



Council on Contemporary
Families Symposium:

Defining Consent

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CCF Symposium: Defining Consent

Table of Contents

EXECUTIVE SUMMARY: How Can Colleges Define Consent and Reduce Unwanted Sex? No easy answers here Virginia Rutter	3
KEYNOTE: No Easy Answers: Can Colleges Define Consent and Reduce Unwanted Sex? Stephanie Coontz and Paula England	6
What's New About Consent Rebecca L. Davis	11
Sex and Consent on Campus: Definitions, Dilemmas, and New Directions Deborah L. Rhode	14
Defining Sexual Consent on Campus: Media vs. Policies Elizabeth A. Armstrong, Sandra Levitsky, Kamaria Porter, Miriam Gleckman-Krut, Elizabeth Chase, and Jessica Garrick	18
"Consensualish" - Let's talk about sex that people don't want but "go along" with it Jessie V. Ford	22
A Restorative Justice Approach to Campus Sexual Misconduct David Karp	29
The Social Production of Campus Sexual Assault Jennifer S. Hirsch and Shamus Khan	33
FURTHER INFORMATION & CONTACT	38

Executive Summary: How Can Colleges Define Consent and Reduce Unwanted Sex?

No easy answers here.

CCF's Online Symposium, [Defining Consent](#), takes an unflinching look at the thorny question, what should count as consent to sexual activity – and what should not? In the process, scholars document how hard it is to define consent or even sexual activity in a college setting. Symposium editors, historian Stephanie Coontz and sociologist Paula England, counter cartoonish media portrayals of both victims and offenders with a wake-up call: We have to deal with the complicated realities of sex on campus. There are no easy answers. But new research explores new strategies for reducing harm on college campuses, including options such as restorative justice, bystander interventions, and public health campaigns.

Last Saturday was [homecoming at Columbia University](#). A few days from now University of Michigan celebrates [homecoming](#). While drinking, school spirit, and alumni fundraising are central to these events, sex, too, will be part of the scene, and scholars from those universities and others focus on campus sexual assault in [Defining Consent](#), an online symposium released today from the Council on Contemporary Families.

The “college experience,” glorified by homecoming and other campus celebrations, is revered for its promise to improve people’s lives. This series centers on ways that the college experience is at risk of harming people’s lives—both men’s and women’s. Rape, sexual assault, unwanted sex, and even sexual misunderstandings are addressed in seven related papers in [Defining Consent](#), edited by historian and CCF research director Stephanie Coontz and New York University sociologist Paula England.

Range of scenarios. A [symposium paper](#) from University of Michigan sociologist Elizabeth Armstrong and her colleagues examines policies from 381 American universities that relate to sexual conduct and consent, finding that at best the definitions are vague, and at worst, consent is not even mentioned. Another study from Columbia University researcher Jessie Ford coins the [term “consensualish”](#) to describe the surprisingly common circumstance of women (and sometimes men) “going along” with sex they do not want for fear of offending or being accused of being a tease. Another issue is that students often drink to reduce their inhibitions about having sex, not anticipating that this may sometimes make them incapable of saying – or perhaps even understanding – no. The wide range of perspectives and clashing motivations for sex is part of what [worries](#) Stanford University law professor Deborah Rhode, who discusses the problem of constructing fair ways to respond such a wide range of consensual—and non-consensual practices.

Symposium co-editor Coontz notes that, “All contributors agree there are sexual predators, on and off campus, who should be punished. But this series reminds us that there are so many different situations that we can’t solve the problem just by sending everyone who causes harm to jail or expelling them from campus. We need to develop a better toolkit to reduce the different kinds of sexual harm on campus”

Uncertainty about baseline rates. You may ask, how often are students raped or assaulted on campuses? Estimates range from *one in five* to *one in three* women, and *one in six* men. (A detailed [survey of sexual assault and misconduct](#) on 33 campuses was released last week from

the American Association of Universities.) You may wonder, how often are these cases prosecuted by university panels or other systems? One [study cited in the series](#) shows this happens *two percent* of the time. Along with those cases, [Defining Consent](#) centers on the matter of unwanted sex.

Another way to help. “We wanted to focus on what is *really going on* with sex on campuses-- not on cartoons about nervous parents talking about ‘kids today’,” explains symposium co-editor England, whose [Online College Social Life Survey](#) has been used in many studies of the college “hookup” scene. She continues: “Defining consent has been central to debates of how to help, so we asked experts to tell us how students think about consent, and how universities have defined it in their policies.”

More highlights. *Rape isn't a new problem, it is an old one.* Coontz and England caution against using the term *epidemic*, which “implies an intensifying and growing problem. Sexual coercion may be *endemic* in America, but most evidence suggests it was far more common -- and generally far more tolerated -- in the past than it is today.” In [What's New About Consent](#), historian Rebecca Davis (University of Delaware) points out that in the mid-20th century, men were encouraged NOT to take no for an answer – and women were often blamed for provoking sex attacks. Yet more recent cultural norms, Davis suggests, may be less progressive than is sometimes claimed:

“From horror films that portray the brutal murders of unmarried young women who had enthusiastic sex a few scenes before, to dating guides like *The Rules* that implore women to see sexual refusal as seductive, to popular songs about ‘blurred lines’ of consent, American youth continue to receive mixed messages about the differences between desire, consent, and predation,” she writes.

But, due process.... Stanford University law professor Deborah Rhode [reviews the past two decades](#) of sexual assault activism on campuses, noting the special complications associated with the drinking and party culture, and suggesting that there is no one-size-fits all solution. She concludes, “If we have learned anything from the last two decades of campus assault initiatives, it is this: When it comes to sex, talk is cheap but cultural change is not.” She sees promise, though, in bystander intervention programs.

Restorative justice (RJ) is one of the [latest](#) tactics for making the cultural change Rhode calls for. Explains University of San Diego Leadership Professor David Karp, “As an alternative to punishment in some cases, many survivors are now asking for [a process that provides accountability](#) through acknowledgment of harm and pathways to prevention.” The restorative justice stance is a response to some hard questions: “Is it possible to create conditions where a student who has caused sexual harm can admit fault and take responsibility for it?” How “can someone be held accountable for crossing an unacceptable line without paying a permanent price in social exclusion?” Karp discusses how a voluntary pilot program of RJ intervention works.

A public health approach focuses less on predators or procedures after the problem occurred, and more on the environmental changes we need to make to produce responsible [Sexual Citizens](#), as profiled in research and forthcoming book from Columbia’s Jennifer Hirsch (Public Health) and Shamus Khan (Sociology). “A phenomenon that happens as frequently as campus sexual assault cannot just be the product of individual bad actors or poor choices,” they observe. With this

frame, they conducted an 18-month multi-method study, [the Sexual Health Initiative to Foster Transformation](#) (SHIFT), to discover “what makes assaults a predictable regularity of campus life.” Among other things, they discovered a huge gap between the formal requirements of consent rules and the way that students actually go about engaging in sex. They also recommended changing some of the physical spaces in campus to provide more places where students can socialize without being thrust into ambiguous setting such as a small dorm room with only a bed to sit on. They also note that *even before* students arrive on campus, they must have access to comprehensive, age-appropriate sex education. Such education, they say, “must be grounded in respect for young people’s right to sexual self-determination. *Part of teaching young people to listen when someone else says no, or to feel confident about saying no, or even to know internally whether they want to have sex at all, is acknowledging their right to say yes.*”

October 22, 2019

Defining Consent Symposium Keynote

No Easy Answers: Can Colleges Define Consent and Reduce Unwanted Sex?

The [Defining Consent Online Symposium](#) (.pdf) was convened for the Council on Contemporary Families by Stephanie Coontz and Paula England, who prepared this overview of the seven-part series. Their takeaway: *Let's reject simplistic answers and deal with the complicated realities of sex on campus.*

The articles in this symposium address two complex and emotionally-charged issues: How college communities can most effectively reduce the incidence of non-consensual sex; and how to define consent (or determine lack of consent). The contributors offer no easy solutions. Indeed, in different ways they all demonstrate that there *are* no easy solutions. But their research can help people reject *seemingly* easy answers based on flawed data or on misunderstanding of the context in which campus sexual interactions take place.

Our contributors point out that far from being over-reported, incidents of sexual assault on campus are seriously *under-reported*. There is no evidence that false accusations are a significant problem, but our researchers explain the gender myths and sexual fallacies that lead some perpetrators of sexual harm -- and even some victims -- to rationalize, or fail to recognize, the extent of the wrong-doing that has occurred. That is why all the reports emphasize the importance of defining consent and educating students about what symposium contributors Hirsch and Kahn term "[sexual citizenship](#)."

The #MeToo movement revealed that rates of nonconsensual sex of nonconsensual sex—whether or not they meet a legal definition or rape and sexual assault—are much higher across all sectors of American society than many people realized. Some observers claim they have reached epidemic proportions. But “epidemic” implies an intensifying and growing problem. Sexual coercion may be *endemic* in America, but most evidence suggests it was far more common -- and generally far more tolerated -- in the past than it is today.

Rape and nonconsensual sex have a long history

For 300 years, the rape or sexual coercion of enslaved people, servants, working-class women, poor women, Native Americans, African-Americans, Hispanics, and children was largely ignored. Until the late 19th century, the legal age of consent for girls was only 10 to 12 in most states. In 1871 Delaware [lowered its age of consent](#) to just *seven* years.

As University of Delaware historian Rebecca Davis explains in [her essay](#), 19th-century cultural arbiters promoted a new ideology of (white middle-class) female sexual purity. Although repressive in many ways, this ideal offered some protection to women who were able to signal by their clothes, manners, and abstention from work or unchaperoned social interactions beyond the home that they were asexual “ladies.” Once married, no group of women had protection against sexual assault by their husbands: Until the 1970s, the legal definition of rape was forcible sex by a man with a woman who was not his wife. This not only closed off legal recognition of the possibility that a man could be raped but meant that a husband could not be charged with raping his wife, no matter how “lady-like” she was. Still, during the years before marriage,

middle-class men were encouraged to direct their sexual overtures to women who could not or would not live up to the tenets of “true womanhood.”

All this changed in the 20th century, with increasing acceptance of practices such as men and women going out on dates, meeting up to dance and drink together, and even kissing or “petting.” But as Davis shows, the new acceptance of eroticized courting did not eliminate the gendered double standard. It gave men new permission to be pushy about sex while intensifying the pressure on women to “[contain](#)” erotic interactions and set boundaries. Davis challenges the myth that middle-class Americans of the past had better sexual mores. It’s not that there are newly bad sexual behaviors and values, but that we have newly recognized many long-tolerated behaviors and mores as bad. In fact, forcible rapes and sexual assault, as well as sexual violence within marriage, have all [declined significantly](#) since the 1970s, when feminist activists began a concerted campaign against these crimes.

Counting -- and discounting -- rape

Still, as prior research shows, rape remains seriously under-reported. [One study](#) of the U.S. Department of Justice National Crime Victimization Survey found that only 45 percent of those who told survey takers they had been raped, 39 percent of those who described attempted rape, and 30 percent of those who had experienced other sexual assaults in 2004 or 2005 had reported the assault to the police.

Even anonymous surveys such as the NCVS undercount assault cases. Tolerance for male sexual aggression and notions about women’s responsibility for “leading men on” are so widespread that many women do not even recognize when an unwanted sexual experience constitutes what would meet a legal definition of rape in many states. An [analysis of 28 studies](#), covering a total 5,917 women who at some point in their lives had submitted to a sexual experience as a result of force or the threat of force, or who were subjected to sex while incapacitated, found that 60 percent of these women didn’t describe this as rape. They used terms such as a “serious miscommunication” or a “bad experience.”

Campus rape and assault patterns differ in some ways from those in the larger population, but non-consensual sex is clearly widespread. According to a number of estimates, 15 to 25 percent of college women have experienced rape or sexual assault on campus. In a [2015 analysis](#) that *excluded* coercive grabbing or fondling, Elizabeth Armstrong and Jamie Budick estimated that between 7 and 10 percent of college women experienced forcible rape and 14 to 26 percent experienced sexual assault.

An important piece of background information for this symposium is that college women are even [less likely](#) to report sexual assault to the police than other groups of women. This may be because intoxication is a factor in a disproportionate number of cases. When drinking renders women (or men) incapacitated, they are seen in many state laws as incapable of giving consent, so someone initiating sex with an incapacitated partner may be legally guilty of rape or sexual assault. However, the informal culture often views women as responsible for sex if they were drunk and men who were drunk as *not* responsible. This may be why rates of reporting assault are especially low among college women. Campus victims, men as well as women, are also more likely to experience assault by someone they know, sometimes a member of a mutual friendship

network, or at least someone they cannot easily avoid encountering afterwards in shared classes, living spaces, or eating areas; this may also discourage reporting. These factors put extra pressure on college administrators to deal with issues of nonconsensual sex outside the criminal justice system.

Complications of consent in law and everyday campus life

Our second contribution, by Stanford legal scholar Deborah Rhode, [discusses](#) how hard it has been to come up with a definition of consent that is fair both to survivors of assault and to people unjustly accused of sexual assault. She points out that any policy to reduce nonconsensual sex needs to take into account the university context, where one or both parties are highly intoxicated in many casual sexual encounters. Rhode argues that it may not be drinking itself that increases the likelihood of rape but drinking in party subcultures where sexual aggression is normalized. Other studies show that for some men, alcohol tends to [activate implicit rape-supportive attitudes](#) that otherwise lie dormant, leading them when they are drunk to misperceive a woman's willingness to have sex in ways they do not when sober. A further complication is that, because the new freedom to act on one's sexual urges is still colored by old notions that sex is shameful or dirty, students often use alcohol to lower their inhibitions or assuage anxieties about not having had the amount of sexual experience they think everyone else has.

Some universities have responded to the association between drinking and sexual assault by outlawing drinking on campus, but this may just drive it off campus to even more dangerous locations. It can also mean that a person who brings a rape charge after having consumed alcohol on campus may be subject to discipline just for reporting the circumstances of the rape.

Rhode is skeptical of many rape prevention and reduction initiatives, which have not been shown to be especially effective. She does, however, see promise in emphasizing the need for consent while developing risk-reduction/self-defense and bystander intervention programs. Several studies of bystander interventions have shown participants to subsequently have significant increases in intent to intervene, compared to people who had not taken the training, and in [one study](#) of two college campuses, participants' increased intent to intervene and confidence about doing so remained significantly higher than the control group's a year later.

Myths and realities about university consent policies

University of Michigan sociologist Elizabeth Armstrong and her colleagues address widespread [misconceptions about the content of university consent policies](#). In 1992 Antioch College issued an [elaborate formula](#) for establishing consent to sex.

- “The person who initiates sexual conduct is responsible for verbally asking for the affirmative consent of individual(s) involved.”
- “The person with whom sexual conduct is initiated must verbally express affirmative consent or lack of consent.”
- “Each new level of sexual activity requires affirmative consent.” [i.e. Things like touching a more intimate part of the body; taking off a new piece of clothing, etc.]

To many, this blueprint seemed so out of touch with how sexual encounters usually proceed as to practically invite unfounded charges of rape. It probably did little to reassure such critics to read

that “Use of agreed upon forms of communication such as gestures or safe words is acceptable but must be discussed and verbally agreed to by all parties before sexual activity occurs.”

Skeptics about the seriousness of sexual assault issues on campuses often point to the Antioch policy as evidence that colleges are demanding unrealistic behaviors and punishing people unfairly for not following them. But Antioch’s policy is an outlier. After studying the policies in place as of 2016 at 381 campuses, Armstrong’s research team found that most policies are far less demanding. Indeed, they found that only three percent of the schools required verbal consent for sex. While some policies use the term “affirmative consent,” it is almost never clearly defined. Many policies make numerous statements about what consent is *not* (for example, that consent to sex with a person on one night does not imply consent to sex with that person on future nights). Armstrong and her colleagues conclude that the main problem is not that the regulations are unreasonably stringent, but that they are often ambiguous or even incoherent in defining what constitutes consent or what constitutes incapacitation. Such ambiguity, they say, is fair to neither the accuser nor the accused.

Other scholars agree. For example, University of Michigan Law Professor Samuel Bagenstos likewise rejects the idea that the Obama-era consent guidelines on which most campus policies are based are unfair. The few but widely-publicized miscarriages of due process that have occurred, [he points out](#), have not been due to overly stringent definitions of consent but to bureaucratic fiats that ignored or went well beyond any existing consent standards.

The articles by [Rhode](#) and [Armstrong et al.](#) describe the culture that administrators are trying to regulate and what the existing policies are. The rest of the symposium essays demonstrate that an important part of that culture turns out to be a lack of clarity about the norms and protocols of youthful sex in a world where most college students will not marry until several years after they graduate. These students no longer live in a culture where premarital sex is widely stigmatized; they have many opportunities to engage in erotic encounters. But they do not yet live in a culture where the sexual “rules of engagement” – and disengagement -- are clear, or where there is a common understanding of the obligations, rights, and social niceties that sexual interactions, even casual ones, entail.

“Consensualish”: Why some students engage in unwanted sex in the absence of coercion

Columbia University research scientist Jessie Ford’s [interviews uncovered](#) a range of sexual experiences described as unwanted, but none involving physical force and only a minority involving the fear of such force. Often the individuals didn’t express their disinclination aloud, and later did not label the sex as an assault. It was sex they didn’t want but went along with. Why did they go along? Mundane concerns about feeling awkward or embarrassed were prominent in the stories told by the students she interviewed. Perhaps surprisingly, one of the main factors that discourages saying a clear no is that people don’t want to hurt each other’s feelings.

Unfortunately, this usually commendable social impulse interacts with persistent gender norms, such as the idea that men “need” sex and cannot stop themselves after a certain point and that women are responsible for “making nice” and smoothing over people’s feelings, to produce unhappy experiences. Women reported worrying about being seen as a “bitch” if they said no. Others reasoned that if they might be seen to have “led” a man to expect sex -- by going into his room, for example -- it wouldn’t be right to decline.

Some heterosexual men also reported having had unwanted sex with women. In some cases, as with women, they did it in order not to hurt feelings. But they also reported thinking that they'd be ridiculed, or seen as gay, if they said no to an opportunity for sex—so the belief that all men want sex all the time was a problem for them as well.

“Sexual citizenship”: A public health approach

The articles [by David Karp](#) (University of San Diego) and [by Jennifer Hirsch and Shamus Kahn](#) (Columbia University) caution against assuming that all cases of non-consensual sex are driven by sexual predators. While there are indeed serial rapists, Karp suggests that some portion of men honestly don't realize when they have crossed a line and caused hurt, in part because cultural norms about gender and sexuality allow them to rationalize their behaviors. Some assault victims do not want the perpetrator punished, but simply to acknowledge what he did and how it harmed them. A segment of anti-rape activists has therefore advocated establishment of an opt-in restorative justice track for survivors who wish to avoid the Title IX process. Karp describes how this might work in his essay and in a Q and A with us.

Restorative justice is just one part of a much larger initiative advocated by Hirsch and Kahn. Working from their ethnographic research at Columbia University and Barnard College, they argue that we should approach sexual assault on campus as a public health problem, employing an ecological model that explores the broader context in which these problem behaviors occur. They analyze how the physical spaces, social groupings, drinking patterns, and power dynamics on campus create specific patterns of sexual interaction and risks of nonconsensual sex. They recommend particular changes in the overall environment in which college students negotiate their social and sexual relationships. But they also remind us that the solution must begin years before college. On average, young Americans have sex for the first time [at about age 17](#). A [recent analysis](#) of the 2011-2017 National Survey of Family Growth, administered by the Centers for Disease Control and Prevention, found that of more than 13,000 women interviewed, 6.5 percent, or one in 16, reported that their *first* experience of vaginal intercourse was nonconsensual. No wonder Hirsch and Kahn advocate for a comprehensive public health campaign that fosters “sexual citizenship” among youth, teaching them to recognize their “own right to sexual self-determination” while acknowledging and respecting “the equivalent right in others.”

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What's New About Consent

A briefing paper prepared by Rebecca L. Davis, University of Delaware, for the Council on Contemporary Families [Defining Consent Online Symposium](#) (.pdf).

Writing in 1962, the editor and author Helen Gurley Brown controversially admonished her readers to think again about the aphorism that “nice girls don’t.” “Get it straight in your head,” Brown wrote in *Sex and the Single Girl*, “that anyone who wants to kiss you or sleep with you isn’t handing you a mortal insult but paying you a compliment.” Working women should make themselves as physically attractive to men as possible, she explained, the better to lure sexual partners and advance their careers. Brown praised “a dandy game called ‘Scuttle,’” in which male employees “select a secretary or file girl, chase her up and down the halls...catch her and take her panties off.” Thanks to the game, more single women now wore “their prettiest panties” to the office; “nothing wicked ever happened,” [she insisted](#). This confusing message, giving women permission to enjoy sex but portraying heterosexuality as a game of male force and female submission, was a 20th century twist on earlier messages about gender and sexuality.

Lusty to pure and back again

Brown challenged an older view of heterosexuality that assumed that women had few sexual desires and that indulging them would lead to their “ruin.” That older view took shape in the era of the American Revolution, when stereotypes of women as “lusty” temptresses and [fertile mothers](#) gave way to ideals of white female purity and a sensibility of sexual decorum. Men, on the other hand, were thought to have little sexual self-control. The Founder’s generation argued that male citizens needed virtuous women to motivate them to control their otherwise ungovernable impulses toward sexual license.

The assumption that men had to struggle with innate and immensely powerful sex drives inspired reform movements in the 19th century, but it also offered a justification for men’s aggression under certain circumstances, especially against women who did not or could not conform to the white, middle-class definition of “true womanhood.” On the one hand, advice manuals warned husbands as well as wives to practice “marital continence,” which meant sexual intercourse no more than once a month, lest their health deteriorate. On the other hand, a married woman had no legal right to refuse sex with her husband. For men whose sexual passions exceeded the marital bed, there were “other” women—white working-class women, servants, and free and enslaved African American women. None of these women benefited from the presumptions of sexual purity that surrounded white middle- and upper-class women.

White middle-class women were expected to act as if they had no sexual knowledge or inclinations even as 19th-century Americans participated in a growing urban culture of commercial sex, in which thousands of working-class women found temporary or longer-term employment. Health reformer Sylvester Graham originally marketed his bland crackers as a digestive aid that would dull otherwise overly-excitabile carnal urges. Reformers gradually admitted, however, that [women needed](#) to eat Graham Crackers as much as men did.

In the 20th century, popular culture and sexual advice authorities began to encourage sexual intimacy within marriage and to acknowledge women’s sexual needs, but women continued to be

seen as responsible for men's behavior. The result was a mass of [contradictory messages](#) that recognized women's erotic impulses but blamed their rapes on women's inability to hide those impulses. In 1914, for example, a *Ladies Home Journal* advice columnist claimed that "girls are largely responsible" when boys cross the line. Or as a *Senior Scholastic* columnist put it in 1946, "a man is only as bad as the woman he is with."

And those subconscious urges. This was an actual theory.

Popular advice echoed these professional opinions. A 1960 *Cosmopolitan* magazine answered the question of its title, "Do Women Provoke Sex Attack?" with a resounding "yes." Reflecting widely-held Freudian theories of sexual desire, the author blamed women's "subconscious urges" for provoking the "different but equally neurotic" fantasies of their attackers. Women learned that they should scrupulously monitor their own behavior, lest they arouse a man "past the point of no return" after which, "when the girl resists, he seeks gratification by force." The threat of violence pervaded these descriptions of heterosexual sex. But it was women's own desires and responses that supposedly unleashed this violence. Even advice that celebrated women's sexual desire, like Helen Gurley Brown's advice in *Sex and the Single Girl*, urged women to be coy about showing it. Men needed sex more than women did, she explained, and knowing that gave women power.

If women were supposed to act like they didn't want sex, even when they did, how were they supposed to convey consent? More to the point, how were their partners supposed to tell the difference? Men learned to view dating as a process of wearing down a woman's resistance. Dr. Albert Ellis, a widely regarded psychologist and the author of the 1963 best-seller, [Sex and the Single Man](#), described foreplay as a man's opportunity to make it impossible for a woman to say no. Once partially disrobed, Ellis explained, a woman feels "that she has been sort of unmasked," and is much less likely to try to reverse course. Above all, he advised, the man must assert dominance: "Show her that you are determined to have her as nude as possible, even though you are not going literally to rip the clothes off her back and begin to rape her."

Still with us: Incoherent representations of women's and men's desires

Representations of women's sexuality in American popular culture over the last several decades continue to perpetuate these incoherent representations of women's sexuality. From horror films that portray the brutal murders of unmarried young women who had enthusiastic sex a few scenes before, to dating guides like *The Rules* that implore women to see sexual refusal as seductive, to popular songs about "blurred lines" of consent, American youth continue to receive mixed messages about the differences between desire, consent, and predation.

That confusion is inextricably intertwined with definitions of sex as a masculine prerogative. Privileging men's sexual needs extends men's political and economic power, giving them rights over women's bodies. It also justifies abuses of that power, rationalizing assault as an inevitable consequence of the "natural" differences between men and women. The 20th century celebration of women's right to sexual pleasure failed to displace older ideas about men's entitlement to sexual gratification. For decades, Americans learned that men needed sex and that it was women's responsibility to help men control themselves. This logic treated rape as a failure of a man's self-control, a failure for which his female partner bore significant responsibility. Recent attempts to redefine consent around ideas of mutual pleasure, forthright communication, and

egalitarian expectations for erotic self-expression thus represent something fundamentally new—and long overdue.

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October 22, 2019

Sex and Consent on Campus: Definitions, Dilemmas, and New Directions

A briefing paper prepared by Deborah L. Rhode, Stanford University, for the Council on Contemporary Families [Defining Consent Online Symposium](#) (.pdf).

This symposium is a testament to our substantial but still partial progress around issues of sex and consent. When I went to college in the 1970s, a half century ago, acquaintance rape was common, but victims had no term for it, no remedy, no education, no understanding of its frequency, and no sense that they might not be solely responsible. If women spoke of the problem—and mainly we didn’t—we referred to it as bad sex. Or a mistake not to be repeated. And the mistake was always ours, never his.

All that has changed. We have named and measured the problem, and established countless legal and programmatic initiatives to address it. Yet campus sexual assault and abuse remain pervasive. [Estimates](#) suggest that about one in five college women is a victim of rape, although precise figures are unavailable given the absence of consistent definitions in nationally representative samples. With my gender textbook coauthors, I have [written elsewhere](#) about the complicated causes of the problem and the inadequacy of our legal strategies. Here, I want to focus on three of the most vexing issues surrounding this topic: the difficulties of defining and enforcing affirmative consent; the problems relating to substance abuse and role of alcohol; and the challenges of designing effective education, prevention, and risk reduction programs.

Definitions of consent

When campus sexual assault first gained traction as a social issue, reformers attempted to change laws and practices to recognize that “no means no” and that forcible resistance was not required. At the time, even this change was controversial, because studies by [Jozkowski](#) and [Emmers-Sommer](#) indicated that women sometimes initially protested even when they wanted sex, in order to avoid looking promiscuous. In fact, however, it soon became obvious that requiring an explicit “no” did not always protect students from nonconsensual sex. [As Kipnis \(2017\) says](#), in what is often called “gray rape,” “bad sex,” or “regret sex,” students may have sex when they don’t want to because they don’t feel able to say no or because their partners proceed without asking. According to [West](#) and a [New York Times survey of a group of college students](#), reasons students engage in unwanted but not forcible sex include peer pressure, a desire to attract, retain, or not antagonize a partner, and a wish not to appear a “tease.”

Ambiguity can also arise when a woman says “no” once but then does not repeat it later on. Consider the following situation described by a female Swarthmore student: a male friend with whom she had been sexually involved fell asleep on her bed. Because the two had decided, she thought mutually, just to be friends, she climbed in next to him. When he began taking off her clothes, she reported later, “I basically said, ‘No, I don’t want to have sex with you.’ And then he said, ‘Okay, that’s fine,’ and stopped.... And then he started again a few minutes later, taking off my panties, taking off his boxers. I just kind of laid there and didn’t do anything — I had already said no. I was just tired and wanted to go to bed. I let him finish. I pulled my panties back on and went to sleep.” She told a drug and alcohol counselor about the incident, who responded that the student was “such a good guy” that she must be mistaken. Three months later she complained to a dean. The students both graduated, and she never learned the outcome of any investigation.

One reaction to such sexual dynamics has been to require an affirmative “yes” for a sexual encounter. According to [Grigoriadis](#), an increasing number of colleges and universities use some type of [affirmative consent definition](#) in their sexual assault policies, and a number of states, including New York and California, require publicly funded schools to adopt such policies. However, expecting verbal consent may be unrealistic in youthful sexual relationships, leaving open the possibility of inconsistent enforcement. In one [recent survey](#) at Columbia University, students reported that affirmative consent, the school standard, rarely figured into their sexual experiences, even those that were desired by both parties.

Substance Abuse

[According to one study](#), in a majority of campus rape cases both parties have been drinking or taking drugs and often suffer from impaired judgment related to substance abuse. [Some research suggests](#) that it is not drinking itself that increases the likelihood of sexual assault but rather the context in which drinking takes place: party subcultures, in which what some psychologists call “rape myths,” such as the idea that men can’t control themselves once they become sexually excited, are widely accepted and sexual aggression is normalized. In such settings, alcohol is “often used to create a gray area, a realm of plausible deniability where no one supposedly has to take responsibility for what he (or she) wanted to do,” according to [Knapp](#). But it is also true that being intoxicated increases the possibility of misinterpreting social cues. Should alcohol abuse be a mitigating factor for the perpetrator (he wasn’t fully in control of his actions) and/or an aggravating factor for the complainant (she shouldn’t have put herself in that position)? Or is it the responsibility of defendants to know that victims’ intoxication makes them incapable of consent? And what criteria should be used to determine when someone has crossed the line from being slightly disinhibited to being incapable of consent?

Consider the following situation. In a [2014 case at Yale](#), a young woman drinking with friends exchanged text messages with a former sexual partner in which she told him that she was getting drunk and stated “don’t let me try to seduce you.... Sex is awesome...and I might try to get it from you. But I shouldn’t. I don’t think.” The two eventually did engage in sex that evening and she later charged him with assault, claiming she was too intoxicated to do anything other than “capitulate.” An adjudicative panel found that while “alcohol may have reduced [her] inhibitions,” her actions “taken as a whole, do not indicate that she lacked the ability to make or act on considered decisions.”

Many campuses have responded to such difficult cases, as well as other harms associated with substance abuse, by banning hard liquor from campus parties and punishing violators. Such prohibitions are difficult to enforce and may encourage students to drink elsewhere, in even less safe settings. And what is the proper response when both students violate such rules? On the one hand, Brent Sokolow, President of the National Center for Higher Education Risk Management, [notes](#) the unfairness when both students involved in a sexual assault are intoxicated and in violation of campus rules, but only the accused is subject to sanctions. On the other hand, campus officials worry that if they also punish students who bring complaints of assaults involving substance abuse, that would discourage reporting. [According to Wilson](#), many feminists have been critical of initiatives that penalize victims who drink instead of just perpetrators who rape.

Education, Prevention, and Risk Reduction Programs

Over the past quarter century, campuses have launched a variety of rape education and prevention initiatives. Based on [this study](#), common objectives include:

- Reducing attitudes that support coercive sex;
- Increasing knowledge about sexual violence, consent requirements, and reporting opportunities;
- Building empathy for survivors;
- Encouraging bystanders to intervene in high risk situations;
- Increasing resistance strategies and skills.

[Researchers find](#) that these programs can be effective in increasing knowledge and decreasing rape supportive attitudes, especially in the short term, but most have not been shown to reduce the frequency of sexual violence. However, according to [Zimmerman](#) and [Henricksen et al.](#), recent initiatives emphasizing bystander intervention, the need for consent, and risk reduction/self-defense strategies for women have shown more success. The most demonstrably effective program to date is a Canadian course for female first-year students. As a [study](#) conducted by Senn et al., explains, those who completed the course were half as likely to have experienced rape and nearly three times less likely to have experienced attempted rape as female students who did not complete the course. The program emphasizes the need for women to avoid men who speak negatively about them in general terms, who attempt to control them, or who purposely try to get them drunk or high. It encourages women to defend themselves, to have the sex they want, and to speak out. Women also learn self-defense techniques. To increase the willingness to say no, the program also educates women about the adverse effects of nonconsensual sex, such as depression and PTSD, which makes “let’s just get this over with” a less than optimal response.

Grigoriadis [notes](#) that few American universities have adopted this approach and the federal Center on Disease Control hasn’t supported it, on grounds that it doesn’t prevent assaults but simply protects certain women from experiencing them. Many feminists would prefer more emphasis on bystander intervention training and peer education among all-male groups such as fraternities and athletic teams that have too often enabled abuse. [Other experts](#) favor a public health approach, along the lines of Columbia University’s Sexual Health Initiative to Foster Transformation. This program began by collecting a large amount of data on students’ sexual experiences with an eye to identifying the most effective prevention and support services. Although the work is still ongoing, a 2019 report summarized key findings and made a number of recommendations. [The study](#) indicated that nearly a quarter of Columbia students had experienced unwanted non-consensual sexual contact, two thirds of these were linked to alcohol use, and only two percent of students made a formal report. It recommended that “educational initiatives on campus should consider a broad range of topics, going beyond consent to include positive and healthy social and sexual relationships, sex education, sexual refusal skills, and bystander training.” No single approach was likely to be effective in addressing all the different kinds and causes of sexual abuse.

Many schools, including Columbia, are also grappling with how to provide fair procedures for all concerned. According to [Grigoriadis](#), [Yoffe](#), and [Kipnis](#) at least a hundred men have sued

universities for unfair proceedings, with allegations including shoddy investigations, biased adjudication, and inadequate opportunities to review charges, present evidence or question witnesses. Anti-rape activists have sometimes minimized these concerns. In a widely circulated *Washington Post* op-ed concerning false allegations at the University of Virginia, Zerlina Maxwell [wrote](#):

"We should believe, as a matter of default, what an accuser says. Ultimately, the costs of wrongly disbelieving a survivor far outweigh the costs of calling someone a rapist. ... The accused would have a rough period....But false accusations are exceedingly rare, and errors can be undone by an investigation that clears the accused, especially if it's done quickly."

Maxwell cites no evidence to support these assertions, and [according to Kipnis](#) there are many examples to the contrary—men whose lives have been upended based on allegations that are found to be unsupported or circumstances in which complainants did not clearly communicate non-consent. Labeling someone a rapist can carry enormous, and sometimes permanent, reputational, and career costs. Campuses need to work harder to create processes that are fair, and perceived to be fair, to all stakeholders.

If we have learned anything from the last two decades of campus assault initiatives, it is this: When it comes to sex, talk is cheap but cultural change is not. Over the last half century we have made enormous progress in understanding the causes and consequences of unwanted and nonconsensual sex. Our challenge now is to engage in more experimentation and evaluation of efforts to prevent it.

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October 22, 2019

Defining Sexual Consent on Campus: Media vs. Policies

A briefing paper prepared by Elizabeth A. Armstrong, Sandra Levitsky, Kamaria Porter, Miriam Gleckman-Krut, Elizabeth Chase, all from University of Michigan, and Jessica Garrick, Southern Methodist University, for the Council on Contemporary Families [Defining Consent Online Symposium](#) (.pdf).

In our sound bite media culture, the least typical cases often get the most publicity. Media treatment of “affirmative consent” on college campuses is a case in point. The *New York Times* recently devoted more than 3000 words to the [sexual consent policy of Antioch College](#)—a school with a total of 135 students. Antioch College requires verbal consent to be requested and given for every sexual act. It is an extreme outlier. Even [when the media attends to more typical cases](#), the focus tends to be on secular, coastal schools. With such coverage, readers get a skewed notion of what schools are doing—and might even believe that most colleges require verbal agreement to sex. In turn, this inaccurate notion might feed into the belief that schools have become overly solicitous of those who accuse assault, at the expense of the rights of those accused. This is not true.

Actually, few schools require verbal consent for sex. Our research team at the University of Michigan read hundreds of university policies—381 to be precise. We drew a sample of public and private not-for-profit schools granting bachelor’s degrees with undergraduate enrollments of 900 or more. A team of researchers searched every school’s policy for a definition of sexual consent. Just 12 schools—three percent—required verbal consent for sex. Our analysis of these 2016 policies show that college definitions of consent are less stringent than what many may assume, based on the media hype. And too many schools either have no definition at all or one that is incoherent.

Arriving at a workable definition of sexual consent matters. The data on college sexual assault is consistent and depressing: Since the first reliable data on college women’s sexual victimization were collected by [Mary Koss](#) in the late 1980s, [survey after survey](#) has found that roughly one in five undergraduate women is sexually assaulted in college. Rates of victimization of women [who do not attend college](#) are at least as high, possibly higher. Although college women experience all forms of gender-based violence – from [sexual harassment](#) to forcible sexual assault to [homicide by current or former intimate partners](#) – incapacitated sexual assault is of particular concern. Most campus assaults involve alcohol, and many undergraduate students continue to view [sex while very drunk as acceptable](#).

University commitment to addressing campus sexual assault has waxed and waned over the decades. For the most part, universities have done only what they have been pressured to do. A combination of social movement activism, media attention, and federal enforcement of Title IX led to an unprecedented focus on campus sexual assault under the Obama administration. In 2011, the Department of Education put universities on notice that failure to provide an educational environment free from sexual violence constitutes a violation of student civil rights. Backed up by tougher enforcement, the Department of Education prompted universities to engage in a flurry of activities—hiring compliance officers, rolling out new educational programs for students, staff, and faculty, designing new websites, hosting webinars for parents,

rewriting student codes of conduct, creating new hotlines for reporting sexual misconduct, and redesigning procedures for the investigation and adjudication of reported incidents.

As part of this wave of activity, many schools developed—or revised—their definition of sexual consent. The Obama administration took an interest in attempting to shape school definitions of consent. In 2014, the White House Task Force to Protect Students from Sexual Assault issued a [checklist](#) for sexual misconduct policies. The Task Force recommended that at a minimum, the definition should recognize that:

- consent is a voluntary agreement to engage in sexual activity;
- someone who is incapacitated cannot consent;
- past consent does not imply future consent;
- silence or an absence of resistance does not imply consent;
- consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- consent can be withdrawn at any time; and
- coercion, force, or threat of either invalidates consent.

This qualifies as an “affirmative consent” definition, as it states that sex should be voluntary and that silence does not imply consent. But note that this checklist says nothing about verbal consent. In fact, most of the bullet points refer to what consent is not. And these points are not particularly controversial. Very few people think that consent to sex with one person means consent to sex with someone else! In short, what schools—and the states of [California](#) and [New York](#)—mean by “affirmative consent” is less stringent than what the press and the public imagine. The confusion may be in part generated by the tendency to refer colloquially to “affirmative consent” as “yes means yes” policies, which suggests that verbal consent is required.

With that background, let’s delve into the state of consent definitions. We found that a solid 10 percent (n=37) of schools in our sample did not define consent at all. This is a serious failure on the part of schools, as the definition of consent is the lynchpin of a sexual misconduct policy. If one does not have a definition of consent, one cannot accuse anyone of violating it. Without a clear definition, schools cannot effectively educate their students about sexual consent nor fairly adjudicate complaints.

Among schools with definitions, the text provided was often short, vague, or unintelligible. For example, University of Montevallo plugged Alabama’s state law into its policy, defining “lack of consent” according to “Section 13A-6-70”:

“whether or not specifically stated, it is an element of every offense defined in this article, with the exception of subdivision (a)(3) of Section 13A-6-65, that the sexual act was committed without the consent of the victim.”

Even schools with clear definitions generally still focused on detailing what invalidates consent. For example, universities generally agreed that consent was invalidated by violence or physical force, threat of violence or physical force, coercion, or intimidation.

Most schools did adopt some elements of an affirmative definition. Almost three quarters (72 percent, 274 schools) included at least six affirmative consent elements in their definitions—which we view as a threshold for a meaningful affirmative consent definition (See Table 1 for a list of the elements and the number of schools including them). Schools were most likely to specify that sex should be voluntary. There was also wide agreement that silence or absence of resistance does not imply consent, and that consent can be revoked at any time. About two-thirds indicated that consent can be communicated in words or actions. Nineteen percent of the schools specified that the initiator of sexual activity is responsible for seeking consent.

Schools agreed that people cannot consent if incapacitated, with 91 percent of schools explicitly noting this in their policies. Given the high rates of incapacitated rape on campus, how schools handled incapacitation is of particular relevance. Only 73 percent of schools explicitly defined incapacitation. The most helpful schools provided examples. Georgian Court University offered specific behavioral descriptions (e.g. “warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, odor of alcohol, unsteady gait, combativeness, or emotional volatility”). As this example suggests, most schools set the bar for incapacitation high. Having had a few drinks or even being quite drunk did not, in the eyes of most schools, qualify as incapacitation. Most agreed that unconsciousness qualifies as incapacitation (78 percent of schools explicitly stated this). A minority of schools (36 percent) explicitly stated that the intoxication of the accused is not a defense.

Definitions—at least those of secular schools—were scrupulously gender-neutral. They did not make *a priori* assumptions about the gender of the perpetrator. The definitions allowed for the possibility of women as perpetrators in heterosexual sex, of violence in non-heterosexual sex, and for parties to have non-binary gender identities.

Religious schools offered a notable exception to the gender neutrality of most policies—as they frequently required students to adhere to conventional gender and sexual identities. They prohibited consensual heterosexual sex outside of marriage, gay sex, and transgender identity, the viewing of pornography and, in some cases, sexualized dancing. Handling sexual assault allegations at religious schools can be challenging, as assaults often expose violations of the school’s consensual sex policies. Sometimes religious [schools punish the victim for policy violations](#) instead of or in addition to sanctioning the perpetrator.

In short, most schools have not gone to extremes. The more worrisome are those that have no definition of consent, or one that is so vague as to be useless for guiding education or adjudication. Failure to offer a clear definition of consent creates vulnerabilities *both* for those who experience harm and those accused of perpetrating it. Although the media often set up the issue as the rights of victims vs. the rights of the accused, the fact is that *all* students share an interest in clear policies. Students are entitled to a clear definition of sexual consent, available in a place where they can easily access it. They are entitled to receive high quality education about how they are expected to treat each other, and to have confidence that the policies will be used to guide a fair, transparent adjudication process.

Universities haven't yet gotten it right on sexual assault. The media is not wrong on that point. But intense scrutiny of extreme outliers to the neglect of ordinary cases leads to a misstating of the problem, which in turn may led to faulty solutions. We need good facts to produce good policy.

Table 1. Elements of Affirmative Consent

Element	%	n	
1	Consent is a voluntary agreement to engage in sexual activity	82	312
2	Silence does not imply consent	68	260
3	Consent must be ongoing throughout a sexual encounter and can be revoked at any time	67	255
4	Consent is “unambiguous, affirmative, OR conscious”	65	249
5	Consent can be communicated through words or actions	64	243
6	Consent to some form of sexual activity does not imply consent to other forms of sexual activity	59	224
7	Absence of resistance does not imply consent	55	209
8	Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion	54	207
9	A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent	50	192
10	The accused person's level of intoxication is not a defense for engaging in sexual activity without consent	36	137
11	The consent definition includes the words “affirmative” or “affirmative consent”	33	126
12	Once consent is withdrawn, the sexual activity must stop immediately	27	102
13	Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another	20	76
14	The initiator of sexual activity is responsible for seeking consent	19	73
15	Consent must be communicated verbally, through words. Consent obtained through non-verbal communication is not sufficient.	3	12
16	Consent is enthusiastic.	1	2

Authors' analysis of 381 U.S. non-profit public and private college and university consent policies in 2016.

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“Consensualish” – Let’s talk about sex that people don’t want but “go along” with it

A briefing paper prepared by Jessie V. Ford, Columbia University, for the Council on Contemporary Families [Defining Consent Online Symposium](#) (.pdf).

In the spring of freshman year, shortly after leaving a party with a guy friend, Lydia and he had sex that Lydia describes as unwanted. As the hookup unfolded, Lydia, then a 19-year-old freshman, recalls: *“Part was me was like ‘it’s fine, it’s not gonna be an issue, it won’t change anything, it’s just sex, it’s not a big deal’ while the other part is thinking pretty much the opposite. This is intimate...he could see me differently as a person. He might think I was a whore or easy. Or the opposite even: if I said no, he would think I didn’t like him as a person or...that I led him on or something like that and I was being a bitchy girl to him. I didn’t really want that.”*

In the end, Lydia went along with sex. When I interview her one year later, as part of a larger study on unwanted sex, she talks about the pressure she felt to go through it—pressure to avoid having him think she’d been leading him on and pressure to project an image of a woman who can handle herself. Lydia also describes the social awkwardness of the encounter, explaining *“it would be very uncomfortable to say no at the time because I was over at his place. I would have to leave and get all my stuff and I didn’t know what he would say.”*

Some outside observers would call this non-consensual sex. Others would put the blame squarely on Lydia for not being assertive enough to say no. Lydia did not consider this an assault, nor did most of the 110 students who reported similar instances of unwanted sex to me. Yet they all described a combination of powerful social pressures that made it seem especially difficult to say no.

Uncomfortable reality

I argue that many of these social pressures stem from a desire to avoid making things uncomfortable. Some of the impulses that make these pressures so powerful are admirable – the desire to preserve someone’s feelings, not to disappoint expectations or make others feel let down, etc. A few, I will show later, stem from fear of harm. But most, I found, are just plain normal – the desire to save face, deflect awkward situations, and/or stave off potential ridicule or resentment.

In most everyday interactions, the pressure to be polite and avoid hard feelings is a social lubricant, helping social life flow smoothly. But when it comes to erotic interactions, these social expectations are not only highly gendered but also largely unsuitable to the changing sexual and romantic terrain that college students now inhabit. This terrain includes a world of delayed marriage, filled with more egalitarian male-female friendships than the past, but also more freedom for everyone to have casual sex, a freedom that may become a burden in the context of a campus hookup culture where sex may or may not lead to dating.

My interviews with students at a large private university in the northeast make it clear that in this environment there is a lot of sex that people only openly admit was unwanted after the fact. This is sex that they did not want at the time yet went along with despite not experiencing physical force or threat of force. A minority of my respondents -- some women and non-heterosexual men

-- reported being afraid to say no to a man who was coming on to them for fear that he might react physically. Surprisingly, however, much more common in students' accounts was the profound importance of gendered social expectations.

The synergy between “nice” and “easy”

Most of my respondents had unwanted sex because in social interactions, even sexual ones, people work to manage their partner's feelings. A very common feature of interviews was for respondents to emphasize how the pressure of the situation created a momentum where it was “easier” to have sex than it was to call a halt. Understanding how and why this happens reveals the limits of talking in terms of either “sexual victimization” or “sexual empowerment” -- or even “individual choice.” There are still real sexual predators on campus, of course. But in other cases, gender stereotypes and habits from the past interact with changing sexual and romantic practices to make it difficult for even well-intentioned individuals to have the mutually consensual sexual encounters they would likely prefer.

One of the strongest messages given to young girls is the importance of being “nice” and not “hurting people's feelings.” And that sticks. Across interviews, many women described actively internalizing the idea that women/girls are supposed to be nice (not “bitchy”), and concluding that one way of being “nice” in an erotically-charged situation is by having sex, rather than have a partner think you were “just leading him on,” as the interchange below illustrates.

Penelope: *“I really don't know how to say no when a guy wants to have sex, I feel terrible when I say no... Don't want them to see me as someone who doesn't want to have sex. At the same time, don't want them to see me as weak.”*

Interviewer: Are those the things you think women are supposed to be balancing?

Penelope: *“Yea. Having a lot of confidence but also not seeming easy. Cute and sexual, but not slutty.”*

-Penelope, 19-year-old sophomore (heterosexual)

In several instances, women described feeling responsible for finishing what they “started.” Once women had given a man a *green light* -- gotten in a taxi with him, touched him erotically, or done something else that he might take as a signal for willingness to have sex, there was an expectation for women to follow through, even if they did not actually want sex.

Most women are aware that some college men sort women into types (e.g., sluts, girlfriend material, etc.) and use these categories to decide if she “deserves” respect ([Armstrong, Hamilton and Sweeney 2006](#); [Ray and Rosow 2010](#)). Such categorizations, which draw on sexist stereotypes, can place a woman in the category of “easy” simply because she has opted to spend time alone with a man in a place where sex could plausibly be on the agenda. In some instances, women felt they must follow through with sex because they believed that they had given this impression. In particular, women who engaged in casual sex sometimes reported feeling that because they were deemed more sexual they had less right to decline sex. Some queer and bisexual women also recounted scenarios where they felt that being alone with a man set in

motion certain expectations that they should go along with sex because, after all, they slept with men and with women alike.

Below, Amy, a bisexual woman describes how her past sexual experience—the fact that she “sleeps with everyone”—in a sense made her feel she could not say no in this context.

“And then he at one point decided to take advantage of me and I was like ‘okay.’ I just kind of dealt with it.... I don’t think I have the right to make a big deal out of it because at the end of the day I sleep with everyone. So who cares. If you’re going to have a lot of sex, at the end of the day someone is going to try to fuck you up.”

-Amy, 19-year-old sophomore (bisexual)

Consensualish for men versus women

Accounts from men who had unwanted sex with other men reflected some of the same stereotypes as women’s descriptions about the need to accommodate male sexual neediness. They too described an expectation to “*finish what you started*” or to give the partner an orgasm. While this pressure is often documented in the heterosexual literature ([Armstrong, England and Fogarty 2012](#); [Bogle 2008](#)), it was interesting to see the orgasm imperative transferred onto the male partners of men.

Heterosexual men also described incidents of having sex they didn’t actually want. But where women and gay/bisexual men described feeling pressure to ensure male partners’ pleasure, heterosexual men experienced the flip side of these gendered pressures – feeling that they would face social ridicule if they did not take advantage of any proffered sex.

During his freshman year, Mark woke up one night to find a woman on top of him, trying to have sex. He explains:

“We had our night out, got back from bars, crashed in my bed. 2 or 3 am there’s a random person in my bed on top of me. I guess I’m in more of a position at that point to be passive than to say what’s going on? I would rather not make a big deal of it...”

Interviewer: Did you end up having sex [with the woman]?

Mark: *“Yea.... I wasn’t gonna be like you shouldn’t be here. It would just be weird. There’s 4 or 5 dudes in the suite asleep. I would rather not make a scene. What am I gonna do? Go complain I was raped by like honestly a really nice looking girl, just someone I personally didn’t vibe with.... So I’m not gonna be as aggressive, like ‘get off of me’ the way a girl would...If I did that to her and then she made it a thing or people heard about, it would be insane. I would have got shit.”*

-Mark, 21-year-old junior (heterosexual)

Other heterosexual men described having unwanted sex to project an image or take advantage of a sexual opportunity. Men worried that turning down sex could result in ridicule or being viewed

as a “*pussy*,” “*virgin*,” “*idiot*” or “*gay*.” It is notable that these terms are different from those applied to women who decline sex (i.e. “*bitch*,” “*prude*,” “*tease*”).

These uncomfortable gender pressures are magnified by the fact that in a sense, hookups are an incomplete institution, changing and evolving much like our expectations of gender and sex. For example, data from the Online College Social Life Survey ([OCSLS](#))—a survey led by Paula England of over 20,000 students from 21 four-year colleges and universities between 2005 and 2011—show that only 40 percent of recent hookups involved intercourse, and 35 percent involved no more than kissing and some non-genital touching. Yet these findings contrast with the highly sexualized expectations associated with hookups and a culture of “pluralistic ignorance”—where students assume everyone else is having sex ([Wade, 2012](#)).

Saving face

In addition to gender expectations, another very common factor hindering people from refusing unwanted sex was their felt social pressure to save face, avoid conflict, or simply make the encounter less embarrassing or strained ([Garfinkel 1967](#); [Goffman 1983](#)). Such a scenario usually plays out as follows: a man or woman ends up alone with a partner. They realize at that point that they do not want to have sex for various reasons (e.g. “*not feeling it*,” would rather do something else; missing an ex-boy/girlfriend etc.). However, they consciously decide to go through with it rather than end the encounter.

“Then when he asked about the condom, I was like this is where I should cop out, but I just went along with it...For some reason, I figured that it would be less awkward if I just finished what had started and then left... If you leave in the middle there is some unresolved tension, whereas the first option is [to have sex], yes, it’s a little awkward but not unheard of.”

-Meghan, 18-year-old freshman (heterosexual)

Much like Meghan, students often perceived that the encounter would conclude more neatly (e.g. “*done deal*”) if they had sex. Across interviews, respondents frequently described a desire to keep the encounter running smoothly, without “weirdness” or disruption, which discouraged them from calling an end to unwanted sex.

Interviewer: You said you felt pressure to keep going?

Jeff: “*Definitely.*”

Interviewer: Was that from her?

Jeff: “*Yeah. I kinda felt.... It was me too, based on the situation. Felt like I had to go all the way. It was just necessary.*”

Interviewer: Necessary?

Jeff: “*Yeah.*”

Interviewer: Why not stop it?

Jeff: *“It would have felt weird to me. I can’t see myself.... I don’t know. I wouldn’t have done that.”*

-Jeff, 25-year-old senior (heterosexual)

In many instances, men’s stories mirrored women’s, where being face-to-face with someone who wanted to have sex created a situation in which saying no felt either awkward or “mean.” Having unwanted sex was one way to resolve such a situation. Scholars argue that keeping the situation going in a way that is “normal” and fits expectations is a predominant motive during social interactions ([Garfinkel 1967](#); [Goffman 1983](#)). We see people engaging in “repair work” or trying to “smooth” over interactions on behalf of others, sometimes even when they have just met someone. Across interviews, accounts of saving face (one’s own or the other’s) and acting in recognizable ways fit into a larger narrative where going along with unwanted sex allowed people to avoid disruption, even at the expense of some personal discomfort.

Together, these findings suggest why campuses cannot rely on court judgments and punishments alone to solve these kinds of cases. Nor should they just shrug them off, telling people they should have been more assertive about their wishes. Instead, as people negotiate these social spaces and changing mores while struggling with increasingly dysfunctional gender expectations, we need to think about how to get a more productive conversation going about how to reconfigure these gender expectations, reducing the pressure people feel to conform to them.

A conundrum: Cases where force is not actually threatened but genuinely feared

I include a final section on the more equivocal cases where people say that they had unwanted sex because they feared that saying no might trigger violence. These cases involved quite a different scenario from the rest of my findings. In situations that were neither physically forceful nor overtly coercive, some women still recalled acquiescing to sex because of the possibility that otherwise the man could overpower them. It was common, for example, for women to reference men’s size, strength, or physical presence when describing unwanted sex, or to recall being aware of these things.

Jackie: *“He was physically looming over me. He did what he wanted and didn’t ask me what I wanted. Just that.”*

Interviewer: Would you say that sex was unwanted?

Jackie: *“Kind of, but I did agree to it so it was consensualish.”*

Interviewer: Consensual and wanted?

Jackie: *“Less wanted. Consensual but unwanted. There we go....”*

Interviewer: So you decided to have sex with him?

Jackie: “*Yea. ’Cause he was looming over me.*”

-Jackie, 18-year-old freshman (heterosexual)

In Jackie’s retelling of “consensualish” but unwanted sex with a man she met on Tinder, she implies that his physical affect reminded her of his ability to use force, and this was part of the reason she went along with sex. It is not clear whether this “looming” is in fact a threat that he would force her to have sex if she said no. It is possible that his objective size difference just gives her this impression. But perhaps he is, consciously or not, reminding her that he is capable of this. Situations where it is difficult to decipher whether a given gesture is harmful or innocuous have been documented elsewhere in relation to racism and sexism ([Gordon and Riger 1989](#); [Jackson 2010](#)). It is precisely this kind of “uncertainty” in the context of structural or historical power differences that reproduces inequality without there being an outright demand. Across interviews, many women reported not knowing whether a man might “*snap*” as a reason to go along with sex.

This fear is real, and in many cases rational, statistically speaking. However, adjudication processes and court cases will not solve this issue because no force was used or threatened. So, what do these cases imply? It is a conundrum. On the one hand, you can’t prosecute men (it’s usually men) for being so big that they scare someone. On the other hand, given the track record of so many men, you can’t blame a woman or for that matter a smaller man for being afraid to say no, any more than you can expect a black person stopped by a white cop not to respond differently than a white person would, even if the white cop is respectful and turns out to not be a racist.

In fact, I found that this type of unwanted sex also occurred for men having sex with men. For Lincoln, unwanted sex unfolds with a man he meets online.

"On the way I was super scared. I felt like I was going to die in a way. We end up in his apartment, He tries to pour me some wine but I refuse to drink it because I'm not sure what's in it. And he like keeps on untying my pants and I don't want it. I was like could we talk first? And he just kept doing it. I didn't know how to react."

-Lincoln, 20-year-old sophomore (gay)

Lincoln goes so far as to describe fearing he might *die*. He is afraid to drink the wine. In his uncertainty, he imagines rape and nonconsensual drugging are things that could happen. Other men who had sex with men described similar scenarios where they were uncertain whether an encounter was unfolding in a way that was dangerous or ordinary. Paradoxically, in their view, sometimes it was better to have unwanted sex than to risk getting forcibly raped.

In my data, heterosexual men did not worry about or even consider the possibility of violent escalation in their accounts, but several women and gay/bisexual men reported that this thought inhibited them calling an end to the encounter or from trying to leave, even in cases where a man had done nothing to indicate that he would use force. This finding has implications for current debates around affirmative consent. Given that this potential for violence may be present, this

would suggest that an affirmative consent strategy might be helpful in situations where women or gay/bisexual men are unsure as to whether they are in danger. In such situations, an overt discussion of consent, and greater communication in general, might help reinforce and reaffirm one's ability to stop or slow an encounter. Perhaps campus-wide discussions are needed to make it clear that this potential for violence can be in the air, and that men need to offer reassurance that they will respect a no.

In closing, it is high time for a multi-pronged strategy that is not just focused on going after predators but also on developing a new erotic culture. Such a shift could include teaching women that being nice doesn't mean you can't set boundaries while teaching men that they don't always have to orgasm. These findings also make a good case for the importance of empowerment education, which has been proven to be effective, but is often criticized for just teaching women how to say no, not teaching men to stop raping ([Gidycz & Dardis, 2014](#)).

While there is no substitute for getting men to stop raping, my research indicates there is a subcategory of unwanted sex where the man probably *would* stop pushing if the woman didn't feel so compelled to be "nice" and if women (and some men too) didn't subscribe to the idea that a man just can't stop beyond a certain point of arousal, or that stopping would be cruel. Therefore, empowerment training could be an important tool for women (and some men) to learn how to say no to unwanted sex, even if other work is needed to stop predatory behavior. As part of a multi-pronged strategy, combining empowerment training with messaging (e.g. raising men's consciousness of the need to offer reassurance) could play a very positive role in reducing unwanted sex.

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October 22, 2019

A Restorative Justice Approach to Campus Sexual Misconduct

A briefing paper prepared by David Karp, University of San Diego, for the Council on Contemporary Families [Defining Consent Online Symposium](#) (.pdf).

The current #MeToo reckoning, following from the decade-long grassroots campus sexual assault movement, underscores the pervasiveness of sexual harm. As the contribution by Armstrong at al points out, most surveys find that 20 percent of undergraduates experience sexual assault, yet such assaults remain woefully under reported. A [study](#) of 834 undergraduate women at a Midwestern university found that 234 (34 percent) had experienced sexual assault during their time on campus. Of those, only *five* (2 percent) filed a formal complaint leading to a disciplinary hearing.

There is no other violation on campus that causes so much trauma, but is so difficult to adjudicate. Concrete evidence is rare. Memories are often impaired by trauma or alcohol. Shame, fear and uncertainty make disclosures unlikely. Racial bias too easily creeps in. Offenders are still not held accountable. Campuses are not yet safer. The quasi-judicial systems on campuses cannot overcome these complex problems. Responding to them requires that we resist one-size-fits-all responses.

There is reason to think it is a mistake to premise our entire response to campus sexual misconduct primarily on a serial predator model. Predators exist, but many people who cause harm are not incorrigible. Some do not realize the hurt they have caused; many do not accept that they violated consent. They too easily rationalize their behavior, reinforced by a broader set of cultural norms that objectify women, trivialize sexual encounters, and indulge drunken hook-ups. By understanding the real-life contexts of assault, we can generate better methods for processing the wide range of cases that occur.

The majority of campus assaults happen behind closed doors and often begin with some level of mutual sexual consent. Consent to kissing does not mean consent to sexual intercourse. But administrators who adjudicate sexual assault complaints must sort through conflicting stories told by people with impaired memories, typically without corroborating physical evidence, and come to a finding that has significant consequences for both parties. Even those deeply committed to reducing sexual violence face a daunting administrative task.

Many incidents of misconduct are perpetrated by one friend or acquaintance upon another; frequently by people who are too drunk to think and communicate clearly; sometimes by people with little sexual experience and much sexual anxiety; sometimes after undue badgering by peers who prioritize sexual quantification over healthy relationships. And such people are swimming in a sea of sexist and sexually-objectifying pornography and other media that reinforce toxic masculinity, perpetuate rape myths like “no means yes,” and highlight stories of high-ranking officials (like presidents and Supreme Court justices) who glibly dismiss accusations of causing serious sexual harm. The problem is too large to suspend our way out of it, although we try.

A recent history of seeking to address campus sexual assault

For nearly a decade, campus administrators have responded to the grassroots student movement and to federal oversight, both demanding greater attention to campus sexual violence. Campuses have revised their policies and procedures to make it easier for students to report assaults and file complaints. Some have walked to the edge of due process in an attempt to make it easier for accusers to be heard. Yet sexual violence continues to remain highly underreported. Few survivors avail themselves of these new, legalistic hearing processes. And when they do, many remain dissatisfied with the outcome.

Evolving Responses

The student movement that raised awareness about campus sexual assault a decade ago initially demanded that university administrators take the problem seriously and punish students with suspension and expulsion. But this movement has evolved. As an alternative to punishment in some cases, many survivors are now asking for a process that provides accountability through acknowledgment of harm and pathways to prevention. Often, they want their stories believed, for the student to apologize for the transgression, and to be reassured that the behavior will not be repeated.

Leading student sexual assault activists such as Sofie Karasek, an assault survivor herself, call for [new approaches](#): “We need institutional responses to sexual harm that prioritize both justice and healing, not one at the expense of the other.” At Princeton University, student activists recently issued a set of 11 demands. Number three on [their list](#): “The establishment of an opt-in restorative justice track for survivors who wish to avoid the process of Title IX proceedings.”

Is it possible to create conditions where a student who has caused sexual harm can admit fault and take responsibility for it? In a world that simultaneously celebrates sexual conquest and vilifies sex offenders, how can someone be held accountable for crossing an unacceptable line without paying a permanent price in social exclusion? Is there an alternative to our current adversarial model, which drives a permanent wedge between victim and offender and nearly forces accused students into an entrenched position of defensive denial?

Restorative justice alternative

A [restorative justice \(RJ\) approach to campus sexual harm](#) is a radical alternative to current systems. It is premised on the optimistic possibility that many people who might cause harm can learn to be better sexual partners, to authentically and transparently communicate during sex, and to attend to nonverbal cues that indicate (or fail to indicate) consent. It is also premised on the notion that people who cause harm can regret it and can want to do something to take responsibility and regain others’ trust in them—something restorative theorists call “earned redemption.”

Two principles are fundamental to a restorative approach. (1) It is a voluntary option reserved *only* for victims and accused students who agree to engage in it; RJ does not replace current systems. (2) The starting place for an RJ process is the accused student’s admission of causing harm; it is not an adversarial process subjecting the survivor to an argument about facts. The purpose is straightforward: it is a process designed to identify harms, needs, and obligations to try to make a terrible situation better. Although restorative justice is often equated with a facilitated dialogue between victim and offender, it is better understood as a philosophical

approach focused on identifying and repairing harm. The approach has a clear intention, but not a fixed practice. Face-to-face dialogue is not required and many survivors would not choose it. Nevertheless, they may still wish to communicate their needs and have the person who caused harm acknowledge their wrongdoing and do something to help right the wrong.

A whole campus model of restorative justice includes three layers of action. The foundation is skill-building for interpersonal competence. Community-building circles are structured but intimate dialogues about topics of consequence, such as the nature of consent, hook-up culture, toxic masculinity, or the close association of drinking and sexual violence. In these dialogues, students do not simply get told the rules, but share with each other their honest concerns and set clear normative standards for their micro-communities, such as a first-year seminar, residence hall floor, or athletic team. This foundational layer is grounded in a public health model of primary prevention.

A second layer includes restorative responses to incidents of sexual misconduct and harm. Students may choose to participate in a restorative process as an alternative to a formal hearing, or more likely, as an alternative to doing nothing at all. The goals are accountability, student learning and development, safety planning, and personal healing. Such responses are not limited to the key stakeholders, since the fallout from such incidents of harm often extends into their larger peer groups. And they are not limited to interpersonal harms, but may include restorative responses to sexist misconduct such as “rape chants” and offensive social media posts that have a deleterious effect on campus climate.

A third layer of restorative response attends to the messy process of reintegration after a student has been found in violation of a campus sexual misconduct policy and suspended for it. The suspension itself may satisfy retributive demands but it rarely provides reassurance to the survivor or broader campus community that the student has learned anything from the sanction and will be responsible moving forward. [Circles of Support and Accountability](#) (CoSA) are a restorative model based on a highly successful model for managing sex offender reentry from prison. Campus CoSAs are groups of trained volunteers that meet with the returning students, often on a regular basis, to simultaneously provide them with social support to help them successfully graduate and to monitor them and address any early red flags to reduce risk of reoffending.

Powerful objections

There are some powerful objections to the idea of restorative justice. It may not send the message of moral outrage as clearly as retributive justice. It may put survivors in a situation that re-traumatizes them. It may be used by administrators to avoid costly hearings or litigation or bad press. RJ facilitators may be poorly trained or incompetent. These are risks. Rigorous research is needed to assess how serious they are and how effective a restorative approach can be. Nevertheless, the current models seem to be failing many students and restorative justice approaches offer one promising alternative.

The symposium editors sought to clarify a few particulars.

Q: You say that restorative justice doesn't replace current systems. But it seems that a guy would be very reluctant to participate in a dialogue that involves acknowledging accountability if there was a chance that his confession could be used against him if the woman later files charges. Any provisions to protect him from that?

Yes, this is a significant hurdle. I'm working on a law review article right now that will include a template MOU (Memorandum of Understanding) as an agreement between the campus and the local District Attorney to provide some reassurance for a "reverse Miranda rule"--what's said in the RJ process won't be used against them later. Better solutions will require state legislation to protect the confidentiality of the process. In addition, campuses are having students sign confidentiality agreements and/or agree that if they choose the RJ process they would be unable to pursue a hearing later. Finally, [according to Coker](#), some programs are asking students to formally "admit to causing harm," but not necessarily admit to a conduct or Title IX violation.

Q: Also, you talk about a third layer after a student has been found in violation and suspended. But the first two layers don't involve such formal punishments. What is the relationship between having this dialogue and then getting suspended, or getting suspended and then having this dialogue?

It's an awkward relationship. Reintegration circles are designed to follow from formal processes, not RJ processes. They are meant to address the problem of victim/community anxiety or anger about the return of a student after suspension. I published [an article](#) recently that was a case study of one such process. In that case, supporters of the offender were quite angry about how the formal process was handled, alleging racial bias, and a lot of the circle was dedicated to addressing that concern. The circle was also focused on developing plans to manage the student's mental health and address his wish to study abroad. Of course, reentry circles would also be valuable for social support after an RJ process in which the participants voluntarily decide it is best for the student to take a leave of absence. That's not a suspension, merely an agreement that the leave is the best way forward.

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The Social Production of Campus Sexual Assault

A briefing paper prepared by Jennifer S. Hirsch and Shamus Khan, Columbia University, for the Council on Contemporary Families [Defining Consent Online Symposium](#) (.pdf).

Public conversation about campus sexual assault tends to focus on two different issues. The first stems from the idea that campuses are a “hunting ground”: If we find and punish the sociopathic predators, we can solve this national crisis. The second is how to fairly adjudicate cases that are more ambiguous, as if we could solve the problem by developing policies and procedures that can appropriately resolve “he said/she said” cases. There are certainly predators, and fair adjudication is unquestionably important. But the individual characteristics of those who assault are only one part of the problem, and only a very small proportion of sexual assaults are formally reported; neither of these responses gets to the origins of assault.

Our approach is different. Instead of focusing on predators or procedures after the problem has occurred, [we examine](#) the “social roots” of sexual assault. A phenomenon that happens as frequently as campus sexual assault cannot just be the product of individual bad actors or poor choices, and so we look at what makes assaults a predictable regularity of campus life.

Our forthcoming book, grounded in a public health approach and based upon what scholars call an “[ecological model](#),” considers the broader context of young people’s relationships, drawing attention to the systems that produce or influence *patterns* of behavior, rather than only the specifics of particular interpersonal interactions. Think about successful efforts to reduce smoking: Yes, there was a focus on individual behavior, but it was nested within changes ranging from how people could use space (first airplanes, then restaurants, then public parks, and now even some public housing), to disincentives such as tax-driven price increases, to larger educational and psychological campaigns aimed at reducing the overall cultural acceptability and mystique of smoking.

We analyze a broad ecosystem to make sense of why assaults occur: the sexual knowledge, attitudes, and behaviors that young adults have absorbed in families, communities, and school; the relationships students share in campus communities; the power dynamics between them; how sex fits into the larger campus culture; and how physical spaces, drinking patterns, and peer groups create particular types of opportunities for sex while also affecting the way in which sex is subsequently interpreted and defined by those having it. Looking at this broader context raises questions that have been largely absent from previous discussions about sexual assault: from how our communities have been organized in ways that promote sexual illiteracy to the dynamics of underage drinking, social cliques, stress, shame, and even the spaces where students hang out and sleep.

Sexual assault is defined by the absence of consent. And so understanding consent—what it means, how it works, and how it is understood in the campus community—is essential. As the paper by [Armstrong et al.](#) reveals, the standard of consent on some campuses, and in some states, is “affirmative,” which means that lack of resistance may not be interpreted as consent. People need to indicate by words or actions that they consent to sex, and they need to do that every time.

Columbia University (and Barnard College) are among the institutions that make this an explicit part of student conduct requirements.

Saying vs. Doing in the Sexual Health Initiative to Foster Transformation Study

We conducted 18 months of ethnographic research on sexual assault with undergraduates at Columbia and Barnard as part of [the Sexual Health Initiative to Foster Transformation](#) (SHIFT), a comprehensive, mixed-methods research project that examined sexual assault and sexual health. In that ethnographic research, we found a striking contrast between what students know and what they do. In the 17 focus group discussions we conducted with diverse groups of undergraduates, students easily parroted the principles of affirmative consent: absence of a no does not mean a yes; both people have to give consent; consent to kissing does not convey consent to intercourse. Yet the individual interviews with the 151 undergraduates showed that few students actually have sex that way. Rather, they described a wide range of practices they used to elicit or convey consent – from a text like “you up?” to the telegraphic verbal “should I get a condom?” to the mere presence of someone in their room. Only a minority of students described practices that meet the standard for affirmative consent.

Furthermore, for many students (and non-students!), drinking and sex tend to be tightly coupled. Some people drink in order to have sex. Drinking helps them lower inhibitions, manage their shame about wanting sex, chat up a new partner, or get naked with someone they don’t know well. It just helps them “loosen up.” This raises another set of challenges for identifying when free consent has actually been obtained. While the strict standard of consent suggests that one needs to have one’s full mental capacities to consent, the reality of many sexual interactions is quite different.

Teaching women how to refuse sex has been shown to be effective at reducing sexual assault. [One randomized controlled trial in Canada](#) found that women who’d received “refusal skills training” had a one-year risk of being raped that was about half the rate for women in the control group. Similarly [an analysis of the SHIFT survey data](#) found that college women who had sex education in high school that included refusal skills training (and was not grounded in an abstinence-only approach) were about half as likely as others to be raped in college. But such refusal skills are difficult to put into practice in the context described above. And, of course, while it’s important for people to be able to protect themselves, that approach alone can contribute to a victim-blaming mindset (“why didn’t she just refuse more forcefully?”). Moreover, although the focus on women reflects the epidemiological reality – women experience the greatest absolute number of assaults, while most assaulters are men – it obscures the fact that men are also assaulted.

Consent is shaped by context

Additionally, thinking about consent as something that can be taught in a one-off college orientation session – something that people will do differently just because they are told to – approaches consent as an individual practice, or a purely personal negotiation between two people. That gives short shrift to the many ways in which [larger social forces and even physical structures shape sexual behaviors and even interpretations of consent](#).

Other papers in this symposium discuss some of the powerful social factors that shape the way students understand and perform consent. Widely-shared gender assumptions within heterosexual relationships dictate that men initiate sex, and that women's role is to regulate men's access to their bodies. These "gendered sexual scripts" mean that in heterosexual interactions giving consent is a woman's job and getting it is a man's; men move the ball down the field, and women are the gatekeepers. Relatedly, this implies that men always want sex, so that if women do make sexual advances, men's consent is assumed rather than sought. One result – though hardly the only problem with this framework – is that some men experience a lot of fear about being accused of not getting consent. Our interviews showed that Black men were particularly attuned to this possibility and to the risks they face in a system of hyper-incarceration.

Peers also influence consent processes by helping friends interpret what happened. While we think of consent as happening in the moment, [people often make sense of sex after it has happened](#). Peers may actually also set up sexual situations, serving as "wing men" or "matchmakers." By doing this they establish conditions where sexual contact is more acceptable, thereby influencing people's interpretation of consent.

Time and place also matter. As one of our forthcoming papers led by Matthew Chin shows, people use the time of day and the physical location of interactions to make sense of whether situations are sexual and whether sexual advances are more or less likely to be received. For example, at a recent training session on consent for freshman (not at Columbia), a young woman we know heard the speaker say that when someone sits on your bed, that's not consent to have sex. A man in the audience responded, "dude, that's totally consent; if someone sits on your bed, she obviously does." But the physical context here is critical. In a private home, with plenty of places to sit, it might be legitimate to see the choice to sit on one's bed as a sexual invitation. But in most dorm rooms, there are only two places to sit: on the bed or on a hard-backed desk chair. After hearing this exchange, the young woman went out and bought a big comfy chair for her dorm room, so that visitors would have someplace else to sit.

Of course, not everyone can afford to furnish their own dorm room, nor could all dorm rooms even fit furniture beyond the standard bed-desk-dresser. But this example shows how taking a step back and examining the modifiable social factors that shape consent provides new avenues for intervention. Drawing on these and other findings in our research, our own institution has [changed dining hall policies](#) so that one dining hall on campus is now open all night, providing a warm and welcoming atmosphere for students who want to hang out together and now have someplace to do so other than one person's bedroom. Such changes are part of what public health calls "a multi-sectoral" response – trying to address a problem by leveraging support from those who shape all facets of the undergraduate experience, rather than only relying on prevention educators.

Consent in developmental context

But an ecological framework does more than expand sexual assault prevention beyond the typical domain of discipline and health education. It incorporates a developmental perspective, reminding us that students do not step onto campus as blank slates -- that being attentive to their pre-college experiences is vital in building a bolder and more comprehensive vision of what

sexual assault prevention needs to look like. For one thing, many students are sexually assaulted before college: SHIFT found that [20 percent of students who participated in our survey](#) had experienced a sexual assault before college. It's not only pre-college assaults that matter, but students' whole lives before college. The families, schools, religious communities, and youth-serving institutions that shape the young people who show up with so many hopes, dreams, and fears on freshman move-in day could play a vital role in preparing them to have sexual relations in a way that is respectful and not harmful of others. But mostly, we found, these institutions fail to prepare young people, bombarding them with fear-based messages that tell them what *not* to do rather than promoting what we think of as the foundational element of comprehensive prevention. This is the principle of "sexual citizenship": the internal "acknowledgement of one's own right to sexual self-determination" along with recognition of "the equivalent right in others."

Some students grow to young adulthood in a context that promotes their own sexual self-determination, but ignores the corollary, so that they view prospective sexual partners as objects or metrics of achievement. Other students emerge into adulthood having been subjected to intense shaming about sex. If they have never been granted space to imagine circumstances under which it is ok to say yes to someone, it turns out that it's also hard to say no, because having sex at all feels very confusing. When a young woman describes to us giving a blow job to a man in whom she's not interested "just to get out of there," that may not be assault – but it's certainly reflective of a broader context in which many young women grow to adulthood without being encouraged to develop as sexually-self-determining, while many young men grow to adulthood being encouraged to extract as much sex as they can from women, without being attentive to their wishes, much less their pleasure.

Sexual assault is not one thing, it is many things

As we've shown in [the papers from the SHIFT project](#), and as we describe in compelling ethnographic detail in our book, sexual assault is not one thing, but many things. The diversity of experiences, contextual factors, and forms of power at work means that there's unlikely to be any single intervention or program that by itself will measurably move the needle on campus sexual assault. In this respect, as a public health problem, preventing sexual assault is more like preventing traffic accidents than inoculating against measles (although resistance to the measles vaccine also reminds us that even when highly effective technical solutions exist, that's no guarantee of real-world uptake). To reduce traffic accidents, engineers work to build safer roads. Highway police set up sobriety checks on New Year's eve. An elaborate educational apparatus has been developed, with parental support, skills-based education, and social support for peer-to-peer safety interventions (designated drivers), all to promote people's capacity to drive without harming others with their cars. Where is the corollary social effort at teaching young people not to harm each other with their bodies?

And so while no one program is likely to fix campus sexual assault by itself, our biggest policy prescription is comprehensive, age-appropriate sex education. There's strong evidence that [sex education can modify the beliefs and characteristics associated with committing an assault](#). Helping people who might assault others learn not to do so is an achievable social goal and an important corollary to "refusal skills" programs. It's not just the technical information that young people need, it's the ethical framing. It's also unnecessary to add fear-based messages about assault /to the existing hodge-podge of scary images and warnings about pregnancy that many

young people in America already get. Rather, comprehensive, age-appropriate sex education must be grounded in respect for young people's right to sexual self-determination. Part of teaching young people to listen when someone else says no, or to feel confident about saying no, or even to know internally whether they want to have sex at all, is acknowledging their right to say yes.

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Stephanie Coontz and Paula England convened and edited and Virginia Rutter edited this symposium. They are available for further information.

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About CCF

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