Drunk Sex? Finding Common Language to Discuss Incapacity with Students

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Shannon Nix, Associate Director, Sexual Assault and Violence Intervention & Prevention

UNIVERSITY OF South Carolina
GOALS FOR TODAY

Describe our process used to gather data on student and staff perceptions around the topic of incapacity and consent through the use of targeted scenarios in focus group sessions.

Explain our systematic plan to engage multiple stakeholders in developing common language to ensure that our education around the topic of consent and incapacitation match our adjudication processes.

Discuss the intersection of incapacitation and consent through the student perspective.

Ask questions in a nonthreatening environment so participants can work to find common language on their own campus.
In what functional area do you work at your institution?

- Alcohol & Drug Programs
- IPV / Violence Prevention, Intervention, Response
- Title IX / Equal Opportunity / Student Conduct
- Mental Health / Counseling
- Administration / Student Affairs / Something Else

1. Go to srs.campuslabs.com
2. Create a user name
3. Connect ID: 15197
How well are you discussing and educating students about alcohol, incapacitation, and consent on your campus?

- Very well and often.
- Some but we could do more / better.
- Some but there are challenges.
- We're not talking about alcohol and consent.

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WHO ARE WE?
OUR CONTEXT

• Public flagship university
• Located in Columbia, SC (2015 pop: 133,979)
• Enrollment: 26,000 undergrad 6,500 graduate 1,800 professional
• Top Public Honors College
• #1 International Business Major
• #3 Sports Science programs
• #1 First Year Experience program and home to the National Resource Center on the FYE
• Southeastern Conference (SEC)
• Football, Fraternities, Five Points (and the Horseshoe)
The Need for Common Language

STOP, WAIT A MINUTE
CHECK THE CUP, IS THERE LIQUOR IN IT?
IF ITS "YES", THEY CAN'T GIVE CONSENT
EVERY TIME YOU SHOULD ASK.

#TUNEDINTOCONSENT

South Carolina
THE PROCESS

Building the Team  Creating Scenarios  Student Focus Groups  Reviewing Data  Next Steps
SCENARIO 1

- Jane and Matt meet at Breaker’s Bar and Grill at 12:30 a.m. After talking for a couple of minutes, Jane tells Matt that she pregamed for Tiger Burn at 6 p.m. and has been drinking ever since. Matt suggests he buy her a slushie and, while walking over, Matt sees her stumble, barely able to walk. After 30 minutes, Matt suggests that they go back to his place to hang out. Jane says no, she wants to keep drinking. They head to Jake’s Bar and Matt continues to buy Jane multiple drinks, while also taking shots himself to “get on Jane’s level.”

- As the bar closes, Matt realizes they’re both drunk, so they walk to Cookout Restaurant and he buys Jane a tray to eat.

- Matt calls an Uber and asks Jane if she wants to go back to his place. She responds with a slurred yes and Matt helps Jane into the Uber when it arrives.

- Once at Matt’s apartment, Jane throws up. After throwing up, the two have sex.

Was the sex consensual?

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<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Disagree</td>
<td>53.60%</td>
</tr>
<tr>
<td>Disagree</td>
<td>35.70%</td>
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<tr>
<td>I don’t know</td>
<td>10.70%</td>
</tr>
<tr>
<td>Agree</td>
<td>0%</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>0%</td>
</tr>
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</table>

n=84 student leaders, Spring 2019
SCENARIO 2

Brittany goes on a beach weekend trip with a bunch of her girl and guy friends. Everyone is drinking the entire weekend. On night one, she engages in consensual sex with Jacob. The second night, she engages in consensual sex with Ryan. On the last night, she begins flirting with Aaron. However, when he goes to take her back to his room, she states that she doesn’t want to have sex with him tonight and wants to stay at the party. He decides that he’ll stay at the party with her and ends up taking shots with her and giving her drinks. The two have sex later that night.

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<table>
<thead>
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<th>Response</th>
<th>Percentage</th>
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<tbody>
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<td>30.1%</td>
</tr>
<tr>
<td>Disagree</td>
<td>36.1%</td>
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<tr>
<td>I don't know</td>
<td>26.5%</td>
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<tr>
<td>Agree</td>
<td>4.8%</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>2.4%</td>
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</table>

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SCENARIO 3: FOCUS GROUP RESPONSES

Rebecca and Elizabeth matched on Tinder two days ago and have been texting/Snapchatting one another ever since. Elizabeth states that she is having a party at her place tonight and invites Rebecca. An hour into the party, Rebecca tells Elizabeth that she wants to stay over after the party ends so they can hook up. A couple hours later, Elizabeth finds Rebecca passed out in her bed. She attempts to wake her but she mumbles and rolls over. Elizabeth lays in bed with Rebecca and touches her breasts and kisses the back of her neck. “The sexual activity between Rebecca and Elizabeth was consensual.”

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
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<tbody>
<tr>
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<td>78.0%</td>
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<tr>
<td>Disagree</td>
<td>19.5%</td>
</tr>
<tr>
<td>I don't know</td>
<td>1.2%</td>
</tr>
<tr>
<td>Agree</td>
<td>1.2%</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>0.0%</td>
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</table>

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SCENARIO 4: FOCUS GROUP RESPONSES

Madison and Alex have been seeing each other for about a week now. They’ve drunkenly made out a couple of times but have not had sex yet. The two go to Pavlov’s Bar on Monday night and drink heavily. They go to Cookout Restaurant to eat and sober up before going home. When they get back to Madison’s apartment, they begin to make out. Alex mentions that he’s had too much to drink tonight and can’t have sex (Alex is unable to get an erection due to the amount of alcohol he’s consumed). Madison continues to kiss him and engages in oral sex. “The sexual activity between Madison and Alex was consensual.”

<table>
<thead>
<tr>
<th>Opinion</th>
<th>Percentage</th>
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<tbody>
<tr>
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<tr>
<td>Disagree</td>
<td>44.3%</td>
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<tr>
<td>I don't know</td>
<td>11.4%</td>
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<tr>
<td>Agree</td>
<td>15.2%</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>2.5%</td>
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SCENARIO 5: FOCUS GROUP RESPONSES

Evan and Tyler have been dating for 6 months and are in an exclusive and sexually active relationship. They go out day drinking for St. Patrick’s Day in Five Points and end up at Chick-Fil-A to get food before going home. While they’re eating, Tyler tells Evan that he can’t wait to have sex when they get back. Once arriving back at the apartment, Tyler tells Evan that he is tired and just wants to go to sleep. Evan says, “Come on, you’ve been waiting for this all day. You can just lay back and relax.” Evan performs oral sex on Tyler. “The sexual activity between Evan and Tyler was consensual.”

<table>
<thead>
<tr>
<th>Opinion</th>
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</thead>
<tbody>
<tr>
<td>Strongly Disagree</td>
<td>27.2%</td>
</tr>
<tr>
<td>Disagree</td>
<td>44.4%</td>
</tr>
<tr>
<td>I don't know</td>
<td>18.5%</td>
</tr>
<tr>
<td>Agree</td>
<td>7.4%</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>2.5%</td>
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SCENARIO 6: FOCUS GROUP RESPONSES

Adriana has been dating Brad. The two go out one night with their friends to Five Points. After going to a few bars, they end up at Cotton Gin Bar to drink more and dance. Adriana is dancing with her friend Emily and the two think it would be fun if they kissed in front of Brad. They begin to make out and Brad pulls out his phone, videotapes them on Snapchat, and puts it on his story. “The sexual activity between Adriana and Emily was consensual.”

- **Strongly Disagree**: 1.2%
- **Disagree**: 4.9%
- **I don't know**: 9.9%
- **Agree**: 58.0%
- **Strongly Agree**: 25.9%

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SCENARIO 7: FOCUS GROUP RESPONSES

Adriana has been dating Brad. The two go out one night with their friends to Five Points. After going to a few bars, they end up at Cotton Gin Bar to drink more and dance. Adriana is dancing with her friend Emily and the two think it would be fun if they kissed in front of Brad. They begin to make out and Brad pulls out his phone, videotapes them on Snapchat, and puts it on his story. “The videotaping of the sexual activity between Adriana and Emily was consensual.”

<table>
<thead>
<tr>
<th>Response</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Strongly Disagree</td>
<td>45.7%</td>
</tr>
<tr>
<td>Disagree</td>
<td>37.0%</td>
</tr>
<tr>
<td>I don't know</td>
<td>13.6%</td>
</tr>
<tr>
<td>Agree</td>
<td>4.9%</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>0.0%</td>
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n=84 student leaders, Spring 2019
WHAT NEXT?
THE PROCESS

Building the Team
Creating Scenarios
Student Focus Groups
Reviewing Data
Next Steps
REVIEWING DATA

• Getting the team back together
  • Review focus group results
  • Finalize education plans and campaign

• Interpersonal Violence Workgroup presentation
NEXT STEPS: EDUCATION

- Common language for presentations
- Use scenarios in presentations with students
- Tailoring scenarios for culturally diverse groups
- Opportunity for norms clarification
COMMON SLIDE FOR PRESENTATIONS
ALCOHOL AND CONSENT

Consent is a clear, conscious, willing and affirmative agreement to engage in sexual activity.

An incapacitated person cannot give consent.

- Slurred and/or incoherent speech
- Confusion
- Lack of balance / motor skills
- Falling asleep
- Vomiting
- Unconscious or asleep
- Number of drinks consumed (3+ standard drinks in an hour)
SCENARIOS IN PRESENTATIONS

Collaborative presentations (SAPE, SAVIP, Sexual Health)

- First year seminar classes
- Residence Hall programs
- Fraternity and sorority programs

Modify scenarios for bystander intervention education

- Jane and Matt met at Breakers Bar & Grill in 5 Points at 12:30 a.m. After talking for a couple of minutes, Jane tells Matt she pregame for her sorority function at 6 p.m. and has been drinking since. Matt offers to buy her a slushy and helps her as she stumbles over to the bar, barely able to walk. **Matt remarks to you that he plans to take Jane home with him and winks. What do you say?**

- Rebecca and Elizabeth matched on Tinder two days ago and have been texting/Snapchatting each other ever since. Elizabeth states she is having a party at her place tonight and invites Rebecca. An hour into the party, Rebecca tells Elizabeth that she wants to stay over after the party ends so they can hook up. A couple hours later, **Elizabeth tells you Rebecca is passed out in her bed. What do you say?**
NPHC:
Juan and Alicia were at a kickback before a probate after party. Juan mixed his own drinks but Alicia is drinking the signature cocktail from the Gatorade cooler on the counter. Juan offers to refill Alicia’s cup and helps her as she stumbles over to the bar, barely able to walk. Juan remarks to you that he plans to take Alicia home with him and winks. What do you say?

Latina sorority:
Juan invites Alicia, a new student, to a small house party where almost everyone knows each other. Juan offers to make Alicia another drink from the bottles and mixers in the kitchen and helps her as she stumbles to the kitchen, barely able to walk. Juan remarks to you that he plans to take Alicia home with him and winks. What do you say?
OPPORTUNITY TO CLARIFY NORMS

If you are leaving a bar/club/social event with someone and you are too drunk to consent to sexual activity, how would you want your friends to intervene?

- Stop you from leaving with that person no matter what. 41%
- Approach you and/or the person you are leaving with and check in. 26%
- Do nothing (let you leave with that person). 3%
- Recruit others (friends, bar/event staff) to help intervene. 4%
- N/A I don't drink. 26%

Alcohol Edu Survey #3 Custom Question, October 2018, n=6045
OPPORTUNITY TO CLARIFY NORMS

If you are leaving a bar/club/social event with someone who is too drunk to consent to sexual activity, how would you want your friends to intervene?

- Stop you from leaving with that person no matter what: 49%
- Approach you and/or the person you are leaving with and check in: 8%
- Recruit others (friends, bar/event staff) to help intervene: 3%
- Do nothing (let you leave with that person): 40%

Alcohol Edu Survey #3 Custom Question, October 2018, n=6045
GAMECOCKS STAND UP CAMPAIGN

“They look really wasted, and I don’t know the person they are leaving with…”

What’s next?

**Recognize harm**

Signs of **incapacitation** include:
- Slurred or **incoherent speech**
- Lack of balance
- Confusion
- Falling asleep or **unconscious**
- **Vomiting**

Generally, incapacitation is defined as having consumed at least three standard drinks in one hour.

**Decide to intervene**

Consent is a **clear, conscious, willing** and **affirmative** agreement to engage in sexual activity. If someone is incapacitated, they **cannot consent to any type of sexual activity**.

South Carolina state law and UofSC’s Good Samaritan policy provides **amnesty from minor drug and alcohol citations** for people who help someone in need.

Remember, **assess your safety first** before intervening. If you feel uncomfortable, you can always use an indirect method of intervention like the **RAVE Guardian app**.

**Step in or speak up**

Remember the D’s of bystander intervention:

- **Direct**
  “They seem really out of it. Let’s help them find their friends.”

- **Distract**
  “Hey, we need to go close your tab!”

- **Delegate**
  Find the group they arrived with or alert a bartender or a bouncer to the situation.

  Do not let them leave alone or with a stranger.

  UofSC offers **free, accessible, inclusive and confidential support** to survivors of sexual assault. To learn more about how to access these services and more, visit **sc.edu/StopSexualAssault**

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As Gamecocks, we are empowered to recognize potentially unsafe, harmful or dangerous situations; decide to take action; **step in and speak up** to influence the outcome and impact our culture.
NEXT STEPS: ADJUDICATION & POLICY

- Policy Review and Revision
- Alcohol Education for everyone
  - Equal Opportunity / Student Conduct
  - Law Enforcement
  - Advocates
  - Sexual Health Educators
- Training on Investigation Strategies
- Continuing Education
  - Sexual Health Campaign (inspired by UC Davis Party Smart)
  - Sexual Assault Communications Committee
  - Revision of U101 Textbook
  - Spring 2020 Orientation Leader Training / Fall 2020
DISCUSSION

How are you talking about alcohol and consent on your campus?

How do education and adjudication staff talk with each other?

What opportunities exist to expand conversation on this topic?

Give us feedback!
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THANKS!

Marc Shook: shookmh@mailbox.sc.edu
Aimee Hourigan: ahouriga@mailbox.sc.edu
Shannon Nix: nixs2@mailbox.sc.edu