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*Policy can and should be used as a tool of sexual violence prevention and response. In this chapter, we explore the historical, social justice, compliance, and best practice rationales for approaching policy development and revision differently.*

## Going Upstream: Policy as Sexual Violence Prevention and Response

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For decades, college and university administrators responded to the changing legislative tides on sexual violence in their efforts to draft, revise, and implement institutional policies related to sexual violence. In recent years, the legislative landscape includes not only the Clery Act and Title IX, but the new Violence Against Women Act Section 304, the Obama Administration's White House Task Force to Protect Students from Sexual Assault guidance, model policies, and even some state laws. Despite these well-intended policies, the problem of sexual violence persists. Good practice requires practitioners to move *beyond compliance* (Jessup-Anger & Edwards, 2015), to identify and create policies that can be part of a comprehensive sexual violence prevention and response.

In this chapter, we argue that use of *policy as accountability* produces institutional overemphasis on compliance, situating institutional agents as managers of risk, resulting in the problem of sexual violence remaining unchanged. We believe policy has much greater potential as a social justice tool for prevention. We aim to contextualize policy to not only comply with legislated expectations for how to respond to sexual violence, but also to prevent it.

### **What Is the Problem With Sexual Violence Policy?**

Sexual violence is one of many social problems college and university administrators seek to combat, and policy is an important tool for addressing that problem. However, how a problem is defined and constructed through policy language has implications for prevention and response. For instance, several scholars have identified the ways in which the problem of sexual violence is frequently described as something that a (often assumed to be cisgender, heterosexual woman) survivor experiences, rather than

something a (often assumed to be cisgender, heterosexual man) perpetrator does (Cahill, 2000). This framework often represents women as “victims” of domestic violence and focuses on “securing the safety of women”; this consequently “renders silent men’s predominant role as perpetrators of violence” (Bacchi & Goodwin, 2016, p. 67). These gendered constructions of sexual violence sustain heteronormative and heterosexist constructions of sexual violence and fail to identify other dimensions of identity as important (Wooten, 2015).

Some scholars (Cantalupo, 2011; Janosik, & Gregory, 2009) studied policy as a solution to the problem of sexual violence. However, these scholars largely investigated institutional compliance with legislative expectations and the efficacy of policies. Few sought to understand how the problem of sexual violence is portrayed through policy, and what unintended consequences that problem representation might have on prevention efforts. One of the authors of this chapter (Iverson, 2015) conducted a policy discourse analysis of 22 university sexual violence policies, finding that policies tend to overemphasize risk, situating institutional agents as managers of the ubiquity of sexual violence on campus. Potter, Krider, and McMahon (2000), in their examination of 54 sexual violence policies, also found that sexual violence was conceptualized as risky for the institution, warranting risk reduction strategies. Additionally, their analysis of policies revealed reliance on the deterrence model, which appeals to “fear of punishment by criminal law or university procedure” in order to prevent sexual violence perpetration (Potter et al., 2000, p. 1359).

These studies reveal that policy efforts have traditionally focused on risk reduction and deterrence. We are not suggesting that these efforts are not worthwhile or should not continue. Rather, these efforts alone will not prevent or end sexual violence. To achieve large reductions in sexual violence, policy must also be used as a prevention strategy.

## **Policy as Prevention**

As Hong and Marine describe in Chapter 2, the Centers for Disease Control (CDC, 2015) uses a social–ecological model for understanding violence occurrence and recommends a systematic approach for prevention that considers all four levels of focus: individual, relationship, community, and society. The American College Health Association (ACHA, 2016) also adopts an ecological approach and has critiqued a historical overemphasis in prevention efforts on individual-level determinants and interventions. ACHA argued for as much, if not greater, emphasis on policy, community, and institutional factors. This includes that comprehensive response and support must have policies; that policies should include amnesty for underage drinking; and that universities should have a policy statement articulating a commitment to reduce the occurrence of sexual violence. We believe additional policy guidance is needed, especially if the

goal is to move beyond risk management, compliance, and individual-level prevention.

Strategies for preventing sexual violence are generally considered in terms of primary, secondary, and tertiary levels (DeGue et al., 2014). To illustrate these three tiers, consider the “living downstream” parable (Vu, 2015) that describes how villagers are developing serious rashes after swimming in a river. One response sets up educational and support programs to teach people how to self-identify the problem and learn to live with the rashes; this is *tertiary* prevention or working “downstream.” This approach lessens the impact of the problem. Alternately, lifeguards could be appointed to check swimmers as they exit the river and to provide immediate treatment for the rashes; this is *secondary* prevention, or working “midstream.” The impact is reduced and swimmers are helped to regain their health. Neither of these strategies prevents the rashes. *Primary* prevention involves going “upstream” to determine and stop the cause of the problem, which, in this parable, involves a company that is discharging chemicals into the water (Vu, 2015). Applied to sexual violence, policies operate largely at the secondary and tertiary levels. In this section, we discuss policy as a prevention strategy, delineating efforts at the three levels, and calling for policy to serve as primary prevention. We must go upstream.

**Tertiary.** Policy that serves as a method of tertiary prevention is used to manage a chronic problem. It forms the resolution process for complaints, ensuring that the institutional response is as safe and effective as possible. Strong policy in this vein can also serve to reach sound resolution, minimize civil suits, and act as a deterrent for future offenses. Policy as deterrence-based prevention persists as the most common use of codes as a tertiary tool (Potter et al., 2000). Equitable policy and procedures can also help both reporting parties and responding parties to move forward from a case. In this way, it can serve to effectively respond to and minimize harm after sexual violence occurs.

**Secondary.** Policy is also used as a risk reduction tool. Risk reduction strategies, such as educating students, often women, on how to prevent victimization, is secondary prevention. Institutions also strive to reduce their own risk by incorporating victim-centered care in policy statements on response and support to survivors. As essential as these efforts are, they remain secondary prevention. For instance, sexual violence training and education are increasingly being codified into policy. The State University of New York (SUNY) system policy, for example, mandates student onboarding and ongoing education about sexual violence. One best practice in training featured in the SUNY sexual violence response policy is bystander intervention. This type of intervention is an example of an institution deploying more “lifeguards” unless these efforts fully achieve their mindset and culture changing goals. To serve as primary prevention, bystander training efforts (among other prevention initiatives) must facilitate deeper individual and organizational learning to “foster social norms

and environments in which sexual violence does not occur” (Iverson, 2006, p. 552).

**Primary.** Primary prevention of sexual violence focuses on perpetration rather than victimization. The challenge, however, is that sexual violence is not like the chemical company upstream of the swimmers in our parable. Although not easy to shut down the flow of chemicals into the water, it is possible. Ceasing perpetration of sexual violence is not that easy. Yet, scholars are elucidating possibilities for primary prevention programming (DeGue et al., 2014). Research published nearly two decades ago illustrated the potential for expanding male students’ conceptions of manhood as a powerful tool in preventing sexual violence (Hong, 1999, 2000). Yet, as policy codifies prevention efforts, it disproportionately mandates secondary initiatives (such as Bystander Intervention) that may develop men’s empathy for women as victims, but do not assure cognitive shifts in those who are socialized into hegemonic masculinity that privileges violence (DeGue et al., 2014). Further, empathizing with women as victims can reify women as vulnerable and dependent, thus in need of specifically men’s rescue, having the unintended effect of sustaining men’s privilege and dominance (Iverson, 2006). Policy choices are being made, and policy authors could codify mandates, and correspondingly invest resources in, efforts that serve as more effective means of *primary* prevention.

To devise possible uses for policy as prevention, at any of these strategic levels, we argue for the adoption of a social justice paradigm as Hong and Marine advanced in Chapter 2. Developing policy statements that articulate commitments to reducing, or even ending, sexual violence are symbolically important. However, statements alone will not prevent sexual violence. Socially just policies must move beyond symbolism. We believe policy that is conceptually grounded in social justice holds the greatest potential to serve as prevention—tertiary, secondary, and primary.

## Going Upstream: Best Practices for Policy Development

In this section, we describe our ideas and provide suggestions for how to elevate sexual violence policies as stronger tools for prevention, grounded in a social justice paradigm. We are not delineating guidelines for compliance with (ever evolving) federal policies; others offer such guidance (see McMahon, 2008; Streng & Kamimura, 2015). Our aim is to move beyond compliance and suggest possible best practices for devising socially just policy that can be a part of preventing sexual violence.

**Primary Prevention of Perpetration.** Sexual violence prevention and training is typically codified in campus policies. However, educational programming often targets “risk and protective factors such as attitudes and knowledge” and focuses little, if at all, on “sexual violence perpetration behaviors” (DeGue et al., 2014, p. 348). Scholars acknowledge the importance of focusing on perpetration, with “explicit focus on power...and power

inequalities” (Abramsky et al., 2014, p. 15). Notions of power and control frame our understanding of sexual violence dynamics. This focus on power invites cisgender women and cisgender men to “consider their own power and be more conscious about how they use it in all kinds of interactions” (Abramsky et al., p. 15). Models of this approach to prevention programming exist from Men Can Stop Rape, Mentors in Violence Prevention, and Ending Rape, among others. These programs are focused on perpetration, as well as on how to break the link between masculinity and violence (see Abramsky et al., 2014; Hong, 2000).

**Codify Expectations for Deep Learning.** Sexual violence policies contain calls for and information about prevention training and education efforts. The intent of these efforts is that students will know definitions of sexual violence and consent, the impact of sexual violence on survivors, individuals’ roles in prevention, risk reduction strategies, and policies (such as how to report, what are campus resources, and alcohol/drug amnesty). These efforts aim to raise awareness and provide knowledge, with the goal of changing attitudes. These typically brief, one-session interventions, such as an orientation session for new students, are not likely to yield more than “surface” learning, wherein students receive, and perhaps memorize, “unrelated bits of information” (Entwistle, 2000, p. 3). According to DeGue et al. (2014), educating about “behaviors as complex as sexual violence will require a higher dosage to change behavior and have lasting effects” (p. 357). The aim should be “deep” learning, enabling students to make connections between ideas, examining underlying arguments, exploring root causes of problems, and engaging in active learning (Entwistle, 2000). With knowledge and awareness comes efficacy and commitment; however, prevention programming must convert capability into ability, which demands skill development. Policy must extend beyond mandates for education and training, to explicate the types of learning outcomes and demonstrated competencies that would be evident from such training, such as those goals and outcomes described by Edwards, Shea, and Barboza Barela in Chapter 4.

**Beyond the Individual: Collective and Structural Efforts.** Overwhelmingly, prevention efforts codified in policy focus on the education of individuals; however, that alone will not yield sustainable change. In addition to deep learning for individuals, policies must call for prevention efforts that equip individuals to act at institutional and structural levels, such as advocating for changes in policies and practices. Some may view bystander intervention as doing this community-focused work, and we do not discount the value and potential impact on campus culture of having many individuals skilled in deploying strategies to confront situations where sexual violence may be imminent and to address the root causes of sexual violence such as systemic sexism. However, we are advocating for more than education for a group of individuals; we advocate instead for initiatives that prepare people to act as a group, learn how to mobilize a community, and engage in collective action. This collective mindset empowers community

members to feel that any incident of sexual violence is not only an offense against an individual, but also a violation of the community (McGuire, 2004). These community members, often peers who are the first to hear reports of sexual violence, are more likely to affirm the survivor, name the incident as sexual violence, and advocate for resolution. Individuals with deeper education about sexual violence, who are prepared to act collectively and are equipped for community mobilization, can “promote critical analysis and discussion of power and power inequalities” (Abramsky et al., 2014, p. 2). Consider student-led responses to party culture, from hosting social events with lights on, to providing less alcohol, to offering food. Cultivating this deeper learning is not only a needed expectation for students, but all members of the community. One cannot assume, for instance, that policy authors bring a social justice lens to their development of policy. Very different policies may be authored if administrators learned, by example, about the ways in which “men are traditionally socialized to believe in hegemonic conceptions of masculinity” (Lester & Harris, 2015, p. 163). Institutions of higher education have a long history of and commitment to social justice; policy is another means of applying such ways of thinking.

The lack of community and societal level prevention approaches is a critical gap, and without closing this gap we are unlikely to achieve sustainable or sociocultural changes (DeGue et al., 2014). Policies must examine the way in which embedded institutional structures create the circumstances within which sexual violence is allowed and persists in our communities (Bacchi & Goodwin, 2016).

**Sociocultural Relevance.** As illustrated in Chapter 2, by Hong and Marine, sexual violence is a social justice issue, rooted in systems of power, privilege, and oppression that are differentially distributed among people of differing identities. Thus, policy authors must ensure the sociocultural relevance of sexual violence policies for the multiplicity of identities represented on college and university campuses. Yet, in an analysis of 140 studies and interventions by DeGue et al. (2014), only three included content designed for specific racial/ethnic groups, and none targeted sexual minority populations. As Pillow (2003) argued, we must engage in “critical discussion of how the intersections of gender, race, sexuality and class impact how [sexual violence] is defined as a problem and how process affects policy interventions” (p. 155).

Critical engagement with the role of gender in sexual violence has remained nearly invisible in policy, marginalizing transgender and gender nonconforming people. Even when policies were highly gendered and heteronormative, naming all perpetrators as men and all survivors as women, they did not critically interrogate how hegemonic masculinity and femininity operate in the production of the problem of sexual violence or the ways in which policy implementation may unwittingly reproduce the problem institutional agents are seeking to address. If we acknowledge that “gender and power inequalities may increase women’s risk of violence,” then we

must use policy as not just a tool for response and support of survivors, but as a mechanism to combat those power inequalities (Abramsky et al., 2014, p. 2). It is important to also acknowledge and understand the impacts on transgender victims, from the higher risk of danger experienced by transgender women to the minimization of violence that transgender men may face.

Some might read this and believe it is too theoretical an argument and beyond the purview of policy authors. We argue that if language constructs our understanding of any given phenomenon, then we must attend to the importance of language and its role in constructing images of perpetrators and victims, and by extension the ways we will be trained to respond to these individuals. Campus policies must make explicit the ways in which individual and institutional power operates to produce our understanding of, and responses to, sexual violence. As a start, policy authors, who currently articulate training goals that will educate students on the impact of violence on survivors, might also include policy mandates for education on how to reject the socialization men receive “to adopt sexist, homophobic, and unhealthy attitudes” (Lester & Harris, 2015, p. 163).

Institutions cannot continue to deliver policies (and programming) that assumes one size fits all. We advocate that administrators with relevant expertise use intersectionality theory to uncover embedded assumptions and predominant meanings constructed through sexual assault policies (Iverson, 2017). An overreliance on one-dimensional analyses (meaning, assumptions that all people experience sexual violence the same as white cisgender economically privileged women) contributes to misunderstandings of sexual violence. Mapping identity onto policy could produce lists of resources based upon difference (such as access to disability services, referrals to LGBT resources, inclusion of campus ministries), but awareness of only individual difference would fail to destabilize how structures privilege some and systematically disadvantage others. We argue that policy authors must “uncover power dynamics” embedded in policy (Phipps, 2010, p. 362). Such a structural analysis will reveal how privilege and advantage operate systemically, for example that white victims and perpetrators receive benefits from their racial privilege; and how some dimensions of identity secure normative status (white, Christian, straight, able-bodied), while others are marginalized if not invisible (Iverson, 2017).

**Context Matters.** Policies cannot be mass produced for entire university systems or by states. Policies must be as unique as the missions of our campuses. Policies can, and will, continue to generate certain content (for example, consent-based language, protections against retaliation). Some phrases (defining sexual harassment as “unwelcome” and sexual exploitation as “intentional”) will be shared across policies; our concern is that these institutionalized vocabularies lead to a standardization of policy that fails to recognize and reflect the unique missions, histories, regional differences, and demographics of colleges and universities. We advocate for



policy authors to ensure policies reflect their context. In a study by Iverson (2015), few, if any, institutional-specific considerations were reflected in the policies analyzed. For instance, Gallaudet, a university federally chartered for the education of students who are deaf and hard of hearing, has no unique procedures in its sexual violence policy. An example might include availability of interpreters under *rights of the complainant* and *rights of the respondent*. Policies for religiously affiliated institutions (such as Loyola University, Samford University) described how sexual violence is inconsistent with their religious mission; however, professions of “moral commitment” were consistent with how all other policies asserted that sexual violence “subverts” the university mission (Iverson, 2015, p. 223). We argue that for sexual violence policies to be socially just and effective, they must adapt to their unique missions. For example, military academies have made great strides in the recent past by acknowledging the military’s long and complex history of sexism and sexual violence while establishing offices and procedures that serve as a best practice for civilian institutions.

Beyond mission, broader context matters too. Consider, for illustrative purposes, the state-wide legislated mandate in New York that all colleges and universities, public and private, would adopt sexual violence policies and procedures and would align with each other and ensure compliance with Title IX (New York State, 2015). Although well-intentioned, mandated uniformity fails to acknowledge the following: whether campuses are urban or rural, large or small, primarily residential or commuter, the size and competencies of staff, and the resources availed to the campus (from personnel, to funding, to community partners).

**Situating Policy Authorship.** Policy development continues to be conducted almost, if not exclusively, by administrative personnel with oversight from legal advisors. We call for policy authors to begin “noticing and seeing”—that is, developing an awareness of the identities and social locations of the policymakers (Bensimon, 2005, p. 105), including how systems of privilege provide a framework of “assumptions and rules that inform the decisions, behaviors, and interactions of individuals” (Ferber, 2012, p. 64). We invite policy authors to engage in self-reflection and, when policy development committees are used, to facilitate “brave” dialogue about individual and group assumptions and to identify potential biases (Arao & Clemens, 2013). The objectivist, rationalist stance of policy is then eroded, affording space for an ethic of multipartiality in the policy-making process (Holmes, Edwards, & DeBowes, 2009).

The new normal in policy making, whether we like it or not, is to edit and revise policies frequently in response to constantly changing guidelines. Existing policy work is too often in response to political will and lacks theoretical or empirical guidance (DeGue et al., 2012; Levenson & D’Amora, 2007). We must slow the frenetic reactivity of policy writing to instead ground policy in evidence. We also encourage practitioners to critically consider who is invited and involved in the policy development process. Who



are the stakeholders and what opportunities do they have to contribute? In what ways can the policy development process be open, even transparent, as well as ongoing and interactional? For instance, individuals may participate as “informants” offering stories, insights, and beliefs; other individuals may express interest in a particular aspect of policy or may offer specific expertise and then may adjourn from the process. To realize socially just policy, we must invite more perspectives, especially from students who are the primary audience for policy, to balance input from institutional agents. This must include the voices of the historically marginalized and minoritized, to avoid repeating past mistakes and offer a more reflective, inclusive process. Including a multitude of voices holds the potential to disrupt the institutionalized vocabularies and “expert” knowledge that dominates policy making, and instead develop more “embodied” policy, meaning one that is “contextual and takes explicitly into account the lived experiences” of those who are “subjects of policy” (Pillow, 2003, pp. 155–156).

## Conclusion

Our aim in this chapter was to advance recommendations for how to use policy as a tool for prevention of sexual violence and to ground those recommendations theoretically and empirically. A well-crafted policy can serve as a form of proactive risk management and may also be a tool of deterrence. It informs students of acceptable and required conduct, as well as the institution’s obligations to its constituents. However, policy is not only reflective of community standards, it also constructs norms and expectations. Thus, using policy as a social justice tool for prevention of sexual violence is critical for mobilizing a community response to foster social change. Such efforts will require political will; it is hard to go upstream. It is much easier to seek and adopt policy templates that comply with legislative expectations. Nevertheless, compliance-oriented policy development will not end or even reduce sexual violence. We hope that our suggestions, grounded in a social justice framework, might guide some policy makers to consider ways to reconstruct policy, fostering environments where sexual violence can be prevented.

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