



Investigative Report of Improper Hiring at the Bureau of Indian Education

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

SYNOPSIS

We initiated this investigation in June 2014 based on a complaint from an official with the Bureau of Indian Education (BIE). The BIE official alleged that Charles Roessel, Director, BIE, abused his position to inappropriately hire two individuals: a BIE program analyst with whom Roessel was rumored to be having a romantic relationship, and a relative of Roessel's who worked in the Navajo Nation school system.

Our investigation found that Roessel was involved in both hires. He acknowledged that he hired the program analyst and also admitted to having an ongoing romantic relationship with her that began before he became the BIE Director and before she came to work at BIE. This appears to violate 5 U.S.C. § 2302(b)(6), "Prohibited personnel practices," which generally prohibits Federal employees from granting any preference or advantage to another employee or a job applicant with the intent of improving that person's prospects for employment. Roessel's actions also appear to have violated ethics prohibitions against preferential treatment and using official position for the private gain of others, found in 5 C.F.R. § 2635.101, "Basic obligation of public service," and 5 C.F.R. § 2635.702, "Use of public office for private gain." Moreover, their relationship has, according to interviews, created an uncomfortable working environment for Roessel's staff.

Roessel also said that he intervened in his relative's hiring process to make sure she got a position she had applied for in the Navajo school system, which appears to violate 5 U.S.C. § 3110, "Employment of relatives; restrictions" and the aforementioned ethics and personnel practice prohibitions, as well as 5 C.F.R. § 2635.502, the ethics regulation on impartiality.

In addition, Roessel and the BIE program analyst provided inconsistent statements in their responses to our questions and caused us to doubt their overall truthfulness and candor.

BACKGROUND

Federal regulations prohibit the use of public office for private gain (5 C.F.R. § 2635.101(b)(7)). More specifically, Federal employees must not use their public office for the private gain of their friends, their relatives, or people with whom they are affiliated in a nongovernmental capacity (5 C.F.R. § 2635.702).

Federal regulations also require employees to act impartially and not give preferential treatment to any private individual (5 C.F.R. § 2635.101(b)(8)). If any Federal employee has a close personal relationship with a relative and that relative is a party to a particular matter (for example, a hiring decision), the employee is required to consider whether a reasonable person with knowledge of the facts would question his or her impartiality in the matter (5 C.F.R. § 2635.502(a)). The employee may participate in the matter only if he or she determines that his or her impartiality would not be questioned, or if the employee informs his or her agency of the appearance problem and receives authorization from the agency.

Moreover, 5 U.S.C. § 2302(b)(6), “Prohibited personnel practices,” states: “Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority . . . grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment.”

Similarly, 5 U.S.C. § 3110(b), “Employment of relatives; restrictions,” states: “A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official.”

Finally, Federal regulations require that employees endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards (5 C.F.R. § 2635.101(b)(14)).

DETAILS OF INVESTIGATION

We initiated this investigation on June 11, 2014, based on a complaint received by a Bureau of Indian Education (BIE) accounting and compliance official. The official alleged that BIE Director Charles Roessel abused his position to inappropriately hire two individuals: a BIE program analyst with whom he had a romantic relationship, and a relative of his for a position in the Navajo Nation school system.

Roessel’s Involvement in Hiring the Program Analyst

According to the BIE official, he had received complaints from various BIE employees regarding Roessel’s intervention in the hiring process for the BIE program analyst. The accounting official said that he had also heard rumors that Roessel and the program analyst were romantically

involved, and this could explain why Roessel had helped secure her a job and later had her relocated to Washington, DC.

A review of BIE Human Resources (HR) paperwork showed that this program analyst had held three positions with BIE:

- On October 28, 2013, Roessel hired her as a GS-13 emergency employee. The position, which originally was not to exceed 30 days, was extended for an additional 30 days on November 27, 2013.
- On December 28, 2013, the principal of a BIE community schools hired her on a 60-day short-term contract. This contract was extended on February 27, 2014, for an additional 60 days.
- On May 19, 2014, Roessel hired her as a GS-13 program analyst in Washington, DC.

We interviewed the program analyst, who said that she learned about her two previous positions through the BIE HR website. She said that she became aware of her current position through the USAJobs website, not from anyone at BIE. She said that she received an email from BIE HR in Albuquerque notifying her that she got the position, and she never had a formal interview for it. After she was hired for her current position, she found an apartment on Craigslist and moved to Washington, DC, approximately 2 weeks prior to starting work in May 2014.

The program analyst said that she knew Roessel before she came to DC. She explained that she had worked on projects that he oversaw in her previous positions with BIE, so they had attended the same strategic planning meetings. When asked if she had had any conversations with Roessel about her current position prior to coming to DC, she said no. When asked if Roessel contacted her about applying for this position, she initially said no, though she subsequently stated that Roessel had informed her generally about the types of positions that were opening and what qualifications were needed.

When we asked about the nature of her relationship with Roessel, the program analyst initially stated: "There's no romantic relationship." Later, however, she said that she and Roessel had been "intimate" and had had "consensual engagements of hugs and kisses," but had never had sexual intercourse. She considered Roessel a very good friend and a mentor.

The program analyst admitted to kissing Roessel on several occasions and maintained that Roessel told her "no" on these occasions. When asked if Roessel ever initiated the kissing, she said that sometimes he "kissed back." She also said that Roessel sometimes touched her buttocks or grazed her breast while they were kissing. She said that they never took their clothes off, but she recalled changing her shirt in front of him at his apartment. She said that she could not recall the last time they kissed. She said that she had spent late nights at Roessel's apartment, but had never slept there. When asked if anything inappropriate ever occurred at their workplace (the U.S. Department of the Interior's (DOI) headquarters), she said that she had only kissed Roessel outside the building, when she was picking him up from work in the evening.

Initially, the program analyst said that nothing inappropriate had ever occurred between them before she came to work for Roessel in DC. Later, however, she stated that they had kissed

before she got the job in DC, though she could not remember the date. At first, she said that they kissed only once before she began working for Roessel, but later she admitted that it occurred multiple times while they were on travel.

Roessel said that he met the program analyst in the summer of 2013, when he was an associate deputy director (ADD) of BIE for the Navajo Division. He said that she worked for the Navajo Nation's Department of Diné Education and that they had worked together on several projects. Based on her expertise, Roessel wanted to hire her for BIE. He contacted a BIE HR official and asked how he could hire her, and the HR official suggested they hire her on an emergency basis. Roessel said that this hire was adjudicated at the District/ADD Office and that her first position lasted only 2 months.

Subsequently, the program analyst was hired under contract for a position at a school. Roessel said that he was not the selecting official for this position, as the selection was made at the school level, but he did review the resumes. When asked if he told the program analyst that the position would be opening, Roessel said she may have heard him mention it during a meeting because she was already working for BIE in her emergency role. He also recalled telling her to highlight some specific experience on her resume; he explained that his office was having trouble finding candidates with that type of experience, so he told her to adjust her resume accordingly. He said that he may have contacted some of the other applicants about this as well.

Roessel said that the program analyst's current position had been advertised as a GS-13. He recalled telling her that she would be a good fit for the position, and he believed that he sent her a blank "Knowledge, Skills, and Abilities" form as an example of what she would have to fill out. He said that he could not recall if he helped her with her resume or reviewed it before she submitted it. He said that only the program analyst and one other person had made the certification list for the job, but the other candidate did not have the professional background BIE wanted, making her the less qualified of the two. Roessel said that he personally selected the program analyst for the position. He said that he did not interview her but that he had seen her work in the past and felt the decision to hire her was a "no-brainer." He said that HR would have notified her that she had gotten the job.

Regarding Roessel's personal relationship with the program analyst, he said that she was a close friend. When asked if they were romantically involved, Roessel said: "That's a tough question to answer." He said that his relationship with the program analyst consisted of intimate kissing, touching, and spending their free time together. Despite their intimacy, Roessel said, they had never had sexual intercourse.

Roessel said that this intimate relationship started years back, before the program analyst came to work at BIE. Roessel said that the first time they kissed would have been around the summer of 2013, before he became the Director and before she came to work for BIE. Roessel said that they would sometimes meet in certain cities while they were both traveling but that he never scheduled travel just to meet her.

Roessel said that the last time he and the program analyst had kissed was probably when she dropped him off or picked him up at the airport earlier that week.

Roessel also acknowledged that he and the program analyst had been to each other's apartments. He said that she had never spent the night at his place, but that he slept on her couch when she moved to DC in May 2014. Prior to that, he had been living at his sister's place. Roessel said that he did not get a place of his own until about June 2014. When asked how the program analyst found her apartment, Roessel said that she asked him to go look at a place she found on the Internet. He went there and showed her the apartment via FaceTime. She then wired him some money, which he put down as her deposit on the apartment. Roessel said that he had never contributed any money for her rent or amenities. He said that he did not have a car, so she would sometimes drive him to the grocery store or to run errands. He said that their apartments are only about a mile apart.

Roessel stated that he did not consider his personal relationship with the program analyst to be a problem at work because he was not her immediate supervisor. He also said that he had never spoken to anyone in the DOI Ethics Office about their relationship. He said that he was not familiar with the U.S. Merit Systems Protection Board's rules on prohibited personnel practices, and an OIG review of his DOI Learn account revealed that he claimed no training on hiring practices. He said that it never occurred to him to recuse himself, given his relationship with the program analyst, as the selecting official for the position she currently occupied. Lastly, Roessel said that he did not hire her because of their personal relationship, but because she was the most qualified candidate for the job.

We interviewed a BIE HR specialist, who said that she never felt that the program analyst's hiring was inappropriate or potentially illegal.

Similarly, the BIE HR official said that the HR process was appropriate for every position the program analyst was hired for, and that he never felt any pressure or influence from Roessel during the process. He recalled Roessel coming to him sometime in 2013 because Roessel wanted to hire someone for a certain position, but the person he had in mind (who turned out to be the program analyst) did not fit the original position description. That position description required the candidate to have experience that Roessel felt was unnecessary for the position and that the program analyst did not have. Roessel told the HR official that he did not think the position should require this experience, so he suggested the description be changed. The HR official agreed, the position description and job category were changed, and the program analyst was ultimately hired.

The HR official also recalled that the program analyst was hired under a 30-day "special needs appointment" at Roessel's request. Roessel sent the HR official a memorandum on October 4, 2013, specifically requesting the emergency hire of the program analyst. The HR official approved Roessel's request and the program analyst was hired. The HR official explained that an emergency hire position did not require advertisement and was generally created with a specific individual in mind—in this case, the program analyst. Emergency hires were generally done to expedite filling a position of immediate need, the HR official said, and this was how Roessel characterized the position when asking that they hire the program analyst.

Regarding the program analyst's current position, the HR official said that the job was properly advertised and that a BIE HR specialist reviewed the applicants and compiled the certification

list. He recalled the HR specialist asking him if the program analyst met the qualifications of the position, and after reviewing her resume the HR official determined that she did. The HR official said that at no point during this process did Roessel intervene or request that he give the program analyst any preferential treatment, nor did he ever feel pressure from Roessel to select her.

We noted that Roessel had requested that BIE only advertise the program analyst position for 5 days and asked the HR official why he made this request. The Office of Personnel Management's operations handbook suggests advertising a position for a minimum of 5 days to ensure that people who want to apply have an adequate opportunity to do so. The HR official said that a supervisor could request a shortened timeframe for an advertisement if there is a chance of receiving a large number of qualified applicants. He said that he was unsure how many candidates applied for the job.

The HR official said that he would not have hired the program analyst if she were related to Roessel, but romantic involvement was not a prohibited category for hiring someone. Nevertheless, he said that in hindsight, based on the romantic relationship between Roessel and the program analyst, he would have warned Roessel against hiring her for appearances' sake.

We also asked the HR specialist whether BIE paid for the program analyst's moving expenses to DC after she was selected for her current position. The HR specialist assured us that BIE did not pay for the move.

A review of HR paperwork and emails revealed that for the program analyst's second position with BIE, she was hired noncompetitively under a 60-day contract at a BIE community school. Despite Roessel's statement that her hiring was handled at the school level and that he had not been involved, the former principal of the school told us that he was contacted by a BIE education specialist who "forced" him to hire the program analyst. The former principal suggested that the education specialist was being "directed," presumably by Roessel, to find a position for the program analyst, and that his school had no need for her. The education specialist confirmed the former principal's assumption, and stated that Roessel had tasked her with finding another position for the program analyst after her initial 30-day "emergency hire" position expired.

A BIE official who worked for Roessel said that she had heard rumors that the program analyst was Roessel's girlfriend. The official said that this relationship made it difficult to work in the office; she said that the program analyst frequently disseminated Roessel's orders to the rest of the staff, and that when Roessel was on travel the official had to communicate with him through the program analyst.

Another BIE official said that Roessel and the program analyst appeared to spend a lot of time together in the office. He also said that the two frequently arrived at and left the office together, and that the program analyst would occasionally pick Roessel up at the airport. The official believed that they were involved in a romantic relationship and said that he was not comfortable with it. He said that he could not successfully do his job for fear of "pissing [the program analyst] off," and he added that he feared for his job security. This official later informed us that he would be taking a leave of absence due to the continuing discomfort he felt about working in

the office with Roessel and the program analyst. He said that the program analyst acted as though she was untouchable, which made him uncomfortable.

Roessel's Involvement in Hiring His Relative

According to our interviews, as well as the emails and documentation we reviewed, Roessel intended to hire an educational employee who could rotate among three schools in the Navajo Region, with each school contributing to the individual's salary. The position was advertised, and an interview panel convened on February 28, 2013. The panel consisted of the principal of one of the schools, a teacher, and a BIE education specialist. Six candidates were interviewed for the position, and Roessel's relative was ranked the most qualified.

Soon afterward, two of the three schools decided not to participate because they could not afford to contribute to the employee's salary. This would have left only one school to pay the whole salary, which, the principal told us, it could not afford to do, so the position was canceled. Roessel and his staff later decided to augment the salary amount contributed by the school with funds from the 21st Century School Fund, a U.S. Department of Education school grant program. The new position was readvertised, but at a lower salary.

A different group of candidates applied for the readvertised position, and a new panel was formed to interview them. According to the emails and paperwork we reviewed, this second panel convened on September 16, 2013, and consisted of the same school principal, a BIE education program administrator, and two BIE education specialists. A review of the panel members' ranking sheets revealed that four candidates were interviewed, and Roessel's relative received the second highest ranking.

We interviewed three of the members of this second panel about their interview and decision processes. Although one candidate had been ranked higher than Roessel's relative, the principal told us that the panel was split between the two, and that he personally thought Roessel's relative was the better candidate. He said that the panel decided to have another BIE education specialist, who had not served on the panel, make the selection. Another panel member said that the two candidates were closely ranked and that the panel allowed the principal and the education specialist to make the selection. The third panelist we interviewed, however, said the panel agreed that the top-ranked candidate was the better one.

The education specialist who made the hiring decision said that the panel unanimously selected the other candidate (not Roessel's relative) for the position, but when she informed Roessel of the selection, he said that the other candidate would be too difficult to work with and that they should select someone else. She said that Roessel did not explicitly instruct her to select his relative, but that he provided "feedback," which she could not recall in detail, about the type of person they should hire. She did not think she had another option because Roessel's relative was the next highest ranked candidate, and so she ultimately selected Roessel's relative.

Interviews with the other members of both panels revealed that no one felt coerced or pressured by Roessel or anyone else to select his relative. During their interviews, two members of the original panel said they were not aware that Roessel was related to her. A member of the second

panel said she knew that Roessel's relative was "somehow" related to him, but she did not let that influence her decision.

Initially, Roessel told us that he had no involvement in the hiring of his relative. He said that he was the ADD for the Navajo Region at the time and that the decision to hire her was made at the school level. His only involvement, he said, was in developing a guideline detailing the type of individual the schools should hire in the future. Roessel said that his idea was to hire someone who could be mentored and trained instead of someone who had already spent years in the system and would be averse to mentorship.

Roessel said that he had not participated in the original hiring process for his relative. He surmised that he would have learned of her selection from a BIE HR specialist. He recalled that after the original offer was rescinded due to lack of funding, he and his staff decided to use the 21st Century School Fund to supplement the salary and readvertise the position. The position description was rewritten and readvertised at a lower pay rate because, according to Roessel, he thought the initial advertised salary was too high. He could not, however, recall the exact figure.

Roessel also said that he was not involved in the second interview process, nor did he see any of the resumes or the certification list. He said that he knew his relative had reapplied for the position because she had told him. He said he also knew that the other candidate (the top-ranked candidate) had interviewed because he had worked with her in the past and he saw her in the building the day of the interviews; he said that she told him she was there for an interview.

Roessel said that he never spoke to anyone on the interview panel about hiring his relative, nor did he inform them that he was related to her, although he asserted it was common knowledge in the Navajo Region. He said that he did not talk to any of the panel members, so he would not have learned from them that she had been selected. Roessel said that a BIE HR specialist probably informed him that she was selected the second time.

We asked Roessel if he had known that the members of the second panel selected the other candidate, not his relative, for the position, and he said no. We informed Roessel that the education specialist had said that the panel had selected the other candidate, that she had informed Roessel of this, and that Roessel had told her he did not approve of their selection and to choose someone else. Roessel said that this was not true and that he was never made aware of the panel's original selection. He said that he would have never intervened in a panel's unanimous decision about a candidate's selection.

Roessel recalled the school principal disagreeing with the rest of the panel at one point during the process, and said that he suggested the panel members defer to the principal to make the selection since he would be the one working with the person they hired. Roessel said that he knew the principal wanted Roessel's relative because the principal had selected her the first time and had continued to say that he wanted her for the position even after they lost the funding for it. Roessel said that the principal was also excited about the prospect of mentoring Roessel's relative. He said that he believed the principal was the one who ultimately selected his relative the second time, since he did not recall the other candidate's selection nor the conversation with the education specialist, but he never told the principal to select his relative.

Roessel also acknowledged that he had had issues with the other candidate when they worked together, including her quitting a position and moving from job to job. Moreover, Roessel said, the other candidate and her husband had been arrested for barricading themselves inside a school during a meeting, and he felt that she would not pass a background check because of her arrest.

Agent's Note: We made numerous attempts to verify the story of this arrest, including speaking with officers of the Navajo National Tribal Police Department. The police had no record that the candidate, or anyone else, had been arrested for barricading herself in a school.

Roessel was asked to reconsider whether he had had any conversations with the education specialist regarding the other candidate. Roessel said that he did not clearly remember speaking with her about the candidate; he reasserted that he would never go against a panel's decision, and that to do so "would be suicide." He said, however, that if the education specialist had told him about the other candidate's selection, he "probably" would have intervened and said not to hire her due to her background and criminal history. Roessel also said that he "probably" knew that his relative was the other person on the certification, although he could not remember how he knew this.

Ultimately, Roessel did admit that the education specialist had informed him of the other candidate's selection. He said that when she did, he suggested to her that she advertise the position a third time. Roessel said, however, that this was not a direct order and that he ultimately left it up to the panel members to decide who would replace the candidate.

Roessel said that if there was any conflict among the panel members, the school's principal should decide whom he wanted as his employee. Roessel reiterated that he knew the principal wanted Roessel's relative for the position and said that he never explicitly told the principal to hire her, but that the principal should select the person he wanted for the job. Roessel finally acknowledged that he knew his relative had made the certification list.

We reminded Roessel of his initial interview, during which he denied any involvement or intervention whatsoever with his relative's hiring. Roessel said that he stood by that statement and did not consider his role in the hiring process as being "involved."

When asked why he did not insist on the position being readvertised, Roessel said that he did not want to intervene and he wanted the school to decide. When we noted that he did not let the school decide when the panel selected the other candidate, Roessel said: "You're right; I fucked up." He then said that he knew his relative was on the certification list and that she would get the job if the panel members revisited the list to select their next choice. In hindsight, Roessel said, he should have insisted they readvertise the position. He acknowledged that his disapproval of the other candidate resulted in his relative getting the job.

Following a break in the interview, Roessel said that he had called his relative and told her he was talking to us. He told her she might lose her job based on his actions. At this point, Roessel told us that while his relative's position had not been created with her in mind, he had intended to hire her from the moment she applied for the job. Roessel said that the first time his relative applied, she had gotten the job without his intervention, and he had intended and expected her to

be selected after he declined to hire the other candidate. He said that he knew the panel members only had his relative to select from the certification list after he expressed disapproval of the other candidate, so he was confident his relative would get the job. Roessel said that he wanted her to have the job because she was qualified and he believed she was the better candidate. He also felt that since she was selected the first time and the school principal really wanted to hire her, she should have the job.

Roessel felt that he was going to lose his job over this issue and said that he was already planning an “exit strategy.” He said that he did not think he would be effective in his position once this report was issued. He also said that the President and DOI Secretary Jewell were focused on the issue and that they would not want somebody with “this type of baggage” as the Director of BIE. “Nor do I think they should have somebody with this type of baggage,” he added.

SUBJECT

Charles Roessel, Director, Bureau of Indian Education.

DISPOSITION

We provided this report to the Assistant Secretary of Indian Affairs for action.