

# Understanding the Campus SaVE Act

The Campus Sexual Violence Elimination (SaVE) Act increases transparency on campus about incidents of sexual violence, guarantees victims enhanced rights, sets standards for disciplinary proceedings, and requires campus-wide prevention education programs. The Campus SaVE Act amends the [Clery Act](#), which addresses campus sexual assault policies within the Higher Education Act of 1965. President Obama signed SaVE into law on March 7, 2013 as part of the Violence Against Women Act (VAWA) Reauthorization.

## Does Campus SaVE Apply to You?

As of March 2014, the U.S. Department of Education will enforce the Campus SaVE Act, which affects every post-secondary institution participating in Title IV financial aid programs (virtually all colleges and universities). The Act covers incidents of sexual assault, domestic violence, dating violence, and stalking to protect every student from a range of sexual violence.

## What Does Campus SaVE Actually Do?

The Act has several provisions.

- Primarily, it improves transparency by requiring schools to report a broader range of sexual violence incidents occurring on campus, while also improving the complaint process so victims know their rights and are supported.
- It also requires an equitable disciplinary proceeding by borrowing language from the [2011 Title IX Dear Colleague Letter Guidance](#).
- Finally, it offers schools resources from federal agencies to improve their practices while also requiring them to provide education and awareness programs on campus.

## What does it require schools to report?

The Campus SaVE Act amends the Clery Act, which requires campuses to provide annual statistics on incidents of campus crimes, including sexual assaults occurring on campus and reported to campus authorities or local police. The Act broadens this requirement to mandate fuller reporting of sexual violence to include incidents of domestic violence, dating violence, and stalking.

## What rights do victims of campus sexual violence have?

Colleges must publish the victim's rights and college responsibilities:

- Information on obtaining orders of protection, no contact orders, etc.
- Information on how the college will protect the confidentiality of the victim
- Written notification of available services for mental health, victim advocacy, legal assistance, and other available community resources
- Written notification about victims' right to change academic, living, transportation, or work situations *even if they do not formally report*

- Written explanation of a student or employee's rights and options, *regardless of whether the crime took place on campus or off campus*

Colleges must publish the procedures for reporting sexual violence:

- Information on how to preserve evidence of the crime
- Information on to whom and how to formally report the incident
- *The right to decline formally reporting to authorities*

## What educational programs are mandated?

While the [2011 Title IX Dear Colleague Letter Guidance](#) recommended schools provide educational programs on sexual violence, the Campus SaVE Act requires them. Colleges *must* provide “primary prevention and awareness programs” for new students and employees, as well as ongoing prevention and awareness campaigns. These educational programs must include certain subjects:

- A statement by the school that it prohibits acts of sexual violence
- The definition of various acts of sexual violence
- Education on bystander intervention
- Risk reduction programs so students recognize and can avoid abusive behaviors or potential attacks
- Information on the school's reporting system and disciplinary proceedings

## How must colleges handle disciplinary proceedings?

The Campus SaVE Act “prompt, fair, and impartial” disciplinary proceedings that ensure equitable process to both parties:

- Officials conducting disciplinary proceedings must be trained annually on sexual violence\* investigation and determinations
- Both the accuser and the accused have a right to have an adviser of their choice present during the disciplinary process
- Both the accuser and accused are required to receive the final results of a disciplinary proceeding in writing
- Both the accuser and accused have a right to appeal disciplinary proceeding decisions or changes to the final result

## How Can I Use SaVE to Help Me?

The U.S. Department of Education will enforce the Campus SaVE Act as part of the Clery Act.

- Before March 2014, you should include SaVE violations in any Title IX complaint since both laws overlap regarding your rights during disciplinary proceedings.
- After March 2014, you can file a formal complaint with the Clery Act Compliance Division at [clery@ed.gov](mailto:clery@ed.gov) when a school violates your rights under SaVE. A school may face warnings or fines up to \$35,000 per violation.

## Conclusion

The explicit transparency, victim rights, and educational requirements outlined in the recent Campus SaVE Act are necessary reforms that will decrease sexual violence on campus and require schools to do more prevention work. SaVE is also another legal tool for victims if a school mishandles a complaint. When filing a complaint with the U.S. Department of Education, the Campus SaVE Act and Title IX work together to protect students and hold schools accountable.

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