

**From:** John Griffith  
**Sent:** Mon, 7 Jun 2021 13:49:39 -0600  
**To:** T9PublicHearing  
**Subject:** Title IX public feedback  
**Attachments:** J. Griffith Letter to Acting Assistant Secretary Goldberg.pdf

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Please see the feedback for Title IX attached. Thank you.

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Acting Assistant Secretary Suzanne Goldberg  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20002

June 7, 2021

Re: Written Comment: Title IX Public Hearing (Sexual Harassment in K–12 Schools)

Dear Acting Assistant Secretary Goldberg,

As a school leader and member of the National Association of Secondary School Principals (NASSP), I write to submit the following comments for the virtual public hearing on strengthening enforcement of Title IX of the Education Amendments Act of 1972.

Riverton High School has a population of around 750 students and Riverton is a town of around 10,000 residents. We received eight hours of training in April of 2021 on the 2020 amendments. Our Title IX coordinator received initial training but it took until April of 2021 to train all District administrators and that training was eight hours in length. Being in a rural area is a large hurdle to overcome with the new amendments. Finding people who not connected in some way to the cases to either investigate or be a decision maker. It took multiple principals out of their buildings and away from their job when they had no connection to the case itself. I understand the concern about bias, but we have to be trusted as professionals to do our job and be held accountable when we don't. In comparing cases in the past that would have resulted in the new process, I see the new regulations as dangerous to a safe and protected environment for victims in the K-12 setting. The subject of removal from school is taken very seriously by everyone in our District and we must be trusted to make those decisions and to be responsible for continuing their education when they are removed from school.

In joint comments submitted with AASA: The School Superintendents' Association, NASSP urged the Department of Education to immediately rescind the 2020 amendments to the Title IX regulations and replace them with nonbinding guidance for K–12 schools, technical assistance, and best practices to ensure the fair, prompt, and equitable resolution of reports of sexual harassment and other sex discrimination. Their comments focused on three major issues with the 2020 amendments:

- 1) School leaders are unable to swiftly remove students from harmful educational environments because of paperwork, evidence, and notice requirements in the regulation. In the past, we relied on previous federal Title IX guidance to develop and solidify procedures to ensure that all Title IX complaints were addressed in an efficient fashion that offered fair protections for both the accuser and the accused. The new multilayered adjudicative process is an overwhelming undertaking for staff and frequently requires 80–90 days to complete. There is also a striking difference in how school leaders can discipline students for incidents of sexual harassment versus any other school infractions, which has infuriated parents, led to further traumatization of students, and greatly frustrated our staff who want to effectively address potential Title IX violations quickly.

- 2) The staffing required to conduct an investigation of sexual harassment is another challenge for school leaders. In addition to having a Title IX coordinator in each school building, there are various roles that must be assigned to other trained personnel on a case-by-case basis (investigators, initial decision makers, appellate decision makers) who are all free of "bias" toward or against victims and accused students. While the provision requiring neutrality with respect to the process is generally quite appropriate, mandating that every individual tasked with responsibility in a Title IX case be unbiased and therefore viewed by *parents* as neutral with respect to the individual complainant and respondent in every case may not be practical in many smaller or more rural K-12 schools. Any individual likely tasked with the responsibility either of conducting an investigation or rendering a decision at either the initial stage or appellate stage will be someone who has experience and/or prior responsibility in a building where they connect with the students involved.
  
- 3) A further problematic aspect of the regulation is around the disclosure of confidential information. Students are not aware that by reporting an assault to a school counselor or social worker that they are automatically triggering a Title IX complaint and subsequent investigation. School leaders also feel that the new requirements do not allow us to protect witnesses. In other discipline incidents, we are able to issue a gag order and consequences for students who do not comply. Now we are only able to suggest that students not share information, but with no enforcement mechanism in place, this could have a negative impact on the investigation. School leaders should have a mechanism for confidential reporting to an adult who is not a mandatory reporter so that students can receive supportive measures, including mental health counseling, without disclosing their identity to their harasser, initiating a Title IX investigation against their harasser, or initiating a mandatory report by the school to local police.

Thank you for taking the time to engage stakeholders in a discussion on these important issues. Should you have any questions, please feel free to contact me at [jgriffith@fremont25.org](mailto:jgriffith@fremont25.org) .

Sincerely,

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