Objectives

• Participants will be able to define sexual assault.

• Participants will be able to list and understand the impact of the physical and emotional affects of sexual assault on the victim/survivor.

• Participants will understand and be able to refute sexual assault myths.
Statement #1

Women lie about rape.
He couldn’t control himself.
Statement #3

She just regretted it the next day, that’s not rape.
He’s a man. Men can’t be raped.
What is sexual violence?

Sexual Violence is intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent.
What is sexual assault?

Sexual assault is an abuse of power, designed to humiliate, intimidate or instill fear.

It refers to any form of nonconsensual sexual encounters that are against the victim’s will and without his or her consent.
What is consent?

“Consent” means words or overt acts indicating a freely given agreement to the sexual conduct as issued by a competent person. An expression of lack of consent through words or conduct means there is no consent.

Lack of verbal or physical resistance or submission resulting from the accused’s use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent.

Sexual Assault Prevention & Response
HOW ACTIVE CONSENT WORKS

ASK:
Is this okay? Or, should I keep going? Or, do you want this? Or, are you feeling good about this? Or, do you like this?

Yes!  NO.

CONGRATS! You have your partner's affirmative consent.

They changed their mind.

STOP. You do not have your partner's full consent.

THINKPROGRESS
Consent Video
*CONSENT

= VOLUNTARY, CONTINUOUS, SOBER, INFORMED, MANDATORY, MUTUAL DECISION
Sexual Assault & The Law

“Victim” means the person alleged to have been subjected to criminal sexual conduct, including the spouse of the Defendant.

T.C.A. § 39-13-501 (8)
Sexual Battery
T.C.A. § 39-13-505

Sexual Battery:

• Unlawful sexual contact with a victim by the defendant or the defendant by a victim
Aggravated Sexual Battery
T.C.A. § 39-13-504

Sexual Battery with any of the following circumstances:

• Weapon
• Bodily Injury
• Multiple Assailants
• The victim is less than 13 years of age.
Rape and Aggravated Rape  

Rape
Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim

Aggravated Rape—Rape with the following
There is a weapon;  
Bodily injury to the victim;  
The defendant is aided and abetted by one(1) or more other persons
Under 13
“The new, more inclusive definition will provide us with a more accurate understanding of the scope and volume of these crimes.”
- Attorney General Eric Holder

New Rape Definition is Effective January 1, 2013

New Summary Rape Definition:
_Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim._
The revised definition:

• Includes either Male or Female Victims or Offenders.

• Includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity, (e.g., due to the influence of drugs or alcohol or because of age).

• Reflects the various forms of sexual penetration understood to be Rape.
Statutory Rape
T.C.A. § 39-13-506

Mitigated statutory rape:
Victim: 15 > 17
defendant must be four years but no more than five years older than the victim.

Statutory rape:
Victim: 13>14 and the defendant is at least 4 years but less than ten years older than the victim
Victim: 15>17 and the defendant is more than 5, but less than 10 years older than the victim

Aggravated statutory rape:
Unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least 13 < 17, and the defendant is at least ten years older than the victim
Marital Rape

Research suggests that marital rape accounts for 25% of all rapes.


An estimated 14% - 25% of women experienced forced sex at least once during their marriages.


Research indicates that between 1/3 and 1/2 of battered women are raped by their partners and that sexual abuse is characteristic of the most violent relationships.

History of Marital Rape Law

Rape laws were originally property laws designed to protect a man’s property, not as laws to protect a woman.

Exemption

Example:
If a woman is raped by someone other than her spouse and the defendant causes bodily injury, then they would be charged with aggravated rape that has a sentencing range of 15-60 years.

If a woman is raped by her spouse and suffers serious bodily injury, the defendant is charged with spousal rape and has a sentencing range of 3-15 years.
Marital Rape:

• Longer recovery from trauma.

• Higher likelihood of repeated assaults.

• The married perpetrator is more likely to use “anal and oral rape to humiliate, punish and take ‘full’ ownership of their partners,” say researchers.

• Pressure to stay with perpetrator.

• Negative effects on children in the household.

• Difficulty identifying what happened as a crime.
TN Marital Rape Law

Tennessee law stated that a person can only be charged with spousal rape if-

the defendant is armed with a weapon;

the defendant causes serious bodily injury;

or if the spouses are living separate and apart and one of them has filed for separate maintenance or divorce.
Victory in TN!

In 2005, after over a decade of advocacy, Tennessee finally passed the spousal rape bill making rape a crime, no matter what the victim – perpetrator relationship.
Root Causes of Violence Against Women

Sexism – discrimination based on sex; belief that one sex (male) is superior
So you got drunk at a party and two people take advantage of you, that's not rape you're just a loose drunk slut #BiasedResults #Steubenville

Why are girls so scared of rape? Y'all should feel pride that a guy risked his life in jail just to fuck you

3:30 PM - 30 Oct 13
Root Causes of Violence Against Women

Racism – discrimination based on race; belief that one race (Caucasian) is superior


- Denis Leary.

@ZerlinaMaxwell Nigger! I hope you get raped and your throat slit! May be then you understand why white women have to be armed! DIE BITCH!
Root Causes of Violence Against Women

Heterosexism – discrimination based on sexuality; the belief that one sexual preference (heterosexual) is superior.
Root Causes of Violence Against Women

Classism – discrimination based on class status

There is no such thing as a single-issue struggle because we do not live single-issue lives.

Audre Lorde
ALL OPPRESSION IS CONNECTED!
One Shade of Grey
A Feminist Fantasy

“No,” she said.

And he respected her wish and pestered her no more.

The End.
Sexual Assault Myths
Myths

Some societal myths are:

- Women provoke rape.
- Men cannot be raped.
- Women often false report.
- A man cannot rape his wife.
- Rape only happens to young attractive women.
- Rape is a crime of passion.
- If a person doesn’t “fight back”, then it really wasn’t rape.
Q: How many rapes are reported to law enforcement in the United States in a given year?

A: There were an estimated 84,376 forcible rapes reported to law enforcement in 2012 and 79,770 reported in 2013 according to the FBI UCR.
Q: Why was the last answer inaccurate?

A: There were an estimated 84,376 forcible rapes reported to law enforcement in 2012 according to the FBI UCR. The 2012 Stats were reported prior to the change in the definition of rape. The 2013 stats are also presented according to the ‘legacy’ definition.
Q: For every rape reported to law enforcement, what is the estimated percentage of unreported rapes?

A: Rape is one of the most under reported crimes, with 60% still being left unreported. (60-80% including all forms of sexual assault and battery)
Q: When a victim knows her assailant, is she more or less likely to report the rape to the police?

A: Less likely due to self-blame and fear that her friends and family will blame her; and less likely if drugs and alcohol are involved.
Q: What percentage of victims know their attackers?

A: Approximately 2/3 of assaults are committed by someone known to the victim. 38% of rapists are a friend or acquaintance.

Bonus: Does this statistic change when talking about college students?

About 85 to 90 percent of sexual assaults reported by college women are perpetrated by someone known to the victim; about half occur on a date.
Q: Name three reasons victims give for not wanting to report?

A:

– Fear of reprisal
– Fear of Blame/self blame
– Finances
– Fear of disbelief
– Mistrust in Law Enforcement
– Lack of support
– Belief that rape is a ‘personal matter’
– Not understanding rape/sexual assault
– Fears loss of support/family/friends
– Shame
Q: Under what circumstances can law enforcement determine that a rape case is “unfounded”?

A: Federal reporting requirements in this regard are clear - a case is only to be unfounded if it is determined - after investigation - to be false or baseless. This does not include cases that are closed because an arrest is not made or the victim refuses to cooperate.

The issue is further complicated by the fact that departments often use unfounding to close cases for reasons other than the determination that they are false or baseless. In practice therefore, "unfounded rape can and does mean many things, with false allegation being only one of them, and sometimes the least of them." Other factors often used to improperly unfound cases:

- The police are unable to locate the victim.
- The victim decides not to follow through with prosecution.
- The victim repeatedly changes the account of the rape.
- The victim recants.
- No assailant can be identified

In none of these situations is it assumed that the sexual assault did not occur, yet these cases are often improperly unfounded because they need to be administratively closed.
Unfounded Reports.
On occasion, an agency will receive a complaint which is determined *through investigation* to be false or baseless. If the investigation shows that no offense occurred nor was attempted, the reported offense can be unfounded for UCR purposes.” (UCR Handbook, pg. 40).

False Allegations.
False Allegations are those known to be unequivocally false in their entirety. This term should not be used interchangeably with Unfounded Reports.

- False report - A false report is a reported crime to a law enforcement agency that an investigation factually proves never occurred.
- Baseless report - A baseless report is one in which it is determined that the incident does not meet the elements of the crime, but is presumed truthful.
Q: What percent of rape reports are FALSE reports?

A: 2-8%
WOMEN ARE NOT THE ENEMY

Women sexually assaulted in their lifetime: $\frac{1}{4}$

Men sexually assaulted in their lifetime: $\frac{1}{6}$

Women who go to the police about their rape: $\frac{1}{6}$

Men who commit rape in their lifetime: $\frac{1}{17}$

Of reported assaults, only $\frac{1}{20}$ are false.

Only 0.2% of women are false rape accusers.

Only 6% of men commit 5-6 rapes each.

RAPISTS ARE THE ENEMY.

References:
The Myth of “Real Rape”

“Real Rape” is the social norm that our culture has adopted for what constitutes a legitimate sexual assault.
In our society, “Real Rape” is:

- Is perpetrated by a stranger
- Involves physical violence
- Leaves obvious signs of physical injury
- Involves the use of a weapon
- Causes the victims to be hysterical
- Is reported immediately to the police
- Is committed in a dark alley, at night, on the bad side of town
- Is more likely committed by a black man against a white woman
- Cannot be perpetrated against a prostitute
- Involves only penile-vaginal penetration
A myth explained...
Some women deserved to be raped.

*Man, I don’t care, man! If a woman says, ‘no’ and you don’t listen to them, it’s rape!*
Alcohol is the number one RAPEDRUG. How much have you taken already?

Many rapes happen when people are drunk. Follow these steps to protect yourself.

- Don’t get so drunk you don’t know what you’re doing.
- Don’t go alone to a stranger’s house when you’re drunk. Arrange to meet them when you’re sober.
- Don’t accept drink from someone you’ve just met and don’t share drinks. Only leave your drink with someone you trust.
- Plan how you’re going to get home. Don’t walk home alone or go with someone you’ve just met. Stay with friends or get a taxi.

Be S·M·A·R·T

* Say NO to any sex you don’t want.
* Make yourself clearly understood.
* Alcohol affects your judgement so watch what you drink.
* Rape stays with you for life.
* Take care of each other and don’t go off with someone you’ve just met.

Produced from an original campaign by Sussex Police
"I think that guy I know stole my wallet."
Well, do you have proof? Were you drinking that night?
What were you wearing when this happened?

7:34 PM - 19 Nov 2014

314 RETWEETS 282 FAVORITES
Activity

• The Rape of Mr. Smith.

I need 2 volunteers!!!!
Some women deserve to be raped...It can’t happen to me

This belief is a method of perceived self protection.

This myth does not protect – it leaves women vulnerable to a perpetrator and society.
A myth explained…
It’s not sexual assault if drinking or drugs are involved.

If you are drunk or high, to what degree can you say you are a victim when something bad happens to you? A question to take seriously.
A myth explained…
Rape is mostly an inter-racial crime.

• Society’s idea of rape is a black man raping a white woman.
Relationship to the Perpetrator is a major factor in reporting…

• An 8 year study indicated that when perpetrators of rape are current or former husbands or boyfriends, the crimes go unreported 77% of the time.

• When the perpetrators are friends or acquaintances the rapes go unreported 61% of the time.

• Adolescent sexual assaults go unreported 86% of the time.

LGBTQI Victims of Sexual Assault

• Heterosexism and Homophobia put LGBTQI people at greater risk for sexual assault.

• It is common for perpetrators to use sexual violence as a way to punish and humiliate someone for being/perceived as LGBTQI.
Barriers for the LGBTQI Community

• Small community: can't get away from the perpetrator
• Don't want to "air dirty laundry"
• Will probably have to come "out" to police, medical personnel, and advocates
• Professionals may not understand what happened due to ignorance and myths.
• Fear of being 'outed'
• Lack of legal and civil rights protections
• Law Enforcement
• Other 'helping' organizations- including shelters
• Fear of bringing negative attention on community
• Loss of children
• Lack of Resources
Physical Impact of Sexual Assault

• Gastro-intestinal complaints
• Genital soreness
• Sore throat
• Memory Impairment
• Sexual dysfunction
• Sleep disorders
• Sexually Transmitted Illnesses (STI’s)
• Drug & Alcohol Abuse
• Unwanted Pregnancy
Statement #1

Women lie about rape.
Statement #2

He couldn’t control himself.
Statement #3

She just regretted it the next day, that’s not rape.
He’s a man. Men can’t be raped.
Some Facts:

• A woman's chance of being raped in the U.S.: 1 in 5

• Rank of U.S. in the world for rape: 13th

• A woman's chance of being raped in college: 1 in 4

• Chances that a Native American woman in the U.S. will be raped: 1 in 3

• Percentage of women in Alaska who have suffered sexual assault: 37 percent

• U.S. state in which, in September 2012, mentally disabled rape victim was required to provide evidence of her "kicking, biting, scratching" in objection to her rape: Connecticut

• Percentage of sexual assault and rape victims under the age of 12: 15 percent
• Percentage of men who have been raped: 3 percent (1 in 33) Percent of men who have experienced any unwanted sexual contact: 1 in 6

• Percentage of rapists who are never incarcerated: 97 percent

• Percentage of rapes that college students think are false claims: 50 %

• Percentage of rapes that studies find are false claims: 2-8 percent

• Number of rapes reported in the military last year: 16,500

• Pentagon's estimated percentage of military assaults not reported: 80-90 percent

• Percentage of military rape victims that are men: 8-37 percent

• Chances an incarcerated person is raped in the U.S.: 1 in 10. Increase in chance that LGTB prisoner is raped: 15x greater chance

• Number of men raped that could be counted as legally raped before the FBI changed its definition: 0
Consent is sexy?

Lingerie is sexy.

CONSENT IS A BASIC HUMAN RIGHT!
Questions?

Come on, ask questions. This is so awkward.
Thank You!😊

Heather Herrmann
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