

Senate Bill 636, "An Act Concerning Affirmative Consent"
February 26, 2014
Testimony of Lori Carriere

Good day Senator Dante Bartolomeo and Roberta B. Willis. Thank you for your interest in affirmative consent legislation on college campuses in the state of Connecticut. I am writing in support of Senate Bill 636, "An Act Concerning Affirmative Consent." I urge you to pass this legislation and protect all college students statewide from sexual assault.

I am a Writing and English instructor at the University of Connecticut where I also work for the Women's Center. I facilitate workshops on consent, sexual assault, intimate partner violence, and stalking through the UConn Women's Center's Violence Against Women Prevention Program, and I also facilitate the Men's Project, a sexual assault prevention program aimed at male-identified undergraduates who are leaders in the campus community.

As I am sure you are aware, UConn already has set affirmative consent as the standard for sexual assault. It's a key part of my job as a sexual assault and prevention educator to walk the incoming freshman through the student conduct code and the definition of consent. What I've found in my professional experience is that young college age students really don't have a vocabulary for talking about sexual relationships in this manner; they are more well-versed in sexual health and STD and pregnancy prevention. The role of alcohol in making partners more pliable tends to be confusing, and we get lots of questions on alcohol and its influence on consent when both parties have been drinking. Some students also need help breaking down the different stages of sexual activity, or the idea that affirmative consent, either verbal or nonverbal, for one sexual activity does not imply consent to all activities. They also sometimes struggle with the idea that there is a sexual initiator -- that sexual activity isn't spontaneous and that there is someone responsible for obtaining consent for a sexual activity. Because of the affirmative consent policy at UConn, we've been able to implement effective programming that addresses these questions. Affirmative consent policies establish a standard of behavior and community accountability. In short, they place emphasis on prevention rather than punishment alone. This sense of accountability should be established as the standard in all colleges across Connecticut so that all students are protected and can receive sexual assault prevention education.

A "no means no" approach that places the burden of refusing onto the victim who may not even be expecting or prepared for advances sets the bar much too low and doesn't hold perpetrators accountable for their behavior. "No means no" does not protect people who have been made more pliable with the influence of drugs or alcohol or who are not given the option of saying no. The most common argument against affirmative consent policies is that people who did not achieve consent will be "accidentally" assaulting people due to lack of communication or misreading a partner's signals. However, the research of David Lisak and others reveals that perpetrators are usually a small percentage of the population, are repeat perpetrators, and do know what they are doing. This tells us that it is really the community that is assuming miscommunication. In essence, a "no means no" approach to sexual assault lets perpetrators who do know what they are doing off the hook. Consent shouldn't be confusing. If a signal is unclear, it should be up to the initiator to obtain consent, and affirmative consent policies establish that standard.

While affirmative consent protects everyone regardless of gender identity, affirmative consent legislation also promotes gender equity on college campuses. We know that anyone can be assaulted and anyone can assault, but that statistically speaking, men are more likely to be perpetrators than women and women are more likely to be assaulted than men. On college campuses, where women live, take classes, and work alongside men, women have the right to be free from gender violence and harassment. Sexual harassment of any sort should not be tolerated on college campuses. It is a deterrent for women fully participating in the educational, co-curricular, and professional development activities. Affirmative consent provides a means of removing perpetrators from college campus so that everyone can be safer. Women's colleges have historically fulfilled the role of providing safe spaces for women. I urge you to pass this legislation and make coeducational institutions safe spaces for everyone.