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College Repeals "Hug at Your Own Risk" Rule

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You know a way to make it more likely to catch sex offenders? Make the definition of "sex offense" so broad that virtually any physical contact counts as sexual assault. Then whenever anyone is accused of a sex offense the authorities can find them guilty at their discretion. Sure, it means that a good number of innocent people will probably be found guilty of one of the most horrible crimes one person can commit against another, but it definitely would make prosecutions easier!

If this sounds problematic to you (and, boy, I hope it does, or else the republic is in even bigger trouble than I thought) you should check out Gettysburg College's former sexual misconduct policy [[PDF here](#)]. Under the policy, "consent" to sexual interaction was defined as "the act of willingly and verbally agreeing (for example, by stating 'yes') to engage in specific sexual conduct. The kicker is that the policy's broad definition of "sexual interaction" includes not only sex acts but also "touching," "hugging," and "kissing," and further requires nebulous "continuing and active consent."

Does anyone get verbal consent to hug their friends and then continue to ask for it the entire hug? And how far into the hug should you check in again to make sure it is "continuing and active"? Three seconds? Five? Can you count slower if you are hugging your husband or wife?

The problem with codes like these is that they make even normal human interaction offenses, and then they ask us to trust college administrators not to abuse such power. The whole "absolute power corrupts" idea is something that societies, administrations, and nations, sadly, seem to need to learn time and time again. You need procedural safeguards (you know, like the much-ignored FISA courts) to protect citizens' rights. This does not fall out the window the moment you start dealing with serious social evils like terrorism or sexual assault. In fact, the presumption of our system is supposed to be that when you are accusing someone of something of especially serious is becomes especially important to make sure they have due process. [The Duke Lacrosse case](#) should certainly remind us of that fact.

So, thankfully, nearly a year after the college promised to reform its policy after being criticized by [the Foundation for Individual Rights in Education](#), the university has finally repealed the old policy and issued a sane [Sexual Misconduct Policy](#) that does not automatically make all students at Gettysburg criminals. Of course, I know some people will argue that the presumable intention of the policy -- to get at the very real problem of campus sexual assault -- justifies such overbroad language, but until college administrators become infallible, and campus adjudication becomes uniquely free of bias, abuse, or error (which I really don't see happening any time soon), I have to disagree.

Good job Gettysburg College. It took you long enough, but good job.

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