SS) for a vacancy.
Total Unavailable Applications	Metric indicating the total number of unique applications that are unavailable for at least one rating combination (i.e., record status code is UN) for a vacancy.
USAJOBS Job Status	The current status of the announcement and staffing process as shown in USAJOBS.
Vacancy Announcement Types	A concatenation of the vacancy announcement types into a single field for the associated announcement.
Vacancy Customer	The name of the customer or hiring entity for which the staffing process is being carried out.
Vacancy Grade	The pay rate level as indicated on the position description associated with a vacancy.
Vacancy Job Title	The job title for the position as it appears on USAJOBS.
Vacancy Number	The unique identifying number associated with a vacancy.
Vacancy Series	The occupational code identifying the position as indicated on the position description associated with a vacancy.
Vacancy Pay Plan-Series-Grade	The concatenated pay plan, series, and grade(s) associated with a vacancy.
Veterans Preference Adjudicated	A code indicating the category of veterans preference an applicant is entitled to based on completion of the adjudication process for a vacancy.
Veterans Preference Claimed	A code indicating the category of veterans preference an applicant is claiming when submitting an application for a vacancy.

(b) (6)

**ADMINISTRATOR • EDUCATOR • COACH • MENTOR**

Experienced and proven leader committed to increasing performance, communication, and impact of organizations that empower and support others. Product of an ongoing learner that has successfully completed educational criteria for both teaching and administration. Ability to encompass all the teachable moments, lifelong lessons, and completion of higher education that are gained through participation of sport. Collaborative and action-based style of leadership that are balanced to service an organization's best interest.

**CRITICAL COMPETENCIES**

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Ongoing Learner of NAIA Policies	Annual Budgeting	Feasible Study
Financial Forecasting	Leadership	Risk Analysis
Mentoring	Alignment Beliefs & Values	Academic Advising
Conflict Resolution	Contract Negotiation	Evaluator

**PROFESSIONAL EXPERIENCE**

(b) (6)

(b) (6)

FEDERAL EMPLOYEE EXPERIENCE

(b) (6)

**COACHING EXPERIENCE**

**(b) (6)**

**ACADEMIC CREDENTIALS**

**(b) (6)**

**PROFESSIONAL REFERENCES**

**(b) (6)**



U.S. Department of the Interior

# Bureau of Indian Education

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Date: August 1, 2022, 3:29 P.M. MST

Witness Statement - Tonia Salvini, Vice President for University Services, HINU

I oversee all the support operations for the university which included admissions, financial aid, registrar on the enrollment management side, facilities, dean of student (housing, counseling, student rights and conduct, dining services), and safety and security. I directly supervise the managers or directors for each one of the programs. I sign and approve leave documents, budget information, and all relevant operation documents. I've been with Haskell for seven (7) years.

I also oversee some operations for contracts like the security contract, but I'm not the Contracting Officer Representative (COR). However, I'm the subject matter expert over areas for which I supervise. For example, for security I make sure they do daily security logs. This ensures documentation is completed for some of our regulatory requirements like the Clery Act.

We don't have project managers, which we've identified we need. We also need to improve how we manage projects, ensuring we monitor every project to completion and do a post assessment. The FMC is allowing us to hire an architect project manager, but this just happened in the last few years, and they are doing a lot of good work.

Recently we started a new surveillance project. (b) (6) is the COR for that project. We have the Access Project Committee which is (b) (6), (b) (6), and (b) (6) (b) (6), the Dean of Students, the vendor, and I have meetings to talk about surveillance, upgrading software, and door access. It's my understanding we've had all new cameras installed but my primary interest is the technology piece for students to access the building, load money, and purchase items with their student ID. The software we're using is called CBORD. We're also developing the policies and protocols for accessing footage and effectively operating the cameras on campus. The issues we're addressing are those such as blank footage. If we have blank footage we need to delete, if we have active footage then we'd need to keep it, but we're not sure how long we should keep footage records. So, this is something IT is making sure we have enough storage capacity to keep active footage. Historically there haven't been good cameras. To my knowledge, (b) (6) is the only person who has access to the camera's footage. If necessary local police can request footage from him. We have a camera in our campus store. An employee put in a simple little system you can buy. It's an app on his phone



he uses to let him know when someone is in the area where our retail products are and (b) (6) ) knows about that.

My office oversees the Dean of Students Office, who is directly responsible for allegations involving sexual misconduct. If a sexual assault occurs, I'm provided with updates and any problems or implications with the case. However, this is primarily handled by the Dean of Students Office and the Student Rights and Conduct Office. While we don't have Title IX, we have Executive Order (EO) 13160. For consistency we use the Title IX protocols in sexual assault cases. We were given this instruction about Title IX from the Solicitors Office (b) (6).

We have situations which are labeled as low risk, medium risk, or high-risk. A high-risk situation is the risk of property or harm to property and persons. Depending on the nature of the situation, either a team or facilities might come out to assess the nature of the situation. We don't have a particular policy, but we do have what we call protocols or practices. There is a general log and from the log there are the risk situations. Then we have a separate report and protocol we follow. This is mostly what security would handle. If it's regarding a student situation, it would go to the Dean of Students Office, Student Rights and Conduct, where we have incident reports or if it's a counseling need, we will get the counselors involved.

Through Clery, everyone is a mandatory reporter except counselors and clergy. Training is taken annually and given by either subcontractors or through the Dean of Students Office. Records of attendance for training is maintained, but (b) (6) (b) (6) or (b) (6) can speak on this and provide more specific information.

The way our residential halls are set up is our first-year male students are together and our first-year women students are together. Depending on space and the number of new students, our younger students 18 to 20 will reside together. If we have a first-year student who is 25 we may put them in a more middle-aged population because we do have students that are as old as 65 on campus. The coed floors are separated, not by floor but by wings and gender.

To keep students informed for their awareness on safety, or safe practices, starts with orientation in the residence hall. We have regular activities and events where information is provided. Some of our counselors take part in providing awareness about resources in the community such as our Indian Health Service. Our safe center provides counseling, clinical counseling for harassment, rape, and assaults. The safe center is very involved on our campus and available to meet with students. I can't speak for those off campus students, but informational flyers are available on campus.

We also have a safety report we publish every October, and every student gets a copy, not only for crime statistics from campus but information on intervention, prevention, and safety. Our Student Rights and Conduct office is responsible for documenting that all our students got a copy of the safety report at the beginning of the year and for telling the student what their rights are.

I'll give you an example of how we notify our community. An incident occurred where a female student was getting gas at a local 7/11, probably a quarter mile off campus, and somebody at the gas station followed her back to the residence hall. The student reported immediately to security and security alerted us. We immediately put out a notification of the make model of the car through our emergency response system to let people know for awareness and their safety.

For situations that involve an employee, there is a form we fill out immediately. We work with (b) (6) ) and HR would handle it. I would keep the employee informed of the process and protocols I receive from (b) (6) . An employee situation would not go through the Dean of Students Office.

The university handles situations where there are allegations of sexual misconduct by opening a separate case from any law enforcement cases that have been opened. Typically, in any situation if a student comes forward and files a sexual assault, all parties involved will be interviewed because it's the universities responsibility to conduct an investigation, and not just depend on law enforcement. In my experience in the Dean of Student role, these types of investigations are investigated by a third-party firm trained in Title IX. There is a firm called Diligence and Stafford Associates who are all experts in dealing with these types of cases.

Typically, management doesn't report to local police because these are young adults who have their own self-determinations. We provide the individual with support and at their request make arrangement for them to file a report with law enforcement if they choose. We provide whatever resources we can for the student to feel comfortable. If there is a risk involved the best practice is to separate the alleged perpetrator from the survivor because we need to minimize the risk of contact. A no contact order can be placed to protect both parties and to deescalate the situation. No contact orders are taken very seriously. They can apply to issues related to social media, and third-party types of harassment. If either party violates the no contact order, there could be a potential removal. This has been a highly effective tool, at least in my experience prior to Burland coming on board. A no contact order can also be used in situations where there's conflict, so it's not exclusive to just sexual assaults. Currently, (b) (6) would be responsible to issue a no contact order for sexual assault cases. We do not notify parents as that's the student's responsibility. Contacting the parents of a student would be a violation of FERPA. There is also a grievance/complaint process. A student can file a complaint if a resolution was not achieved with the Dean of Students. In these instances, the complaint would rise to my level for determination of the appropriate outcome.

I am aware of a situation that involved law enforcement in Spring 22'. I don't know all the details, but the situation involved three (3) students off campus. I recall receiving an e-mail from an investigator named (b) (6) , about these incidents.

I had a role in the Clay Mayes (Mayes) situation, but it was very minor. There was an investigation into issues involving (b) (6) . Her complaints to me

were forwarded for investigation. Forwarding was my only role because I do not oversee the athletic program.

I was involved in the contact order pertaining to Mayes and the cross-country team. It resulted after the Acting President, Tamara Pfeiffer (Pfeiffer), and (b) (6) received a complaint from several students. Because I supervise the Dean of Students, I was aware of the complaints. Immediately the situation was assessed and there were interviews with the students who filed the complaint. The Dean of Students and Student Rights wrote up a report and submitted it to me. I shared the report with Pfeiffer. I told her I was concerned about it, and she recommended that I contact (b) (6) (b) (6) ) to have him investigate the situation. I followed her directive. Pfeiffer, (b) (6) and I were on the phone talking about what needed to happen. (b) (6) talked about developing a no contact order, so I drafted one up. I emailed it to (b) (6) , and he said, yeah that will work. Then I issued it to both Mayes and the cross-country team. I did it on behalf of (b) (6) and (b) (6) and for the purposes of documentation, because the issue was going to be investigated. (b) (6) handled the investigation, and any information I received, I just passed it on to (b) (6) to pass on to the investigators.

I issued the no contact order sometime near the end of October or first of November. The (b) (6) was present. We met in person with the cross-country team through the assistance of the team captains. I talked with the team about an investigation taking place because of complaints that were filed on Mayes. I asked them to read and sign the no contact order, but I did not force them to sign it. I did expect them to abide by the document. I told the team it was for the purpose to protect all parties during the investigation. I even told the team to talk with their captains and their captains would contact me directly if there were questions or concerns. (b) (6) asked me a couple of questions, I answered them, and she relayed my answers back to her team.

We don't have the training or tools to conduct these types of investigations. (b) (6) took what I thought was a reasonable approach by having a 3<sup>rd</sup> party investigation to look into serious allegations against Mayes. At the time Mayes was a contractor and (b) (6) knew Mayes was a contractor, but I have no idea if (b) (6) knew if Mayes was a contractor. I think (b) (6) knew, which is why I was wondering why HR was handling a contract situation. Pfeiffer oversaw athletics and knew Mayes was a contract employee. In a confidential private meeting, Pfeiffer mentioned there was an action against Mayes. Mayes had a complaint against him by someone alleging he allowed someone to run for the cross-country team who wasn't on the cross-country team and apparently ran in a cross-country meet in September. It was suggested that Mayes was disciplined for it by then (b) (6)

In the fall of 21', spring of 22' there were two (2) sets of applications for three (3) or four (4) student applicants that was brought to my attention by (b) (6) . The signatures were not consistent, schools would be wrong for transferring credits, birth places were wrong on the applicant, and there were other issues. The postmark was in Kansas City with the same stamp. It was too suspicious, and whether Mayes was involved, I didn't

know. These are official admissions applications, which are approved by the OMB, and to have a false signature is certainly problematic and secondly possibly jeopardizing our affiliation with NAIA. This issue was brought to light when (b) (6) called one of the applicants because we hadn't received the \$10.00 application fee. I believe she said the applicant said she gave it to Mayes. The problem isn't that a coach or parent filled out the application, it's the signature and inconsistent information that's the problem. This information was turned over to (b) (6) because I needed an investigation.

(b) (6) wanted to allow Mayes to continue working and performing some of his duties and responsibilities to keep Mayes on, even though he had a no contact order with the students. But what could Mayes really do? I think at some point (b) (6) just did not want to be involved in case there was an appeal at her level. In an email I asked then Acting Athletic Director (AD) now official AD what type of responsibilities Mayes could do. I asked, to help (b) (6) out, since he was the (b) (6), but I felt uncomfortable about doing so since I don't oversee the Athletic program. I wanted both parties to be treated fairly.

In an incident that involved (b) (6), I was not aware of a no contact order being issued because I don't supervise him but know a little bit about the situation. I had a conversation with (b) (6) about this situation because I want to make sure we're doing things right. I think (b) (6) did the Title IX paperwork or I hope she did, and I hope there was a no contact order. When it comes to an employee, that would be the responsibility for (b) (6) to deal with.

In the (b) (6) situation, there was a lack of consistency in terms of the process for protecting the student and notification of a no contact order. It was not one of our best practices. (b) (6) or I should have assured whoever the supervisor was that a no contact order was placed for the protection of the student. I did ask (b) (6) if a no contact order was placed and to her knowledge there wasn't. It would have been great if the Acting President would have consulted with the Dean of Students since it was a student issue. In hindsight, I'm thinking right now, I should have just asked Pfeiffer if a no contact order was issued to (b) (6).

(b) (6) doesn't have a master's degree and he continues to be a full-time faculty which is concerning to me. Perhaps (b) (6) was grandfathered in, but all the faculty here have master's degrees and then some. I think there needs to be clear examination to make sure there is a form of equity that's consistent with a full-time faculty in their duties and responsibilities. In terms of delivering quality education that all our faculty at minimum should have a master's degree. In fact, the Higher Learning Commission (HLC) accreditation organization requires a master's degree and 18 hours minimum in the subject area. We're not helping students by modeling a situation where people get treated differently.

Our adjunct employees are supervised programmatically and curriculum wise by Deans, but their contract employees and their contractor company is Chenega. This federal contract is used to bring in adjuncts as we need them which seems to work. It's easier to have a pool of candidates ready to pull if there is a need for that semester to teach.

There were a variety of different issues. Some of it was because Pfeiffer was acting president. I think there were some fear issues in the environment. I guess it was intimidation when you're not included in a situation you don't ask about. There also has been a history of some real implicit behavior involving the (b) (6) that's not been healthy for the campus. It's the lack of professionalism and boundaries the (b) (6) have with students is uncomfortable for me. Or there are inappropriate things that happen where the (b) (6) show favoritism to some students.

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

Signed: With notes/clarifications electronically –

Executed on (Date):



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

HASKELL INDIAN NATIONS UNIVERSITY INSTRUCTIONS

Bureau of Indian Education Witness Declaration/Affidavit

Date: August 17, 2022 4:11 p.m.

Witness Statement: Mr. Amarah Pfeiffer, Chief Academic Officer, Bureau of Indian Education, former interim President, Haskell Indian Nations University

I was the interim President at Haskell Indian Nations University (Haskell or University) my detail ended on May 4, 2022 but I left the campus in the first week of April 2022.

In late September of 2021 there were allegations made regarding the cross-country coach, Clay Hayes. The concerns were being reported to the (b) (6) who was my direct report. I requested a third party individual, Tonya Salvini, Vice President University Services to start an investigation. She was to collect all the evidence and ensure there was a proper investigation given that it involved a contract employee. I did not feel (b) (6) was a neutral party to be investigating because he was the hiring official of the contractors.

I did not have the full scope of the allegations other than that they were coming from students and it involved the same coach, Hayes. It had been reported by the (b) (6) who is also a (b) (6) Hayes was placed on administrative leave because there were allegations. The best practice is to place someone on administrative leave pending the investigation. The investigation was not meant to take seven months to make a determination. Initially we did not intend to put someone on leave for an extended period.

Regarding whether issuing the no contact order with Hayes was the appropriate decision, I had to rely on the information I received from Salvini. She had a better picture of what happened to make the recommendation. I never received any full investigation closure documentation about the allegations. I can only surmise based on brief conversations on teams to denote that the allegations were. I have not seen a no contact order for contractors. Most of my work has been with employees. We put them on administrative leave and potentially close out the investigation within a few months. This was the first instance of concern with a contracted employee.

Around December 2021 (b) (6) requested early retirement. It put me in a position that we follow the proper processes because Hayes was on administrative leave and was not to have any contact with any students. I saw Hayes at the end of semester banquet for athletes. He sat at a separate table with his young daughter but he did not interact with staff or students. I wanted to know if he knew what administrative leave meant.

It was the start of a new semester and cross-country recruitment was an objective for Hayes. There were questions whether he could recruit because he was on administrative leave. This was part of Salvini's investigation, and I don't know everyone she looped in, but there was (b) (6) and (b) (6). (b) (6) felt that I

needed to know Mayes could let go for not fulfilling his contract duties. There were questions about whether Mayes was a contractor or federal employee and where do his duties separate. We were all in limbo as to how we could start the spring term when we have a contractor who cannot recruit. My understanding is they contracting took it as Mayes was still on administrative leave and he should not be representing Haskell for any reason.

Salvini and I made the decision to terminate Mayes's contract. I believe we started having a discussion in mid-March that if we didn't have a decision as far as the stop order then an option year could be put into place in mid-May. We had a very small window to determine if there was enough evidence to ensure that we were making the appropriate request to acquisitions to close the contract. I believe Salvini had enough evidence to support the closure of the contract because it was determined that there would not be an option year for Mayes to continue as cross-country coach. I'm not aware of the basis of this determination. Salvini had all the evidence and none of it was turned over to me. It was my understanding that she concluded the investigation.

As to whether it would have been appropriate to make a decision on Mayes's contract if the investigation had not been completed. I'd have to go back to the stop order and how acquisitions viewed a federal contractor versus a federal employee. If acquisitions received inaccurate information regarding the contractor and a closure of investigation it would be my opinion that a new contract could have been developed for the contractor to continue with his duties. He would have to be placed on administrative leave because he couldn't fulfill the duties of a cross-country coach or a recruiter.

I do not believe the (b) (6) have the potential to set up Mayes so that his contract could be ended. The University is a very interesting composition of different cliques. I never had any inclination that one clique would do something to hurt another group of people. There were a lot of things happening but that was not one of them.

Regarding (b) (6) I only knew she had the volleyball contract. I think during the coaching period about 20-30 hours a week would sound appropriate because they are training and doing other things during the week. I was not familiar with (b) (6). I could see that the travel authorizations from (b) (6) office came from (b) (6). I know she did some clerical work, but I didn't know if it was just volleyball or across the board.

(b) (6) was processing background checks and brought it to my attention that we were going to have a contractor (b) (6) also be an adjunct (b) (6). I raised this issue with (b) (6) who had taken over the adjunct listing. I mentioned that we now have (b) (6) under two contracts volleyball coach and adjunct professor. I told her this was becoming a conflict and we needed to decide what she was going to be. Again I didn't know about the (b) (6) contract. I do think (b) (6) having three separate contracts is an issue. If there was any policy in place regarding contractors it could come from (b) (6).

I'm not sure about the history of instructors who were also coaching sports. To my knowledge this occurred about 4 years ago. You could have someone who was teaching 18 hours who was also the basketball coach. So you could have the students who weren't athletes without their instructor for two or three days a week during that season of sports. That was part of the reason for moving to contracts for athletics.

There are other contractors in Facilities they run the course of completion of their projects. If you have a plumber contract they only have a contract for that project. We also have a contract with Chenaga for adjuncts. Haskell only does the background checks. That's how I became concerned with (b) (6) being the volleyball coach because she let me know that she was also applying for the adjunct position.

I am familiar with the allegations made against (b) (6). I was contacted on a Saturday morning by a parent regarding a concern her daughter had brought to her attention about an inappropriate touch at a large basketball venue. From that initial intake I contacted (b) (6) on a Monday. I told him that I knew and that to safeguard the staff member I needed to put them on administrative leave and have it investigated by a third party. (b) (6) wrote up the documentation and a no contact with the student order. I gave it to (b) (6) and let him know he was not to be on campus. I didn't get a report back from the investigator but (b) (6) did let me know there wasn't enough substantive evidence to denote anything improper occurred and (b) (6) should be put back into his position of record.

I am not aware of any allegations about students being raped or sexually assaulted during my tenure at Haskell. (b) (6) was not about sexual assault or rape but about inappropriate touch. I'm aware that there is a Title IX coordinator. There is something under the Clery Act that there has to be a public response when an assault is reported. It's also about how it gets reported. If it is reported by a student the coordinator takes one path and another if there is a police report. If it's reported by another route, then it goes another path.

None of these reports come to the President's Office. These are handled by the University Services Office, President and Dean of Students. It's not to say that the President shouldn't be involved but because it's adult in nature and if it's reported to the police, there has to be some pathway in the way it's reported so PII (personal identifiable information) is not being sent to the President.

When I came on in May 2021 Student Services and the Title IX coordinator worked with the Solicitor's Office to ensure that their documentation was consistent with the Code of Conduct. This was due to the inconsistencies found by the Solicitor's Office.

In my opinion Haskell's obligations to a student who has been assaulted is first to ensure they are safe. So making sure they have proper medical and mental health support is a priority. The second thing is an obligation to the police force to ensure that the environment is safe if the student chooses to return to wherever the incident may have occurred. If not then the student can return to place where they do feel safe and continue their studies. There is something very painful to that I was the administrator in charge and I did not know that we had students that got hurt.

Regarding questions as to why there isn't a consistent approach in dealing with students when it comes to sexual assault and whether those in charge of the programs did everything in their power to protect the kids and their environment. Knowing Haskell and being there a year, it's obvious the school doesn't have consistent policies and practices. When I came on in May 2021 there were no fiscal policies in place. That minimalist process is just starting a baseline. If individuals with Haskell were not spending properly, I'm going to make the jump that when it comes to student safety they probably didn't do enough. I don't believe it's there for students. I don't believe there is a check and balance for students.

I am not familiar with a sexual harassment complaint filed by (b) (6) against Hayes. I was only aware of an incident where the (b) (6) let me know that there had been a male individual who went into a female restroom. I asked her why it happened and did the female know there was another person in there. I was never told who it was. I do not believe it is appropriate to file a sexual harassment complaint in this instance, but I need more clarity on the issue. I don't have enough background information to say it was an instance of sexual harassment.

I don't remember seeing any signage regarding the use of facilities, the pool, or equipment in Coffin Sports Complex.

□

Witness Declaration/Affidavit of Mr. Amarah Pfeiffer



No one has ever alleged to me that they believed Mayes stole athletic gear from the Coffin Sports Complex as far as any allegations that someone stole equipment or there was equipment missing from Coffin. (b) (6) let me know during his property review that he was very concerned that there was some equipment a gator signed out by Athletics that was missing. He ended up finding it in Facilities about 4 weeks later it had a broken wheel.

It is my understanding that (b) (6) position of record is an instructor and that he is required to teach 12 hours per semester. He is also allowed to coach. I'm not aware of an arrangement where certain individuals negotiated a reduced teaching schedule in order to coach. This is an inconsistency that hits on a lot of instructors not just one. I go back to the Vice President of Academics (b) (6) and the Dean and it being managerial. It comes down to processes and policies. If they have projects with a grant they have a reduced course load. When questioned by the (b) (6) the Dean acknowledges the person as a project manager so the hours went to that versus teaching.

I would agree that if person has a position description or pay document upon which their salary is based and they are not performing in accordance with that document it would not be appropriate.

Some individuals expressed to me that they were afraid for their jobs. Mona Malone felt like she could not perform her duties under the current acting (b) (6). She was moved to the types of duties she was doing under background and HR. (b) (6) acknowledged that when she was dealing with a Freedman Act concern that she didn't think she could bring it to her supervisor Antonia Salvini so she asked me to step in.

Regarding (b) (6), I was the selecting official. There was a team of individuals who were part of the interview process. I was not aware that she was previously terminated or asked to step down from that role.

As for Athletics the NACAC (National Association of Intercollegiate Athletics) guidance acknowledges that it is one of holistic student first and athlete second. It's around their collegiate experience. I think that because it's a competitive bid for contracted athletic coaches you're philosophically bringing in different collegial experiences. You have coaches who have their own goals and missions on how they want to build an athletic team. As for developing a team that can be competitive with other programs we saw this with the women's basketball team. They went on to the playoffs.

I was not aware of Mayes's accomplishments. He came on about a month and a half after I came on.

Regarding whether I had reason to doubt or not trust (b) (6) We had an issue with the process of onboarding our contracted coaches and the importance of documenting travel. I ended having to host a travel seminar to explain why each part of the documentation was necessary. I believe it was in August or September 2021. The second time it came up I had to invite (b) (6) and (b) (6) to meet with the contract staff about the dos and don'ts getting a bus approved. Mayes had secured a bus line without going through the proper channels. It got reversed and we didn't have to pay the charges because (b) (6) knew the owner.

The policies and procedures for travel have been there but it was never covered in their onboarding. That's when I requested (b) (6) overview to see what he was covering. (b) (6) was not a paper person and I wanted to ensure all coaches understood the importance of travel documentation.

I would agree that Athletics like other departments is lacking policies and standard operating procedures. As for the contractors, if it's not spelled out in their contract and it was not something that they were given as part of their orientation then I would think that it would be very inappropriate to hold a person to a standard they did not know was part of their responsibility.

The policy and procedure process came out of some irregularities we were seeing with gift cards and gas cards. We were seeing these being purchased during orientation week and it wasn't coming back for approval in the same manner as other documents that were coming through the office. The CFO flagged these until we put something in place. The concern was that the tracking was not there and the person with the student activity card was purchasing outside of their department. A person from Purple Threads was going to someone in the Humanities department to purchase give away items to use for orientation week. I questioned more of the authority of having someone outside your department making purchases for you. I was also concerned that we had 20 or 10 target or best buy cards being purchased and for whom. The CFO started developing internal processes to ensure everything was proper. I had a third party investigation on improper use of a student activity card with (b) (6). There was no discipline enacted with that individual. Policies and procedures are in place now. It took us about 14 months to get the policy in place. This was in 2021. They could have been in place for the 2022 spring semester.

The purchase card policy and student activity card can be used for food/toiletry items, clothing and learning opportunities such as field trips, transportation and accommodations for students as approved by chaperones, travel tickets and accommodations for school board and board of Regent members, recreation and entertainment for students, student incentives as defined and established by each bureau operated school and that's where it's at.

I'm not aware of someone paying a contractor for services rendered using a credit card. I believe there may be an exception when it comes to securing a hotel for a contractor. I'm also not aware of anyone paying a contractor through PayPal for additional services rendered.

Internal Haskell policy regarding reconciliation is internal to that department. Say the department overspent in travel, they could move some money internally and document why it was overspent through their justification. It would go to the CFO and then to the President. You can't jump from one department to another. The budget line items are specific to a department.

I believe (b) (6) could have a credit card that was granted to him as a federal employee. A contractor could not have one.

I was not made aware of concerns or allegations that the (b) (6) were removing athletic gear and providing it to the community at large.

I am not aware of a Nike contract in place with Haskell.

I was not aware that Billy Mills presented Haskell a \$10,000 check for the cross-country team.

*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):*

Witness Declaration/Affidavit of Mr. Amarah Pfeiffer



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

Date: August 10, 2022, 2:07 PM CST.

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

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

I'm a (b) (6) and have worked for Haskell since (b) (6) I provide (b) (6) (b) (6) services to our student body. I'm located in the (b) (6) in (b) (6) (b) (6)

I'm in close contact with students pretty much every day but the primary students I service are those in (b) (6) I do get calls for assistance at (b) (6) (b) (6) The primary issues, I deal with are mental health or substance abuse. In the earlier years, we saw a lot of alcohol abuse and then drugs. There are a lot of factors for these students when they leave home that effect their state of mind and it makes it difficult. This last year or so is the most I've had to work with students on getting them direct professional services with mental health.

My services are through referrals from (b) (6) or other faculty or staff members. Sometimes I'll get five (5) referrals and only one (1) student will reach out to me. Referrals are either by phone or email. I don't keep a log of who has contacted me or the students I've spoken with, but we did address the concern for keeping a log with the Cleary committee.

Cleary is for sexual assault, any violations, crimes against students, mental health issues. That's my part as a guidance counselor, I deal with the mental health support service for these students. Cleary is a requirement for all university campuses and a federal requirement also. I think it's very useful. The Cleary committee is made up of a dorm representative, Haskell security, guidance counselor and a student conduct officer. That is where I get my referrals. We all know that most university campuses are going to have sexual assaults. What reduce the amount of sexual assaults or violence on campus by bringing awareness through putting out informationally pamphlets, brochures. We try to talk with students at the beginning for the semester. There is also a Haskell seminar each incoming freshmen or new student must enroll in because it is a graduation requirement. This is how we can best protect students.

There are two avenues our students use to obtain mental health services. It's either Haskell Indian Health Service or Bert Nash facility which is readily available. The student would usually contact me, and I'll accompany them down to Bert Nash, which is in North

Lawrence. They do a short intake interview. It doesn't take too long, and then appointments are set-up for continued mental health services. When I meet students there, I'm serving as a representative of Haskell. I'll complete the billing or referral forms and wait till the intake is completed. When Bert Nash is conducting the intake, I don't sit in on this due to the sensitivity of what's discussed. I do not ask Bert Nash anything, in an effort to protect student privacy. And personally they (Bert Nash) will not give out any information.

In the past years there has been student suicide attempts. I don't know how many. We do have a crimes report on our website because by law we have to publish it.

(b) (6) came to meet me on Thursday, April 21st at approximately 11 am at OK Hall and filled out an incident report. (b) (6) said, he has been heavily intoxicated and believes he may have been (b) (6) by (b) (6) (b) (6) and (b) (6) were partying together and she's the last person he remembers being with. When he woke up the next day, he had bite marks on his chest. (b) (6) stated (b) (6) informed him previously she has sexual thoughts for both sexes. Lawrence Police Department was not called about (b) (6) assault. I mainly dealt with his mental health aspect and referred him to Bert Nash. This was on May 4, 2022. (b) (6) said, (b) (6) this is (b) (6) Did you receive my e-mail? I said, yes. I can meet you at Bert Nash this morning. I'll leave here at 9:30 AM. We met at Bert Nash that day. I saw him throughout different times since he moved to our dorm hall. We'd talk briefly, but I don't recall exactly what I asked him. I'd have to call him back on his situation.

I'm only worried about the mental health support services for (b) (6) If there is going to be a no contact order issued, that would not be my responsibility, it's (b) (6) responsibility.

(b) (6) name has been brought up during one of our Cleary committee meetings. (b) (6) was a student at Haskell in the Spring of 22'. Stands was placed on an emergency suspension on April 22nd at 3:35 pm from Roa Cloud, regarding an IR incident report. Stands was issued a no contact order on (b) (6) and (b) (6) but planned to plea the decision with (b) (6) the decision was made based on security and (b) (6) statement. I was not involved with Stands suspension because the office to authorize that would be Student Services, (b) (6)

I worked with (b) (6) in the capacity as a Title IX coordinator because (b) (6) was out to town. I think this issue went to senior management first before it came to me. When I met with (b) (6) on December 20, 2021, she signed the required documents, Discrimination Complaint Resolution Process, Explanation of Criminal Rights and Responsibilities. I also, spoke with (b) (6) about (b) (6) mental health in seeking support services (b) (6) told me what went on with (b) (6) but I can't recall a lot because I was just taking notes. I think Tonia Salvini (Salvini) handled this case, because I don't get involved when the conduct involves employees.

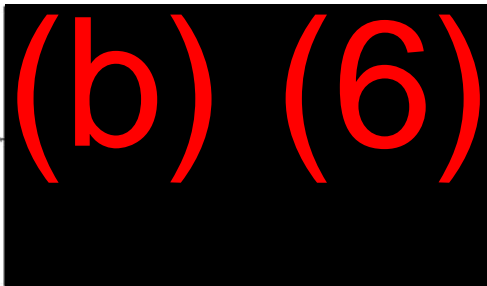
When it involves an employee, the case will go to higher management or Human Resources. There is no policy in place that requires a response time when being notified by upper management that a student needs assistance. My response time to contact the student is within the week of being made aware by upper management.

During my previous employment as a registrar under former President (b) (6) I was very concerned for my job. I was moved around from different positions, probably five (5) different times, before being placed back as a guidance counselor. I was always being questioned, for why I was doing certain things. Therefore, I personally feel like I was retaliated against as well as others on campus.

Currently, there is nothing further to provide.

*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):

9/8/2022



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*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**

Bureau of Indian Education Witness Declaration/Affidavit

Haskell Indian Nations University

Date: August 18, 2022, 1:04 P.M. CST.

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

My official start date as a (b) (6) was on June 19, 2022, and before that I was the (b) (6) at Haskell from 1996 - 2022.

I believe it was over 10-years ago, we added access control to three buildings including Tinker Hall building 15, Student Union building 111 and Coffin Complex building 129. The three (3) buildings have access control with the card readers and security cameras. Just this past year the systems have been upgraded. Originally access was designed for employees to use their federal PIV card but over the years the PIV changed, and this access function faded away. Now our (b) (6) creates a proxy card key for the access control, he (b) (6) maintains the access control, but the (b) (6), (b) (6) ) and I do have the ability to schedule the door(s) to stay open or locked at certain times.

There is some type of procedure employees follow to obtain a proxy card. It's my understanding an employee will turn in a key request form to the locksmith shop and the locksmith will provide a proximity card to the employee.

There are four (4) different servers that capture camera recordings and depending on which server a camera is tied to depends on retention of the available footage.

An email request was sent to me by (b) (6) ) about a week or two (2) ago regarding surveillance footage for Jim Thorpe. Surprisingly, there were still some footage on the recording that I tried to download but I hadn't gotten back to review it. It's a very large file I was trying to provide (b) (6) with a link to view it. It's not the best picture quality but you should be able to see some movement. The camera has three (3) lenses with multi sensors to zoom in. I doubt there is a potential to have footage deleted because the computer is locked up and somebody would have to have a special key.

Clay Mayes came to me on or around January 2022 to ask if I could pull some footage that might help him out. At his request I looked and what I saw on the camera by our swimming pool area through a far door was a young lady coming in. As she got closer to the camera there is another door that goes into the office where I think Mayes was. The lady comes in and goes through the door but doesn't show her going beyond the

door. It appeared the lady was working just outside of the far door with some athletic students because she kept coming in and going back. That video didn't really show Mayes at all or any type of interaction with the lady. I understood there was an incident involving Mayes with the bathroom area but there is no direct footage of the bathroom area. In this situation, I didn't really show him the video or give him access, I think I told him verbally or through e-mail. We don't have a policy on how to request to view the contents of camera footage.

I guess the reason why the cameras are maintained with facilities is because it just got dumped on us. We really don't do anything with the cameras, we just let it do its thing and sometimes it doesn't catch anything. There is really no policy for us to follow. There could be logs on the server to show each time a person accesses the proxy card system, but I am not sure about logs for the surveillance system when or if someone accesses that system. I have viewing access on my computer, but the internet is really slow, so, I have to go to the computer center to view the recorded surveillance or download any footage.

There have been a couple of times I've had requests from people to view camera footage. At one point in time the Housing Director requested to see their building, so I established a shared password for them to view the camera footage. I don't know what they did with it. There are others that might have viewing access also. I remember (b) (6) requested footage at one time and I may have looked into it, but I don't know exactly what it was for or if there was any footage. I provided a copy of footage if management requests it. (b) (6) has also provided footage on occasions when it is requested.

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

Signe



Executed on (Date): 9/13/2022

Re: Stop Work Order - Clay Mayes #

Pfeiffer, Tamarah <Tamarah.Pfeiffer@bie.edu>

Wed 3/23/2022 10:49 AM

To: Salvini, Tonia L <tonia.salvini@BIE.EDU>

Cc: (b) (6) @BIE.EDU>; (b) (6) @bie.edu>; (b) (6) @bie.edu>; (b) (6) @bie.edu>

Tonia,

Please work with (b) (6) on a letter to Mr. Mayes to return keys and to whom (b) (6) to then share what keys have been turned in with (b) (6) and (b) (6)

Is a clearance form being prepared and by whom for outcome of investigation?

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.

Lawrence, Kansas 66046

HINU Office: (785) 832-6644

HINU Fax: (785) 749-8411

Website: haskell.edu



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



[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [Instagram](#)

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**From:** Salvini, Tonia L <tonia.salvini@BIE.EDU>

**Sent:** Wednesday, March 23, 2022 10:47 AM

**To:** (b) (6) @bie.edu>; (b) (6) @bie.edu>

**Cc:** (b) (6) @BIE.EDU>; (b) (6) @bia.gov>; Pfeiffer,

Tamarah <Tamarah.Pfeiffer@bie.edu>

**Subject:** Stop Work Order - Clay Mayes #

Hi (b) (6)

Per (b) (6) we need to collect his keys.

Also, should Mr. Mayes be informed that the stop order remains in place?

Thanks,  
Tonia

COVID-19/Status - Douglas County, Kansas  
<https://reports.mysidewalk.com/4fda1b963e>  
<https://coronavirus.jhu.edu/data/new-cases-50-states>



**Tonia L. Salvini (Northern Paiute)**  
Vice President of University Services  
Pronouns: she/her

***Haskell Indian Nations University***

155 Indian Avenue  
Lawrence, KS 66046  
Navarre Hall  
Office: 785-749-8457  
University Cell: 785-764-1346  
[www.haskell.edu](http://www.haskell.edu)

***Department of Interior/Bureau of Indian Education***


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**From:** (b) (6) @bie.edu>  
**Sent:** Wednesday, March 23, 2022 11:39 AM  
**To:** Salvini, Tonia L <tonia.salvini@BIE.EDU>; (b) (6) .Nutter@bie.edu>  
**Cc:** (b) (6) @BIE.EDU>; (b) (6) @bia.gov>; Pfeiffer, Tamarah <Tamarah.Pfeiffer@bie.edu>  
**Subject:** RE: Stop Work Order - Clay Mayes #

Good morning

I understand, we will maintain the "Stop work Order", in the meantime please refrain from any contact with Mr. Mayes. If he calls or emails please refer that communication to the Contracting Office. Unless it has relevance to the investigation to which those correspondence should be directed to the Investigations team or (b) (6).

Thank you



Division of Acquisitions  
1011 Indian School Rd NW  
Albuquerque, NM 87104  
Cell Phone: (b) (6)  
**Website:** [www.bie.edu](http://www.bie.edu)



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

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [Instagram](#)

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**From:** Salvini, Tonia L <tonia.salvini@BIE.EDU>

**Sent:** Tuesday, March 22, 2022 8:38 AM

**To:** (b) (6) @bie.edu; (b) (6) @bie.edu>

**Cc:** (b) (6) @BIE.EDU; (b) (6) @bia.gov; Pfeiffer, Tamarah <Tamarah.Pfeiffer@bie.edu>

**Subject:** Stop Work Order - Clay Mayes #

Good morning,

At this time, please continue the Stop Work Order as (b) (6) reviews concerns regarding some admissions discrepancies in recruit/Cross Country applications.

I have met with (b) (6) regarding this most recent issue and he supports this request.

Thank you for your attention to this.

-Tonia

COVID-19/Status - Douglas County, Kansas

<https://reports.mysidewalk.com/4fda1b963e>

<https://coronavirus.jhu.edu/data/new-cases-50-states>

A handwritten signature in black ink that reads "Tonia L. Salvini".

**Tonia L. Salvini (Northern Paiute)**

Vice President of University Services

Pronouns: she/her

**Haskell Indian Nations University**

155 Indian Avenue

Lawrence, KS 66046

Navarre Hall

Office: 785-749-8457

University Cell: 785-764-1346

[www.haskell.edu](http://www.haskell.edu)

**Department of Interior/Bureau of Indian Education**

(b) (6)

### Skills & Abilities

Organization, Communication, Multitasking, Task Prioritizing, Productivity, Dependability, Flexibility, Analytics, Adaptability, Customer Service, Microsoft Office Suite, Google Applications, Adobe Photoshop, Daktronics Software, Presto-Sports Web Design Software, Presto-Stats Software, Presto-Cast Software, Wire-Cast Software, MacOS, Windows.

### Experience

(b) (6)

### Education

(b) (6)

### Accomplishments

(b) (6)

(b) (6)

## Statement of Work (SOW)

### Background

Haskell Indian Nations University is seeking a contractor to serve as the (b) (6) (b) (6). The position exercises responsibility for planning, organizing, coordination and controlling operations for all home and away competitions for the sports programs at Haskell, records and keeps all statistical information, upkeeps the Athletic Website and assists the Athletic Director with areas concerning the Athletic Department.

### Scope

Haskell Indian Nations University, under the governance of the Bureau of Indian Education expects the contacted yield a successful candidate for the position. The candidate will act in accordance to Federal regulations in representing the institution and the government in a positive manner. The contract is not to exceed a defined amount determined by the Government. Benefits, tax, and a high cost of living allocation is not available. Any Team travel is included in the bidding amount.

The contract proposal will be evaluated on adherence to the noted requirements, as well as past experience and performance. Prospective contractors will be ranked accordingly and a determination will be made as to which contractor has demonstrated the greatest value to the Federal Government as well as the Department of Athletics at Haskell Indian Nations University. The factor of proposal bid amount (price or cost) will not be considered as significant in comparison to fulfillment of requirements, experience and performance.

General functions include:

- Gathering Data and Information concerning all competition
- Organizing Information so it can be used by those who need it
- Overseeing the Athletic Web site and working with the University's information Department for proper dissemination, both on and off campus
- Staying in compliance to the NAIA, A.I.I. and Haskell University policies
- Coordinating pre-game and game day management of home/away contests
- Being responsible for Athletic Projects throughout the year
- Completing and submitting two major reports for Athletics
- Assisting the Athletic Director with day to day functions of the Athletic Department

## Requirements

Masters degree preferred, but not required. Baccalaureate degree required. Degrees are preferred to be in discipline and/or sub-discipline of health, sport and exercise science or education, media or Public relations or sports management. Contractor must have prior intercollegiate experience in the advertised area (at least two years). Contractor must have valid driver's license and be eligible to receive an approval from the safety officer to operate government vehicles. The contractor must pass the Defensive Drivers Course and fill out the 6703 driving form. Contractor must successfully pass an extensive Federal background investigation through the Human Relations office.

Contractor must submit:

- a cost proposal
- academic credentialing
- resume or curriculum vitae
- three letters of support from previous/current employers and/or clients.

## Objectives

The goal of this contract is to secure an academically prepared, experienced Employee dedicated in making the Haskell Indian Nations University Athletics Program look Proud, Prosperous and Positive to the campus and the native Communities throughout the Country. To have all the Venues ready for each competition on the schedule for all sports. To work with the coaches on away competitions to check readiness for team travel. To aide in having an efficient operating Sports Program

Objectives include:

- Keeping all the statistics for all the varsity Sports competitions and getting them ready for use by opponents (as required), news media (newspaper & TV, other), websites.
- Working with all social Media Information that comes from the Athletic Department
- Having each venue game ready when the schedules is set for the seasons.
- Helping coaches with away contests
- Assist with Athletic Department events and activities throughout the year
- Oversee the Champions of Character initiatives

The result in contracting an experienced Director/Assistant, who possesses the skill, knowledge, and ability in the area Varsity level sports will create the following results:

- Keeping the Sports Programs moving in a positive progressive light during each season of competition.
- post-season opportunities for competition
- recruitment of prospective talented student-athletes
- successful media relations for the student-athletes, sport, and university
- Home competitions will be held according to all mandates of the NAIA



## Tasks

In addition to outlined functions and objectives, the contractor is expected to demonstrate successful completion of the following tasks:

- Develop a system for home competitions preparedness, so they are held properly
- Help with the officials in all aspects related to the home event
- Have the sports venues ready for home competitions and coordinate the following Human Resources for each competitions:
  1. Table workers to include Official scorer, announcer, statistician, clock keepers
  2. Work study personnel
  3. Volunteers for other duties during the competitions
  4. Have the livestream system ready for competitions
  5. Have program set up to get our athletics information, photos, videos, interviews and competitions on the universities television system.
  
- Be available to help with driving teams to away competitions if needed
- Be in attendance at athletic meetings for information gathering for all sports
- Help plan and attend Champions of Character events
- Have all statistics for each sport available for public use or Administration use when requested
- Meet the deadlines for nominations of awards for the student athletes in all sports as set by the NAIA submitting all required information and statistics
- Keep the websites and other media used by the Athletic Department up dated and relevant
- Be responsible for completion and submission of the Return on Athletics Report
- Be responsible for completion and submission of the Equity in Athletics report
- Assist the Athletic Director in planning and carrying out events throughout the year
- Assist the Athletic Director in overseeing the work study program

Contractor will be evaluated on fulfillment of outlined Goals, successful demonstration of objectives, and timely completion of the aforementioned tasks.

## Security

Contractor is expected to successfully pass the Federal background clearance for a position designation of "non-sensitive low risk." Contractor will have no contact with children, as well as to Federal IT systems.

### Travel

The contractor may need to travel to away competitions at various time throughout the year.

### Special Material Requirements

Contractor is expected to possess or acquire certification in basic first aid and cardiopulmonary resuscitation (CPR). Contractor is expected to complete the NAIA Character Driven Coaching Course prior to the start of the season. Contractor is expected to obtain Federal Identification in accordance with university standards at a time determined by Human Resources.

### Place of Performance

The campus of Haskell Indian Nations University in Lawrence, Kansas will serve as the primary place of performance; with team and individual travel duties determined by the schedule.

### Period of Performance

The contract start date will be June 1, 2021 and end on May 30, 2022. The period of performance is based on a year to year contract. Option Year 1 will commence on June 1, 2022, Option Year 2 on June 1, 2023, Option year 3 on June 1, 2024.

An official notice from the contractor to accept the next option year or decline the next option year is due 90 days before the ending date of present contract. The university will evaluate after the completion of spring semester when all sports for year are complete using the list of Goals, Objectives and Tasks. The Athletic Director and Leadership Team of the university will make a determination to extend the next option year or not extend the next option year.

### Payment

Payment will be paid in increments that will span the life of the contract (or) a 12 month period. The contractors pay periods will be every two weeks and will be paid through the contracting company used by the university.

### Termination of Contract

This contract can be terminated immediately when it is deemed in the best interest of the Federal Government or Haskell Indian Nations University or the financial status of this contract is no longer being funded.

Any action or non-action by the contractor that causes detrimental actions or harm to Haskell Indian Nations University or any Student Athlete could be cause for immediate termination of this contract. This will be determined by the Athletic Director and the leadership of the university.

(b) (6)

(b) (6)

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- [Redacted list item 4]
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- [Redacted list item 18]
- [Redacted list item 19]
- [Redacted list item 20]

Attributes:

(b) (6) [Redacted text block]

[Redacted text block]

Education:

(b) (6)

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

Related Work Experience:

(b) (6)

Recommendation Letters Attached:

(b) (6)



### Requirements

Master's degree preferred, but not required. A baccalaureate degree required. Degrees are preferred to be in the discipline and/or sub-discipline of Health, Sport and Exercise Science or education (higher education, education administration, secondary physical education, etc.), but are not required.

Contractor must have prior intercollegiate playing or coaching experience in basketball. Contractor must have head coaching experience at the intercollegiate level or a demonstrated success as an associate head coach or assistant coach in accordance with duties assigned; National Junior College Athletic Association, National Association of Intercollegiate Athletics and/or National Collegiate Athletic Association.

Demonstrated success is determined through recruitment and retention of student-athletes, student-athlete academic and athletic honors, and statistical performance as it relates to strength of schedule and post-season competition.

Contractor must have a valid driver's license and be eligible to receive approval from the university safety officer to operate a government vehicle. The contractor must pass the Defensive Drivers Course and fill out the 3607 driving form. Contractor must successfully pass an extensive Federal background investigation initiated by the Special Assistant to the President through the Office of the President.

Contractor must submit the following:

- resume or curriculum vitae
- academic credentials
- three letters of support from previous/current employers
- a cost proposal

### Supervision

The contractor will be supervised by the university Athletic Director in fulfilling the functions, objectives, tasks and day-to-day operations associated with the contract position. Supervision will be in tandem with the university Contracting Officer's Representative (COR).

### Objectives

The goal of the contract is to secure an academically prepared and field-experienced basketball coach dedicated to leading a team of intercollegiate student-athletes to achieve success on and off the court. The objectives include:

- successful instruction of the fundamentals of the sport: technical and tactical strategies for various systems of play

- compliance of legislative policies in accordance to the university, conference, and national governing body
- character development in concert with the NAIA Champions of Character Initiative
- athletic fitness development as a component of injury prevention, and the promotion of a successful sports performance
- leadership development and modeling for the student-athletes, athletic staff, university, and surrounding community
- administration of a successful sport program from a fiscal, operating, and university perspective
- create the capacity in the student-athlete to be successful on and off the court through advisement, mentoring, knowledge building, and experiential learning opportunities

The result in contracting an experienced coach, who possesses the skill, knowledge, and ability in the sport of basketball will create the following results:

- post-season opportunities for competition
- recruitment of prospective talented student-athletes
- retention of student-athletes
- a highly competitive schedule (power ranked institutions)
- fundraising opportunities for the sport and athletic department
- successful media relations for the student-athletes, sport, and university
- the creation of future coaching pool for the sport

#### Tasks

In addition to outlined functions and objectives, the contractor is expected to demonstrate successful completion of the following tasks:

- provide completed athletic eligibility short-list to Faculty Athletic Representative (FAR) in a timely manner (two weeks prior to first competition)
- submit appropriate travel requests and authorizations in accordance with university policy (two weeks prior to travel)
- submit appropriate requisitions for purchase of supplies and/or equipment in accordance with university policy (two weeks prior to date of service/product need)



- complete sport schedule for the upcoming season within two weeks of the release of the conference schedule
- submit sport schedule to the Director of Athletics prior to the end of the spring academic semester
- fulfill NAIA compliance as it relates to timely distribution of game film to visiting coaches, and as determined by the conference with distribution of scouting film
- complete NAIA eligibility short-list of prospective student-athletes for the upcoming season prior to the beginning of the fall academic semester
- collaborate on apparel guidelines in line with university rules, regulations and policies on trademark and licensing
- collaborate on apparel guidelines on university pantones, official graphics and official font
- collaborates with the Athletic Department coaches, staff and administrators to create an enhanced sport performance experience centered on appropriate student-athlete apparel
- collaborate on the creation of an equipment operations plan
- collaborate on the creation of an inventory control plan to address loss prevention
- collaborate on the creation of academic programming to foster student success
- collaborate on the creation of creative programming to foster student engagement
- collaborate on the creation of a bi-annual career fair

The contractor will be evaluated on fulfillment of outlined functions, successful demonstration of objectives, and timely completion of the aforementioned tasks.

#### Security

Contractor is expected to successfully pass the Federal background clearance for a position designation of “non-sensitive moderate risk.” Contractor will have contact with children, as well as to Federal IT systems and facilities.

#### Travel

Contractor is expected to secure travel arrangements (i.e. mode of transportation, lodging, meals, etc.) in accordance to Federal policy for student athletic trainers and self. Contractor is expected to travel

with the team, and serve as the primary point of contact for the institution while the team is in travel status. Additionally, the contractor is expected to provide supervision and guidance of the team while on travel status, and respond accordingly when general concerns and/or emergencies present themselves. Contractor is expected to possess an appropriate license to drive a general passenger vehicle, large passenger van, and/or a 35+ passenger vehicle (CDL).

#### Special Material Requirements

Contractor is expected to possess or acquire certification in basic first aid and cardiopulmonary resuscitation (CPR). Contractor is expected to complete the NAIA Character Driven Coaching Course within 30 days of selection. Contractor is expected to obtain Federal Identification in accordance with university standards at a time determined by Special Assistant to the President, Office of the President.

#### Place of Performance

The campus of Haskell Indian Nations University in Lawrence, Kansas will serve as the primary place of performance.

#### Period of Performance

The contract start date will be June 1, 2022. The period of performance is based on a year-to-year contract. Option Year 1 will commence on June 1, 2023. Option Year 2 on June 1, 2024. Option Year 3 on June 1, 2025. Option Year 4 on June 1, 2026.

An official notice from the contractor to accept the next option year or decline the next option year is due 120 days before the ending date of present contract. The university will evaluate the contract through an evaluation and successful completion of the aforementioned goals, objectives, and tasks. The Athletic Director and a Leadership Team of the university will make a determination to either extend or terminate the option year.

#### Payment

Contractor payments will be made in increments spanning the life of the contract (or) a 12-month period unless contract termination occurs prior to the end of the contract. The contractor will be paid bi-weekly.

A modification to the contractor's funding, line item 2, will allow for additional funding to offset travel, meal, and incidental expenses associated with post-season competition.

### Quality Assurance

The Athletic Director will evaluate the contractor's attention to and successful completion of outlined functions, objectives, and tasks listed in the Statement of Work. Deficiencies or failures to successfully complete functions, objectives, and tasks will be considered unacceptable. An unacceptable rating will result in a notification to the Contracting Officer Representative (COR). The COR will notify the Contracting Officer and contractor of the unacceptable rating. A performance improvement plan will be implemented to correct deficiencies or failures. The contract will be terminated if the contractor fails to correct deficiencies or failures.

### Schedule of Deliverables or Reporting Requirements

The Contracting Officer Representative (COR) will document deliverables and contractor evaluations, and deficiencies or failures. The COR will report to the Contracting Officer the contractor evaluation, improvement plan, deficiency or failure, and contract termination.

### Termination of Contract

The contractor is expected to abide to Haskell Indian Nations University rules, regulations, and policies. This contract can be terminated immediately when it is deemed in the best interest of the Federal Government or Haskell Indian Nations University. Any action or non-action by the contractor that causes detrimental actions or harm to the Federal Government or Haskell Indian Nations University could cause immediate termination of this contract. Termination of the contract can also occur if the contractor endangers or causes harm to Federal Government or Haskell Indian Nations University facilities or property. The contract can be terminated if funding is no longer available or the contract is seen as a financial hardship to the financial status of the Athletic Department. Termination will be determined by the Athletic Director and university leadership.

(b) (6)

Experience

(b) (6)

## Education

(b) (6)

## Skills

- Detail Oriented
- Project Management
- Word, Excel, PowerPoint
- Leadership Abilities
- Budgeting Knowledge
- Team Player
- Change Management
- Strategic Management
- Business Model Canvas
- Softball Experience

## Affiliations and Community Involvement

(b) (6)

## Softball & Academic Accolades

(b) (6)

## Haskell Indian Nations University: Head Softball Coach

### Statement of Work (SOW)

#### Background

Haskell Indian Nations University is seeking a contractor to serve as the Head Softball Coach. The position exercises responsibility for planning, organizing, coordinating and controlling operations for a successful and competitive National Association of Intercollegiate Athletes (NAIA) Sports Program.

#### Scope

Haskell Indian Nations University, under the governance of the Bureau of Indian Education expects the contract to yield a successful candidate for the position. The candidate will act in accordance to Federal regulations in representing the institution and the Government in a positive manner. The contract is not to exceed a defined amount determined by the Government. Benefits, tax, and a high cost of living allocation is not available. Travel allocations will also cover expenses associated with recruitment of prospective student-athletes, and travel expected by the Athletic Department.

The contract proposal will be evaluated on adherence to the noted requirements, as well as past experience and performance. Prospective contractors will be ranked accordingly and a determination will be made as to which contractor has demonstrated the greatest value to the Federal Government as well as the Department of Athletics at Haskell Indian Nations University. The factor of proposal bid amount (price or cost) will not be considered as significant in comparison to fulfillment of requirements, experience and performance.

General functions include:

- Athletic compliance in accordance to Haskell University, NAIA and Association of Independent Institutions Conference policies.
- academic advisement and advancement
- Scouting and recruitment of talented student-athletes
- Offensive and defensive systems of play
- scheduling of practices and games
- Pre-game and game day management
- Fundraising and general budget management
- Facilities and sport specific equipment operations
- Management of assistant coaches and student support staff (student coaches, managers, and interns)
- Instruction relevant to the sport.

## Requirements

Master's degree preferred, but not required. Baccalaureate degree required. Degrees are preferred to be in discipline and/or sub-discipline of health, sport and exercise science or education (higher education, education administration, secondary physical education, health fields, etc.) but are not required. Contractor must have prior intercollegiate playing experience in Softball. Contractor must have Head Coaching experience at the intercollegiate level or/and demonstrate success as associate head coach or assistant coach in accordance with duties assigned.

Demonstrated success is determined on winning percentage, successful recruiting class, athletic and academic honors of student-athletes, etc. Experience in working with Native Athletes as a coach will be considered highly.

Contractor must have valid driver's license and be eligible to receive approval from the safety officer to operate government vehicles. The contractor must pass an extensive Federal background investigation through the Human Relations office.

Contractor must submit:

- A cost proposal
- Academic credentialing
- Resume or curriculum vitae
- Three letters of support from previous/current employers and/or clients.

## Objectives

The goal of the contract is to secure an academically prepared, field-experienced coach dedicated in leading a team of intercollegiate female student-athletes to achieve success in the sport of Softball.

The objectives include:

- Successful instruction of the fundamentals of the sport: technical and tactical strategies for various systems of play
- Compliance of legislative policies in accordance to the university, conference and national governing body
- Character development in concert with the NAIA Champions of Character Initiative
- Athletic fitness development as a component of injury prevention, and the promotion of a successful sports performance
- Leadership development and modeling for the student-athlete, athletic staff, university, and surrounding community
- Administration of a successful sport program from a fiscal, operating and university perspective
- Create the capacity in the student-athlete to be successful in on and off the field through advisement, mentoring, knowledge building, and experimental learning opportunities.

The result in contracting an experienced coach, who possesses the skill, knowledge and ability in the sport of Softball will create the following results.

- Post-season opportunities for competition
- Recruitment of prospective talented student-athletes
- A highly competitive schedule (power ranked institutions)
- Fundraising opportunities for the sport and athletic department
- Successful media relations for the student athletes, sport and university.

### Tasks

In addition to outlined functions and objectives, the contractor is expected to demonstrate successful completion of the following tasks:

- Develop a schedule of on campus office hours to be available and have proper communication with recruits, present team players, and other areas/offices of the university. This schedule must allow time to complete all required paperwork and have regular communication with the Athletic Director.
- Provide completed athletic eligibility short-list to the NAIA in a timely manner in conjunction to the recruiting process.
- Submit appropriate travel requests and authorizations in accordance with university policy (ten working days/two weeks prior to travel)
- Submit appropriate requisitions for purchase supplies and/or equipment in accordance with university policy (two weeks prior to date of service/product need)
- Complete sport schedule for the upcoming season during the semester prior to competition or earlier (try to plan one year in advance)
- Complete NAIA eligibility short-list of prospective student-athletes for the upcoming season as soon as they are identified in the process
- Help with the game/event management for all sports and Athletic Department
  - a. Work with SID to ensure all stats are completed and sent to appropriate locations
  - b. Be sure the live streaming is set up and ready to go
  - c. Help with the officials in all aspects related to the home event
- Develop an academic plan for your team and ensure its success
- Work with other coaches and programs to plan and efficiently and effectively use the facilities at Haskell
- Secure additional team drivers for away competition if needed
- Be in attendance at athletic meetings for information gathering for your sport
- Attend Champions of Character events with your team

Contractor will be evaluated on fulfillment of outlined Goals, successful demonstration of objectives, and timely completion of the aforementioned task



### Security

Contractor is expected to successfully pass the Federal background clearance for a position designation of "non-sensitive low risk." Contractor will not have contact with children, as well as to Federal IT systems and facilities.

### Travel

Contractor is expected to secure travel arrangements (i.e. mode of transportation, lodging, meals, etc.) in accordance to Federal policy for the student-athletes, and self. Contractor is expected to travel with the team, and serve as the primary point of contact for the institution while the team is in travel status. Additionally, the contractor is expected to provide supervision and guidance of the team while on travel status, and respond accordingly when general concerns and/or emergencies present themselves.

### Special Material Requirements

Contractor is expected to possess or acquire certification in basic first aid cardiopulmonary resuscitation (CPR). Contractor is expected to complete the NAIA Character Driving Coaching Course prior to the start of the season. Contractor is expected to obtain Federal Identification in accordance with university standards at a time determined by Human Resources.

### Place of Performance

The campus of Haskell Indian Nations University in Lawrence, Kansas will serve as the primary place of performance; with team and individual travel duties determined by the contract and schedules.

### Period of Performance

The contract start date **will** be October 15, 2020 and end up July 30, 2021. The period of performance is based on a year to year contract. The first year is only for a 9 month length because that is the first starting date. Option Year 1 will commence on August 1, 2021, Option Year 2 on August 1, 2022, Option Year 3 on May 1, 2023.

An official notice from the contractor to accept the next option year or decline the next option year is due 120 days before the ending date of present contract or end of the present competition season. The university will evaluate after the completion of competition season using the success of season win loss record and the list of Goals, Objectives and Tasks. The Athletic Director and Leadership Team of the university **will** make a determination to extend the next option year or not extend the next option year.

### Payment

Payment will be paid in increments that will span the life of the contact (or) a 12 month period. The contractors pay periods will be every two weeks and will be paid through the contracting company.

### Termination of Contract

This contract can be terminated immediately when it is deemed in the best interest of the Federal Government or Haskell Indian Nations University or the financial status of this contract is no longer being funded.

Any action or non-action by the contractor that causes detrimental actions or harm to Haskell Indian Nations University could be cause for immediate termination of this contract. This will be determined by the Athletic Director and the leadership of the university.

< 11



(b) (6)



OCT 05, 11:49 AM

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



(b) (6)

right now

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

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @bie.edu  
Date: Sun, Feb 6, 2022, 3:28 PM

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

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

-Clay Mayes

(b) (6)

---

From: Clay Mayes cmayes@HASKELL.edu  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Tue, Feb 8, 2022, 2:53 AM

Get [Outlook for iOS](#)

---

From: Clay Mayes cmayes@HASKELL.edu  
To: (b) (6) @bie.edu  
Date: Wed, Feb 9, 2022, 1:11 PM

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

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

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

-Clay Mayes

(b) (6)

---

From: (b) (6) @BIE.EDU  
To: Clay Mayes cmayes@HASKELL.edu  
Date: Wed, Feb 9, 2022, 1:59 PM

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

(b) (6)

Special Assistant to the President & SPOC

Project Director Title III – COR Level II

(b) (6) [@bie.edu](mailto:(b)(6)@bie.edu)

155 Indian Ave, Box 5030 Lawrence KS 66046

Haskell Indian Nations University

Cell (b) (6)

Desk (b) (6)

Fax (b) (6)

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4 Emails

7/15/2022 - PLY BCL

# Haskell Indian Nations University

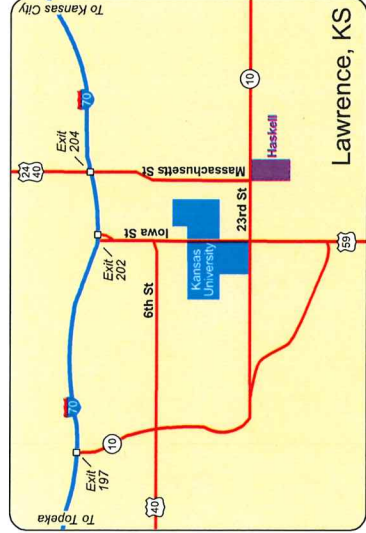
## Building and Site Index

ASC	American Horse Hall	120 E4	115 G3
	Arch, Haskell Stadium (Tommaney Hall)	13 C3	108 B3
	Auditorium	127 D3	112 F3
	Bandstand/Gazebo	12 C3	2 D2
BH	Basketball Court	98 D3	50 E3
BE	Blalock Hall	139 A3	53 E3
	Blue Eagle Hall	128 F3	140 E1
	Cemetery	104 E2	1 C2
CC	Coffin Sports Complex	- F5	130 E2
	Curtis Hall	129 D4	122 E4
	Dairy Barn	126 E3	113 F4
EP	East Portable Building	37 E4	107 D3
EAG	Eric Allen Greenhouse	124 E4	116 C4
	Galluzzi Hall	145 F4	1415 C4
	Cultural Center & Museum	94 C3	116 G3
	Health Center	143 C2	111 C2
	Hiawatha Hall	- C1	119 F4
	Jim Thorpe Hall	11 C3	10 D3
KI	Kiva Hall	106 D4	138 A3
LNAC	Little Nations Academic Ctr.	4 D2	127 D3
	Minoka Hall	144 D4	125 E4
NH	Navarre Hall	105 D2	109 C2
	North Winnemucca Hall	121 D4	
	Osceola-Keokuk Hall		
	Parker Hall		
	Pocahontas Hall		
	Powhatan Hall		
	Pow-Wow Grounds		
	Pushmataha Hall		
	Roe Cloud Hall		
	Ross Hall		
	Seatttle Hall		
	Sequoyah Hall		
	Softball Field		
	Stadium		
	South Winnemucca Hall		
	Stidham Union		
	Tam-I-Nend		
	Tecumseh Hall		
	Tennis Courts		
	Tommaney Hall		
	(Library & A.S.C.)		
	West Portable Building		
	Winona Hall		

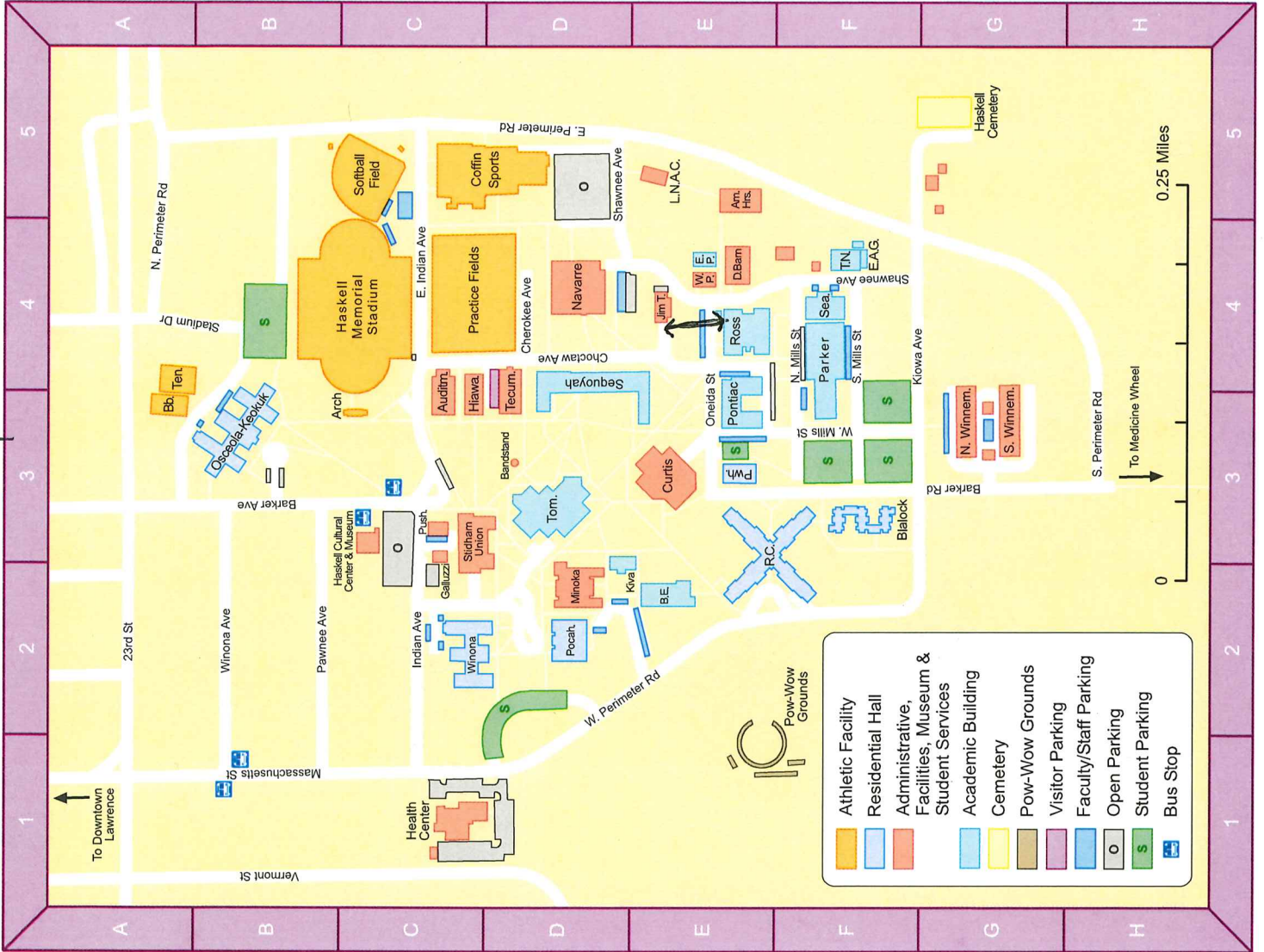
## Directions to Haskell Indian Nations University

**From the East:** From Kansas City, follow K-10 west into Lawrence. Turn left (south) at the intersection of 23rd St. and Barker Ave.

**From the West:** From Topeka, follow I-70 east and take exit 202 to Iowa St. Continue south for 3 miles to Clinton Parkway (23rd St.) and turn left (east). Continue east for 1.5 miles to Barker Ave. and turn right (south).



Compilation of this map was supported by the National Science Foundation, Grant #OPP-0122520  
 Haskell Sequoyah GIS Lab  
 Haskell Indian Nations University  
 John Kostelnick, Kalonie Hulbutta,  
 Michael King, Nathaniel Haas



< (b) (6)



Friday, July 15, 2022



Do you think it would be possible to get documentation of the rape that occurred or proof that I spoke to you in the spring? I need it to appeal and get my pell grant money



3. Appeal information	
In your letter, it should include the nature of your situation which resulted in your Financial Aid suspension. If you have suffered a hardship listed below, please list them below and submit the supporting documentation. Examples of acceptable documentation and circumstances are listed below.	
<input type="checkbox"/> Severe illness, medical condition or injury	<ul style="list-style-type: none"> <li>Signed and dated letter from a Physician on an official office letterhead verifying medical problems and the treatment received.</li> </ul>
<input type="checkbox"/> Death of a family member	<ul style="list-style-type: none"> <li>Death Certificate and/or dated obituary from the newspaper</li> </ul>
<input type="checkbox"/> Traumatic life-altering event such as a fire, tornado etc.	<ul style="list-style-type: none"> <li>Evidence of the event such as an insurance claim or FEMA application</li> </ul>
<input type="checkbox"/> Other circumstances not listed above: _____ _____	<ul style="list-style-type: none"> <li>Documentation that will verify situation.</li> <li>Indicate if your withdrawal or failed courses are due to challenges due to COVID-19</li> </ul>



(b) (6)



		to challenges due to COVID-19	
<b>4. Academic Advisor Documentation</b>			
Please have your Advisor complete this portion of your form. He/ She will need to sign and date the document.			
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is it mathematically possible for this student to achieve the required 2.0 Term/CGPA by the end of the current term?		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is it Mathematically possible for this student to achieve the required Completion rate of 67% by the end of the current term?		
<input type="checkbox"/> Yes <input type="checkbox"/> No	For Students who have 90 credit hours, have they been accepted into a four-year program? If not, they need to complete an academic plan.		
Advisor Name			
Signature and Date	First	Last	Signature Date
<b>5. Certification and Signature</b>			
Each person signing this worksheet certifies that all of the information reported is complete and correct. The student and one parent whose information was reported on the FAFSA must sign and date.			
<b>WARNING: If you purposely give false or misleading information you may be fined, be sentenced to jail, or both.</b>			
_____		_____	
Print Student's Name		Student's ID Number	
_____		_____	
Student's Signature		Date	

MMS

I'm gonna get documentation on at least three of the close family deaths to suffice then with the rape being reported I could have a stronger case to receive pell



**From:** (b) (6)  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** FW: [EXTERNAL] Text Message from Student  
**Date:** Monday, July 18, 2022 7:12:09 AM  
**Attachments:** [image001.png](#)

---

Thank you, (b) (6)

(b) (6)

Human Resources Office  
1011 Indian School Road NW Suite 150  
Albuquerque, NM 87104  
Cell Phone: (b) (6)  
**Website:** [www.bie.edu](http://www.bie.edu)



Please take a moment to complete our HR Customer Satisfaction Survey. Your Feedback is important. Thank you. - <https://arcg.is/1OjqXO>

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---

**From:** (b) (6)@HASKELL.edu>  
**Sent:** Saturday, July 16, 2022 10:14 AM  
**To:** (b) (6)@bie.edu>  
**Subject:** [EXTERNAL] Text Message from Student



**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good morning,

I received a text message from the student I was asked about last week.

Just thought I would pass it along. I responded like I normally would, but if it is determined that I should not be communicating with her, please let me know.

Thank you.

**(b) (6)**

***Bureau of Indian Education***

**U.S. Department of the Interior**

**155 Indian Avenue, PO Box 5015**

**Lawrence, KS 66046**

**Cell Phone: (b) (6)**

**Office Phone: (b) (6)**

**Website: [www.bie.edu](http://www.bie.edu)**

0:0:0.0 --> 0:0:16.690

(b) (6)

Two years (b) (6) applies (b) (6), (b) (6) and (b) (6), and they were they part of the board on the prior interview. So just again, this is gonna be brief, nothing like before.

0:0:18.90 --> 0:0:24.640

(b) (6)

But so I'm gonna start out with the first question regarding that alleged.

0:0:27.20 --> 0:0:37.290

(b) (6)

I think they they somebody alleged that you inappropriately used some kind of graston technique. So I anyway, I just want from your perspective.

0:0:40.350 --> 0:0:51.970

(b) (6) L

Has it been? Is it commonplace for coaches to use tools or other instruments to stretch out the muscles of athletes when they ask you to during practices?

0:0:52.530 --> 0:1:24.640

Clay Mayes

Yeah, I'm all coaches at a lower research myself, just to make sure all coaches except for the men's basketball coach I has rolled out athletes, we have rollers and they I've rolled out calves. I haven't worked on any other kind of muscle. It's just like you know if someone asks you the whole back their foot, I've I've stretched them out, but I've never, I've never stretched someone out and said hey, let me roll you out. Let me stretch out. They've come up to me. They hand me a roller and they asked me to.

0:1:33.180 --> 0:1:33.790

(b) (6)

OK.

0:1:24.860 --> 0:1:36.550

Clay Mayes

The roll them out and I've never. I've never met with an athlete, one-on-one on any condition, so there is always been witnesses. If there is anyone that says I.

0:1:37.510 --> 0:1:42.300

Clay Mayes

Initiated asking the roll them out if they come to me and ask me to roll them out like the other coaches I have.

0:1:42.960 --> 0:2:6.650

(b) (6)

OK, have you ever use any other kind of tools to, you know, to improvise to, you know, like I I did some research on this and my team has and you know, there's you read things where some people have used like butter dives the backside of a butter dive or some kind of other metal object or or it could be a wooden object.

0:2:8.350 --> 0:2:16.110

(b) (6)

Have you ever used anything other than the equipment? That's right there. The athletic training room while you're on the field. Or how does that work?

0:2:16.570 --> 0:2:17.660

Clay Mayes

Whatever's in the training room.

0:2:18.820 --> 0:2:31.680

Clay Mayes

Whatever role there's the athletes have had have handed me. I've rolled them out. I've thought they've been all rollers, but they do. I mean, they kind of come in different sizes. Like one roller can be 3 balls.

0:2:33.260 --> 0:2:37.900

Clay Mayes

You can even. I haven't used this. You can even use a frozen water bottle, which.

0:2:38.540 --> 0:2:47.460

Clay Mayes

Some people use gold kind of self roll usually when they do it like a frozen water bottle, but anything the athletes have handed me with the rollers and the training room, I've used those.

0:2:48.780 --> 0:2:56.550

(b) (6)

Have you have you used any other kind of tools like out on the field or track or anything? If somebody said they had cramps or something?

0:3:1.820 --> 0:3:2.410

(b) (6)

Yeah. OK.

0:2:56.950 --> 0:3:2.980

Clay Mayes

Uh, only what they've happened. Me. Only what they athlete has came up and said, hey, can you roll me out with with what they've handed me?

0:3:3.720 --> 0:3:4.140

(b) (6)

OK.

0:3:4.900 --> 0:3:5.570

(b) (6)

OK.

0:3:9.710 --> 0:3:13.80

(b) (6)

Are you certified in graston the?

0:3:13.50 --> 0:3:30.350

Clay Mayes

But I mean, tea certified. So I'm a little bit further beyond doing that and I have my auntie certification, I can provide that if I need to. I did a few shifts with I'm not quite paramedic, but I can do everything besides give narcotics if I wanted to.

0:3:29.950 --> 0:3:30.370

(b) (6)

OK.

0:3:33.50 --> 0:3:39.580

(b) (6)

OK. Yeah. Just for the record we we that might be useful, so we could.

0:3:38.770 --> 0:3:39.730

Clay Mayes

I that.

0:3:40.650 --> 0:3:53.120

(b) (6)

OK. So I'll tell you what, 10 that topic before we end it. Just let me ask the others. Francine Erwin or Cassie, did you have any questions regarding graston?

0:3:54.560 --> 0:3:56.930

(b) (6)

Not in my answer. Thank you. That certification will be great.

0:4:0.950 --> 0:4:2.100

(b) (6)

No questions from me.

0:4:3.170 --> 0:4:5.880

(b) (6)

I'm sorry, just to clarify, was that EMT certified?

0:4:8.710 --> 0:4:8.930

(b) (6)

Yep.

0:4:6.400 --> 0:4:17.40

Clay Mayes

In in T certified and I have a a number certificate. I think I have my card somewhere too. I actually have to renew at the end of this year if I wanna keep it.

0:4:18.380 --> 0:4:21.670

Clay Mayes

And it's a it's a two year course, it's not like.

0:4:23.50 --> 0:4:36.620

Clay Mayes

It's not like you, uh, take a 30 minute CPR class, which is a way to be certified for CPR. It's a two year course, it's it's somewhat expensive. I I really just didn't think I'd get in the position where.

0:4:37.410 --> 0:4:42.20

Clay Mayes

I mean, I'd be reported for an athlete coming up to me and asked me the roll them out.

0:4:42.600 --> 0:4:43.70

(b) (6)

You know.

0:4:44.30 --> 0:4:44.400

(b) (6)

Great.

0:4:44.340 --> 0:4:49.850

(b) (6)

Did did the did you did one of the athletes ever come up and ask you to put the rench?

0:4:50.730 --> 0:4:51.430

Clay Mayes

Say that when we're.

0:4:51.40 --> 0:4:54.540

(b) (6)

Can you speak up? Your friends say we can't hurt. Hardly hear you.

0:4:55.150 --> 0:4:59.860

(b) (6)

OK. Were you asked one of the athletes ever come up and ask you to roll them out with a wrench?

0:5:1.720 --> 0:5:6.430

Clay Mayes

I don't recall it ranch. That'd be really weird. But just rollers and stuff they gave me.

0:5:7.480 --> 0:5:8.950

(b) (6)

OK. Thank you.

0:5:8.890 --> 0:5:13.60

Clay Mayes

And and I again, I guess the only confusion is.

0:5:14.640 --> 0:5:26.270

Clay Mayes

Is the athletes that I have actually rolled out the ones that came and asked me to roll them out, where the athletes meeting with administrators on creating reports?

0:5:27.410 --> 0:5:33.290

Clay Mayes

One of the reports, just an example was I changed locations for practice.

0:5:34.40 --> 0:6:3.850

Clay Mayes

And with that was with a interview or with the post office, and she asked. She goes, did you change the location on October 24th practice? And I go, I did. Here's the text from those four ladies on the team.

And they said they're not gonna go to that location. They're gonna go run at a different location. And I have that text because the levy didn't hurt their shins. And then when I gave it to them, investigator, she said it.

0:6:4.40 --> 0:6:15.230

Clay Mayes

Like a bait and switch because a lot of this stuff has been, you know, saying something and taking something and then reporting it. So I guess my issue is the athletes.

0:6:15.980 --> 0:6:24.620

Clay Mayes

And I don't need to know their names, but I would ask for athletes that have reported that and I would ask them afterwards. Did you ask him the role you out?

0:6:26.720 --> 0:6:27.90

(b) (6)

So.

0:6:27.750 --> 0:6:28.170

(b) (6)

Thank you.

0:6:28.830 --> 0:6:32.120

(b) (6)

That's good. So did any of the athletes?

0:6:34.880 --> 0:6:38.200

(b) (6)

Ever inform you? Or did you become aware that?

0:6:39.300 --> 0:6:41.50

(b) (6)

They had alleged that.

0:6:42.820 --> 0:6:54.90

(b) (6)

You had performed a great a not a they may not have known the term graston, but that you had rolled them out or help stretch them out or something and it injured their shin.

0:6:55.610 --> 0:6:59.370

Clay Mayes

Net I I have never still to this day.

0:7:0.730 --> 0:7:4.380

Clay Mayes

Been a major where any problems from Haskell administrators.

0:7:5.500 --> 0:7:35.70

Clay Mayes

You know, I have emails all the way up till March where I'm stating, you know, I've been in the dark and I've never. I've never had athletes and coach Armstrong would be a good one to contact. I've never had athletes say, hey, we have this problem. I have our last meeting October 31st, 2:21. We had a team meeting and just with how this group of athletes from the previous coach were, they were kind of becoming aggressive to get a sound bite.

0:7:35.170 --> 0:7:49.590

Clay Mayes

I think (b) (6) told them the record me and try to get a sound bite so they would ask me inappropriate questions and then they grew increasingly more aggressive because they didn't get the response they wanted. But during that process.

0:7:51.20 --> 0:8:20.550

Clay Mayes

They, as I said in the meeting and I can provide that team audio as I have not been a made aware of one problem by one athlete on any issues not one time and you know I they recorded me a lot, I'd encourage them. I would encourage you all to ask and said hey can you provide me were you brought a problem to your coach? Can you provide me a date can you bring me a time because I don't I never met with athletes one-on-one so it would be a very easy thing for them to reaffirm I was never.

0:8:20.640 --> 0:8:22.960

Clay Mayes

Made aware of any issues from any athletes.

0:8:23.780 --> 0:8:24.210

(b) (6)

OK.

0:8:27.950 --> 0:8:36.520

(b) (6)

Could you describe for us your coaching style? What would you consider your has been your coaching style throughout your career and especially at Haskell?

0:8:38.580 --> 0:8:58.340

Clay Mayes

I, as I said in the interview, I've been the most successful coach in over 30 years. The last coach that had as much success with new runners was Jerry Tuckwin. The first thing I do when a recruiter runner is I will



not talk to the runner. I'll talk to the coach. I usually try to get ahold of one of the parents. I find that I'm usually talking to moms I.

0:8:59.100 --> 0:9:1.250

Clay Mayes

I I get a lot of kids from native territories.

0:9:2.420 --> 0:9:14.720

Clay Mayes

It's just a I don't know. It's they're more likely to be good runners. Using one from the native territories, you know, either in Montana, up by Browning or black feet hardened.

0:9:16.60 --> 0:9:35.830

Clay Mayes

Or the southwest, hopefully not the hope, but first, the first thing is seeing where they come from. You know the the kid goes through some sort of trauma, which unfortunately has been common with kids at work with. I'm very hesitant with how I work with them. Some kids that can be vocal, some kids I can't, it really depends where they come from.

0:9:37.290 --> 0:9:40.550

Clay Mayes

I do have a no tolerance policy. If they drink, it's.

0:9:41.840 --> 0:10:11.270

Clay Mayes

It's not death penalty I want built it. So before I got to half school again I worked for a private college, was very different. The first one was a Christian private college. And then the second one was a for profit private college. And it wasn't Christian affiliated, but the first college that they drank, they would never get away with it. They had to either do community service, go to church or do something with the local tribes. And there was no way they could wiggle out of it. And then I had a form where they messed up.

0:10:11.960 --> 0:10:42.430

Clay Mayes

They signed up for release and they had to contact usually the mom. One kid contacted the dad and that was something that it was a little bit different for me when I was at Haskell, all the kids are recruited, were very they wanted their parents to be involved. And so, you know, they sign up for release where you can contact and talk to the parents. But with some of the runners that were on the team, they weren't historically runners. They weren't runners. In high school, they were students at high school. And then they became runners.

0:10:42.780 --> 0:10:47.780

Clay Mayes

You don't have that really changes it. They weren't my top runners. Not that that matters, but they weren't my top runners.

0:10:49.550 --> 0:11:16.820

Clay Mayes

But I would always be very involved with talking to parents, knowing what their background is, because every kid is very different. You know, there was kids where they went through so much trauma that it was very cautious to never, you know, if I ever had a critique, my first words would be you're not in trouble. It's it's OK. And I would. I would talk to them and, you know, you know, even my women that someone went through sexual abuse, I would, they would tell me.

0:11:17.620 --> 0:11:47.290

Clay Mayes

Their history, once they got comfortable and I would always have a few women that they were comfortable with. Why they would tell me and I think most of the time they just wanted to get it off their chest and just make people be aware once they're comfortable. There was a couple times, for example, where a mill, a mill's opinion. My opinion was not the opinion they needed and they would go. Can I talk to your wife and I go. Yeah, she's she's social worker certified. So whatever you tell her, she can't even tell me. So I had two women on two occasions.

0:11:47.570 --> 0:12:18.200

Clay Mayes

And you know, talk to my wife about it. So what? I'm what I'm alluding to is every, every student athlete is very different. And it just depends. So, you know, that's in terms of how they are socially, mentally training in terms of physically it. It also depends. I wanna know what they've been doing for past training. You know, I always cringe. I used to be a high school coach before college when I would have a kid and he would start at his college and the coach would have a training regimen for him.

0:12:18.670 --> 0:12:48.680

Clay Mayes

You didn't know what mileage you could handle. You didn't know what his how long he's been training. He didn't know. You know, if I have a kid, for example, where he loses a relative, they're most likely not gonna wanna go to practice and run. So I meet him in the middle and say, hey, I I just want you at practice. You can just talk. You don't have to run. I understand. I think it would be healthy for you just to talk and, you know, not just sitting your dorm room alone and just finding a way to keep them a connected mentally and. And having don't know, just support.

0:12:48.750 --> 0:12:50.210

Clay Mayes

I think it's really important for him.

0:12:50.540 --> 0:13:13.470

Clay Mayes

Umm, but that's, you know, I guess recruiting the runner and recruiting the parents is important because I had kids to wear. It was very critical, almost all of them where particularly the mom needed to be involved. If you know I've had a lot of single parent kids too, they ended up being some of my best rounders. But just knowing where they come from and I think that was.

0:13:15.90 --> 0:13:23.210

Clay Mayes

The runners that I had troubles with were, you know, and just transparency were under the previous coach.

0:13:23.920 --> 0:13:41.940

Clay Mayes

And they were very much into what can you give me? What kind of running gear can you give me? You know, I had a the one of the reports to the Postal office gal was about. I didn't give them enough gear. And with the woman that made that report, she told me the wrong shoe size.

0:13:42.730 --> 0:13:46.280

Clay Mayes

So I said I don't have that shoe size. You gave me the wrong shoe size.

0:13:46.900 --> 0:14:9.870

Clay Mayes

And I talked to (b) (6) and asked, like, director. And it goes that a rule violation if I buy her a pair of shoes with my own money and he goes, no, you can. So I bought her pair of shoes. She got her shoes about a week late. She's still reported me. I didn't find out until it got to an investigator. Just a reporting me for not giving her shoes early enough. And then when her shoes arrived within that week, she already quit the team.

0:14:11.130 --> 0:14:18.590

Clay Mayes

So I've never had, just never. I had kids where it was very important. Maybe it's who I recruit.

0:14:26.560 --> 0:14:26.860

(b) (6)

Yeah.

0:14:19.300 --> 0:14:37.240

Clay Mayes

You developer a trusting relation, you know the incentives, the perks, the in athlete was irrelevant for them. They they just wanted to know that I would be there every day and they could trust me and I would say, you know, if you guys wanna get in the nitty gritty, I would highly recommend talking to the past parents of pass athletes I coach.

0:14:45.90 --> 0:14:45.430

Clay Mayes

I.

0:14:38.380 --> 0:14:45.900

(b) (6)

Did you tell the board who the young lady was that you bought the shoes for and quit that reported you.

0:14:46.420 --> 0:14:50.780

Clay Mayes

I I can provide that her name's (b) (6), and I even have.

0:14:51.790 --> 0:14:54.760

Clay Mayes

Messages where I'm sending her.

0:14:56.280 --> 0:15:18.560

Clay Mayes

Here's the receipt I just ordered your shoes, and they're coming in. And with that young lady, part of her motivation, I believe, was Irish reporting her. I again, no one gets a no one's above it. In September, she was drinking in the dorms. Federal policy. That was one of the few policies I knew. And we had reported. And I was reporting to (b) (6).

0:15:19.300 --> 0:15:27.970

Clay Mayes

Uh, (b) (6) never took action, and then at the end of October, she says if you report anything, I'll get you for retaliation.

0:15:28.660 --> 0:15:41.260

Clay Mayes

So she kind of scared me and that girl just stopped showing up to practice. She just wasn't going to morning practices. And I think part of it was she wanted to go out and drink. But it doesn't matter to an athlete. You still can't drink in the dorms.

0:15:42.890 --> 0:15:49.180

(b) (6)

So are you familiar? Was was. Did you have a team member in cross country, (b) (6) ?

0:15:50.100 --> 0:15:50.590

Clay Mayes

I did.

0:15:51.590 --> 0:15:53.160

(b) (6)

And.

0:15:53.960 --> 0:16:3.770

(b) (6)

Did that individual participate like they should, or do they beat your expectations for attending practice, not drinking that type of thing?

0:16:4.910 --> 0:16:6.10

Clay Mayes

She drank in dorms.

0:16:6.300 --> 0:16:26.50

Clay Mayes

And she was able to have no repercussions. And (b) (6) knew about it too. And the RA's are also promolar with her case because she drank with a young lady named (b) (6) So on the team. And (b) (6) I didn't even report them for that. That got to (b) (6) because of the RA's. And they had.

0:16:27.970 --> 0:16:36.210

Clay Mayes

I guess no actions, I guess, no repercussions. She was one of the ones that could do what she wanted and she was caught drinking in the dorms.

0:16:37.440 --> 0:17:6.770

Clay Mayes

As late as the spring semester, too, with her, she was missing practices. She was changing practice runs and she was the one, so I had to know. No cell phone policy I practiced cause I've thrown their phones are a little bit distracting and I said if you wanna record me just by recorder but don't bring your phones. She was the one that was always recording and she would ask me. You loaded questions like who's who who's filling their classes. I need to help them. It's like I'm not gonna tell you that that's not that's not your business.

0:17:7.260 --> 0:17:11.640

Clay Mayes

And she would ask me questions like that. And she went up to (b) (6)

0:17:12.440 --> 0:17:13.450

Clay Mayes

The basketball coach.

0:17:14.220 --> 0:17:44.340

Clay Mayes

And she? She asked. (b) (6) can you verify that we're distraught and coach Clay was yelling at us and a meeting earlier. And this is October 31st and he goes. I wasn't at the meeting and they said, can you just let us document this? Can you just let us let you validate that he was screaming at us and he told them you should go talk to him. I wasn't there for the meeting, and that was led by (b) (6) And she was going to (b) (6) on October 31st.

0:17:44.420 --> 0:17:54.610

Clay Mayes

I try to. I think she was working with (b) (6) I know she's working with (b) (6) at the SSID or not (b) (6) (b) (6) to document and basically.

0:17:55.450 --> 0:17:56.520

Clay Mayes

Create a bunch of reports.

0:17:57.450 --> 0:17:59.50

Bartlett, James L

OK so.

0:18:5.360 --> 0:18:12.290

(b) (6)

Discussing students when you recruited students and there was a say they were.

0:18:12.960 --> 0:18:17.220

(b) (6)

Running for another school. And did you?

0:18:18.120 --> 0:18:26.650

(b) (6)

Follow the protocols? Or is there a protocol for recruiting that student from that's attending another NAIA school?

0:18:27.610 --> 0:18:54.10

Clay Mayes

Uh, I would love to have it. All those protocols. I followed everything that was in our 16 page athletic manual. Now if there was something I didn't follow, I wasn't aware and my rule of thumb was what was previously done with the previous coaching staff. There was nothing I did that was different from what the previous staff did. And I was at Bacone Bacone College.

0:18:54.810 --> 0:18:57.80

Clay Mayes

And we hit the fan in 2018.

0:18:57.890 --> 0:18:59.700

Clay Mayes

And Judith Gap and our gap.

0:19:0.450 --> 0:19:1.70

Clay Mayes

Uh.

0:19:2.190 --> 0:19:20.300

Clay Mayes

I guess signed some of the runners and they didn't send any releases to my knowledge on Haskell was they weren't sending any releases and I was the Bacone College coach in 2018 and they never sent and releases for them. We were having financial trouble, but they never sent releases for them. So I was following.

0:19:21.400 --> 0:19:22.660

Clay Mayes

What passed?

0:19:23.750 --> 0:19:29.50

Clay Mayes

Guess what? Passed events I saw. If yeah, if there was a policy, it wasn't falling. I wasn't aware of it.

0:19:29.740 --> 0:19:37.930

(b) (6)

OK, can't have you already provided us with the 16 page athletic manual that you were issued.

0:19:38.580 --> 0:19:39.830

Clay Mayes

Yes, I'm.

0:19:40.870 --> 0:19:45.190

Clay Mayes

I I I think I forwarded an e-mail with it.

0:19:45.790 --> 0:19:46.270

(b) (6)

OK.

0:19:45.850 --> 0:20:16.360

Clay Mayes

I believe right after I had the first interview I sent it and I I think my comment when I sent it was there's no letter, intent policy noted and athletic manual. And I added an e-mail to canner July of 2021 and in that e-mail with (b) (6) I go what is our letter intent falsy? I would like to know it and he did respond. He didn't ignore it. He came up to me and Strahm after I sent out an e-mail and offices and he goes coaches just make their own.

0:20:16.420 --> 0:20:35.470

Clay Mayes

And they send it out. It's not legally binding. It's really just a picture. The kids really just need to take a picture and it goes. You can tell the kids to just to put a piece of paper in front of the table. But if you wanna give them something that looks official, you'll just make your own. You'll submit to them, and then they'll do a letter and 10 cause. That was one of the things I wasn't in the.

0:20:36.250 --> 0:20:46.160

Clay Mayes

The 2021-2022 athletic manual and I I believe I provided it. What I'll do is I'll go back and I'll reforward it just to make sure you got it.

0:20:53.0 --> 0:20:54.390

Clay Mayes

Yeah, I'm not in the.

0:20:46.980 --> 0:21:2.290

(b) (6)

You you could have. We've collected so many documents, I just can't recall everything we've collected. But because we're trying to be thorough. So at Bacon or how many colleges have you been a coach yet?

0:21:3.300 --> 0:21:16.90

Clay Mayes

Bacon in 2014 to 2018 started from zero athletes and in one year got up to 3090% were native. The college used to be historically native. We got off.

0:21:17.150 --> 0:21:32.140

Clay Mayes

That mission, I wish we were gonna, because that's what her college. And then I went to after four years at Bacon. Now bacon shut down indefinitely. I don't know if you know the history. It was 2018, and everyone was laid off for the summer. That was financial troubles.

0:21:33.70 --> 0:21:34.970

Clay Mayes

And then I went to university annual valley.

0:21:35.630 --> 0:21:51.600

Clay Mayes

And was there for two years and then got the team from zero runners and then ten months later had a team of 29 runners and we were 10th in the nation, which was the best native team result since 1978 at Nationals.

0:21:52.460 --> 0:22:3.930

(b) (6)

OK, so at those other colleges, were you ever alleged or did you have any NAIA violations against you?

0:22:4.710 --> 0:22:19.440

Clay Mayes

I had a clean record and I would be happy to provide you with the (b) (6). His name's (b) (6). (b) (6). He's a pretty smart guy. And then I would be happy to provide you with our athletic director at University of Antelope Valley.

0:22:20.200 --> 0:22:20.650

(b) (6)

OK.

0:22:20.150 --> 0:22:24.860

Clay Mayes

If you want their contacts, I think they would. They would be good contacts just to validate things.

0:22:26.260 --> 0:22:26.810

(b) (6)

OK.

0:22:27.920 --> 0:22:41.370

(b) (6)

You can after the interview you could just share those contacts. I'm not sure that we will because we're really getting very near the end of our investigation. We're just trying to do some follow up to tie some some loose ends up.

0:22:46.550 --> 0:22:52.110

(b) (6)

So the last topic I think that I wanted to ask you about is admissions and.

0:22:53.590 --> 0:23:4.860

(b) (6)

Did when you left, I think at the at the previous interview you said you believe that someone had went through things on your desk or in your office.



0:23:4.640 --> 0:23:4.910

Clay Mayes

Yeah.

0:23:5.740 --> 0:23:6.750

(b) (6)

And.

0:23:5.760 --> 0:23:9.460

Clay Mayes

Yeah, I know they went through it. I caught him at the very end and the.

0:23:9.60 --> 0:23:13.560

(b) (6)

Oh, really? OK. It. What did you? Who? Who was it that you called?

0:23:14.350 --> 0:23:16.360

Clay Mayes

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

0:23:17.690 --> 0:23:22.540

(b) (6)

So let's skip had a student in your office going through your things.

0:23:28.650 --> 0:23:29.30

(b) (6)

OK.

0:23:23.660 --> 0:23:51.180

Clay Mayes

(b) (6) I I ran back my son (b) (6) back to her house. It was kind of a hectic day cause our (b) (6) and I got back pretty quick and it caught him off guard and they were going through all my papers on my desk and then I texted and I'm strong and I was like, dude, they went through my desk. They went through my papers and I provided the text. You guys have those.

0:23:51.890 --> 0:24:10.40

Clay Mayes

And he goes, where did they say? And I I think my text was there, just reorganizing my desk was my area that you don't go into that area unless you know you're messing with my, my, my stuff now. That wasn't. I wasn't surprising, you know, I had Judith follow me around at work.

0:24:10.690 --> 0:24:17.760

Clay Mayes

There is one of the days at the end of January she's following Me 2 storage back to storage. She was asking about stolen property.

0:24:19.210 --> 0:24:20.840

Clay Mayes

One of the things was from Thorpe.

0:24:22.100 --> 0:24:31.410

Clay Mayes

So I don't I dealt with different forms of intimidation and that was just the most. That was just one of the one of the many things I dealt with.

0:24:32.340 --> 0:24:40.940

(b) (6)

Did they leave the office with anything? That was your property or that was, you know, any documents or anything from your desk that you're aware of?

0:24:41.490 --> 0:25:9.60

Clay Mayes

I'm I'm honestly unsure they went through it enough. I don't leave my papers out exposed for, you know, if a student ever did go in those offices, that would be a nightmare. If they got the wrong thing. I put everything in the cabinet. But they, I mean, they had all my papers just scattered on my desk. So I don't know if they took anything in and out when I caught them. They didn't take anything when they left right then.

0:25:10.350 --> 0:25:15.220

(b) (6)

OK. And so specifically what I'm looking for is.

0:25:17.650 --> 0:25:32.400

(b) (6)

There was an allegation against you that you had said I I think it was the applications for three students. I believe it's three students to the Admissions Office and.

0:25:33.840 --> 0:25:35.790

(b) (6)

Of course, when?

0:25:37.40 --> 0:25:37.540

(b) (6)

They.

0:25:38.650 --> 0:25:42.600

(b) (6)

I don't know if it was tired your Salvini or who it was, but.

0:25:43.800 --> 0:25:53.990

(b) (6)

(b) (6)

was the one that he had reviewed some of this information that was sent in, and she testified she didn't know whether it came from you or not, but that.

0:25:55.740 --> 0:26:8.910

(b) (6)

The three applications had very similar signatures and handwriting, and did you ever fill out admission forms for any students and and send them in by mail?

0:26:9.750 --> 0:26:19.980

Clay Mayes

No, I did ask the the A message director the meet and go over the process by e-mail in six calls and she wouldn't meet with me.

0:26:21.400 --> 0:26:34.240

Clay Mayes

I had students that would send you their application and I would tell him, you know, that I had to. Detective, show up kind of on announced. I think he was more curious as someone was calling. He didn't tell me a name but some was calling from a missions.

0:26:35.40 --> 0:26:36.370

Clay Mayes

And he goes.

0:26:37.650 --> 0:26:42.870

Clay Mayes

Because the reports aren't criminals, so I don't know why they keep calling me and then I think he said he talked to (b) (6)

0:26:44.550 --> 0:26:48.380

Clay Mayes

I think he said. He talked to (b) (6) and found out there was an investigation.

0:26:48.960 --> 0:27:11.640

Clay Mayes

Umm, but there was students that did accidentally send me their application. There was a girl name (b) (6) and she sent me a link on Facebook Messenger of application. I thought she wanted me to look it over. I didn't even look it over. Just got busy and then later she ended up sending it to (b) (6) with our application process.

0:27:12.360 --> 0:27:28.730

Clay Mayes

I'm still not 100% sure what our process is, cause (b) (6) would never meet with me. Now I I provided past emails where I emailed. I'm strong and I said this is what I send recruits and I have for every recruit.

0:27:30.120 --> 0:27:56.280

Clay Mayes

Every single recruit I've recruited, I have sent every single one of them an e-mail, a couple of them a Facebook message. So I have documents on how to apply, send it in to this address. You'll send in your, you'll send your transcript to this address. You'll do money order. Not one of those kids. I told something different. I copy and paste the same thing on how to apply, and I've provided that e-mail with every single recruit was across the board, the same process.

0:27:57.10 --> 0:27:59.570

(b) (6)

So do you have any?

0:28:1.990 --> 0:28:3.580

(b) (6)

Knowing what I've told you.

0:28:5.520 --> 0:28:16.570

(b) (6)

Why do you think they would blame you for sending you a package containing several applicants? Information to the admissions office versus having the?

0:28:17.870 --> 0:28:20.30

(b) (6)

The applicants send it in themselves.

0:28:21.570 --> 0:28:26.880

Clay Mayes

So there was something that was brought to my understanding, there was a letter intent.

0:28:27.600 --> 0:28:44.240

Clay Mayes

And then there's something with the signature on it. That was kind of wonky. And then there was this application issue. I would say whoever's reporting that, it's probably the same person. And I would say the person behind them or the person behind them is the one making the reports.

0:28:45.320 --> 0:28:49.250

Clay Mayes

Unfortunately, a lot of issues with with Haskell is.

0:28:50.90 --> 0:29:19.880

Clay Mayes

Uh workers just don't work with you if you're not in that click, and I've provided the names and that's Tanya, Savini (b) (6), (b) (6), (b) (6) with (b) (6). I reported go through my emails. If you get a chance 14 times, I've provided them and you know it was about theft of property. It was about Judith falling me at work. You know, I'm saying all these incidences and of all those reports and all those times I have not got one.

0:29:20.170 --> 0:29:25.660

Clay Mayes

One answer 1 result. Nothing was elevated, nothing was pushed, and even when I went to.

0:29:26.360 --> 0:29:34.80

Clay Mayes

Human resource specialist been at TEKWANI. He's a I think he's based on an Albuquerque, but he has like a 703 number.

0:29:35.620 --> 0:29:37.270

Clay Mayes

He wouldn't elevate the reports.

0:29:38.390 --> 0:30:9.10

Clay Mayes

So I went to purple threads and talked to a guy named Ronnie Straud and he said stop reporting to him because he's close with (b) (6) and Tonya. So when he would report about harassment, they would retaliate. So I'm alluding to is there is a set group to where they don't work with you and they build up a bunch of reports. The powers they build up a bunch of reports that say, hey, look, this guy doesn't follow the rules. We need to get rid of them. And the problem is.

0:30:9.360 --> 0:30:36.190

Clay Mayes

You can please don't have work orientation. I didn't. I was never provided the manual. I had to find it myself. When you would ask questions, you wouldn't get any answers with, you know, like with (b) (6) [REDACTED] It was just it was just for my documentation. At some point there's like 9 or 8 emails where I'm asking, hey, which students came back for spring and then two or three days later. Hey, which students are coming back for spring and she would never give me a response.

0:30:37.280 --> 0:30:44.770

Clay Mayes

I mean it again, it just go through those emails and you're gonna see complete insubordination with that set group of employers.

0:30:46.70 --> 0:31:6.120

Clay Mayes

You're almost just stranded on an island and you got no one to help you. And with the people that can help you, they're terrified to do anything. I mean, I have one employee named Grant Cahee. He'd give me advice and wisdom, and he was supportive. But every time, at the end of the conversation, you didn't hear it from me. Will come from me. And I'm just like, OK, it's fine. But it's.

0:31:7.560 --> 0:31:13.920

Clay Mayes

It it's just it was almost impossible to be respectful, not step on someone's toes.

0:31:26.240 --> 0:31:26.410

(b) (6)

Yeah.

0:31:14.810 --> 0:31:28.200

Clay Mayes

And you know, just do I. Even with the troubles that Haskell, I still loved it. I love coaching. I do as as one of my family members said, why would you work with those people? I said I I'm not there for them. I'm there for the kids.

0:31:28.720 --> 0:31:36.250

Clay Mayes

Umm I and those people have nothing to do with it. I just. I just wish those people wouldn't get in the way and cause problems.

0:31:37.630 --> 0:31:39.380

Clay Mayes

Or at least that's follow a role, but.

0:31:40.40 --> 0:32:9.870

Clay Mayes

That's that's kind of my own opinion on why someone builds those reports. There's these alliances, nepotism. I think I've provided to you a family tree and there's like 7 or 8 primary family members plus three or four friends of that family. And since they're all in different departments, they can push and pull what they want. And with human resource, she's got a new towel now moaning and sales. Since she controls the guy above Haskell, which has been.

0:32:9.960 --> 0:32:22.80

Clay Mayes

Backlinie, it's impossible to get any reports put out, and you know, if you go to OIG, they Kick It Out to Venturini. So it's it's impossible to the elevator do anything about it.

0:32:23.920 --> 0:32:24.510

Bartlett, James L

So.

0:32:26.440 --> 0:32:39.710

(b) (6)

The did any individuals, any students, ever send you like money orders or their admission fees and with their applications? And did you walk those over to the admissions office?

0:32:40.740 --> 0:32:42.80

(b) (6)

Rather than have them.

0:32:54.440 --> 0:32:54.750

(b) (6)

OK.

0:33:0.790 --> 0:33:1.170

(b) (6)

OK.

0:32:43.80 --> 0:33:15.750

Clay Mayes

The only thing I got was I there was a couple times where they sent me a letter and like a packet, and it may have been in the packet, but I never ever had any knowledge if they sent him money order. I tell the I tell the students, most of them to pay it online, don't don't send it in. That's why the cutting copy thing. Or maybe I'm. I feel like I said in person you don't mind screenshot your receipt. So if they wanted to, if they wanna trace anything with money orders, I'd say just look at the credit card that paid for it.

0:33:16.300 --> 0:33:16.530

Bartlett, James L

Yeah.

0:33:17.100 --> 0:33:18.400

Clay Mayes

I think that would be a really.

0:33:19.170 --> 0:33:24.800

Clay Mayes

Really easy fix on the money orders. Just look at the credit card that paid for it and then they can see who it comes from.

0:33:25.860 --> 0:33:26.330

(b) (6)

OK.

0:33:28.930 --> 0:33:34.180

(b) (6)

So the three individuals, three students applications are were set to states office.

0:33:34.260 --> 0:33:34.860

(b) (6)

Umm.

0:33:38.350 --> 0:33:50.640

(b) (6) L

Based on what you're telling me, would anyone else have access, say if they did send you those three, the students sent them to you and you got to them to review them or you have it.

0:33:52.50 --> 0:33:53.920

(b) (6)

You know, whatever did.

0:33:56.750 --> 0:34:6.200

(b) (6)

He believed that people had access to your files if they could have obtained them. There's documents.

0:34:6.730 --> 0:34:7.690

Clay Mayes

Absolute.

0:34:7.150 --> 0:34:8.160

(b) (6)

And maybe settle me in.

0:34:8.360 --> 0:34:8.830

Clay Mayes

Yeah.

0:34:10.110 --> 0:34:14.980

Clay Mayes

Because when I my contract frozen February 24th.

0:34:15.620 --> 0:34:46.220

Clay Mayes

And they didn't have a reason why they froze it. They just said I couldn't hold practices and I was holding practices, not trying to confuse you. I was holding practices that semester spring with the seven new students I had. And then (b) (6) said, I don't want you meet with them. I wasn't provided a reason. Just couldn't meet with them. So they said they paused my contract on February 24th, so I didn't step on campus. You know, I heard a horror stories like go rest you. If you step on campus and your contracts frozen.

0:34:46.370 --> 0:35:9.800

Clay Mayes

I didn't step on campus and then so my office, which is in the same circle as (b) (6) was, they had access to. I'm assuming a lot of my stuff and my personal belongings is stolen. Was never able to go back to my office, which kind of makes me sad because I actually had a lot of stuff I was I wasn't expecting to instantly be cut out of office.

0:35:10.660 --> 0:35:12.20

(b) (6)

So have.

0:35:10.410 --> 0:35:21.400

Clay Mayes

Umm I I had no warning that they're gonna pass my contract. So right when they paused my contract, I probably had four or 500 pages of.

0:35:22.170 --> 0:35:31.200

Clay Mayes

I mean documents to where someone gets some you can get in hot water cause purpura, purpura and somebody was health, so I guess HIPPA too, but yeah, they had access to a lot of my stuff.

0:35:33.30 --> 0:35:33.270

Clay Mayes

Yeah.

0:35:32.860 --> 0:35:35.850

(b) (6)

To this day, have you? Do you still have?

0:35:37.120 --> 0:35:43.180

(b) (6)

Uh documents and personal belongings that Haskell that they have it either sent to you or ask you to come get.



0:35:43.720 --> 0:35:47.250

Clay Mayes

Now I I'm honestly terrified if I step on campus.

0:35:48.350 --> 0:35:50.450

Clay Mayes

It will just resort with some allegation.

0:35:51.440 --> 0:35:58.630

(b) (6)

I mean, but have they made an attempt to contact you or to send you your bloggings? OK.

0:35:57.950 --> 0:36:1.840

Clay Mayes

I I asked the (b) (6) a few times and he never responded.

0:36:2.490 --> 0:36:7.950

(b) (6)

OK. And do you have documentation of that or did you ask me verbally?

0:36:6.860 --> 0:36:9.250

Clay Mayes

I wrote. I wrote it by call.

0:36:11.250 --> 0:36:17.450

Clay Mayes

I I guess I was after they passed the contract they said they would turn it back on March 9th.

0:36:18.490 --> 0:36:19.190

Clay Mayes

And.

0:36:20.120 --> 0:36:23.260

Clay Mayes

So I thought it was gonna get resolved and then we had a meeting.

0:36:24.80 --> 0:36:38.730

Clay Mayes

March 11th, March 14th, Tonya and (b) (6) met with and they said, hey, you wanna get paid? We're gonna turn it back on the great. Great. We're gonna turn it back on. And then March 20, March 23rd, about two weeks later.

0:36:40.460 --> 0:36:44.300

Clay Mayes

I I was falling out with buying 10 and Savini.

0:36:44.940 --> 0:37:15.340

Clay Mayes

That last meeting, March 14th. Hey, is my contract back on my contract back on and (b) (6) said. And I

have emails on this, he says. No, not yet, but I'll check with (b) (6) and then he was saying (b) (6) was my contracting officer. (b) (6) would he goes (b) (6) just gotta send it back and your contracts back on and this is going on and on and on. And I think my last response was buying teams March 21st and then the next day I call an e-mail. (b) (6)

0:37:15.420 --> 0:37:22.840

Clay Mayes

And then respond. It's like he's my contract back on and then March 23rd, I got an e-mail from my contracting officer.

0:37:24.70 --> 0:37:35.280

Clay Mayes

Why not my 14 times for information? He never responded once to my emails. He would e-mail me, but he wouldn't respond to my emails. He would tell me something like some new update.

0:37:36.630 --> 0:37:58.160

Clay Mayes

But I got that e-mail from my contracting Officer March 23rd and he says the stop work order is still in full progress. Go ahead and turn in your keys and your ID card. And then I emailed him. They respond and then another contracting officer. I emailed him (b) (6) and I was like, I was just told my contract was gonna go back on.

0:37:59.580 --> 0:38:23.600

Clay Mayes

March, March 11, March 14th. I sent him emails and he goes. We have heard no such thing. They have not contacted us this by e-mail and it the that that was never. That was never put in the motion and he wasn't rude about it. But he just says I don't believe you. They they had no intention to turn it. Turn it back on so yeah after that.

0:38:24.740 --> 0:38:32.820

Clay Mayes

I actually went to the hospital and I got sick just getting stressed out. So there was about a month there where I was expecting to get back to my office and I never did.

0:38:33.370 --> 0:38:38.860

(b) (6)

OK, so going back to states over the admissions office.

0:38:40.200 --> 0:38:55.560

(b) (6)

Was there a time where you had went over to her, to their office and maybe brought them some Starbucks or something? Coffee for in appreciation for them assisting you?

0:38:56.470 --> 0:38:58.240

Clay Mayes

There was one time in the fall.

0:38:59.80 --> 0:39:9.540

Clay Mayes

I wanna say it was July or August where I got a coffee out of a coffee machine. I got an extra coffee and I walk by emissions. There was a guy named.

0:39:10.580 --> 0:39:37.60

Clay Mayes

It was a new guy and I said I got extra coffee. You can give the (b) (6) And at that time it never talked to (b) (6) and I gave it the (b) (6) wasn't there. I don't know if she was there that day. And then the very next day, I mentioned to (b) (6) and go (b) (6) That's, is that an issue? And he goes. Ohh, no. He goes. I'm bringing her water just talking about Patty. And he brought her over a water and grabbed it out of her fridge and walked it over.

0:39:38.500 --> 0:39:41.290

Clay Mayes

The first time I had, I heard a whisper of that.

0:39:42.20 --> 0:39:59.690

Clay Mayes

Was and that was in July or August. It might have been August. I think it was July when I started. We had a meeting and I have this documented February with (b) (6) was athletes meeting and she said a A coach tried to bribe them for grades with Donuts.

0:40:0.370 --> 0:40:19.250

Clay Mayes

And then afterwards me and Chrome talk and she goes. She just doesn't like you. It's like, I guess. And I go. It was a coffee and I got an extra 1 out of the machine. And that was it was just one. It was like a little Starbucks coffee. And the machine is about 25 yards away from their office door.

0:40:21.510 --> 0:40:22.160

(b) (6)

So.

0:40:22.300 --> 0:40:24.810

Clay Mayes

And I get Addie. Not Dorothy. Dorothy.

0:40:25.530 --> 0:40:28.90

Clay Mayes

The one time I talked to Dorothy was two minutes.

0:40:28.820 --> 0:40:30.690

Clay Mayes

And I laughed pretty quickly because she was.

0:40:31.440 --> 0:40:34.470

Clay Mayes

She just was not, I guess in a.

0:40:35.770 --> 0:40:40.800

Clay Mayes

In a discussion mode on our policies, I I just read the room. I guess the saying goes.

0:40:42.600 --> 0:40:46.360

(b) (6)

OK, so I'm gonna kind of switch gears a little bit.

0:40:48.700 --> 0:40:56.10

(b) (6) L

You mentioned in your previous testimony, or maybe money Gonzales, but was there a time when?

0:40:57.790 --> 0:41:13.620

(b) (6)

You may have dropped a folder. It had some, maybe student PII information, and (b) (6) bent over to pick it up and and saw it and maybe had some words told you you weren't supposed to have that or or worse to that effect.

0:41:14.980 --> 0:41:15.930

Clay Mayes

I was told.

0:41:16.660 --> 0:41:41.690

Clay Mayes

The first warning I got was avoid (b) (6) Whatever you do, I'll twist it. My first experience with that was the coat. The assistant coaches background. She actually had this. I'm halfway through my report. The valid area thing. I haven't been there. She left me a voicemail. September 15th. She also emailed me. I have the e-mail and she says come by my office. I wanna talk to you about this system. Coaches.

0:41:42.390 --> 0:41:54.150

Clay Mayes

I go by her office, she tells me. You know, you don't need assistant coaches. It'll be deemed as wasted spending. We need to hold you accountable at \$600 to do a background check.

0:41:55.290 --> 0:42:3.200

Clay Mayes

Goes on and on and just respectful smile. Not trying to be rude and then an hour later dairy goes.

0:42:3.900 --> 0:42:23.580

Clay Mayes

On a reported you for going about your training command. I was like Gary I'm and he goes. I believe he goes. No, you're gonna read this e-mail and you're gonna listen to this voicemail. She asked me to go visit her today. Who are office. And that was my first experience with (b) (6) where she asked me to go office. And then she repeated and then she reported me.

0:42:24.270 --> 0:42:27.990

Clay Mayes

And in in relation to those documents. This doesn't coach documents.

0:42:28.650 --> 0:42:29.750

Clay Mayes

2 1/2 months past.

0:42:30.420 --> 0:42:38.210

Clay Mayes

She never started the process for him. He claimed she needed to talk with the background investigator on the coach I contacted.

0:42:39.570 --> 0:42:45.310

Clay Mayes

Buying 10 and (b) (6) in in December and I go. She's just sitting on the forms. She's not doing the coach forms.

0:42:46.20 --> 0:42:47.430

(b) (6) L

Who? Who was?

0:42:46.370 --> 0:42:50.940

Clay Mayes

And then at the end of the year, she's she did start the coaches process.

0:42:54.40 --> 0:42:54.640

(b) (6)

Who was?

0:42:51.790 --> 0:42:55.860

Clay Mayes

I think 2 1/2 months. So if if there was any information released.

0:42:58.860 --> 0:42:59.120

(b) (6)

Yeah.

0:42:57.580 --> 0:43:21.530

Clay Mayes

I mean for the assistant coaches, forms and everything, I ended up having panner pass it to her to avoid any I guess allegations like he should be able to validate that 'cause he goes just bring it to her. You'll be fine. It's like no, I last time I did that she reported me going (b) (6) command. Can you please take it to her and I I mean you took it to her. She said she got it later.

0:43:22.940 --> 0:43:24.150

(b) (6)

So who who was?

0:43:24.820 --> 0:43:27.50

(b) (6)

The assistant coach that you were trying to hire.

0:43:27.450 --> 0:43:41.810

Clay Mayes

I was trying to hurt to (b) (6). He used to coach at Haskell in the 70s with (b) (6) and then he coached at University of Kansas. He won a national title with him as a coach. He's an old timer and he lives in Florence.

0:43:43.70 --> 0:43:51.690

Clay Mayes

Really great experience. The other one is more of a stereotypical coach. He was a past runner, really good kid. His name is (b) (6).

0:43:53.720 --> 0:43:54.880

Clay Mayes

They only make.

0:43:55.660 --> 0:44:5.500

Clay Mayes

You they can work for free or they can make \$5000 or parts of \$5000. And (b) (6) and to go to holes or and get 2500 each.

0:44:7.410 --> 0:44:7.760

Bartlett, James L

OK.

0:44:11.190 --> 0:44:19.30

(b) (6)

So what role was (b) (6) at? At the time she was telling you that.

0:44:20.780 --> 0:44:24.710

(b) (6)

L  
You didn't need an assistant coach and it was a waste of money or whatever.

0:44:24.940 --> 0:44:31.400

Clay Mayes

Yeah, that, that conversation with her, it was with me was 30 minutes and I believe she was human resources.

0:44:32.440 --> 0:44:49.110

Clay Mayes

And when I told (b) (6) I go, I think she was saying because she was saying certain things about certain employers. I think she was just seeing if I would join her and then insult other employers that test my lines. And I just smiled and didn't say anything to active. I was kind of worried about that, which helped, but.

0:44:50.290 --> 0:44:53.380

Clay Mayes

I think she was human resources at that time. It's September.

0:44:54.130 --> 0:44:54.510

(b) (6)

OK.

0:44:55.360 --> 0:44:56.30

(b) (6)

And.

0:44:57.730 --> 0:44:58.390

(b) (6)

Umm.

0:45:0.70 --> 0:45:4.980

(b) (6)

As far as it she alleged, the delay was personnel security. Is that correct?

0:45:21.290 --> 0:45:22.240

(b) (6)

OK.

0:45:5.570 --> 0:45:27.620

Clay Mayes

Yes, and I have an e-mail where she says I have to check with personal security on their on their forms, and I knew she wasn't telling the truth. And I have emails with Byington and Gary going. (b) (6) not, (b) (6) not doing this. He's purposely sitting on the forms. I was warned. So you know, I wasn't smart enough to figure it out, but other people said she's not gonna do the she's not gonna pass it.

0:45:28.380 --> 0:45:55.520

Clay Mayes

And it got all the way to March and they never they got clear in the background, but they never started them. They just kept playing. Keep away. They wouldn't respond to emails. You know, they hired US softball coach. He was really close friends with the with the gifts. His name is (b) (6). It took him less than three weeks to get hired from submitting the paperwork with my assistant coaches. It took.

0:45:56.660 --> 0:45:58.280

Clay Mayes

Seven months and they never got cleared.

0:45:59.10 --> 0:46:0.70

(b) (6)

Really. So.

0:46:1.180 --> 0:46:1.620

(b) (6)

OK.

0:45:59.120 --> 0:46:1.650

Clay Mayes

And they they have a clean wreck. They're they're good people.

0:46:2.800 --> 0:46:10.290

(b) (6)

Umm do you have the emails from where you communicated with (b) (6) And if you do have you already shared those with us?

0:46:12.380 --> 0:46:12.810

(b) (6)

OK.

0:46:10.710 --> 0:46:14.220

Clay Mayes

I have I I submitted them in their first investigation.

0:46:14.650 --> 0:46:18.170

(b) (6)

Alright. The we're good then I don't, I don't need those. Well, we'll have them.

0:46:22.220 --> 0:46:24.240

(b) (6)

Really, I think that's.

0:46:26.450 --> 0:46:33.320

(b) (6)

All that I have, let me ask the group. (b) (6) do you have any questions for Mr Mays?

0:46:35.640 --> 0:46:48.120

(b) (6)

Just a little clarification, Mr Mays. When we were talking about that applications, you said you caught, was it (b) (6) or (b) (6) and (b) (6) get going through your desk?

0:46:48.380 --> 0:47:3.80

Clay Mayes

(b) (6) and (b) (6) and I sent text right when I saw it to (b) (6), and he can also verify that I I have emailed the text as well to you to you all.

0:47:3.750 --> 0:47:7.980

(b) (6)

OK, so (b) (6) and a (b) (6) going through your desk, OK.

0:47:16.640 --> 0:47:19.950

(b) (6)

OK, I'll I'll pass for now. Still going through my notes. Thank you.

0:47:20.620 --> 0:47:21.170

Clay Mayes

No problem.



0:47:20.920 --> 0:47:24.210

(b) (6)

I can't. (b) (6) do you have any questions for Mr Mays?

0:47:25.240 --> 0:47:33.290

(b) (6)

Just a follow up on uh (b) (6) so that was on what day and was it like in the afternoon? Morning, evening.

0:47:34.570 --> 0:47:36.520

Clay Mayes

It was the later afternoon.

0:47:39.100 --> 0:47:54.730

Clay Mayes

And the I I made sure the text had the dates on it so it wasn't too confusing. I think it was around January 25th or so. I think it was towards the tail end. I'm almost positive as January between 5th I might be off by a day or two, but it was.

0:47:57.90 --> 0:48:0.970

Clay Mayes

It was in the spring and it was a when.

0:48:1.110 --> 0:48:3.100

Clay Mayes

Yeah, beautiful stady.

0:48:4.390 --> 0:48:7.900

(b) (6)

Were they like holding anything like?

0:48:10.720 --> 0:48:12.390

(b) (6)

Can you describe it like?

0:48:7.540 --> 0:48:20.990

Clay Mayes

And they were holding my papers, and then we're holding papers. They have papers on my desk. And then they were holding my papers. I really wasn't, like, zoning in. When I walked in, I wasn't expecting you want to be there.

0:48:21.570 --> 0:48:29.730

Clay Mayes

Umm. And then I walked in and then they said they were rearranging and I guess I was just more cough guard. It was just just kind of weird.

0:48:30.880 --> 0:48:32.560

(b) (6)

So it was kind of like loose leaf paper.

0:48:34.0 --> 0:48:46.890

Clay Mayes

He was. I mean, it was personal documents that they had to take out of. I have a top cabinet and all my desk and I paid everything in there and I didn't have it locked. But it does completely shut and they have to take them out of there to get to those papers.

0:48:49.170 --> 0:48:51.620

(b) (6)

So envelopes or anything like that that you saw?

0:48:53.280 --> 0:49:3.640

Clay Mayes

There was envelopes where I put some stuff in it and stuff was taken out, but I don't think it wasn't any envelopes from students. To my knowledge, I don't remember there being anything like that.

0:49:6.220 --> 0:49:6.680

(b) (6)

Thank you, Sir.

0:49:7.460 --> 0:49:7.990

Clay Mayes

No problem.

0:49:9.510 --> 0:49:9.950

(b) (6)

Oh.

0:49:7.430 --> 0:49:19.530

(b) (6)

I do. I do have a follow up question on that is did (b) (6) or (b) (6) have any reason to be in your office area at all while you weren't there?

0:49:19.990 --> 0:49:21.970

Clay Mayes

Ohh no they do not.

0:49:22.650 --> 0:49:24.640

(b) (6)

OK, (b) (6)

0:49:25.390 --> 0:49:30.380

(b) (6)

Yeah, just background to that one again, you mentioned too that there was.

0:49:31.820 --> 0:49:39.460

(b) (6)

Potential FERPA issues and PII. What kind of documents were you keeping in that cabinet?

0:49:40.830 --> 0:49:44.210

Clay Mayes

I think what money was referring to was the coaches forms.

0:49:45.700 --> 0:49:46.780

Clay Mayes

I I think.

0:49:47.480 --> 0:49:52.540

Clay Mayes

She just didn't like how they're presented. I think I emailed them and you need to hand them in person.

0:49:54.210 --> 0:49:54.640

(b) (6)

So.

0:50:9.80 --> 0:50:9.530

(b) (6)

Oh.

0:50:11.500 --> 0:50:12.250

(b) (6)

Yeah.

0:49:53.780 --> 0:50:13.270

Clay Mayes

I might be incriminating myself by saying I emailed them because I don't think that was the policy I think we're supposed to hand them in person, but I was never provided that policy and that policy is not stated anywhere. So yeah, I that was my mess up. It was e-mail, just forms, and you're supposed to hard copy.

0:50:22.800 --> 0:50:23.90

Clay Mayes

Yeah.

0:50:30.100 --> 0:50:31.450

Clay Mayes

Yeah, it.

0:50:14.110 --> 0:50:34.80

(b) (6)

OK, sorry I'm I'm still talking about the items in your desk that were there. You you would mention later that you had probably about 405 pages of documents in your desk. You said there was, per FERPA or personal information, that could probably get, you know, get someone in trouble. So what, what? What documentation could you let me know?

0:50:34.530 --> 0:50:44.90

Clay Mayes

Physicals. I had some copies of physicals. I had PURPA. I had FERPA forms where I could talk to parents. I had those.

0:50:44.820 --> 0:50:57.820

Clay Mayes

I also copied and up there and then I had a lot of. I keep all my documentation, emails and everything too, so I had that saved what was important to keep. I had her athletic manual. I had the letter intents.

0:50:58.920 --> 0:51:17.840

Clay Mayes

All the layer kits from the student athletes, I think a couple of them came in after after I wasn't in the office anymore. That's my theory like I there was one student that came up, (b) (6). I sent her a letter. (b) (6) out and November. And then I think it came in after it sounds like, but I'm not sure on that.

0:51:18.960 --> 0:51:21.780

Clay Mayes

Have their intense, I think what else was in there?

0:51:23.810 --> 0:51:25.880

(b) (6)

Do you have student grades or transcripts?

0:51:26.620 --> 0:51:36.770

Clay Mayes

I had some grades I believe from their past colleges. They would screenshot it and then they bring me a copy of it. The only time I had their grades was that they brought it to me.

0:51:37.140 --> 0:52:7.810

Clay Mayes

And I don't know if coaches are allowed to. I was never able. Never able to see Haskell grades for students. The only way I was able to find out their grades was from the students and they would pull it up on their phone or they bring me a copy and I had copies of past grades of different colleges. The see if they were eligible. It's really not hard to see. They have to have 24 credits last two semesters or 36 credits last three semesters.

0:52:7.900 --> 0:52:34.670

Clay Mayes

So I had a I had some of those past documents to make sure that they were eligible if they weren't eligible, and the only surprises I had on eligibility, if it matters, was just the students from spring of 2021 that took a class with with (b) (6) she had them withdrawal. So there's one eligible man and one eligible woman, and then all the other returners were ineligible as they went through from her class.

0:52:35.690 --> 0:52:40.380

Clay Mayes

And they didn't know they were in gardening and eligible for it. And they weren't told they would be in in eligible.

0:52:43.860 --> 0:52:44.170

(b) (6)

OK.

0:52:43.560 --> 0:53:7.670

Clay Mayes

So that, yeah, that makes stressful because you have to have five people at conference and that's why, you know, when I would report things with students if they got up and walked. And since I started three weeks after the deadline ended and I, they still take people in, I would commit a violation if I didn't fill the full team of five. So it's not, it's.

0:53:8.840 --> 0:53:22.670

Clay Mayes

I've never flexed muscle over it that way, so if anyone says I did something bad I I didn't. I was overly nice. Probably too nice. Just because we had very limited numbers. And if you don't feel the full team of conference.

0:53:24.40 --> 0:53:32.110

Clay Mayes

You know, I don't know if people normally get fired, but I think with me being on thin ice with a lot of people, I think they would have definitely went for my head.

0:53:35.210 --> 0:53:36.570

(b) (6)

OK. Thank you.

0:53:37.280 --> 0:53:37.760

Clay Mayes

No problem.

0:53:39.740 --> 0:53:48.890

(b) (6)

(b) (6) ask you one just kind of point blank question did you ever run a another runner under somebody else's bilb or jersey number or however?

0:53:50.460 --> 0:53:51.0

Clay Mayes

No.

0:53:50.320 --> 0:53:51.400

(b) (6)

You know their document.

0:53:51.760 --> 0:54:4.630

Clay Mayes

I I am. I heard a some of that smoke. I guess you would word it too. So I'll gift and (b) (6) would never give me access to direct athletics.

0:54:5.290 --> 0:54:36.700

Clay Mayes

I they do not do two separate accounts, they'll say ohh. We just thought it'd be easier to do 2 separate accounts. Direct athletics, which is where you enter for meats. Directathletics.com my e-mail now give four separate times at the when I write. When I started I think it was my first day of work. That's how important is having registration access. e-mail them again and again and again. And guys like you respond. You know they respond. No. And so I had to make a direct athletics account and direct athletics said.

0:54:36.880 --> 0:54:38.890

Clay Mayes

We are gonna merge the accounts.

0:54:39.780 --> 0:54:49.60

Clay Mayes

So there's 50 students that I don't know if they're running for get or if they quit, or if they're old time athletes. A lot of the issues came from.

0:54:50.10 --> 0:55:5.590

Clay Mayes

And not being transparent on how to enter and who was on the roster. I have a screenshot of the direct athletics roster and there's a bunch of kids that I've never heard of. Still to the stay on it, so a lot of the troubles any confusion came from.

0:55:6.410 --> 0:55:14.910

Clay Mayes

You know the complete insubordination they they passed off no information and they never passed before any information at any time.

0:55:15.580 --> 0:55:35.380

Clay Mayes

And that was, I would say that would be directly connected with them, not passing forth he registration information when they say, oh, we thought it be best for two accounts you got them because direct athletics will openly state they do one account and they'll merge them. If if another coach needs to go on. So that's not possible.

0:55:42.960 --> 0:55:44.490

(b) (6) L

(b) (6) do you have any questions?

0:55:47.670 --> 0:55:51.240

(b) (6)

Yeah, just a little bit on that, directathletics.com. So you're saying that?

0:55:53.950 --> 0:55:55.300

(b) (6) S

That website will require.

0:55:56.440 --> 0:55:58.90

(b) (6)

One account versus the two accounts.

0:55:58.300 --> 0:56:5.830

Clay Mayes

Yes, that that website needs both coaches the communicate because they Share Account. So when they log into my direct athletics.

0:56:7.240 --> 0:56:25.420

Clay Mayes

The one that I'm giving access to, they have access to it, so before me I'm trying to be careful not to make a random allegation. I don't wanna do what they do, but they could go in theoretically and they could change financials right before the race, hours before and that would make bibs really wonky.

0:56:25.980 --> 0:56:31.710

Clay Mayes

And there was a lot of confusion going into that race not related to that due to.

0:56:32.470 --> 0:56:37.610

Clay Mayes

On August 23rd I submitted all the packets for the first meet.

0:56:38.480 --> 0:56:50.180

Clay Mayes

And the first meet was September 18. It was almost two weeks early. And then, as I told you all four days later, (b) (6) came up to me and goes the presence offices changing process.

0:56:51.160 --> 0:56:56.460

Clay Mayes

I read in the packet it takes, it takes me about five to six hours. It's like 20, almost 20 pages.

0:56:57.530 --> 0:57:5.790

Clay Mayes

And I think 4 days pass she came back to me and she said we can't take your second packet either. We're changing the process again.

0:57:6.870 --> 0:57:23.80

Clay Mayes

Yeah, the presence officers changing it again and it's like, OK, so I did it again and I thought it was good. And then five days before the meet, she came back to me for the 4th time. And she goes, we're changing the packet process again. We're not taking any of those information.

0:57:23.920 --> 0:57:27.30

Clay Mayes

So for that meet our our first meet.

0:57:28.230 --> 0:57:30.440

Clay Mayes

We didn't. I didn't know we were clear.

0:57:31.160 --> 0:57:53.40

Clay Mayes

I didn't know if we were good, even though I submitted the documents three or five times well before the two week deadline till one hour before. Actually I think we left an hour late because I had to wait till we got approved for the the packets and that was such an issue. I forgot to mention this because they wouldn't approve my paperwork and I always was well before the deadline.

0:57:54.160 --> 0:57:58.890

Clay Mayes

For our last postseason, our last regular season, me.

0:58:0.690 --> 0:58:23.440

Clay Mayes

For the Midstates meet, I think I think they knew cause (b) (6) kept asking for the receipt for the meat. They didn't. They didn't get around to approving my entry fee for mid States and I ended up paying with it for my own money because they never approved it and cause just has kept asking for that receipt specifically. And then I just told her point blank in the e-mail I go.

0:58:24.630 --> 0:58:32.260

Clay Mayes

I pay for it because that didn't get improved and I submitted it two weeks before the deadline and they just didn't approve that form.

0:58:33.690 --> 0:58:58.580

Clay Mayes

And then she just dropped it. She didn't ever bring it up, and she didn't care for the receipt after that, but I think she wanted to see if I did something wonky with the money, which I don't know how I could as a contractor, but yeah, they would almost all their meats. I wouldn't know. We were cleared until about an hour before leaving, and that was not a problem for any other coach except for coach strong. Every other coach was good weeks before.

0:58:59.900 --> 0:59:1.660

(b) (6)

And do you have a copy of that receipt?

0:59:2.620 --> 0:59:4.180

Clay Mayes

Uh, mid states? I believe so.

0:59:4.950 --> 0:59:7.420

(b) (6)

Yeah, if you could get us that, that'd be great.



0:59:7.960 --> 0:59:17.70

Clay Mayes

\$300 my own money with cash, I the meat director. He goes. Wow. You paying cash? That's like, yeah. And just paid for it myself, cause they wouldn't approve it.

0:59:18.840 --> 0:59:19.320

(b) (6)

That.

0:59:20.530 --> 0:59:30.490

(b) (6)

So back to the directathletics.com account you said there was a both (b) (6) and (b) (6) on there. And when was (b) (6) having, when did she have access to that account?

0:59:31.270 --> 0:59:36.200

Clay Mayes

She should have always had access, at least for the last four or five years.

0:59:37.950 --> 0:59:44.170

Clay Mayes

According to (b) (6) I think he'd validate it. She's the one that enters athletes not out.

0:59:44.850 --> 1:0:0.840

Clay Mayes

As (b) (6) says, all's not very good with technology and she enters them, and that was that. You know, when I first emailed down so that a lot of nice things and recommendation, I agree a lot of nice things, you know, try to ease the waters.

1:0:2.280 --> 1:0:15.480

Clay Mayes

That that was one of the critical things I needed was the direct athletics information. Clean up the roster, take people off that aren't on the team, don't risk the liability to inner someone that's not on the team. I mean, that was my first train of thought.

1:0:19.500 --> 1:0:22.120

(b) (6)

Sir, may I continue? Gonna another question.

1:0:25.30 --> 1:0:25.390

(b) (6)

OK.

1:0:26.210 --> 1:0:26.520

(b) (6)

Sir.

1:0:22.760 --> 1:0:28.490

(b) (6)

Yeah, I have one follow up on that. Before you move on. So my my question is.

1:0:29.630 --> 1:0:31.610

(b) (6)

Why would (b) (6) give up?

1:0:33.480 --> 1:0:37.870

(b) (6)

Have that access when she only became the athletic director.

1:0:39.550 --> 1:0:43.250

(b) (6)

In 20, where the end of 2021, I believe, right.

1:0:44.180 --> 1:0:51.770

Clay Mayes

She was over at the Coffin Athletic complex almost every single day for fall, and she would hang out with.

1:0:53.460 --> 1:1:9.810

Clay Mayes

(b) (6), the trainer and then there would be another coach or two here and there she was in the athletic storages. I mean, she was in cough and athletic complex more than owl. And if you look on the athletics website.

1:1:10.530 --> 1:1:30.210

Clay Mayes

I don't know if they try to clean something up or what. You know, if you keep going back on the ears for track and cross some years (b) (6) is listed as being there. The 4th year coach and then another year she's not listed, then another year she's the 11th year coach. Same with (b) (6) She's 11th year. She has always been involved, whether they list her or not.

1:1:32.120 --> 1:1:35.450

Clay Mayes

My personal opinion, which isn't very.

1:1:36.10 --> 1:1:40.860

Clay Mayes

Uh, I guess official is. I think she just likes to have her hands on everything.

1:1:41.340 --> 1:2:10.520

Clay Mayes

Umm, but I she I would. I agree with (b) (6) She's definitely the one that enters them for meats. And I also believe that too because she runs the social media account and she runs the she used to run the cross country, she runs to the track page now. And actually when all the reports started coming in about me 2021 of September she blocked me from the Haskell Facebook page and I've never liked or commented on anything.

1:2:12.310 --> 1:2:19.40

(b) (6)

And do you have any documentation to show that you're blocked? If you could send us that, that would be great.

1:2:19.440 --> 1:2:19.950

Clay Mayes

I can.

1:2:20.600 --> 1:2:24.890

(b) (6)

OK. And one more follow-up question. Based on what you just told us.

1:2:25.890 --> 1:2:29.200

(b) (6)

When you first got to Haskell.

1:2:30.140 --> 1:2:34.970

(b) (6)

Was (b) (6) or (b) (6) actually a coach of any sort?

1:2:36.420 --> 1:2:36.850

Clay Mayes

No.

1:2:36.280 --> 1:2:37.10

(b) (6)

Officially.

1:2:37.790 --> 1:2:38.330

Clay Mayes

Umm.

1:2:39.50 --> 1:2:47.500

Clay Mayes

(b) (6)

was most recently listed as a coach. (b) (6) may have been. I never had many exchanges with

(b) (6)

1:2:48.220 --> 1:3:16.900

Clay Mayes

Umm, except for trying to get access to the Cross Country Club account, I was following up with her red religiously by call and then, Tanner says start emailing it to her documentation was like OK so I started emailing her in December. Hey, I need the I think it's called the sanctioning packet. That was my last step to be able to access the cross Country Bank club. No response, no response, no response, no response. I went to the.

1:3:17.630 --> 1:3:47.480

Clay Mayes

Lady at the the bank on campus was like, can you get for you to give me that sanction packet? And I had to go twice and she did. She helped me. So I finally got it and installed, stalled and then my contract got halted. And that that is all my experience with (b) (6) is just that part. She just wouldn't help me with the

I never actually got access to her. Her cross Country Club bank account. I never got to see it. Never got to know what was on it. Tried early in the fall. Couldn't get it.

1:3:47.640 --> 1:3:57.430

Clay Mayes

Yeah, I'm I as I mentioned, I tried to get the the minutes, the documentation receipts for the building mills, 10,000 donation to Haskell across.

1:3:58.290 --> 1:4:2.420

Clay Mayes

And Judah said it was meant for track. The check says how school cross.

1:4:2.890 --> 1:4:7.920

Clay Mayes

Uh, I my concern wasn't if they're using it for track. My concern is.

1:4:9.710 --> 1:4:41.820

Clay Mayes

Is there is when usually when you donate something you have to apply it to what's donated to, and then there was no documentation or minutes to provide for it, and then when I stopped going to coffin, according to athletes and (b) (6), I think the very next day started going religiously. But coffin? So we really never crossed over. And then with (b) (6) even though I guess she may not been on paper as a coach, she I mean since the day I got there, she's always acted as a coach and she's been at coffin.

1:4:42.940 --> 1:4:46.520

Clay Mayes

Which is, you know, solely and athletic complex more than anyone.

1:4:50.40 --> 1:4:52.350

(b) (6)

(b) (6) go ahead with your other questions.

1:4:54.600 --> 1:5:2.70

(b) (6)

Uh. Earlier, if you don't mind, can we just go back on what I have questions about clarifying who was involved in this last incident with the?

1:5:3.310 --> 1:5:3.790

(b) (6)

Umm.

1:5:3.630 --> 1:5:4.260

(b) (6)

Sure. Good.

1:5:5.0 --> 1:5:6.90

(b) (6)

OK. Yeah. Sorry.

1:5:7.980 --> 1:5:13.860

(b) (6)

Was it (b) (6) or (b) (6) who removed you from the accounts? The.

1:5:15.150 --> 1:5:17.510

Clay Mayes

For the for the.

1:5:16.790 --> 1:5:18.470

(b) (6)

The blocked you from the site.

1:5:18.890 --> 1:5:19.440

Clay Mayes

Bank account.

1:5:20.940 --> 1:5:21.270

(b) (6)

They.

1:5:26.420 --> 1:5:27.780

Clay Mayes

Yeah, yeah, yeah.

1:5:20.440 --> 1:5:28.330

(b) (6)

OK, so the OK, what the what? The Facebook site you said you in 20 September 21, you got blocked from the Haskell site. Who was that?

1:5:29.700 --> 1:5:37.760

Clay Mayes

The two people that are administrators of track page for for Haskell track is (b) (6) and (b) (6)

(b) (6)

1:5:38.960 --> 1:5:39.310

(b) (6)

OK.

1:5:38.700 --> 1:6:5.180

Clay Mayes

And with I I have it on the report I'm making the final corrections to send it back with age (b) (6) even though it would have took 30 seconds and I followed up religiously since I started. That was one of the things I mentioned in the very first e-mail, gaining access to social media for cross country through the next seven months of my job. I can never get access to any of the social media pages.

1:6:6.590 --> 1:6:7.290

Clay Mayes

From (b) (6)

1:6:8.410 --> 1:6:23.320

Clay Mayes

But she would post a lot for track, especially when she started helping, but she never give me access to the page and I I had. I emailed her quite a bit asking for it. She said she'd work on it that day or that week, and she would never give it to me.

1:6:25.390 --> 1:6:35.840

(b) (6)

OK. And then you said that on this website, was it some days she's listed as 11th year coach and their time she's a fourth year coach, was that in reference to (b) (6)

1:6:36.370 --> 1:6:39.0

Clay Mayes

(b) (6) and (b) (6) It's pretty warm.

1:6:38.610 --> 1:6:39.490

(b) (6)

Oh, (b) (6) OK.

1:6:40.370 --> 1:6:40.670

(b) (6)

OK.

1:6:39.790 --> 1:6:52.30

Clay Mayes

Yeah, it just just go on the track and go on the cross and when you click roster, when you're on the sports sections, you can click your 2016, 2017 and then you can go 2000.

1:6:52.550 --> 1:7:3.320

Clay Mayes

Uh, Fifteen 2016 and it will be. It's pretty inconsistent, but they've always those three freedom.

1:7:4.320 --> 1:7:12.30

Clay Mayes

(b) (6) and now have always had a hand in helping with track. Since (b) (6) started as track coach. I think in (b) (6)

1:7:13.730 --> 1:7:16.860

Clay Mayes

And I don't think it's relink cause it's so long ago, but maybe it is.

1:7:18.180 --> 1:7:20.850

Clay Mayes

(b) (6) was removed.

1:7:22.360 --> 1:7:24.540

Clay Mayes

By (b) (6). He used to be a president.

1:7:26.20 --> 1:7:42.220

Clay Mayes

And that's when all started was I think I can maybe four and then after that candy four freed and (b) (6) started working. (b) (6) started a few years later, same with (b) (6) But when they started, they started working. You know, the last 1718 years.

1:7:43.840 --> 1:7:44.160

(b) (6) M

OK.

1:7:43.430 --> 1:7:44.250

Clay Mayes

With track and cross.

1:7:46.310 --> 1:7:46.600

(b) (6)

OK.

1:7:47.440 --> 1:7:48.60

(b) (6)

Thank you.

1:7:54.870 --> 1:7:55.340

(b) (6)

(b) (6)

1:7:59.530 --> 1:8:4.890

(b) (6)

On the did you ever have access to Jim Thorpe? Did you have key access to Jim Thorpe?

1:8:5.430 --> 1:8:7.260

Clay Mayes

Uh Nope. Never had access.

1:8:8.510 --> 1:8:9.170

(b) (6)

Do you ever gone there?

1:8:10.90 --> 1:8:11.180

Clay Mayes

One time I went in there.

1:8:13.370 --> 1:8:16.550

Clay Mayes

I can't remember the date, but one day I walked through it and that was about it.

1:8:18.70 --> 1:8:48.80

Clay Mayes

And now I guess I'm sure there is an allegation on that. If you go in Jim Thorpe, the the gear is in a locked

cage. So someone would if they could get into Thorpe, they would be able that they would have to either bulk cut the lock off or have a key to the lock cage. And I even security has that key. Only (b) (6) (b) (6) have a key to get into their gear and (b) (6) So there would be no way to get in there unless they had bolt cutters.

1:8:52.10 --> 1:8:52.240

(b) (6)

OK.

1:9:3.580 --> 1:9:4.400

Clay Mayes

Yeah, I'm sure the.

1:8:55.270 --> 1:9:5.170

(b) (6)

Along the same lines and an allegation was made regarding missing, I believe it was eight pairs of missing specialty shoes. Can't elaborate a little about that.

1:9:6.80 --> 1:9:8.950

Clay Mayes

Uh. If anything went missing, it didn't come for me.

1:9:9.20 --> 1:9:20.440

Clay Mayes

Me. You know, it was a pretty regular occurrence. Middle of the work day, like October 5th, I think I saw it close to noon. Judith an hour were loading up.

1:9:21.980 --> 1:9:30.630

Clay Mayes

Loading up the truck I I guess the boxes could have been anything, but there was some stuff that was poking out of the boxes and it definitely looked there was weight to the boxes.

1:9:32.100 --> 1:9:52.650

Clay Mayes

And they just load it up and just black truck and then drove off campus and grant. I shared his message where he said right before I saw it. They're loading up their truck right now. They've been using the the athletic funding for their family. They've been giving gear away to their family for years.

1:9:54.350 --> 1:10:6.470

Clay Mayes

And that was something that blew my mind was either people reported it and it didn't get done or whatever. But within within 10 minutes of seeing it, I reported it. I reported it by e-mail immediately.

1:10:6.940 --> 1:10:7.740

(b) (6)

Would you report it to?

1:10:8.220 --> 1:10:16.810

Clay Mayes



(b) (6) and I believe I I gave you guys that e-mail, it's on October 5th. Anytime I saw wrongdoing, I almost reported immediately.

1:10:18.820 --> 1:10:19.880

(b) (6)

What about Umm?

1:10:20.780 --> 1:10:25.650

(b) (6)

Party allegations were made that you had. You were specifically seen removing special tissues out of coffin.

1:10:26.890 --> 1:10:33.690

Clay Mayes

No, I might have been moving some of my stuff in storage and stuff, but that was about it and my storage.

1:10:34.400 --> 1:10:50.320

Clay Mayes

Was under the bleachers in the middle coffin by trainer. And then I move reboot some of it and I had a few occasions, but I some of it under the the bleachers by the softball field and that's about it.

1:10:53.590 --> 1:10:53.830

(b) (6)

Right.

1:10:54.80 --> 1:11:7.410

Clay Mayes

I didn't have a whole lot of gear though. My I was. I put in a gear order for spring and I was the only coach that got his his gear order rejected so I didn't have a whole lot, but I had some stuff.

1:11:8.720 --> 1:11:16.470

(b) (6)

So I'm gonna follow up with that, that statement right there. But did you ever have help when you were moving items around or you remove something from storage? Was anybody ever with you?

1:11:17.790 --> 1:11:25.110

Clay Mayes

I think like one time I I dropped the Jagger too and someone grabbed it and walked it to the cage and threw it in there. That's about it.

1:11:25.560 --> 1:11:29.170

(b) (6)

But you didn't have any. Did you ever help have any help from the student athletes?

1:11:29.760 --> 1:11:30.270

Clay Mayes

I don't know.

1:11:32.820 --> 1:11:43.780

(b) (6)

Longer lines of the ordering process when you would order your gear, who did you? Who was the primary individual responsible for gathering and shoe sizes, athletic gear sizes on behalf of (b) (6)

1:11:45.600 --> 1:11:49.570

Clay Mayes

So what I did is when I started, I asked (b) (6) what's her process?

1:11:51.190 --> 1:11:56.350

Clay Mayes

You know, there was nothing passed down. That was one of the, I think 4 things I asked (b) (6) on was.

1:11:57.380 --> 1:12:9.650

Clay Mayes

Hey, what year are you passing out for cross country? It'd be nice to know. And he never told me. So there's next to nothing. And I told (b) (6) like, So what do I do? How do I order it? And.

1:12:11.470 --> 1:12:25.730

Clay Mayes

When you order, I think that order was July when you ordered that late, nothing is available and most anything you need to do your orders in February and in March for there to be inventory ended up doing an order through ad Astra.

1:12:27.370 --> 1:12:38.240

Clay Mayes

I tried to stick with Nike, but I had to do other brands just for sizing since and ended up boarding through ad Astra. I did the when I completed the PO for the cross country stuff.

1:12:39.410 --> 1:13:8.580

Clay Mayes

(b) (6) has the evaluated he sees sizes, he sees brands, he sees what's being ordered. He has to prove it, and then when he approves it, it goes to the CFO, (b) (6). He looks at sizes, make sure everything meets. You know, I'm sure whatever legalities that needs to. And then the CFO signs. So it goes through a, a three-step approval process and I'm sure above the CFO, it might be the President, but the only people that I know that sign off for sure.

1:13:9.330 --> 1:13:14.120

Clay Mayes

It's me, then (b) (6) then (b) (6) and the CFO.

1:13:15.180 --> 1:13:23.870

Clay Mayes

And I asked the athletes what their sizes are and then that's why there was confusion with (b) (6) (b) (6). She told me the wrong shoe size.

1:13:25.60 --> 1:13:35.460

Clay Mayes

Because her foot was wider, which it's not uncommon. And then I asked (b) (6) can I buy her shoes? Is there a violation? I ordered her shoes. And then before those shoes got in, she quit.

1:13:37.480 --> 1:13:40.770

(b) (6)

With regards to the ordering deadline.

1:13:41.800 --> 1:13:44.530

(b) (6)

Do you know if that's a vendor specific deadline or is it a?

1:13:45.540 --> 1:13:46.210

Clay Mayes

No.

1:13:45.360 --> 1:13:46.810

(b) (6)

Excuse me. I I was sneezing.

1:13:48.90 --> 1:13:50.0

Clay Mayes

There's really no deadlines, the vendor.

1:13:51.60 --> 1:14:5.980

Clay Mayes

From past colleges too, so I guess I'm going off of years experience it. It's a same across the board, whether you're in California or Oklahoma, every vendor will just say get your orders in earlier rather than later because they memory runs out very quick.

1:14:7.80 --> 1:14:35.50

Clay Mayes

I would say if you start ordering the start of April, you're starting to you're starting to play with, not getting some sizes in. And when I started, I started June, June 22nd and I think my order was a week later. I didn't get on campus. We were moving from California. I think July 6th or 7th. One of those dates and like two or three days into that, I did a southwest trip.

1:14:36.60 --> 1:14:46.660

Clay Mayes

Going out to Arizona, New Mexico. But I was already. It didn't matter what I did or how I did it, I was already, you know, 2-3 months passed when I needed to get the order. And just because my start date was later.

1:14:47.870 --> 1:14:53.990

Clay Mayes

And nothing was passed forth from now that would have really helped if he would have gave me something to work with.

1:14:59.70 --> 1:14:59.840

(b) (6)

So you're on mute.

1:15:4.630 --> 1:15:7.990

(b) (6)

Sorry about that. Just a quick question regarding that.

1:15:8.720 --> 1:15:11.90

(b) (6)

So if you didn't get anything from.

1:15:12.950 --> 1:15:13.900

(b) (6)

Our gear up.

1:15:16.940 --> 1:15:24.270

(b) (6)

Wouldn't he have ordered everything for the cross country teams since he was the responsible coach at the time?

1:15:25.170 --> 1:15:38.620

Clay Mayes

Uh, my theory is the job was opening up and they knew about it, so they were noncompliant because he was noncompliant with me. But I really, I really don't know how the.

1:15:39.340 --> 1:15:43.220

Clay Mayes

I really I I'm a private college guy. I really don't know how the process works.

1:15:43.810 --> 1:15:49.450

Clay Mayes

Umm, but again, (b) (6) does most of that technology stuff, not (b) (6)

1:15:49.920 --> 1:16:5.530

Clay Mayes

Umm. And I guess it's coming to mind and I have the message too from (b) (6) on (b) (6) first or second day of work. She did a gear order and I I got the message. I can I can provide it for \$10,000 and that was for track.

1:16:6.280 --> 1:16:12.630

Clay Mayes

And she already stated she was as assistant for track. She didn't list herself, I think, because she didn't wanna.

1:16:13.460 --> 1:16:39.30

Clay Mayes

Didn't want to be under the microscope of you're not. Plus the supervised family because that's a big IE regulation. But she paid a \$10,000 order in for gear. And as (b) (6) said, no one else had to prove it. She

was just able to do it and order \$10,000, and (b) (6) was saying, and I agree with him. (b) (6) was saying, you know, that's definitely a conflict of interest because that \$10,000 gear order.

1:16:39.750 --> 1:16:48.110

Clay Mayes

For, you know, cause all their athletes are pulled from other sports or they were originally students. They don't have a whole lot of athletes.

1:16:48.350 --> 1:17:10.20

Clay Mayes

I'm not knocking them, they they just don't. They don't really recruit. I don't know why. I think that's something that would be worth looking into, but they had the smallest team on campus and they had the biggest scare order. I think my gear order from from fall was 5500 and they're your order was \$10,000. The very start of January.

1:17:12.60 --> 1:17:14.400

(b) (6)

And that was January 2022.

1:17:15.440 --> 1:17:21.590

Clay Mayes

Yes, yes, and I'll. I'll get you that from (b) (6) It's kind of an interesting, you know, thought process that you said.

1:17:29.510 --> 1:17:31.860

(b) (6)

Were you aware that Nike agreement?

1:17:32.830 --> 1:17:38.60

Clay Mayes

Uh, never heard about in any way. I ran it through (b) (6)

1:17:38.340 --> 1:17:43.400

Clay Mayes

And our (b) (6) through (b) (6) Can I order an? (b) (6) said there's no issues.

1:17:44.680 --> 1:17:47.270

Clay Mayes

I guess something that caught me off guard is softball.

1:17:47.850 --> 1:17:53.780

Clay Mayes

Uh, I don't know if they did I this season, but the previous season they I think they were broke.

1:17:55.80 --> 1:17:58.670

Clay Mayes

I think it only became an issue when I was hired.

1:18:0.660 --> 1:18:1.960

Clay Mayes

I know that's probably not a.

1:18:0.690 --> 1:18:2.960

(b) (6)

I'm sorry. What? What became an issue when you're hired?

1:18:3.640 --> 1:18:4.70

Clay Mayes

What's up?

1:18:4.660 --> 1:18:7.440

(b) (6) S

I'm. I'm sorry. Can you clarify what became an issue when you were hired?

1:18:7.710 --> 1:18:17.730

Clay Mayes

They were ordering non Nike brands before me. It was only reported when I ordered non Nike. But again I I I would encourage anyone to that.

1:18:18.430 --> 1:18:21.250

Clay Mayes

As that policy the show how it was ever provided to me.

1:18:22.550 --> 1:18:26.390

(b) (6)

But you're you are aware of that like agreement with Haskell?

1:18:25.420 --> 1:18:26.710

Clay Mayes

I became aware of it.

1:18:27.110 --> 1:18:33.30

(b) (6)

Umm, when (b) (6) started as a AD in 2022 I was not aware of it in 2021.

1:18:38.80 --> 1:18:41.160

(b) (6)

Do you know who the primary individual was? The point of contact with that contract?

1:18:43.330 --> 1:18:44.270

Clay Mayes

Uh, with the Nike?

1:18:44.850 --> 1:18:45.220

(b) (6)

Correct.

1:18:45.880 --> 1:18:52.920

Clay Mayes

No, I don't think I ever talked to anyone for Nike. I might have, but that I I don't recall.

1:18:55.310 --> 1:18:57.700

(b) (6)

Does anyone have any questions regarding the inventory or the Nike?

1:19:0.20 --> 1:19:0.390

(b) (6)

I don't.

1:18:58.690 --> 1:19:0.720

(b) (6)

Issues Jim Thorpe access.

1:19:2.490 --> 1:19:2.750

(b) (6)

Yeah.

1:19:4.880 --> 1:19:5.200

(b) (6)

No.

1:19:7.30 --> 1:19:13.140

(b) (6)

I think one of my final comments and or questions regarding this is our. The issue itself is.

1:19:14.630 --> 1:19:16.30

(b) (6)

There is an incident that was on.

1:19:17.140 --> 1:19:20.160

(b) (6)

Our testimony is provided that there was an incident involving yourself in the bathroom.

1:19:20.830 --> 1:19:22.770

(b) (6)

Over at Coffin with (b) (6)

1:19:23.650 --> 1:19:26.670

(b) (6)

And I think you actually made reference to it in an original testimony.

1:19:28.760 --> 1:19:33.470

(b) (6)

Can you verify whether or not you ordered surveillance footage from (b) (6) ?

1:19:34.450 --> 1:19:35.140

Clay Mayes  
Yeah.

1:19:34.350 --> 1:19:36.310

(b) (6)

Now, why? Why, why did you order it immediately?

1:19:37.120 --> 1:19:39.850

Clay Mayes  
January 22nd I.

1:19:40.760 --> 1:19:52.230

Clay Mayes

It was Saturday and I had to practice with my spring semester kids six or seven of them, and they left at that time due to COVID protocols.

1:19:54.0 --> 1:20:23.440

Clay Mayes

You had to have a key to get in the coffin. You could get in the coffin if you were coaching. You had a key you can't get in the coffin otherwise. So if you had practice at that time January of this earlier this year, you had to let in your athletes because they kind of get in. And I went over to my office after practicing that. I think it was like an hour later I had my again, didn't know it was an issue. If it was an issue I I asked for palsy later on. Never got it. I had my I guess he's three at the time. (b) (6).

1:20:24.30 --> 1:20:27.700

Clay Mayes

And went over to my office and ended up getting a drink of Fanta.

1:20:30.580 --> 1:20:31.220

(b) (6)

Umm.

1:20:27.770 --> 1:20:31.740

Clay Mayes

Ohh spoke it everywhere in the men's bathroom.

1:20:32.460 --> 1:20:59.370

Clay Mayes

I think there was one paper towel left and then they were done and then no one was in the offices. I also locked office door just to prevent meeting an athlete one-on-one and then the hallway lights that they have sensors. So if someone walks by, think within 15 minutes, it turns on. So the hallway lights were also dark. I was in the athletic offices. The only people that have access to the offices within cough and is coaches.

1:21:1.270 --> 1:21:8.640

Clay Mayes



I won the women's bathroom and I grabbed the the paper towels. They they had paper towels in there and there were still some black. And then I cleaned it up.

1:21:10.160 --> 1:21:29.850

Clay Mayes

We will all the paper towel stuff away. No one was in coffin and then I found out two days later. January 2020. Fourth from (b) (6). He says there was a female student athlete that reported you for going into the student athletes bathrooms.

1:21:30.680 --> 1:22:1.200

Clay Mayes

And you know, I told him that some possibility the lights were dim and security called me. And her name is (b) (6). And I've I've crossed paths where there are a couple times. And she just said, I know you didn't do this. I you know, mentioning the rumors and all that stuff, too. She goes talk to (b) (6) and get footage. And I never was able to get footage. But there was no student athlete in that building. How it was reported. What I believe is, I think, (b) (6).

1:22:2.0 --> 1:22:3.980

Clay Mayes

I think (b) (6) was in New York.

1:22:5.300 --> 1:22:8.660

Clay Mayes

I think she got engaged that week, so that would be (b) (6).

1:22:9.350 --> 1:22:24.620

Clay Mayes

And for these coaches bathrooms, only four people use them. Mainstream (b) (6) and (b) (6) debt athletes do not use these bathrooms. I've never seen an athlete use the bathrooms through seven months of work there. They would have to go on the coaches office then.

1:22:25.400 --> 1:22:28.310

Clay Mayes

Again, the everything was locked out, but.

1:22:28.720 --> 1:22:42.390

Clay Mayes

And ended up telling him that and then security called me. So I called you and by and I just like, can I get footage? And I could never get footage on that because that would have been a really great thing because there was no teams practicing.

1:22:43.90 --> 1:22:49.850

Clay Mayes

Now, if an athlete got in there, they avoided the sensors and they would also use a.

1:22:50.830 --> 1:23:0.80

Clay Mayes

And they would also, I knew this rule. They would also been using a federal ID and that would have been a violation because there's no other coaches in there.

1:23:1.290 --> 1:23:23.860

Clay Mayes

So that report came from (b) (6) going in that bathroom, cause the paper towels if you're away, were orange seeing that there was orange paper towels doing process of elimination and then having a student after it reported in my line of thinking was if I can get footage to prove that was a false report, I think this would take care of a lot of issues, but I couldn't even get that.

1:23:24.610 --> 1:23:24.770

(b) (6)

Yeah.

1:23:25.600 --> 1:23:26.30

(b) (6)

So.

1:23:25.550 --> 1:23:27.450

(b) (6)

You have the you got. No, I'm sorry.

1:23:27.810 --> 1:23:34.120

(b) (6)

I just had one quick follow up question on that. Were there sensors on the lights in the bathroom?

1:23:36.110 --> 1:23:36.480

Clay Mayes

Uh.

1:23:35.980 --> 1:23:37.370

(b) (6)

Or with the lights on.

1:23:38.270 --> 1:23:43.600

Clay Mayes

No, I think the back lights you have to click on, but for the coaches office.

1:23:44.270 --> 1:24:14.680

Clay Mayes

And the hallway light. So you go in the coffin, there's door one, and then again the coach's office. You have to unlock that. And since I was the only coach in the building, I always locked that office door. I've never had an athlete say, hey, I wanna talk to you. I would not talk to them. I just my policy. I state my policy at the beginning of every practice. I even put in my roles. I don't need it. Without least one-on-one. It's been my policy since 2014. But there was the sensors were dark.

1:24:14.780 --> 1:24:46.360

Clay Mayes

Now remember, going in the men's bathroom. And I remember thinking, maybe I'll just take off my

hoodie and clean up the mess with that. And I actually did. Took off my hoodie, cleaned it, and then I got the paper towels out the women's restroom. And then I threw it away. I really didn't think much of it, but I would have loved to get that footage because I know for a fact there was no student athlete in that building or anywhere near that time because the the hallway lights where they would have solid was dark with shut off. I was in the office long enough to where the sensors went off in the hallway.

1:24:47.220 --> 1:24:58.200

(b) (6)

What I what I was asking though. Do you recall cutting the lights on in the women's bathroom and cutting them back off or were they on when you went in there? Do you recall?

1:24:59.320 --> 1:25:29.230

Clay Mayes

I almost positive I turned them on. I don't know. I was kind of subconscious. I remember turning on the guys. Remember turning on the women. And then when I left, I turned them off. Now I know no one was in the women's, even though I don't know. It felt kind of stupid. I. And again, I think if we can get video footage, I think it proves that I knocked on the door even though no one was in the in the room. And I go. Hello. Hello. And then no one said anything. And then the there was one stall.

1:25:30.730 --> 1:25:35.710

Clay Mayes

There might have been two stalls. It's been a minute. I think there's just one stall in there and that's it.

1:25:37.450 --> 1:25:56.160

Clay Mayes

And no one was entered. The doors open. So it's a really, really tiny bathroom now. The athlete bathroom and coffin is down the hallway and it for the men's bathroom. It has a lot of a lot of stalls. But for the coaches bathroom, for the men that has two year olds.

1:25:57.230 --> 1:26:3.650

Clay Mayes

Uh one toilet and then for the women. I think it should have. I just had one, and that door was open.

1:26:4.340 --> 1:26:8.920

Clay Mayes

And it's like a closet. It's really small. You would know if someone's in there.

1:26:9.670 --> 1:26:9.960

(b) (6)

OK.

1:26:10.950 --> 1:26:14.60

(b) (6)

And he said you had the e-mail from by Internet was sent to you.

1:26:13.720 --> 1:26:18.480

Clay Mayes

Yeah, yeah, I emailed him back at cited. You know what I cited to you?

1:26:20.220 --> 1:26:23.350

Clay Mayes

And he had no desire to talk to (b) (6)

1:26:25.130 --> 1:26:28.950

Clay Mayes

And you know, get to the bottom of it and I actually.

1:26:28.620 --> 1:26:32.550

(b) (6)

As as soon as we're done with the interview, can you e-mail that back to me?

1:26:33.100 --> 1:26:42.130

Clay Mayes

I think I can. I should have it on my Gmail for that e-mail. I don't know if I still have access to my Haskell e-mail.

1:26:42.620 --> 1:26:48.170

Clay Mayes

Umm, that would be. I'll let you know if I don't, but I think I have it in my Gmail like I forwarded it to my Gmail.

1:26:49.290 --> 1:26:50.940

(b) (6)

Appreciate it. That's all I have, Sir.

1:26:52.710 --> 1:26:53.50

(b) (6)

OK.

1:26:53.900 --> 1:26:57.600

(b) (6)

All right, back around, I don't have anything, Francine. Any other questions?

1:26:59.720 --> 1:27:0.930

(b) (6)

No, not here. Thank you.

1:27:1.710 --> 1:27:2.240

(b) (6)

Cassie.

1:27:3.310 --> 1:27:4.280

(b) (6)

No questions. Thank you.

1:27:6.30 --> 1:27:6.540

(b) (6)

All right.

1:27:7.840 --> 1:27:27.970

(b) (6)

Mr Mays, that's all the questions we have. I think that'll kind of tie up some of the least ends that we wanted to clarify. Is there anything that you think we, you know, spent a month or so since we last spoke to you? Is there any other information you'd like to share with us that maybe you have it brought to our attention?

1:27:28.690 --> 1:27:30.120

(b) (6)

And either interviews.

1:27:32.320 --> 1:27:35.660

Clay Mayes

And I would say just evaluating.

1:27:36.720 --> 1:27:59.350

Clay Mayes

Yeah, when reports are made with OG, it goes to OG says it goes to BIE DC. I think just, you know, who's over that and seeing if that has been it, Tuco, Tuco winning. And if it is, if he's the one that gets it, then it would explain, you know, why reports have been disregarded over the years.

1:28:0.560 --> 1:28:12.990

Clay Mayes

Whoever gets that, you know, they, as OG says the BI EDC's office. You know, they don't have to work in DC to, you know, run that office. As I found out not too long ago. But I would just see.

1:28:14.130 --> 1:28:16.960

Clay Mayes

You know, just see why there's reports were never out here too.

1:28:17.900 --> 1:28:18.150

(b) (6)

OK.

1:28:17.560 --> 1:28:19.730

Clay Mayes

Umm, you know, I've been a day.

1:28:21.840 --> 1:28:29.730

Clay Mayes

Everyone should be there for the kids and as coach talk when said he goes the role losers and this is the students. And so that's the last people that should be affected.

1:28:30.800 --> 1:28:31.60

(b) (6)

OK.

1:28:32.310 --> 1:28:47.380

(b) (6)

Well, we will certainly take a look at that and see what we can find out. But anyway we we really appreciate you interviewing with us on such short notice. We're we're trying to knock this thing out hopefully by the end of the week or next week.

1:29:3.30 --> 1:29:3.330

Clay Mayes

I.

1:28:49.240 --> 1:29:5.770

(b) (6)

With that being said, just remember that you're still Underoath and will remain Underoath until we finish the investigation. So I just want to advise you not to speak with anyone about this and until you hear back from us.

1:29:7.450 --> 1:29:9.460

(b) (6)

One way or the other, OK.

1:29:8.890 --> 1:29:17.320

Clay Mayes

It and also that you wouldn't when I send you like the you know, being blocked on social media and and stuff like that. Who do you want me to send it to?

1:29:26.160 --> 1:29:26.830

(b) (6)

You you can.

1:29:19.610 --> 1:29:27.170

(b) (6)

I could send it any of us, whoever you have been dealing with in the past, whether it's (b) (6) or (b) (6) or friend, saying you could send it to.

1:29:28.410 --> 1:29:28.670

Clay Mayes

OK.

1:29:28.280 --> 1:29:28.870

(b) (6)

Any of them.

1:29:28.190 --> 1:29:29.700

(b) (6)

You can put it on the e-mail chain you have with me.

1:29:30.290 --> 1:29:32.30

Clay Mayes

OK, I can do that. I won't be a problem.

1:29:33.80 --> 1:29:33.400

(b) (6)

OK.

1:29:34.340 --> 1:29:35.30

(b) (6)

Alright.

1:29:37.100 --> 1:29:45.410

(b) (6)

That will conclude our interview and it's 11:24 AM on 927. So thank you, Sir for your time.

1:29:45.620 --> 1:29:46.900

(b) (6)

Thank you. You have a good day.

1:29:47.420 --> 1:29:48.550

(b) (6)

You too. Bye.

1:29:48.370 --> 1:29:49.140

Clay Mayes

OK, bye.

1:29:56.460 --> 1:29:57.310

(b) (6)

All right.

1:29:58.660 --> 1:30:1.530

(b) (6)

Well, that was some useful information I think.

1:30:4.130 --> 1:30:5.490

(b) (6)

Yeah. Now it's time for lunch.

1:30:7.100 --> 1:30:7.780

(b) (6)

God.

1:30:8.240 --> 1:30:9.70

(b) (6)

I'm hungry.

1:30:12.360 --> 1:30:13.20

(b) (6)

I think I.

1:30:12.610 --> 1:30:13.250

(b) (6)

Story.

1:30:12.130 --> 1:30:13.770

(b) (6)

You you wake up hungry.

1:30:14.340 --> 1:30:19.650

(b) (6)

I think his testimony kind of clarified some of the stuff that happened alleged.

1:30:20.380 --> 1:30:25.870

(b) (6)

Yeah. Well, you notice (b) (6) was the one that said she was in the bathroom.

1:30:26.550 --> 1:30:26.930

(b) (6)

Yeah.

1:30:26.650 --> 1:30:27.30

(b) (6)

Right.

1:30:26.980 --> 1:30:31.190

(b) (6)

And he said that he thought she was in New York on.

1:30:33.370 --> 1:30:37.420

(b) (6)

Getting engaged or married or something. You know what? We need to pull her time cards.

1:30:38.480 --> 1:30:38.820

(b) (6)

OK.

1:30:39.820 --> 1:30:40.750

(b) (6)

That would be.

1:30:42.430 --> 1:30:43.170

(b) (6)

Do they clock?

1:30:42.170 --> 1:30:43.630

(b) (6)

Good to have those, I think.



1:30:44.210 --> 1:30:46.880

(b) (6)

Clock in and out. Or how do they do their time?

1:30:47.450 --> 1:30:53.620

(b) (6)

They probably do it like we do, but still I mean, if she was on the well, I don't know. She's the contractor, right?

1:30:54.110 --> 1:30:54.580

(b) (6)

Right.

1:30:54.60 --> 1:30:54.720

(b) (6)

Correct.

1:30:54.510 --> 1:30:55.780

(b) (6)

Which can we ask?

1:30:57.230 --> 1:30:57.630

(b) (6)

(b) (6)

1:30:57.290 --> 1:30:58.360

(b) (6)

(b) (6)

1:30:59.750 --> 1:31:0.190

(b) (6)

How?

1:30:59.540 --> 1:31:0.230

(b) (6)

Born to get it?

1:31:5.640 --> 1:31:6.690

(b) (6)

Yeah.

1:30:59.980 --> 1:31:14.320

(b) (6)

They probably they probably sit, admit you know an invoice for payment or something. You know what I mean? I don't know if they get paid monthly or biweekly or how they're what the contract terms are, but they probably have something submitted for those hours.

1:31:15.90 --> 1:31:15.950

(b) (6)

Yeah, and.

1:31:15.110 --> 1:31:20.940

(b) (6)

Do you think the UM the 10,000 I? I mean, I don't know how (b) (6) gets all this information, isn't he IT?

1:31:21.780 --> 1:31:22.200

(b) (6)

Yeah.

1:31:22.630 --> 1:31:23.60

(b) (6)

But.

1:31:22.210 --> 1:31:23.140

(b) (6)

Yeah.

1:31:24.160 --> 1:31:31.620

(b) (6)

Talking about the track gear that was purchased in the amount of 10,000 in January, could that possibly be the?

1:31:32.360 --> 1:31:33.430

(b) (6)

The payment to.

1:31:34.300 --> 1:31:37.780

(b) (6)

(b) (6) for her \$10,000, taking it over.

1:31:38.870 --> 1:31:39.480

(b) (6)

I don't know.

1:31:39.750 --> 1:31:40.60

(b) (6)

Mm-hmm.

1:31:40.970 --> 1:31:41.560

(b) (6)

Remember.

1:31:40.910 --> 1:31:42.320

(b) (6)

Oh, I see what you're saying.

1:31:42.520 --> 1:31:43.320

(b) (6)

Yeah.

1:31:49.340 --> 1:31:49.920

(b) (6)

Right.

1:32:0.550 --> 1:32:1.130

(b) (6)

Hmm.

1:32:2.840 --> 1:32:3.560

(b) (6)

Hmm.

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** FW: [EXTERNAL] Re: Investigation Information  
**Date:** Thursday, November 10, 2022 6:58:05 AM  
**Attachments:** [Nov 9, Doc 4.pdf](#)

---

Please include the attached document in one of Mayes exhibits

---

**From:** Clay Mayes <(b) (6)>  
**Sent:** Thursday, November 10, 2022 12:15 AM  
**To:** (b) (6) @bie.edu>  
**Subject:** Re: [EXTERNAL] Re: Investigation Information

The submitted reports specially (b) (6) illicit behavior & berating of myself (& others) mostly revolved around *theft*.

Theft & abuse of funds is a sensitive topic for (b) (6). It led to her being forced to step down as athletic director in 2011 - Put into action by (at the (b) (6)).

Most of Haskell's campus is aware of this, as well as (b) (6) & (b) (6) taking copious amounts of federal property & abusing the budget, & doing so over multiple decades.

For these reports on (b) (6) behavior, I reported them to:

(b) (6) between 1/12/2022 to 2/28/2022. (Attached a few related documents)

### **No Responses**

Also reported this to: Human Resource Specialist (b) (6).

### **No Responses**

As mentioned (b) (6) initiated talking on the Nike gear agreement 1st by email. In terms of stating detrimental action on employment, she brought up this Nike agreement in a coach's meeting over January. (This was one of many things (b) (6) said in the meetings, while including there can be direct consequences of removal)

(b) (6) went on to say:

*"This will cause problems for athletics, and the college."*

Including it was a big problem for this coach ordering non-Nike gear.

(b) (6) unprofessionally stated such things in these meetings that include:

-Claiming a coach went to admissions to bribe (b) (6) with a box of donuts to accept a (rejected) student (*it was coffee & dropped off for (b) (6)*). Never saw (b) (6) in-person that day/week)

*“A coach of thousand of dollars over-budget’ & I will have to clean it up & address the overspending”*

Bringing up *stolen* gear from Thorpe, & *“it’s being investigated with the help of our Vice President”*

For one of these reports, it consisted of (b) (6) following me around at Coffin while moving gear into my the storage cage I shared with (b) (6), (b) (6) *kept asking about stolen gear from Thorpe*, & continued stating this employee is in big trouble as a work order was placed for video footage, & the Vice President was looking further into this.

For another report on (b) (6) behavior, I had made on 2/9/2022. (b) (6) pulled me out of practice (in the cardio room) to inform me there was several problems she had:

*“Due to excessive spending, you will not be able to get any gear for your (spring) students.”*  
*“The new student-athletes can not race go unattached, as I will have to report them if they do. (b) (6) has to sign off”*

*“If they are to run attached, they will need to (selectively) practice with (b) (6) & me.”*  
**(This is not a requirement for students to race unattached with NAIA or Haskell).**  
*“It’s an NAIA rule (b) (6) must sign their(new students) paperwork if they are to go to races unattached.”*

My Response: *“What rule is that? I have never been aware of that rule for redshirts or unattached runners.”*

(At this time (b) (6) & (b) (6) went to 2 indoor track meets for the track team. They had a total of 2 athletes for their 1st meet. For the 2nd meet, they had 4 total)

Upon looking up the rule (b) (6) was citing on NAIA’s website, (b) (6) got aggressive & dove into making petty remarks:

*“You’re inexperienced so you wouldn’t know this.”*  
*“I have been doing this for decades. You haven’t, you’re limited on knowledge.”*  
*“You’re still just a kid, so what do you know on rules.”*

After listening to her continue, I responded: *“I can’t find such rules.”* I asked for her to pull it up, (b) (6) says, *“it’s a new rule, so NAIA may not have updated their handbook”*  
**(NAIA handbook was updated for school year)**

(b) (6) leaves, & the women’s basketball coach who was in ear shot during the conversation comes over, (b) (6): *“You look a bit Frustrated. I could hear her going after you...”*

Most of these actions are to wear people down. It seems bit unreal these behaviors go unchecked, & cross multiple unprofessional boundaries.

Other unprofessional behavior included (b) (6) snapping at random times if one said the wrong thing by disagreeing with her.

Multiple occasions (b) (6) has resorted to screaming one particular phrase: "That's BULLSH\*\*!" and she has said this to other employees such as (b) (6), who can confirm.

(b) (6) is about as professional, respectful, & 'by the book' as one could be.

(b) (6) went into team's practices (Like (b) (6) basketball team) on a few occasions, interrupted the team's practice, only to yell at coaches like (b) (6) at about something that can respectfully wait till both are in the offices.

There is a lot of great people at Haskell, regardless of how bad some applies. Great alumni support that extends everywhere! Unfortunately, "previous" issues grew & continued due to all formats (VP/Counselor/HR/CFO) of making reports was being controlled by a select group. Once the investigation is said & done, Haskell will finally be able to grow & thrive as it rightfully should.

-Clay Mayes

(b) (6)

On Wed, Nov 9, 2022 at 4:45 PM (b) (6) <(b) (6)@bie.edu> wrote:

I'm just trying to find out if you were chastised for not ordering Nike.

---

**From:** Clay Mayes <(b) (6)>  
**Sent:** Wednesday, November 9, 2022 3:36 PM  
**To:** (b) (6) <(b) (6)@bie.edu>  
**Subject:** Re: [EXTERNAL] Re: Investigation Information

(b) (6) has never mentioned anything about Nike gear in any form.

(b) (6) does shoe orders & I sent submitted an order to him, but he never responded to me.

—

(b) (6) did state ordering non-Nike gear would is something that affects Haskell's agreement with Nike. This was first done January of 2022.

Before that I had no discussions with Judith indirectly or directly minus one time on 10/6/2022. On 10/6, (b) (6) made a false claim to the (b) (6) (b) (6) about our home xc meet on 10/7. Our (b) (6), cc'd me in the email chain, & told (b) (6) she should contact me to inform me about what she was hearing & then reporting to the president.

(b) (6) stated I was allowing several junior high teams into high school races. This was disproven as all 20+ teams that raced were either college or high school teams minus ONE team being junior high, 'Little Wound Junior School.' The Little Wound coach verified this as false.

I would recommend contacting our (b) (6) to discuss what he was told about ordering Nike when he started at Haskell May of 2021. I believe he was not informed either of any Nike agreement.

For whatever reason, (b) (6) neglected to do work orientation, nor would respond to requests for work information.

(b) (6) is: (b) (6)

(b) (6) has a lot of similar hurdles, & would be a consistent person to further confirm.

-Clay Mayes

(b) (6)

On Wed, Nov 9, 2022 at 7:09 AM (b) (6) <(b) (6)@bie.edu> wrote:

I understand you were unaware of the Nike agreement and basically had no choice but to purchase gear elsewhere. The question I have as it pertains to gear/equipment/apparell is, did (b) (6), (b) (6) or anyone else tell you that you jeopardized HINU's Nike agreement when you purchased non-nike gear.

Just FYI, I have already requested the Nike agreement.

---

**From:** Clay Mayes <(b) (6)>  
**Sent:** Wednesday, November 9, 2022 4:45 AM  
**To:** (b) (6) <(b) (6)@bie.edu>  
**Subject:** [EXTERNAL] Re: Investigation Information

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good morning! I attached related documents concerning Nike gear. As stated the 2019 Haskell softball team wore/played in non-Nike Jerseys.

(b) (6) was & is still aware of this but softball was never reported.

Several of the players were not wearing Nike softball cleats.

---

Additional NAIA rule violations in 2015 in regards to the Haskell cross country program. Coaches included: (b) (6), & (b) (6). All 3 were unable to field a full women's cross country team for their conference meet. At least 5 student-athletes are needed to compete as a team.

Attached screen shots of article, found here:

<https://www.haskellathletics.com/article/505>

The response to NAIA from (b) (6) & (b) (6) was their women's cross country team would not bring anyone that was a national qualifier as a punishment for the violation.

NAIA didn't look further into this, because Haskell never qualified any of the women's student-athletes for nationals that year. Thus there was no change in plans for competitions.

(b) (6) shared prior (b) (6) & (b) (6) did not have any repercussions for their NAIA violation.

—  
In regards to previous coaching positions, I pursued other options due to Bacone College's financial instability in 2018.

All of Bacone's athletics staff(including AD) & nearly every employee was laid off. Athletics staff was laid off in April of 2018. The instructors were laid off a couple weeks later.

The lay-offs stayed in effect for months until 1/2 of Bacone's campus/buildings were sold to stay afloat.

Later on Bacone's staff/faculty were told the college was shutting down as stated by local news. Press release here:

<https://www.newson6.com/story/5e35e1422f69d76f6201ec5b/bacone-college-closing-laying-off-staff-unless-funding-is-found-soon>

Article discussing release of all Bacone College student-athletes. Announced June of 2018:

<https://www.naia.org/membership/2017-18/releases/20180612xrdnx>

Additionally, I attached screen shots of the articles.



For further verification, (b) (6), would be an ideal person to confirm if he was or was not aware of any Nike policy/agreement on gear. (b) (6) (b) (6) started at Haskell at a similar time & started 6 to 7 weeks before me.

I would also pursue obtaining the Nike agreement & where one can find it.

I will be free a little past noon today. If I'm a bit behind, it would be at 1:00 on the late end.

-Clay Mayes

(b) (6)

On Mon, Nov 7, 2022 at 11:06 AM (b) (6) <(b) (6)@gmail.com> wrote:

It's no problem. Feel free to reach out at anytime. Sorry for delay, the wife is in Denver for work this week, & I have been commuting weekends from Lawrence to Tulsa to pick up a couple work days. You're welcome to call if you ever need a more prompt response.

I will follow-up this email by forwarding you the email & documents I passed forwarded to (b) (6) in regards to the uniforms at Haskell & multiple pre-discussed topics/subjects/questions. It will be an email chain with work multiple documents, information, messages, emails, & answers to previous questions.

To answer your question on Nike gear & uniforms, I was not informed about any agreement on the gear needing to Nike until (b) (6) emailed January of (2022). I never received any sort of work orientation, nor was provided any work information/documents or rules. (b) (6) is aware, as I am, that Haskell Softball previously competed in **non-Nike** Jerseys for the 2019 softball season, but this was not reported. I responded to (b) (6)'s email(attached/outline below) & stated problems from Al ignoring all forms of communication & withholding all work information & cross country gear. **(Emails attached)**

I did sort through documents & obtained our athletic policies found here: [https://www.haskellathletics.com/d/Athletics\\_Student\\_Athlete\\_Handbook\\_Policy.pdf](https://www.haskellathletics.com/d/Athletics_Student_Athlete_Handbook_Policy.pdf)

(No mention of agreement with Nike) – There was multiple failed attempts by emails & calls in trying to obtain **any** policies from (b) (6), (b) (6), & (b) (6) (b) (6) all failed

In order to obtain necessary Nike cross country gear & proper sizes for Fall of 2021 one of two routes needed to happen:

1.) (b) (6), &/or (b) (6) would need to pass forward the cross country gear they possessed. They possessed copious amounts of athletic gear, but rather than pass it forward, a lot of this gear was seen being taken by (b) (6) & (b) (6).

2.) (b) (6), or (b) (6) needed to place an order for cross country gear earlier in

2021 due to being the xc coaching staff. **The order for Nike gear needed to be placed start of March or earlier to acquire necessary sizes/gear as it's impossible to obtain necessary Nike gear(or from ANYbrand) if the order is placed past March.** (Email will be forwarded from gear provider confirming this). (b) (6) & I presumed (b) (6) would pass forward (at least some of) the cross country gear, since it was way too late to order necessary gear. It's why (b) (6) also followed up & (attached) emailed (b) (6) on July 7<sup>th</sup>, 2021: **"If you need any help moving Cross Country Items, please let me know and I can help you"** -No Response from (b) (6)

**There was 2 dates in July of 2021 Al stated he would meet to discuss work information. (b) (6) was a no show for the meetings**

In response to (b) (6) email on gear, I stated:

- (b) (6) ignored *all* emails/calls & *would not* pass forward xc gear

-All work information was withheld & not passed forward

-I had no work orientation

-I was not receiving responses for work related Information from a set group of employees

(This email is attached in following emails)

(b) (6) may claim (b) (6) gave information to (b) (6) or me, but he did not. (b) (6) can confirm.

(All I stumbled upon was a handful of old backpacks/coats months later that was discarded underneath the bleachers).

After the email, (b) (6) brought this up in-person on 2 occasions(maybe more, I only recall 2 times).

**1<sup>st</sup> time** I responded/re-confirmed (b) (6) would not provide the cross country gear or would give any work information. (b) (6) changed the topic.

**2<sup>nd</sup> time** (b) (6) noted this, I had the same response & (b) (6) responded by saying it was not (b) (6) problem or hers, but it my problem. Out of context, (b) (6) then continued to add, "If you're unhappy with your (Haskell) contract just let me know." (b) (6) made this same statement in a prior email, too.

(b) (6) regularly said & did multiple things to me & others in regards to flexing power or jeopardized one's employment. As noted by another co-worker (**attached messages**), (b) (6) & others were helping created 'frivolous reports' to justify not renewing one's contract. It's been a long standing tactic used for decades. (**Attached in forwarded emails**) I detail how all forms of making reports or obtaining information is being controlled.

Another reason (women's basketball coach) (b) (6) & myself are not well received by (b) (6), & others is due to not being hired by (b) (6) & that clique. This is why they went after (b) (6) when he selected the most qualified coaching applicants. For everyone else within athletics that include (b) (6), (b) (6), (b) (6)(softball), (b) (6), & a (b) (6),

(b) (6) & their group controlled their hire at Haskell & was close friends/family. If one was previously within the confines of this group, it came with benefits of stacking jobs, increasing one's pay, & job security.

As noted, I will forward the email chain I sent to (b) (6). Within the emails it addresses the questions you & your team have inquired about & include supporting emails, documents, messages with co-workers.

Points noted:

-Timeline/Pattern of retaliation post-reports to (b) (6) & when Office of Inspector General passes my reports to: "BIE in D.C." - "Likely to Human Resources"

-State multiple times to (b) (6) (b) (6) & (b) (6) I have yet to be made aware of 1 report within the No-contact order, nor was ever allowed to respond

(Stated late as 3/16/2022 in attached email to (b) (6))

-Emails to (b) (6) on (b) (6) refusing to approve assistant coaches

(Over 6-7 months never approved)

(3 weeks, start to end, (b) (6) is cleared as softball assistant)

(b) (6) is longtime family friends with the (b) (6) & (b) (6), (b) (6)

-Racing bibs & entries confusion

-Multiple NAIA/Haskell Athletic Rules being broken by (b) (6) (b) (6), and (b) (6) with racing countless ineligible student-athletes, bringing ineligible student-athletes to meets, using federal funding to pay for numerous family members & their expenses to go to countless trips, & meets in the team vehicles

**-Not clearing (b) (6), (b) (6), who were brought in by (b) (6) (b) (6) & (b) (6) to meet/lead/assign (Heavy lifts) workouts over multiple practices, physically working on Gipp's student-athletes. (b) (6) met with (b) (6) students when all (b) (6) present & not present while using Haskell's athletic facilities, & training room. The trainer, (b) (6) was aware & was there multiple times with (b) (6). No attempt/ to make any reports**

-Updated Haskell Family Tree/Alliances

-Email to (b) (6) for application process. No Response

(Stites informed (b) (6) of my email). Became aware with (b) (6) approaching me & stating I had to ask her for approval to meet (b) (6). I promptly asked & Judith detailed all of athletics would meet (b) (6) & would learn the application process. A meeting day/time set, then was later canceled by (b) (6) 1 hour before. Never rescheduled

- (b) (6) preventing our program to access cross country bank club funding

-Two requested copies of the "No contact order"

-Unanswered reports & emails to (b) (6) on abuses/follow-ups

-Benefits received being in this set group.

Examples: stack positions, be paid more, protection from any wrong doing

-Emails & Timeline with (b) (6) ignoring all requests to obtain work information

-Details/Emails on (b) (6) "IPP" remark

-Details on false bathroom report. A Haskell Coach would need to open the entrance to coffin (Saturday) & then use a 2nd set of keys to unlock coach's office doors to get to the reported bathroom used by 4 coaches.

-Response on Coaching Qualifications/Philosophy

-Entry fee's receipt for a cross country invite. Used \$300 of my own money due to

**(b) (6)** not approving our team's Entry Fee PO in time (submitted 2 weeks early).

No reimbursement attempts & both **(b) (6)** & **(b) (6)** aware

- \$10 Money Order Information

- Screen Shots/Messages on being blocked (banned) by Haskell's Track Page on Facebook (**(b) (6)** & **(b) (6)** are the admin's)

- EMT Certification & being paid as an EMT & athletic trainer (Native All-State Games)

- Roster Information

(25 of 31 on roster I signed prior)

- Possessions remaining in office

- Co-workers messages on abuses, expunging reports for family/friends, actions of one group, reasoning for frivolous report, & alliances

**(b) (6)** approving a \$10,000 track team order for **only a handful of student-athletes**

- Stated by a Faculty member when **(b) (6)** started as the AD (2022 Spring semester) she submitted a high \$10,000+ track team order for that semester. \$10,000 is an absurdly high amount for any team order.

I was the head track coach at Bacone College & University of Antelope Valley. We never went beyond \$6,500 for the team's order. This included *all* technical track equipment for a **track team of 30+ student-athletes**. Cross Country athletes did not get a 2<sup>nd</sup> team order for track.

Hopefully that answers your question. I attached related messages/documents.

- Clay Mayes

**(b) (6)**

On Sun, Nov 6, 2022 at 6:55 AM **(b) (6)** <[@bie.edu](mailto: @bie.edu)> wrote:

Good morning Mr. Mayes! I hate to bother you on the weekend, but I thought I heard testimony where you stated you were chastised and informed you were not supposed to order Brooks gear because of the Nike agreement and athletes wearing the Brooks gear potentially jeopardized the Nike agreement. Is this accurate? If so, who informed said this to you?

**(b) (6)**

[1011 Indian School Road NW Suite 150](mailto: 1011 Indian School Road NW Suite 150)

[Albuquerque, NM 87104](mailto: Albuquerque, NM 87104)

Phone: **(b) (6)**

Fax: **(b) (6)**

Website: [www.bie.edu](http://www.bie.edu)



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## No Response

Fwd: Work Intimidation



You

Jan 25

To (b) (6)



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



Re: Systematic Attacks from Co-worker



You

To (b) (6)

Jan 27



I've routinely been met with hostile responses and irrational behavior from (b) (6) and (b) (6). Recently, on 1/25/2022, (b) (6) followed me around at work in Coffin citing missing gear and persistently questioning and belittling myself about such issues. This is a big issue to me, as missing gear has been due to (b) (6) taking such federal property, as citing in a message.

On 10/5/2021 between 11:30 a.m. to 12:30 p.m. (b) (6) and (b) (6) took Haskell/Federal property out of Jim Thorpe to take. If video can be acquired, one can find video of federal property being taking by (b) (6) and (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,

Strom is never  
contacted



said today he can validate it these issues,

**(b) (6)** . **(b) (6)** can be reached at:

**(b) (6)**

**(b) (6)** [@haskell.edu](mailto:_____@haskell.edu)

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)**

**(b) (6)**

-Clay Mayes

Haskell XC Coach

**(b) (6)**





No Response  
Strom Never Contacted



You

Feb 1

To (b) (6)

...

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

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



2-9-2022 to 2-10-2022 - Being Berated By  
(b) (6)



You

Feb 10

To (b) (6)

and You



**To my surprise and after a talk today at 4:00 pm to 4:30 (2/9/2022) (b) (6)**

**(b) (6) pulled me out of the weight room in coffin front of a couple golf athletes and (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.**



Reply to All



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



## Overview



You

Feb 18

To (b) (6)



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

< 230



(b) (6) (HINU) >

She has it out for you, I know that she treats you different.

She seems to be constantly and passive aggressively talking about me.

I'm going to try and link up with (b) (6) today and see if there is any movement.

Thu, Jan 27, 1:37 PM

I'll call momentarily!

Fri, Jan 28, 11:38 AM

Fatima with Brent at noon