

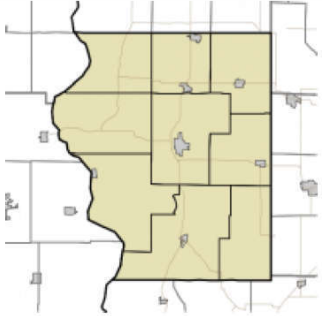
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News

Investigation ongoing into Title IX violation at NESC

By **Harold Bosstick**

Tuesday, March 22, 2016



Family of alleged victim says corporation didn't adequately address sexual assault

Northeast School Corp. is currently being investigated by the U.S. Department of Education's Office of Civil Rights for possible violations in connection to what the complainants say was the inadequate handling of an alleged rape and subsequent bullying of the alleged victim.

An OCR letter dated Jan. 6, 2016, and addressed to the alleged victim's mother states that the agency "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," it states, "when it failed to respond appropriately

once it became aware in November 2015 that a male student had sexual (sic) assaulted your daughter in December 2014 and that other students subsequently subjected your daughter to sexual harassment

...
 "Please note that opening the allegation in no way implies that OCR has made a determination with regard to merits," it continues. "During an investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient and other sources as appropriate."

Attempts to reach NESC Superintendent Mark Baker were unsuccessful Tuesday. When reached for comment, NESC's legal counsel, Jeff Qualkinbush, an attorney with the Indianapolis-based Barnes & Thornburg office, said that neither he nor the corporation could comment due to the privacy of students involved.

"We decline to provide any comments including confirming if any investigation is taking place or not," he added.

The OCR provided documents Tuesday showing that investigation was initiated on Jan. 6, 2016.

The alleged victim and her family spoke with the Huffington Post for a March 17 story that looked at federal investigations of schools across the country. In addition, Stop Sexual Assault in Schools, an advocacy group that "brought this case to the attention of The Huffington Post," submitted an email to the Times that included letters written by the alleged victim's grandmother to both NESC officials and the OCR.

While the alleged victim's name is not redacted in these letters, the Times generally does not publish the names of victims or others involved unless criminal charges have been filed against an individual.

One letter, apparently submitted in connection to the OCR's investigation, details the timeline of events:

- The victim was allegedly raped by two other juveniles in mid-December 2014 at a subsidized housing complex near where she lived.
- The alleged victim, after speaking with another girl who accused the males of raping her, told her grandparents about the incident on Nov. 5, 2015.
- That same day, the grandparents spoke with North Central High School Principal Monty Kirk, who also reportedly spoke with Baker that same day.
- The grandmother, the victim and her sister spoke again with Kirk on Nov. 9 and attempted to reorganize the victim's schedule to avoid contact with one of the alleged rapists. The other was no longer at the school, the letter states. However, due to the inability to place the alleged victim in some classes without the alleged rapist present, the victim was moved to homebound schooling status.
- That same day, the grandmother states she asked why the alleged rapist was allowed to participate in extra-curricular activities.

In addition, the letter states that, on Nov. 7, the family was contacted by the Sullivan County Sheriff's Department for a criminal investigation.

"We were told that someone from (Child Protective Services) and the state police would be involved in the case," the grandmother writes. "We were sent to Bloomington, Indiana, for a rape forensic interview, but no one adequately interviewed (the alleged victim) 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 (a CPS employee) telling us the rape was not substantiated on the two boys who raped (the victim)," the letter continues. "To this date, I have not heard one thing about the case" from the SCSD or the Indiana State Police.

Sullivan County Sheriff Clark Cottom said that his department did investigate the allegations and turned

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over its findings to Sullivan County Prosecutor John Springer.

However, due to the nature of the case, Springer said he could not comment on its status.

"Those are juveniles, so I can't comment," he added.

The letters from the grandmother also note that, since the reporting of the alleged rape, the victim has been the victim of cyberbullying and harassment and has had to seek counseling and physical therapy.

"What has happened is the assailant is allowed to enjoy all the benefits of getting his education while (the alleged victim) must do homebound from the purpose of not being in classes with her accused rapist ..." she states in one the letter — an email sent to Baker along with representatives from both SSAIS and ORC.

A spokesman for the OCR, who was not allowed to release his name, said that, depending on the amount of information in a case, investigations involving sexual assault "can take some time" and said that there was no set time frame for the completion of the investigation.

"We try to wrap up the cases as soon as possible," he said.

The spokesman also indicated that, "if an investigation reveals that a district is not in compliance ... then we attempt to negotiate, what we call, a resolution agreement to address the areas of non-compliance."

This could include, according to examples listed in the agency's annual report for FY 2013-14 (the latest one available on its website) sexual-harassment education for administrators, staff and students; improved training for the corporation's Title IX coordinator; retooling procedures for students to report incidents and for how the corporation will address future incidents; etc.

"In the rare instance where a district or college refuses to work with us ... enforcement options do exist" and can include litigation or the termination of a district's federal funding, the spokesman added.