

8.4 POWER AND CONSENT: YES, NO, AND EVERYTHING IN BETWEEN

LEVEL 2 3

{TW}

SEXUAL VIOLENCE
(for more information on trigger warnings, see modules 1.3 and 1.6)

Big Ideas in Module 8.4

- Consent relies on effective verbal and non-verbal communication. Consent is not only about asking for permission, it is also about listening to the answer.
- Consent needs to be clear. Consent is not only the absence of a “no.” It is an enthusiastic “yes.” If it is unclear, reluctantly given, and/or coerced, it is not consent.
- No one can make assumptions about what someone wants to do sexually, the only way to know for sure is to ask and pay attention to whether an affirmative answer is given. If there is any doubt, assume that you do not have consent.
- Practising consent is about communication and requires paying attention to power differences. The line between consent and coercion becomes less clear when there are power differences between the people involved.

Learning Objectives

Students will:

- Explore the challenges of saying “no” as well as saying “yes” in a sexual context.
- Identify the challenges that are based on skills and ones anchored in social expectations and power differences (e.g., gender, age, economic power, etc.).
- Strategize ways to overcome the challenges of practising consent.
- Examine the dynamics and nuance of sexual assault through story.
- Strategize how to prevent sexual assault and support those involved.

Cross-Curricular Connections

- Equity Studies
- Family Studies
- Gender Studies
- Psychology
- Social Studies
- Sociology

Terminology

- Coercion
- Consent
- Sex positive
- Survivor

Materials

- Large pieces of paper
- Markers
- Printed copies of **Terri’s Story**
- Printed copies of **Zach’s Story**
- Printed copies of **Survivor Effects**

Background Information for Educators

*Any student may be a **survivor** and/or witness of sexual violence. Discussions on this topic can be upsetting, overwhelming, or triggering. Acknowledge this at the beginning of every activity and allow students to take space if they need. Do your best to keep discussions focused, open, and respectful to everyone.*

A decade ago, sexual **consent** was assumed on the absence of a “no.” Today, sexual consent goes beyond a lack of disagreement, it includes voluntary agreement. Consent is therefore not only the absence of a “no,” it is also an enthusiastic “yes.” This is an important change in popular thought because refusals in everyday life, including in sex, can be nuanced and subtle (for more information, see module 8.3). This change leaves more room for consent to be taught from a **sex positive** perspective where young people are empowered to discover, make decisions, and communicate about what they want in sexual relationships, not only what they do not want. Teaching consent from a sex positive perspective empowers young people to avoid unwanted sexual experiences and **coercion** and to make informed decisions about their bodies and be clear about wanted experiences. Sexuality education can promote a culture where we respect all forms of “no” and enjoy all forms “yes.”

Consent is something that is necessary when engaging in any kind of sexual activity. Consent requires communication as well as power analysis. Power (systemic and individual) influences the context of sexual relationships and can obscure the lines between coercion and consent. There are some situations where the line between coercion and consent is clear and has legal consequences (e.g., if the sexual relationship is between an adult and a child or a teacher and a student) (for more information see, module 8.1 and 8.2). The line becomes less clear when the difference in power is not illegal but still meaningful in terms of the ways that it influences social interactions. It is important for students to

develop the skills to analyze what is influencing a decision about sexual activity and to become empowered to clearly and firmly say no and to enthusiastically say yes.

Acquaintance sexual assault is the most common form of sexual assault, whether it takes place among youth or adults. In some cases, there is deliberate and intentional predation leading to sexual assault (e.g., drugging someone's drink and assaulting them). In other cases, miscommunication and preconceived notions about sex lead to unwanted, non-consensual sexual activity (sexual assault). In both of these scenarios, the outcome is the same: sexual assault. "Yes" and "no" are more nuanced when put into the context of real life. It is important to develop clear and assertive community skills to practise consent.

Student Readiness

Before students engage with this lesson, ensure that safer space guidelines and group norms have been established (and revisited) within your classroom (for more information on how to establish safer space guidelines, see module 1.3). In order to effectively prepare for this activity, ensure students understand that:

- This module addresses power, sexual violence, consent, and coercion.
- Activity 2 presents a fictional story about sexual assault. The details of the story, although fictional, are based on common sexual assault stories that happen between acquaintances in the context of dating and relationship scripts.
- All human beings have the right to bodily autonomy and to be free from experiencing sexual violence.
- If you experience sexual violence, it is never your fault.
- There are supports available to students who are survivors. *Ensure that you have identified these supports ahead of time. Before starting the activities, inform students what these supports are and where they can find them.*

Summary of Activities

Students will:

- Work in small groups to list reasons why saying "no" or saying "yes" in a sexual context can be challenging. Continue working in these small groups to categorize the challenge as either a lack of skill/knowledge or a social power imbalance.
- Work in small groups to analyze one side of a fictional story about sexual assault, then collectively discuss the differences in perspectives about the event and the ways that social power informs the way the event unfolded and the potential impacts to each character.

Activity 1 2 3

Instructions

Part 1

1. Explain: Consent is the absence of disagreement (“no means no”) AND the presence of voluntary agreement (“yes means yes”). Remember that saying yes is not limited to responding to someone else’s question. It can include proposing activities and asking for consent. For example, questions like “do you want to kiss me?” or statements like “I would like to be kissed by you.”
2. Place the students into small groups of 3 to 4. Provide each group with a large piece of paper and markers to take notes.
3. Give half the groups the question: In a sexual situation, why might it be challenging to say NO when you want to? Give the other half of the groups the question: In a sexual situation, why might it be challenging to say YES when you want to? Remind the YES group that saying “yes” includes giving consent as well as asking for consent.
4. Ask all groups to present. Have the “NO” groups go first.
5. After all groups have presented, discuss and validate the challenges students identified using the Educator Answer Keys. Add to their lists if anything is missing. Draw students’ attention to reasons that appear in both answer keys.

EDUCATOR ANSWER KEY—NO GROUPS

In a sexual situation, it might be challenging to say NO when you want to because of...



Fear of violence ✨
Guilt
Fear of rejection ✨
Fear of speaking up
Not knowing this is an option ✨
Not wanting to cause a scene
Feeling unsafe ✨
Feeling triggered from the past
Feeling shy or embarrassed ✨
Having never said no before ✨
Being unsure of what you want ✨
Liking the other person ✨

Not knowing how/what to say ✨
Pressure or threat
Feeling bad rejecting someone
Feeling confused, unsure what you want ✨
Feeling obliged or like you “have to”
Fear of getting a bad reputation ✨
Not wanting to lose the relationship
Pressure surrounding gender norms ✨
Feeling frozen or overwhelmed
Fear that saying no to one thing would stop everything

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EDUCATOR ANSWER KEY – YES GROUPS CONT'D

In a sexual situation, it might be challenging to say YES when you want to because of...



Fear of violence ✨
 Feeling bad or dirty
 Fear of rejection ✨
 Not knowing you can ask ✨
 Feeling unsafe ✨
 Feeling shy or embarrassed ✨
 Having never said yes before ✨
 Being unsure of what you want ✨

Not knowing how/what to say ✨
 Fear of being foolish/being ridiculed
 Feeling confused, unsure what you want ✨
 Fear of getting a bad reputation ✨
 Pressure around gender norms ✨
 Fear of being labelled as overly sexual, desperate, or easy
 Fear that initiating something might stop everything else

6. Ask: Did any reasons surprise you when you realized that they were in both the YES and NO groups? If so, why were you surprised?
7. ✨ Optional: In personal notebooks, ask students to individually reflect and write down some ways that you can challenge yourself to better communicate (actively asking and actively listening) in sexual situations? What might get in the way of your ability to communicate?

Part 2

1. Consider the lists made in Part 1. Have students pick out a few that relate to a lack of skill or knowledge.
2. Ask: How can you develop sexual consent communication skills and knowledge?

EDUCATOR ANSWER KEY



Challenges: Skills and knowledge	Sample strategies
Not knowing how/what to say	Talking about it with friends, family, at school
Not knowing you can ask	Watching videos and reading blogs about consent
Not knowing you can say yes/no	Practising in low-stress, non-sexual situations
Not have said it before	Talking to partner(s) about it
Being unsure of what you want	Talking about sex when you are not being sexual
Feeling shy or embarrassed	Using movies or blogs as conversation starters

3. Consider the lists made in Part 1. Ask the class to pick out a few examples that relate to power differences and social expectations.

EDUCATOR ANSWER KEY



Fear of violence, feeling unsafe/threatened, fear of being labelled, fear of bad reputation, pressure of gender norms, feeling bad rejecting someone, not knowing you could say yes/no.

4. Ask students what kinds of situations create power differences that make it harder to practise consent.

EDUCATOR ANSWER KEY



Any kind of systemic oppression such as sexism, transphobia, homophobia, racism, classism, and/or ableism make it more challenging and complicated to practise consent. More specifically, gender norms and the relationship, romantic, and sexual scripts that are based on restrictive gender norms, stereotypes and the gender binary (for more information, see modules 3.4, 3.5, 3.6, 3.7, 3.8, and 8.2); economic power, especially when one person relies on the other for economic security and/or housing; age differences; physical size and strength; social isolation; and difference in access to social power/capital.

5. Affirm that power differences are real and effectively challenging them needs to be strategic and conscious. The first step is to notice them. Ask students to strategize how to work with unavoidable power differences.

EDUCATOR ANSWER KEY



Avoid gender stereotyping your partner and yourself; be vigilant about not stepping into relationship, romantic, and sexual scripts that are based on restrictive gender norms; stay connected to others that you enjoy spending time with; have multiple sources of support while in a relationship.

Activity 2 2 3**Instructions**

1. Explain that even though explicit sexual consent is possible and necessary, many people communicate about consent in unclear and indirect ways. Especially when they are feeling shy, embarrassed, unsure, nervous, or if they are not experienced with consent skills.
2. Remind the class of the definition of consent in the context of sex: Consent means voluntary agreement to a sexual activity. This agreement can be expressed by words or actions. There is no consent if someone is not capable of consenting. For example, if they are drunk, drugged, asleep, or unconscious.
3. Preface the exercise by saying that sexual non-consent can happen between any two people (any assigned sex, gender identity, age, length of relationship, sexual orientation etc.). Let students know that they will be reading a story about two people who happen to be a young cisgender woman and a young cisgender man.
4. Divide the class into groups of 3 to 5 students. Distribute **Terri's Story** to half of the groups and **Zach's Story** to the other half. Ask one person from each group to read it out loud to their group.
5. Post the following questions on the board for students to discuss within their groups:
 - What does the main character think happened?
 - How does the main character feel about what happened and why?
 - What does the main character think should happen now?
 - What kinds of social power are at play in this story and must be taken into consideration?
6. After the groups have finished discussing the questions, lead a large group discussion based on the Educator Answer Key. Invite students to share both Terri and Zach's sides of the story.

EDUCATOR ANSWER KEY**A.**

Terri: Some may think she was sexually assaulted, some may be unsure.



Zach: Some may say he thought they had sex, some may think that he sexually assaulted her, some may be unsure.

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EDUCATOR ANSWER KEY CONT'D

B.

Terri: Possibly upset, angry, confused, vulnerable, taken advantage of, ashamed, hurt.

Zach: Possibly good, some doubt, unsure, confused, hopeful, shocked.

C.

- They should talk about it
- They should get support
- They should consider the risk of pregnancy and whether it is possible
- They should consider the risk of sexually transmitted infections and where they can get tested



D.

Terri: Might be feeling like she will not be believed and/or that she will be blamed if she reports the sexual assault because she is a young woman who was wearing revealing clothing and was drinking. She may also be feeling that if she tells people what happened, she will be called “easy” or a “slut.”

Zach: Might be feeling like the police will take his side if he tells them his truth because in the movies and on television, sexual assault is committed by older, strange, evil men, it also looks violent, bloody, and physically dangerous, all things that he is not, nor is he capable of doing.

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7. Read both stories out loud and tell students to look for the differences in perspectives on what happened. On the board, brainstorm differences as a class under the headings “Terri” and “Zach.”
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EDUCATOR ANSWER KEY

Terri:

- Thought that it was a date from the beginning.
- Borrowed her friend’s party clothes because she was going to a party and wanted to look nice.
- Did not mean to get drunk but had not eaten and the beer affected her more than she thought.
- Got uncomfortable because people were watching them kiss on the dance floor and fell deeper into Zach’s arms from feeling unsteady on her feet.
- Needed to go to the washroom and just wanted to lie down and rest.



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EDUCATOR ANSWER KEY CONT'D

- Wanted to kiss some more and thought that Zach locked the door because there were coats in the room that people might want to get (locking the door would ensure that they would knock first).
- Was shocked when Zach put his hand under her skirt.
- Tried to push him away but could not because he was stronger.
- Loved kissing and wanted to sit down on the bed because of dizziness.

Zach:



- Did not necessarily think that it was a date from the beginning.
- Thought that Terri's clothing was hot and a signal that she wanted to dance with him.
- Thought that Terri was really thirsty.
- Thought that Terri snuggled into him.
- Thought that Terri wanted privacy.
- Interpreted Terri falling into him as wanting to lay down on the bed and being really into it.
- Thought that Terri was shy about wanting to be touched under her skirt.
- Thought that Terri was play wrestling with him, which got him more excited.

8. Read to the class: The next day, Terri was very upset, stayed in her room, and could not stop crying. After her Mom left for work, her older sister kept asking her what was wrong. Finally, Terri told her what had happened. She blamed herself and begged her sister not to tell, especially because she had lied about where she was going that night and that she had been drinking. Her sister insisted on calling their Mom at work. They took Terri to a sexual assault care centre. Because of her age, the police were called. They gave her Emergency Contraceptive Pills and offered her antibiotics in case of an STI. She was told she needed to come back for STI testing in a week and to come back for an HIV test in three months. They set her up with a counsellor and offered her a "rape-kit." The police interviewed her and she ended up giving them Zach's name. When the police came to Zach's door, he was surprised to hear they were investigating a sexual assault.

YOU SHOULD KNOW



A person who is offered a “rape kit” after a sexual assault should never feel pressured to get one. It is entirely that person’s choice. A “rape kit” is more accurately a forensic exam and while it can determine if sexual activity occurred, it cannot determine whether or not the sexual activity was consensual. The exam is intensive and invasive, must happen soon after an assault, and can be re-traumatizing. While a “rape kit” might be used as evidence if a case goes to court, the exam is often not evidence enough to lead to conviction.

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9. Ask the class how Terri might have blamed herself. Remind students that it is part of rape culture that survivors often blame themselves.
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EDUCATOR ANSWER KEY



Terri might be thinking: I should not have gone to the party; I should not have worn those clothes; I should not have had those drinks; I should not have danced so close; I should not have gone into the room; I should not have let him kiss me.

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10. Ask the class why Zach would have been surprised to see the police at his door.
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EDUCATOR ANSWER KEY



Zach was confused by Terri’s reaction but did not think he had done anything wrong.

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11. Ask: Objectively, can you determine what happened and what the impact on both characters will be, considering the social power in this situation?
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EDUCATOR ANSWER KEY

Terri was sexually assaulted by Zach. Terri could be impacted in multiple ways for many years to come (for more information, see **Survivor Effects**). While Zach will also be impacted in terms of possible charges, Zach needs to be held responsible for his actions. From a restorative perspective, the best way to do this might be for him to learn about what the impact of his actions are and for him to take responsibility for the harm that his actions caused. Part of taking responsibility is learning how to practise consent and then actively practising consent as he moves forward in his life. The long term emotional, social, mental, and physical well-being of Terri (the survivor) needs to be central because more often than not, the judicial system and rape culture favour the word and well-being of the accused. Due to the ways that sexism, misogyny, gender norms, and stereotypes inform rape culture, women who are sexual assault survivors are put on trial for their behaviours, actions, and clothing choices leading up to and including the assault as opposed to the actions of the men who have committed the assault. (For more information, see the Stanford Rape Case in 8.4 resources).

12. Ask: How could this situation have been prevented and what could Zach have done differently at every stage of their interaction?

EDUCATOR ANSWER KEY

If sexual consent skills were taught and challenging rape culture, systemic oppression, and gender norms were a part of their education from a young age, this situation could have been prevented before it started. General ways that this situation could have been prevented include:

- Not initiating sexual activity with someone who is intoxicated (and making sure they get home safely).
- Clearly and actively asking the other person what they want and do not want sexually before and during sexual activity. Checking in throughout sexual activity is key to practising consent!
- Paying attention to all types of communication, including body language. If you are unsure about something that is being communicated, ask.
- Respecting a person's "no" right away, regardless of how it is expressed.

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EDUCATOR ANSWER KEY CONT'D

Ways that the situation could have been prevented by Zach at every stage of their intervention include:



- Asking Terri what she expected and if she thought it was a date.
- Asking Terri if she wanted to dance with him.
- Asking Terri if she wanted water since she seemed really thirsty.
- Asking Terri if she wanted help since she looked a bit unsteady on her feet.
- Asking Terri if she wanted him to find the friend she came with and/or to call someone she trusted to come and pick her up.
- Asking Terri if she wanted to go home.
- Asking Terri if she wanted to lay down by herself in a quiet room since she looked out of it and unsteady.
- Asking Terri if she wanted to be touched (before touching her) and if her communication was unclear, stopping.
- Asking Terri if she wanted to have sex (before having sex) and if her communication was unclear, stopping.

Wrap-up

Summarize the module with the following points:

- True consent is the absence of “no” and the presence of “yes.”
- “Yes means yes” refers to giving consent as well as asking for consent.
- Consent is a skill you can develop. There are strategies to overcome the challenges of practising consent both related and unrelated to sexuality.
- Power differences can make it harder to identify the line between consent and coercion. Being aware of power differences and having support systems can help.

8.4

POWER AND CONSENT: YES, NO, AND EVERYTHING IN BETWEEN

Terri's story

There's a guy at school I've had my eye on, but I'm not very good at flirting like some of my friends. I was surprised when he sat beside me one day in the lunchroom and actually talked to me. His name is Zach.

This happened a few days in a row. One day, he told me there was going to be a party at his friend's place and asked if I was going. I hadn't heard about it.

Some of my friends were going, so I really wanted to go too. I tried to figure out a way to get permission from my parents but there was no point, my mom would just ask a million questions and then say no.

So I asked for permission to stay at my friend Cara's place the night of the party and my mom said yes. The next day at school, I told Zach I could go. He said he'd meet me there. Our first date!

The night of the party, I borrowed a top and party skirt from Cara. The outfit was a little small on me but I felt awesome.

When my friend and I walked in, Zach saw me right away and came over to dance. Then he said there was plenty of beer and asked if I wanted one. I'm not allowed to drink but I thought, just this once.

Actually, I ended up having two beers. I hadn't eaten much and I started to feel buzzed almost right away. While we were dancing, he pulled me in close and put his hand on my bum. I didn't care. But when he kissed me with other people watching and giggling, I got uncomfortable and felt a little wobbly on my feet.

I told him I was going to the washroom and he walked me upstairs. What I really wanted to do was lie down for a bit. When I came out, I still felt kind of dizzy but I was glad he was waiting for me. He said there was a room where we could have some privacy. I knew he wanted to kiss me some more.

There were a bunch of coats on the bed. He locked the door so people would knock if they wanted to come in for their coat.

We talked for a bit and then kissed standing by the bed. I was still kind of dizzy so I sat down and we kissed some more. He eased me down beside the coats. There wasn't much room, so he was sort of on top of me. I loved the way he kissed. It was so exciting but the room was spinning. He touched my breast over my top, which surprised me, but then he put his hand up my skirt and my eyes flew open. I tried to push myself up but he was stronger than I was. I froze. I felt him slide my panties down my legs and before I knew what was happening, there was something wet between my legs.

He said he'd walk me home if I wanted. "Just get off me," I said, "and leave me alone." He looked surprised, got up and left the room.

I told Cara I wanted to leave, that I was feeling sick. Cara grabbed her coat and we left the party.

Zach's Story

I noticed this girl at school. I found out her name was Terri. She's cute and I like the way she's shy around guys. I wanted to get to know her a little so I sat with her in the lunchroom. I could tell she was into me. I told her about a party at my friend Chris' place. His parents were going out of town. I thought Terri and I could have some fun together.

When I saw her at the party, I was surprised at how different she looked. Her top was tight and her skirt was pretty short. She looked hot. The music was slow, so I went over to dance with her.

We danced for a bit, then I thought we could have a couple of drinks. She must have been thirsty because she drank two right away. Then she snuggled right in to dance and I pulled her in tight. I kissed her but I could see she was shy about it. She said she needed to go to the bathroom. I walked her upstairs.

While I was waiting, I saw the bedroom with the coats and figured we could have some privacy there. I could tell she was hot for me, so I was glad we were closer to a place where we could be alone.

I locked the door to the room. We didn't spend much time talking and when I moved in to kiss her again, she was into it. She was kind of falling against me so I laid her down on the bed and she was good with that. I touched her breast and she seemed to like that too but she got all shy again when I slid my hand under her skirt to get at her panties. She was play wrestling with me, which got me even more excited. I didn't have a condom with me. I figured I'd pull out but I ended up coming inside her.

She looked kind of shocked, which was weird. Maybe she was mad I didn't pull out. I offered to walk her home but she told me to just leave her alone. What the...?

Survivor Effects

Sexual assault can have many different affects on survivors. Survivors may use any number of coping mechanisms, some of which are harmful.

Possible affects of sexual assault:

- loss of self-esteem
- shame, humiliation, guilt, or anger
- powerlessness
- feeling ugly or embarrassed by body
- physical symptoms of stress: headaches, stomach problems, eating, and sleeping problems
- anxiety, depression, shame, anger, rage, or fear
- shock or disbelief
- disconnectedness
- feeling frozen or numb
- loss or grief
- mood swings
- being hyper-alert
- a desire to withdraw
- aggression
- flashbacks
- fear of being alone
- fear of future attacks
- nightmares or other sleep disturbances
- difficulty concentrating
- difficulty trusting others
- difficulty being emotionally close with others
- no desire for sexual intimacy