

# The value of campus sexual violence policies

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If developed and implemented with meaningful consultation, such policies can have both a symbolic and instrumental impact.

Recently, McGill University adopted its [policy against sexual violence](#) (PDF). While celebrating this development, I admit that well before this policy was drafted and adopted, I was skeptical about its utility. As a law professor who assesses rules and authority from a feminist critical perspective, I was doubtful about the potential of an institutional policy to address campus sexual violence. To my mind, a policy seemed like a naive and simplistic way of responding to the broad and complex challenge of sexual violence, which is rooted in forces that lie well beyond any single university's control.

In my current administrative role at McGill, I have the privilege of collaborating with diverse members of our university community, many of whom have felt for some time that every university must have its own formal policy on sexual violence. Through conversation and collaboration with these community members, it became plain that McGill, like all Canadian postsecondary institutions, would benefit from a policy against sexual violence. More specifically, when developed and implemented pursuant to meaningful consultation, such policies can have both symbolic and instrumental value, and this in turn stands to foster campus settings that are safer, more enlightened and more inclusive.

## Symbolic value

Establishing a policy sends a message that an issue is one of institutional importance. By adopting a sexual violence policy, a university publicly recognizes its role in regard to this issue, which is essential given how sexual violence often plays out on campuses. While sexual violence in universities is not a deeply studied or theorized topic, limited research shows that universities are not mere microcosms of larger society. One-quarter to one-third of university students report experiencing acts of sexual violence (such as assault, harassment or stalking), often in their first year of studies, and often in social contexts involving alcohol or drugs. Most of these students are young adults away from home, community and family for the first time. A university policy can account for these distinct, critical factors.

Furthermore, policy development can allow diverse groups across campus to contribute to the collective aim of preventing and responding to sexual violence. Deliberative processes can be powerful; they demonstrate that the university is prepared to hear, acknowledge and learn from multiple perspectives. This is especially important for survivors of sexual violence, a group often silenced by external forces or self-censure to avoid the shame, adverse judgment or retaliation that can follow sexual violence reporting. Fostering meaningful campus consultation can thus convey the university's willingness to learn from its citizenry through dialogue. It signals the institution's responses to sexual violence as iterative, evolving as knowledge advances and as the needs of the university community shift.

## Instrumental value

A policy's instrumental value lies in its promise as a tool for effecting desired institutional change. One could reasonably presume that the change envisaged by a sexual violence policy is the reduction or elimination of campus sexual violence. While this was indeed a central aspiration of McGill's policy, stakeholders were more vocal about the policy's potential use for ensuring the fair, confidential and dignified treatment of survivors.

Through engaging with McGill community members, it became clear that our policy's effectiveness would depend on the degree to which it reflects and accounts for survivors' experiences, while remaining alive to institutional requirements of procedural fairness. More precisely, our policy's institutional value hung on two key elements.

First, the policy included a commitment of resources with a view to its implementation. While it may be trite to state that institutional action and change require dedicated human and financial capital, committing that capital within the policy boosts its capacity for sustained change. This is not to say that the policy must state dollar amounts. Yet, articulating a commitment of suitable resources signals the administration's will to do more than pay lip service to rejecting sexual violence.

Second, a sexual violence policy's instrumental value is enhanced by explicitly laying out processes the university will follow to raise campus awareness and to support survivors. A commitment to continuous education recognizes that there will always be more to learn about sexual violence and about engaging effectively and equitably with survivors. Furthermore, a policy's commitment to unqualified support for survivors is facilitated by distinguishing disclosures made to seek support or accommodation from reports of sexual violence to disciplinary or legal authorities. Disentangling disclosure and reporting ensures that, in coming forward, survivors can be unconditionally supported and protected from interrogation.

## **The limits of a sexual violence policy**

Having set out what a sexual violence policy can accomplish, it is worth reflecting briefly on what such a policy cannot, and likely should not, set out to achieve. While a policy must be ambitious, it cannot fully explain, theorize or contend with sexual violence, a subject that is inherently complex and fraught with underlying social challenges. A sexual violence policy must be accessible to all members of the university community, from a student in their first week on campus to postdoctoral fellows, lab technicians, groundskeepers, professors, administrative assistants and even its principal or its president. Accordingly, the policy cannot be framed as a civil procedure code, as a thesis on the ills of sexual violence, or as a technical manual. A survivor-centric policy must be plainly framed and easy to navigate so that it is intelligible to all, particularly in a moment of crisis.

Recognizing that some hold a contrary view, I contend that a sexual violence policy is not an opportune vehicle for addressing discipline and sanctions. Alleged perpetrators are not the protagonists of these policies; they are more suitably addressed by regulations and collective agreements governing disciplinary investigations, hearings and sanctions. Further, institutions are ill-served by sexual violence policies that create exceptional disciplinary processes or measures, which might compromise procedural fairness. While some might equate a zero-tolerance approach to sexual violence with harsh penalties for perpetrators, it would be a mistake for a policy to prescribe minimum sanctions. Just as sentencing in the criminal law is typically determined on the basis of each case's facts, so too must a university's regulatory framework be committed to responding in due measure to any and all acts of misconduct on the basis of given circumstances.

This being said, a separate discussion is needed as to whether rules governing university disciplinary processes, especially those pertaining to investigations and evidence, merit review to reflect the challenges of responding to sexual violence in a way that respects survivors and ensures fairness. I leave this question aside for the moment, while acknowledging its complexity and its need for attention.

While my initial skepticism about the relevance of university sexual violence policies has dissipated, I close by noting that it would be a mistake to conceive of such a policy as a panacea for the profound challenge and ills of campus sexual violence. Just the same, if carefully developed and framed, a sexual violence policy can have symbolic value, by communicating the university's awareness of its role in preventing and responding to campus sexual violence and of its willingness to engage with, hear, and learn from stakeholders to that end. The policy also can have instrumental value, where it commits to appropriate resources and where it delineates the steps the institution will take to raise awareness about sexual violence and support survivors. Taken together, a policy's symbolic value and instrumental value establish its unequivocal relevance and benefit within the regulatory landscape of today's universities.

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