



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

INVESTIGATIVE REPORT OF MISCONDUCT ALLEGATIONS AT HASKELL INDIAN NATIONS UNIVERSITY

This is a revised version of the report prepared for public release

SYNOPSIS

The Office of Inspector General (OIG) investigated allegations of mismanagement from students, faculty, and administrators at Haskell Indian Nations University (Haskell), against the Haskell President. The complaints included allegations that the Haskell President and other university officials mishandled misconduct complaints, and that the Haskell President bullied employees, committed nepotism for the benefit of a family member, and showed favoritism towards a subordinate employee. We also investigated allegations of an improper computer purchase using Title III funds.

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

During our investigation, we learned of allegations that a Haskell instructor sexually assaulted a student. We referred that matter to the Lawrence Police Department.

We are referring our Report of Investigation to the Directors of the Bureau of Indian Education and the Bureau of Indian Affairs.

DETAILS OF INVESTIGATION

We initiated this investigation based on complaints we received from students, faculty, and administrators at Haskell Indian Nations University (Haskell) in Lawrence, KS. The allegations generally concerned mismanagement by the Haskell President (GS-15). We focused our investigation on the following:

- Complaints of misconduct were not handled in accordance with Haskell guidelines
- Haskell did not accurately report crime statistics
- Haskell employees felt bullied and intimidated by the Haskell President
- The President's presence influenced the appointment of her family member to a high-level position
- The President showed favoritism to one employee
- A Haskell employee improperly purchased computers through a Title III grant

Complaints of Misconduct Were Not Handled in Accordance with Haskell Guidelines

We investigated allegations from school officials that Haskell guidelines for responding to criminal or administrative student and faculty misconduct were not always followed.

Two Haskell employees process misconduct complaints for Haskell, which includes intake, investigation, and if necessary issuing sanctions. Haskell's President monitors most investigations and reviews the findings. Haskell's Director of Human Resources (HR) becomes involved if the complaint concerns a Haskell employee.

The two Haskell employees reported that the guidelines for responding to misconduct complaints are included in Haskell's Student Handbook, *Haskell Indian Nations University Student Handbook*, *Code of Student Conduct*, and in its standard operating procedure (Haskell SOP), *Haskell Indian Nations University, Sexual Violence and Abuse, Sex Discrimination, and Sexual Harassment*. The first employee said the Haskell SOP was copied from another university's handbook and was in the process of being revised since it was outdated, did not make sense and had an unprofessional appearance, such as grammatical errors and different font sizes (see Attachment 1). The U.S. Department of Education's *Handbook for Campus Safety and Security Reporting* (ED Handbook), is also used by Haskell for guidance on Title IX complaints and annual reporting requirements.

Haskell Did Not Follow Established Guidelines

Both Haskell employees said that Haskell was not following these guidelines and provided us with specific examples. The second employee said both victims and subjects of complaints were allowed to select advocates who were trained in response procedures. She said, however, that there were no trained advocates at Haskell and on most occasions, no one was assigned. On the rare occasion when an untrained advocate was assigned to a case, the advocate was a Haskell employee, selected by Haskell staff, not the victim or subject.

The second Haskell employee said that all employees should receive training on incident response and must certify annually that they have read and understood the Haskell SOP. She said

certain employees, such as student counselors and the Title IX coordinator, should receive additional training to ensure Haskell follows Federal guidelines. The second Haskell employee told us she did not believe that the first employee knows Federal regulations well enough to provide useful training. The first employee admitted during her interview that she has no formal training or experience in conducting Title IX investigations, and that she was “flying semi-blind” when investigating these types of crimes.

The second Haskell employee said that Haskell did not issue “timely warnings” or “emergency notifications,” as required by regulation, when sexual assaults occurred on campus, particularly when law enforcement responded. As an example, the second employee said that a timely warning to students was not issued for a November 2014 on-campus sexual assault of a Haskell student. The second employee said she immediately told the Haskell President to issue a timely warning, but the President said, “I don’t want to do that.” The second employee explained that it was a requirement, and the President eventually posted a few notices in the dormitory where the incident occurred, which the second employee felt still did not follow the guidelines. The second employee said she felt the President was attempting to reduce the negative exposure of the incident as much as possible.

Haskell’s Response to Complaints

We reviewed all 14 of Haskell’s misconduct investigative files and found most contained little information regarding the complaint process or the investigative outcome so we focused our review on four complaints that had enough information to assess Haskell’s process. The Haskell President admitted that some aspects of each of these four cases should have been handled differently and in accordance with Haskell guidelines. The President also told us that Haskell’s management was in the process of reviewing and revising those guidance documents for both faculty and students.

In the first case, the President admitted a sexual assault allegation was not handled in accordance with Haskell guidelines because evidence that did not exist was presented in student and appellate court. In the second case, the President admitted she treated an allegation of sexual assault differently because the victim was male. Thirdly, the President admitted Haskell mishandled allegations an instructor had raped a student and, in the process, likely re-victimized the student. Finally, the President described how a Haskell security guard and resident assistant had failed to document and report a domestic violence incident.

Haskell Underreported Crime Statistics

We investigated allegations that the crime statistics included in Haskell’s annual safety report were inaccurate. We found that the statistics were underreported for the 2014 and 2015 school years – the first 2 years she was president. The statistics for the 2016-2017 school year were not available during our investigation.

Haskell is required by the “Clery Act,” 20 U.S.C. § 1092(f) to publicly disclose information on crimes that occurred on campus, including reports of sexual assault. In addition to collecting crime reports from campus security personnel and other mandatory reporters (e.g., residential housing assistant, housing director). Haskell is also required to make a “reasonable, good-faith

effort” to obtain crime statistics from all local law enforcement agencies with jurisdiction over the school. The statistics collected internally, from Haskell security, and externally from the LPD, should have been included in the Haskell’s annual safety report. One Haskell employee is responsible for compiling those statistics and submitting them to the Haskell President for approval.

We compared the list of crimes reported to the LPD and Haskell’s incident reports for 2014 and 2015 to the crime statistics reported in Haskell’s 2014 and 2015 official *Annual Campus Security and Fire Safety Report*. We found that several reported incidents were not included in Haskell’s official reports, as shown in Figure 1, below. Figure 2 shows the combined totals for 2014 and 2015.

Category	Haskell Annual Report	2014		Haskell Annual Report	2015	
		LPD	Incident Reports		LPD	Incident Reports
Sexual Misconduct/Assault/Rape	1	2	4		1	3
Violence (Domestic/Dating/General)	2	6	6	4	8	14
Stalking				1		1
Harassment/Intimidation			1			5
Totals	3	8	11	5	9	23

Figure 1. Crimes reported by Haskell compared to LPD and university incident reports.

Haskell Annual Report Actual Reportable Crimes	2014	2015
	3	5
	19	32

Figure 2. Actual reportable crimes compared to Haskell’s annual reports for 2014 and 2015.

A Haskell Employee Said She Adjusted Statistics Because She Feared the Haskell President

The employee admitted that the statistics she submitted for the annual report were incorrect. She said that only the highest profile crimes, which had been substantiated, were recorded in the report while nearly all the other complaints were omitted. The employee said that she had understood that all reported crimes that fall within the guidelines must be included regardless of whether they are investigated, substantiated, or completely ignored. The employee said that she met with the Haskell President and gave her statistics for the report, but the President told her they only need to report arrests and instructed the employee to adjust the figures. The employee said she has tried to explain the requirements to the President, but it just made her angry. The employee said, “I know it’s wrong, but I’m scared to death, you know. I mean, I need this job.” She said, “I did it because I’m afraid.”

The employee said that if the President was not her boss, the numbers in the report would be “off the charts.” The employee said the problem was if they accurately report the statistics there would have been a “spike” in the numbers, which would likely draw attention from accreditation entities such as the Higher Learning Commission. She said that Haskell’s accreditation could be suspended, or worse, lost. The employee admitted that it was wrong to misrepresent the safety of

the campus and told us, “As a parent, I would want to know all the ugly things that go on there. I would want it to be transparent.”

Another Haskell employee confirmed the employee’s statements, explaining that Haskell’s reporting procedures were not followed because the President used fear and intimidation to limit public exposure of these incidents. She estimated, with only the incidents reported to her, not including any other reports, there should have been approximately 6 more sexual assaults reported in 2015, and approximately 18 total for the last 3 years. The other Haskell employee indicated that the report impacts funding and accreditation by the Higher Learning Commission and said the President feared higher numbers could negatively impact the university’s budget. The other Haskell employee said that the President prohibited her from interacting with students as a counselor and was trying to get rid of her. The other Haskell employee said that this essentially shut down the counseling program. She said that is what happens when people stand up and advocate for students, and other employees see that and are afraid.

The other Haskell employee said the employee is responsible for compiling the numbers for the report but stressed that she is not receiving all the information. The other employee was not aware if the responsible employee was intentionally omitting incidents on the reports; however, she mentioned that the responsible employee, “knows she has a target on her back and she knows she’s got to play nice or they’re going to get rid of her.” The other employee further stated, “She’s afraid for her job. I think everyone, you know, they’re afraid for their jobs at Haskell, because you’re either on [the President’s] side or you’re not...” the other employee said, “It is fear and retaliation that drives Haskell.”

The Haskell President Denied Intentionally Misrepresenting Statistics

The President told us that she was unsure if she was up-to-date on the guidelines for publicly reporting the crimes, and she did not know what guidelines the responsible employee used to compile the statistics for Haskell’s annual safety report. The President said that she was not familiar with the details, but she believed Haskell fulfilled its requirements.

The ED Handbook states that all reported offenses must be included. The President, however, said she was unaware that every reported incident must be included, regardless of the outcome. When asked if she and the responsible employee should be familiar with the regulations, the President admitted, “We both should. The university should be familiar.”

We showed the President our statistics and explained how our results showed Haskell had underreported in 2014 and 2015. We also explained that penalties exist for underreporting the statistics and that ED can issue civil fines for a substantial misrepresentation of the number, location, or nature of the crimes required to be reported.

The President acknowledged that Haskell’s annual reports have been inaccurate but denied intentionally misrepresenting the statistics. She said that the inaccuracy was the result of those involved not being familiar with the requirements. The President recognized that Haskell’s ineffective information gathering from internal incident reports was a long-standing problem and so Haskell created a Center for Institutional Effectiveness a few years ago to centrally store official data.

We asked the President if she thought the responsible employee was too intimidated to approach her about the statistics for the report and she said, “I have, you know, people that are intimidated by me because I’m the president.” The President hoped the responsible employee was not intentionally withholding statistics because she was afraid to show her the true results. The President denied being aware of any instance where the employee intentionally misrepresented the statistics, and denied ever directing the employee, either overtly or subtly, to omit certain statistics because of concerns that could negatively affect admissions, funding, or graduation rates.

Other Haskell Employees Felt Bullied and Intimidated by the Haskell President

We found that employees felt bullied and intimidated by the Haskell President, but we did not identify evidence of her taking formal adverse action against the alleged victims. We reviewed 23 complaints received by our office from 2016 to October 2017 and identified 10 individuals who were alleged victims of intimidation, bullying or harassment by the President. We interviewed the 10 individuals in the complaints, and two additional potential victims we identified during our investigation. Four individuals made the following statements concerning alleged intimidation, bullying, or harassment during our interviews:

- A high-ranking administrator who requested confidentiality, told us that the President would lash out at her during meetings and described her as “highly manipulative” and “abusive.” The administrator alleged that the President’s behavior caused them to be physically ill.
- A former Haskell employee said that during her tenure at Haskell, the President questioned the validity of her position and duties, made disparaging remarks about her, and threatened to terminate her employment.
- A Haskell student told us that the President and her family member took retaliatory action against him by terminating his access to Haskell’s online course management system for a short period. The student alleged that the action was taken against him for filing several grievances against Haskell, and it significantly affected his ability to complete assignments.
- A Haskell Instructor alleged that the President, and two of her employees retaliated against him by issuing a letter of reprimand and obstructing his career development when he questioned their decision to withhold his promotion.

We also reviewed records provided by Haskell HR but did not find evidence that the President took disciplinary or adverse action against any of the individuals she had allegedly harassed or intimidated.

We told the President that Haskell employees had made complaints that they felt intimidated or bullied by her, and that some complainants told us that they feared for their jobs. The President admitted that she had heard about these types of allegations from her subordinates or other employees.

When asked if the allegations of bullying and intimidation were the result of employee perceptions of her, the President replied, “Well, I think perception is reality, right?” She further stated, “I’m sorry that people have those perceptions and, you know, don’t have the wherewithal to just say that.” The President also stated that there was a breakdown of communication between her and some employees, which had resulted in problems in more than one department. She told us another obstacle was that senior staff at Haskell said that they did not want to change, because they were near retirement and did not want to be held to a higher standard.

When asked if she was part of the problem, the President replied, “Well apparently I am.” She said that she did not intentionally intimidate people to get what she wanted, did not threaten employees’ jobs, and did not favor one department over another. The President believed that some employees think she does all those things. She told us that Haskell’s failure to meet requirements, particularly on reporting crimes and investigating cases, was “discouraging.”

Many of the complaints we received were related to the President’s decision to cut the athletic program. She said that she has had to make some very difficult decisions since becoming president, including significantly cutting the athletic budget. The President said that when she looked at the athletic budget of \$600,000, she thought, “that’s three degree programs we could be supporting.”

The Haskell President’s Presence in a Meeting Where Her Family Member’s Detail was Discussed Influenced the Appointment to a High-Level Position

The original complaint alleged that the President committed nepotism by influencing the appointment of her family member to a high-level position. We found that the family member’s immediate supervisor (Requested Confidentiality), the HR Director, and the President discussed candidates, including the family member, to fill the vacant high-level position during a management meeting in the President’s office.

The family member’s immediate supervisor claimed that the President told her to select her family member for the position, which the HR Director and the President both denied. The HR Director told us that the President’s family member was among several possible selections and the President said a final decision was not made during the meeting. The President also told us that she stopped participating when the meeting progressed into who to select. When asked, all three individuals agreed that the President’s presence during that meeting influenced the selection of her family member for the position, and that she should not have been present during the discussion.

Following the meeting, the President’s family member was selected and served for approximately 9 months. The selection did not provide the family member any financial benefit or advancement, and other employees rotated through the position. Other allegations of the family member receiving preferential treatment from the President were also unfounded through a review of the family member’s travel records, performance evaluations, and personnel file.

BIE's Initial Investigation of the Complaint

The original complaint on this issue was previously investigated by a BIE employee, who found the allegation to be unsubstantiated. In support of his findings, the BIE employee cited a January 21, 2014 Recusal Agreement signed by the President prior to her selection as president. He also referenced several shifts in Haskell's organizational structure to maintain the appropriate levels of supervision between the President and her family member. During our investigation, we confirmed the agreement was signed and that the organizational changes occurred.

No Evidence the Haskell President Showed Favoritism to an Employee

We investigated allegations that the Haskell President showed favoritism toward an employee by allowing the employee to work on her doctoral dissertation while she was employed at Haskell. We did not find evidence to substantiate the allegation. The employee informed us that she was offered the opportunity to complete her doctoral dissertation at the University of Kansas (KU) in 2017, as a temporary assignment arranged under the provisions of the Intergovernmental Personnel Act of 1970 (IPA). IPA agreements provide for the temporary assignment of personnel between the Federal Government, state and local governments, colleges and universities, Indian tribal governments, federally funded research and development centers, and other eligible organizations.

A review of documents provided by a BIE Ethics Counselor showed that the Haskell President submitted an assignment agreement request for the employee's detail to KU to the BIE HR office. The request was sent in accordance with the Bureau of Indian Affairs (BIA) manual, and it was approved by the BIE Director on February 3, 2017. Our review of the assignment agreement also revealed that the employee was detailed to KU from February 1, 2017, to January 1, 2018, and she returned to duty at Haskell on January 2, 2018.

The President was not required to offer the temporary assignment opportunity to other Haskell employees, per BIA policy. The President informed us that she encourages Haskell staff to pursue their doctorates to improve Haskell's academic accreditation standards. The President denied that Haskell made any tuition payments to the employee for her dissertation work at KU.

Computer and Technology Purchases Were Made in Accordance with Department of Education Title III Grant Requirements

We investigated an allegation that an IT employee purchased 300 Dell computers for Haskell students for \$1 million, and allegedly put the computers in storage after receiving them in November 2015. The complaint alleged that the IT employee mismanaged the Title III grant funds when making the purchase, failed to install the computers, and improperly hired students to work on the project.

The IT employee told us that he applied for a grant under the U.S. Department of Education Tribally Controlled Colleges and Universities Title III Program in 2010 to fund the "Improving Technology Infrastructure" project at Haskell. The grant proposal included a funding request for information technology (IT) infrastructure and improvements over 5 years.

The IT employee told us he used the Title III grant funds to purchase 350, not 300, Dell computers in July 2015. The IT employee stated that he also, implemented several IT improvements with the grant funds, including fiber capacity upgrades. The IT employee said that he consulted with Haskell's faculty technology committee to determine IT needs and used grant funds to upgrade technology in 33 classrooms.

The IT employee said the Haskell library was the first location to receive new computers in approximately November 2015. The IT employee said these 60 computers were stored at the American Horse Warehouse prior to installation, and anyone who visited the warehouse could have seen the computers.

The IT employee said that he initially developed an installation schedule for the computers, but it did not occur as planned due to scheduling conflicts and other delays. It took time to prepare the computers and find staff to install them, and in some locations, the IT department was limited to installing computers during school breaks. The IT employee said the IT department also encountered software issues that prevented immediate installation. At the time of our interview, the IT department had installed 250 of the 350 computers. The IT employee told us that the Title III grant did not require an installation schedule for the computers, but he planned to complete installation of the remaining 100 computers in 2017. While on campus on February 9, 2017, we viewed several computers and technology improvements that the IT employee said were purchased with the Department of Education grant, and we noted that DOI property tags were attached to the computer equipment. As of May 2018, the IT employee had 75 computers remaining for installation.

The IT employee informed us that he received approval from Department of Education to fund the Tribal Student Program with a portion of the Title III grant. This allowed students from the Tribal Student Program to assist the IT employee with the installation of computers and other technology improvements funded by the Title III grant. The IT employee provided a letter from Department of Education, dated August 8, 2016, which stated that the Department of Education completed a final review of the grant and determined that all terms and conditions were met, and that the grant was closed out in compliance with Title III requirements.

SUBJECTS

Haskell President (GS-15)
Haskell Employee (GS-12)
Haskell IT Employee (GS-12)
Haskell Instructor (GS-11)

DISPOSITION

We will provide the report to the BIE and BIA Directors for any actions deemed appropriate.

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