



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

**REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN**

January 6, 2016

[REDACTED]
[REDACTED]
Farmersburg, IN 47850

Re: OCR Docket #05-16-1068

Dear Ms. [REDACTED]

This is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR), has carefully evaluated the above-referenced complaint you filed with OCR on December 1, 2015, against the Northeast School Corporation (Corporation), alleging discrimination on the basis of sex. We conducted the evaluation in accordance with OCR's *Case Processing Manual* (CPM) to determine whether to open your complaint for investigation. We have determined that we have the authority to investigate your complaint.

Specifically, the complaint alleged that the Corporation subjected your daughter, a female high school student, to discrimination based on sex when it failed to respond appropriately once it became aware in November 2015 that a male student had sexual assaulted your daughter in December 2014 and that other students subsequently subjected your daughter to sexual harassment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the Corporation is subject to Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening the allegation for investigation. Please note that opening the allegation in no way implies that OCR has made a determination with regard to the merits. During an investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of the CPM.

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation. Some information about the ECR process is in the enclosure to this letter.


The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

[REDACTED]

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR in resolving the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must be aligned with the complaint allegation or the information obtained during the investigation and it must be consistent with applicable regulations.

We will communicate with you periodically regarding the status of your complaint. If you are interested in resolving your complaint through OCR's ECR process or have any questions, please contact Salina Gamboa, Equal Opportunity Specialist, of my staff at 312-730-1627 or by email at Salina.Gamboa@ed.gov.

Sincerely,


for Jeffrey Turnbull
Team Leader

Enclosure

Letter from victim's grandmother, Leslie Hawker to SSAIS.

Items within square brackets added to clarify

SSAIS will connect interested parties with Leslie Hawker for further discussion.

Contact info@stopsexualassaultinschools.org

March 20, 2016

Ever since the day Sarah came forward on November 5, 2015 and admitted she had been raped [by two football players] on December 17, 2014 her life and our family's life has been an endless nightmare. This beautiful kind young woman who has never had a disciplinary action in her 12 years of school, never had any legal problems, and treats others with the utmost respect has literally been thrown in the meat grinder by the legal system, and by the school and the school corporation that she has contributed to for many years.

The school never once gave Sarah's needs any real consideration. It was all about her rapist's needs. [One rapist dropped out]. They have paraded him around school like a prize pig, all because he is an athlete, and they have figuratively shoved her in a closet, out of sight and mind.

He has been empowered and emboldened by the school to keep doing what he is doing. He raped another girl. They have never instituted any type of restriction on his activities or even reported to the public that he has been accused of two rapes. He is an athlete and rapist, whom they provided the perfect hunting ground. I have repeatedly told the Superintendent and the other administrators that they have set a predator loose on unsuspecting vulnerable students, without any supervision. I have repeatedly gotten emails that said they can't do anything unless he is charged. According to what I read in Title IX, a criminal investigation or lack thereof does not relieve the school of their responsibility to take action to protect the victim.

Three weeks ago, the rapist and his friends started tormenting her at school again. The last incident was the rapist and his whole automotive class following her down the hallway and tormenting her. She ran from them. The day before one of his girl friends tweeted that she didn't know how girls could falsely accuse guys of rape, and LIVE with themselves, but according to the school this wasn't really bullying. They failed to see that these are the threats that girls receive that have led to suicide. The school principal then starts grilling her about what she did and not do. It is crystal clear that they are and have been his supporters.

My husband was able to get a restraining order that prohibited him from coming to school. Sarah shed tears of joy. She even imagined going to the prom without her rapist. The very next day they changed the restraining order so he could come to school. She was devastated. The Tuesday after the amended protective order that was given to us [on March 8] he violated the order, yet according to the deputy we called, he hadn't really. The sheriff's office came and made a report. We had been told by the deputy that came and delivered the amended protective order that "if he so much as looks at you and you feel threatened, call 911. She did call but nothing was done. That's because they don't understand what constitutes sexual harassment. She got up, told the principal, superintendent, and the deputy that she was giving up believing that anyone was going to really protect her, and she walked out of the office.

On Friday we went to talk with the prosecutor. They told Sarah that no one has been able to interview the rapists because they are lawyered up, but it appears they only were talking about the one rapist that is still in school. He has never stepped forward and said he didn't rape these girls. They kept going on about how if they took this case that the defense was going to re-rape her again. She looked right at these men and said she had been living in hell ever since the rape: "What could be any worse than that?"

Right after the last incident when the rapist violated the protection order, the stress of being unable to protect Sarah caused him to snap, and he was put in a psychiatric hospital. After talking to the police, I sent everyone away from the house for their safety. So here I sit, my family

scattered, and the rapist is free to go and do whatever he wants. My Sarah, is frightened and vulnerable, and no one has provided her with any real hope, except you [SSAIS]

Sarah really believed if she did the right thing by coming forward, she would be able to hold her head up. Her school, law enforcement, and others should have rallied to support her. The only thing that has happened is that on a cold winter night, she was taken to a dirty laundry room of the local housing project, and raped by two football players, one whom she thought was her friend. She was robbed of her innocence, she feared for her life, and she was pounded so brutally she has major back injuries. We tried to protect her and stand up for her, but every person she should have trusted has failed her.

The sheriff tried to tell me that murder was much worse than rape, and I told him that at least if you're dead the pain and torment stop, but when you're raped you suffer for the rest of your life. I could probably write more, but Sarah called and is upset again, and I need to go to her.

Letter from Leslie Hawker to OCR

From: XXXXXX [leslie hawker]
To: salina.gamboa@ed.gov
Sent: 3/11/2016 11:11:54 A.M. Eastern Standard Time
Subj: Re: Sarah XXXXX OCR investigation

Here is what we got in the mail today. Now they are trying to run her out of school so he can be there.

In a message dated 3/11/2016 9:49:03 A.M. Eastern Standard Time, [leslie hawker] writes:
Salina:

The day after the judge issued our protective order, and he was barred from the school, they went to the court and got an amended protective order so he could come back to school. Sarah was set to be able to go back to school fulltime, but after the encounter two weeks ago of her assailant and his friends mocking her and laughing at her, once again she is relegated to going to homebound to avoid this issue. You have to realize Sarah has a 504 plan in place, which in reality is being ignored. Her rights to a hostile free educational environment which addresses her issues related to her disability are being totally ignored. I believe the school is also trying to coerce [REDACTED], to be more favorable. Her daughter has quit school now.

I hope that your visit might get the school to realize they need a major overhaul in their thinking and handling Title IX compliance. Just to let you know, I believe someone in leadership, is assisting Sarah's assailant. We have a group of boys who are running the school and often times terrorizing the community. When we went to the Sullivan County Prosecutor's office yesterday they indicated they are investigating several issues at North Central High School besides the three cases of rape that we have reported. This is the epitome of a dangerous school, and I believe innocent people are paying the price. I don't know how much longer I can expect Sarah to endure this abuse by the school, and I am not waiting around for her to be pushed to trying suicide like the other victim.

Thank You,

Leslie L Hawker

Letter from Leslie Hawker to OCR

OCR Docket #05-16-1068

On November 5, 2015 our granddaughter came forward, and told her grandfather and me that she had been raped by two football players from her high school in the laundry room of the subsidized housing unit which is within a short distance from our home. The rape occurred on December 17, 2014. Neither she nor either of the football players lived in the complex. Months after the assault, Sarah told me that one of her assailants texted her and pressured her to hang out with him. She really didn't want to but he told he was all alone and it was his birthday. The other assailant showed up out of the blue, and they convinced her to go into the laundry room to get warm. Then the attack happened, and after the problems began at school.

She came forward because of the urging of another girl that had been raped months previous by one of the two assailants who attacked Sarah. At first Sarah broke down, but with the support of this girl was able to tell us what happened. When she first told us, she only identified the one assailant that had also raped the other girl. Later that evening she told us that two boys had raped her, one being the assailant of the other girl and the other also a football player from the same team. Sarah was a cheerleader for the high school team.

After I was told I immediately went to the high school, where a play was going on, and talked with the principal of the high school, Monty Kirk. He also talked with the superintendent, Dr. Mark Baker, who was also attending the play. I told Monty I expected him to do something about this rapist (only the one boy was in school), and that I was going to keep both of my granddaughters home from school the next day. At that time, I took Sarah down to the local sheriff's office to make a report.

The sheriff's deputy that was handling the other girl's rape told us he would come to our house to talk with us and Sarah.

I sent an email November 6, 2015 (enclosed) telling the principal and superintendent that he should be not allowed to play in the football game considering he was a serial rapist. No response.

On November 9, 2015, I took Sarah and her sister Rebekah to school, and Sarah and I sat down with the principal regarding where we would go from here since Sarah had 3 classes with her assailant.

The principal told us that we could change Sarah's schedule, but there were some classes that couldn't be switched. Sarah began to almost shake, and I decided to take her out of school. That same day we went to the corporation office to talk to the Superintendent. Sarah told the superintendent that there was no one she could actually go to at school about what had happened because the Dean of Students was the football coach and nobody went to him with problems. I asked him why he played her assailant in the game on Friday, even though I warned him what I was going to do in my email of 11/6/2015. He didn't have an answer. At this meeting I asked for Sarah to be placed on homebound status, since she could not continue to have instruction with her rapist. We went to Sarah's pediatrician to establish necessity, and I have provided a copy of the letter that she wrote to the school corporation and the high school.

(Please note that Title IX protects students from having to attend classes with the perpetrator of harassment and sexual violence)

We had been contacted by the sheriff's office, and a case was opened up for Sarah on approximately November 7, 2015. We were told that someone from CPS and the state police would be involved in the case. We were sent to Bloomington Indiana for a rape forensic interview, but no one adequately interviewed Sarah from the three agencies we were told were involved, and the prosecutor's office refused to meet with us. Within two weeks after the forensic interview, I received a phone call from Jennifer Rehmel at CPS telling us the rape was not substantiated on the two boys who had raped Sarah. To this date I have not heard one thing about the case from the Sullivan County Sheriff's office deputy Carl Melchert, or the Indiana State Police Trooper Polly Blackburn.

I have included a series of emails, where the school essentially said the assailant would not be given any restrictions, and that I had better stop making demands about him. I have included those emails.

I filed a complaint with the Office of Civil Rights with the U S Department of Education on December 1, 2015 because it was apparent no one was advocating for either of the girls who had been raped, nor were they even trying to protect possible previous victims or potential victims. This assailant's life was going along normally while my granddaughter and the other victim were being punished for coming forward.

Sarah said these boys went around and bragged about sleeping with Sarah. She refused to defend herself telling some of her friends, that they should know her better than that, but unfortunately these same friends began to reject her. I asked her why she didn't come forward sooner to us, and she told us she didn't want to disappoint us. I feel so incredibly sad that a 16 year old girl had to handle this because there was no one to turn to. She told a few of her friends, but they really didn't want to hear it.

She said she was constantly being harassed at school, but there wasn't anything or anyone to go to for help. The school adopted the attitude that her assault was no big deal. After she came forward that they supported him and not her, this led to some cyberbullying and people making rude comments about her and the other victim.

While Sarah has received a lot of support from her teachers--and they tell her they support her--she has been failed very miserably by the administration because they turned their back on her because she wasn't their athlete. In fact, some of the attitude of the males at that school resembles a kind of "jock brain gang mentality," and they even convinced some of the girls to hassle and make threats to Sarah and the other rape victim.

We have been told by the school, the police, and by CPS that we shouldn't talk about the rapes because it would hurt the ongoing investigation of our case, and that we and the other rape victim and family should not talk to each other because it would impede the investigation, but it seems that the investigation has languished or has been terminated. We have not heard anything from the sheriff's department as to whether our case was dismissed, closed, etc. It appears that they are ignoring us: they just don't want us to shine the light on this dirty little

secret. We know there are more victims, but given the attitude of the school and other students, what person would dare come forward.

Four years ago in January, a 13 year-old girl was sexually assaulted in the hallway of the school by a boy 17 1/2 years old, and this was reported to the principal by another student. The principal ignored it, and finally in March a school bus driver went to her mother who was a custodian at the elementary school, and told her what had happened. I was intimately involved in this process, and got the superintendent to tell the mother she wouldn't lose her job if she filed a complaint. She did file a complaint about the principal with CPS, and it was substantiated. The corporation didn't fire the principal until I threatened to go to the media. The mother who is still a custodian at the high school now has been harassed, bullied, etc. to this day for trying to protect her child. This young woman is a senior this year, and just wants to forget about it, but it shows this problem is systemic. We have had several other sexual oriented cases, but again the way they have been handled is a disgrace. Sarah has more to add, but that is her story.

Leslie L Hawker and Jerry P Hawker, Grandparents

Date: Fri, 11 Mar 2016 19:02:26 -0500

From: [victim's grandparents]

To: bakerm@nesc.k12.in.us

CC: esther@stopsexualassaultinschools.org, salina.gamboa@ed.gov

Dr Baker, [Superintendent of Northeast School Corporation]

Knowing what I know of the response from Northeast School Corporation, we are not subjecting Sarah to any further manipulation from the school. Under title IX, Sarah's and XXXXXX's [another female victim] needs should be your primary concern. What has happened is the assailant is allowed to enjoy all the benefits of getting his education, while Sarah must do homebound for the purpose of not being in classes with her accused rapist. She has to hide when she sees him coming. She is anxious and distracted because she has been isolated from the other students, and readily will tell you she has no friends. We are in the process of signing with a Civil Rights Law Firm, and the lawyer does not want Sarah interviewed again by anyone about the rape, but an independent professional who has experience in the field of sexual assault. The other thing that keeps getting put to us is that you have offered all of this willingness to investigate the rape allegations. I have numerous emails from you telling me that you can do nothing until the investigation is complete. I would be glad to forward those to you. Sarah was never offered counseling, other than a conversation we had with Mr Kirk, on November 6th that said she should probably look into counseling. She was under such pressure from other students, his friends, and even the rejection she felt from her former friends that she would not even discuss the topic.

I can tell you as a trained counselor that forcing someone to go to counseling is about as productive as forcing someone to love you. It is a blessing we found someone that she clicked with on another matter that has agreed to do rape counseling. There is also the matter that you cannot talk to her assailant because his attorney will not let you. How are you going to investigate when you are only talking to the victim? Once again, he has never stood up like a man, and faced his accusers, and said he did not do this. He has never submitted himself for interview to either CPS or the sheriff's department. We have opened another CPS investigation in this matter with people out of Indianapolis, and that we are looking to have the criminal investigation put into the hands of people that have experience in sexual assault.

You really have to understand the school is not followed the Title IX Civil Rights Laws. Your first obligation was to Sarah. He should have been the one to leave the classes he shared with Sarah, and get his instruction through the homebound program. Initially when this first happened she was in no shape to come to school. Second semester she was offered that she could take English 11 and 12 next year, or just deal with being in class with him. Not once have you even considered that as a person with a disability and a documented 504 plan that perhaps learning on her own is not in her best interest. I have asked several questions about this in regards to a complaint under the American's with Disabilities Act.

The reality is that you have no basis for favoring his educational environment over Sarah's, exactly the opposite, I believe he was coached by people from your staff, to get the protective order amended. You have jerked Sarah around, allowed her to be intimidated by him and his friends, helped even create the illusion that she had been expelled (a rumor I have heard more than once). She was your perfect student, never an issue or discipline problem, respectful to her teachers, cooperative, non-

confrontational, etc. How was she rewarded? Cast aside like so much used trash...for a student that has been a constant discipline problem, but never seems to suffer any consequences for his behavior. She was a person who listened to everyone's problems and tried to help people. Her only crime was trusting someone who she thought was a friend, and who told her he needed to talk to someone because he was having family issues. For that kindness, she was raped, in the dark and dirty laundry room of the subsidized apartment, where his buddy was waiting. They raped her on the cold concrete of the floor in the dark, and when your boy was done, he told her she wasn't done yet, and had his buddy, another football player, have sex with her. This was her first time, and she told us the pain was unbearable. Both of the boys are twice her weight, and would not let her leave. She was injured bad enough that her doctor has her in physical therapy twice a week. She has two herniated discs and two bulging discs consistent with a major back injury/trauma. They took her innocence, they took her choice, they crushed her self-esteem, and finally tried to take her dignity. I sat across from the prosecutor and deputy prosecutor, and listened as they told her how the defense would grill her, and she would be raped all over again. She looked him right in the eye, and said she has already lived in Hell for the last 15 months, and she was done living in the shadows. I have been proud of her all her life, but I was never so proud when she so eloquently shut them down.

Mark, I want you to picture having your daughter relay this scenario, and having that seared in your brain for the rest of your life. Her life has been irrevocably changed, and she will never get to have the chance of all those firsts. Then I want you to look at that cocky disrespectful piece of crap that you keep in that school because your Dean of Students is an idiot, and doesn't realize this will be his legacy...rapist protector and promoter. Come Monday morning, the world will know, how much you have failed this wonderful young woman, and may God forgive you, and we will work on trying to do the same.

Leslie L Hawker

Jerry P Hawker

SSAIS letter to Northeast School Corporation Superintendent Mark Baker

----- Forwarded Message -----

Subject:following up on our conversation

Date:Thu, 10 Mar 2016 12:11:19 -0800

From:Esther Warkov <esther@stopsexualassaultinschools.org>

Organization:Stop Sexual Assault in Schools

To:Mark Baker <bakerm@nesc.k12.in.us>

CC:

Mr. Baker,

I'm following up on our conversation today. I would think as superintendent you'd be on top of information that critically affects decision-making and the welfare of your students. I am disappointed that you didn't know that Indiana high schools have the second highest rate of rape in the nation. It is your duty to be informed about these matters. Read the reports and links in EDITORIAL: Indiana can't tolerate its number of rape victims. Apparently you DO tolerate and cover-up rape in your school district.

<http://indianaeconomicdigest.com/main.asp?SectionID=31&SubSectionID=135&ArticleID=83029>

Moreover, your district is required to be Title IX compliant. From our earlier correspondence it is clear that you haven't bothered to properly train your staff, claiming lack of funds. This can be done at no monetary cost. One only needs to be motivated to study the guidance from the US Dept of Education, widely available online. Your federal funding depends on being Title IX complaint, Mr. Baker. Your district is under federal investigation because the US Dept. of Education felt the investigation of the Hawker's complaint merited investigation. The DOE doesn't open complaints capriciously.

Sarah's life has been torn asunder as have other students and their education derailed because you failed to take proper measures to address unwelcome sexual touching, the standard of evidence that triggers Title IX, a civil rights law, as I explained. Until you remove the assailant from her school so all the female victims can return, you are complicit. Privileging a male assailant over female victims is discriminatory under Title IX and fosters a culture of sexual violence. Your actions have contributed to Indiana's rate of rape. Moreover, those who rape in high school will continue raping in college. There will be many more lives destroyed if you continue to leave this matter unchecked.

Finally, Title IX is a civil rights law. Please learn why criminal proceedings have no bearing on your duty under Title IX.

On behalf of all students, do the right thing. And please visit our website to learn about your responsibilities.

stopsexualassaultinschools.org

SSAIS is “putting school districts everywhere on notice: drop the ball when a student reports a sexual assault, and we’ll expose it to the world.” —Tyler Kingkade, Senior Editor/Reporter, The Huffington Post

And read about our work in the media.<http://stopsexualassaultinschools.org/our-work-in-the-media/>

Please inform me immediately when the victims may return to school without their rapist present.

Sincerely,

Esther Warkov

--

Esther Warkov, Ph.D

Executive Director, Co-Founder

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Joel Levin, Ph.D

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Stop Sexual Assault in Schools

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***Educating students, families, and schools about sexual assault prevention
and the right to an equal education free from sexual harassment***

Stop Sexual Assault in Schools is a 501 (c) (3) non-profit

Here's why Indiana has the second highest rate of forced sexual intercourse among high school girls in the nation.

Excerpts from these comments may be used only if attributed to SSAIS.org's Executive Director, Dr. Esther Warkov

The Title IX violations we see in this Indiana district are typical of those that occur nationwide--regardless of the school's location or socioeconomic make-up. In fact, some of the "best" K-12 schools--coveted for their presumed safety—are "best" only because they're the best at suppressing reports of sexual harassment and assault.

Like so many K12 schools, this Indiana district was uninformed about its Title IX responsibilities. It failed to realize that a report of sexual violence is not only a criminal matter: it's also a civil rights matter because Title IX is a federal civil rights law.

First and foremost, the district lacked a properly trained Title IX coordinator. When I asked the superintendent, Mark Baker, about training the Title IX coordinator he wrote, "Other than general training provided to all of the staff at the beginning of each year, the very limited financial and human resources of the School Corporation do not allow the person or people holding this position [to] receive any additional training." This is an excuse: the district simply has no desire to be Title IX compliant. There's a plethora of free online material that clearly spells out a school district's responsibilities.

The district also neglected to perform a prompt and equitable investigation. It seems they even gave the perpetrator immunity because he hired a lawyer. The victim's family describes the relationships between involved agencies as "incestuous."

Title IX requires that a school implement measures to remedy a hostile environment. The district failed to prioritize the victim's class schedule over the perpetrator's so she could attend classes without her assailant. Like countless victims she was forced to find alternative forms of learning because she was raped-- while the perpetrator's education and extracurricular activities remain uninterrupted. The victim's grandmother [wrote](#) the district: "This predator, who is accused of raping two girls, has remained in his classes, playing all the sports he wants, coming to extracurricular activities, has never suffered any kind of prohibition of his activities. Naively, I suppose, I assumed you would put some type of restriction on him, so that the victims would be able to resume their lives, but this never happened."

The Indiana case exemplifies the relationship between high school and college sexual violence. "The school is a breeding ground for predators. They can see that nothing gets done about it," Sarah's grandmother said. These male predators [hone their skills](#) in an environment of entitlement, as she also noted this in a letter to the school principal: "The worship of athletes is so prevalent that no matter what happens they get a pass. I

have personally seen you suspend two students and put them on social probation for sexting, even after law enforcement told you it was consensual and they would not prosecute. They were not athletes.”

What’s unusual about this case:

Although the school district’s response, sadly, is typical of school districts across the country, the family’s response is unusual. Despite fears of social ostracism that inhibit reporting, [Sarah and her family spoke out in this gripping letter to the school district and US Dept of Education and school district.](#) That’s because the entire town knew about the rape and the culture of silence caused her to become isolated. According to her grandmother: “She wants her life back and seeking justice is the only way to do it.” The Hawker family is poised to take on the entire state, if not the region because “They literally don’t care.” Tragically, we see an entire nation of parents turning a blind eye on an epidemic of K-12 sexual harassment and assault, as if it didn’t exist. That’s one of the reasons Stop Sexual Assault in Schools ([SSAIS.org](#)) spearheaded a national movement to address this.

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