

-YALE COLLEGE- DEMOCRATS

February 17th, 2016

Testimony of Michael Bogaty
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505 College Street
New Haven, CT 06511

In favor: H.B. 5376
An Act Concerning Affirmative Consent

As a Yale freshman entering campus, the idea of an affirmative consent policy struck me as odd. Before attending workshops relating to appropriate sexual conduct, I expected that this policy would lead to countless false accusations, drastic interference with the judicial process, and a culture of fear around sexual encounters. However, after spending a semester and a half on a campus fortunate enough to have such a policy, it became clear that none of this is true and that the largest, most visible impact of such a policy to an “ordinary” Yale student is not the action taken by the administration in response to these cases but the healthy culture it creates on campus that permeates everywhere from classroom discussions to raucous fraternity parties.

A commonly raised, but utterly bankrupt, objection to affirmative consent policies is that they interfere with the judicial process both on campus and in the courts. Affirmative consent policies define what counts as inappropriate sexual conduct, not how those cases are handled. The bill before the legislature would not even change criminal statutes at all: victims will have the same opportunity as before to press civil or criminal charges in a court of law under existing sexual assault legislation. What H.B. 5376 would change is how sexual assault is perceived in campus disciplinary proceedings. In these proceedings, defendants would have the same rights as they currently do to defend themselves from serious adjudications. I know personally from discussions with student members of committees that hear these proceedings that those on the committee take the responsibility seriously. They are not “out to get” people accused of sexual assault. They weigh the evidence carefully. Instituting an affirmative consent policy on campuses will in no way either lead to students being unfairly punished or to a breakdown in the judicial process.

What an affirmative consent policy does do, however, is change attitudes on college campuses towards sexual encounters. As young, often inexperienced individuals, being told on day one what it means for a sexual partner to give consent shapes their perception of what is the right way to act in these circumstances. This avoids a culture in which certain individuals think that it is entirely acceptable for them to approach a fellow student hoping that he or she will be too drunk, shy, or scared to say no. Requiring clear, unambiguous consent removes the gray area that leads to traumatizing acts of sexual assault.