



CONSENT. BOUNDARIES. HEALTHY RELATIONSHIPS

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May 1, 2019

Testimony in Support of An Act Regarding Secondary School Education Concerning Sexual Activity and Sexual Assault

Dear Senator Millet, Representative Kornfield, and the honorable members of the Education and Cultural Affairs committee,

My name is Catherine Buxton, I am a resident of Portland, and the Communications Manager at Speak About It. I am pleased to submit testimony in support of LD 773: An Act Regarding Secondary School Education Concerning Sexual Activity and Sexual Assault.

Speak About It (SAI) is a Portland-based non-profit that offers consent education and sexual violence prevention programs for high schools, colleges, and communities across the country. We have worked with over 350,000 students nationwide, including ten high schools and the majority of colleges and universities in Maine. After 5 years of classroom experience, I can say with confidence that students are hungry for more consent education. College freshmen often tell us that Speak About It is the first time an adult has spoken to them about consent or sex. These students can vote, drive a car, and serve in the military, but have no clear groundwork for healthy, affirming, pleasurable, sexual development and relationship building.

The average age for young people to engage in partnered sexual intercourse is 17. Students should have access to healthy relationship education before they get to college, especially considering many Maine students do not go on to post-secondary education. Likewise, with national Title IX funding for violence prevention programs in jeopardy, the likelihood that college students will receive crucial information about consent and sexual violence is no longer guaranteed. LD 773 provides groundwork for vital health education for students by mandating affirmative consent education in health curriculum across the state.

What is affirmative consent?

Affirmative consent expands and rewrites the definition of sexual consent. It moves away from the “go-until-you-hear-no” conventional understanding of consent, to encapsulate the realities of pressure, coercion, inebriation, and unequal power dynamics that may be present in sexual encounters. Students need a more clear, concrete understanding of how to talk about sex and negotiate boundaries and complicated sexual dynamics. **Affirmative consent is that model.** Speak About It defines affirmative consent as a conscious, voluntary, enthusiastic agreement to engage in sexual activity. Each person must be fully aware, equally free of coercion, communicating clearly and unambiguously, and sincere in their desires. Consent must be ongoing, and can be revoked at any time. Intoxication or incapacitation negates consent.

Affirmative consent education that promotes dialogue about sexual boundaries empowers students to engage in safe interpersonal relationships. Consent and sexual relationships are complicated, and comprehensive health education surrounding this issue is vital.



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Why is consent education important?

Sexual violence disproportionately affects young people, so we need to be delivering solutions that meet young people where they're at: in schools. According to the Centers for Disease Control, 1 in 3 women and nearly 1 in 4 men will experience sexual violence of some form in their lifetime.¹ Young people are especially at risk. Women ages 16-19 are four times more likely than the general population to be victims of rape, attempted rape, or sexual assault. Various studies estimate that between 14-18% of men are sexually abused by the time they turn 18.² Female college students 18-24, are three times more likely than women in general to experience sexual violence.³ Non-college students of the same age are four times more at risk. Non-white students are at much higher risk⁴, as are trans and gender non-conforming individuals.

Maine high schoolers are already experiencing sexual violence: according to the 2017 Maine Integrated Youth Health Survey (MIYHS), 11% of high school students report being forced to have sexual contact, and the numbers are higher for women (16%) and nonbinary students (39%). Since it is estimated that 3 out of 4 rapes go unreported⁵ and women ages 16 to 19 are four times more likely to experience sexual assault than the general population⁶, we assume that the prevalence of assault is even higher in Maine schools than the MIYHS numbers show.

The Centers for Disease Control characterizes sexual violence as a serious public health issue.⁷ Experiencing sexual violence has long-term effects on the health, safety, and economic security of an individual. 81% of women and 35% of men report significant short- or long-term impacts such as Post-Traumatic Stress Disorder (PTSD) as a result of sexual violence. Health care is 16% higher for women who were sexually abused as children and 36% higher for women who were physically and sexually abused as children.⁸ According to the CDC, victims of sexual violence are more likely to abuse alcohol or drugs in their lifetimes, and more likely to experience other type of abuse. Trauma can have long term effects on a person's ability to maintain employment, stable relationships, and steady income.⁹

While it is to important direct funds to advocacy organizations and law enforcement to support victims and survivors, these are treatment, not prevention, of the problem. And we desperately

¹ <https://www.cdc.gov/violenceprevention/datasources/nisvs/2015NISVSdatabrief.html>

² <https://1in6.org/get-information/the-1-in-6-statistic/>

³ <https://www.rainn.org/statistics/victims-sexual-violence>

⁴

http://www.doj.state.or.us/wp-content/uploads/2017/08/women_of_color_network_facts_domestic_violence_2006.pdf

⁵ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016 (2017).

⁶ <https://www.rainn.org/statistics/children-and-teens>

⁷ <https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html>

⁸ <https://www.nsvrc.org/statistics>

⁹ <https://www.cdc.gov/violenceprevention/sexualviolence/resources.html>



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need prevention. Diseases like smallpox were not eradicated simply by treating every case that emerged; eradication was a result of prevention methods like vaccination. **We need to take a public health approach to sexual violence, and administer prevention early and often. Providing affirmative consent education in schools will prevent sexual violence before it happens, and is a concrete solution to this prevalent issue.**

We need to provide students with tangible tools they can use in their own lives to form healthy relationships. This isn't a new idea, but it should be codified in Maine state curriculum. Former Maine Coalition Against Sexual Assault Communications Director, Cara Courschene was quoted in the Bangor Daily News in 2013 saying, "Changing the way we talk about sex and sexuality as a culture is central to ending sexual violence...We can't just tell young people 'Sexual violence is bad, don't do it' because clearly, that's not working. What will work is to provide a model for what healthy sexuality and healthy choices really look like. Having open, honest, and factual conversations about bodies, sex, health, choice, and consent will help young people decide what they want – and what they don't." She couldn't be more right, and LD 773 is a vital step forward to eliminating sexual violence in Maine.

Prevention education makes significant impacts on the health outcomes of students. A recent Columbia University study found that students who received prevention education that included affirmative consent, refusal and boundary negotiating skills, and information about substances like alcohol and how they impact consent were about 50 percent less likely to experience penetrative sexual assault when they got to a college campus. Researchers concluded, "Pre-college comprehensive sexuality education, including skills-based training in refusing unwanted sex, may be an effective strategy for preventing sexual assault in college. Sexual assault prevention needs to begin earlier."¹⁰

I am proud to say that Maine is one of 24 states to provide medically accurate sexuality education.¹¹ But without the essential communication and relationship building skills that affirmative consent education provides, students cannot put to practice any of the sexual health learnings they get in the classroom. And students want and need consent education. According to a Harvard Graduate School of Education study, 65% of 18 to 25-year-olds wished they received guidance on emotional aspects of relationships in a health or sex education class. 48% had never talked to a school adult about the "importance of not pressuring someone to have sex with you."¹²

While many may argue that moral or relationship education is the responsibility of a student's family or guardians, many adults don't have the training or framework to address concerns about consent and sexual health. Many of these discussions are new and emerging even for

¹⁰ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0205951#abstract0>

¹¹

<http://laschoolreport.com/just-24-states-mandate-sex-education-for-k-12-students-and-only-9-require-any-discussion-of-consent-see-how-california-compares/>

¹² <https://mcc.gse.harvard.edu/reports/the-talk>



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health or school professionals. By mandating consent education curriculum across the state, we are ensuring that teachers and administrators will be equipped to handle conversations and teach skills about consent, sexual assault, and dating violence.

Likewise, building common language and understandings about consent and healthy relationships across a school community is essential to the health of that community. The majority of sexual violence occurs between intimate partners or acquaintances, usually with someone within a student's own social network. Perpetrators are often a classmate, peer or friend.¹³ 7 out of 10 survivors in high school are in a relationship with their perpetrator.¹⁴ There are survivors and perpetrators in every high school classroom. By providing affirmative consent education specifically in schools, we can offer students a chance to build a community response to sexual violence, rewrite aggressive sexual behaviors, and build skills together to form healthier relationships both during high school and beyond.

Mandating affirmative consent education for Maine students will help prevent sexual violence, and improve the health outcomes, success, and prosperity of young people throughout our state.

We urge the committee to vote "ought to pass."

Sincerely,
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¹³ Miller, T. R., Cohen, M. A., & Wiersema, B. (1996). Victim costs and consequences: A new look (NCJ 155282). Retrieved from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice: <https://www.ncjrs.gov/pdffiles/victcost.pdf>

¹⁴ <https://www.loveisrespect.org/resources/dating-violence-statistics/>