

# **Clay J. Mayes, III**

**2429 Via Linda Drive  
Lawrence, KS 66047  
(918) 346-8865  
clay.j.mayes@gmail.com**

July 28, 2023

Anthony Dearman  
Director  
Bureau of Indian Education  
US Department of the Interior  
1849 C Street, NW (18<sup>th</sup> and C)  
Washington, DC 20240

**Re: Coach Clay Mayes: Withdrawal of  
Haskell Unjustified Contract  
Termination, Reinstatement as Haskell  
Cross-County Coach, Release of  
Undisclosed USPS and BIE Reports,  
Referral to FBI and US Attorney**

Dear Director Dearman:

Beginning June 1, 2021, I became the Haskell Cross-Country Coach. I was fired on April 18, 2022<sup>1</sup>. I submit this request on behalf of myself, my wife Melena and our two children, Ruby and Billy, of Lawrence, Kansas. I also submit this request on behalf of and in honor of the Student-Athletes I coached – who today remain victims of egregious misconduct, physical harm and emotional by certain BIE and Haskell officials, faculty and staff.

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<sup>1</sup> On February 23, 2022, OIG forwarded my request, which I submitted to OIG on February 1, 2022, to BIE. My contract was halted the next day. On April 4, 2022, I submitted a second request to the OIG which they again forwarded to the BIE on April 13, 2022. On April 15, a lawyer representing me submitted a letter to BIE on a Friday. I was terminated the following Monday, April 18, 2022. BIE, with two referrals from OIG, never interviewed me or spoke to me about either complaint to the OIG.

## Reinstatement Request

I request that BIE and Haskell: (1) withdraw the April 18, 2022, contract termination<sup>2</sup>; (2) order reinstatement, without delay, in accordance with your January 26, 2023 Delegation of Authority<sup>3</sup>; (3) clear my Personnel Record in full; and, (4) resolve, in full, any and all related reinstatement matters<sup>45</sup>. The request for reinstatement, to clear my name and my record is fully consistent with the findings of BIE and Haskell reviews, investigations *and* statements made by your leadership.

It is now also known, from the US Postal Service's "Investigation Report," the BIE's Six-Month "Administrative Investigation Report," and more recently from DOI, OIG, BIE and Haskell officials, that claims, charges, complaints and accusations against me were false and/or fabricated. According to outside investigators and Haskell officials, none of the charges were affirmed or validated. In some cases, they were just plain made up. It is also now known that in addition to violation of applicable DOI, BIE and Haskell laws, policies, regulations and procedures, that certain Haskell staff and faculty made materially false, fictitious and/or fraudulent statements or representations about me in violation of certain federal **criminal** laws. We request the BIE and DOI refer these matters to the FBI and the US Attorney for appropriate investigation and disposition.

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<sup>2</sup> April 18, 2022. E-Mail to Clay Mayes, from Cedric Wood, Haskell Contracting Office which stated that the termination was taking place "...for Government Convenience."

<sup>3</sup> January 26, 2023. Memorandum to Cherie Poitra, Associated Deputy Director, Central Office, Bureau of Indian Education from Tony Dearman, BIE Director, Delegation of Authority *and* Memorandum to James Bartlett, Supervisory Human Resources Specialist from Dearman regarding Delegation of Authority. [See Appendix, Tab #1]

<sup>4</sup> My attorney, on April 15, 2022, submitted a letter on my behalf to BIE. See Chapter 4, "In Their Own Words," a Report accompanying this letter. My letter and Report incorporates the matters raised in that April 15, 2022' My attorney is presently experiencing medical issues that required him to suspend his practice at this time..

<sup>5</sup> Regarding reinstatement, I was advised by BIE investigators, that all of the athletic positions, including the Cross-Country coaching position will be made permanent. Given all that has occurred, restatement, in the present case, means installing me as a full-time Haskell faculty member.

It is further requested that the Interior Department and BIE release, without further delay, the US Postal Service Investigation Reports (November 2021 to June/July 2022), Six-Month BIE Administrative Investigation Report (July 2022 to January 2023)<sup>6</sup>, D. Stafford and Associates Report(s) (September 2022 to Present) involving Haskell *and* any/all other similarly undisclosed Reports.

On November 1, 2021, five months to the day after I began coaching at Haskell, my career, my reputation and my means of support for family were taken from me based on bogus claims made by senior Haskell officials, faculty and staff. It is now beyond question that actions against me were born of retaliation. I was smeared by what became a mountain of false accusations and a long list of fabricated charges which occurred immediately after I observed and first reported theft by Judith and Al Gipp (both of whom worked in the Haskell Athletic Department) as required by Federal law, DOI and BIE policy, BIA Manual, Haskell Code of Conduct and related policy and procedures. Several months later, on January 25, 2022, I was informed that Al Gipp, a Haskell Track Coach, allegedly sexually assaulted one of Haskell's Student-Athletes. As required by Federal law, DOI policy and Haskell rules, it was immediately reported this matter in person to my Haskell Supervisor, Steve Byington<sup>7</sup>. Within hours, I returned to my office only to discover Al Gipp's sister, Judith Gipp, ransacking my desk and its contents. Byington, in general was unresponsive. Over a several month period, he did not respond to at least 16 emails from me on a series of matters, two of which involved the attacks on the Student-Athletes.<sup>8</sup>

Right after I reported theft, I was suspended and then after reporting the assault, I was terminated. These events occurred at the very time, that I was informed by you, HR and Haskell officials that

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<sup>6</sup> Student-Athletes, promised the Report by BIE investigators at the time of their interviews have requested the Report multiple times, to no avail. On March 10, 2022, those students were told by BIE HR Director, Jackie Shamblin, "you will never see the Report." On April 20, 2023, PEER submitted a Freedom of Information Act (FOIA) request for the Report. BIE rejected the request and ignored an appeal filed June 7. On July 28, 2023, they filed suit in Federal District Court for this Report pursuant to BIE obligations under FOIA.

<sup>7</sup> Within hours of reporting the alleged assault, I returned to my office only to discover Al Gipp's sister, Judith Gipp, also a member of the Haskell Athletic Department, accompanied by Aja McCormick, ransacking my desk and its contents. When I walked in, Gipp and McCormick were startled, dropped everything and immediately departed.

<sup>8</sup> When no action resulted, I reported the assault a second time to Byington on March 12, 2022.

I was being reinstated. That abruptly changed and your staff overturned your reinstatement commitment. My contract, without explanation and without even the pretense of due process, was terminated.

In addition to retaliatory conduct directed at me, my Students-Athletes, forgotten, overlooked and invisible by Haskell faculty perpetrators, were threatened, intimidated, bullied *and*, directed to do the unthinkable by Tonia Salvini, then Haskell's Vice President for Student Services. Those students were forced – *pressured and, bullied* – to sign Non-Disclose Statements (NDAs). Haskell's leaders bluntly told and attempted to legally restrict these students from even talking to their parents or Tribal leaders. In late October, when initially pressured to sign statements containing false accusations against Coach Mayes, they refused. They said, "no." A week later, now early November, facing intimidation, and pursuant to direct threats from Haskell's Vice President, they signed the NDAs (albeit under duress).

As a result and on top of everything else, these same Student-Athletes were full and active participants in their sport of choice but were denied their respected coach contributing to extreme duress, emotional scars and, later, much worse. BIE Haskell turned its back on an entire class of victims. From November 4, 2021, they experienced a Haskell-imposed information blackout. Somewhat remarkably, just a month ago, on June 29, 2023, BIE announced a five-year extension of the Behavioral Health and Wellness Program for Tribal Schools which Secretary Haaland declared her Interior Department "*...is committed to creating positive, safe and culturally relevant learning environment.*"<sup>9</sup> Today, BIE needs to make certain that this program is extended to all Haskell's students and staff.

On November 4, 2021, Haskell ordered an investigation into undisclosed and unstated allegations of misconduct by me<sup>10</sup>. The BIE and Haskell-ordered investigation was assigned to the US

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<sup>9</sup> See Interior Department Press Release, "*Interior Department Announces Behavioral Health and Wellness Program for Tribal Schools, Bureau of Indian Education Schools Will Receive Virtual Counseling and On-Site Crisis Services,*" June 29, 2023.

<sup>10</sup> I signed this document in Vice President Salvini's office under duress and after being told to "sign or be terminated" on the spot. If she had to terminate, she said, then the Haskell Campus police would be called to remove me from Haskell property right then.

Postal Service (USPS). Eight months later, in late June 2020, BIE and Haskell received an USPS Report, entitled “Investigative Report.” It has not been provided to me, posted on the BIE web site or otherwise made public. According to Wendy Blanchard, the USPS Investigator, no claims against me were substantiated<sup>11</sup>.

In addition to the USPS investigation, sometime in the first half of 2022, BIE ordered an investigation of matters at Haskell. On July 9, 2022, on the eve of BIE investigators arriving at Haskell, you told, James Nells, a long-time colleague from BIE’s Riverside School that I would be “*reinstated*” and that “*you had his (Mayes) back.*” You already knew, prior to the BIE Administrative Investigation team arriving in Lawrence, that charges against Mayes were false, bogus and pre-disproved. Moreover, the BIE investigation notwithstanding, you informed a colleague that this is “*...not something that would be covered up.*”

Two days later, on July 11, 2022, a new BIE investigative team arrived at Haskell 2022 and initiated still another investigation. Six months later, on or about January 12, 2023, BIE staff completed that investigation and submitted a 528-page “*Administrative Investigation*” Report, six-months in the making, to BIE that affirmed, in addition to a long list of other issues, that claims, charges, complaints and accusations made by Haskell officials against Mayes were false and unsubstantiated. Some 12 days after that, now on January 26, 2023, you delegated responsibility to two BIE officials “*...to take appropriate action(s) as it relates to the findings in the Administrative investigation conducted to look into allegations and complaints regarding Haskell...*” including, expressly, “*authority to work with the Contracting Department to address issues associated with contractors...*” I was a Haskell contractor. It is now 173 days (as of July 4) later, and neither BIE nor Haskell has taken any action to reinstate me or even communicate with me about reinstatement. For the record, he was first suspended on November 1, 2021, some 608 days ago (as of July 4).

In furtherance of this request, “***Report, In Their Own Words, to Accompany Clay Mayes’ Request for Reinstatement***” was prepared and is attached. It is a partially detailed account of

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<sup>11</sup> On July 6, 2023, I asked Blanchard for the “title” of her unreleased Report (her investigation per the November 4, 2021 Haskell directive). She stated it was “*Investigative Report.*”

events and circumstances addressing BIE and Haskell's conduct in this matter, submitted with the understanding that its contents and conclusions were prepared without the benefit of access to exonerating reports. Instead, It is based on the limited record I maintained throughout this period combined with specific disclosures and/or statements from DOI and BIE investigators and others. Given the lack of access to my records and BIE's investigative reports, the Report accompanying this Petition for Reinstatement is necessarily incomplete.

BIE and Haskell now know that certain faculty engaged in an extraordinary case of **"ACCUSATION SHOPPING"** – none of it accurate, none of it justified, none of it honest and all of in violation of a tall tower of laws, policies and procedures. As a result, BIE and DOI investigators and officials know – *and have known* – that claims, charges and accusations against me were false when first made. It should also be noted that I and Haskell Student-Athletes attempted to meet with Acting President, Dr. Tamarah Pfeiffer<sup>12</sup>, but she refused over and over again to meet without explanation. Had President Pfeiffer met with me and the students, and addressed what are now affirmed as valid grievances, these issues could have been resolved long before today. Had Haskell followed your directive to reinstate me, Mayes, now a year ago, this matter would have been resolved long ago.

The North American Indigenous Athletics Hall of Fame (NAIAHF), an organization that "honors and recognizes the indigenous sport cultures of 27 countries of North America by recognizing outstanding leadership and achievement in individual and team athletics"<sup>13</sup>. On February 23, 2023 I was nominated and selected into their Hall of Fame.

I and my family, my wife Melena, our adopted children, Ruby (6) and Billy (4) and my Student-Athletes continue to needlessly suffer by BIE and Haskell misconduct in the first instance and now, a painful case of BIE inaction and indifference.

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<sup>12</sup> I, on three separate occasions, asked to meet with President Pfeiffer. She refused to meet. Haskell Student-Athletes also asked, in writing, to meet with Dr. Pfeiffer at least five times. She refused to meet with them as well. See *In Their Own Words*.

<sup>13</sup> See NAIAHF web site at <https://www.naiahf.org/>.

**It is time for reinstatement..**

Respectfully Submitted, by me, Clay J. Mayes III, of Lawrence, KS, Terminated Cross-Country Coach, Haskell Indian Nations University and Cherokee Nation and Melena Mayes, Cherokee Nation and our two children, Ruby and Billy.

Clay J. Mayes III

cc: Clay Mayes, Cross-Country Coach, Haskell Indian Nations University, Lawrence, KS  
Melena Mayes, Lawrence, KS  
The Honorable Deb Haaland, Secretary, US Department of the Interior  
The Honorable Bryan Newland, Assistant Secretary of the Interior for Indian Affairs  
The Honorable Mark Lee Greenblatt, Inspector General, US Department of the Interior  
Francis (Frank) Arpan, President, Haskell Indian Nations University  
Brittany Hall, President, Haskell Board of Regents, Haskell Indian Nations University  
Haskell Alumni Association  
Billy Mills, Olympic Gold Medalist and Haskell Graduate, Co-Founder, Running Strong for American Indian Youth  
James Nells, Instructor, BIE Riverside High School, OK  
Gary Tanner, Athletic Director (Ret.), Haskell Indian Nations University  
Jerry Tuckwin, Athletic Department (Ret.), Haskell Indian Nations University