



A plan to fight sexual assault

Under proposed new law, Michigan’s sex-education curriculum would be revised to include instruction on ‘affirmative consent’

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The last thing anyone wants to worry about when they go to college is whether they’ll be sexually assaulted.

But the reality is that college campuses can be dangerous for young people — particularly young women.

According to a poll conducted by *The Washington Post* and the Kaiser Family Foundation, one in five college women and 5 percent of college men have experienced some form of sexual assault. And it’s less than comforting to know that many more incidents go unreported.

This is horrifying.

In Michigan, a number of universities are under federal scrutiny because of the way they’ve handled reports of sexual assault. According to the Associated Students of Michigan State University, there were 9,866 reports of sexual assault or relationship violence in the past year alone, and that’s just at MSU.

As a father of four, I want to ensure that when we send our kids to college, we’re only worried about the quality of their education — not whether they’ll become a victim of sexual assault. We must do better.

Lack of education compounds problem

Unfortunately, we can partially attribute the sexual assault epidemic to a lack of comprehensive sexual education in this country.

That same *Washington Post*/Kaiser poll found that 46 percent of college students said it’s unclear whether sexual assault occurs if both people have not given clear agreement. If almost half of all college students don’t understand what constitutes sexual assault, it’s clear we’re not giving young people the tools they need.

Last September, California recognized this dilemma and became the first state in the nation to pass “yes means yes” legislation. Under this law, colleges receiving state funding must create a sexual assault policy that provides treatment options and

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resources to victims. It also requires students to seek (and receive) “affirmative consent” — the concept by which both parties consciously and voluntarily agree they want to engage in sexual activity — before engaging in any sort of sexual encounter.

California’s law redefines the standard of consent in college disciplinary proceedings. This is important because they rely on a lesser burden of proof than criminal courts.

The problem with “no means no” is that it creates ambiguity. Victims are often made to account for what they were wearing, whether or not they were drinking, and how hard they tried to fight back — all of which are irrelevant to the assault at hand. Sexual assault is wrong, no matter what.

California’s legislation, and other measures like it, can reduce the practice of victim blaming and re-center the public conversation on appropriate communication. What happens when young people, especially young men, are conditioned to expect that a “no” might eventually lead to a “yes” if they try hard enough?

By changing the conversation to “sex without a

% of college students reporting unwanted sexual contact		
Type of incident	Women	Men
Sexual assault	20%	5%
Sexual assault by physical force	9%	1%
Sexual assault while physically incapacitated (victim certain assault occurred but could not provide consent)	14%	4%
Sexual assault both by force and while incapacitated	3%	<1%
Attempted sexual assault	11%	2%
Suspected sexual assault while incapacitated	8%	3%
Non-physical coercion	4%	1%

Source: Washington Post/Kaiser Family Foundation Survey of College Students on Sexual Assault, 2015

resounding yes is wrong” from “sex when someone fights back is wrong,” we can help our young people understand what constitutes sexual assault.

We can show them that when you don’t really want to say “yes,” you shouldn’t.

Right now, Michigan is one of 14 states considering some form of legislation dealing with affirmative consent. My bill, SB 512, would require teaching affirmative consent in Michigan schools where sexual education is available. It also clarifies:

- that silence and lack of resistance do not constitute consent,
- that consent can be rescinded at any point during the sexual encounter, and
- that the existence of a relationship between two people doesn’t imply consent.

We can’t legislate sex. But we can provide our young people with an educational framework that helps them develop healthy habits and relationships. We can help our students live in an environment that encourages enthusiastic consent and discourages pressure and aggressive sexual expectation.

By teaching our kids about boundaries and consequences, we can take one giant step forward in the fight against the epidemic of sexual assault. ★

Sen. Curtis Hertel Jr., a Democrat from East Lansing, was first elected to the Michigan Senate in 2014.

College students share their experiences, views on sexual assault

According to a survey released earlier this year by *The Washington Post* and the Kaiser Family Foundation, nearly 25 percent of women and 7 percent of men say they were subjected to some type of unwanted sexual incident while attending college over the last four years (see table above). The survey’s findings link the prevalence of sexual assault on a college’s campus to factors such as alcohol use, the frequency of casual romantic “hookups,” and the presence of college fraternities and sororities. The survey also found that:

- Among women who experienced an unwanted sexual contact, 22 percent said they knew the perpetrator well, while 28 percent said they did not know the person at all.
- Only 10 percent of female victims said the perpetrator was ultimately held responsible or punished for the incident.
- While 72 percent of respondents said their school has some type of sexual assault prevention program, only 53 percent said they have received training in their school’s policies and procedures.
- Regarding sexual assaults, 67 percent of women and 60 percent of men said such incidents are reported infrequently to authorities, while 74 percent of women and 68 percent of men said it is rare for students to falsely report that an assault occurred.
- Male victims of assault often say they fear reporting the incident to authorities for fear they will not be taken seriously.

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