

# Understanding the Campus Sexual Violence Elimination, SaVe Act

Know your rights and the college's  
responsibilities



# What is the SaVe Act?

President Obama signed into law March 2013, the Campus SaVe Act has four main components:

1. Identify the institution's Campus Security Authority personnel
2. Create a Campus Sexual Assault Victim Bill of Rights
3. Expand sexual crime reporting on campus
4. Ensure the institution has standard operating procedures in place for handling incidents of sexual violence

# Campus SaVe

## (Section 304 of VAWA)

- The Campus SaVe Act covers both students and employees of an institution.
- It is considered the most dramatic expansion to sexual violence reporting and policy since 1992.

# Jeanne Clery's Legacy

Raped and murdered in her residence hall on April 5, 1986

Her attacker was a student she did not know

Her death led to national awareness of campus crime –

The Federal Jeanne Clery Act



1966 - 1986

# Jeanne Clery Act:

The U.S. Department of Education enforces the Clery Act.

Annual Security Report from the institution

- Statements of policy

- Campus crime statistics

- Campus Sexual Assault Victim Bill of Rights

- SaVe Act statistics

Ongoing Disclosures

- Emergency notifications

- Timely warnings

- Public crime log



# Additional Information on the Law

Originally passed in 1990 as part of the Student Right-to-Know and Campus Security Act, the Clery Act has been amended in 1992, 1998, and 2008 by the Higher Education Amendments.

Codified at 20 UCS 1092f -- Regulations appear at 34 CFR 668.46

The most final rules were published:

October 29, 2009 Federal Register (pp. 55902-55969)

October 31, 2002 Federal Register (pp. 66519-6655231)

November 1, 1999 Federal Register (pp. 59060-59073)

# Panola's responsibilities

- Leadership and coordination from Administration
- Campus Police
- Student Services
- Human Resources
- Instruction

# 1) Identify Campus Security Authorities

To comply with this federal law, institutions must:

- a. Define who the campus security authorities are in their Annual Security Report;
- b. Protect the confidentiality of victims to the extent permissible by law;
- c. Describe campus security authorities responsibilities and train them for their role;
- d. Provide Annual Notification identifying campus security authorities; and
- e. Supply crime definitions.

# Who is a Campus Security Authority?

- Officials with significant responsibility for student and campus activities:
  - Professional staff in the Office of Student Services
  - Faculty Advisors to student organizations
  - Athletic Coaches
- The Title IX Coordinator
- The Campus Police Department
- Individuals who have responsibility for campus security
- Human Resources

# Who is not a Campus Security Authority?

- Faculty members not having responsibility for a student or campus activity beyond the classroom
- Support Staff (Clerical and Maintenance)
- Contract Services employees (Cafeteria, Grounds, Janitorial)

## 2) 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 hearings
  - Unconditional notification of outcomes of hearings, 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 (under the FERPA law)

### 3) Campus SaVe: Violence Against Women Act (Sect. 204): Crime Statistics

SaVe adds the following offenses to the list of criminal offense for which statistics must be reported:

1. Domestic Violence,
2. Dating Violence and
3. Stalking

# Definition of consent:

- Consent is an act of reason and deliberation.
- A person who possesses and exercises sufficient mental capacity to make an intelligent decision demonstrates consent by performing an act recommended by another.
- Consent assumes a physical power to act and a reflective, determined, and unencumbered exertion of these powers.

*Texas Family Code §71.004*

# Sexual Assault

Intentionally or knowingly for adult or child

Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent

Causes the penetration of the mouth of another person by the sexual organ of the actor, without the person's consent

Causes the sexual organ of another person, without the persons consent, to contact or penetrate the mouth, anus, sexual organ of another person, including the actor.

*Texas Penal Code §22.011*

# Sexual Assault (continued)

Is without the consent of the other person if;

The actor compels the other person to submit or participate by the use of/or threatening the use of physical force or violence against the other person, or

The person believes that the actor has the present ability to execute the threat

*Texas Penal Code §22.011*

# Sexual Assault (continued)

The person has not consented and the actor knows the person is unconscious or physically unable to resist

The actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting

The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring

The actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge.

# Domestic Violence/Family Violence

- An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or that is a threat that reasonably places a member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself
- Abuse, by a member of the family or household toward a child of the family or household

*Texas Family Code §71.004*

# Dating Violence

An act, other than a defensive measure to protect oneself, by an actor that:

Is committed against a victim

With whom the actor has or has had a dating relationship

Because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage

Is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

*Texas Family Code §71.0021*

# Dating Violence/Dating Relationship

For the purpose of this title, Dating Relationship means:

A relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

Determination based on:

- length of the relationship
- nature of the relationship
- the frequency and type of interaction between the persons involved in the relationship

A casual acquaintance or ordinary fraternization in a business or social context does not constitute a “dating relationship”.

# Stalking

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct, including following the other person

The actor knows or reasonably believes the other person will regard as threatening

Bodily injury or death for other person

Bodily injury or death for a member of the other person's family or household

*Texas Penal Code §42.072*

# Stalking (continued)

That an offense will be committed against the other person's property

Would cause a reasonable person to fear bodily injury or death for him/her self

Bodily injury or death for a member of the person's family or household

That the offense will be committed against the person's property

*Texas Penal Code §42.072*

# Protective Orders

Emergency Protective Orders (MOEP): May be requested by victim or law enforcement but shall be entered in Aggravated Assault (SBI or DW) Texas CCP art 17.292

EPO prohibits: go to or near residence, work or school/childcare, communicate in threatening or harassing manner, threats through any person, acts of family violence, stalking, possession of firearm.

Protective Order: May be entered when there is a reasonable belief that: Family Violence, Sexual Assault, Stalking, have occurred and are likely to occur in the future. Third parties, a third party, may also apply for a protective order, must prove violence occurred between third party and respondent, third party is usually new dating partner of respondent's ex.

# How and Where to file a Protective Order

- Where to file? The county where applicant resides, county where respondent resides.

201312 Process: Application filed with sworn statement from Applicant, Hearing will be set within 14 days, temporary (Ex Parte) Order if clear and present danger of family violence, entered without respondent being there, Respondent may be “kicked out” = ordered to leave shared residence

Hearing: Court must find family violence occurred and is likely to occur in the future, court may enter order if finds respondent violated previously entered order, if more than 2 year order, then more findings, an agreed order may be criminally enforced without Family Violence finding.

# 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 Campus Police at 903-693-1112 or 903-754-1693 or Title IX Coordinator at 903-693-2021 or 903-693-1935

When asked for your name, identify the call as a SaVe Act call.

# Prevention Tips

- Date people you know and trust
- Be extra careful about meeting people on-line
- Tell your parents or a friend when you are going out on a date  
– with who, where, when
- Know your limits and express them
- Avoid drugs and alcohol at all times
- Go out, don't hang out

# Warning signs of Dating/Relationship Violence or Abuse

- Isolates you from family and friends
- Explosive temper
- Blames others for their problems
- Physically inflicting pain or hurt in any way or threatening to do so
- Extreme jealousy or insecurity
- Acting cruel towards animals or children
- Trying to control you by belittling you or your ideas
- Erratic mood swings
- Making false accusations
- Repeatedly pressuring someone to have sex

# Additional Resources

Texas Council on Family Violence – [www.tcfv.org](http://www.tcfv.org)

Family Violence Prevention Fund – [www.fvpf.org](http://www.fvpf.org)

Department of Justice VAWA – [www.ojp.usdoj.gov/vawo](http://www.ojp.usdoj.gov/vawo)

National Stalking Resource Center – [www.ncvc.org](http://www.ncvc.org)

Center for Domestic and Sexual Violence – [www.ncdsv.org](http://www.ncdsv.org)

National Hotline 1-800-799-SAFE (7233)