

2017

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Recommended Citation

Dixie, Kyana D. (2017) "Defining Consent as a Factor in Sexual Assault Prevention," *McNair Scholars Research Journal*: Vol. 10 : Iss. 1 , Article 5.

Available at: <http://commons.emich.edu/mcnair/vol10/iss1/5>

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DEFINING CONSENT AS A FACTOR IN SEXUAL ASSAULT PREVENTION

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ABSTRACT

One in five women and one in sixteen men are sexually assaulted while attending college (Krebs et al., 2007; White House Task Force to Protect Students from Sexual Assault, 2014). The inconsistencies in the definition of “sexual consent” may determine which behaviors constitute sexual assault and rape and, in turn, affect victims’ rights as well as conviction and sentencing rates. Insufficient standard definitions of sexual consent or consensual sexual behaviors have resulted in many aggressors serving little to no time in jail (Kahan, 2010). Specifically defining consent and educating college students about its meaning could affect the prevalence of sexual assault. Previous studies focusing on sexual consent have stressed the importance of this, but research is limited. The purpose of this review is to investigate the effects of operationally defining and understanding consent and consensual sexual behaviors on the behaviors and attitudes of college students as a deterrent for sexual assault.

Keywords: *sexual consent, rape, rape culture, hookup culture, sexual scripts, gender roles, sexual consent policy, sexuality, sexual consent scale, sexual education, rape laws*

LITERATURE REVIEW

Sexual consent is a necessary tool in giving permission to permit sexual activity or to stop such activity completely. The definition and intent of sexual consent can have many interpretations. With the definition open to interpretation, there is

much room for errors in communication between sexual partners. Sexual activity can continue to occur even after one partner protests and signals for it to stop, which may lead to instances of rape (Kahan, 2010). Without a standardized definition of “consent,” perpetrators of sexual assault may face a minimal charge, or no charges at all (Kahan, 2010). The purpose of this study is to investigate the effects of operationally defining and understanding consent and consensual sexual behaviors on the attitudes of college students, and in turn, to function as a deterrent for sexual assaults.

Consent and the Justice System

One in five women and one in sixteen men are sexually assaulted while attending college (Krebs et al., 2007; White House Task Force to Protect Students from Sexual Assault, 2014). Defining sexual consent is critical in determining what constitutes sexual assault. In the justice system, proof that a person engaged in sexual intercourse without a partner’s consent is necessary, but it is insufficient for a conviction of rape without evidence of force or threats (Kahan, 2010). An individual’s verbally saying “no” is subject to interpretation in a court of law; it is common for defense lawyers to inform the jury that the statement “no” does not always mean “no” to some people, and it can sometimes be interpreted as a “maybe,” also known as *token resistance* (Kahan, 2010). The defense may cite data from the few studies of the sexual behaviors of college women, which have shown that 40% of women have engaged in token resistance, suggesting that although they verbally said no, they had every intention of engaging in sexual activities (Muehlenhard & Hollabaugh, 1988). Studies equally show that 68% of women reported saying “no” when they meant “maybe” (Muehlenhard & Rodgers, 1998). The literature has also indicated that nonverbal and indirect cues are also factors in indicating sexual consent. The data analysis of sexual behaviors may be used against the victim, allowing the defense to portray the perpetrator as “confused” by the victim’s token resistance (Kahan, 2010).

In the 1992 case of Commonwealth versus Berkowitz (Kahan, 2010), the defendant continued to engage in sexual intercourse with his victim while she was intoxicated, ignoring

her protests and refusal to give consent. She did not fight back, claiming she was pinned down by his weight. He did not verbally abuse the victim, and aside from forced sexual intercourse, he did not assault her. The defendant was convicted of rape by a jury, but the conviction was overturned and later reduced to indecent assault. The defendant served less than six months in prison. The conviction was overturned due to the “forcible compulsion law,” which states that for a conviction of rape, the victim needs to offer more than verbal resistance (Kahan, 2010). In addition, verbal threats and clear evidence of physical force are necessary for a rape conviction, and in this case there was no evidence of either. Such an approach used by defense lawyers reveals an underlying problem with laws regarding sexual consent. Even though the victim reported the assault and had medical evidence that an assault had taken place, the absence of verbal and physical resistance, which the victim was unable to offer, resulted in the charge being overturned and the defendant serving less time.

Cases such as this demonstrate a major problem in our country. Both reports of rape and conviction rates are low. According to the 2015 Bureau of Justice Statistics’ National Crime Victimization Survey, only 32% of rapes or sexual assaults were reported (Bureau of Justice Statistics, 2015). Victims are often blamed for not preventing the assault. The perpetrator’s aggressive, predatory behavior often goes unquestioned. In the case of *Commonwealth versus Berkowitz*, the victim withheld consent, but her idea of consent was different from that of the justice system.

“Credibility assessments,” or personal information on victims’ social behaviors, social connections, and political affiliations, are also used against them (Randall, 2010). The purpose of credibility assessments is to find fault with the victim and to appeal to the jury’s “cultural cognition.” Cultural cognition occurs when individuals on the jury adapt their opinions to match their values and beliefs about the victim’s cultural and social identity (Kahan, 2010). Defense lawyers might try to depict the victim as responsible for the sexual violation; women of color, and women with low socioeconomic status, are often portrayed

as meriting sexual assault by being stereotyped as being drug users, engaging in promiscuous activity, and lying (Randall, 2010). Women who have previously reported an attack are also considered less credible (Wyatt, Guthrie, & Notgrass, 1992). The more scrutinizing and hostile the defense lawyers, the more distressed the victims often become, and the more likely they will have a difficult time “holding up” during questioning (Randall, 2010). Portraying the victim as an unreliable plaintiff is frequently tied with “victim blaming.” Victim blaming is usually based on the idea that the victims are responsible for their own safety, and the unwanted, negative attention they receive. Many are criticized for not avoiding a commonly known, risky situation, and/or for their manner of dress. Wearing scanty attire is often interpreted as giving consent (Randall, 2010). Victim blaming and the use of credibility assessments are intended to appeal to the jury’s cultural cognition and potential biases, increasing the likelihood that a verdict will be biased in favor of the defendant (Taylor, 2007).

Married women and prostitutes also experience victim blaming (Randal, 2010). Marriage is commonly perceived as the gateway to continuous and lifelong sexual access by a partner. Randall and Haskell (1995) found that out of four hundred and twenty victims, husbands, partners, or boyfriends committed thirty percent (30%) of the rapes. In eight out of ten cases of rape, the victim knew the perpetrator of the sexual assault (Miller, Cohen, & Wiersema, 1996). In a more recent study, Breiding, Chen, & Black (2014) found that partner rapes accounted for almost 1 in 10 cases. This included “completed forced penetration, attempted forced penetration or alcohol/drug-facilitated completed penetration” (p. 1).

Farley and Barkan (1998) investigated violence against prostitutes in the San Francisco area. They found that 82% had been physically assaulted, 68% had been raped while working as prostitutes, and 68% met the criteria for post-traumatic stress disorder. A more recent study shows similar results: 81% of female and 35% of male victims reported short-and long-term psychological effects, which included post-traumatic stress disorder (Black et al., 2011). It is inaccurate to presume that prostitutes give consensual sexual access at all times (Annitto, 2011).

The United States' sexual assault laws vary by state, as do the definitions of "sexual assault" and "consent." In the state of Texas, for example, sexual assault is defined as, "[When a person] intentionally and knowingly commits any of numerous prohibited sexual activities listed under Texas' sexual assault law without the victim's consent" (FindLaw, 2016). This definition can be challenged when the accused claims to have had no "intention," or "unknowingly" assaulted the plaintiff. Missouri law,

Prohibits all forms of non-consensual sexual acts, including oral, vaginal, and anal intercourse as well as contact with any private parts and the hands, mouth, etc. The legal term for the prohibited sexual act depends on the anatomy involved and whether penetration or intercourse occurred. (FindLaw, 2016)

"Rape" is defined as a man inserting his penis into a woman's vagina, while touching a breast would be called "sexual abuse" (FindLaw, 2016). This description relies on whether penetration or intercourse occurred in order for the act to be considered sexual assault and/or rape. This can pose a problem if the victim was sexually traumatized without penetration. The State of California will "criminalize sexual intercourse that happens without the consent of at least one of the participants. Rape falls under the broader category of sexual assault (which includes offenses including groping and other unwanted sexual advances)" (FindLaw, 2016). The State of Michigan defines sexual assault as "any form of unwanted sexual contact obtained without consent and/or obtained through use of force, threat of force, intimidation, or coercion" (FindLaw, 2016). These definitions include the word "consent" in their descriptions, yet, none explicitly defines "consent." Consent is left to interpretation, which can create problems, as was the case in *Commonwealth v. Berkowitz* (Kahan, 2010). This puts into question the objectivity of our justice system.

Problems Defining Consent

Consent is not the only ambiguous term when it comes to sexual behaviors and interactions. With changes in technology

over the past decade, teenagers and young adults are spending more time online. New terms and phrases are created daily on countless blogs, websites and social media sites. A single term can have multiple definitions and meanings. This is evident in a 2015 case, in which a graduating high school senior was convicted of sexually assaulting a fifteen-year-old classmate (Crocker, 2015). In a competition known as the “senior salute,” the perpetrator emailed the victim to ask if she wanted to “hook up.” Believing the phrase “hooking up” meant kissing, the victim met the perpetrator at a privately designated area, where the assault took place. The victim agreed to kiss, but resisted several times when the perpetrator began forcefully initiating other sexual activities. The perpetrator was sentenced to one year in jail, five years of probation, and was registered as a sex offender (Bidgood, 2015).

Ambiguous terms cannot be explained with one simple description. As noted by Glenn and Marquardt (2001), “hooking up,” as a physical encounter, can be described as any behavior ranging “from kissing to having sex” (p.4). Bogle (2008) conducted a qualitative study analyzing the differences in how college students attending a state-affiliated university and a Catholic university defined the phrase “hooking up.” The study found that in general, “hooking up” implied intimate sexual interactions. Still, others referred to it as dating, a way for men and women to get together and potentially form relationships (Bogle, 2008). Some students think the phrase refers to penile-vaginal intercourse, while many others referred to it as anything *but* sex. Peer groups were more likely to have a shared meaning of the term. The study also found that students using the term in high school did not always use it the way it is commonly used in college. Among the least likely to use the terms “hooking up” were racial minorities, religious students, and those in monogamous relationships. There was a generational difference in defining the term; younger generations were more likely to have more open-minded views of “hooking up,” and they were aware that it could be used in different ways. “Hooking up” has replaced the term “date,” but this does not mean the terms share the same definitions or scripts. Although the idea of “hooking up” is widely accepted, students have been found to be disappointed by the outcomes, particularly those wanting long term relationships (Bogle, 2008).

Because the term can be perceived differently, depending on one's community, personal values, and close associates, the ambiguity may create problems when communicating sexual interest and consent. Other examples of similar ambiguous terms are "friends with benefits" and "casual sex" (Glenn & Marquardt, 2001). Ambiguity in terms used to communicate sexual desires and behaviors also contributes to rape culture on American college campuses (Burnett et al., 2009).

Rape Culture

"Rape culture" occurs in an environment in which rape and sexual assault are normalized due both to their high prevalence, and in reaction to a negative societal disposition towards sexuality and gender issues (Burnett et al., 2009). There are several factors that contribute to the perpetuation of rape culture on college campuses: silencing, denying, minimizing and blaming victims for their traumatic experience (Burnett et al., 2009). Other factors include the argument that "no" means "yes," bringing up the victim's sexual history ("victim shaming"), and accusing the victim of lying (Burnett et al., 2009). Only 2-8% of people falsely report sexual assault, which is the same percent for other falsely reported felonies (Lonsway, Archambault, & Lisak, 2009). To prevent the use of credibility assessments as evidence against victims, the federal Rape Shield Law was introduced. The Rape Shield Law was passed in 1994 under the Violence Against Women Act. In the 1970s, the Rape Shield Law was first introduced and passed in the state of Michigan to protect victims during court proceedings, by prohibiting the introduction of their sexual history or reputation as evidence against them (Anderson, 2002). Nonetheless, rapes on college campuses still occur, although reports of these incidents are unrealistically low (Anderson, 2002).

Lisak, Gardinier, Nicksa, and Cote (2010) found that 63.3% of men on college campuses reported engaging in acts that constitute rape or attempted rape. Many also admitted to committing multiple rapes (Lisak, Gardinier, Nicksa, & Cote, 2010). College males who participated in aggressive athletic activities have been found to be more accepting of myths about rape and violence, and appear to engage in more sexual coercion than

their peers (Forbes et al., 2006). Athletes are more often reported as perpetrators of sexual assault on college campuses than any other group (Crossest, Benedict & McDonald, 1995). College sororities and fraternities are also disproportionately associated with sexual assault on campus (Boswell & Spade, 1996; Lanza-Kaduce, Capece, & Alden, 2006). Members of fraternities and sororities are more likely to be under the influence of alcohol before engaging in sexual activities and behaviors (Boswell & Spade, 1996; Lanza-Kaduce, Capece, & Alden, 2006). More than 50% of sexual assault reports on college campuses involve alcohol (Banyard et al., 2005), yet fewer than 5% of sexual assaults are reported, and even fewer are reported when alcohol was a factor. (Fisher, Cullen, & Turner, 2000).

Research has suggested that the ambiguities surrounding definitions of “rape” and “consent” may contribute to the low rates of sexual assault reports by women (Burnett et al., 2009). Such ambiguities may lead victims to question their experience, and whether they were actually sexually assaulted (Burnett et al., 2009). As noted by Burnett et al. (2009), this can result in self-blame or denial on the part of victims, who may believe they are at fault for miscommunicating their consent. “Slut shaming,” a form of peer victimization, can also contribute to the low reports of sexual assault, as victims may find it harder to seek help and support from peers. It is not uncommon for the victim to fear being publicly shunned or shamed by their social circle (Burnett et al., 2009).

Rape culture pressures victims to conform to what is perceived as peer norms. The impact of peer pressure can lead to detrimental consequences for all parties involved, influencing how we think we should behave and interact with others socially, what we should expect from others, and what others may expect from us. Individuals begin to unconsciously adopt what are known as “sexual scripts” that determine how we communicate with potential sexual partners. Sexual scripts and peer pressure may also affect how sexual interest, consent, or non-consent is communicated between potential sexual partners. According to Johnson and Hoover (2015), sexual scripts and peer norms contribute to barriers that interfere with effective communication and interpretation of sexual consent.

Sexual Scripts

In 1973, Gagnon & Simon developed the Sexual Script Theory (SST) (Gagnon & Simon, 1973). SST is a social cognitive learning theory that explains how individuals develop their understanding, through social interaction, of expected sexual behaviors during sexual situations (Byers, 1996). According to Gagnon (1990) there are three levels in which sexual scripting takes place.

The *cultural* level of sexual scripts refers to developing perceptions of appropriate sexual behavior by learning from society and social groups such as peers, the media, and others' stories (Humphreys, 2000). Precautionary stories refer to discussing dangerous situations as warnings in which one can be punished for violating the social normative script; examples include instances when a woman is sexually assaulted when walking alone at night, or groped in public because she is wearing provocative clothing (Humphreys, 2000). Cultural sexual scripts also incorporate the societal expectations of men and women's sexual desire (McCabe, Tanner, & Heiman, 2010).

Frequently, cultural scripts are composed of gender stereotypes that allow for a consensus of what sexual behaviors are encouraged and discouraged (McCabe, Tanner, & Heiman, 2010). McCabe, Tanner, and Heiman (2009) interviewed many men regarding the importance of sex. They found that men think about sex between every 6 to 15 seconds on average. Sex is seen as important to men and is considered a reflection of their masculinity by both genders in our society. If they do not express any desire for sex, it becomes a concern. Women, however, are not expected to talk about sexual pleasure or their sexual desires. Instead, women are expected to limit their sexual inclinations (McCabe, Tanner, & Heiman, 2010).

When respondents discussed their own personal relationships and experiences, their responses about the importance of sex and sexual desire were different from their cultural scripts, and were centered more on their partner's and their own individual's needs (McCabe, Tanner, & Heiman, 2010). Their responses did not incorporate much of the generalized behaviors described in cultural scripts. Individually, people adapt their own scripts, which is the second level of the SST.

The second level of the SST focuses on *interpersonal* scripts. Interpersonal scripts are a modification between *cultural* and *intrapsychic* scripts to respond to social interactions with others and their expectations (Gagnon, 1990). As noted by Check and Malamuth (1983) and reviewed by Humphreys (2000), interpersonal scripts are commonly seen in dating environments, and allow for the interpretation of sexual cues, including communicating sexual interest, both nonverbally and verbally. With interpersonal scripts, sexual consent is often assumed during this process of interpreting cues, unless someone verbally expresses non-consent (McCabe, Tanner, & Heiman, 2010).

The third level of sexual scripts is called *intrapsychic* scripts. “Intrapsychic” refers to an individual’s internal psychological processes. As Gagnon (1990) explains, this type of scripting balances the influence of cultural and social interactions on one’s understanding of sexual behavior. The intrapsychic script permits individuals to have a unique understanding of their own sexual behaviors (Humphreys, 2000). For example, the cultural assumption that women in relationships always consent to sex and therefore cannot be sexually assaulted by their partner, may influence an individual’s own understanding of intimate partner sexual violence. This misconception may lead individuals to adapt this cultural assumption as their own personal belief. Consequently, victims may believe their partner’s abuse was typical behavior between partners, and not assault. Furthermore, perpetrators who adopt these attitudes may believe the nonconsensual sex that involves force is not rape, but instead “normal” dating behavior (Humphreys, 2000).

These scripts may permit individuals to define personal sexual behaviors in ways specific to their own desires, which is why individual explanations of sexual behaviors differ from explanations of larger cultural sexual behaviors (McCabe, Tanner, & Heiman, 2010; Humphreys, 2000). Both *cultural* scripts and *intrapsychic* scripts are fundamental in the development of adolescents’ beliefs about sexual behaviors and communication; cultural scripts influence the creation of *peer norms*.

Peer norms are the social normative behaviors exhibited by young adults in institutional and educational settings (Humphreys,

2004). Research has shown that young adults feel pressured to adjust their personal behavior and beliefs regarding sexual consent to align with the behavior and beliefs of their peers (Humphreys, 2004; Humphreys & Brousseau, 2010; Johnson & Hoover, 2015). Young adults are highly perceptive of their current sexual partner's reaction to sexual initiation. If initiators predict a negative reaction is likely to occur, they are less likely to attempt direct coercion, and more likely to express indirect nonverbal negotiations for sexual consent, and other activities to "save face" and avoid "spoiling the mood" (Humphreys & Brousseau, 2010). As stated by Johnson and Hoover (2015), "perceived peer norms are a powerful force in shaping behavior" (p. 4).

Peer pressure with the additional pressure put on young adults from social media and "hook up culture" can be intense, stressful, and confusing when they are trying to initiate sexual interest or sexual contact with a potential partner. Individuals take their ideas about what to expect and what is expected of them from sexual scripts, cultural norms, and gender roles. Added peer pressure and stress increase the chance for miscommunication between partners.

Sexual scripts provide a social and heteronormative cultural contribution to sexual barriers in communicating consent, which can apply to heteronormative gender roles, as well. Our society defines masculine gender roles by a male's "independence, confidence, and exploration," while feminine roles are centered on "behavioral restraint and self-control" (Johnson & Hoover, 2015). Such gender roles are significant in sexual communication. Jozkowski and Peterson (2013) investigated the communication and understanding of sexual activities in 128 heterosexual college students. The study specifically examined how women indicated consent and how they interpreted their partners' consent in sexual behaviors. Jozkowski and Peterson (2013) found that women and men tend to follow traditional sexual scripts: women are considered the "sexual gatekeeper," and men are considered the "initiators," meaning that women wait for their male partner to initiate sexual behavior either through nonverbal physical actions or speech, and then they reciprocate, allowing sexual activity to begin. Two unexpected themes, "male aggression" and "male

deception,” were also identified. Results showed that when men initiate sex, it is common for them to use aggressive actions towards women. Their approach would often be harsh and fast, leaving little opportunity for the woman to give verbal consent. Such behavior is described as “male deception,” or the deceptive behavior men use to initiate sex, without giving their partner time to give consent. A common deceptive technique, for example, was the insertion of the penis into the vagina or anus, and if the woman protested, the man made an excuse, or suggested that the action was “accidental.” Consent from the woman, or “gatekeeper,” is presumed by the man, and violated when these common deceptions occur (Jozkowski & Peterson, 2013).

Another aspect of sexual scripts that contributes to communication barriers and to rape myths is the concept of “token resistance,” which refers to the behavior of someone who communicates, either verbally or nonverbally, that they do not want to engage in sexual behavior, but actually plans to participate (Muehlenhard & Hollabaugh, 1988; Johnson & Hoover, 2015). With 48.3% of sexually aggressive men reporting having experienced “token resistance” with a partner, “token resistance” is used as an explanation for the idea that “no means yes,” or “no means maybe” (Loh, Gidycz, Lobo, & Luthra, 2005). This research concluded that aggressive men who use the “no means yes,” and token resistance argument are more likely to believe in rape myths and engage in behaviors and attitudes linked to rape (Loh, Gidycz, Lobo, & Luthra, 2005; Johnson & Hoover, 2015). Although “token resistance” is not prevalent among the population, and less than 60.7% of women engage in this behavior, it is still used in court as a justification for sexual assault, implying that the perpetrator was simply “confused” by the victim’s motives (Muehlenhard & Hollabaugh, 1988; Johnson & Hoover, 2015; Kahan, 2010). Krahé et al. (2000) found that more than half of the women attending a German college reported using token resistance, which they considered a normal tactic to protect their sexual reputations. This ties into the “behavioral restraint and self-control” sexual script expected of women, which is a sexual double standard when compared to men’s sexual scripts (Lippa, 2001).

College Consent Research

Sexual consent policy

The first college to introduce a policy to fight sexual assault on campus by addressing sexual consent was Antioch College, in Yellow Springs, Ohio in 1990 (Humphreys, 2000). This policy, which became part of the college's official sexual offense policy, required students to give and receive consent at every stage of sexual interaction (Little, 2005). Simply asking, "Do you want to have sex with me?" just once was not considered to be specific enough (Humphreys, 2000; Little, 2005). This policy stressed the importance of specific direct verbal communication with a sexual partner for each sexual act in which a pair intended to engage.

The Antioch sexual consent policy gained national and international attention. It also received a great deal of criticism over the number of requests one had to make during sexual interactions. News outlets criticized this policy as "unrealistic and unenforceable" (Humphreys, 2000). The President of Antioch addressed the media's criticism by stating that the original purpose of the policy was to bring awareness to the topic of consent, and to address the prevalence of rape on their own campus. This discussion not only brought awareness to Antioch's situation, but due to the national and international attention it received, brought forth discussions and awareness of sexual consent and sexual assault problems on college campuses everywhere. A study investigating students' views on the policy found that college students might agree with the intent of formal policies surrounding sexual consent, but deemed the policies unrealistic in affecting behaviors, as enforcement would be too difficult to regulate fairly (Humphreys, 2000). While such policies may not work to protect students at universities, some states are taking action to lawfully protect all students attending post-secondary institutions.

Affirmative consent

In 2014, California was the first state to pass Senate Bill 967, Student Safety: Sexual Assault, also known as the Affirmative Consent Law (Johnson & Hoover, 2015). This law requires all colleges in California to administer sexual consent policies on

campus in order to continue to receive state funding. The bill defines affirmative consent as

“[...] affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.” (Senate Bill No. 967, 2014).

All students must receive a spoken “yes,” during sexual encounters (De Leon et al., 2014). This bill also requires students in relationships to establish consent; consent should not be presumed, and “[...] Insufficient protest, or resistance does not mean consent, nor does silence mean consent” (Johnson & Hoover, 2015, p. 3). The Affirmative Consent Law is unique in that it requires all students, regardless of the status of their relationships, to establish consent. It also states that consent can be revoked at any time (De Leon et al., 2014).

Although research on the effectiveness of affirmative consent is sparse, many states have begun the process of either passing an affirmative consent law, or incorporating informative consent into campus and high school programs. As previously mentioned, Michigan, Texas, Missouri, and California all incorporated the term “consent” in their definitions of sexual assault and rape, without explicitly defining sexual “consent” itself. Despite the lack of legal definitions, some states are now taking action to inform and protect high school and college students. California is, at present, the only state to have passed the Affirmative Consent Law. A bill was recently introduced in Michigan to allow high schools to teach students about affirmative consent. Texas has proposed no legislation at present, but Missouri

has introduced Bill 262, which would require high schools and colleges to inform students and staff about affirmative consent.

Since California is currently the only state with an affirmative consent law, the demand for some form of sexual consent education on college campuses continues. College students note that educational programs about consent might be more effective than a policy that is difficult, if not impossible to enforce (Humphreys, 2000). Educational programs that stress the importance of sexual consent have been shown to be more effective in standardizing the meaning of sexual consent, and therefore decrease incidents of sexual assault and rape.

Sexual consent programs

Too few studies have investigated the issues concerning sexual consent and the effectiveness of sexual consent intervention programs. Studies that have examined these issues suggest that the best intervention programs for college students are those that require active involvement from students, focus less on instruction, and place a great emphasis on promoting specific behaviors (Johnson & Hoover, 2015). Simply asking for consent without communicating what consent is, precisely, is a problem that can be addressed in these programs. Interactive interventions such as role play allow students to practice communication strategies out loud and internalize this behavior (Johnson & Hoover, 2015). Interactive interventions provide an opportunity to collect qualitative data from focus groups, which is useful in identifying variables for quantitative research to assess the effectiveness of the interventions (Jozkowski et al., 2014; Johnson & Hoover, 2015). Recommendations from professionals Johnson and Hoover (2015) and Jozkowski et al. (2015) suggest that consent interventions inform the students not only about consent, but also how social norms, gender roles, and sexual scripts lead to internalized behaviors such as male aggression and belief in rape myths.

Analysis of effective sexual education programs will aid in constructing consent interventions, and will likely decrease the numbers of sexual assaults on college campuses. Though research investigating consent programs is limited, sexual assault prevention programs have been found to increase awareness about rape myths, empathy for the victim, and risk-taking behavior

(Bradley, Yeater, & O'Donohue, 2009; Foubert, Godin, & Tatum, 2010). Researchers have used both quantitative and qualitative methods that include surveying pre- and post-intervention control groups, and open-ended questions. Follow-up data is also important to keep track of the progress of the interventions, including the perceptions and behaviors of students (Johnson & Hoover, 2015; Humphreys, 2004; Humphreys & Brousseau, 2010).

Limited research

Though research investigating the effort to reach a universal definition of “sexual consent” is sparse, studies on this topic stress the need for a comprehensive definition (Beres, 2007). Research focusing on the initiation of sexual activity includes qualitative data in addition to quantitative data, which allows for a great examination of the different contexts and nuances involved in decision-making and consent (Beres, 2007). The inconsistencies in what an individual perceives to be consent, what the law interprets to be consent, and how we make our judgments about consent fuel stereotypes that contribute to the confusion.

To prevent sexual consent from being misinterpreted and used against the sexual assault survivor, we need to start educating students about the importance of expressing and interpreting verbal and nonverbal consent, understanding rape culture, sexual scripts, and ambiguous terms. Educating students about rape culture and sexual scripts will give them the tools to recognize gender stereotypes and assess their own behaviors. They will also be encouraged to look for and analyze their own victim-blaming, use of ambiguous terms to describe sexual activities, perpetuation of rape myths, and stereotyped sexual behaviors, including sexual gatekeeping, male aggression, and deception.

To educate our community about sexual consent, both verbal and nonverbal, we need a universal definition of consent. To do this, more research on attitudes and behaviors regarding sexual consent is needed. Tools such as the revised sexual consent policy scale created by Humphreys and Brosseau (2010) help clarify the validity, reliability, and predictive values of five attitudinal and behavioral sexual consent policy subscales: (a) lack of perceived behavioral control, (b) positive attitude toward establishing consent,

(c) indirect behavioral approach to consent, (d) sexual consent norms, and (e) awareness and discussion. These subscales provide valuable information for constructing an educational program on this issue.

Before implementing educational consent programs, we need extensive research on how students first acquire and maintain this information, and how to successfully design such programs in the age of social media. Data from general sexual education programs show that students do not respond well to enforced policies; they prefer interactive activities and personal stories when learning about sexual education and sexuality (Humphreys, 2000; Humphreys, 2004). Expressing the importance of communication with interactive programs will likely be more successful in educating students about sexual consent. It is important to test the effectiveness of consent education programs; however, we must first establish an operational definition of consent. Administering an objective online survey to assess attitudes about consent and consensual sexual behaviors is the first step. Afterward, a comprehensive program may be constructed to define and educate various groups about sexual consent and consensual sexual behaviors. Ideally, determining comprehensive, standard definitions of these concepts will, in turn, decrease the frequency of sexual assault on college campuses.

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