

Promise and Peril: A Preliminary Review of Sexual Violence and Misconduct Policies in British Columbia

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Abstract:

On May 19, 2016 the Government of British Columbia approved the *Sexual Violence and Misconduct Policy Act* requiring post-secondary institutions to develop procedures and guidelines to address sexual misconduct and harassment on campus. For many, the act was seen as long overdue, and the culmination of years of activism and social pressure to deal with toxic organizational culture and entrenched hierarchies within post-secondary institutions. To some extent, post-secondary institutions were behind the times; feminist scholars and activists have long argued that sexual violence cannot be understood as a ‘personal trouble’ and must be recognized as a ‘public issue’ embedded within deeper structures of power and inequality. Addressing sexual violence in any setting requires reshaping the nature and culture of said institution, but equally requires engaging in broader work around shifting the structural conditions that support and legitimate continued violence and domination. Developing policy can be seen as taking an important step in the right direction. Drawing on the insight of policy scholars, it is worthwhile to recognize that policies themselves can be understood as important sites for the cultural production of discourses about sexual violence, even without considering their intent or implementation.

This paper presents preliminary results from an analysis of sexual violence and misconduct policies, from a sample of post-secondary institutions in the Metro Vancouver region. This nascent analysis will be placed within the wider context of changes and shifts taking place not only within British Columbia, but also Canada, in relation to sexual violence and gender-based violence. Drawing on Bacchi’s work on post-structural policy analysis, we may consider the following questions: *In what way do these policies construct the problem of sexual violence? In what way do these policies conceive of power and inequality in relation to sexual violence? How are the needs of survivors conceptualized and addressed? Who is left out of these policies and what are the consequences?* We will speak to the homogenizing effects of policy seeking to address social problems. Initial reviews suggest that there is an ongoing absence of those most vulnerable and marginalized groups within policy documents, most notably Indigenous women and girls, racialized women, differently abled, trans, queer and gender fluid folks. While there is a movement toward addressing sexual violence as a form of structural violence, we argue that the scope of the social problem as defined within policy, is still too limited. Through this analysis, we hope to highlight the need for continued and ongoing discussion, dialogue and action. We encourage institutions to continue working with and alongside those who have been engaging in grassroots activism, within the community and not-for-profit sector with a view to moving towards a *meaningful* commitment to social change in policy, but also to extend far beyond.

Introductions

We are, Lisa Smith, Carla Hotel, Meghan Wingrove, Ana Brito, Ryan Tremblay, Seren Friskie, and Karyn Audet. We are members of a research group invested in documenting, disrupting, and speaking out about sexual violence within the post-secondary context. Douglas College has campuses in New Westminster and Coquitlam, British Columbia (BC) and is situated on the traditional and unceded territories of the Coast Salish Peoples of the Qiqéyt (QayQayt) and k^wik^wəłəm (Kwikwetlem) First Nations. In presenting this paper at the International Public Policy Association Conference in Montréal, Québec our team would like to acknowledge that we stand on the traditional unceded territory of the Kanien'kehá:ka Nation. Our team is keenly aware that in Canada, violence, lack of consent, and silence have defined settler-Indigenous relations from first contact to contemporary struggles. We stand alongside those who assert that any discussion around sexual violence cannot be separated from the broader and ongoing work of decolonization (see Bourassa et al., 2017; Hunt, 2016). Later in this paper, we will share further insights and observations in relation to this important and ongoing work.

The research presented in this paper examines sexual violence and misconduct policies and our working paper title is 'Promise and Peril'. This title may sound overly dramatic to some, but equally, may not go far enough for others. For us, it speaks to our current reflections on watching, and in some cases actively participating in the 'relatively' rapid production of sexual violence policies within post-secondary institutions against a complex and ever-changing political and cultural landscape. Like Lee and Wong (2019), we see possibilities, and dare we say hope, in bringing sexual violence into the broader post-secondary institutional policy realm. Speaking more broadly, as Walby (2011) observes, 'there is no question that policy can impact social issues' (p. 2). Further, in the case of sexual violence, policy has the potential to support,

inform, and sustain deeper institutional change through disrupting toxic organizational cultures and upsetting entrenched hierarchies and power imbalances. As we will discuss, the impetus for sexual violence policies in BC, and Canada more generally, did not emerge from nothing and in many ways responds to pressure from survivors¹ (both individuals and collectives), activists (within and beyond post-secondary institutions), an array of community-based organizations, and critical scholars pushing for more intersectionality, demanding that institutions do better. Within this hope, we also see peril. There is a plethora of good critical scholarship emerging that highlights the tendency for these policies to reproduce and reify existing criminal justice systems that still fail survivors and communities in a profound way, augmenting rather than transforming the situation of marginalized populations as related to sexual violence. As Verloo (2013) observes, ‘social movements and policy makers will find it very hard to escape the dominant discourses that created the inequalities, especially if the subject position from which they choose to fight inequalities is linked to these discourses’ (p. 893).

In what follows we share preliminary findings from an analysis of sexual violence and misconduct policies from public post-secondary institutions in the Lower Mainland of BC. Drawing on Bacchi’s (2010; 2012) ‘What’s the Problem Represented to Be’ (WPR) approach we understand the policies as important sites where discourses about sexual violence are produced, managed, and circulated with a view to ‘governing’ (Foucault, 1984; 2008) post-secondary institutions by shaping the climate and culture, but also the experience of faculty, staff, and students. For this paper, we have chosen to share a selection of observations from our broader analysis, with a view to show-casing the diverse work and interests of our research team as we

¹ In this paper, our team employs the term ‘survivor’ when referring to someone who has experienced sexual violence. Many of the policies we analyzed alternated between survivor, victim, and complainant depending on the context. We are aware that there is a great deal of contention around terminology but space does not permit elaboration on this issue.

have engaged with the analytic work of the policies in tandem, but also individually. The broader context of BC is discussed and themes are then presented in no particular order. As this paper is part of a much larger analysis, these themes are not exhaustive, and we would be happy to speak to our broader findings during the question period. Throughout the paper we will also share snapshots of the reflexive work being carried out by our research team, and in particular, our undergraduate research assistants, as we begin to wade into a much larger research project which will include policy analysis, as well as a national campus climate survey.

How to make sense of sexual violence and policy

Why policy you may ask? We are aware that this question may fall flat at a policy conference where the response would more likely be, ‘Of course, policy!’ Yet, as academics working with a broader research project around sexual violence, we have noticed a certain reticence among colleagues to engage in the nitty gritty work of policy making, but also policy analysis. In part, this is because working on policy is often perceived as dry, boring, and tedious, or equally, a place they would not even think to go for research. As just one example, as part of an early orientation exercise we asked our new Undergraduate Research Assistants to read the existing Douglas College policy entitled--*Sexual Violence and Misconduct Prevention and Response*--, along with several other academic articles, as a means of orienting them within the broader project. We were struck by the observation made by our research assistants that they likely never would have read or perhaps even known that the policy existed, had they not been part of the research group.² Now, to clarify, it is not that we were surprised by this. After all, we are aware that sexual violence in

² We would argue that this attitude towards the policies is not isolated to students and that there is a high degree of variability in who knows about the policies. For example, at a recent conference panel, one of our team members was asked by a college staff member during the question period why do we even need these policies as shouldn’t all claims of this kind go directly to the police.

the post-secondary context is often interpreted, especially by students, as a ‘non-event’ – meaning not part of institutional obligation (Marshall et al. 2014). Further, even though there is at least some emphasis placed on prevention and education in *all* of the policies we reviewed; informal consultation events we have held suggest that the policies are not likely to be read at all and certainly not in an in-depth fashion by staff, faculty, *or* students. Further, while they may be read after an event has occurred, many individuals will not look to the institution for support, reporting, or services for a variety of reasons. As such, we were interested in engaging with the policies and what they do say, with a view to capturing a moment of discursive production which ultimately does matter. We see this work as distinct from, but also complimentary to those considering in what ways the policies are put into practice (see for example, Colpitts, 2019).

Our analysis was informed by Bacchi’s (2010; 2012) WPR approach. As Bacchi (2010) observes, policies, ‘by their very nature, always give ‘problems’ a particular shape’ (p. 63). As such, we start from the premise that the very existence of the policies and their creation is worth examining more closely, to some extent independent of the impacts they may or may not have. Interestingly, we found that the process of group analysis was challenging as for team members who were undergraduate research assistants, they wanted to focus on the actual outcomes of the policies. We will return to this later on. Our analysis was also informed by intersectional feminist policy scholars (see ...). As Hankivsky and Cormier (2011) state:

The goal of intersectionality policy analysis is to identify and address ‘the way specific acts and policies address the inequalities experienced by various social groups’ (Bishwakearma, Hunt, and Zajicek, 2007, 9), taking into account that social identities such as race, class, gender, ability, geography, and age interact to form unique meanings and complex experiences within and between groups in society (217).

Collins (1990) employs the notion of ‘the matrix of domination’ to refer to the ways that intersecting forms of identity and experience are embedded within everyday life, institutions, and broader society, as power and oppression are shaped and reshaped within each moment, but also

build off of broader historical-systemic structures. To this end, our work has been informed by critical decolonial scholars aiming to critique and disrupt the institutional narratives and the very real forms of violence (e.g. ongoing exclusion and further victimization due to silence) found within policies promoting social justice and equity, by either ignoring or decentring colonial violence (see Bourassa et al., 2017; Hunt, 2016)

Included in this analysis is the Government of British Columbia's *Bill 23 – Sexual Violence and Misconduct Policy Act* (2016) and all sexual violence and misconduct policies for public post-secondary institutions in the Lower Mainland region of BC, 10 in total (listed alphabetically below):

- British Columbia Institute of Technology (BCIT)
- Capilano University (CU)
- Douglas College (DU)
- Emily Carr University of Art + Design (ECUAD)³
- Kwantlen Polytechnic Univeristy
- Langara College (LC)
- Simon Fraser University (SFU)
- University of British Columbia (UBC)⁴
- University of the Fraser Valley (UFV)
- Vancouver Community College (VCC)⁵

As per the requirements of the act, all policies are publicly available on the institutions' website. Overall, the policies were not particularly difficult to find, however, we did have to actively search for them. Further, we noticed very different approaches to where the policies were housed on the institution websites, and in relation to other related supports and services. For example, DC's policy is housed under the 'Student Services Support' webpage. However, on the drop-down menu

³ ECUAD has three policies dedicated to sexual violence. Similar to all the institutions listed above, Policy 3.6 was established in May 2017. However, ECUAD has created two more policies in November 2017 that are dedicated to procedures for students (3.6.1) and employees & non-students (3.6.2).

⁴ It should be noted that UBC has a campus outside of the Lower Mainland. The unique characteristics of this campus are not discussed in this particular study.

⁵ For the purposes of simplicity the abbreviated institutional name will be used for the remainder of the paper.

or home page there is no identified or direct link to materials related to sexual violence. To find the policy, one would need to go through the following pathways:

- Student Services Support
- Student support and conduct
- Sexual violence – education and support
- Education and Support Resources
- Sexual Violence and Misconduct Prevention and Response Policy

The policy is the first link under the ‘Education and Support Resources’ drop-down menu along with a series of other resources, such as: ‘Methods of Self Care’, ‘LEAF – Law of Consent’, and a TED talk from Jackson Katz. For another example, in conducting a google search for UBC’s sexual violence policy, the first link that appears would bring the user to a password protected page. To find the policy, you would need to follow the link to the Equity & Inclusion Office, which provides a link to the proposed policy, along with related documents, such as Bill 23 and information on the consultation process. We thought it was worthwhile to note that the link entitled ‘Sexual Assault Policy Update’ led to a broken link. Beyond the specific policies, DC has a very active consent campaign with messages about consent regularly screening on the large screens in the atrium; however, students are not directly invited to services or to read the policy vis-à-vis these messages. UBC also has a very active campaign on campus promoting on-campus resources and in some cases linking to specific policies vis-à-vis posters, banners, and screens. UBC also advertises support services on public transit; for example, ads for the AMS Sexual Assault Support Centre are displayed on the 99 b-line bus that brings a large number of students to campus along the Broadway corridor.

We have also gathered information on the broader characteristics of each institution to allow for meaningful comparison, including type of institution, general characteristics of student population (e.g. size and demographics), where the institution is situated, and campus life. The

smallest institution included in the review is CU with 10,185 students and the largest is UBC.

Table 1 provides an abbreviated summary of institutional characteristics.

Table 1: Abbreviated summary of institutional characteristics

| | <i>Size of Student Population</i> | <i>Undergraduate/Graduate Programs</i> | <i>Student Housing (Y/N)</i> | <i>Fraternities (Y/N)</i> | <i>Sports Teams (Y/N)</i> |
|-----------------|-----------------------------------|--|------------------------------|---------------------------|---------------------------|
| <i>BCIT</i> | 50,087 | Undergraduate/Graduate Programs | N | N | N |
| <i>CU</i> | 10,185 | Undergraduate/Graduate Programs | N | N | Y |
| <i>DC</i> | 24,801 | Undergraduate Only | N | N | Y |
| <i>ECUAD</i> | 10,869 | Undergraduate/ Graduate Programs | N* | N | N |
| <i>Langara</i> | 16,305 | Undergraduate Only | N | N | Y |
| <i>Kwantlen</i> | 20,000 | Undergraduate Only | N | N | Y |
| <i>SFU</i> | 35,640 | Undergraduate/Graduate Programs | Y | Y | Y |
| <i>UBC</i> | 65,012 | Undergraduate/Graduate Programs | Y | Y | Y |
| <i>UFV</i> | 14,849 | Undergraduate/Graduate Programs | Y | N | Y |
| <i>VCC</i> | 14,150 | Undergraduate Only | N | N | N |

* ECUAD provides a bridge for students to help secure them housing that is located off-campus: <http://findhousing.ecuad.ca>

In addition, to analysing the policies and institutional context, our team has been working to trace the unique course of events that led to Bill 23 in the BC context. Pieces of this work will be discussed in the following section.

Finally, we wish to underline that our analysis has been grounded in the ongoing work of reflexive positioning. Each of us has come to this topic through different pathways and we bring different experience, both lived and practical, to this research. Our team is made up of professors, students, parents, brothers, sisters, and activists. We are all situated differently in relation to the intersecting identities and experiences that make up our deeper analysis of power and oppression,

within the context of sexual violence. This reflexive work has been pivotal in shaping our analysis but also illuminating how who we are shapes our notion of what most matters and what needs to happen as a result.

In total seven team members (3 faculty members, and 4 undergraduate research assistants) are directly involved in the ongoing and active work of analysis. As the reader can imagine, this had made writing this paper a unique challenge. However, we feel that the richness of the analysis has emerged out of the awkward and somewhat tedious process of working together and at the same time coming together from our diverse positionalities. To conduct the analysis, we met on several occasions to conduct group analysis and in addition, team members pursued individual avenues following expertise and capacity. For our presentation, we will be sharing a series of key observations (as many as time will allow) with slight modifications from our original abstract submission: i. In context: Sexual violence, policy, and BC; ii. defining sexual violence; iii. who's counting... the data void; iv. intersecting forms of silence; v. the limits to community.

i. In Context: Sexual Violence, Policy, and BC

Just in case you have never been out to the west coast of Canada, you should know, that the provincial license plate here reads 'Beautiful British Columbia'. The phrase references of course the breathtaking and diverse landscape of BC, but also the deep roots of the economy within the resource sector. The Lower Mainland area of Vancouver covers areas up to one and a half hours drive from the city, as it includes cities such as Mission and Abbotsford. Of course, this notion of BC as beautiful ignores the very violent history of institutionalization and dispossession of Indigenous peoples. The colonial past is very much a part of the present for many residents of the area, even if many are unaware or choose to ignore it. Further, activism and resistance by

Indigenous peoples have shaped and continue to shape the politics and cultural landscape that characterize the Lower Mainland. February 14th marks the Annual Women's Memorial March: Their Spirits Live Within Us an event that began in 1992 in the Downtown Eastside (DTES). As ajik (2019) states:

This event is organized and led by women in the DTES because women – especially Indigenous women – face physical, mental, emotional, and spiritual violence on a daily basis. The February 14th Women's Memorial March is an opportunity to come together to grieve the loss of our beloved sisters, remember the women who are still missing, and to dedicate ourselves to justice.

Many of the Indigenous elders, family members, and community leaders involved in organizing this event have been deeply involved in the MMIWG. Further, this event is often a rallying point for Indigenous groups across BC (and even further), as well as allied groups, such as Women Against Violence Against Women (WAVAW), Battered Women's Support Services (BWSS), and Ending Violence Association of BC (EVA BC). In addition to seeing the eagles circling overhead (they follow the crowd every year that Lisa has been present), many of the folks working within the area of sexual violence and post-secondary institutions across the Lower Mainland will be present, even if they do not hold identifying signs (protocol prohibits doing so).

As much as there are many similarities between the Lower Mainland and other parts of Canada, there are also unique characteristics, as noted above. Vancouver has a high concentration of diversity that is growing as the city and surrounding areas experience unprecedented population growth, even in the midst of a housing crisis. There are a variety of post-secondary institutions across the Lower Mainland that serve an increasingly diverse group of students, with a growing population of Indigenous and international students. Further, institutions across BC have been engaging in a variety of ways with 'Indigenization', in some cases changing or modifying names, as well as building and adapting new programs and centres (see for example, LC). Despite being a relatively large area, the not-for-profit sector is small enough that people within the field are

highly likely to know one another and many have been involved in supporting institutions as they designed the policies. For example, WAVAW worked with VCC over several years in the development stage of the policy (Hui, 2014), and both WAVAW and BWSS have played a supporting role for special events focusing on sexual violence for DC. Further, several of the institutions hired the same consultant who had previously worked with UBC, before moving to SFU for a short-term.

Speaking specifically about sexual violence on campus, there have been several cases that have made media headlines in recent times. Perhaps one of the most well-known cases was a harassment case involving a student and professor which occurred at SFU in 1997. Both local and national media outlets covered the story extensively and the story has resurfaced at several points in recent years. The case actually has its own Wikipedia page entitled ‘Simon Fraser University 1997 harassment controversy’ (Wikipedia, 2019). In more recent years, UBC has been at the centre of many cases that have been widely covered by local and national news media, such as, the Steven Galloway affair, chants used during orientation week, the ‘Y.O.U.N.G.’ and ‘Pocahantas’ chants sung by students during orientation week, and a human-rights case involving the mishandling of cases of sexual assaults on campus. A preliminary media scan has revealed that other institutions we have looked at have also made headlines. For example, BCIT was the centre of a CBC news article in 2016 regarding the mishandling of a case of voyeurism (Sheppard, 2016). A case of sexual assault at KPU was covered by the Georgia Straight (Hui, 2015). However, these cases did not have the same traction or rest in the public cultural memory in the same way as the cases mentioned above⁶. The perception that this has created is that some institutions were being ‘reactive’ (read: UBC and SFU), while others were being ‘proactive’. While this may be partly

⁶ For example, a search for a similar cases covered by media at ECUAD led eventually to articles covering the cases at UBC.

true, it also distracts attention away from the broader systems of power that all of the institutions we are examining are a part of.

As of today, six out of 10 provinces have brought mandatory sexual violence and misconduct policy legislation into effect.⁷ On May 19, 2016 the Government of British Columbia approved the *Sexual Violence and Misconduct Policy Act* requiring post-secondary institutions to develop procedures and guidelines to address sexual misconduct and harassment on campus. BC MLA Andrew Weaver (a member of the Green Party) proposed the legislation as a private members bill, drawing on similar legislation from Ontario from 2015. The legislation received strong support from Christy Clark (Premier of BC at that time) and her cabinet and passed through only one reading in the legislature before receiving Royal Assent. Clark received mixed review from the press for her actions, with some lauding her support for addressing sexual violence, and others saying that this was nothing more than political posturing. The Act mandated that every public post-secondary institution in BC was to develop and implement a policy a year from receiving assent that: addresses sexual misconduct, including sexual misconduct prevention and responses to sexual misconduct and additionally sets out procedures for the following:

- (i) making a complaint of sexual misconduct involving a student;
 - (ii) making a report of sexual misconduct involving a student;
 - (iii) responding to a complaint of sexual misconduct involving a student;
 - (iv) responding to a report of sexual misconduct involving a student, and
- A definition for sexual misconduct (preferred over sexual violence) includes: sexual assault; sexual exploitation, sexual harassment; stalking; indecent exposure; voyeurism; the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video; the attempt to commit an act of sexual misconduct; the threat to commit an act of sexual misconduct (Government of British Columbia, 2016).

⁷ British Columbia, May 19, 2016; Manitoba, April 28, 2017; Ontario, January 1, 2017; Quebec, December 2017; PEI, March 16, 2019;

As of today, almost all public post-secondary institutions in BC⁸ have developed sexual violence and misconduct policies. As the act mandates reviews of the policy every three years; this research is particularly timely.⁹

ii. Defining sexual violence

Thinking back to the work of Bacchi, it is clear that the policies are actively engaged in producing discourses that construct the problem of sexual violence in a particular manner. We are most interested in thinking about the limits to this definition, with the recognition, that a problem can be defined in another way. While there is some slight variation in the framing of the issues at each institution, there is also a great deal of repetition. This is evidenced even in the respective titles of the policies, see Table 2 below.

Table 2:

| <i>Institution</i> | <i>Location</i> | <i>Title of Policy</i> |
|--------------------|---------------------------|--|
| <i>BCIT</i> | Burnaby | Sexual Violence and Misconduct |
| <i>CU</i> | North Vancouver | Sexual Violence and Misconduct Policy |
| <i>DC</i> | New Westminster/Coquitlam | Sexual Violence and Misconduct Prevention and Response |
| <i>ECUAD</i> | Vancouver | 3.6 Sexual and Gender-based Violence and Misconduct Policy |
| <i>KPU</i> | Surrey/Richmond | Sexual Violence and Misconduct Policy Act |
| <i>LC</i> | Vancouver | Sexual Violence and Misconduct |
| <i>SFU</i> | Burnaby/Surrey | Sexual Violence and Misconduct Prevention, Education and Support |
| <i>UBC</i> | Vancouver | Policy 131 - Sexual Assault and Other Sexual Misconduct |
| <i>UFV</i> | Abbotsford/Mission | Prevention, Education and Response to Sexualized Violence |
| <i>VCC</i> | Vancouver | Sexual Violence and Misconduct |

⁸ University of British Columbia’s policy remains in draft format.

⁹ In British Columbia, in early June, there was a 2 day conference bringing together educators, advocates, university administrators to assess current policies. In part, this conference was informed by feedback solicited by the British Columbia Government which ended January 2018. See <https://news.gov.bc.ca/releases/2017AEST0080-002000>

In part, this is because the policies were built from templates provided by the Ministry and institutions in some cases copied from one another.

All policies we analyzed contained a purpose statement, sometimes paired with context, with the exception of SFU, which uses ‘Preamble’. Across the policies we observed that safety, as tied to health and well-being, were often foregrounded. For example, SFU’s (2017) policy states:

Simon Fraser University values and promotes the health, safety and well-being of individuals and the community. The University does not tolerate sexual violence and misconduct (p. 1).

The DC (2017) policy states:

Douglas College is committed to providing a safe working and learning environment that allows for full and free participation of all members of the College Community (p. 1).

The emphasis on safety echoes the direction of the Ministry. Speaking in 2017 Melanie Mark stated the following:

‘Safety and security on post-secondary institutions in British Columbia is an important issue. We cannot be bystanders. Any form of sexual violence or misconduct simply will not be tolerated’ (Mark, 2017).

We would argue that foregrounding safety in this way as the orienting principle reinforces security (and by extension law enforcement) as capable of changing the structural conditions that contribute to sexual violence. Further, as Quinlan et al. (2016) observes, ‘Adequate institutional responses to sexual assault entail more than simply increasing women’s access to campus police’ (p. 50). Further, such an approach characterizes sexual violence as a problem of lack of safety, as opposed to a problem that is not only relational but also structural. At worst, we see the potential for this approach to contribute to the ever-growing bureaucratic processes that are increasingly characteristic of post-secondary institutions.

It is interesting to note that the *BC Sexual Violence and Misconduct Act* does not distinguish between sexual violence and sexual misconduct, and in fact removes the word “violence” from its definition, opting to only define “sexual misconduct”. In doing so, it potentially obscures the group

of behaviours represented by the term. The definition in the *Act* is in fact mostly focussed on explicitly violent, and thereby criminal behaviours. (e.g. sexual assault, exploitation, harassment, stalking). The subsequent post-secondary policies follow suit by using the term sexual misconduct and the *Act*'s definition without specific reference to existing external legislation, potentially perpetuating the lack of clarity. What is unclear most importantly, is the relationship between these policies and such legislation and corresponding agencies.

Several institutions suggest that their own policy does not preclude someone from proceeding outside (e.g. reporting to police). But most policies seem to suggest that criminal and/or civil recourse has no connection or relationship. There is no mention of how, if at all, these policies would potentially work in concert or simultaneously with an external process such as a criminal investigation. For example, what would a dual process look like? Some of the language implies a choice between reporting to the institution or externally. One specifically indicates that it may suspend its own process to wait for the external outcome. This then begs the question of such a policy's value and purpose given the aforementioned definition. Another shift in focus of the *Act* relates to students. The *Act* clearly identifies the protection of students as central to the purpose. All four sub-sections under "Requirement for Policy" indicate procedures must be established for dealing with reports by or against students. Yet, all of the policies set out the focus on the "members of the (post-secondary) community". As previously mentioned, student researchers from our own team found it surprising that this policy existed and applied to them. Furthermore, most policies read like legal lengthy documents, full of legalistic terms and concepts. Some require one to access multiple policies and determine which might apply (e.g. sexual misconduct versus sexual harassment), and it is often confusing what the distinctions are, and who will determine which policy might apply. Procedures for investigations are most often unclear and concerning

with regard to how a victim will be protected (e.g. what information is relevant and not as with rape shield provisions in criminal proceedings). It is questionable about whether survivors would be encouraged to disclose or report with the lack of accessibility and trust.

References to confidentiality are potentially stifling depending on the wishes of the survivor. All policies refer to protecting those who report sexual misconduct, but many include the need to protect those who are accused. One institution includes a statement to this effect in its opening purpose. Consistent with the protection of privacy of all parties, several policies include explicit statements about false allegations. Troubling language such as frivolous, bad faith, vexatious or malicious complaints appear to suggest that the survivor may not be believed from the start; that a culture of suspicion already exists; and that some acts of sexual misconduct may not be serious enough to warrant action (may not want to include). Several include veiled threats of sanctions against those reporting, if found to be false. We seriously question the need for such a provision in this policy given its absence in all other policies sanctioning other inappropriate conduct. In all, these policies set out to promote the safety and security on post-secondary campuses. There is an attempt to portray the environments as caring and committed to healthy campuses, free from sexual violence. But most appear to do more to protect institutional brand and reputation by checking a box for required policy and procedure with inadequate consideration to the complexities of the issues and people involved.

iii. Who's counting... the data void

Surveys on the extent of woman abuse in Canadian university/college dating relationships are in short supply. The few which have been conducted clearly demonstrate that many women are at great risk of being physically, sexually, and psychologically attacked in courtship (DeKeseredy & Kelly, 1993, p. 154).

In conducting this research, we also have been working on building an extensive literature database, with a focus on gathering together existing data sets and surveys that address the Canadian post-secondary context. The above quote comes from a frequently cited article by Walter DeKeseredy and Katharine Kelly published in 1993. Even today, across the literature in this field, this article is still regularly cited. Another more recent article from Senn et al. (2014) is also commonly cited to demonstrate the extent of sexual violence in the lives of first-year university students. However, in both cases, these studies reflect a profound data gap in, something that the act was meant in part to correct.

A more recent report by Benoit et al. (2015) gathers together data from the General Social Survey, but also crime reports, and demonstrates that in Canada sexual violence continues to be a gendered issue, with women over-represented as victims of sexual violence. The report also highlights the importance of an intersectional approach in developing policy and responses to sexual violence and notes that post-secondary students are a statistically over-represented group, as well as young women more generally. To date, there are no specific data sets that have emerged from Canadian post-secondary institutions, which we argue has augmented the framing issue discussed in the previous section.¹⁰ Further, in thinking about the policies as sites for the production of discourse, we also see the framing of how statistics will be produced as an important site for investigation.

Most policies made at least some reference to reporting and gathering data on reporting as mandated by the act. A select few made a clear statement that reporting of disclosures and reports would be made public. For example, the UBC (2017) policy states:

Annually, UBC will publicly report on the number of:

¹⁰ See CBC News. (Feb. 9 2015). *Interactive: Campus sexual assault reports*.
<https://www.cbc.ca/news/multimedia/interactive-campus-sexual-assault-reports-1.2944538>

- 2.4.1 Disclosures received by the Sexual Violence Prevention and Response Office;
- 2.4.4 Reports received by the Director of Investigations; and
- 2.4.3 Reports investigated or referred to an alternative dispute resolution process (UBC, p. 3).

In contrast, discussions about reporting for SFU (2017) were more vague.

- i. Systematically collect data concerning incidents of Sexual Violence and Misconduct (Simon Fraser University, 2017, p. 2).

For DC (2017), data collection is only referred to under the section on ‘Procedures’ and under ‘a commitment to maintaining a sexual violence prevention and response program’ states:

- g. preparing statistical reports of Disclosures and Complaints of Sexual Violence and Misconduct and communicating such reports in accordance with applicable legislation; (Douglas College, 2017, p. 7).

LC (2017) states:

- 3.15 Statistical Reporting
 - 3.15.1 To maintain accurate records for statistical and safety planning purposes, all members of the College community who receive information regarding an incident of sexual violence or misconduct must provide relevant information, excluding personal identifiers to:
 - The Manager, Student Conduct and Judicial Affairs, where the complainant is a student; or
 - The Director, Labour Relations and Human Rights, for all other complainants (Langara College, 2017, p. 5).

We argue that the high degree of variability in the way that the generation of statistics is envisioned reflects ongoing issue around sexual violence and contributes to the formulation of the problem itself.

iv. Intersecting forms of silence

There is no shortage of academically rigorous and critical intersectional feminist scholarship examining sexual violence, we have noticed that, overall the policies produce a homogenizing discourse in relation to the overall ‘problem’ of sexual violence, and the people it is most likely to impact. This is key as the perceived neutral language of policy makes it seem as though the language is ‘value-neutral’ or at the very least not value-laden. In fact, we would argue that the opposite is true and that in the case of sexual violence, neutrality is a powerful statement as the

policies are actively engaged in producing discourses about the kinds of people that are imagined to be part of the campus and their relationship to sexual violence. Some examples of references to people include ‘college members’ (VCC 2017), ‘students and employees’ (UFV 2017), ‘university community’ (KPU 2017), ‘individuals’ (SFU 2017), and ‘members of the college community’ (DC 2017). The policies shift between legalistic language when speaking about procedures. For example, ‘respondents’ (KPU 2017) and ‘complainant’ (UFV 2017) and language intended to show support for those coming forward by using ‘victim/survivor’ (UFV 2017) and ‘survivor’ (CU 2017). UBC was one of a few institutions to actually name different groups. Under principles and commitments UBC’s (2017) draft policy states:

UBC recognizes that people’s experiences will be affected by factors such as their access to power and privilege, their sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socio-economic status, class, and language. These factors impact individuals’ experience of Sexual Misconduct, their ability to access supports, and their choices with regard to recourse. UBC will take these factors into account when carrying out any of its responsibilities under this Policy (p. 1).

However, overall, in our review, we observed an ongoing absence of those most vulnerable and marginalized groups within policy documents, most notably Indigenous women and girls, racialized women, differently abled, trans, queer and gender fluid folks. As Walby et al. (2013) observes, ‘The links between violence, power, and inequalities are not always expressed in policy. (and)... the intersections of inequality remain invisible’ (p. 561). Further, while we acknowledge that naming is not the same thing as addressing, in this case, we argue not naming is significant as it informs the way that policies and procedures are laid out across an imagined flat space where everyone in the ‘community’ has capacity to access the same resources. We know this is not true.

Further, referring to earlier discussions in this paper, the lack of representation of Indigenous woman and girls, within the sexual violence policies is a key finding in so far as it indicates where the policies are situated in relation to other forms of discursive production, that in

this case involve silencing. Within post-secondary institutions, these policies thus serve as discursive forces that limit how Indigenous lives can be talked about and thought about within the broader context of work that seeks to disrupt violence. There is a profound chasm between work within sexual violence policy making, and the work to reconcile the role that education has played in settler colonialism, specifically in residential schools (Native Women’s Association 2016). Further, we argue that it is not enough to simply list Indigenous peoples along with other groups. Following Hunt (2016), we argue that the development of new policies needs to be held in tandem with meaningful commitments and discussions regarding self-determination. As is, we would argue that these policies are still deeply embedded within reproducing discourses about sexual violence that seek to reify rather than transform.

v. The limits to community

A final observation we would like to share at IPPA involves the extent to which community emerges as a theme across the various policies, but also the limits to how community is conceived. As such, we see these policies as important statements about what institutions are and the role they play in supporting ‘the institutional community’. Once again, the provision of support services is mandated by the act, so to some extent that this appears is no surprise. The policies do lay out different frameworks for this aspect of the act, with some listing education and support together. As Table 3 indicates, only two institutions included in this review have a dedicated sexual violence office and diversity and equity officer.

Table 3: Dedicated Sexual Violence Office; Diversity/Equity Officer

| | <i>Sexual Violence Office (Y/N)</i> | <i>Diversity/Equity Officer (Y/N)</i> |
|-------------|-------------------------------------|---------------------------------------|
| <i>BCIT</i> | N | N |
| <i>CU</i> | N | N |

| | | |
|--------------|---|---|
| <i>DC</i> | N | N |
| <i>ECUAD</i> | N | N |
| <i>KPU</i> | * | * |
| <i>LC</i> | N | N |
| <i>SFU</i> | Y | Y |
| <i>UBC</i> | Y | Y |
| <i>UFV</i> | N | N |
| <i>VCC</i> | N | N |

The reference to community is equally striking considering the intentional use of sterile language across the policies we reviewed. Repeated words across the policies included ‘commitment’, ‘environment’, and ‘support’. The use of this language is important in reference to what the policies project about the institution, but remain ambiguous, and ultimately flexible, crippling institutional accountability. By not naming specific services, committing to a certain number of staff, or devoting a set amount of funding in the policy, it shows that there is not real urgency to end sexual violence on campuses or aid survivors in a way that allows them to feel safe and supporting within the post-secondary environment.

In Ontario, the government dedicated 41 Million dollars to address sexual violence on campuses contrasting to 5.5 million in B.C. This results in many campuses not having the adequate resources or staff to deal with such problems. Out of the 10 schools our team is looking at only SFU and UBC have a dedicated sexual violence and misconduct prevention office. For a broader Canadian context, a recent academic study headed by Elizabeth Quinlan identified through an environmental scan that out of 243 Canadian postsecondary colleges and Universities, only 54 institutions were found to have a designated sexual assault centre.

In addition, across the policies we observed that the policies produce a very confined view of the physical space of the institution as it relates to sexual violence. Post-secondary institutions are made up of physical sites, such as buildings, green spaces, and walkways, but increasingly the space of post-secondary institutions is not confined to physical sites but rather extends into the

online realm. For example, a variety of educational activities take place in online spaces like Virtual Learning Environments and through social media and being able to maintain online social interaction is an academic requirement of university and college life. Cripps and Stermac (2018) point out how the online world presents itself as a particularly risky territory for women and reflects how pervasive online sexual misconduct is. The scholars stated that 53% of their sample reported online experiences of sexual harassment, 52% cyber-stalking, 20% non-consensual pornography, 10% sexual assault image distribution, 8% the use of a carriage service to arrange/attempt to arrange a victim's sexual assault and lastly, 8% virtual rape (p. 176). Cyber-sexual misconduct is different than other forms of misconduct because interactions can happen more quickly and in anonymity. Dodge (2016) explains that "new media ... exacerbate issues surrounding sexual violence by creating digital spaces wherein the perpetuation and legitimization of sexual violence takes on new qualities. ... [D]igital capturing and dissemination of photographs and sexual violence intensify victims' experiences" (66). Moreover, Cripps and Stermac state that cyber-sexual violence victims suffer from depression, stress, anxiety, and posttraumatic stress.

Considering the prevalence of online sexual misconduct, post-secondary institutions need to address this issue in their policymaking. The BC Guide for Developing Policies and Actions (as a complement of Bill 23 – 2016) clearly mentions the importance of regulating the online behavior of the post-secondary population. However, only three out of eight post-secondary institutions of the Lower Mainland mention online sexual misconduct in their policies. Douglas College's 14 pages Policy only mentions online interactions once. Under their definition of sexual violence and misconduct, they include "the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video" (p. 3). There is no mention of any other form of virtual

communication. Simon Fraser University's policy also defines "the distribution of sexually explicit photographs or videos of a person without their consent and with intent to cause distress" as sexual violence or misconduct (p. 4). BCIT's sexual policy mentions virtual spaces: "This Policy applies if: Sexual Violence and Misconduct is alleged to have occurred on BCIT property or at BCIT sanctioned events in person or online ..." (p. 2). UBC, VCC, Capilano, Langara and UFV's guidelines fail to specifically refer to any online interaction, although they broadly speak about activities related to the school. None of these policies are presented in a student friendly manner.

A concerning quiet...

We are keenly aware that in the post-secondary institutional context, space (both physical and intellectual) for social justice issues is a limited resource continually shaped and reshaped by power and inequality, but equally resistance. At Douglas College, the months following the release of the policy were characterized by a flurry of trainings, pronouncements, and dare we say, 'action'. However, we have witnessed the ease with which policies, and the issues they speak to, slip into the background and even out of view as students, faculty, and staff come and go and the institution moves on to tackle 'new' issues.

As a final reflection, we offer the following. For all that the institutions included in this study are different, in many ways, the policies remain remarkably similar. Ultimately, we would argue that they represent a difference in degree, as opposed to kind. As such, we argue that it is important to see the policies as existing within a field of discourse that is not separate, but intimately connected to trends, shift, and changes, in the way that local and national societies are engaging with the complex issue of sexual violence. Through our ongoing analysis, we hope to

highlight the need for continued and ongoing discussion, dialogue and action. We encourage institutions to continue working with and alongside those who have been engaging in grassroots activism, within the community and not-for-profit sector with a view to moving towards a *meaningful* commitment to social change in policy, but also to extend far beyond. Further, this work needs to be grounded in a deep understanding of and connection to place and space, that requires a commitment to and understanding of the broader work of decolonization.

Preparing for this conference was an interesting task in collaboration. Working as a team of seven poses many challenges; however, working from this broad base allows us to contribute what we can and to build on a complex intersection of experience, identities, and understandings of what matters most at any given moment. Dare we say, this work, like policy, is awkward, tedious, challenging, and ultimately an ongoing process that recognizes that each moment builds towards something, and that as a result each moment matters. As with many of our colleagues, much of this work occurs off the side of desks, in between moments stolen from care-giving, other family responsibilities, and time in between ‘other’ work. We do, without question, receive support in a broad sense from our institution for this work, and it comes in many forms: monies, enthusiasm, encouragement, engagement, technical assistance, etc. But we are reminded of the fragility of this commitment and further, keenly aware that it does not go far enough. Further, that our own contribution is only part of a much bigger push within and beyond the institution. Space, conceptualized broadly, must be cultivated to support different and alternate kinds of expertise to shape the production of discourses of sexual violence within the post-secondary policy context, as related to sexual violence. The difficult work of creating space for different truths, knowledges, and ways of knowing about sexual violence has just begun and could just as quickly disappear.

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