

**STATEMENT
OF
MATTHEW ELLIOTT
ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
U.S. DEPARTMENT OF THE INTERIOR**

**BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

**HOUSE 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 NATIONS UNIVERSITY”**

JULY 23, 2024

Chairman Gosar, Chairman Owens, Ranking Member Stansbury, Ranking Member Wilson, and Members of the Subcommittees:

Thank you for the opportunity to discuss the Department of the Interior (DOI) Office of Inspector General’s (OIG) work regarding Haskell Indian Nations University (Haskell). The Inspector General Act of 1978, as amended, established a unique relationship between IGs and Congress, requiring IGs to report both to the head of their respective agencies and to Congress. DOI OIG’s leadership and employees take this obligation seriously, and we appreciate your continued interest in and support for our fair, independent, and objective oversight.

Background

DOI OIG’s Mission and Operations

DOI OIG’s mission is to provide independent oversight to promote accountability, integrity, economy, efficiency, and effectiveness within the DOI. Our work can be grouped into two general categories: (1) investigations on the one hand, and (2) audits, inspections, and evaluations on the other. The OIG’s less than 300 employees oversee the programs and operations of the DOI, which has more than 70,000 employees, 11 Bureaus, Offices, and a range of diverse programs, including roughly \$10 billion in grants and contracts, \$20 billion in natural resource revenues, Federal trust responsibilities to 574 Federally recognized Indian Tribes and Alaska Native villages, stewardship of 20 percent of the Nation’s land, and management of lands, subsurface rights, and offshore areas that produce approximately 17 percent of the Nation’s energy.

Our Office of Investigations investigates allegations of criminal, civil, and administrative misconduct involving DOI employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions. DOI OIG investigators have statutory law enforcement authority, including the power to make arrests, execute warrants, and carry firearms. When an investigation is complete, investigators prepare a Report of Investigation (ROI) detailing our findings. If there is

evidence of criminal wrongdoing, the investigators work with Federal or state prosecutors as appropriate. If an investigation shows evidence of administrative wrongdoing on the part of a DOI employee, the ROI is presented to the Department, which will take whatever action it deems appropriate. In these cases, the OIG does not recommend discipline or other action to the Department.

Our Office of Audits, Inspections, and Evaluations (AIE) conducts independent reviews that measure DOI programs and operations against best practices and objective criteria to determine efficiency and effectiveness. They also audit contracts, examine financial statements, and conduct cyber security audits, to name a few examples. AIE's work results in actionable recommendations to the Department that promote positive change in the DOI.

DOI OIG's Complaint Hotline

Every day, DOI employees and private citizens reach out to our complaint hotline to share information about potential fraud, waste, abuse, misconduct, or mismanagement. The OIG also receives complaint referrals directly from Department officials outside of our hotline. Based on the information submitted, the OIG evaluates the complaints and could open a criminal, civil, or administrative investigation; conduct an audit, inspection, evaluation, or review; refer the complaint to the appropriate DOI Bureau or Office; refer the complaint to another Federal or state law enforcement agency; or electronically file the information for future reference.

Our hotline is staffed by trained professionals who review every complaint we receive and determine what action the OIG will take. Given our mission, jurisdiction, budgetary resources, and unique position in the Department, we typically investigate criminal matters such as contract and grant fraud, energy royalties fraud, embezzlement, and financial conflicts of interest. We also investigate administrative misconduct by DOI employees, such as ethics violations, whistleblower retaliation, and sexual harassment by senior-level officials. We generally don't investigate allegations involving traditional management or workplace problems or individual allegations of discrimination. Typically, we refer those complaints to the Department for its consideration and action.

In Fiscal Year 2023, we received 886 DOI-related complaints and opened 60 investigations; that is, 6.7 percent of the DOI complaints that we received were converted to OIG investigations. Of the 886 complaints that we received, 418, or 47 percent, were referred to the appropriate DOI Bureau or Office for action.

Between 2018 and the present, we received 68 complaints related to issues at Haskell. We opened 5 investigations, initiated 1 review, referred 32 of the complaints to the Bureau of Indian Education (BIE), and 1 complaint to the Assistant Secretary of Indian Affairs. Twenty-nine of these complaints were electronically filed for information.

Prior DOI OIG Investigations Involving Haskell

DOI OIG's November 2018 Investigative Report of Misconduct Allegations at Haskell

After receiving complaints from Haskell students, faculty, and personnel alleging mismanagement by Haskell's senior administration and President, we opened an investigation that focused primarily on the administration's handling of misconduct complaints. In addition, we investigated allegations that the President bullied employees, committed nepotism, and

demonstrated favoritism. We also investigated allegations that the administration misused Title III funds.

During the course of our investigation, we received an allegation that a Haskell instructor sexually assaulted a student off campus. Because local law enforcement had primary jurisdiction, we immediately referred the matter to the Lawrence Police Department.

At the conclusion of our investigation, we transmitted our findings to the Directors of BIE and the Bureau of Indian Affairs (BIA) and publicly issued an investigative report in November 2018.¹ In that report, 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; however, we did not find evidence of favoritism or improper use of funds.

DOI OIG's October 2018 Management Advisory Regarding Absence of Clear Boundaries Between Haskell Indian Nations University and Nonprofit Haskell Foundation

Our 2018 investigation yielded additional findings about inappropriate boundaries between Haskell University and the Haskell Foundation, a non-profit organization with the stated mission of seeking, encouraging, receiving, and managing gifts, grants, and bequests for the benefit of the university. We issued a management advisory to the Director of BIE, alerting him to the potential of legal violations arising from the lack of clear boundaries between Haskell and the non-profit.

Unsubstantiated Allegations

In 2021 and 2022, we investigated additional allegations regarding misconduct by Haskell employees, not related to sexual harassment or misconduct. None of these allegations were substantiated.

Complaints to OIG Related to Haskell Indian Nations University in 2022 and 2023

Partly at issue today are allegations that were referred to the OIG by BIE in June 2022. These wide-ranging allegations included an array of complaints including theft of Federal property, intimidation of student athletes, bullying, violation of students' due process, inappropriate touching of student athletes by a coach, and others.

Consistent with our office's usual process and practice, we closely reviewed the allegations and vetted them, including by reaching out to the five individuals whose contact information was provided, eventually reaching one. We interviewed that individual by phone on June 30, 2022. Based on the initial complaint and the additional information provided in our interview, we determined that the allegations would be best addressed by the BIE. We referred the allegations to BIE on July 6, 2022, and requested a response in 90 days. We received the BIE response on January 25, 2024.

¹ Available at https://www.doioig.gov/sites/default/files/2021-migration/WebRedacted_HaskellUniveristy.pdf.

Subsequently, in April 2023, the OIG received an anonymous hotline complaint, alleging that employees at Haskell covered up students' complaints of sexual misconduct. After reviewing this anonymous complaint, our office opened an investigation. During the course of our investigation, in June 2023, we learned of BIE's investigative report addressing the allegations that predicated OIG's investigation; therefore, we closed our investigation in August 2023.

OIG's Ongoing Review

Because of the history of complaints related to mishandling of sexual assaults and the findings from our 2018 ROI, in 2022, I directed OIG's Special Investigations and Reviews² to initiate a review to determine whether BIE-operated postsecondary institutions were appropriately following laws and policies related to complaints of sexual harassment and misconduct. Originally focused solely on the Southwestern Indian Polytechnic Institute (SIPI), we expanded the scope of our review to include Haskell, given the history of complaints that our office had received.

This review is currently ongoing. We look forward to providing our report to Congress and the public when it is complete.

DOI OIG's Evaluation of the DOI's Efforts to Address Sexual Harassment Across the Department

This is not the first time that our office has addressed sexual harassment and misconduct at the DOI. In September 2014, we received a complaint that led to a series of investigations that uncovered a long-term pattern of sexual harassment and a hostile work environment in the NPS' Grand Canyon National Park River District. The Grand Canyon investigation led to others. In total, the OIG opened over 20 sexual harassment investigations between 2016 and 2019. As a result, the OIG confirmed allegations of sexual harassment in other NPS worksites; the OIG also confirmed similar allegations of both sexual harassment and mishandled sexual harassment investigations within BIA.³

On the heels of these investigations, in December 2017, the OIG initiated an evaluation of the DOI's steps to address sexual harassment at the Department. Our work culminated in a report, issued in July 2019: *Opportunities Exist To Improve the U.S. Department of the Interior's Efforts To Address Sexual Harassment*.⁴ We found that although the Department had taken steps to

² The Special Investigations and Review Division (SIR) is a division in the Office of Investigation staffed by attorneys and investigators. SIR conducts programmatic reviews as well as certain types of investigations, often focused on senior level DOI officials.

³ Specifically, in May 2017, we confirmed that a BIA employee harassed employees and tribal members by sending unwanted (and often sexually explicit) texts and Facebook messages. *Summary: BIA Employee Sent Unwanted, Sexually Explicit Messages*, available at <https://www.doi.gov/reports/investigation/bia-employee-sent-unwanted-sexually-explicit-messages-0>. In September 2017, we found that a Human Resources official incorrectly advised a BIA manager that an employee accused of sexual harassment could not be disciplined because the complaints were not U.S. Government employees and the harassment did not appear to be connected in the workplace. *Summary: Insufficient Actions by BIA Management and Human Resources Officials in Response to Sexual Harassment Reports*, available at <https://www.doi.gov/reports/investigation/insufficient-actions-bia-management-and-human-resource-officials-response-0>.

⁴ Available at [doi.gov/sites/default/files/2021-migration/FinalEvaluationE_DOISexualHarassment_Public.pdf](https://www.doi.gov/sites/default/files/2021-migration/FinalEvaluationE_DOISexualHarassment_Public.pdf).

address and prevent sexual harassment, opportunities existed to improve sexual harassment investigations. Specifically, (1) ROIs did not always contain the necessary information for decisionmakers and advisors to make comprehensive decisions about potential corrective action related to sexual harassment, (2) the DOI and its bureaus did not track the timeliness of investigations in a consistent manner, and (3) investigation costs may have prevented employees from reporting an incident. We also found that anti-sexual harassment training and DOI-wide misconduct tracking could be improved. We made 11 recommendations to help the DOI prevent and address sexual harassment. At this time, all recommendations from our 2019 report have been resolved and implemented.

Conclusion

In October 2019, Inspector General Mark Lee Greenblatt testified at a House Natural Resources Subcommittee on Oversight and Investigations hearing entitled, “Sexual Harassment at the Department of the Interior.” His testimony covered the OIG’s investigations of specific misconduct and our broader evaluation about the steps DOI had taken to address sexual harassment at the Department. During that hearing, IG Greenblatt committed that the OIG would continue to aid the Department in its efforts to foster a safe environment free of sexual harassment and assault. Since that time, we have continued to receive, evaluate, and act upon all incoming complaints, including those that implicate sexual misconduct. We have a proven track record of opening investigations and issuing public-facing reports as appropriate, and we remain responsive and capable of investigating a full range of alleged misconduct. Our currently ongoing review, discussed previously today, is another important part of the OIG’s efforts in this regard.

Thank you for your time, and I look forward to answering your questions.