

CAMPUS SAVE ACT (SAVE)

The Campus Sexual Violence Elimination Act, or Campus SaVE Act (SaVE), is a 2013 amendment to the federal Jeanne Clery Act. SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education. President Obama signed the measure into law as part of the Violence Against Women Reauthorization Act of 2013 on March 7, 2013.

What is the "SaVE Act"

- This means Sexual Violence Elimination (SaVE)
- It expands the 1992 sexual violence reporting and policy
- Became law March 2013, the Campus SaVE Act has four central components:
 - a. Identify the institution's Campus Security Authority personnel
 - b. Create a Campus Sexual Assault Victim Bill of Rights
 - c. Expand sexual crime reporting on campus
 - d. Ensure the college has standard operating procedures for handling incidents of sexual violence

Campus Sexual Assault Victim Bill of Rights

Victims of sexual assault will have the right to the following:

- Reasonable changes to the academic and living situations
- Referrals to counseling, assistance in notifying law enforcement
- Same opportunity as accused to have others present at disciplinary hearing
- Unconditional notification of outcomes of hearing, sanctions and terms of sanctions in place
- Opportunities and assistance to speak (or choose not to speak) to anyone regarding the outcome
- Name and identifying information kept confidential (FERPA)

Campus SaVE: Violence Against Women Act (Sect. 304): Crime Statistics

- The SaVE Act adds the following offenses to the list of criminal offense for which statistics must be reported:
 - Domestic violence
 - Dating violence
 - Sexual assault
 - Stalking
- A student or employee who reports to an institution of higher education that she/he has been a victim of these crimes, whether it has occurred on or off-campus, shall be provided with a written explanation of his or her rights and options.

Who is a Campus Security Authority?

- The District Police
- The Vice President of Student Affairs
- The Vice President of Human Resources
- The Dean of Student Services
- Faculty or staff advisors to the ASO (Associated Student Organization) & authorized clubs
- Coaches and/or the Athletic Director

Examples of who is not a Campus Security Authority

We want to make sure your privacy and rights are protected so it is important to know who cannot serve as a "Campus Security Authority":

- A faculty member who does not have responsibility for a student or campus activity beyond the classroom
- Support staff
- Cafeteria staff
- Custodial or maintenance staff

Note: When in doubt, ask a counselor to direct you to the right person.

Definition of Important Terms to help you understand the following:

- Consent
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

What is "consent?"

- Consent is an act of reason and deliberation
- A person who has sufficient mental capacity to make an intelligent decision demonstrates consent by performing an act recommended by another
- Consent assumes that a person has the physical power to act and can reflect, and be unencumbered in exerting these powers
- To be consensual, there must be "...positive cooperation" and "the person must act freely and voluntarily ..." (See California Penal Code, 261.6 for complete definition)

Sexual Assault

Sexual assault means conduct in violation of one or more of the following California penal code sections:

- Section 261 - rape
- Section 261.5 - statutory rape; 264.1 - rape in concert
- Section 285 - incest
- Section 286 - sodomy
- Subdivision c of section 288 - lewd or lascivious acts upon a child; 288a - oral copulation; 289 - sexual penetration; or 647.6 - child molestation.

Domestic Violence/Family Violence

Domestic violence means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

1. Sexual relations between the parties while sharing the same living quarters

2. Sharing of income or expenses
3. Joint use or ownership of property
4. Whether the parties hold themselves out as husband and wife
5. The continuity of the relationship
6. The length of the relationship

(For complete information see California Penal Code Section 13700)

Dating Violence

Dating violence includes any abuse, mistreatment, or sexual contact without consent at any stage of a dating relationship.

For resources and references please refer to the following:

- Title 4 Protective Orders and Family Violence Code
- A Guide to Confidentiality and Reporting Laws in California

Stalking

Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, of his or her immediate family.

The Elements of Stalking:

- A person willfully, maliciously, and repeatedly followed or harassed another person
- That person following or harassing made a credible threat
- The person who made the threat did so with the specific intent to place the other person in reasonable fear for his or her safety or the safety of the immediate family of such person(s)
- For more info see California Penal Code 646.9

What happens when you report a crime to our police on campus?

- Campus police will write a report and inform the proper on-and off-campus authorities, including the Title IX Administrator in cases of sexual assault
- The police will investigate this and they will cooperate with the local police, District attorney, and other appropriate agencies
- If you are a current student at Southwestern College, the police will report it to the Dean of Student Services
- If another student is involved, the Dean will follow appropriate disciplinary procedures
- If it involves a staff member or faculty, Human Resources will handle the case
- Dean of Student Services will need to meet with you and obtain your statement. The Dean will work with the District Police to investigate the reported crime
- Dean of Student Services will provide you information about appropriate support services and resources
- You will be highly encouraged to reach out to the College's Health Services professional staff
- The Health Services staff will follow up and ask to meet with you.

Disciplinary procedures

You have the right to know that your case will be handled appropriately. This means other off-and on-campus authorities may be involved.

The District/college is required to ensure that disciplinary procedures for such cases must clearly state that the proceedings will:

- Be conducted by officials who receive annual training on the issues related to:
 - The four types of cases: domestic violence, dating violence, sexual assault, stalking
 - How to conduct an investigation that protects the safety of victims and promotes accountability
 - How to conduct a hearing process that protects the safety of victims and promotes accountability

Campus SaVE: Prevention Program Components

- Primary prevention and awareness programs for all incoming students and new employees, which shall include the applicable jurisdiction's "definition of consent in reference to sexual activity."
- Safe and positive options for "bystander intervention" targeted to "prevent harm or intervene" in cases of domestic violence, dating violence, sexual assault or stalking;
- Information on "risk reduction" to recognize warning signs of abusive behavior and how to avoid potential attacks.

Prevention and Awareness

As an institution of Higher Education, Southwestern College must engage in "ongoing prevention and awareness campaigns for students and faculty" pertaining to:

- Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking;
- Provide resources and referrals to on and off-campus services.

How to Report to Authorities

- If you have experienced any of these crimes or have witnessed any of these crimes on campus, you may remain anonymous when reporting
- Call 911 or call the Southwestern College Police at (619) 482-6380
- When asked for your name, if you want to remain anonymous, identify the call as a SaVe Act call

Check list for Prevention

- Do you know and trust the person before entering in a dating relationship?
- Are you extra cautious when meeting people on-line?
- When you go out, do you make a habit of telling your friends, parents or someone you trust where you are going, with whom and when you expect to be back?
- Do you know your limits and express them?
- Do you avoid drugs and alcohol?
- Do you know and understand the characteristics of a healthy relationship?
- Do you know where to go for on campus support and assistance?