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Re: ED-2018-OCR-0064

To whom it may concern:

The Isla Vista Community Services District contracts for public safety and law enforcement services in Isla Vista, California, a community located adjacent to the University of California, Santa Barbara. The Board of Directors is greatly concerned about the impact of the proposed regulations ED-2018-OCR-0064 on the ability for law enforcement to effectively investigate crimes of sexual and interpersonal violence, and the efficacy of partnerships between higher education institutions, local law enforcement, survivor advocacy and support organizations, and local government agencies to reduce the incidence of sexual and interpersonal violence in our community.

Sexual and interpersonal violence is at epidemic levels in Isla Vista, as is the case in countless other college and university communities. During the 2017-2018 academic year, 376 students disclosed to UC Santa Barbara Campus Advocacy Resources and Education (CARE) that they had experienced sexual assault, dating/domestic violence, and/or had been stalked, either on or off campus, recently or in the past. Research suggests that in higher education settings, only one quarter of survivors of serious incidents of sexual and interpersonal violence report to an organization or agency such as a Title IX Office or law enforcement agency. The vast majority of students are also unaware of how to report or whom to report to on their campus, despite the fact that Title IX offices have existed for many years.

The Isla Vista Community Services District contracts with the University of California, Santa Barbara Police Department to augment investigation of sexual and interpersonal violence crimes. Because many survivors may feel uncomfortable reporting incidents directly to a law enforcement agency, survivor advocacy and support organizations play a significant role in helping survivors decide if and when a report to law enforcement should be made. Some survivors, after consulting their advocate, may chose to make a report to law enforcement. We are greatly concerned that the proposed regulations will have a chilling effect on reporting across the board – to law enforcement, the Title IX office, and survivor advocacy and support

organizations. Lowered reporting means that many students who perpetrate sexual and interpersonal violence will continue to do so, without any disciplinary action.

Proposed Regulation 34 CFR 106.44(a) allows higher education institutions dismiss reports of sexual and interpersonal violence if the alleged incident has occurred between students off campus. Isla Vista is home to approximately 14,000 students attending UC Santa Barbara and Santa Barbara City College. In all likelihood, the vast majority of sexual and interpersonal violence incidents occur in the private residences of students. We are greatly concerned that the new standard will leave the door open for legal challenges that could encourage higher education institutions to look the other way when sexual and interpersonal violence occurs off campus. Incidents of sexual and interpersonal violence significantly affect the ability of the survivor to participate in education programs and activities, regardless of whether the violence occurs on or off campus. We suggest that the Department revise the regulations to make clear that sexual and interpersonal violence between students that occurs in private residencies requires a response from the Title IX office.

Sincerely,

Spencer Brandt  
President of the Board  
Isla Vista Community Services District