

Yes means Yes

by Casey Cavanagh



"Toronto, Canada - May 25, 2012: Protesters marching during "Slut Walk 2012", a protest event about sexual assault and victims' rights

Sexual assault should not be part of the college experience. Unfortunately, for 1 in 5 women, it is. Although certainly not a new issue, sexual violence on college campuses has become especially prominent in recent news. Many of the stories are fueled by the anger and injustice surrounding the way college campuses have—or have failed to—handle sexual assault allegations. When victims have come forth with their stories, many have been handled insensitively, inappropriately, and inadequately.

According to Title IX of the Education Amendments of 1972, colleges must investigate sexual assault complaints and allegations—even if the accusers don't want police involved. However, many have failed to do so, which is why 86 colleges and universities in the U.S. are under "compliance review" investigations by the Department of Education. On September 28, California Governor Jerry Brown signed the "Yes Means Yes" bill (SB-967) into law, which states that consent "means affirmative, conscious, and voluntary agreement to engage in sexual activity." College campuses must comply with this bill if they want to get state funding for their financial aid programs.

On average, a rape occurs on an American college campus once every 21 hours—with less than 5% reported to authorities. Why so few? Perhaps a combination of reasons. Doubt: that they won't be taken seriously, that they didn't do enough to stop it. Embarrassment: that they will be judged or looked at differently. Fear: that it will bring unwanted attention, retaliation, or anger.

As a society our first goal, of course, should be to prevent assault from happening. But this is not enough. We also need to make sure that if and when it does, victims have a safe place to turn to where their claims are taken seriously—that they won't backfire, won't be ignored, and won't bring unjust blame or terror. In order to prevent it, and to better handle cases when they arise, we need to have a clear, specific understanding of what it is—which is what the "Yes Means Yes" bill aims to do.

Perhaps more alarming than the fact that this bill marks the first time in history state legislature is regulating sexual policies on college campuses, is the fact that it is being received with some criticism and protest. But why would it? After all, the purpose is to clarify what constitutes as "consensual"—to get rid of this grey area people fall back on with their false assumptions—like being too drunk, not physically resisting, or dressing provocatively are, somehow, an excuse for otherwise unacceptable behavior. To make it clear for people who, sadly, still seem to be confused as what sexual assault can include.

Still, some argue government should not play a role in sexual encounters—that this bill is the first step toward criminalizing all sexual activity. Some people are so against it that are actually requesting to have the bill vetoed. To me, this is really bothersome. If you are having consensual sex, this bill will not apply to you. Government is not trying to interject nor regulate sexual encounters between two consenting adults. They are trying to prevent violence, rape, assault—you know—crime.

In our efforts to prevent sexual assault, we can't let the small, trivial details overshadow the larger issues at hand; we can't let our individual and irrelevant concerns taint our perception of sexual assault allegations, the victims, the accused, how and whether or not they are prosecuted.

Rolling Stone magazine, for example, recently made worldwide headlines for their story "A Rape on Campus," which recounted the alleged gruesome gang-rape of University of Virginia student, Jackie. The main issue that drew so much attention to this story is that the reporter, Sabrina Erdely, failed to contact the accused—per Jackie's request in fear her attackers would retaliate. After publication, an outrage sparked about the possible discrepancies in the story. Jackie was painted as a liar, and Rolling Stone had to partially retract the story, stating they "have come to the conclusion that our trust in her was misplaced."

The real problem is a matter of poor journalism, yet the collateral damage is victim blaming, adding to the problem of why people won't come forward, in fear they won't be believed. But initial purpose of the story wasn't to condemn Jackie's attackers, but rather to shed light on the mishandling of such cases by universities.

What was meant to be a story addressing lack of justice in sexual assault cases ended up being an unfortunate attack fueled by doubt, judgment, and victim blaming. The shortcomings of the reporter should not be burdened by Jackie. But they are.

Adopting bills like "Yes Means Yes" is a small yet absolutely necessary step in the right direction. Admitting and reporting sexual assault is not easy for victims, nor is it easy for universities to handle and prosecute. But both are necessary in our efforts to prevent it.



"Toronto, Canada - May 25, 2012: Protesters marching during "Slut Walk 2012"

In order to appropriately and effectively handle sexual assault allegations, we must have a clear definition of what they are, prove that allegations are taken seriously, and provide students with a safe place to turn to if they are assaulted. As a society, it is our responsibility to make sure we are doing everything in our power to protect one another; but in order for us to make progress with our efforts, we must stop letting our clouded, somewhat irrelevant arguments become bigger than the problems they're created to help.

There is no victory in making noise just to make it, because when we do we prevent people from getting the protection they both need and deserve—people like Jackie, who shouldn't have to wonder whether or not reporting sexual assault will backfire.