



mATCHBOOK LEARNING

At Wendell Phillips School 63

1) Introduction

- a. Title IX is Federal civil rights law that protects all students by prohibiting discrimination on the basis of sex in education programs and activities. Title IX's prohibition of discrimination on the basis of sex includes act of discrimination based on gender identity or expression including the failure to conform to traditionally defined roles of masculinity or femininity (please see the Policy on Inclusive Learning Environment for Transgender and Gender Non-Conforming Students for more detail). Sexual harassment is a form of sex discrimination and sexual violence is an extreme form of sexual harassment. Teen dating abuse can be a form of sexual harassment because it often involves unwelcome touching, sexual demands, verbal abuse and physical coercion of a sexual nature and as such falls under the protections of Title IX. Stalking can be a form of sexual harassment because it often involves unwanted communication, threatening behavior, and can create a hostile environment.
- b. Matchbook Learning is committed to ensuring a safe and supportive environment for all students, parents, employees, and visitors. These guidelines outline the process by which MBLI responds to and resolves Title IX complaints, including sexual misconduct, dating violence, stalking, and retaliation. Please note there is a separate policy and procedure for complaints of Bullying.

- c. Teen dating abuse, sexual harassment, and sexual violence are prevalent nationally and in Indiana. Experience of teen dating abuse, sexual harassment, and sexual violence are connected to negative academic, physical, behavioral, social and emotional outcomes for youth. The Board has determined that a safe and civil environment in school is necessary for students to learn and to achieve high academic standards. All members of the school community, including administrators, faculty, staff, parents and students will be engaged in the district's work to establish a respectful school climate where all members can safely learn and thrive. Specifically, the district seeks to:
 - i. Place the primary responsibility for preventing abusive behavior on members of the school staff by implementing prevention strategies to promote a safe and respectful school climate.
 - ii. Reinforce the respectful school climate by holding students engaging in abusive behavior accountable for that behavior.
 - iii. Enable disclosure among students experiencing abuse so that the school can take steps to eliminate abuse where it is happening and to remedy the effects of that abuse.

2) Teen Dating Abuse Advocate

The Superintendent or designee shall designate a member of the school staff as the teen dating abuse/sexual harassment advocate (hereinafter, TDA Advocate). Each TDA Advocate will work with the district's Title IX Coordinator to help implement school procedures to prevent and intervene in the context of sexual misconduct, teen dating violence, and stalking. The TDA Advocate is not responsible for the investigation of alleged or suspected Title IX violations, but should help students connect with resources and be well-informed of the policy and investigation process. The TDA Advocate will be trained annually on appropriate techniques of responding to reports of sexual misconduct, teen dating violence and stalking, and on the appropriate documentation of Title IX reports. The identity and contact information of the TDA Advocate will be disseminated to students and parents on an annual basis, along with a description of the services that the TDA Advocate provides.

3) Policy and Procedures for Resolving Reports of Prohibited Conduct when Respondent is a Student

- a. The following procedures align with and reinforce Matchbook Learning Schools of Indiana ("MBLI") Title IX Policy forbidding sex discrimination and harassment, which includes Sexual Misconduct, Dating Violence, and Stalking. This also includes discrimination on the basis of sexual orientation or gender identity

- b. MBLI has a designated a Title IX Coordinator who has the responsibility for MBLI's compliance with Title IX, including directing the investigation of complaints of sex discrimination and harassment and assuring that prompt and effective corrective action is taken when appropriate.

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- c. The Title IX Coordinator may delegate responsibilities in connection with implementing the policy forbidding sex discrimination and harassment; however, any such designee shall have been trained regarding IPS' obligations under Title IX, appropriate techniques for responding to and investigating allegations of sex discrimination and harassment, documenting investigations and findings, and analyzing the information

4) **Scope of this policy**

MBLI adopts this policy to prohibit sexual misconduct, dating violence, and king. The policy guides the behavior of school members during all school activities, both educational and extra-curricular; it applies off of school property at school-sponsored events and on buses. This policy also applies to abusive or harassing behavior that occurs outside of school, either online, in person, or through others, when that behavior creates a hostile environment limiting another student's ability to participate in educational activities at school.

5) **Prohibited Behaviors**

- a. **Sexual Misconduct** is an umbrella term that encompasses sexual harassment, sexual assault, and sexual exploitation.
- b. **Sexual harassment** consists of sexual advances, sexual gestures, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and that limits or denies, on the basis of sex, a student's ability to participate in or benefit from the education program. Examples include actions such making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating e-mails or Web sites of a sexual nature

- c. **Sexual assault** encompasses any unwanted sexual contact; it may occur in a dating relationship, or among acquaintances or strangers. Behaviors range from unwanted touching through forced penetration. Unwanted touching means intentional physical contact with another person's breasts, buttocks, groin, or genitals, whether clothed or unclothed, without their consent.

- d. **Sexual Exploitation** means taking sexual advantage of another person, without that person's active agreement. Examples could include:
 - i. Observing, photographing, audiotaping, videotaping, or recording a sexual act, or an image of a person's breasts, buttocks, groin, or genitals, without that person's knowledge or consent.
 - ii. Showing, posting, or sharing (or threatening to show, post or share) video, audio, or an image that depicts a person who is engaging in a sexual act, or a person's breasts, buttocks, groin, or genitals, without their knowledge or consent.
 - iii. Note that these types of images are considered child pornography if the student is under the age of 18. Possessing, showing, posting, or sharing these images is a criminal offense.
 - iv. If an administrator has reasonable suspicion that a student is possessing or communicating sexual material, the administrator has the authority to take possession of the phone and conduct a search of the material reasonably necessary to determine the existence and nature of the content. If sexual material is found, the administrator should immediately contact IPSPD for guidance, and follow appropriate reporting procedure.

- e. **Dating Violence** is a pattern of actual or threatened behavior used by a person to harm, threaten, intimidate or control another person in a relationship of a romantic or intimate nature, regardless of whether that relationship is continuing or has concluded or the number of interactions between the individuals. Teen dating violence usually includes some combination of physical, emotional, sexual, technological abuse and stalking. These terms are further defined with examples below.
 - i. Physical forms of abuse may include hitting, punching, pinching, pushing, shoving, grabbing, slapping, kicking, choking, pulling hair, biting, throwing things, or arm twisting.
 - ii. Emotional abuse involves behavior that would cause a reasonable person (under similar circumstances and similar identities to the reporting party) emotional distress by threat, coercion or humiliation. Behaviors may include put-downs; name calling; controlling activities, appearance or friendships; social sabotage; making threats to harm one's dating partner or oneself.

- iii. Technological abuse includes behaviors enacted online, through tracking technologies, or through cellphones that are intended to harm, intimidate, monitor, coerce or control the target of those behaviors. Technological abuse can include, but is not limited to, repeated calls or text messages; non-consensual access to email or social networking sites; creating a false social media site, or impersonating the target on social media; texts or phone call logs; pressuring for, or disseminating private or embarrassing pictures, videos, or other personal information.
- f. **Stalking** involves a repeat pattern of harassing or threatening tactics that are unwanted and cause a reasonable person to feel unsafe or afraid. Behaviors may include following, monitoring the target through technology, phoning and/or sending unwanted messages or gifts.
- g. **Retaliation** against a member of the school community who has made a report of prohibited conduct is prohibited for students, parents and staff. Neither the student accused of abusive behavior, nor their friends, may take any action to challenge the reporting party's decision to report the behavior, nor can the reporting party or their friends take any action to challenge the Respondent's participation in the investigation process. Retaliation is prohibited in person, via texts and on social media. Any member of the school community engaging in retaliation will be subject to disciplinary action.

6) **Other Important Definitions**

- a. **Consent** is an active agreement or permission expressed through affirmative, voluntary words and/or actions that are mutually understandable to all parties involved.
 - i. Consent can be withdrawn at any time;
 - ii. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity;
 - iii. Someone who is incapacitated cannot consent;
 - iv. Past consent does not imply future consent;
 - v. Silence or an absence of resistance does not imply consent;
 - vi. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another; and
 - vii. Coercion, force, or threat of either invalidates consent.
- b. **Force and Coercion**
 - i. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion. Coercion is

unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that they do not want to participate in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- ii. Under Title IX, with respect to sexual activity between an employee and a student, MBLI will always view this as unwelcome and nonconsensual, even if the student is at or above the legal age of consent.

7) Reporting Prohibited Conduct

a. Mandatory Reporting

- i. Every employee of MBLI is required to immediately complete a Title IX Incident Form and send it to the Title IX Coordinator if there is suspected sex discrimination or harassment of a student whether it is based on the employee witnessing such conduct or on information from the student, the student's parent, or a third party. If a student or parent makes a report to a school staff member, they are encouraged to provide the student and/or parent with resources, or connect them with someone who can, such as a school social worker or counselor.
- ii. Please see the policy and administrative guidelines on Reporting Child Abuse and Neglect for information regarding requirements for DCS reporting.

b. How to make a Report

- i. MBL encourages all students who experience sexual harassment or discrimination, teen dating abuse, sexual misconduct, or stalking to report that experience. The school will work to create an environment where all members feel supported in making a report by holding offenders accountable, providing support for students experiencing abuse and by prohibiting retaliation against reporting students. A complaint can be made by any of these methods: contacting a school official such as a principal, TDA, teacher, school counselor or social worker; by contacting the Title IX coordinator directly at lmundell@matchbooklearning.com, or titleix@matchbooklearning.com; or via web form found on each school's home website. Adults in receipt of such complaints are mandated to report the incident to the Title IX Coordinator.

- ii. The principal shall ensure access to incident report forms by making them available online, and through the school's administrative office, as well as through school social workers, nurses and other members of school staff. The following reporting expectations are provided for members of school staff, volunteers, students and parents.
- iii. The person making the complaint is encouraged to put the complaint in writing to memorialize the facts in their own words. Oral complaints of misconduct will be accepted and reduced to writing by the individual receiving the complaint.

c. **Amnesty Policy**

Student health and safety are of primary concern at Matchbook Learning. Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble. For example, a student who has been involved in bullying behavior towards another student may hesitate to help that student if they are in danger. Or, a student who is drinking underage may be hesitant to step in if they see signs of a potential sexual assault. While policy violations cannot be overlooked, MBLI will provide educational options, rather than punishment, to those who offer their assistance to others in need and report the more serious concerns, such as severe bullying, dating violence, or sexual misconduct.

d. **Anonymous Reports**

In order to make the school environment as safe as possible, the MBLI staff would like to know about all incidents of prohibited conduct. Students, parents and visitors may choose to make an anonymous report describing an incident of abuse without identifying the offender or target of the abusive behavior. However, those filing an anonymous report should recognize that without identifying information, the school has a limited ability to investigate an incident. The school may not be able to impose disciplinary sanctions on an offending student solely on the basis on an anonymous report. Anonymous reports may be submitted in writing or electronically to the Title IX Coordinator. **NOTE: All Matchbook Learning employees are mandatory reporters and are prohibited from filing anonymous Title IX reports.**

8) **Investigation Process**

- a. Upon receipt of a report from a TDA, student, staff member or third party, the Title IX Coordinator or designee will contact the student's parent or guardian, or the student if age 18 or older, to advise that the complaint

was made and let them know of next steps and potential safety measures. The Title IX Coordinator or designee will assist the building principal and other relevant personnel in determining whether interim measures should be considered. Interim measures could include:

- i. Changes to class schedule
 - ii. Changes to assigned bus
 - iii. Changes to locker or seating locations
 - iv. Permission to leave class to meet with a school social worker, counselor, or healthcare provider
 - v. Permission to make up classwork missed or poorly performed due to abuse or threat of abuse
- b. The Title IX Coordinator or designee will then collect information to determine whether a formal investigation is warranted. Several factors are analyzed when determining whether a formal investigation will occur, such as the age and maturity of those involved, conduct history of the respondent, the wishes of the reporting party and guardians, potential safety risks, threats of further harm, the nature of the alleged conduct, and the context in which the alleged conduct occurred. If interim measures can be put into place to prevent recurrence and remedy the effects of the behavior that do not limit educational access to any student, it is possible that a formal investigation may not take place. The Title IX Coordinator or designee may rely on information gathered from staff members and others to inform this decision. If there is no formal investigation, all reported behavior and actions taken will be appropriately documented. A formal investigation will always take place in reports of Sexual Misconduct involving penetration, and physical forms of Dating Violence.
- c. If it is decided that a formal investigation is warranted, the Title IX Coordinator or designee will complete a prompt and equitable investigation. The time to complete the investigation will vary depending on the nature and complexity of the case.
- d. The investigation may include interviews of the reporting party, the Respondent, and any other witness who may reasonably be expected to have relevant information. All interviewed parties and witnesses will be provided an opportunity to present any evidence they reasonably believe could be relevant to the situation.
- e. Matchbook Learning will respect the privacy of all involved to the extent possible consistent with MBLI's legal obligations to investigate and take appropriate action and to comply with discovery and disclosure obligations. All records generated in connection with the investigation will be maintained as confidential to the extent permitted by law.

- f. If a complaint is made about any of the persons having responsibility for the implementation and enforcement of the policy prohibited conduct, the Superintendent or designee will appoint an independent person to assume those responsibilities.
- g. At the conclusion of the investigation, the Title IX Coordinator or designee will prepare a written report summarizing the evidence gathered during the investigation. This report will provide a determination whether or to what extent the complaint has been substantiated using a preponderance of the evidence standard (whether it is more likely than not that the prohibited conduct occurred), and a recommendation of corrective action if appropriate. The corrective action should be designed to stop the harassment or discrimination, prevent it from recurring, and remedy its effects.

9) Superintendent's Decision

- a. In the event of a formal investigation, upon review of the written report from the Title IX Coordinator or designee, the Superintendent will determine whether or not the complaint was substantiated and, if appropriate, direct corrective action, including discipline up to and including a recommendation for employee termination or student expulsion. The Superintendent may also direct that further investigation be conducted if more information is needed.
- b. After the Superintendent has made a determination, the Title IX Coordinator or designee will advise the reporting party and Respondent, and/or their guardians if applicable, in writing, whether or not each allegation was found to be substantiated. That writing will include notice of the prohibition against retaliation.
- c. Except to the extent that a reporting party or Respondent has a statutory or contractual right to challenge the Superintendent's recommendation, the decision of the Superintendent is final.

10) False Reporting

The Title IX Coordinator is authorized to acknowledge and respond to instances of false reporting of incidents of prohibited conduct. There is a distinction between a withdrawn report and a false one. In a false report, the reporting party makes a false statement about an incident with the intent to deceive. Alternately, a reporting party may deny or withdraw their report of prohibited conduct even if their account of the incident was true. Reporting parties who choose to withdraw their report or participation in an investigation will not be subject to discipline for that decision. If the information collected during an investigation does not lead to a preponderance of the evidence that the allegations described by the reporting

party occurred, this does not automatically substantiate a false report. If there is other significant evidence to conclude a false report was made, the reporting party will be subject to discipline.

11) Education and Training

- a. The Title IX Coordinator or designee will publicize the Title IX policy forbidding sexual misconduct, dating violence, stalking, and retaliation, including posting and maintaining it on the Matchbook Learning website and distributing it to administrators, faculty, staff, students, and parents of students.
- b. The Title IX Coordinator or designee shall provide annual training to administrators, faculty, and staff on the requirements of Title IX and Matchbook Learning policy and procedures, including mandatory reporting and the complaint procedure.
- c. The Title IX Coordinator or designee will help in the implementation of education surrounding prohibited behavior, consent, healthy relationships, and Title IX policy and procedures to students on an as-needed basis and is available to conduct such training by request.
- d. The Title IX Coordinator or designee will provide training to all individuals responsible for investigating complaints of prohibited conduct, including training on appropriate techniques for responding to and investigating allegations of sexual misconduct, dating violence, stalking, and retaliation, documenting investigations and findings, and analyzing the information obtained during investigations.

Local Resources:

Name of Organization	Contact Information	Services Offered
Domestic Violence Network	Lindsay Stawick lhill@dvnconnect.org	Prevention education, information on resources, and youth advocacy and empowerment programs.
The Julian Center	24 Hour Crisis Line: 317-920-9320 2011 N Meridian St, Indianapolis IN 46202	Advocacy, support and case management **Rape Crisis Center**
Indiana Youth Group	317-541-8726 3733 N. Meridian Street,	Programs include: sexual health education, suicide prevention education,

	<p>Indianapolis, IN 46208</p> <p>Students may drop in or you may refer them by calling to speak with a staff member</p> <p>The activity center is open on Wednesday and Thursday from 3 - 9 PM and on Friday from 3 - 11 PM.</p>	<p>various support groups, case management, parent support and education</p> <p>The activity center serves as a safe and confidential environment for LGBTQ youth and straight allies ages 12 through 20 to hang out and be themselves.</p>
Reach for Youth	<p>Marion County helpline: 317-926-4357</p> <p>Marion County Crisis and Suicide Hotline: 317-251-7575</p> <p>3505 N Washington Blvd, Indianapolis, IN 46205</p>	Behavioral health counseling and sexual health services for youth and family
The Legacy House	<p>317-554-5272</p> <p>2505 N Arlington Ave, Indianapolis, IN 46218</p>	Trauma counseling and advocacy to victims of abuse or violence
Families First	<p>317-634-6341</p> <p>615 N Alabama St STE 320 Indianapolis, IN 46204</p>	<p>Support groups for teen survivors of sexual assault</p> <p>**Rape Crisis Center**</p>
Latino Coalition Against Domestic and Sexual Violence	<p>317-926-4673</p> <p>300 E Fall Creek Parkway N Dr, STE 200, Indianapolis, IN 46205</p>	Legal advocacy, support, information/referral.
Indiana Center for Children and Families	<p>317-631-2000</p> <p>1431 N Delaware St, Indianapolis, IN 46202</p>	Assessment, case management, counseling, and therapeutic services for children, adolescents and families.
Connect 2 Help; 2-1-1	2-1-1 OR 317-926-4357	Connection to ANY human service. For example, basic needs (food, shelter, heat, etc.), legal assistance, mental health needs, etc.

National Resources

Name of Organization	Contact Information	Services Offered
Love Is Respect	Text: loveis to 22522	Support line to chat/ask

	<p>1-866-331-9474 TTY: 1-866-331-8453</p> <p>Live chat on website: www.loveisrespect.org</p>	<p>questions about relationships or to be referred to local service provider. An advocate is available 24/7 (spanish speaking advocates available)</p> <p>Website has relevant content regarding all aspects of relationships and dating suitable for teachers, school staff, parents, and teens.</p>
<p>RAINN Rape, Abuse and Incest National Network</p>	<p>1-800-656-4673</p> <p>Live chat on website: www.hotline.rainn.org/online</p>	<p>Support line for advice, information, or referral to local service provider.</p>
<p>National Suicide Prevention Lifeline</p>	<p>1-800-273-8255</p> <p>Live chat on website: https://suicidepreventionlifeline.org/chat/</p>	<p>Confidential support for people in distress, prevention and crisis resources and best practices for professionals</p>