

Bureau of Indian Education
SCAN/Employee Incident Report (2018 – 2019)

Child's Name: (b) (6)

School: Aneth Community School

☒ BIE

☐ Grant

Date Received: 05/09/2019

Date of Incident: 05/07/2019

On-going: ☐ Yes

☒ No

Type of Report:

☐ Critical Incident

☐ Non-CIR

☒ Employee Incident

☐ Non-EIR

☐ SCAN ☐ PA

☐ EA ☐ SA

☐ N

☐ Non-SCAN

☐ FILE AS IS

Tracking Notifications sheet completed ☒ Yes

☐ No

Victim Statement ☒ Yes

☐ No

Witness Statements ☐ Yes

☒ No

Other Documents ☐ Yes

☒ No

Notifications:

☐ ADD (Tribally-controlled Grant schools)

Date/time sent: _____

☐ ADD-West (BIE-operated schools), Eric North, SSS

Date/time sent: _____

☒ ADD-Navajo, Dr. Tamarah Pfeiffer

Date/time sent: 05/09/2019, 1:35 PM

☐ Dept. of Diné Education

Date/time sent: _____

☒ Employee/Labor Relations: Bennett Tuchawena

Date/time sent: 05/09/2019, 1:26 PM

Employee as Alleged Offender:

Name & Title: (b) (6)

• Employee written & signed statement (date):

05/09/2019

• Notification to Alleged Offender (date):

05/09/2019

☐ R/A ☐ A/L

• Notification of Closure to Alleged Offender (date):

05/10/2019

• Law Enforcement Report/Log number (date):

N/A

Officer's Name:

N/A

Agency:

N/A

Remarks/Comments:

Report #2 of 2, same AO

ADD-Navajo Recipient: Dr. Edie Morris

ADMINISTRATIVELY RESTRICTED

Employee Incident Report

Report Date: 5-9-2019

Report Time: (b) (6)

Reporting School: Aneth Community School

School Phone Number: (b) (6)

Name of Child: (b) (6)

D.O.B.: (b) (6)

Sex: (b) (6)

Age: (b) (6)

Grade: (b) (6)

Teacher: (b) (6)

Parent(s)/Legal Guardian(s) Names: (b) (6)

Address: (b) (6)

Location of Home (attach map, if applicable): (b) (6)

Home Telephone: (b) (6)

Work No. (Mother): (b) (6)

Work No. (Father): (b) (6)

Date of alleged incident: 5-7-2019

Time of day: (b) (6)

☐ AM☒ PM

Location of alleged incident: bus stop at the home.

Check all that apply:

- Discourteous conduct involving a student by an employee:
 - ☒ using inappropriate language;
 - ☐ making inappropriate comments of a non-sexual manner;
 - ☐ calling names insulting or humiliating a child;
 - ☐ shouting, cursing;
 - ☐ rude, boisterous play that adversely affect production, discipline, or morale of a student;
 - ☒ use of abusive, demeaning, degrading or insulting language;
 - ☒ quarrelling or inciting a quarrel;
 - ☐ Other: _____

Describe in student's/staff's own words his/her account of event(s): (b) (5), (b) (6)

Full Name(s) of potential witness(es): (b) (6)

Phone Number(s): _____

Full Name of Alleged Offender: (b) (6)

Last

First

Middle

Check One:

☒ BIE Employee

Position Title: (b) (6)

☐ BIE Contractor/Consultant☐ Other (specify): _____

Full Name and Title of Mandatory Reporter:

(b) (6)

Signature (Required):

(b) (6)

Date:

5/9/19

Full Name of School Principal/Administrator or Designee:

Brenda Whitehorse

Signature (Required):

(b) (6)

Date:

5/9/19

Has Mandatory Reporter Requested Protection of their Identity?

(b) (6)

Initials of Mandatory Reporter (b) (6)

CONFIDENTIALITY AGREEMENT

To be read and signed by Mandated Reporter

In accordance with the Indian Child Protection and Family Violence Prevention Act, the identity of any person making a report of suspected child abuse or neglect shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or any employee of an Indian tribe, a State or the Federal Government who need to know the information in the performance of such employee's duties.

By signing this agreement, I understand that:

1. Confidentiality means that I cannot discuss any matter pertaining to any child abuse or neglect case, except as allowed by law. Pursuant to section 552a of Title 5, United States Code, the Family Education Rights and Privacy Act of 1974 (20 USC 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian Tribe, and State, or any Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal government shall be treated the same as other Federal Government entities.
2. The legal requirements of confidentiality mean that I cannot discuss any matter pertaining to the Employee Incident Report I completed on this date with any member of my family, including parents, children, spouse, aunts, uncles, cousins, any school staff or with another person unless they are allowed access to such information by law.
3. If I do not keep substantiated and/or unsubstantiated child abuse and/or neglect cases confidential, I may be subject to disciplinary action up to and including termination of my job as allowed by tribal or federal law or BIE policies and procedures.

(b) (6)

Signature of Mandated Reporter (Required)

(b) (6)

Position/Title

5/9/19

Date

Witnessed

(b) (6)

Signature of School Principal/Administrator or Designee (Required)

Principal

5/9/19

Date

Tracking of Notifications Information on Person Making Notifications

BIE NOTIFICATION (Required):

	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact (Required)	Written Contact (Required)
BIE Program Specialist	Michelle Begay phone: (505) 563-5290 fax: (505) 563-5292	5/9/19 10:18 a.m.	5/9/19 10:18 a.m.

EMPLOYEE INCIDENT TRACKING NOTES

(b) (5), (b) (6)

INFORMATION ON PERSON MAKING NOTIFICATIONS (Required):

Full Name and Title of Individual completing this page: Brenda Whitehorse @ biep.edu Date: 5.19/19

Name, Title

(e-mail address)

Brenda Whitehorse

5.19/19

(b) (9)

(b) (6)

Signed: (b) (6)

Date: May 9, 2019



United States Department of the Interior

BUREAU OF INDIAN EDUCATION

Aneth Community School
Box 600
Montezuma Creek, Utah 84534



May 9, 2019

Memorandum

To: (b) (6)
Aneth Community School

From: Brenda Whitehorse, Principal (b) (6)
Aneth Community School

Subject: Notification to Alleged Offender – Employee Incident Report

On **May 9, 2019** an Employee Incident Report was filed naming you as the alleged offender. The following is for your information:

Type of Incident Alleged: You are undergoing an investigation for employee incident for using inappropriate language, use of abusive, demeaning, degrading or insulting language, quarreling or inciting a quarrel.

Summary of Allegation: **It was reported to the school principal that you had spoken to two students inappropriately.** (b) (6)

(b) (6)

In accordance with the *Indian Child Protection and Family Violence Prevention Act* and the *Crime Control Act of 1990*, you may be removed from contact with or control over Indian children pending a determination of whether your continued contact with Indian children poses an eminent threat to the well-being of children.

In the event you are removed, it is expected that you may be in this status for one to two days while I, the Principal/Administrator, review the Employee Incident Report and reach a resolution in accordance with the *SCAN & Employee Incident Reporting Protocol*. While in this status, you must be available for contact by management.

[] You will be removed from contact with children. Please be advised that you are [reassigned to (identify a location) or are placed on Administrative Leave] until such time a determination is made.

[X] You will not be removed from contact with children. However will have a bus aide on your bus during your investigation.

The role of the Principal/Administrator is to ensure that the Employee Incident Report was completed accurately and to ensure the school continues to function efficiently and effectively without further impact on the named child or other children. Further consultation with HR/LR and the Program Specialist (SCAN) will be exercised as necessary.

You are further advised that if the allegations are substantiated, it may result in administrative action that may impact your employment status and/or your suitability to work with children.

You will be advised, in writing, of the final outcome of the Employee Incident Report through the *Notification of Case Closure*. If you should have any questions, please contact **Brenda Whitehorse** at **Aneth Community School**.

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt.

(b) (6)

Employee Signature

5/9/19
Date

(b) (6)

Administrator's Signature

5-9-19
Date

cc: BIE Program Specialist (SCAN)

Administrative Leave Information:

Employee's Physical/Location of Home:

Contact numbers:

Cell Phone No.: _____

Home Phone No.: _____



United States Department of the Interior

BUREAU OF INDIAN EDUCATION

Aneth Community School
Box 600
Montezuma Creek, Utah 84534



May 10, 2019

Memorandum

To: (b) (6)
Aneth Community School

From: Brenda Whitehorse, Principal
Aneth Community School (b) (6)

Subject: Notification of Case Closure – Employee Incident Report

On **May 9, 2019** an Employee Incident Report was filed naming you as the alleged offender. The findings, conclusion and corrective/proactive actions are as follows:

ALLEGATION: You were alleged for using inappropriate language, use of abusive, demeaning, degrading or insulting language, quarreling or inciting a quarrel.

FINDING(S):

(b) (6)

CONCLUSION: In reading your narrative statement, you indicated that you are being

(b) (6)

CORRECTIVE ACTION/PROACTIVE PLAN: The corrective action plan will include for

(b) (6)

This memorandum shall serve to notify you that the Employee Incident Report dated **May 10, 2019** has been closed. If the disposition of the Employee Incident Report results in the contemplation of disciplinary measures, you will be notified through separate correspondence, as that is a separate action.

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt.

(b) (6)

Employee Signature

5/10/19
Date

(b) (6)

Administrator's Signature

5/10/19
Date

cc: BIE Program Specialist (SCAN)

Begay, Michelle

From: Begay, Michelle
Sent: Friday, May 31, 2019 10:11 AM
To: bennett.tuchawena@bia.gov; Morris, Edie
Cc: Whitehorse, Brenda; Johnson, Fellina
Subject: Closure - CIR x2

Good Morning,

Please be advised that the *two (2) Employee Incident Reports*, dated **05/09/2019** where employee, [REDACTED] **(b) (6)** Aneth Community School, was named the alleged offender, both reports, have been closed with our office. The identified issues were evidently addressed with the necessary action taken by school officials; all related data has also been received in our office.

You may contact our office should there be an inquiries regarding this action.

Thank you.

Michelle Begay, LMSW, Program Specialist
Bureau of Indian Education, Albuquerque
(505) 563 – 5290 – Office
(505) 563 – 5292 – Fax
(505) 554 – 8496 -- Mobile

Begay, Michelle

From: Begay, Michelle
Sent: Friday, May 31, 2019 10:10 AM
To: bennett.tuchawena@bia.gov
Subject: NCC - Aneth Community School
Attachments: (b) (6)

Good Morning,

Please note the attached, for your records. It is further noted that *two (2)* reports are on record, naming this employee as the alleged offender; thus, instead of referencing *both* in one document, Ms. Brenda Whitehorse, Principal, issued the same document, separately. Several attempts to clarify/verify this with Ms. Whitehorse, since this filing, has been unsuccessful. Nonetheless, it is filed as is with formal closure notification by this office forthcoming.

Thank you.

Michelle Begay, LMSW, Program Specialist
Bureau of Indian Education, Albuquerque
(505) 563 – 5290 – Office
(505) 563 – 5292 – Fax
(505) 554 – 8496 -- Mobile

Begay, Michelle

From: Whitehorse, Brenda
Sent: Friday, May 10, 2019 2:36 PM
To: Begay, Michelle (b) (6)
Subject: RE: Closure of Employee Incident
Attachments: (b) (6)

Here is the copy I wanted to send. Sorry.

From: Whitehorse, Brenda
Sent: Friday, May 10, 2019 2:34 PM
To: Begay, Michelle <Michelle.Begay@bie.edu>
Subject: Closure of Employee Incident CJ

Michelle,

(b) (5), (b) (6)

Thank you

Begay, Michelle

From: Whitehorse, Brenda
Sent: Friday, May 10, 2019 8:31 AM
To: Morris, Edie; Begay, Michelle; Tomhave, Jodi L.
Subject: RE: Employee Incident Notification Letter

(b) (5), (b) (6)

Thanks

From: Morris, Edie
Sent: Thursday, May 9, 2019 8:15 PM
To: Whitehorse, Brenda <Brenda.Whitehorse@BIE.EDU>; Begay, Michelle <Michelle.Begay@BIE.EDU>; Tomhave, Jodi L. <Jodi.Tomhave@BIE.EDU>
Subject: Re: Employee Incident Notification Letter

(b) (5), (b) (6)

Dr. Edie R. Morris,
Education Program Administrator
Arizona - Bureau Operated Schools
ADD - Navajo Region/District; ERC-Window Rock, AZ
DOI - Bureau of Indian Education
P.O. Box 1449
Window Rock, AZ 86515
PH.: 928-871-5932/5936
FAX: 928-871-5945
CELL: 928-245-8805

From: Whitehorse, Brenda
Sent: Thursday, May 9, 2019 3:07:14 PM
To: Begay, Michelle; Morris, Edie; Tomhave, Jodi L.
Subject: RE: Employee Incident Notification Letter

I forgot to attach the letter from the last email.

From: Whitehorse, Brenda
Sent: Thursday, May 9, 2019 3:04 PM
To: Begay, Michelle <Michelle.Begay@bie.edu>; Morris, Edie <edie.morris@BIE.EDU>; Tomhave, Jodi L. <Jodi.Tomhave@BIE.EDU>
Subject: Employee Incident Notification Letter

Sending you the employee incident notification letter. (b) (5), (b) (6)

(b) (5), (b) (6)

(b) (5), (b) (6)

I do anticipate on closing out

this case by tomorrow. Also I did not find [Bennett Tuchawena](#), in the BIE directory, she is our new Labor and Relations person please forward this to her email address.

Thank you

Begay, Michelle

From: Whitehorse, Brenda
Sent: Thursday, May 09, 2019 3:07 PM
To: Begay, Michelle; Morris, Edie; Tomhave, Jodi L.
Subject: RE: Employee Incident Notification Letter
Attachments: (b) (6)

I forgot to attach the letter from the last email.

From: Whitehorse, Brenda
Sent: Thursday, May 9, 2019 3:04 PM
To: Begay, Michelle <Michelle.Begay@bie.edu>; Morris, Edie <edie.morris@BIE.EDU>; Tomhave, Jodi L. <Jodi.Tomhave@BIE.EDU>
Subject: Employee Incident Notification Letter

Sending you the employee incident notification letter (b) (5), (b) (6)

(b) (5), (b) (6)

(b) (5), (b) (6)

I do anticipate on closing out this case by tomorrow. Also I did not find Bennett Tuchawena, in the BIE directory, she is our new Labor and Relations person please forward this to her email address.

Thank you

Begay, Michelle

From: Begay, Michelle
Sent: Thursday, May 09, 2019 1:35 PM
To: Morris, Edie
Subject: FW: Scan question
Attachments: (b) (6)
Importance: High

For your information.

From: Begay, Michelle
Sent: Thursday, May 09, 2019 1:26 PM
To: bennett.tuchawena@bia.gov
Cc: Johnson, Fellina
Subject: FW: Scan question
Importance: High

Good Afternoon,

As a follow-up, please note the attached. Ms. Brenda Whitehorse, Principal, has been full guidance on the process to complete these reports. We will keep you advised.

Thank you.

Michelle Begay, LMSW, Program Specialist
Bureau of Indian Education, Albuquerque
(505) 563 – 5290 – Office
(505) 563 – 5292 – Fax
(505) 554 – 8496 -- Mobile

Begay, Michelle

From: Begay, Michelle
Sent: Thursday, May 09, 2019 1:26 PM
To: bennett.tuchawena@bia.gov
Cc: Johnson, Fellina
Subject: FW: Scan question
Attachments: (b) (6)
Importance: High

Good Afternoon,

As a follow-up to the below, please note the attached. Ms. Brenda Whitehorse, Principal, has been full guidance on the process to complete these reports. We will keep you advised.

Thank you.

Michelle Begay, LMSW, Program Specialist
Bureau of Indian Education, Albuquerque
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(505) 554 – 8496 -- Mobile

From: Tomhave, Jodi L.
Sent: Thursday, May 09, 2019 10:08 AM
To: Begay, Michelle; Whitehorse, Brenda
Cc: Johnson, Fellina
Subject: RE: Scan question

I'm forwarding to Bennett Tuchawena. He is the ER/LR Specialist for Aneth.

From: Begay, Michelle
Sent: Thursday, May 9, 2019 9:59 AM
To: Whitehorse, Brenda <Brenda.Whitehorse@BIE.EDU>; Tomhave, Jodi L. <Jodi.Tomhave@BIE.EDU>
Cc: Johnson, Fellina <Fellina.Johnson@BIE.EDU>
Subject: RE: Scan question
Importance: High

Please be advised that the protocol states the corrective action/proactive plan occurs *after* the process completes itself, specifically investigation and determination. Unless, it becomes a complex issue, this report could be opened and closed, same day, and which many administrators are able to accomplish.

I will defer your plan of action to Ms. Tomhave to address regarding its appropriateness.

From: Whitehorse, Brenda
Sent: Thursday, May 09, 2019 9:52 AM
To: Begay, Michelle; Tomhave, Jodi L.
Cc: Johnson, Fellina
Subject: RE: Scan question

Okay but for right now I don't have any (b) (6) (b) (6) so although the case is not closed yet, can I still make that change right away?

From: Begay, Michelle

Sent: Thursday, May 9, 2019 9:51 AM

To: Whitehorse, Brenda <Brenda.Whitehorse@BIE.EDU>; Tomhave, Jodi L. <Jodi.Tomhave@BIE.EDU>

Cc: Johnson, Fellina <Fellina.Johnson@BIE.EDU>

Subject: RE: Scan question

This can be your corrective action/proactive measure on the *Notification of Case Closure*.

Thank you.

From: Whitehorse, Brenda

Sent: Thursday, May 09, 2019 9:48 AM

To: Begay, Michelle; Tomhave, Jodi L.

Cc: Johnson, Fellina

Subject: RE: Scan question

Since he is the (b) (6), I am going to (b) (6) for the remainder of the school year.

Thanks

From: Begay, Michelle

Sent: Thursday, May 9, 2019 9:32 AM

To: Whitehorse, Brenda <Brenda.Whitehorse@BIE.EDU>; Tomhave, Jodi L. <Jodi.Tomhave@BIE.EDU>

Cc: Johnson, Fellina <Fellina.Johnson@BIE.EDU>

Subject: RE: Scan question

Importance: High

Good Morning,

Given that the parent reported to the (b) (6) and the inconsistency in statements that have emerged, it could be a valid Employee Incident Report (EIR) for review and determination. Further, if the children indicate/verbalize any elements in the "Discourteous conduct involving a student by an employee" section of the reporting form, then it is confirmed an EIR. In this regard, also, it is on record in the event the parent choose to pursue it further. It is the understanding of this office that only upon a formal investigation and determination can employee conduct be confirmed.

Please be reminded, the benefit of the EIR is documentation by the victim(s), witness(es) and the employee/alleged offender; the employee/alleged offender is *not* required to be removed from contact with children and the timeframe for completion is 1-2 days. You're welcomed to call our office for further consultation.

Michelle Begay, LMSW, Program Specialist
Bureau of Indian Education, Albuquerque
(505) 563 – 5290 – Office
(505) 563 – 5292 – Fax
(505) 554 – 8496 -- Mobile

From: Whitehorse, Brenda

Sent: Thursday, May 09, 2019 9:03 AM

To: Begay, Michelle; Tomhave, Jodi L.

Subject: Scan question

Good Morning Michelle,

(b) (6), (b) (5)

Thank you

Begay, Michelle

From: Begay, Michelle
Sent: Thursday, May 09, 2019 11:48 AM
To: Whitehorse, Brenda
Cc: Johnson, Fellina
Subject: RE: Employee Incident Report

Importance: High

Thank you. Please send to our office and we'll distribute.

It turns out your (b) (6) contact is now Mr. Bennett Tuchawena, not Jodi Tomhave, as she advised earlier today. We'll ensure Mr. Tuchawena receives this report.

Also, when you issue the *Notification to Alleged Offender* and the *Notification of Case Closure*, you may indicate "two reports" so one document of each is issued to the employee. If you don't, it'll require separate documents, one for each report.

Thank you.

Michelle Begay, LMSW, Program Specialist
Bureau of Indian Education, Albuquerque
(505) 563 – 5290 – Office
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(505) 554 – 8496 – Mobile

From: Whitehorse, Brenda
Sent: Thursday, May 09, 2019 10:27 AM
To: Begay, Michelle
Cc: Tomhave, Jodi L.; Morris, Edie
Subject: Employee Incident Report

Good Morning,

Here is an employee incident on (b) (6) (b) (6)

Thank you

Begay, Michelle

From: Whitehorse, Brenda
Sent: Thursday, May 09, 2019 9:42 AM
To: Begay, Michelle
Subject: RE: Scan question

Thank you I will handle it as an Employee Incident Report.

From: Begay, Michelle
Sent: Thursday, May 9, 2019 9:32 AM
To: Whitehorse, Brenda <Brenda.Whitehorse@BIE.EDU>; Tomhave, Jodi L. <Jodi.Tomhave@BIE.EDU>
Cc: Johnson, Fellina <Fellina.Johnson@BIE.EDU>
Subject: RE: Scan question
Importance: High

Good Morning,

Given that the parent reported to the (b) (6) and the inconsistency in statements that have emerged, it could be a valid Employee Incident Report (EIR) for review and determination. Further, if the children indicate/verbalize any elements in the "Discourteous conduct involving a student by an employee" section of the reporting form, then it is confirmed an EIR. In this regard, also, it is on record in the event the parent choose to pursue it further. It is the understanding of this office that only upon a formal investigation and determination can employee conduct be confirmed.

Please be reminded, the benefit of the EIR is documentation by the victim(s), witness(es) and the employee/alleged offender; the employee/alleged offender is *not* required to be removed from contact with children and the timeframe for completion is 1-2 days. You're welcomed to call our office for further consultation.

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(505) 554 – 8496 -- Mobile

From: Whitehorse, Brenda
Sent: Thursday, May 09, 2019 9:03 AM
To: Begay, Michelle; Tomhave, Jodi L.
Subject: Scan question

Good Morning Michelle,

(b) (5), (b) (6)

Thank you