Nonverbal Indicators of Sexual Consent in College Students

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She/Hers
Introductions

• Who I am
• Who you are
Learning Outcomes

Understand basic principles of sexual script theory (Simon & Gagnon, 1984) and its impact on higher education functions relating to sexual violence

Utilize information to inform policy development and education

Evaluate nonverbal consent communication as it applies sexual misconduct cases
Background and Importance of Study

Background

Impacts

• Survivors
• Survivor Supporters
  • Gendered Differences
Importance of the Study

• Increase of Affirmative Consent Policies
• Reasonable person similarly situated
• Increased scrutiny of college and university response to and education about sexual violence issues
Existing Understanding of Consent

• State Laws – 2015:
  • Penal/Criminal Codes
    • Colorado, Florida, Minnesota, Vermont, Washington, Wisconsin (defined consent)
    • All others: without consent, lack of consent, etc.
  • Education Codes
    • California
    • New York
Non-Consent v. Affirmative Consent

Consent Research

- Largely Quantitative
- Qualitative done to inform Quantitative
- Largely Surveys – not in person
- Pseudo Research
  - Professor
Consent Research

• Internal Consent
• External Consent
Sexual Script Theory

• Initial Work Published in 1973
• Sex is a Socially Constructed Interaction
• Broken Into 3 Sources
  • Cultural Scenarios
  • Intercultural Scripts
  • Intrapsychic Scripts

Where We Have Influence

Cultural Scenarios

Where are students getting messages about what sex and consent should look like?

What happens when there is a lack of or damaging cultural scenarios?
Nonverbal Indicators of Sexual Consent in College Students

• 18 – 24 year old students
• All from the Americas
• Cis-Gender

• Had engaged in consensual sex at least once with someone of the opposite sex
  • This was based on their own definition of what sex is
Limitations

• Limited number of cis men
• Self-selected into study
• Some trying to give the “right” answer
Defining Sex

• Emotion and Connectedness
• Largely defined by penetration
• Acknowledgement of large range of definitions
Some Items of Note

• Verbal Communication
• Context
• Allowing Something to Happen vs. Freezing
• Short-term vs. Long-term relationships
Writing Sexual Scenarios

• Two people
• Consensual
• No Talking
• Straight Forward/Complex
PJ and Shawn have known each other for years. PJ invited Shawn to a party and Shawn accepted. They stayed at the party for a short time. Shawn asked PJ if they could leave and go back to PJ’s place; PJ agreed. When they arrive, PJ immediately guides Shawn to the couch where they both kick off their shoes and sit closely. PJ cuddles up to Shawn taking a deep breath as PJ’s head drops to Shawn’s shoulder. Shawn places an arm around PJ. Shawn rubs PJ’s shoulder with a thumb while PJ places a hand on Shawn’s knee. PJ looks up at Shawn, making eye contact and propping up to get closer. Shawn leans down to kiss PJ pushing PJ down onto the couch. PJ kisses back and wraps an arm around Shawn to draw them closer together. Both PJ and Shawn use their hands to explore each other’s body, avoiding contact with the other’s genitals. After some time passes, Shawn stands reaching a hand out to PJ. PJ takes the hand, standing and leaning in to kiss Shawn again. They both push into their embrace exploring each other’s mouths with their tongues. Shawn heads to PJ’s bedroom as PJ follows. Shawn removes Shawn’s shirt as PJ approaches placing both hands on Shawn’s stomach and slipping a finger into Shawn’s pants while running the finger along the waistband. PJ slides a hand into the back of Shawn’s pants cupping Shawn’s butt while kissing Shawn’s neck. Shawn unbuttons PJ’s shirt opening it and pulling PJ in making skin to skin contact. PJ pulls back, looking into Shawn’s eyes and slipping the unbuttoned shirt off. PJ then slowly unfastens PJ’s shorts stepping out of them and dropping them to the floor. Maintaining eye contact, Shawn removes Shawn’s pants and underwear. Shawn guides PJ’s hand to Shawn’s genitals, PJ stimulates Shawn and then drops slowly to the floor to stimulate Shawn with PJ’s mouth. After a few moments, Shawn lifts PJ’s head, guiding PJ back to a standing position and pulls PJ to the bed. PJ lays down. Shawn begins kissing PJ’s body and pulling PJ’s underwear down. PJ lifts PJ’s hips from the bed allowing Shawn to draw PJ’s underwear down. Shawn lays on top of PJ as they continue kissing each other. PJ again stimulates Shawn’s genitals briefly with a hand. Shawn moves down PJ’s body lightly licking PJ’s genitals and additionally stimulating PJ with Shawn’s fingers and hand. Shawn looks up at PJ and guides PJ to another position. Shawn moves to penetrate PJ and PJ does not move and makes no sound. Shawn stops. Moving to see PJ’s face, Shawn raises both eyebrows searching PJ’s eyes. PJ takes a deep breath and nods. Shawn tilts Shawn’s head to the side, looking again into PJ’s eyes. PJ nods again and guides Shawn back into position to penetrate. Shawn reaches to take one of PJ’s hands. PJ grips Shawn’s fingers as Shawn gently penetrates PJ.
Sexual Scenario

• Ignoring student rules and laws, was this a consensual interaction?
  • Why/why not?
• If you needed to evaluate this under student rules, was this a violation of your institution’s student rules?
  • Why/why not?
• What elements would need to change for your answer to be different?
<table>
<thead>
<tr>
<th>Nonverbal behavior</th>
<th>Level of invasiveness</th>
<th>Strength as indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonverbal Yes (positive references only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sex noises and/or heavy breathing</td>
<td>Minimal</td>
<td>Moderate</td>
</tr>
<tr>
<td>Nodding</td>
<td>Minimal</td>
<td>High</td>
</tr>
<tr>
<td>Display or use of contraception</td>
<td>Minimal</td>
<td>High</td>
</tr>
<tr>
<td>Arousal</td>
<td>Moderate to significant</td>
<td>Low</td>
</tr>
<tr>
<td>Exposing one’s genital’s</td>
<td>Moderate to significant</td>
<td>High</td>
</tr>
<tr>
<td>Positioning</td>
<td>Moderate to significant</td>
<td>High</td>
</tr>
<tr>
<td>Touching the body</td>
<td>Significant</td>
<td>Moderate</td>
</tr>
<tr>
<td>Guiding into position</td>
<td>Significant</td>
<td>High</td>
</tr>
<tr>
<td>Assertiveness and initiation</td>
<td>Significant</td>
<td>High</td>
</tr>
<tr>
<td>Drawing in/embracing</td>
<td>Significant</td>
<td>Moderate</td>
</tr>
<tr>
<td>Continuing action by the Recipient</td>
<td>Significant</td>
<td>High</td>
</tr>
<tr>
<td>Removing another individual’s clothing</td>
<td>Significant</td>
<td>High</td>
</tr>
<tr>
<td>Nonverbal Yes in response to physical contact (positive references only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reciprocation</td>
<td>Minimal</td>
<td>High</td>
</tr>
<tr>
<td>Escalation</td>
<td>Moderate</td>
<td>High</td>
</tr>
<tr>
<td>Continuing action by the initiator</td>
<td>Minimal</td>
<td>High</td>
</tr>
<tr>
<td>Nonverbal Maybe (mixed positive and negative references)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eye contact</td>
<td>Minimal</td>
<td>Low</td>
</tr>
<tr>
<td>Invitation into bedroom/private space</td>
<td>Minimal to moderate</td>
<td>Moderate</td>
</tr>
<tr>
<td>Removal of one’s own clothing</td>
<td>Moderate to significant</td>
<td>Moderate</td>
</tr>
<tr>
<td>Kissing</td>
<td>Significant</td>
<td>Low</td>
</tr>
<tr>
<td>Genital stimulation</td>
<td>Significant</td>
<td>High</td>
</tr>
<tr>
<td>Silence</td>
<td>Minimal</td>
<td>Low</td>
</tr>
<tr>
<td>Lack of resistance</td>
<td>Minimal</td>
<td>Low</td>
</tr>
</tbody>
</table>

Harrell, K. A. (2017) Nonverbal indicators of sexual consent in college students. (Doctoral dissertation). All rights reserved © 2018 Kristen A. Harrell, PhD
Other Items of Note

- Specificity of language in prior research
- Context
References


