

**STATEMENT OF
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ASSISTANT SECRETARY FOR INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
AND
COMMITTEE ON EDUCATION AND THE WORKFORCE
SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT
JOINT HEARING ON SAFETY ISSUES AT HASKELL INDIAN NATIONS
UNIVERSITY**

July 23, 2024

Chairpersons, Ranking Members, and Members of the Subcommittees,

Thank you for the opportunity to testify on behalf of the U.S. Department of the Interior (Department or DOI) regarding Haskell Indian Nations University (Haskell). My name is Bryan Newland, and I serve as the Assistant Secretary for Indian Affairs. I am here to discuss the measures we have taken to improve the safety and well-being of the students and staff at Haskell. I want to address at the onset that our staff may not have provided the clearest information regarding the matters at hand. However, know that the Department takes any allegation of misconduct of a sexual nature seriously and takes immediate appropriate actions to protect the safety and wellbeing of students.

My goal today is to help provide clarity around the actions both the Bureau of Indian Education (BIE) and Haskell took in relation to the BIE Human Resources (HR) Administrative Investigation Board (AIB) investigation into allegations of misconduct. I also wish to confirm that the BIE did not eliminate any findings or conclusions from the initial draft report submitted by the AIB in November 2022 when BIE HR finalized the January 2023 final report (Report). The BIE and Haskell have used the Report and other third-party expert recommendations to improve student safety-related staffing and support services, as well as policies and procedures at Haskell.

Haskell Background

Haskell plays a unique role in Indian Country. When Haskell opened in 1884, it was known as the Indian Industrial Training School at Lawrence, KS and was among the first of the U.S. government's off-reservation boarding schools for American Indian children. Based on the Carlisle School model in Pennsylvania, with its creed to "Kill the Indian, Save the Man," Haskell was one of a network of boarding schools that worked to destroy Tribal cultures by enforcing Euro-American standards of appearance, thought, and behavior. The cultural and moral injury inflicted by such institutions affected generations of Indigenous families and still reverberates today through historical, generational trauma and Tribal wealth depletion.

As evidenced by the Secretary of the Interior's Federal Indian Boarding School Initiative, the Federal government established comprehensive policies through institutions like Haskell to assimilate Indian children. While our generations are still grappling with the historical traumas of this past, Tribal nations and Indian people are strong and have effected positive change to Federal policies and institutions as a result of that strength. In 1992, after a period of planning for the 21st Century, the National Haskell Board of Regents recommended a new name to reflect its vision for Haskell as a national center for Indian education, research, and cultural preservation. In 1993, the Assistant Secretary for Indian Affairs approved the change, and Haskell became Haskell Indian Nations University.

More recent generations of American Indian and Alaska Native families have been proudly sending their students to Haskell from all over the country for a quality and culturally inclusive education. Haskell is a place that provides an inter-Tribal cultural experience. Many of us have grandparents, parents, nieces, nephews, and cousins who currently attend or once attended Haskell. To be part of the "Haskell Rascal" family is something that is held in pride across many Tribal communities. It would be hard to find a Native person who does not have some tie or story about a relative who attended Haskell at some point. It is part of the fabric that makes up Indian Country. The Department is dedicated to making Haskell as strong and as safe an institution as possible to reflect the strength of our people and Tribal nations.

As a cornerstone of higher education for American Indian and Alaska Native students, Haskell now serves approximately 1,000 students. Haskell offers a range of rigorous academic programs and provides a culturally rich and transformative educational experience. It is critically important to the Department, BIE, and Haskell leadership that we support Haskell in being recognized as one of the best institutions of higher learning in the country. From a personal standpoint, supporting BIE schools and Haskell is one of the top priorities I have as the Assistant Secretary. So, when allegations, such as those that arose at Haskell, come to our attention, I want your Committees to know we take them seriously and act.

Allegations Background

In 2021, the BIE received a series of complaints from students and staff at Haskell. These complaints highlighted various concerns about the university environment, including allegations of misconduct and inappropriate behavior. Recognizing the seriousness of the allegations and maintaining a desire to responsibly address the issues raised, the BIE contracted with an independent third-party administrative investigator to gather evidence regarding these allegations. Consistent with DOI policy, BIE also contacted the DOI Office of Inspector General (OIG) to report additional allegations. When the OIG referred the matters back to BIE, BIE assembled an internal administrative investigative board (AIB) to conduct further investigation. Additionally, where appropriate, students were referred to local law enforcement to make criminal reports.

As preventative interim measures to safeguard against misconduct of a sexual nature and to protect the integrity of investigations, Haskell issued no-contact orders while the matters were being investigated. Once the investigations were completed, BIE took appropriate administrative and formal disciplinary actions.

Even though BIE investigated the allegations it received, the Bureau did not stop there. BIE continued to look for ways to better protect the safety and security of our students.

Initial Allegations (Late Fall and Early Winter 2021)

- **Incident:** In late 2021, the BIE received a series of complaints from students and staff at Haskell. These complaints highlighted various concerns about the university environment, including allegations of misconduct and inappropriate behavior. Between late fall and early winter of 2021, the BIE received a total of 28 separate allegations and cross-allegations of wrongdoing.
- **Action:** Each of the 28 allegations was promptly submitted to the U.S. Postal Service's National Equal Employment Opportunity Investigative Services Office (USPS NEEOISO) for independent investigation to inform further action, as needed. USPS NEEOISO has ongoing interagency agreements with DOI, providing services such as Harassing Conduct Investigations (HCIs) for DOI and all of its sub agencies, including BIE.
- The USPS NEEOISO produced three separate investigative reports, delivered between May and July 2022. I want to emphasize the swift and thorough response to each allegation. Contrary to inaccurate press or accusations that these allegations went unaddressed for months, the Department and Haskell leadership took immediate action to investigate these concerns.

Sexual Harassment Allegation (December 2021)

- **Incident:** 27 of the 28 allegations provided to the USPS NEEOISO in the late fall and early winter 2021 were non-sexual in nature. One complaint, however, was sexual in nature. On December 18, 2021, a parent reported that a Haskell staff member had inappropriately touched their daughter at a basketball game. The student filed a written statement on December 20, 2021.
- **Action:** On December 21, 2021, Haskell and BIE issued a no-contact order to the staff member pending further investigation and submitted the allegation to USPS for investigation. The USPS NEEOISO investigation was completed by May 2, 2022. BIE HR determined that the May 2, 2022 report did not support further action.

Subsequent Allegations, Including Sexual Assaults (April-May 2022)

- **Incident 1:** On April 14, 2022, a student reported to a Haskell employee an alleged sexual assault that occurred on April 3-4, 2022. The student could not recall the location where the alleged assault took place. The Haskell employee contacted local law enforcement.

- **Incident 2:** On April 21, 2022, and again on April 26, 2022, a student reported to two Haskell employees a separate alleged off-campus sexual assault that occurred on April 11, 2022. One of the Haskell employees contacted local law enforcement.
- **Incident 3:** On May 14, 2022, another student reported to a Haskell employee a separate alleged off-campus sexual assault that had occurred in April 2022. The Haskell employee issued a no-contact order and recommended the student to report the alleged off-campus sexual assault to local law enforcement. The Haskell employee had a follow-up meeting with this student on May 16, 2022, and learned the student had not reported the incident to local law enforcement. According to Haskell’s policies at the time of this incident, Haskell staff would only assist an adult victim in contacting law enforcement if specifically requested and provided permission by the alleged victim.
- **Action:** On Monday, June 13, 2022, members of the Haskell community reached out directly to the BIE HR Officer regarding new allegations of misconduct, including those sexual in nature. On Tuesday, June 14, 2022, students submitted a Personnel Bulletin (PB) 18-01 Complaint to BIE HR. BIE HR assigned a team to review the allegations and worked with the Department’s Solicitor Office on next steps by Friday June 17, 2022. The submitted PB 18-01 included new allegations of “physical and sexual abuse”. By Wednesday June 22, 2022, BIE submitted the allegations to the Department’s OIG. OIG referred the complaints unrelated to “physical and sexual abuse” allegations to BIE on Wednesday July 6, 2022. Following the July 6, 2022 referral by OIG, BIE organized the HR-led on-the-ground AIB on July 7, 2022 to arrive at Haskell by Sunday July 10, 2022 to investigate the allegations. On July 25, 2022, OIG referred the allegation back to BIE HR regarding “physical and sexual abuse” contained in the PB 18-01 submitted by BIE on June 14, 2022, to investigate. While the initial on-site investigation began on July 10, 2022, the AIB continued their investigation beyond that initial date. While the initial on-site investigation began on July 10, 2022, the AIB continued their investigation beyond that initial date.

Additional Allegations (Summer 2022)

- **Incident:** Upon arrival on campus, the AIB received additional allegations of wrongdoing, including theft of athletic equipment, nepotism, bullying behavior, conflicts of interest in personnel decisions, and fabricating grievances against contract employees.
- **Action:** These allegations and subsequent AIB conclusions were included in the AIB Report. The BIE HR AIB provided an initial draft of its report in November 2022 to the BIE HR Officer for review and finalization to inform appropriate action at Haskell. During this timeframe, HR made edits to the draft in an effort to improve the report’s clarity, readability, and ensure completeness in its analysis and conclusions. Importantly, the edits made during this time period did not eliminate any findings or conclusions of the AIB. The BIE HR Officer signed the AIB Report, dated January 13, 2023. Based on the AIB conclusions, BIE initiated administrative and formal disciplinary actions against ten individuals, including supervisor counseling, suspension, reassignment, and

termination of contract. Two additional staff members involved resigned from their positions at Haskell prior to receiving formal disciplinary actions.

Independent Stafford Review and Haskell Reforms

To complement the BIE HR AIB, Haskell secured the services of D. Stafford & Associates (Stafford) in August 2022. Stafford is an independent consultation firm specializing in campus safety and security, sexual misconduct response and investigation, and post-secondary institution law enforcement issues. Over the summer 2022, Stafford conducted a comprehensive review of Haskell's policies and procedures and provided its independent report to Haskell leadership on September 11, 2022 with recommendations to bolster student support services. Stafford reviewed Haskell's existing Sexual Misconduct, Student Rights, and Student Conduct policies and procedures. Stafford's independent report contained 13 recommendations for programmatic and policy improvements at Haskell. Stafford continues to provide ongoing guidance to Haskell regarding its recommendations and guidance implementation.

- **Implementation of Stafford Recommendations:** Pursuant to these recommendations, Haskell has completed or is in the process of completing the following reforms:
 - **Campus Advocate Coordinator:** Hired a newly established Campus Advocate Coordinator position, encumbered as of May 20, 2024. This position is designed to address both Stafford's recommendations regarding sexual misconduct reporting and student support policies, as well as BIE HR AIB conclusions regarding the role and expectations of the Haskell employee managing student support services for the institution.
 - **New Policies:** Drafted new Sexual Misconduct Policies and Procedures and related documents needed for implementation. These will be ready for the beginning of the 2024-25 Academic Year on August 26, 2024.
 - **Reporting Procedures:** In consultation with Stafford, Haskell developed new reporting procedures and forms for intake.
 - **Student Code of Conduct:** Developed a new Student Code of Conduct and provided the Code to the Haskell Student Government Association for review.
 - **Training Programs:** Established a regular and ongoing annual sexual assault awareness training in partnership with Stafford, the Douglas County District Attorney's Office, the Lawrence Police Department, the Willow Domestic Violence Center, and the Sexual Trauma and Abuse Care Center. The first of this regular joint annual training was held on November 29, 2023.
 - **Website Refresh:** Initiated a website refresh and hired a full-time iNet/Webmaster position tasked with maintaining Haskell's web and social media sites. Once finalized, Haskell's newly developed Sexual Misconduct Policies and Procedures will be added to the website for the 2024-25 Academic Year.
 - **Student and Faculty Resources:** BIE expanded behavioral health services offering on-campus and virtual mental health support, including group and individual therapy and 24/7 crisis support.

Department Support for Haskell: To increase oversight and accountability at Haskell, the Department elevated the president position of the college from GS-15 to Senior Executive to increase competitiveness in filling the role with other postsecondary institutions. This new SES position was encumbered May 21, 2023. Additionally, the Department recently approved two Senior Executive positions within the BIE organization to provide guidance and oversight on performance and accountability as well as post-secondary education functions. This builds on the BIE reform initiated in 2014 and continued in subsequent administrations. These leaders will increase support for Haskell, BIE's Southwestern Indian Polytechnic Institute in New Mexico, and Tribal Colleges and Universities around the country, as well as provide oversight to BIE's scholarship program.

Allegations and Investigations Timeline

To provide a clearer picture, I will detail the timeline and responses to each major set of allegations:

Fall and Winter 2021 Initial Allegations

- **Late Fall/Early Winter 2021:** BIE received 28 allegations.
- **December 2021:** All allegations were submitted to USPS NEEOISO for investigation.
- **May-July 2022:** USPS NEEOISO delivered three separate investigative reports.

December 2021 Sexual Harassment Allegation

- **December 18, 2021:** Parent reported the incident.
- **December 20, 2021:** Student filed a written statement.
- **December 21, 2021:** Haskell and BIE issued a no-contact order and submitted the allegation to USPS NEEOISO.
- **May 2, 2022:** USPS completed the investigation and provided the report to BIE HR with no conclusive findings or recommendations. BIE HR determined that the May 2, 2022 report did not support further action.

April-May 2022 Sexual Assault Allegations

- **April 14, 2022:** First assault reported to Haskell staff.
- **April 21 & 26, 2022:** Second assault reported to Haskell staff.
- **May 14, 2022:** Third assault reported to Haskell staff.
- **June 13, 2022:** BIE HR made aware of new allegations of misconduct, including those sexual in nature.
- **June 14, 2022:** Members of the Haskell community submit a Personnel Bulletin 18-01 complaint, and BIE HR team assigned and prepared for submission to OIG.
- **June 17, 2022:** Legal advice sought from Solicitor's Office.

- **June 22, 2022:** Allegations submitted to OIG.
- **July 6, 2022:** OIG referred complaints unrelated to “physical and sexual abuse” allegations back to BIE.
- **July 7, 2022:** BIA HR initiated an AIB investigation on-site at Haskell.
- **July 10, 2022:** BIE HR AIB team arrived on-site at Haskell.
- **July 25, 2022:** OIG referred back to BIE HR the allegations related to “physical and sexual abuse” contained in the PB 18-01 submitted on June 14, 2022 for investigation.

Summer 2022 Additional Allegations and Independent Review

- **Summer-Fall 2022:** BIE HR AIB team investigates 16 new allegations, including Haskell’s response to the three allegations of off-campus sexual assault.
- **Summer 2022:** D. Stafford and Associates conduct comprehensive policy review and deliver a final report with recommendations.
- **September 11, 2022:** D. Stafford and Associates provides its recommendations to Haskell.
- **November 7, 2022:** BIE HR AIB provides draft AIB report to the BIE HR Officer for finalization.
- **January 13, 2023:** BIE HR Officer signs the AIB report to inform appropriate action at Haskell.

Other Reports, Reforms and Improvements

2018 OIG Investigations

In a pair of 2018 reports, the OIG found that Haskell 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. OIG also found that Haskell employees felt bullied and intimidated by the Haskell President at the time, finding that the President’s presence in a meeting influenced a family member’s appointment to a high-level position. OIG did not find evidence that the President at the time showed favoritism or that computers were purchased improperly as originally alleged.

However, during the course of OIG’s investigation, OIG learned of an allegation that a Haskell instructor sexually assaulted a student. OIG referred the allegation to the Lawrence Police Department. Additionally, OIG found that employees of the Haskell Foundation (Foundation), a nonprofit corporation, utilized office space on the Haskell campus and managed the proceeds of grants to Haskell, but that Haskell and the Foundation had no written agreement governing their relationship, which created a significant risk for potential legal violations.

In addition to responding swiftly to allegations, BIE and Haskell have taken significant steps to reform its policies and procedures, increase capacity for oversight, and use the findings and recommendations for improvement to improve student and campus safety.

Conclusion

I appreciate the Committees' time to highlight the Department's work and hear your concerns about this important issue. While imperfect at communicating the work completed, this Administration's efforts are improving the safety and well-being of students and staff at Haskell. We are also making long-term organizational improvements at the BIE and Haskell, so Haskell can compete with other colleges and live up to its storied legacy. Haskell Indian Nations University and all of our students across the country have been one of my top priorities. We recognize the courage of our students and staff who have come forward with their experiences, and we are committed to improving our shortcomings to create a safe and supportive environment that prepares our students to become the leaders Tribal nations deserve.

On May 13, 2022, I met with students at Haskell alongside the BIE Director. That audience was one of the toughest crowds for which I presented and heard during my tenure because our Haskell students are so smart. Our students know what they deserve and challenged us to do better. We are dedicated to doing better. As Haskell finalizes its policies and procedures before the upcoming academic year, I plan to meet with Haskell students again to receive input and speak to them directly as a follow-up to my prior engagement. I also want to acknowledge the presence of members of the Haskell community today, including students past and present. For those that were not treated appropriately, I extend my deepest empathy and assure them that their safety and well-being are paramount. We are committed to ensuring that their voices are heard and that their concerns are addressed with the utmost seriousness and sensitivity.

The U.S. Department of the Interior, in collaboration with BIE and Haskell leadership, is dedicated to addressing the concerns and improving the safety of those both on and off campus to our utmost ability. We have taken swift and decisive actions in response to allegations and continue to implement reforms to foster a safe and supportive environment at Haskell. Thank you for your attention to these critical issues. I am prepared to answer any questions you may have.