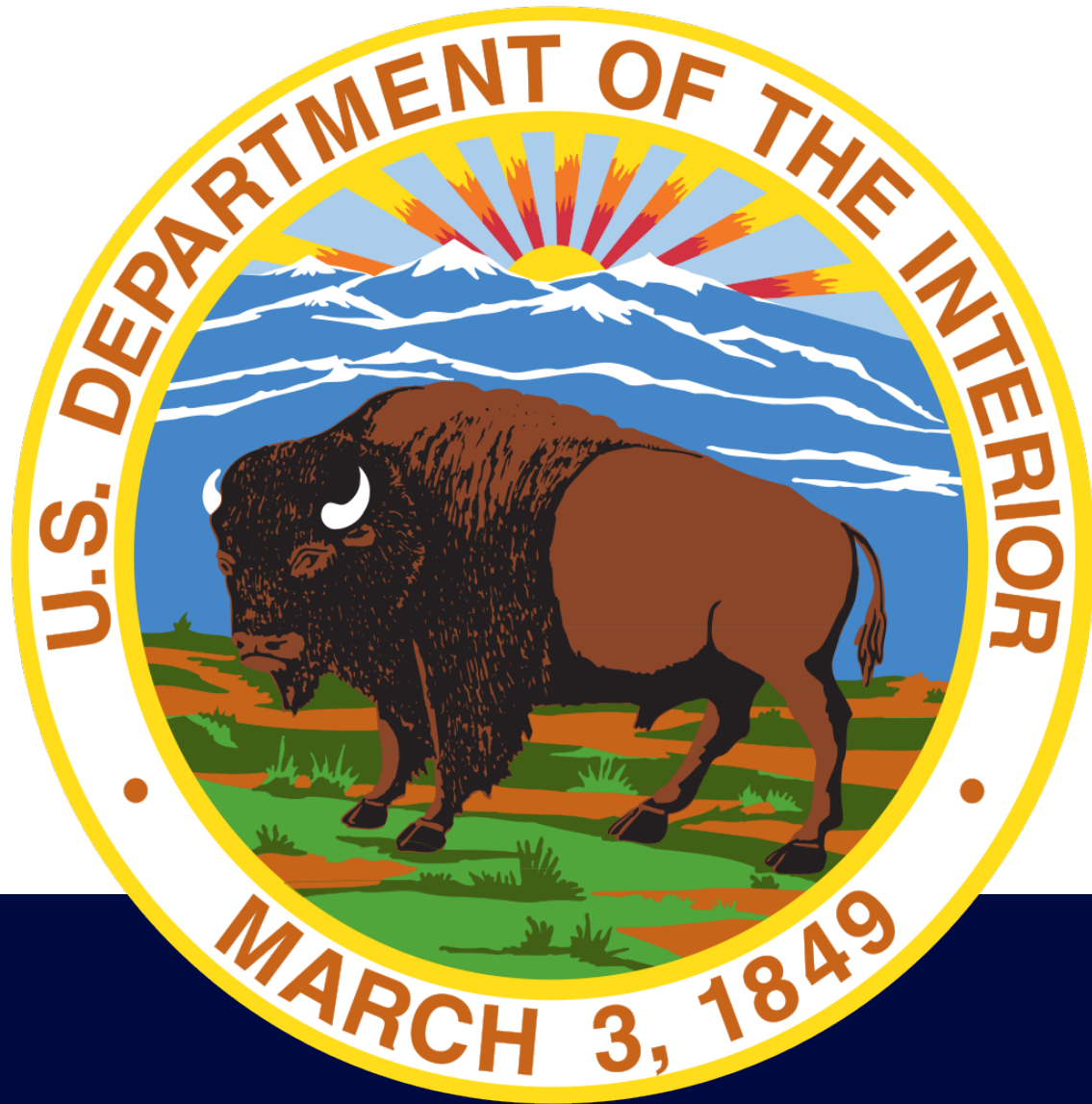




OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR



# Review

## Bureau of Indian Education-Operated Postsecondary Institutions' Policies, Processes, and Training Related to Sexual Misconduct Complaints

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

## Review

# Bureau of Indian Education-Operated Postsecondary Institutions' Policies, Processes, and Training Related to Sexual Misconduct Complaints

## Governing Standards

Federal laws and Department policies provide general requirements governing responses to student complaints of sexual misconduct. Haskell and SIPI are responsible for implementing these requirements through their own policies.

- Executive Order 13160, *Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs*
- *Indian Affairs Manual*, 34 IAM 6, "Addressing and Responding to Sexual Violence and Abuse at BIE Post-Secondary Institutions"
- *Departmental Manual (DM)*:
  - 373 DM 8, "Equal Employment Opportunity, Procedures for Processing Complaints under Executive Order 13160"
  - 380 DM 1, "Records Management, Records Management Program and Responsibilities"
- 25 C.F.R. Part 43, *Maintenance and Control of Student Records in Bureau Schools*
- Haskell and SIPI Sexual Misconduct Policies

## What We Reviewed

We initiated this review to determine whether two postsecondary institutions operated by the Bureau of Indian Education (BIE)—Haskell Indian Nations University (Haskell) and Southwestern Indian Polytechnic Institute (SIPI)—followed laws and policies related to student complaints of sexual harassment and other sexual misconduct (hereinafter "sexual misconduct").

We focused our review on three specific issues:

1. Whether Haskell's and SIPI's policies for responding to student complaints of sexual misconduct complied with applicable law and U.S. Department of the Interior (Department) policy.
2. Whether Haskell and SIPI responded to student complaints of sexual misconduct in accordance with their own written policies and procedures.
3. Whether Haskell and SIPI provided training to their employees with respect to student complaints of sexual misconduct as required by Department and school policies.

## What We Found

We concluded that Haskell's and SIPI's written policies for responding to student complaints of sexual misconduct complied with the relevant Executive Order and Department policy. Specifically, both institutions' policies prohibited discrimination based on sex and established procedures for the receipt, review, and disposition of student sexual misconduct complaints in a timely manner.

We were unable to determine, however, whether Haskell and SIPI responded to student complaints of sexual misconduct in accordance with their policies and procedures because neither institution maintained required documentation in their case files. Without this documentation, we were unable to determine how Haskell and SIPI reviewed, investigated, and adjudicated complaints of sexual misconduct.

Finally, we found that neither Haskell nor SIPI ensured that their employees received training on sexual misconduct as required by applicable policy.

We referred our findings to the BIE Director for any action deemed appropriate.



OFFICE OF  
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U.S. DEPARTMENT OF THE INTERIOR

**REVIEW OF BUREAU OF INDIAN EDUCATION-OPERATED  
POSTSECONDARY INSTITUTIONS' POLICIES, PROCESSES, AND TRAINING  
RELATED TO SEXUAL MISCONDUCT COMPLAINTS**

**I. SCOPE AND METHODOLOGY**

We initiated a review of two postsecondary institutions operated by the Bureau of Indian Education (BIE), Haskell Indian Nations University (Haskell) and Southwestern Indian Polytechnic Institute (SIPI), to determine whether they were following laws and policies related to student complaints of sexual harassment and other sexual misconduct (hereinafter “sexual misconduct”).<sup>1</sup>

Our review was limited to complaints of sexual misconduct filed by students of these institutions and whether Haskell and SIPI responded to these complaints in accordance with law and U.S. Department of the Interior policy. We did not separately analyze the merits of these complaints. We did not review student complaints arising from matters unrelated to sexual misconduct, nor did we review sexual misconduct complaints filed by Haskell and SIPI employees. Moreover, our review of sexual misconduct complaints filed by students against employees of Haskell and SIPI was limited to whether the schools referred these complaints to BIE as required by Department policy.<sup>2</sup> We did not review BIE’s own role with respect to these complaints.

The time period of our review was school years 2015 to 2021.<sup>3</sup> Our review focused on three specific issues: (1) whether Haskell’s and SIPI’s policies for responding to student complaints of sexual misconduct complied with applicable law and Department policy; (2) whether Haskell and SIPI responded to student complaints of sexual misconduct in accordance with their own written policies and procedures; and (3) whether Haskell and SIPI provided training to their employees with respect to student complaints of sexual misconduct as required by Department and school policies.

We visited SIPI in November 2022 and Haskell in April 2023. To determine whether the schools responded to sexual misconduct complaints in accordance with policy, we compared the case files provided to us by each school with the policies in effect at the time the sexual misconduct complaint was filed. During our visits to the schools, we conducted interviews with current and former staff and faculty. We also reviewed reports Haskell and SIPI were required to file related to campus safety as well as other safety and security reports documenting alleged sexual harassment and misconduct occurring at each campus.

In addition to our campus visits, we conducted interviews with current and former Haskell and SIPI staff members and a Haskell student.<sup>4</sup> We also conducted interviews with current and former Department employees, including employees of BIE, to identify areas of responsibility and to understand BIE’s role in the sexual misconduct complaint process.

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<sup>1</sup> For purposes of this review, the term “sexual misconduct” is used to cover all forms of sexual harassment, sexual violence and abuse, and similar conduct.

<sup>2</sup> Because our review of student complaints of sexual misconduct against Haskell and SIPI employees was limited to whether the schools referred these complaints to BIE in accordance with Department policy, the Department’s Personnel Bulletin 18-01, “Prevention and Elimination of Harassing Conduct,” was not implicated and is not separately analyzed in this report.

<sup>3</sup> We sent Haskell and SIPI information requests seeking all policies applicable to students, staff, and faculty regarding sexual harassment, sexual assault, rape, dating violence, domestic violence, and stalking for school years 2015 to 2021. We also requested training materials for students, staff, and faculty related to these topics. Our information request also sought all documents relating to investigations of allegations of sexual harassment, sexual violence, and gender-based harassment including the findings and dispositions of the allegations for the period of 2015 to 2021. We discuss Haskell’s and SIPI’s responses to our information requests below.

<sup>4</sup> Although we contacted several students named as complainants or witnesses in reports we reviewed, only one student agreed to an interview.

We also reviewed testimony from a July 2024 congressional hearing<sup>5</sup> and media articles related to alleged sexual misconduct occurring at BIE-operated schools. With regard to Haskell, we reviewed reports from investigations conducted by our office, BIE, the U.S. Postal Service,<sup>6</sup> and one prepared by a third-party education consultant hired by Haskell in 2022 to review Haskell's policies and procedures related to sexual misconduct. The third-party education consultant's report found that Haskell did not adequately document its sexual misconduct complaint files or train its employees regarding the receipt, investigation, and adjudication of sexual misconduct complaints.<sup>7</sup>

We conducted this review in accordance with the *Quality Standards for Investigations* issued by the Council of the Inspectors General on Integrity and Efficiency.

## II. BACKGROUND

### A. BIE-Operated Postsecondary Institutions

The Secretary of the Interior has vested “in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau [of Indian Affairs].”<sup>8</sup> The Assistant Secretary for Indian Affairs carries out these functions through BIE.<sup>9</sup> As one aspect of fulfilling its responsibilities in higher education, BIE operates two postsecondary educational institutions: Haskell and SIPI.

Haskell is an accredited university in Lawrence, Kansas. Haskell offers both associate and baccalaureate degrees and has an average enrollment of 1,000 students.<sup>10</sup> Students admitted to Haskell must be members of a federally recognized Tribe<sup>11</sup> or “at least one-fourth total degree Indian blood direct descendant of an enrolled member of a tribe eligible for [Bureau of Indian Affairs] education benefits.”<sup>12</sup> According to its website, Haskell offers an “affordable, quality education in a supportive environment designed for Indigenous students.”<sup>13</sup> Haskell's faculty and staff are predominantly, but not exclusively, members of a federally recognized Tribe.

SIPI is an accredited vocational training center in Albuquerque, New Mexico. SIPI offers a range of certificate and associate degree programs in various fields with an educational focus in the science, technology, and engineering fields.<sup>14</sup> According to its website, SIPI “places a strong emphasis on preserving and celebrating Native American cultures and traditions.”<sup>15</sup> As with Haskell, students seeking to attend SIPI must be members

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<sup>5</sup> See Committee on Natural Resources, Subcommittee on Oversight and Investigations and the Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Development, *Investigating How the Biden Administration Ignored Cries for Help from Students at Haskell Indian Nations University*, July 23, 2024.

<sup>6</sup> The U.S. Postal Service's National Equal Employment Opportunity Investigative Services Office has ongoing interagency agreements with the Department to investigate complaints of harassment for the Department and its subagencies, including BIE.

<sup>7</sup> D. Stafford & Assoc., *Haskell Indian Nations Univ. Case and Process Review* (Sept. 11, 2022). The third-party education consultant assessed Haskell's student sexual misconduct complaint policies primarily for compliance with Title IX of the Education Amendments of 1972, which we note does not apply to Haskell. Indeed, Haskell's new Student Sexual Misconduct policy, implemented in August 2024, specifically acknowledges that Title IX does not directly apply to Haskell.

<sup>8</sup> 25 U.S.C. § 2006(a).

<sup>9</sup> See Bureau of Indian Affairs, “Bureau of Indian Education,” <https://www.bia.gov/bie> (noting that BIE is within the Office of the Assistant Secretary for Indian Affairs and headed by a director “who is responsible for the line direction and management of all education functions, including the formation of policies and procedures, the supervision of all program activities and the approval of the expenditure of funds appropriated for education functions.”).

<sup>10</sup> Haskell Indian Nations University, “About Haskell Indian Nations University,” <https://haskell.edu/about/>.

<sup>11</sup> 25 C.F.R. § 83.1 (defining Federally recognized Indian tribe as “an entity listed on the Department of the Interior's list under the Federally Recognized Indian Tribe List Act of 1994, which the Secretary currently acknowledges as an Indian tribe and with which the United States maintains a government-to-government relationship.”).

<sup>12</sup> See Haskell Indian Nations University, “New Students,” <https://haskell.edu/admissions/new-students/>.

<sup>13</sup> Haskell Indian Nations University, “Haskell History,” <https://haskell.edu/about/history>.

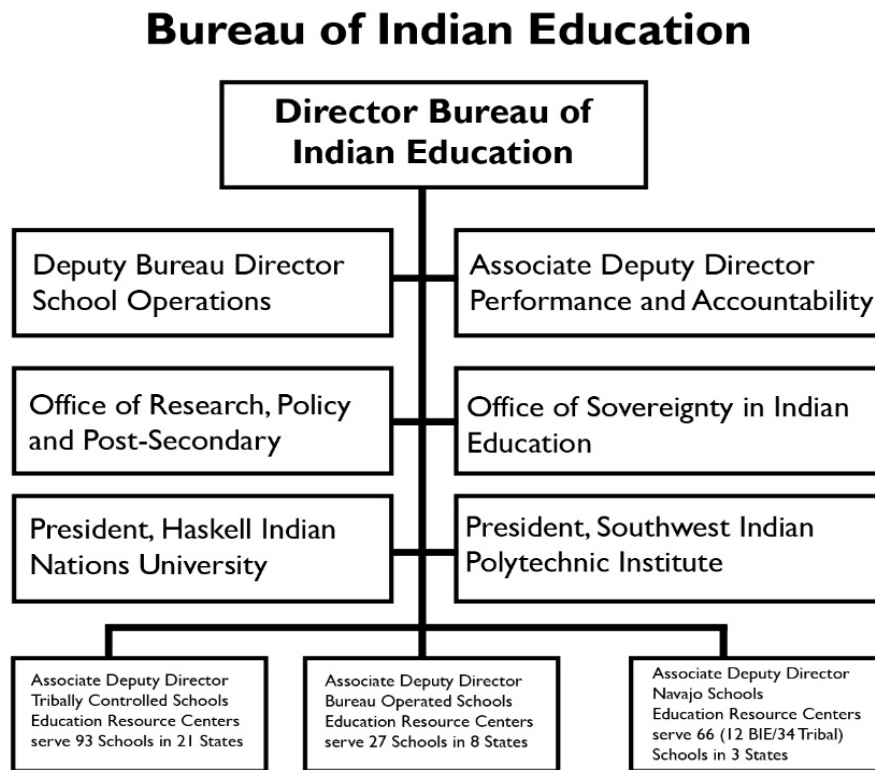
<sup>14</sup> Southwestern Indian Polytechnic Institute, “Our History,” <https://www.sipi.edu/apps/pages/history>.

<sup>15</sup> *Id.*

of a federally recognized Tribe or be at least one-fourth degree Indian blood from one or more combined federally recognized Tribes.<sup>16</sup>

BIE operates Haskell and SIPI, and the presidents of Haskell and SIPI report to the Director of BIE. See Figure 1, below.

**Figure 1: Organizational Chart for Bureau of Indian Education**



Both Haskell and SIPI have faced staffing challenges over the years. Haskell has had seven different university presidents from 2014 through 2022, and SIPI's president was replaced between the time we initiated our review in February 2022 and the time we visited the school in November 2022. Moreover, during the time period covered by our review, positions central to the receipt, review, investigation, and adjudication of sexual misconduct complaints were vacant. For example, at the time we visited SIPI in November 2022, the hearing officer position was vacant, and thus, no one at SIPI was assigned to adjudicate claims of sexual misconduct. At the time we visited Haskell in April 2023, the official primarily responsible for overseeing Haskell's response to sexual misconduct complaints, the "Title IX Coordinator," had only been in her position for 13 months and was soon replaced with a new official with the title of "Campus Advocate Coordinator." While we did not make specific findings related to these staffing challenges, we note them for context here.

## **B. Governing Standards**

Federal laws and Department policies provide general requirements governing responses to student complaints of sexual misconduct. Haskell and SIPI are responsible for implementing these requirements through their own policies. The applicable Federal laws and Department policies are discussed below.

<sup>16</sup> Southwestern Indian Polytechnic Institute, "SIPI Student Eligibility," <https://www.sipi.edu/apps/pages/apply>.



## 1. Executive Order 13160

Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.<sup>17</sup> While Title IX does not apply directly to Federal agencies or schools operated by Federal agencies,<sup>18</sup> Executive Order 13160 (hereinafter “Executive Order”) broadly applies the anti-discrimination provisions of Title IX to Federal agencies and “formal schools” operated by Federal agencies, including Haskell and SIPI.<sup>19</sup> In doing so, the Executive Order requires the Federal Government to “hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance.”<sup>20</sup> To fulfill this objective, the Executive Order requires that Haskell and SIPI establish procedures to process complaints of sexual misconduct.<sup>21</sup> The Executive Order does not mandate what specific procedures the schools must use to address allegations of sexual misconduct. Instead, the specific procedures are left to the Federal agencies and schools themselves to develop and implement, which they have done through written agency and school policies.

## 2. Department and BIA Policies Regarding Sexual Misconduct Complaints

The Department, in its *Departmental Manual*, 373 DM 8, “Equal Employment Opportunity, Procedures for Processing Complaints under Executive Order 13160,” states that it is “committed to the principles of equality of opportunity and nondiscrimination in its federally conducted education and training programs.”<sup>22</sup> Moreover, Bureau of Indian Affairs (BIA) policy requires that Haskell and SIPI establish policies to respond in a timely manner to sexual misconduct complaints.<sup>23</sup> Further, BIA policy requires that Haskell and SIPI “respond in a timely manner to sexual violence and abuse”<sup>24</sup> and prescribes certain actions, response protocols, and roles and responsibilities for the schools’ responses to reports of sexual misconduct.<sup>25</sup>

## 3. Record Retention Requirements

Both Department policy and BIA regulations require Haskell and SIPI to create and maintain accurate and complete records documenting student complaints of sexual misconduct.

Department policy requires Haskell and SIPI to create and maintain records concerning matters occurring within their areas of responsibility. “Records Management, Records Management Program and Responsibilities,” 380 DM 1, provides that the Department “is responsible for making and preserving records containing adequate documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department.”<sup>26</sup> To that end, Departmental staff are “responsible for [c]reating and maintaining records needed to carry out their assigned duties [and f]iling records according to the organization’s established filing procedures and plans.”<sup>27</sup>

BIA regulations set forth at 25 C.F.R. Part 43 govern the maintenance, control, and accessibility of student records and apply to all educational institutions under BIA jurisdiction. Student records are “those records, files,

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<sup>17</sup> 20 U.S.C. § 1681, *et. seq.*

<sup>18</sup> U.S. Dep’t of Justice, *Title IX Legal Manual*, B. Recipient. 1. Regulations, <https://www.justia.com/education/docs/title-ix-legal-manual/scope-of-coverage/>.

<sup>19</sup> Executive Order 13160, *Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs*, §§ 1-101, 2-201 to 2-202.

<sup>20</sup> Executive Order § 1-101.

<sup>21</sup> Executive Order § 5-502.

<sup>22</sup> 373 DM 8 § 8.2.

<sup>23</sup> 34 *Indian Affairs Manual (IAM)* 6, “Addressing and Responding to Sexual Violence and Abuse at BIE Post-Secondary Institutions” § 1.1.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* § 1.3.

<sup>26</sup> 380 DM 1 § 8.

<sup>27</sup> *Id.* §§ 8.B(1)-(2).

documents, and other materials which contain information directly related to a student and which are maintained by an educational institution.”<sup>28</sup> These regulations set forth the standards for collection and maintenance of student records and require that “[s]tudent records which are used in making any determination about any student shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the student in making the determination.”<sup>29</sup>

#### 4. Training Requirements

Department policy provides that each bureau and office must have training and development guidance and procedures that are consistent with departmental policies.<sup>30</sup> BIA policy requires that Haskell and SIPI staff participate in annual training related to sexual violence and abuse.<sup>31</sup> BIA policy also requires that all employees serving on a judicial or disciplinary board attend “yearly training on sexual violence and abuse prevention.”<sup>32</sup>

### III. RESULTS OF REVIEW

As discussed above, we conducted this review to determine whether Haskell and SIPI followed laws and policies related to processing student complaints of sexual misconduct. We focused our review on three specific issues: (1) whether Haskell’s and SIPI’s policies for responding to student complaints of sexual misconduct complied with applicable law and Department policy; (2) whether Haskell and SIPI responded to student complaints of sexual misconduct in accordance with their written policies and procedures; and (3) whether Haskell and SIPI provided training to their employees with respect to student complaints of sexual misconduct as required by Department and school policies.

Our review concluded that Haskell’s and SIPI’s written policies for responding to student complaints of sexual misconduct complied with the Executive Order and Department policy. Specifically, Haskell’s policy prohibited discrimination based on sex and established procedures for the receipt, review, and disposition of student sexual misconduct complaints in a timely manner. SIPI’s written policies also prohibited discrimination based on sex and established procedures for the receipt and review of student sexual misconduct complaints in a timely manner.

With respect to issue 2, we were unable to determine whether Haskell and SIPI responded to student complaints of sexual misconduct in accordance with their written policies and procedures because neither Haskell nor SIPI maintained required documentation in their case files that would have enabled us to make this assessment.

Finally, we found that neither Haskell nor SIPI ensured that their employees received training on sexual misconduct as required by applicable policy.

Our findings with respect to each school are addressed separately, below.

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<sup>28</sup> 25 C.F.R. § 43.2.

<sup>29</sup> 25 C.F.R. § 43.21.

<sup>30</sup> 370 DM 410 §§ 1.1, 1.5.

<sup>31</sup> 34 IAM 6 § 1.3B(j)-(k) (requiring institutional staff training and yearly training for all school staff).

<sup>32</sup> *Id.* § 1.3I.

## A. Haskell

### 1. *Haskell's Policy for Responding to Sexual Misconduct Complaints Filed By Students Complied with the Executive Order and Department Policy*

#### *a. Haskell's Policy Complied with the Executive Order*

We reviewed Haskell's written policy for addressing student sexual misconduct complaints in place at the time we visited Haskell in April 2023. We found that Haskell's written policy complied with the Executive Order. Haskell's written policy, titled "Title IX Policy – Title IX Procedures" (hereinafter "Sexual Misconduct policy"), was put in place by Haskell in August 2020, and remained in effect until August 26, 2024.<sup>33</sup>

As set forth above, the Executive Order requires a Federal education program such as Haskell to "hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance."<sup>34</sup> To this end, the Executive Order requires Federal education and training programs to establish procedures to receive and review sexual misconduct complaints but does not otherwise dictate the substance of these procedures.<sup>35</sup> Accordingly, our review was limited to assessing whether Haskell's policy established such procedures.

Our review determined that Haskell's Sexual Misconduct policy had written procedures for receiving student sexual misconduct complaints. In addition, Haskell's Sexual Misconduct policy informed students how to report instances of sexual misconduct and where to file complaints of sexual misconduct. Haskell's policy also provided for the review of sexual misconduct complaints and allowed any person to file a sexual misconduct complaint with Haskell's Title IX Coordinator.<sup>36</sup> Thus, Haskell's Sexual Misconduct policy complied with the Executive Order because it set forth procedures for the receipt and review of student complaints of sexual misconduct.

We also found that Haskell complied with the Executive Order's requirement that Haskell hold itself to at least the same nondiscrimination standards as state and local government schools and private institutions receiving Federal funds. Specifically, Haskell's Sexual Misconduct policy informed "all prospective students, current students, and all [Haskell] employees of college policies and procedures regarding sex discrimination and sexual harassment."<sup>37</sup> Haskell's Sexual Misconduct policy also allowed a student to "report any instances of sex discrimination or sexual harassment to any Haskell employee and/or the Title IX Coordinator" and stated that "[i]f either the complainant or the respondent is a student, the incident [would be] addressed through the . . . process" set forth in Haskell's policy.<sup>38</sup> Haskell's policy further provided that a student could file a complaint of sexual misconduct in person, by mail, phone, or e-mail using the contact information for the Title IX Coordinator listed in Haskell's Sexual Misconduct policy.<sup>39</sup> A student could also file a complaint by any other means that resulted in the Title IX Coordinator receiving the complaint.<sup>40</sup> A complaint could be made at any time, including during non-business hours.<sup>41</sup> By establishing a policy that informed students on where, how,

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<sup>33</sup> Haskell provided us with its Sexual Misconduct policy in response to our information request dated November 8, 2022. This policy was also listed on Haskell's website and cited by Haskell in its federally mandated 2021 and 2022 Annual Fire and Security Safety Reports ("Clery Reports"). This policy also appeared in Haskell's *Student Code of Conduct, Fall, 2022 – Summer 2023*.

<sup>34</sup> Executive Order § 1-101.

<sup>35</sup> Executive Order § 5-502.

<sup>36</sup> If a complaint is filed by a Haskell student against a Haskell employee, Haskell is required to forward the complaint to BIE. See 373 DM 8 §§ 8.5 C, 8.6 B.

<sup>37</sup> Sexual Misconduct policy at 1.

<sup>38</sup> *Id.* at 11.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*



and to whom to file a complaint of sexual misconduct, we found that Haskell's Sexual Misconduct policy met the requirements of the Executive Order.<sup>42</sup>

Haskell's Sexual Misconduct policy also contained procedures for the review of student complaints of sexual misconduct filed with Haskell. Specifically, under Haskell's policy, after receiving a complaint of sexual misconduct, the Title IX Coordinator determined whether to begin a formal investigation.<sup>43</sup> Haskell's policy also required the Title IX Coordinator to explain the investigative process to the complainant and the respondent and set forth their respective rights during the process once a formal investigation began.<sup>44</sup> Under Haskell's Sexual Misconduct policy, an independent contractor that specialized in sexual misconduct investigations would conduct formal investigations of allegations of sexual misconduct.<sup>45</sup> Haskell's policy noted that "[t]he investigative process c[ould] take up to 60 days."<sup>46</sup> At the conclusion of the investigation, Haskell's policy required that a written report of findings be provided to the complainant and the respondent.<sup>47</sup>

Haskell's Sexual Misconduct policy further provided that a complaint of sexual misconduct must be dismissed during the course of the investigation if it is determined that the allegation: (1) did not occur at Haskell or during a Haskell program or activity; (2) did not constitute sexual harassment as that term is defined in Haskell's Sexual Misconduct policy; or (3) did not occur against a person within the United States.<sup>48</sup> Haskell's Sexual Misconduct policy also required that both the complainant and the respondent receive written notice of a mandatory dismissal and the reasons for the dismissal.<sup>49</sup>

In light of the above, we concluded that Haskell's Sexual Misconduct policy complied with the Executive Order by establishing procedures for the receipt, review, and disposition of student sexual misconduct complaints.

*b. Haskell's Policy for Responding to Sexual Misconduct Complaints Complied with Department Policy*

We also found that Haskell's Sexual Misconduct policy complied with Department policy. Like the Executive Order discussed above, BIA policy required Haskell to establish and implement procedures to address sexual misconduct and respond to sexual misconduct complaints in a timely manner.<sup>50</sup> Further, BIA policy sets forth the specific actions, response protocols, and roles and responsibilities Haskell must implement to address complaints of sexual misconduct.<sup>51</sup> Our review found that Haskell met BIA policy requirements through its Sexual Misconduct policy.

After receiving a complaint of sexual misconduct, Haskell's Sexual Misconduct policy required Haskell to promptly take necessary steps to protect the complainant and ensure his or her safety as necessary.<sup>52</sup> Haskell's policy also required that Haskell provide periodic updates on the status of the investigation to the complainant.<sup>53</sup> Finally, Haskell's policy required that Haskell provide the complainant with appropriate

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<sup>42</sup> Haskell's Sexual Misconduct policy is reiterated in Haskell's Student Code of Conduct. See Haskell Indian Nations University, *Student Code of Conduct* (2022-2023) at 49.

<sup>43</sup> Sexual Misconduct policy at 13.

<sup>44</sup> *Id.* at 12-13.

<sup>45</sup> *Id.* at 13.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 14. Haskell's Sexual Misconduct policy defines sexual harassment "broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect." *Id.* at 5. Offenses prohibited under Haskell's policy include, but are not limited to, nonconsensual sexual contact or intercourse, sexual coercion, stalking, and sexual exploitation. *Id.*

<sup>49</sup> *Id.* at 14.

<sup>50</sup> 34 IAM 6 § 1.1.

<sup>51</sup> *Id.* §§ 1.3, 1.5.

<sup>52</sup> Sexual Misconduct policy at 12.

<sup>53</sup> *Id.*

resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and assistance in reporting a crime.<sup>54</sup>

As discussed above, Haskell's Sexual Misconduct policy also established procedures for the review, investigation, and adjudication of student complaints of sexual misconduct. At the conclusion of an investigation, Haskell's Sexual Misconduct policy provided that both parties receive a copy of the written report of findings, and that after the report was issued, that the Title IX Coordinator determine whether a hearing was necessary or if mediation was a suitable option for the parties.<sup>55</sup> If the Title IX Coordinator determined that a hearing was necessary, Haskell's policy required that both parties be notified in writing.<sup>56</sup> At the conclusion of the hearing, Haskell's policy required that the hearing panel make a determination regarding whether the respondent engaged in the alleged misconduct by weighing the evidence using a preponderance of the evidence standard.<sup>57</sup> Under Haskell's policy, if the panel determined that the respondent engaged in the alleged misconduct, the panel decided on the appropriate sanctions.<sup>58</sup> Sanctions could include social probation, completion of a service project, emergency suspension, or expulsion.<sup>59</sup> Under Haskell's policy, the respondent could appeal an adverse finding of misconduct to the Dean of Students/Student Appellate Board.<sup>60</sup>

In light of the above, we concluded that Haskell's Sexual Misconduct policy complied with Department policy because it set forth procedures to address and respond to student complaints of sexual misconduct in a timely manner.<sup>61</sup>

## *2. Haskell Did Not Maintain Required Records in Its Case Files in Accordance with Policy and BIA Regulations*

On November 8, 2022, we requested that Haskell provide us with all documents related to the formal or informal investigation of allegations of sexual harassment and sexual violence for school years 2015 to 2021. On February 27, 2023, Haskell provided us with 20 case files covering the time period 2015 to 2022.<sup>62</sup> Our review of these case files led us to conclude that Haskell did not maintain required records in its case files in accordance with policy and BIA regulations. This prevented us from determining whether Haskell reviewed, investigated, and adjudicated complaints of sexual misconduct in accordance with its policy during the time period reviewed.

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<sup>54</sup> *Id.*

<sup>55</sup> According to Haskell's Sexual Misconduct policy, "Mediation is never appropriate in sexual violence cases" and "is not available when the complaint alleges a Haskell employee harassed a student." Sexual Misconduct policy at 15.

<sup>56</sup> Sexual Misconduct policy at 15.

<sup>57</sup> *Id.* According to Haskell's Sexual Misconduct policy, the hearing panel must consist of "at least one trauma-trained individual in sex discrimination or sexual harassment adjudication to include a trained Title IX Officer as the hearing officer and three members of faculty and staff as hearing members" who are selected by the Title IX Coordinator. *Id.* at 15.

<sup>58</sup> *Id.* at 15-16, 21.

<sup>59</sup> *Id.* at 22-24.

<sup>60</sup> *Id.* at 24.

<sup>61</sup> Haskell's written policy in place during our visit to Haskell did not require Haskell to refer student complaints of sexual misconduct against faculty to BIE as required by Department policy. Because our review focused on complaints filed by students against other students, our report does not address this issue in depth. Moreover, the complaints we reviewed showed that, in practice, Haskell did refer student complaints against faculty to BIE in accordance with Department policy notwithstanding its written policy. In addition, Haskell corrected this issue in its current written Sexual Misconduct policy issued on August 26, 2024. See *Student Sexual Misconduct Policy* at 11-12, 30 (August 26, 2024), <https://haskell.edu/wp-content/uploads/2024/08/20240822-Haskell-Student-Sexual-Misconduct-Policy.pdf>.

<sup>62</sup> While our request asked for documents from 2015 to 2021, Haskell provided documents from 2015 to 2022.

As discussed above, both Department policy and BIA regulations required the creation and maintenance of accurate and complete records documenting student complaints of sexual misconduct. Haskell policies also required that Haskell create and maintain records documenting sexual misconduct incidents and complaints.<sup>63</sup> Haskell's Sexual Misconduct Standard Operating Procedure (SOP) required that staff and faculty document all pertinent details of an incident of sexual assault, stalking, sexual harassment, or sexual exploitation, including dates/times of initial reporting, when and where the incident occurred, person(s) involved, and when the reporting staff or faculty notified security or law enforcement.<sup>64</sup> The Sexual Misconduct SOP further provided that "documenting violations of laws and or [Haskell's] Code of Conduct is an important aspect of working at [Haskell]."<sup>65</sup> The Administrative Disciplinary Action Process section of the Sexual Misconduct SOP required other documentation, including a Notice of Hearing letter and a Violation Report.<sup>66</sup> This section also required that a record of the initial hearing, including an audio recording and documents presented, be secured at the Student Rights Specialist Office for one year, after which the recording would be managed according to Federal regulations.<sup>67</sup>

Haskell's Sexual Misconduct policy required that Haskell "document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator."<sup>68</sup> The Title IX Coordinator, in turn, was required to "maintain a secured physical and/or electronic file system of all Title IX cases, reports, and complaints by academic year."<sup>69</sup> These case files had to "include all information related to the individual case, which include[d] but [was] not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes, mediation agreement if applicable, notice of a hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the hearing or in the course of the investigation."<sup>70</sup> In addition, if an investigation was conducted, Haskell's Sexual Misconduct policy required that the parties be provided with a written investigative report summarizing the relevant evidence.<sup>71</sup> If a sexual misconduct case was dismissed, Haskell's Sexual Misconduct policy required written notification to both parties stating the reasons for the dismissal.<sup>72</sup> Haskell's Sexual Misconduct policy also required that Haskell retain all information pertaining to its investigations and that case files be maintained for a minimum of seven years from the date of final action or decision.<sup>73</sup>

In reviewing the case files Haskell produced in response to our information request, we identified 15 files containing allegations of sexual misconduct that occurred between 2015 through 2022. None of these 15 case files contained all the documentation required under the Haskell policy in effect at the time the complaint was filed. Specifically, 8 of the 15 case files were missing an initial complaint, while 9 of the case files did not contain documentation reflecting how the complaint was resolved (e.g., dismissal, mediation, or formal investigation) as required by applicable policy.

In addition, 2 of the 15 case files involved complaints of sexual misconduct occurring in 2022, which Haskell dismissed because the alleged sexual misconduct occurred at off-campus locations. While these two cases

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<sup>63</sup> Sexual Misconduct policy at 25. Haskell had two different policies in effect from 2015 to 2021. The first was Haskell's Standard Operating Procedures for "Sexual Violence and Abuse, Sex Discrimination and Sexual Harassment" (hereinafter "Sexual Misconduct SOP"), which became effective May 22, 2014. The second was Haskell's Sexual Misconduct policy, which became effective August 14, 2020. In reviewing Haskell's case files from 2015 to 2022, we used Haskell's Sexual Misconduct SOP for case files involving complaints filed between January 2015 through August 13, 2020. For case files involving complaints filed between August 14, 2020, through December 2022, we used Haskell's Sexual Misconduct policy. Both policies required Haskell to maintain records related to complaints of student sexual misconduct.

<sup>64</sup> Sexual Misconduct SOP at 10.

<sup>65</sup> *Id.* at 27.

<sup>66</sup> *Id.* at 35.

<sup>67</sup> *Id.* at 36.

<sup>68</sup> Sexual Misconduct policy at 25.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* at 13.

<sup>72</sup> *Id.* at 14.

<sup>73</sup> *Id.* at 25.

were dismissed in accordance with the procedures set forth in Haskell's Sexual Misconduct policy,<sup>74</sup> these case files were also missing required documentation, including a copy of the written notice to the parties regarding the reasons for Haskell's dismissal of the complaints.<sup>75</sup> We were therefore unable to determine whether the parties had received notice of the outcome of this complaint.

We also attempted to compare the case files Haskell provided to us with reports Haskell is required to file under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092 (hereinafter "Clery Reports"). Clery Reports contain statistics for certain crimes, including rape and other sexual offenses, occurring on campus. Our review of Haskell's Clery Reports revealed two reported instances of forcible sexual offenses occurring in 2016 and one reported incidence of rape occurring in 2018. We did not find corresponding case files for these incidents of sexual misconduct in the case files Haskell provided.

During our interview with Haskell's former Acting Title IX Coordinator, she acknowledged that Haskell did not maintain all required documentation in its case files. The former Acting Title IX Coordinator told us that her predecessor, who she assisted at the time, "would start a case without documentation." The former Acting Title IX Coordinator also told us that maintaining documentation "never happened," so she "started pulling these documents and hanging on to them, even though [she] wasn't the Title IX coordinator [at the time]." The former Acting Title IX Coordinator said that she did this because there would otherwise be no record of the case, and that she was trying to protect Haskell in the event one of their sexual misconduct cases become the subject of litigation.

We note that Haskell's failure to maintain documentation in its case files in accordance with policy and regulation was more than just a technical violation. Without adequate documentation, we were unable to determine whether Haskell had reviewed, investigated, and adjudicated complaints of sexual misconduct in accordance with law and policy. This lack of documentation also prevented us from determining whether interested parties were properly notified of the outcome of sexual misconduct complaints, and—as noted by the former Acting Title IX Coordinator—could increase Haskell's liability risk should a party challenge Haskell's handling of one of these complaints.

In light of the above, we determined that Haskell did not maintain required documentation in its case files in accordance with policy and BIA regulations, which prevented us from determining whether Haskell's processing of student complaints of sexual misconduct complied with its own policy.<sup>76</sup>

### *3. Haskell Did Not Ensure that its Employees Received Required Training on Sexual Violence and Abuse or Its Sexual Misconduct Policy*

Department policy requires that Haskell conduct yearly training for all school staff on responding to sexual violence and abuse.<sup>77</sup> Moreover, Haskell's Sexual Misconduct SOP, which was in effect January 2015 through August 14, 2020, provided that the Haskell president was responsible for ensuring that Haskell staff and faculty received annual training on Haskell's sexual misconduct policies.<sup>78</sup> The Sexual Misconduct SOP further stated that the Counseling Center and Student Rights Specialist must establish mandatory new-hire orientation and annual training for all Haskell staff and faculty on the topics of prevention and education regarding sexual violence and abuse and response procedures.<sup>79</sup> In addition, Haskell's Sexual Misconduct policy, which was in effect August 14, 2020 through December 2022, required that employees receive mandatory training on sexual

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<sup>74</sup> Incidents of sexual misconduct that occur off-campus and not in a Haskell program or activity are generally reported to local police for investigation. *Id.* at 11.

<sup>75</sup> *Id.* at 14.

<sup>76</sup> Haskell's failure to maintain adequate documentation in its case files is a recurring issue and one we noted in a report issued in November 2018. See Office of Inspector General, Department of the Interior, *Investigation of Misconduct Allegations at Haskell Indian Nations University*, Report No. 17-0074 (Nov. 16, 2018) [https://www.oversight.gov/sites/default/files/documents/reports/2018-11/WebRedacted\\_HaskellUniveristy.pdf](https://www.oversight.gov/sites/default/files/documents/reports/2018-11/WebRedacted_HaskellUniveristy.pdf).

<sup>77</sup> 34 IAM 6 §§ 1.3B(j)-(k) (requiring institutional staff training and yearly training for all school staff).

<sup>78</sup> Sexual Misconduct SOP at 5.

<sup>79</sup> *Id.* at 7-8.

misconduct, discrimination, harassment, and mandatory reporting requirements through new employee orientations and other periodic training.<sup>80</sup>

We did not find evidence that Haskell consistently provided required training related to sexual violence and abuse or its sexual misconduct policies during the relevant time period (i.e., school years 2015 to 2021). Moreover, when we requested that Haskell provide us with training materials related to sexual violence and harassment, Haskell did not provide us with any responsive materials.

Haskell's Sexual Misconduct policy placed the primary responsibility for coordinating required training with the Title IX Coordinator.<sup>81</sup> Haskell's former Acting Title IX Coordinator told us that no required training sessions were held in 2021 but that a formal training was held in August 2022.<sup>82</sup> With respect to the August 2022 training, the former Acting Title IX Coordinator provided us with a training attendance record, which showed that 21 of 146 total Haskell employees attended the required training session that year. The former Acting Title IX Coordinator told us that, in her opinion, many employees refused to attend the required training because her pay grade was lower than many employees who would be attending the training. A Haskell counselor who worked with the former Acting Title IX Coordinator expressed a similar opinion, stating that, if the individual conducting the training was a lower pay grade than those attending the training, the higher pay grade employees were "not gonna listen." The former Acting Title IX Coordinator also reported that, on one occasion, when employees were informed of the need for sexual misconduct training, they laughed, and one employee replied, "Who are you to come in here and tell me that I need training?" The former Acting Title IX Coordinator added that only one department at Haskell willingly accepted and consistently received training, the College Resident Assistants.

We also discussed the school's failure to provide required training with the Haskell President in April 2023. In doing so, we recounted hearing that some Haskell employees refused to accept training from the former Acting Title IX Coordinator and that it was suggested that this may have been because her pay grade was lower than some of the employees she was going to train. The Haskell President responded that he was "disappointed" to hear that and that such a response was "not how it works." The Haskell President also told us that he was working with an outside contractor to devise "the best modality for that training," and that everyone would be required to participate "because that's [the] best practices in higher ed."<sup>83</sup>

In light of the above, we concluded that Haskell did not ensure that its employees received the training required by policy.

## **B. SIPI**

### **1. *SIPI's Policy for Responding to Sexual Misconduct Complaints Filed By Students Complied with the Executive Order and Department Policy***

#### ***a. SIPI's Policy Complied with the Executive Order***

We reviewed SIPI's written policy for addressing and responding to student sexual misconduct complaints in place at the time we visited SIPI in November 2022. We found that SIPI's written policy complied with the

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<sup>80</sup> Sexual Misconduct policy at 4, 19.

<sup>81</sup> *Id.* at 4. See also Sexual Misconduct SOP at 7-8.

<sup>82</sup> The current Acting Title IX Coordinator began in that role in October 2022, and her predecessor, the former Acting Title IX Coordinator, arranged the August 2022 training. At the time of our review, the current Acting Title IX Coordinator had not yet personally arranged for or provided any training to Haskell staff. However, she told us that she was working with an outside contractor to develop training for Haskell staff. We therefore relied on the former Acting Title IX Coordinator/Student Rights Specialist for information related to historic training of Haskell personnel. As of March 20, 2025, the former Acting Title IX Coordinator was still an employee of Haskell.

<sup>83</sup> On April 4, 2025, Haskell's President told us that, in working with an outside contractor, Haskell provided employee training on three separate occasions since we spoke to him in April 2023. According to Haskell's President, these trainings were held on August 1, 2023, December 9, 2024, and January 7, 2025. The Haskell President told us that a fourth employee training session was scheduled for April 17-18, 2025.

Executive Order. SIPI's written policy in effect for school year 2021 to 2022 was titled "Student Handbook and Code of Conduct" (hereinafter "Student Handbook").<sup>84</sup>

As discussed above, the Executive Order requires that a Federal education program such as SIPI "hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance."<sup>85</sup> The Executive Order requires schools like SIPI to establish procedures to receive and review sexual misconduct complaints but does not mandate specific procedures. As we did with Haskell, we reviewed SIPI's Student Handbook to determine whether SIPI had established such procedures in its written policy.

SIPI's Student Handbook, in a section titled "Campus Behavior and Code of Student Conduct," contained processes SIPI was required to follow in addressing student sexual misconduct complaints. SIPI's Student Handbook informed students of their protections against sexual misconduct, how and where to file a complaint, the contents required to be included in the complaint, and the process SIPI would use in assessing and investigating student complaints of sexual misconduct.<sup>86</sup> In addition, SIPI's Student Handbook required notification to the parties involved in the complaint (i.e., the complainant and the respondent); provided for interim protections, if necessary, for the complainant; and set forth the appeal rights for both the complainant and the respondent upon disposition of the complaint.<sup>87</sup>

In light of the above, we concluded that SIPI's written policy complied with the Executive Order by establishing procedures for the receipt, review, and disposition of student sexual misconduct complaints.

*b. SIPI's Policy for Addressing Sexual Misconduct Complaints Complied with Department Policy*

We also found that SIPI's policy for addressing student complaints of sexual misconduct complied with Department policy. Like the Executive Order discussed above, BIA policy required SIPI to establish and implement procedures to address sexual misconduct and respond to sexual misconduct complaints in a timely manner.<sup>88</sup> BIA policy also sets forth the specific actions, response protocols, and roles and responsibilities SIPI must implement to address complaints of sexual misconduct. Our review found that SIPI met BIA policy requirements through its appointment of an Executive Order 13160 Coordinator, who is responsible for overseeing the receipt, investigation, and adjudication of student complaints of sexual misconduct, and through SIPI's Student Handbook, which informs SIPI students of the policy and procedures for addressing complaints of sexual misconduct.

In addition to the procedures outlined above, SIPI's Student Handbook provided for SIPI's timely adjudication of sexual misconduct complaints. Specifically, SIPI's Student Handbook stated that SIPI must give respondents written notice of the charges against them within a reasonable time before a hearing is held, which the Student Handbook made clear requires at least five days' notice.<sup>89</sup> The Student Handbook also required that the Student Activities and Rights Specialist schedule a hearing no sooner than five days after receiving notice of an alleged violation, and that the hearing must be completed within 10 days.<sup>90</sup>

SIPI's Student Handbook further provided that, at the conclusion of any hearing, the Hearing Officer decides whether misconduct has occurred and determines what, if any, sanctions should be imposed on the respondent.<sup>91</sup> Sanctions may include a no contact order, suspension from campus, suspension from campus

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<sup>84</sup> SIPI's policy is reprinted each year in the applicable student handbook. SIPI's current Student Handbook is for school year 2024-2025 and is substantively identical to the policy we reviewed (i.e., SIPI's 2021-2022 Student Handbook).

<sup>85</sup> Executive Order § 1-101.

<sup>86</sup> SIPI Student Handbook at 29-35, 39-43.

<sup>87</sup> *Id.* at 30-31, 42.

<sup>88</sup> *See* 34 IAM 6.

<sup>89</sup> SIPI Student Handbook at 30.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at 31.



housing, or expulsion.<sup>92</sup> The Student Handbook stated that the Student Activity and Rights Specialist must provide written notice of the Hearing Officer's decision to the complainant and the respondent within five days of the hearing.<sup>93</sup> The Student Handbook also provided that the respondent may appeal a finding of misconduct to the Director of Student Affairs or their designee, and that the Director of Student Affairs has 10 working days after receipt of any appeal to review the hearing record and the Hearing Officer's decision.<sup>94</sup> The Director of Student Affairs must then issue a decision on the respondent's appeal within five days of completing their review.<sup>95</sup>

In light of the above, we concluded that SIPI's Student Handbook complied with Department policy because it set forth procedures to address and respond to student complaints of sexual misconduct in a timely manner.<sup>96</sup>

## *2. SIPI Did Not Maintain Required Records in Its Case Files in Accordance with Policy and BIA Regulations*

During our visit to SIPI on November 15, 2022, SIPI provided us with their case files, which we reviewed. Our review of these case files led us to conclude that SIPI did not maintain required records in its case files in accordance with policy and BIA regulations. This prevented us from determining whether SIPI reviewed, investigated, and adjudicated complaints of sexual misconduct in accordance with its policy during the time period reviewed.

As discussed above, both Department policy and BIA regulations require that SIPI create and maintain accurate and complete records documenting student complaints of sexual misconduct. Specifically, Department policy provides that SIPI is "responsible for making and preserving records containing adequate documentation of [its] . . . functions, policies, decisions, procedures, and essential transactions."<sup>97</sup> SIPI is also required to ensure that "[s]tudent records which are used in making any determination about any student [are] maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the student in making the determination."<sup>98</sup>

In compliance with Department policy, SIPI's Student Handbook required that specific documentation for certain steps in the sexual misconduct complaint process be maintained. For example, the Student Handbook required that SIPI create and/or maintain: a written report of any sexual misconduct violation; a Notice of Hearing, which must be sent to both the complainant and respondent; a record of the hearing, including an audio recording and any documents presented at the hearing; a written notice of the Hearing Officer's decision, which must be sent to the complainant and respondent; any notice of either parties' intention to appeal a decision; and a letter outlining any decision made on appeal, which must be sent to the complainant and respondent.<sup>99</sup>

In reviewing the case files SIPI produced in response to our information request, we identified 10 case files containing complaints of sexual misconduct between 2015 through 2021.<sup>100</sup> None of the case files contained

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<sup>92</sup> *Id.* at 31, 34-35.

<sup>93</sup> *Id.* at 31.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> SIPI's Student Handbook does not require that SIPI refer student complaints of sexual misconduct against faculty to BIE as required by Department policy, and SIPI's current version of its Student Handbook does not correct this issue. Because our review focused primarily on complaints filed by students against other students, our report does not address this issue in depth. Moreover, the complaints we reviewed showed that in practice, SIPI referred student complaints against faculty to BIE. Nevertheless, because SIPI's current version of its Student Handbook is incorrect, BIE may want to direct SIPI to correct this issue going forward.

<sup>97</sup> 380 DM 1 § 8.

<sup>98</sup> 25 C.F.R. § 43.21. We note that SIPI does not have a separate record retention policy as required by Department policy but, as discussed above, SIPI's Student Handbook requires the retention of certain records related to student complaints of sexual misconduct, which does comply with Department policy.

<sup>99</sup> SIPI Student Handbook at 30-31.

<sup>100</sup> One of these ten case files was a duplicate. Additionally, the Executive Order Coordinator told us that, as a small school with less than 300 students, SIPI only receives one to two sexual misconduct complaints per year.

the same documentation, and no case file contained information sufficient to document SIPI's review, investigation, and adjudication of the complaint as required by policy and SIPI's Student Handbook. For example, one case file contained notification letters to the complainant and respondent and findings from the investigation but did not contain documentation showing whether a hearing was held or what the ultimate outcome of the case was. In another case file, there was no evidence that the respondent had received required documentation, such as the Notice of Hearing, the Hearing Officer's decision, or any appeal decision.<sup>101</sup>

Again, SIPI's failure to maintain documentation in its case files in accordance with policy and regulation was not merely a technical violation. Similar to Haskell, without adequate documentation, we were unable to determine whether SIPI had reviewed, investigated, or adjudicated complaints of sexual misconduct in accordance with law and policy. This lack of documentation also prevented us from determining whether interested parties were properly notified of the outcome of sexual misconduct complaints and potentially presented a risk to SIPI that, if its actions were challenged, it would not have documentation to show that it met its legal obligations to the parties involved.

In light of the above, we determined that SIPI did not maintain required documentation in its case files in accordance with policy and BIA regulations, which prevented us from determining whether SIPI's processing of student complaints of sexual misconduct complied with its own policy.

### *3. SIPI Did Not Ensure that its Employees Received Required Training on Sexual Violence and Abuse*

Department policy requires SIPI employees to participate in annual training relating to sexual violence and abuse.<sup>102</sup> SIPI does not appear to have a policy in place requiring training related to sexual violence and abuse or sexual misconduct. However, SIPI's Clery Reports state that "[n]ew-hire orientation and annual training for all SIPI Staff & Faculty on the topics of prevention and education regarding sexual violence and abuse and response procedures is mandatory."<sup>103</sup>

We did not find evidence that SIPI consistently provided required training related to sexual violence and abuse. Moreover, when we requested that SIPI provide us with training materials related to sexual violence and harassment, SIPI did not provide us with any responsive materials.

Several SIPI employees told us that training on sexual violence and abuse was either inconsistent or nonexistent. For example, some employees told us that they had only initial training and that follow-up training was offered but only intermittently. In addition, when we asked SIPI's Executive Order Coordinator about whether SIPI provided required training on sexual violence and abuse to its staff, she told us that training "is where we fault." Moreover, the Executive Order Coordinator could not identify when or whether SIPI last offered training on sexual violence, abuse, and/or misconduct and acknowledged that SIPI needed to do a better job to meet this training requirement.<sup>104</sup>

In light of the above, we concluded that SIPI did not ensure that its employees received required training on sexual violence and abuse as required by Department policy.

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<sup>101</sup> We reviewed SIPI's Clery Reports from 2015 through 2021 and were able to confirm that the case files provided by SIPI in response to our information request were consistent with the information reported by SIPI in its Clery Reports.

<sup>102</sup> 34 IAM 6 §§ 1.3B (j)-(k) (requiring institutional staff training and yearly training for all school staff). SIPI policy does not address this training requirement.

<sup>103</sup> See, e.g., SIPI, Annual Security Report and Campus Fire Safety Report (2019) ("Clery Report") at 35. This same language appears in every Clery Report we had access to during the relevant time period. We further note that SIPI's current Clery Report (2024), which is available on its website, contains the same language. SIPI, Annual Security Report and Campus Fire Safety Report (2024) ("Clery Report"), <https://4.files.edl.io/c7dc/01/23/25/194011-535045ef-13eb-46ca-9e5a-62e582c3e9d9.pdf>.

<sup>104</sup> The only training the Executive Order Coordinator could recall was training given to dormitory resident assistants in 2019, prior to the COVID-19 pandemic.

## **IV. CONCLUSION**

We concluded that Haskell's written policy for responding to sexual misconduct complaints filed by students complied with the Executive Order and Department policy. We also found that Haskell did not maintain required records in its case files in accordance with policy and BIA regulations, which prevented us from determining whether Haskell's processing of student sexual misconduct complaints complied with its own policy. We also determined that Haskell did not ensure that its employees received required training on responding to sexual violence and abuse or on Haskell's Sexual Misconduct policy.

In our review of SIPI, we concluded that SIPI's written policy for responding to complaints of sexual misconduct filed by students complied with the Executive Order and Department policy. We also found that SIPI did not maintain required records in its case files in accordance with policy and BIA regulations, which prevented us from determining whether SIPI's processing of student complaints of sexual misconduct complied with its own policy. Finally, we determined that SIPI did not ensure that its employees received required training on sexual violence and abuse as required by Department policy.

## **V. DISPOSITION**

We referred our findings to the BIE Director for any action deemed appropriate.

## **VI. BIE RESPONSE SUMMARY**

We provided a draft of this report to BIE for review. BIE responded, in part:

BIE is reviewing existing protocols at Haskell and SIPI to ensure that required records are maintained and that proper documentation of all appropriate actions taken following receipt of an allegation of sexual misconduct. Further, Haskell and SIPI have established and will continue to actively implement a formal Student Sexual Misconduct Policies and Procedures training plan for all employees.



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