Defining Consent as a Factor in Sexual Assault Prevention

Kyana Dixie
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Abstract
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Pamela Landau

Second Advisor
Stephen D. Jefferson

Third Advisor
Carol Freedman-Doan

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DEFINING CONSENT AS A FACTOR IN SEXUAL ASSAULT PREVENTION

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Kyana Dixie

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Defining Consent as a Factor in Sexual Assault Prevention

Kyana D. Dixie  
Pamela Landau, Mentor

ABSTRACT

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

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

Sexual consent is a necessary tool in giving permission to permit sexual activity or to stop such activity completely. The definition and intent of sexual consent can have many interpretations. With the definition open to interpretation, there is much room for errors in communication. Sexual activity can continue to occur even after one partner protests and signals for it to stop, which may lead to instances of rape (Kahan, 2010). Without a standardized definition of “consent”, perpetrators of sexual assault may assault their victim and face a minimal charge, or no charges at all (Kahan, 2010). The purpose of this study is to investigate the effects of operationally defining and understanding consent, and consensual sexual behaviors, on the attitudes of college students, and in turn, to function as a deterrent for sexual assaults.
Consent and the Justice System

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

In the 1992 case of Commonwealth versus Berkowitz (Kahan, 2010), the defendant continued to engage in sexual intercourse with his victim while she was intoxicated, ignoring her protests and refusal to give consent. She did not fight back, claiming she was pinned down by his weight. He did not verbally abuse the victim, and aside from forced sexual intercourse, he did not assault her. The defendant was convicted of rape by a jury - however, and the charges were later overturned and his charges were reduced to indecent assault. The defendant served less than six
months in prison. The charge was overturned due to the "forcible compulsion law", which states that for a conviction of rape the victim needs to offer more than verbal resistance (Kahan, 2010). In addition, verbal threats and clear evidence of physical force are necessary for a rape conviction, and in this case there was no evidence of either. Such an approach used by the defense lawyers reveals an underlying problem with laws regarding sexual consent. Even though the victim reported the assault and had medical evidence that an assault had taken place, the absence of verbal and physical resistance, which the victim was unable to offer, resulted in the charge being overturned and the defendant serving less time. Cases such as this demonstrate a major problem within our country. Reports of rape and conviction rates are low. According to the 2015 Bureau of Justice Statistics' National Crime Victimization Survey, only 32% of rape or sexual assaults were reported (Bureau of Justice Statistics, 2015). Victims are often blamed for not preventing the assault. The perpetrator's aggressive, predatory behavior often goes unquestioned. In the case of Commonwealth versus Berkowitz, the victim withheld consent, but her idea of consent was different from the justice system's.

Credibility assessments, or personal information on their social behaviors, social connections, and political affiliations, are also used against the victim (Randall, 2010). The purpose of credibility assessments is to find fault with the victim and to appeal to the jury's cultural cognition. Cultural cognition occurs when individuals adapt their opinions regarding decisions important to their values and beliefs about their cultural and social identity (Kahan, 2010). The defense lawyers may try to depict the victim as responsible for the sexual violation. Women of color, and women with low socioeconomic status, are more often portrayed as meriting sexual assault by being stereotyped as being drug users, engaging in promiscuous activity, and lying (Randall, 2010). Women who have previously reported an attack are also considered less credible
The more scrutinizing and hostile the defense lawyers, the more distressed the victims often become, and the more likely they will have a difficult time "holding up" during questioning (Randall, 2010). Portraying the victim as an unreliable plaintiff is frequently tied with victim blaming. Victim blaming is usually based on the idea that the victims are responsible for their own safety, and the negative attention they receive. Many are criticized and blamed for not avoiding a commonly known risk and/or for their manner of dress. Scanty attire is interpreted as consent (Randall, 2010).

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

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

Victim blaming and the use of credibility assessments are meant to appeal to the jury's cultural cognition. Portraying the plaintiff as a "bad" victim is meant to appeal to a jury's cultural
bias, and to increase the likelihood that a biased verdict will be found in favor of the defendant (Taylor, 2007).

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

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

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

**Problems Defining Consent**

Defining consent is not the only ambiguous term when it comes to sexual behaviors and interactions. With changes in technology in the past decade, more teenagers and young adults are spending time online. Daily new terms and phrases are created on countless blogs, websites and social media sites. The same term can have multiple definitions and meanings. This is evident in a 2015 case of sexual assault in which a graduating high school senior accused and convicted of sexually assaulting a fifteen-year-old classmate (Crocker, 2015). In a competition known as the “senior salute”, the perpetrator emailed the victim to ask if she wanted to “hook up.” Believing the phrase “hooking up” meant kissing, the victim met the perpetrator at a privately designated area, where the assault took place. The victim agreed to kiss, but resisted several times when the perpetrator began forcefully initiating other sexual activities. The perpetrator was sentenced to one year in jail, five years of probation, and was registered as a sex offender (Bidgood, 2015).

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

Because the term can be perceived differently depending where one grew up, by whom one was raised, and with whom one associates. The ambiguity may create problems when it comes to communicating sexual interest and consent. Other examples of similar ambiguous terms are “friends with benefits” and “casual sex” (Glenn & Marquardt, 2001). Ambiguity in terms used to communicate sexual desires and behaviors also contribute to rape culture on American college campuses (Burnett et al., 2009)

**Rape Culture**

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

Lisak, Gardinier, Nicksa, & Cote (2010) found that 63.3% of men on college campuses reported engaging in acts that constitute rape or attempted rape. Many also admitted to committing multiple rapes (Lisak, Gardinier, Nicksa, & Cote, 2010). College males who participated in aggressive athletic activities have been found to be more accepting of myths about rape and violence, and appear to engage in more sexual coercion than their peers (Forbes et al., 2006). Athletes are more often reported as perpetrators of sexual assault on college campuses than any other group (Crossest, Benedict, and McDonald, 1995). College sororities and fraternities are also disproportionately associated with sexual assault on campus (Boswell & Spade, 1996; Lanza-Kaduce, Capece, & Alden, 2006). Members of fraternities and sororities are more likely to be under the influence of alcohol before engaging in sexual activities and behaviors (Boswell & Spade, 1996; Lanza-Kaduce, Capece, & Alden, 2006). More than 50% of sexual assault reports on college campuses involved alcohol (Banyard et al., 2005), yet fewer than 5% of sexual assaults are reported, and even fewer are reported so when alcohol was a factor. (Fisher, Cullen, & Turner, 2000).

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

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

**Sexual Scripts**

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

The cultural level of sexual scripts refers to developing perceptions of appropriate sexual behavior by learning from society and social groups such as peers, media, and stories
Precautionary stories refer to discussing dangerous situations as warnings in which one can be punished for violating the social normative script; examples include instances when a woman is sexually assaulted walking alone at night, or groped in public because she is wearing provocative clothing (Humphreys, 2000). Cultural sexual scripts also incorporate the societal expectations of men and women's sexual desire (McCabe, Tanner, & Heiman, 2010). McCabe, Tanner, and Heiman (2009) interviewed many men regarding the importance of sex. They found that men think about sex on an average between every 6 to 15 seconds. Sex is seen as important to men and is considered a reflection of their masculinity by both genders in our society. If they do not express any desire for sex, it becomes a concern. Women, however, are not expected to talk about sexual pleasure or their sexual desires. Instead, women are expected to limit their sexual inclinations (McCabe, Tanner, & Heiman, 2010). When respondents discussed their own personal relationships and experiences, their response about the importance of sex and sexual desire were different from their cultural scripts (McCabe, Tanner, & Heiman, 2010) and were centered more on their partner's and own individual's needs and their partner's needs. Their responses did not incorporate much of the generalized behaviors described in cultural scripts. Frequently, cultural scripts are composed of gender stereotypes that allow for a consensus of what sexual behaviors are encouraged and discouraged (McCabe, Tanner, & Heiman, 2010). Individually, people adapt their own scripts, which is the second level of the SST.

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

The third level of sexual scripts is called *intrapsychic* scripts. "Intrapsychic" refers to an individual’s internal psychological processes. As Gagnon (1990) explains, this type of scripting refers to balancing the influence of cultural and social interactions on one’s understanding of sexual behaviors. The intrapsychic script permits an individual to have a unique understanding of their own sexual behaviors (Humphreys, 2000). For example, the cultural assumption that women in relationships always consent, therefore to sex and cannot be sexually assaulted by their partner, may influence an individual’s own understanding of intimate partner sexual violence. This misconception may lead individuals to adapt this cultural assumption as their own personal belief. Consequently, victims may believe their partner's abuse was typical behavior between partners, and not assault. Furthermore, perpetrators that adopt these attitudes, may believe the nonconsensual sex that involves force to their partner is not rape, but instead normal dating behavior (Humphreys, 2000). These scripts may permit individuals to define personal sexual behaviors in ways specific to their own desires, which is why individual explanations of sexual behaviors differ from explanations of larger cultural sexual behaviors (McCabe, Tanner, & Heiman, 2010; Humphreys, 2000). Both *cultural* scripts and *intrapsychic* scripts are fundamental in the development of adolescent’s beliefs about sexual behaviors and communication; *cultural* scripts influence the creation of *peer norms*.

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

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

Sexual scripts provide a social and heteronormative cultural contribution to sexual barriers in communicating consent, which can apply to heteronormative gender roles as well. Our society defines masculine gender roles by a male’s “independence, confidence, and exploration”, while feminine roles are centered on “behavioral restraint and self-control” (Johnson & Hoover, 2015). These gender roles are significant in sexual communication. Jozkowski and Peterson (2013) investigated the communication and understanding of sexual activities in 128 heterosexual college students. The study specifically examined how women indicated consent and how they interpreted their partners’ consent in sexual behaviors. Jozkowski and Peterson (2013) found that women and men tend to follow traditional sexual scripts: Women are considered the “sexual gatekeeper,” and men are considered the “initiators,” meaning that women wait for their male partner to initiate sexual behavior either through
nonverbal physical actions or speech, and then they reciprocate, allowing sexual activity to begin. Two unexpected themes, emerged “male aggression” and “male deception”, were also identified. Results showed that when men initiate sex, it is common for them to use aggressive actions towards women. Their approach would often be harsh and fast, leaving little opportunity for the woman to give verbal consent. Such behaviors is described as “Male deception”, or the deceptive behavior men use to initiate sex, without giving their partner time to give consent. A common deceptive technique, for example, was the insertion of the penis into the vagina or anus, and if the woman protested, the man made an excuse, or suggested that the action was “accidental”. Consent from the woman or “gatekeeper”, is presumed by the man, and violated when these common deceptions occur (Jozkowski and Peterson, 2013).

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

**College Consent Research**

**Sexual Consent Policy**

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

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

**Affirmative Consent**

In 2014, California was the first state to pass Senate Bill 967, Student Safety: Sexual Assault, also known as, the Affirmative Consent Law (Johnson & Hoover, 2015). This law requires all colleges within California to comply and administer sexual consent policies on campus in order to continue receiving state funding. The bill defines affirmative consent as

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

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

Although research on the effectiveness of affirmative consent is sparse, many states have
begun the process of either passing an affirmative consent law, or incorporating informative consent into campus and high school programs. As previously mentioned, Michigan, Texas, Missouri, and California all incorporated the term “consent” in defining sexual assault or rape, without explicitly defining sexual consent itself. Although the states failed to define consent concerning the legal definition of sexual assault, some are now taking action to protect college and high school students. California is at present, the only state to have passed the Affirmative Consent Law. A bill was recently introduced in Michigan to allow high schools to teach about affirmative consent. Texas has proposed no legislation yet. Missouri has proposed Bill 262, which requires colleges and high schools to inform students and staff about affirmative consent.

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

**Sexual Consent Programs**

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

Analysis of effective sexual education programs will aid in constructing consent interventions and will likely decrease numbers of sexual assaults on college campuses. Though research investigating consent programs is limited, sexual assault prevention programs have been found to increase awareness about rape myths, empathy for the victim, and risk-taking behavior (Bradley, Yeater, & O'Donohue, 2009; Foubert, Godin, & Tatum, 2010). Researchers have used both quantitative and qualitative methods that include surveying pre-intervention, control groups, post-intervention, and open-ended questions. Follow-up data is also important to keep track of the progress of the interventions, including the perceptions and behaviors of students (Johnson & Hoover, 2015; Humphreys, 2004; Humphreys & Brousseau, 2010).

Limited Research

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

Sexual assault on college campuses in America is an important and relevant issue. However, to assist in preventing rape cases, and to educate the college students about sexual assault, we need to first explicitly define sexual consent. The ambiguity surrounding what constitutes sexual consent means there are infinite ways to interpret it, which also affects the outcomes of rape and sexual assault cases. Token resistance, credibility assessments, and the lack of verbal consent have been used as arguments against the conviction of sexual assault assailants. Defense tactics imply that sexual assault survivors consented to their assault; although that may not be the case, it can still be used as an argument against the victim. Laws such as the Rape Shield Laws were created to counteract credibility assessments from being used, but unfortunately, there are loopholes in these laws that allow credibility assessments to continue.

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

To educate our community about sexual consent, both verbal and nonverbal, we need to have a universal definition of consent. To do this, more research on attitudes and behaviors regarding interpreting sexual consent is needed. Tools like the revised sexual consent policy scale created by Humphreys and Brosseau (2010) help clarify validity, reliability, and predictive
values of five attitudinal and behavioral sexual consent policy subscales: (a) lack of perceived behavioral control, (b) positive attitude toward establishing consent, (c) indirect behavioral approach to consent, (d) sexual consent norms, and (e) awareness and discussion; which provide valuable information for constructing an educational program. Before beginning to implement educational consent programs in this country, we need extensive research on how students first acquire and maintain this information, and how to successfully implement consent programs in the age of social media. Data from general sexual education programs show that students do not respond well to enforced policies; they prefer interactive activities and personal stories when learning about sexual education and sexuality (Humphreys, 2000; Humphreys, 2004). Expressing the importance of communication with interactive programs will likely be more successful in educating students about sexual consent. It is important to test the effectiveness of consent education programs; however, we must first establish an operational definition of consent. Administering an objective online survey to assess attitudes about consent and consensual sexual behaviors is the first step. Then, a comprehensive program may be constructed to define and educate various groups about sexual consent and consensual sexual behaviors. Ideally, having comprehensive, standard definitions of these concepts will, in turn, decrease the frequency of sexual assault on college campuses.

The Present Study

This study seeks to investigate the importance and occurrence of sexual consent behaviors, both direct and indirect, within the student population of Eastern Michigan University. We analyzed the perceptions or attitudes and of students initiating or negotiating sexual consent and the physical and verbal behavior used before engaging in sexual behaviors. Additionally, relationships and gender were also analyzed to understand how relationship commitment and
gender identities affect the need to negotiate for consent, beliefs about consent and consensual behavior norms, indirect nonverbal methods of asking for or receiving consent, and the amount of general awareness and discussions students have about sexual consent. From this study, we can generalize a better comprehension for sexual scripts and norms that contribute to sexual consent behaviors and perceptions. Thus, giving us insight on how to approach research on sexual consent and developing effective educational programs for college students to increase awareness and decrease sexual assaults.

METHOD

Participants
Participants \((N = 439)\) were a random sample of undergraduate college students from Eastern Michigan University who were between the ages of 18 to 37 years old (table 1). Participants names and contact information were not collected. The random sample of students selected the 20 minute online survey via a university based website. The mean age for students was 20.50 years. A total of 323 \((73.6\%)\) students were female and 108 \((24.6\%)\) male. Only 7 \((1.6\%)\) students identified as non-binary and 1 student did not provide an answer for gender. About 335 \((76.3\%)\) of students identified as heterosexual, 13 \((2.9\%)\) as gay or homosexual, 35 \((7.9\%)\) as lesbian or homosexual, 30 as bisexual \((6.83\%)\), 20 as pansexual \((4.55\%)\), 3 as asexual \((.68\%)\), and 3 as queer or questioning \((.68\%)\). A little more over half, 240 \((54.7\%)\) of students reported as not being in committed relationships and the other half, 199 \((45.3\%)\), were in committed relationships at the time the survey was taken.

Measures

Sexual consent scale. The survey was modeled after the sexual consent scale \((SCS-R)\) created and revised by Terry Humphreys and Melanie Brousseau \((2009)\). The revised sexual consent scale
consists of thirty nine likert scale questions analyzing the participants perceived (a) Lack of) perceived behavioral control, (b) positive attitude toward establishing consent, (c) indirect behavioral approach to consent, (d) sexual consent norms, (e) awareness and discussion of consent. The revised sexual consent scale has been tested for validity and test-retest reliability, which was ideal for this study.

Coding of Descriptive Statistics

Demographic data. The demographic data for gender, sexual orientation, and relationships were coded to provide numerical values for data analysis on the R Program. Gender was split into four categories. Women or female identifying individuals were categorized into one group and the same goes for men or male identifying individuals. Students who identified as gender fluid or non binary were grouped together under the label of other. Those that did not answer were classified under a no answer category. Sexual orientation was split into seven groups. Students who identified as straight, heterosexual, and cisgender were grouped into one category. Students who identified as gay, homosexual, and preferred male to male sexual partners were grouped together. Lesbian and female to female preferred sexual partners were also grouped into one category. Bisexual, pansexual, and asexual students were given their own individual group as well. The last category consists of those who identify as queer or questioning. Relationships were split into two categories, committed and not committed. Those who chose not dating, casually dating, and dating one or more were classified as not committed. Students who chose steady relationship(s), living with someone(s), or married were classified as committed. See Table 1.

Sexual consent scale. The sexual consent scale (SCS-R) consisted of 39 Likert scale questions, 5 of those questions were reverse scored. The Likert scaled used was a seven point scale with each
response assigned a number from one to seven. For example, strongly disagree was given the number one and strongly agree was given the number seven. Reverse scored questions were assigned numbers in the reverse order. For example, strongly disagree was given the number seven and strongly agree was given the number one.

HYPOTHESES

Sexual Consent Attitudes:

a. It is predicted that there will be gender differences in the attitudes toward negotiating sexual consent.

b. It is predicted that the attitudes of students in long term or committed relationships will differ from students in non-committed relationships with regards to the expression of sexual consent

c. It is predicted that gender differences will be noted in terms of students’ attitudes about engaging in implicit (non-verbal) sexual consent and explicit (verbal) sexual consent.

RESULTS

SCS-R and gender. The sexual consent scale was analyzed using descriptive statistics and mean values reported in Table 2. (Lack of) perceived behavioral control by gender (table 2) was scored relatively low by males ($M = 2.64, SD = 1.28$), females ($M = 2.4, SD = 1.19$), and Others ($M = 1.36, SD = .36$). Positive attitude towards establishing consent received high scores from females ($M = 5.7, SD = 1$), males ($M = 5.53, SD = 1.08$), and Others ($M = 6.79, SD = .22$). Indirect behavioral approach to consent received medium scores from females ($M = 4.72, SD = 1.16$), males ($M = 4.64, SD = 1.03$), and others ($M = 4.44, SD = .69$). Sexual consent norms received relatively low scores from females ($M = 2.99, SD = .69$), males ($M = 3.04, SD = .65$), and others
($M = 2.17, SD = 1.01$). Awareness and discussion received medium scores from females ($M = 4.99, SD = 1.47$), males ($M = 4.82, SD = 1.38$), and others ($M = 5.79, SD = .94$). See Table 3.

**SCS-R and relationships.** The means and standard deviations are reported in Table 3. (Lack of) perceived behavioral control by relationships received a low score with those in committed relationships averaging at $M = 2.2, SD = 1.13$ and those in non committed relationships at $M = 2.66, SD = 1.25$. Positive attitude towards establishing consent received high scores with those in committed relationships averaging at $M = 5.76, SD = .98$ and those not in committed relationships at $M = 5.59, SD = 1.05$. Indirect behavioral approach to consent received medium scores from those in committed relationships ($M = 4.97, SD = 1.08$) and those not in committed relationships ($M = 4.46, SD = 1.1$). Sexual consent norms received medium to low scores from those in committed relationships ($M = 3.08, SD = .65$) and those not in committed relationships ($M = 2.91, SD = .71$). Awareness and discussion received medium scores from those in committed relationships ($M = 5.08, SD = 1.53$) and those not in committed relationships ($M = 4.86, SD = 1.36$). See Table 4.

Additionally, the SCS-R and relationships were also analyzed using T tests to test the significance of the means. Three of the five subscales, (lack of) perceived behavioral control $.001 < .05$, indirect behavioral approach to consent $.001 < .05$, and sexual consent norms $.014 < .05$, showed a statistical significance ($p < .05$) and rejected the null hypothesis that the populations for both committed and non committed relationships were equal.
<table>
<thead>
<tr>
<th>Variable</th>
<th>Number (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>323 (73.6%)</td>
</tr>
<tr>
<td>Male</td>
<td>108 (24.6%)</td>
</tr>
<tr>
<td>Non Binary</td>
<td>7 (1.6%)</td>
</tr>
<tr>
<td>No Answer</td>
<td>1 (.22%)</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td></td>
</tr>
<tr>
<td>Straight</td>
<td>335 (76.3%)</td>
</tr>
<tr>
<td>Gay</td>
<td>13 (2.9%)</td>
</tr>
<tr>
<td>Lesbian</td>
<td>35 (7.9%)</td>
</tr>
<tr>
<td>Bisexual</td>
<td>30 (6.83%)</td>
</tr>
<tr>
<td>Pansexual</td>
<td>20 (4.55%)</td>
</tr>
<tr>
<td>Asexual</td>
<td>3 (.68%)</td>
</tr>
<tr>
<td>Queer/Questioning</td>
<td>3 (.68%)</td>
</tr>
<tr>
<td>Age: M</td>
<td>20.5</td>
</tr>
<tr>
<td>Relationship status</td>
<td></td>
</tr>
<tr>
<td>Committed</td>
<td>240 (54.7%)</td>
</tr>
<tr>
<td>Not</td>
<td>199 (45.3%)</td>
</tr>
</tbody>
</table>

Note. N = 439.
### Sexual Consent Scale Table

#### Table 2. Means and Standard Deviations for the Sexual Consent Subscale Items

<table>
<thead>
<tr>
<th>Subscale 1: (Lack of) perceived behavioral control</th>
<th>Subscale 2: Positive attitude towards establishing consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>I would have difficulty asking for consent because it would spoil the mood</td>
<td>I feel that sexual consent should always be obtained before the start of any sexual activity</td>
</tr>
<tr>
<td>I am worried that my partner might think I’m weird or strange if I asked for sexual consent before starting any sexual activity</td>
<td>I believe that asking for sexual consent is in my best interest because it reduces any misinterpretations that might arise</td>
</tr>
<tr>
<td>I would have difficulty asking for consent because it doesn’t really fit with how I like to engage in sexual activity</td>
<td>I think it is equally important to obtain sexual consent in all relationships regardless of whether or not they have had sex before</td>
</tr>
<tr>
<td>I would worry that if other people knew I asked for sexual consent before starting sexual activity, that they would think I was weird or strange</td>
<td>I feel that verbally asking for sexual consent should occur before proceeding with any sexual activity</td>
</tr>
<tr>
<td>I think that verbally asking for sexual consent is awkward</td>
<td>When initiating sexual activity, I believe that one should always assume they do not have sexual consent</td>
</tr>
<tr>
<td>I have not asked for sexual consent (or given my consent) at times because I felt that it might backfire and I wouldn’t end up having sex</td>
<td>I believe that it is just as necessary to obtain consent for genital fondling as it is for sexual intercourse</td>
</tr>
<tr>
<td>I believe that verbally asking for sexual consent reduces the pleasure of the encounter</td>
<td>Most people that I care about feel that asking for sexual consent is something I should do</td>
</tr>
<tr>
<td>I would have a hard time verbalizing my consent in a sexual encounter because I am too shy</td>
<td>I think that consent should be asked before any kind of sexual behavior, including kissing or petting</td>
</tr>
<tr>
<td>I feel confident that I could ask for consent from a new sexual partner [R]</td>
<td>I feel it is the responsibility of both partners to make sure sexual consent is established before sexual activity begins</td>
</tr>
<tr>
<td>I would not want to ask a partner for consent because it would remind me that I’m sexually active</td>
<td>Before making sexual advances, I think that one should assume “no” until there is clear indication to proceed</td>
</tr>
<tr>
<td>I feel confident that I could ask for consent from my current partner [R]</td>
<td>Not asking for sexual consent some of the time is okay [R]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subscale 1: Mean</th>
<th>Subscale 2: Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.39</td>
<td>6.13</td>
</tr>
<tr>
<td>2.69</td>
<td>6</td>
</tr>
<tr>
<td>2.4</td>
<td>2.44</td>
</tr>
<tr>
<td>2.22</td>
<td>2.62</td>
</tr>
<tr>
<td>2.86</td>
<td>2.87</td>
</tr>
<tr>
<td>2.35</td>
<td>2.04</td>
</tr>
<tr>
<td>2.62</td>
<td>5.75</td>
</tr>
<tr>
<td>2.87</td>
<td>5.48</td>
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<tr>
<td>2.19</td>
<td>5.87</td>
</tr>
<tr>
<td>4.88</td>
<td>5.45</td>
</tr>
<tr>
<td>4.77</td>
<td>5.67</td>
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</table>

<table>
<thead>
<tr>
<th>Subscale 3: Indirect behavioral approach to consent</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5.96</td>
<td>5.48</td>
</tr>
<tr>
<td>6.13</td>
<td>5.87</td>
</tr>
<tr>
<td>6</td>
<td>5.9</td>
</tr>
<tr>
<td>5.75</td>
<td>5.45</td>
</tr>
<tr>
<td>5.48</td>
<td>5.67</td>
</tr>
<tr>
<td>6.13</td>
<td>6.11</td>
</tr>
<tr>
<td>1.38</td>
<td>1.35</td>
</tr>
<tr>
<td>1.38</td>
<td>1.02</td>
</tr>
<tr>
<td>1.84</td>
<td>1.84</td>
</tr>
</tbody>
</table>
Typically I communicate sexual consent to my partner using nonverbal signals and body language
It is easy to accurately read my current (or most recent) partner’s nonverbal signals as indicating consent or non-consent to sexual activity
Typically I ask for consent by making a sexual advance and waiting for a reaction, so I know whether or not to continue
I don’t have to ask or give my partner sexual consent because my partner knows me well enough
I don’t have to ask or give my partner sexual consent because I have a lot of trust in my partner to “do the right thing”
I always verbally ask for consent before I initiate a sexual encounter [R]

Subscale 3: Mean
Subscale 4: Sexual consent norms
I think that obtaining sexual consent is more necessary in a new relationship than in a committed relationship
I think that obtaining sexual consent is more necessary in a casual sexual encounter than in a committed relationship
I believe that the need for asking for sexual consent decreases as the length of an intimate relationship increases
I believe it is enough to ask for consent at the beginning of a sexual encounter
I believe that sexual intercourse is the only sexual activity that requires explicit verbal consent
I believe that partners are less likely to ask for sexual consent the longer they are in a relationship
If consent for sexual intercourse is established, petting and fondling can be assumed

Subscale 4: Mean
Subscale 5: Awareness and discussion
I have discussed sexual consent issues with a friend
I have heard sexual consent issues being discussed by other students on campus
I have discussed sexual consent issues with my current (or most recent) partner at times other than during sexual encounters
I have not given much thought to the topic of sexual consent [R]

Subscale 5: Mean

Note. Factor loadings <.40 are not reported. Items with [R] are reverse coded.
### Table 3.
**Descriptive Statistics of Sexual Consent Subscale by Gender**

<table>
<thead>
<tr>
<th>Sexual Consent Subscales</th>
<th>Gender</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Total</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td></td>
<td>Male</td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
</tr>
<tr>
<td>(Lack of) behavioral control</td>
<td>2.4</td>
<td>1.19</td>
<td>2.64</td>
<td>1.28</td>
<td>1.36</td>
<td>.36</td>
<td>2.45</td>
<td>1.21</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positive attitude toward consent</td>
<td>5.7</td>
<td>1</td>
<td>5.53</td>
<td>1.08</td>
<td>6.79</td>
<td>.22</td>
<td>5.67</td>
<td>1.02</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indirect behavioral approach to consent</td>
<td>4.72</td>
<td>1.16</td>
<td>4.64</td>
<td>1.03</td>
<td>4.44</td>
<td>.69</td>
<td>4.69</td>
<td>1.12</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual consent norms</td>
<td>2.99</td>
<td>.69</td>
<td>3.04</td>
<td>.65</td>
<td>2.17</td>
<td>1.01</td>
<td>2.99</td>
<td>.69</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awareness and discussion</td>
<td>4.99</td>
<td>1.47</td>
<td>4.82</td>
<td>1.38</td>
<td>5.79</td>
<td>.94</td>
<td>4.96</td>
<td>1.44</td>
<td></td>
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</table>

### Table 4.
**Descriptive Statistics of Sexual Consent Subscale by Relationship**

<table>
<thead>
<tr>
<th>Sexual Consent Subscales</th>
<th>Relationship</th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th>Total</th>
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<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Committed</td>
<td>Not Committed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Lack of) behavioral control</td>
<td>2.2</td>
<td>1.13</td>
<td>2.66</td>
<td>1.25</td>
<td>2.45</td>
<td>1.21</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positive attitude toward consent</td>
<td>5.76</td>
<td>.98</td>
<td>5.59</td>
<td>1.05</td>
<td>5.67</td>
<td>1.02</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indirect behavioral approach to consent</td>
<td>4.97</td>
<td>1.08</td>
<td>4.46</td>
<td>1.1</td>
<td>4.69</td>
<td>1.12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual consent norms</td>
<td>3.08</td>
<td>.65</td>
<td>2.91</td>
<td>.71</td>
<td>2.99</td>
<td>.69</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awareness and discussion</td>
<td>5.08</td>
<td>1.53</td>
<td>4.86</td>
<td>1.36</td>
<td>4.96</td>
<td>1.44</td>
<td></td>
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</table>
DISCUSSION

Sexual Consent Scale

*Lack of perceived behavioral control.* Lack of perceived behavioral control measures how much behavioral control students perceived they had giving or asking for consent to engage in sexual activities (Humphreys and Brousseau, 2010). Similar to Humphreys and Brousseau's research, students believed that they had control over establishing consent or asking for consent with their sexual partners. Those who identified as female or male indicated that they perceived to have less difficulty asking for consent or verbalizing consent. The differences between the means for female and male identified students was small, but those who identified as non-binary (labeled as Other in Table 3 and Table 4) had a lower mean, indicating that those students perceived more behavioral control asking or giving consent. Those in committed and non committed relationships showed a significant difference ($p < .05$) regarding perceived behavioral control. Students not in committed relationships had higher perceptions than those in committed relationships that they had control over establishing consent.

*Positive attitude toward establishing consent.* The positive attitude toward establishing consent subscale measures the common beliefs about establishing consent before sexual activities begin (Humphreys and Brousseau, 2010). Even though students perceived that they had more control over communicating consent, the general consensus seen in Table 2 shows that students were conflicted or undecided more than they were sure about establishing consent. Interestingly, the non binary group's mean was once again higher than those who identified as female or male. Indicating that students who chose not to adhere to social constructions of gender are more sexually
assertive and communicate more efficiently. Results for students in committed relationships and those who are not were very similar and showed no significant difference.

*Indirect Approach to consent.* The indirect approach to consent subscale measures the use of indirect or nonverbal behaviors and methods to negotiate consent (Humphreys and Brousseau, 2010). We initially believed that students would engage quite often with nonverbal and indirect forms of communication. However, students were again generally conflicted about engaging in indirect behaviors to negotiate consent. Females, males, and non binary students had similar results with a medium score indicating their uncertainty about their physical behaviors. While the relationship descriptive statistics shows a significant difference between groups, the range still implies that students are undecided about their physical or indirect behaviors imply consent. Similar to Humphreys and Brousseau (2010), students in committed relationships were more inclined to imply consent with indirect and nonverbal behaviors than those not in committed relationships, suggesting that those in committed relationships establish a code of communication that incorporates indirect behaviors that implies sexual consent during their time with their partner while those not in relationships have less time to establish efficient communication methods with their partner(s).

*Sexual Consent Norms.* The subscale Sexual consent norms measures the beliefs or common concepts about sexual consent norms (Humphreys and Brousseau, 2010). This subscale also measures the attitudes towards sexual consent and norms that students currently associate it with, giving us more important information about the development and consistency of sexual scripts. Generally, this subscale received mixed rankings. The overall mean indicated that students do not establish such sexual consent norms as often as we had initially thought. Students marked low scores \( M = 2.99 \) for establishing sexual consent norms such as, “If consent for sexual
intercourse is established, petting and fondling can be assumed.” However, “I think that obtaining sexual consent is more necessary in a new relationship than in a committed relationship” scored the highest (M = 5.26) within the subscale category. Indicating that while students may not agree on sexual consent norms for all, they do establish sexual consent norms for initial sexual interests. The data supplies some support for the interpersonal script theory, which is commonly seen in dating environments and allows for interpretation of social cues. Additionally, males were more likely than female identifying students and non binary students to incorporate common concepts about sexual consent norms. Male identifying students incorporating cultural scripts into their own intrapsychic scripts could also potentially provide support previous reports of men being more likely to believe rape myths. Lastly, the data also supports a statistical significance between committed and non committed relationships with those who were committed at the time of the survey responding with more uncertainty than disagreement. Perhaps committed partners were more likely to establish sexual consent norms within their relationship which reflects their own interpersonal scripts, allowing them to successfully interpret cues.

Awareness and Discussion. The subscale for awareness and discussion measures the general awareness of sexual consent and discussions had by college students (Humphreys and Brousseau, 2010). The general consensus for this subscale is relatively positive (M = 4.96). Nonbinary students were more likely to be aware of and discuss sexual consent than their male and female identifying peers. Again, this could imply that students who are more aware of gender and social constructs may also be more aware or exposed to conversations about sexual consent. Students who were in committed relationships and non committed relationships both engage in discussions and are aware of sexual consent conversations, with students in committed relationships ranking slightly higher. It is possible that students in committed relationships develop
sexual consent norms and indirect behavioral approaches towards establishing consent by discussing sexual consent together and becoming more aware of the topic together, which could explain the statistical significance over non committed relationships in the subscales.

**Sexual Consent Attitudes Summary.** As predicted, there are gender difference in the attitudes toward negotiating consent, but not in the way we initially thought. Nonbinary students reported more often to have a positive perception of their behaviors negotiating consent, positive attitude for establishing consent, and were more aware and discussed sexual consent. Female and male identifying students reported similar attitudes and behaviors except for the sexual consent norms subscale, in which males scored slightly higher than females.

The attitudes and behaviors of students in committed relationships did differ in regards to expression of sexual consent. Students in committed relationships reported slightly higher perceived behavioral control, establishing indirect behaviors to approach sexual consent negotiating, and establishing sexual consent norms.

There are gender differences about students engaging in implicit (nonverbal) sexual consent and explicit (verbal) sexual consent. Female, male, and nonbinary identifying students reported that they have positive attitudes towards establishing consent and asking for consent, with non binary students reporting the highest. Female, male, and nonbinary students reported to be less likely to engage in indirect behavioral approaches towards consent.

**Future Research.** The data presented provides insight into attitudes and behaviors regarding sexual consent. However, more statistical analysis needs to be done to review the significance between the demographic data and the SCS-R. This research has been limited with quantitative questions. Suggested steps for future research would be to incorporate more qualitative questions for a more in depth review of sexual consent attitudes and behaviors.
Qualitative questions could be coded for common terms and descriptions used to fully assess student’s perceptions regarding sexual consent. Furthermore, ambiguous terms would be an ideal study to analyze the conflicting perceptions between genders and sexual orientations regarding physical behaviors students associate with the ambiguous terms and phrases. This would also be an important approach to understand the communication between young adults, changes in social media, and their relations to sexual consent. Regarding social media, investigating the connection between a rise in sexual assault events published in social media and the rise in awareness and discussion of consent affect reports of sexual assault and the occurrence of sexual assault.

References


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