

WHAT IS SEXUAL ASSAULT?

Sexual assault is any sexual activity that is forced or done without a person's consent. A sexual assault could also be any type of sexual contact that is unwanted or illegal. It is a violation of a person's body or boundaries.

Sex should always be:

- A person's choice. A choice made with a clear head.
- Optional.
- With consent (A clear "yes").
- Respectful of each person's boundaries.

Consent means agreement to engage in sexual activity. Consent can be with words or body language. Consenting for one thing does not mean consenting to everything.

Not sure if someone is consenting? Ask them!

Ask: Are you ok with this?
Is it okay if we do this?
What do you want to do?

The Blame Game

Let's be clear. Sexual assault is never the survivor's fault. It is always the fault of the person who chooses to take advantage of someone who did not consent or who was not able to give consent.

Sometimes people may try to blame the person who was assaulted. They may say, "They should not have been drinking." Or "They should not have been flirting." However, there is only ONE person to blame for sexual assault: the offender. No one owes anyone sex. Everyone has the right to feel safe when they are with another person.

The good news is: Most people are good, safe people who would not harm another person. It's important for these people to speak up against sexual assault, and always support survivors.

Sexual Assault Legal Definitions

Here are some basic legal definitions. Some of these may vary slightly by state. In these definitions, "sex" includes oral, anal, and vaginal sex. For more laws and exact definitions, look up "sexual offenses" under your state's laws.

Rape: Forcing someone to have sex is rape. Having sex with someone who expresses (verbally or non-verbally) a lack of consent is also rape. Consent means agreement. Having sex with a person who is unable to give consent is also rape. People who are physically or mentally incapacitated (due to being drunk, on drugs, ill, asleep, or unconscious) are not able to consent to sex.

Incest: Sex or sexual touch between close family members.

Voyeurism: Viewing, taking pictures or video of a person without their consent and where they think they should have privacy.

Laws Involving Age Differences: Having sexual contact with a person who is much younger is illegal. In these cases, it doesn't matter if there was consent. The older person is always at fault.

You may hear both terms survivor and victim to mean "a person who was sexually assaulted." But it is really up to the person how (or if) they want to be labeled.

Why are these illegal?

Our laws include these age differences because the older people in these situations often have more life experience, power, and knowledge. They can use that to pressure someone who is younger.

What Does the Law Actually Say

Rape of a Child (Statutory Rape):

When an older person has sex with a younger person. The older person is always at fault. Even if there is no force or coercion used, it is still illegal if:

- The younger person is under 12, and the older person is at least 2 years older
- The younger person is 12 or 13, and the older person is at least 3 years older
- The younger person is 14 or 15, and the older person is at least 4 years older

Child Molestation: When an older person sexually touches a younger person. The older person is always at fault. It is illegal if:

- The younger person is under 14, and the older person is at least 3 years older
- The younger person is 14 or 15, and the older person is at least 4 years older

Sexual Misconduct: When a person in a position of power or authority (such as a coach, boss, youth counselor, etc.) has sex or sexually touches a youth who they supervise. This is illegal if:

- The younger person is 16 or 17, and the older person is more than 5 years older and in a supervisory position.
- The younger person is an enrolled student under age 21, and the older person is a school employee

What if the younger person thinks it's okay? Or their parents think it is okay?

It does not matter. Our law says it is still illegal. Even when there was no coercion or force used.

Common Reactions

It is normal to have different reactions after a sexual assault. The reactions will vary depending on the person and their experiences. Some common reactions people have after a trauma include:

Feeling guilty, ashamed, sad, anxious, or worried about bad things that have happened

Feeling unsure about talking with police, prosecutors, parents, or Child Protective Services

Worrying about how this might affect friends or family

Having a hard time sleeping and being happy or doing things that are important or fun

The good news is people can and DO recover!

Get support from others: Friends, parents, and other trusted adults

Get a medical exam: An exam is a good option to make sure your body is okay. Get medications to prevent STDs and pregnancy. Evidence can be collected if you want.

Talk to a counselor: Discuss concerns. Ask questions. Figure out next steps.

There are many reasons why a sexual assault case might never make it to court. Whatever happens, there is always help for the survivor. Find support to help you get back on track and moving forward!

How Can Counseling Help?

- Get help to problem solve difficulties that come up.
- Learn new skills to manage bad feelings and memories.
- Get help with talking to police or prosecutors, or Child Protective Services. Get answers to legal questions.
- Talk about things you want to get back to doing. Once you've achieved them, you can be done with counseling if you want. This kind of counseling is usually short term.