



PEER

PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

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On April 20, 2023, PEER requested (and described) a Report prepared by BIE investigators and finalized on or about January 13, 2023. In September, 2023, no fewer than four Haskell students – Ilijah Coleman, Jarek Chimoni, Tierra Thomas, and Brian Masayeseva -- filed FOIA requests for the BIE report of the investigation for which they all were interviewed.

On November 2, 2023, pursuant to *PEER v. BIE*, Civil Action No. 23-2194, BIE submitted to PEER a 528-page document in response to PEER's FOIA request of April 20, 2023.

BIE withheld the requested Report from PEER. BIE also withheld the requested report from the four Haskell students (attached).

I. BIE (Purported) Response to PEER FOIA Request.

On November 2, 2023, BIE submitted to PEER 528-page FOIA document (two links containing highly redacted and duplicative documents) purportedly a response to the PEER initial request of April 20, 2023, and lawsuit filed on July 28, 2023.

Upon review, PEER determined that the documents received – the 528 pages – were not the BIE Report of January 13, 2023, but a different report, one prepared by Wendy Blanchard, an US Postal Service (USPS) investigator in Massachusetts, under contract to BIE who never stepped foot on the Haskell campus and who completed submitted her Report on or about late June 2022.

II. Different Reports: USPS Investigated Mayes – BIE Investigated Leadership, Faculty, Staff and Selected Student Misconduct at Haskell.

The USPS Report was an investigation of some 18 specified complaints by certain students against Clay Mayes, then Haskell Cross Country Coach on October 25, 2021 (none subsequently affirmed).

By contrast, the BIE investigation was initiated on or about April/June 2022 with a three-person BIE investigative team arriving on campus July 11, 2022. The charter for the BIE investigation focused, not on Coach Mayes, but corruption and misconduct by certain Haskell leadership, faculty and staff (including theft, mismanagement, missing monies, sexual assaults among other issues) and specific students. Their report was finalized and submitted to BIE on or about January 13, 2023.

III. BIE Switched Reports Being Released.

PEER requested and entered litigation for the BIE Report. BIE, having been directed to disclose the BIE Report, did not do so and did not disclose that it was not doing so. In sum, BIE switched reports to be released and did so secretly.

IV. BIE Switch – Not An Error.

As documented noted below, PEER believes that this switch is not an inadvertent error.

Back on March 10, 2023, BIE HR Director, Jackie Shamblin, declared in an email to Haskell students, “...you will never see...” the BIE Report. It appears that BIE now went to great lengths to mislead PEER (and possibly DOI and DOJ).

V. Haskell Students Demand Promised BIE Report.

On a separate track, unrelated to PEER, Haskell students who had been interviewed in the investigation began asking for the January 2023 BIE Report in letters and emails to Secretary Haaland and BIE Director Tony Dearman to no avail.

These students agreed to be interviewed by BIE investigators after receiving assurances from BIE investigators that there would be (a) accountability; (b) transparency; (c) the report (then in the making) would be released; and (d) each would be protected from retaliation (which they feared). When BIE and Haskell refused to release the report as promised, several students filed FOIA requests in September 2023.

Student FOIA Requests:

Date	Haskell Student	FOIA Request
September 6	Llijah Coleman	“I am requested the investigative report for Haskell Indian nations university in Lawrence, KS. One investigators name is Erland Paisano. Investigation was from July 2022 to January 2023.”
September 16	Jarek Chimoni	“I request the Haskell...investigation report. Start July 11 th or 12 th and end very close to mid January. I talked to Erland Paisano. I witnessed reported crimes and talked to emotionally broken women students where employees like the Gipps did whatever the hell they wanted to and completely protected...”

September 4	Tierra Thomas	“I am requesting: Haskell...investigation and a recently submitted report, Investigators started on-campus July 11, 2022 and Finished with submitting report on January 12, 2023. I know the dates cause an investigator shared this. Said to be 528 pages total. I am a student who gave testimony and helped other victims come forward.” Investigators Paisano, Epaloose-Pinto and Jaramillo are named.
September 6	Brian Masayesva	“I want to obtain an investigation and its report. Investigations go to Haskell on July 10, 2022. Give or take a day. Then finished in January of 2023. I was attending Haskell and I helped get people to give their testimonies in efforts to get rapists out of Haskell.”

VI. Students Misled – Angry – Inform BIE.

Students received the same 528 pages submitted to PEER. They immediately responded:

Date	Haskell Student	Reaction: Statement Back to BIE, Others
November 14	Llijah Coleman	“This is wild. This is NOT my FOIA request.”
November 14	Jarek Chimoni	“THIS IS NOT MY REQUEST. You all are truly incompetent or evil to cover up these crimes.”
November 10	Tierra Thomas	Why is BIE purposely withholding documents I requested & giving me documents that I did not request? I talked to interior officials and they are stumped & can’t figure out why, in their words, ‘Doing a Bait and switch.’”
November 7	Brian Masayesva	Please re-read my request. Why did BIE not give the actual investigation requested? EVERY date in my request was ignored.

VII. BIE Delegation of Authority Confirms Conclusion of Requested Investigation.

Also attached are two delegations of authority both dated January 26, 2023, from the BIE Director authorizing named staff to serve as the proposing and deciding officials to undertake

“disciplinary actions” against responsible BIE staff members, as opposed to a contractor (Clay Mayes, the subject of the 528 report that BIE has produced in this litigation).

It is clear that the investigation which PEER requested had been concluded by January 2023 and concerned a wide range of allegations, as described in the PEER FOIA suit.