

Reproductive coercion can be exerted in many ways:

- Monitoring your menstrual cycles.
- Refusing to use a condom or other type of birth control.
- Breaking or removing a condom during intercourse.
- Lying about their methods of birth control (for example, lying about having a vasectomy, lying about being on the pill).
- Refusing to "pull out" if that is the agreed upon method of birth control.
- Forcing you to not use any birth control (for example, the pill, condom, shot, ring, etc.).
- Sabotaging birth control methods (for example, poking holes in condoms, tampering with pills or flushing them down the toilet).
- Withholding finances needed to purchase birth control.
- Forcing pregnancy and not supporting your decision about when or if you want to have a child.
- Forcing you to get an abortion, or preventing you from getting one.
- Threatening you or acting violent if you don't comply with their wishes to either end or continue a pregnancy.
- Continually keeping you pregnant.

The Key to Prevention

Perpetration of sexual misconduct and violence is a choice. Choose not to commit these crimes and policy violations.

The key to preventing sexual violence and misconduct is to obtain valid consent for all sexual conduct.

- Do not initiate sexual intimacy or introduce a new sexual activity if consent has not been given.
- If you are not sure if you have been given consent, stop right away and ask for clarification.
- If consent has been withdrawn, immediately stop the sexual activity.

GOT CONSENT?

Consent and the Law

So, what else does California Law say about consent?

California Penal Code

California Penal Code §261.6 states consent is "...positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution."

Per California Penal Code §261.7, a request by a victim for a sexual misconduct or violence perpetrator to "use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent..."

California Education Code

California Education Code §67386 establishes an affirmative consent standard for colleges and universities *and* the students and employees who attend and work at California institutions of higher education.

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent..."

The bottom line:

What you need to know about consent

- It is your responsibility to obtain clear and ongoing affirmative consent *before* initiating any sexual activity - *even when you are intoxicated.*
- Minors (under 18) cannot give legal consent.
- Consent can be withdrawn at any time—including *after penetration.*
- Consent must be based on an affirmative, conscious, informed and voluntary agreement; and given by everyone involved in a sexual encounter.
- Consent is not valid if given as a result of fear, fraud, duress, force, violence, threat of violence or retribution.
- Silence or lack of protest or resistance do *not* mean consent.
- The absence of a "yes" means "no."
- A request for condom or birth control use does not, in and of itself, constitute consent.
- Consent for one act (e.g., intimate touching, oral sex) does not establish consent for other acts (e.g., vaginal sex, anal sex).
- Relationship status, being "in love," previous sexual intimacy, spending money on someone, helping a fellow student with a project, or other circumstances do not obligate anyone to be sexually intimate with someone else if they do not want to be; nor do these or any other factors entitle anyone to sex.

References: 1) California Education Code; 2) California Penal Code; 3) Centers for Disease Control and Prevention (2018). *National Intimate Partner and Sexual Violence Survey: 2015 Data Brief*; 4) National Domestic Violence Hotline (used by permission); and 5) S.E. James, et. al. (2016). *The Report of the 2015 U.S. Transgender Survey.*

For additional information and resources, please visit:
www.calstatela.edu/studenthealthcenter/safe



Need a 24-Hour Hotline?
Call 911 in an Emergency

bit.ly/safe-hotlines

April 2015 (revised April '19)

Sex, Consent & You

Quick Facts on Consent, Sexual Coercion and Sexual Violence



**STUDENT
HEALTH CENTER**

Quick Facts

Sexual violence and misconduct, dating violence, domestic violence, and stalking are prohibited by federal and state laws and campus policies.

- Survivors have numerous rights granted by federal and state laws.
- Perpetrators are subject to suspension, expulsion, restitution, arrest, and other sanctions.

44% of women and 25% of men have experienced **contact sexual violence**. **47% of transgender individuals** have been **sexually assaulted**.

Sexual Violence Defined

Sexual violence is an umbrella term for *nonconsensual sexual conduct*. Sexual violence includes:

- Attempted or completed unwanted anal, oral and vaginal penetration.
- Being made to penetrate someone else without consent.
- Sexual coercion—unwanted anal, oral or vaginal penetration after being pressured in a non-physical way.
- Unwanted sexual contact that doesn't involve penetration, such as being kissed, fondled or grabbed.
- Unwanted non-contact sexual experiences, such as being made to show genitalia.

Help is Available on Campus
Call 911 in an Emergency

Student Health Center: 323.343.3300
www.calstatela.edu/studenthealthcenter/safe

Title IX Officer: 323.343.3040
www.calstatela.edu/hrm/oedi-title-ix
Aundrea Cameron

University Police: 323.343.3700
www.calstatela.edu/police

Criminal Sexual Conduct

Criminal sexual conduct and the circumstances that involve nonconsensual sexual activity are defined by the California Penal Code (PC).

Criminal sexual conduct includes:

- **Oral copulation** (PC §288a): Oral-genital/sexual organ or oral-anal contact.
- **Rape** (PC §261): Sexual intercourse with someone who is not the spouse of the perpetrator. Any sexual penetration, however slight, is sufficient to complete the crime.
- **Sexual battery** (PC §243.4): Touching an intimate part (e.g., genitals, anus, groin, or buttocks of anyone; breast of a female).
- **Sexual penetration** (PC §289): Penetration, however slight, of the genital or anal opening of any person with any foreign object (including body parts other than a penis), substance, instrument, device, or unknown object.
- **Sodomy** (PC §286): Contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime.
- **Spousal rape** (PC §262): Sexual intercourse with the spouse of the perpetrator. Any sexual penetration, however slight, is sufficient to complete the crime.
- **Unlawful sexual intercourse** (PC §261.5): Sexual intercourse with someone who is a minor (under 18 years of age) and not the perpetrator's spouse.
- **Attempts** to commit any of the above acts.
- **Other illegal sexual conduct.**

Circumstances that indicate lack of consent include sexual conduct that occurs:

- When a person is incapable of giving legal consent.
- Against a person's will with the use of force, violence, duress, menace, or fear of immediate injury on the victim or another person.
- With someone who is younger than 18 years old.

According to California Law, **consent for sex can be withdrawn at any time — including after penetration!**

- When a person is incapable of giving legal consent because of a mental disorder or developmental or physical disability.
- When a person is prevented from resisting by an intoxicating, anesthetic or controlled substance (e.g., alcohol, GHB).
- Where a person was unconscious or asleep.
- When a person is not aware of the nature of the act because of fraud (e.g., perpetrator indicates sexual penetration is for a professional purpose when it is not).
- When a person is illegally restrained.
- Against the victim's will by threatening to retaliate in the future against the victim or any other person.
- When deceit is used to make a victim believe the sexual contact is being done by someone other than the person doing it.
- Against the person's will by threatening to use the authority of a public official.
- While voluntarily helping another person to perpetrate the crime.
- Causing another person to commit these crimes.

Other Forms of Sexual Abuse

According to the National Domestic Violence Hotline sexual violence also looks like:

An abusive partner:

- Forcing you to dress in a sexual way.
- Insulting you in sexual ways.
- Forcing or manipulating you into having sex or performing sexual acts.
- Holding you down during sex.

- Demanding sex when you're sick, tired or after hurting you.
- Hurting you with weapons or objects during sex.
- Involving other people in sexual activities with you against your will.
- Ignoring your feelings regarding sex.
- Forcing you to watch pornography.
- Purposefully trying to pass on a sexually transmitted disease to you.

Sexual coercion

Sexual coercion can vary from being egged on and persuaded, to being forced to have contact. It can be verbal and emotional, in the form of statements that make you feel pressure, guilt, or shame. You can also be made to feel forced through more subtle actions. Sexual coercion can include someone:

- Making you feel like you owe them.
- Giving you drugs and alcohol to "loosen up" your inhibitions.
- Playing on the fact that you're in a relationship, saying things such as: "Sex is the way to prove your love for me."
- Reacting negatively if you say no or don't immediately agree to something.
- Continuing to pressure you after you say no.
- Making you feel threatened or afraid of what might happen if you say no.
- Trying to normalize their sexual expectations, for example "I need it, I'm a man."

Reproductive coercion

Reproductive coercion is a form of power and control where one partner strips the other of the ability to control their own reproductive system. It is sometimes difficult to identify this coercion because other forms of abuse are often occurring simultaneously.

National Sexual Assault Hotline
www.rainn.org • 800.656.HOPE (4673)
Call 911 in an Emergency