

*An Exploration of the Understanding and  
Perceptions of Sexual Consent among UCC  
Final Year Criminology Students.*

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## Declaration

I hereby declare that this thesis is the candidate's own work and has not been submitted for another degree, either at University College Cork or elsewhere. All sources used in researching it are fully acknowledged and all quotations properly identified. This work meets the requirements of the Department of Criminology Research Ethics Committee.

Signed: \_\_\_\_\_ (Eibhlín Toomey)    Date: \_\_\_\_\_

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## **Abstract**

This study sought to ascertain the understanding and perceptions of final year UCC Criminology students in relation to sexual consent. An empirical research survey was designed and disseminated to students. The findings were analysed comparative to previous research and legislation. The study found the ambiguity of current consent legislation is leading to an uncertainty of how sexual consent is given. The study also found an inconsistency in understanding consent within relationships when compared to other sexual encounters. A lack of educational influences on consent perceptions has also been strongly highlighted.

## Chapter 1. Introduction

This research examines UCC Criminology students' understandings and perceptions of sexual consent, by framing the research findings within the theoretical, legal and academic framework. Empirical survey research was conducted to establish consent perceptions. From the analysis of these findings, it was possible to provide recommendations on educating and encouraging the understanding of freely given sexual consent (Hickman and Muelhenhard, 1999).

We live in a cultural climate where consent and sexual violence has dominated media outlets in recent years, with global campaigns such as #MeToo and high-profile rape trials which have highlighted the prevalence of sexual assault today and exposed rape culture (Davies, 2018). The Oxford English Dictionary defines rape culture as "A society or environment whose prevailing social attitudes have the effect of normalizing or trivializing sexual assault and abuse" (Oxford English Dictionaries, 2018). By OED standards when a judge herself asks a jury to keep in mind the underwear choices of a 17-year old alleged rape victim in their deliberations, this most definitely exhibits the signs of rape culture in Ireland (Dillon, 2018). The significance of this research then becomes evident.

Related to this, a survey completed by Trinity College Dublin Students found 25% of females and 5% of males who completed the survey had been subject to unwanted sexual experiences (ESHTE Project, 2017). Similarly, the Sexual Violence Centre Cork annual report for 2016 found that of the 310 victims of sexual violence who availed of their service that year, 35% were students and 50% were aged between 18 and 23 (Sexual Violence Centre Cork, 2016). The high statistics in relations to this young age group highlights a cultural failing and high rate of non-consensual sexual violence amongst college students. This research examined UCC Criminology students' perceptions and understanding of sexual consent, in a cultural climate where knowledge and awareness of consent as an issue is firmly in the limelight but also where statistics of sexual assault remain high.



### **1.1 Overall Research Aims and Objectives**

The aim of this research was to examine UCC Criminology students' perceptions of consent. The research sought to examine students understanding of consent by surveying the student's on what consent constitutes in an aim to further understand consent perceptions. The objective of this research was to place the research data and findings within their wider academic research field. Permitting to then highlight any deficits found between this data, previous studies and legal definitions which then allowed recommendations to be made on how best to improve understandings of sexual consent.

## **Chapter 2. An Evaluation of Sexual Consent in Ireland**

This chapter provides an overview of the background of this research. The theoretical, legal, cultural and research perspectives foundational to the concept of consent are examined. This examination of previous theorisations is used as a basis to understand and conceptualise the results and findings of this research and examine where they fit within this framework.

### **2.1 Theoretical Framework**

Theories of consent first emerged within the field of social philosophy such as leading theorist John Locke's *theory of tacit consent* examining the concept of implied or inferred consent through a failure to actively object thus implying consent of citizens within political governance (Bennett, 1979). However, this theorisation of consent refrained from conceptualising sexual consent. Theorisation of sexual consent later became a sector dominated by feminist theory as sexual assault and crimes related to a lack of sexual consent were viewed as predominantly a gender inequality issue (Burt, 1980). This has been corroborated by many studies such as the Irish SAVI report (2002) finding that one in five females (20.4%) had experienced sexual assault as an adult compared to one in ten males (9.7%) (McGee et al. 2002 p.33).

Critical feminist theory has focused heavily on rape myths and rape myth acceptance (RMA) which occurs due to a proliferation and endorsements of false beliefs (Burt, 1980). "Rape myths are attitudes and generally false beliefs about rape that are widely and persistently held, and that serve to deny and justify male sexual aggression against women" (Lonsway and Fitzgerald 1994 p. 4). RMA feminist theorists conceptualised rape as an exertion of male power with the propagation of rape myths viewed as a justification of male sexual dominance over females (Brownmiller, 1975). Recent research of RMA has forwarded this theory by acknowledging the previously exclusionary factors of RMA which ignored male victims and female perpetrators (Maxwell and Scott, 2013). Rape myth theorisation suggests these myths are propagated by a false believe of factors constituting

consent, such as actions, behaviour and clothing (Maxwell and Scott, 2013). As such, feminist theory has emerged as the key theoretical lens through which the concept of sexual consent can be viewed.

Mackinnon's (1989) more extreme feminist theory of consent suggested a woman can never give consent to a man as women are not free subjects under the patriarchal power struggle. However, more Modern feminist theories of consent have focused their examination on how consent is given within sexual encounters with the predominant emergence of *affirmative consent* (Halley, 2016). This feminist model of consent, which is now proponent in many legal definitions of consent in leading American Universities, requires affirmative action which can be communicated either verbally or by actions (Halley, 2016). Most importantly however "an action, not a space of mind" is required, thus while non-verbal behaviour is constituted as consent, passivity is not (Halley 2016, p. 262). A dividing line is drawn within the feminist framework between theories based on implicit (implied) and explicit (actively shown) consent (Beres, 2017). Mackinnon (1989) argues implicit consent allows for the implementation of coercive factors which force behaviours. Thus, modern theories favour the propagation of implicit consent as shown through the explicit or more succinctly "a physical manifestation of a mental willingness" (Alexander 1996 p.165).

One of the most recognised theoretical definitions of consent and the one which is recommended within this research is Hickman and Muelhenhard's theorisation which describes consent as "the freely given verbal or nonverbal communication of a feeling of willingness to engage in sexual activity", thus including both the implicit willingness as expressed explicitly (1999, p.259).

## **2.2 The Development of the Concept of Consent in Irish Law**

The perceptions of sexual consent among the Irish population is itself not an historically well documented area. Rape is defined under Irish law in the *Criminal Law (Rape) Act, 1981*. Section Two of the Act states "(1) A man commits rape if (a)

he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it, and (b) at that time he knows that she does not consent to the intercourse or he is reckless as to whether she does not consent to it.” (Criminal Law (Rape) Act, 1981). While consent was referenced within this legislation no legal definition of consent was established.

The parameters of this legislation were expanded by the *Criminal Law (Rape) (Amendment) Act, 1990 Section 4* which created gender neutral terminology in the definition of rape while also including anal penetration and penetration by an object in its definition. This amended Act also legislated for the crime of sexual assault (previously indecent assault) and aggravated sexual assault (sexual assault involving serious violence or the threat of this) (Criminal Law (Rape) (Amendment) Act, 1990). This amended Act for the first time made rape within marriage a crime. Prior to this marital rape was an unlegislated area and therefore not a crime recognised under Irish law (Criminal Law (Rape) (Amendment) Act, 1990). More significant to this research, this legislation included that failure to resist an act does not in itself equate consent to the act (Criminal Law (Rape) (Amendment) Act, 1990).

While consent was paramount to both these Acts a legislative definition of the term was not instituted until the creation of the *Criminal Law (Sexual Offences) Act 2017*. This Act stipulates in Section 48. “(1) A person consents to a sexual act if he or she freely and voluntarily agrees to engage in that act.” (Criminal Law (Sexual Offences) Act 2017, Section 48). The Act importantly goes on to legally define scenarios where consent cannot be given including through fear or threat of force, while asleep or unconscious, incapacity due to the effects of drugs or alcohol and includes several other stipulations (Criminal Law (Sexual Offences) Act 2017, Section 48). The Act also specifies that the list of scenarios where consent cannot be given is not definitive and acknowledges there may be scenarios not covered within its legislation. The legislation also stipulates that consent can be withdrawn at any time, including while a sexual act is taking place (Criminal Law (Sexual Offences) Act 2017, Section 48).

While amending the legislation to include legal definitions of consent and scenarios where consent can be given was a long awaited and necessary measure for the Irish legal system there remains no definition legally of what constitutes consent. No parameters have been set as to whether consent needs to be given verbally or is implied through an individual's behaviours. As such the legal task of deciding if an individual did indeed consent to an act in sexual assault cases can be difficult as there are no factors to establish what constitutes consent. The shortcomings of this definition will become a foundational aspect of this research.

### **2.3 Research on perceptions of consent and prevalence of rape culture in Ireland**

The *SAVI report (2002)* was the first national survey commissioned by Dublin Rape Crisis Centre to evaluate the prevalence of sexual violence and abuse in Ireland it was carried out by the Royal College of Surgeons (McGee et al., 2002). Of the 3,000 random sample of members of the Irish population surveyed one in five women (20.4%) and one in ten males (9.7%) had experienced sexual assault as adults (McGee et al. 2002 p.33). The report also highlighted the reluctance of those who have experienced sexual assault to report this crime with only 8% of those surveyed having done so. The perception of rape and 'rape myths' were also emphasised in the report's findings with 40% believing that rape allegations were often false and 29% believing women who wear revealing clothing are 'inviting rape' (McGee et al., 2002 p.156). The SAVI report recommended regular national surveys to examine public experiences and attitudes towards sexual assault. However, seventeen years later this is still the only nationwide survey to be conducted. In November 2018 the Irish Government announced they have commissioned a *National Report of Sexual Abuse* to be conducted by the Central Statistics Office (Holland, 2018). However, publications of this report will take an estimated five years according to the Director General of the CSO Pdraig Dalton, meaning that relevant up to date data on sexual violence will not be available until 2024 (Holland, 2018). Lack of up to date national statistics results in underfunding of frontline services for the approximate one third

of Irish men and women who will experience sexual violence in their lifetime (McGee et al, 2002).

The European Commission's *Special Eurobarometer 449 Report Gender-based violence* (2016) conducted within the EU surveyed and examined Irish citizens' perception of sexual and domestic violence among its European demographic. The survey disturbingly found that 21% of Irish people believe sexual intercourse without consent is justifiable in some circumstances, with 27% of the overall EU respondents agreeing to this statement (European Commission 2016 p.7, 65). The survey goes on to list several other scenarios where Irish participants believed sexual intercourse without consent is justifiable; being drunk or using drugs (11%), voluntarily going home with someone (9%), wearing revealing clothing (9%), not clearly saying no or fighting back (8%), flirting beforehand (7%), having several sexual partners (7%), being out walking alone at night (7%) (European Commission 2016 p. 64). While these findings are in the lower percentile, the fact that these perceptions still exist highlight a failing of our education system regarding sexual consent, especially given the fact several of these scenarios have been legislated for as previously examined. Even though 97% of Irish participants claimed violence against women was unacceptable it is clear a small percentage still find sexual violence against women justifiable in certain circumstances (European Commission 2016 p. 21). A rather high propensity (23%) of Irish participants also agreed with the claim that women often exaggerate or make up claims of rape or sexual abuse (p. 58). Despite the obvious presence of rape myths and preconceptions of consent 74% of Irish respondents agreed that sexual harassment and violence against women is a common occurrence (European Commission 2016 p. 51).

#### **2.4 Implications of Perceptions of Consent**

The societal perception of sexual harassment has had an evident knock-on effect upon acknowledging and reporting sexual violence. The Union of Students Ireland 'Say Something' campaign in its *Study of Students' Experiences of Harassment, Stalking, Violence & Sexual Assault* (2013) found a reluctance by student victims of

sexual assault and harassment to report an incident. This reluctance the students surveyed claimed was due to a stated cultural normalisation of sexual harassment behaviour which is viewed as “just a laugh” or “typical lad” behaviour (USI Equality 2013, p.17). This report again highlighted the under-education of college students regarding consent as 57% of those surveyed believe harassment incidents were not serious enough to report, 44% believing them not to be a crime and 22% believed they would be blamed for what happened, highlighting a lack of understanding of what constitutes consent (USI Equality 2013 p. 6). Worryingly despite this unwillingness to report harassment 31% of women surveyed reported feeling harassed, 19% of those had been physically groped, 11% subject to unwanted sexual contact and 5% victims of rape (USI Equality 2013 p. 7). Less than 3% of the female students surveyed had reported an unwanted sexual experience to An Garda Síochana (USI Equality 2013 p. 29). The statistics found in these reports emphasise the rape culture and normalisation of rape myths within Irish society today.

This is further demonstrated through the findings of the Rape Crisis Network Ireland commissioned report *Young People, Alcohol, and Sex: What's Consent Got to Do With It?* (2014). This survey of 187 convenience sampled students and subsequent focus groups examined beliefs and attitudes towards consent particularly when alcohol had been consumed through an examination of hypothetical scenarios (MacNeela et al., 2014). The study identified internalised rape myths by the students who exhibited a double standard as they were likely to attribute more responsibility to a victim had they been drinking, while consumption of alcohol diminished the responsibility of the perpetrator (MacNeela et al., 2014). Students exhibited the stereotypical assumption of rape as committed by an attacking unprovoked stranger, requiring vaginal penetration. Students struggled in labelling scenarios outside this model as rape when factors such as intoxication, non-verbalisation of consent, being in a relationship with the perpetrator and sexual acts other than vaginal penetration were placed in the scenarios (MacNeela et al., 2014). Due to this internalised assumption of what factors need to occur to constitute rape many women did not label an experience of being forced to participate in a sexual

encounter as rape (MacNeela et al., 2014). Participants expressed an expectation of how a female victim should react following a sexual assault, with the level of distress exhibited correlating to the severity of the attack. Students expressed apprehension to report a sexual assault as they feared an inquisition of their previous behaviours and alcohol consumption. They also portrayed significant distrust and lack of faith in the Gardai (MacNeela et al., 2014). Again, the misperceptions found highlight a lack of education and knowledge of consent and consent legislation.

### **2.5 Challenging Perceptions of Consent**

Universities and colleges around Ireland have realised the failing and inadequacy of consent education within Ireland and have themselves recently promoted and created campaigns, workshops and modules to counteract this. NUI Galway in their 2018 report of SMART Consent workshops found 70% of women surveyed and 60% of males were dissatisfied with the sex education they had received while in school (MacNeela et al. 2018 p. 5). The research has been derived through the implementation of interactive workshops on sexual consent with students within colleges and surveys which they have disseminated since 2015. This research found the current education system does not currently prepare its students for the sexual encounters they will experience in college and in their futures (MacNeela et al., 2018). The consent workshop developed by NUI Galway have since been rolled out by Trinity College Dublin, University Limerick, Dublin City University, Queens University Belfast and University College Cork (UCC) (MacNeela et al., 2018).

UCC are also the first college to introduce mandatory, academically led education on consent through its Bystander Intervention Module (LW1113). The programme has been implemented college wide as an online module which is available to all registered UCC students (UCC Bystander Intervention, 2019). DCU had piloted a similar 8-week programme to its students on a voluntary basis. Both models were based on the University of West England's Bystander Intervention Toolkit which was developed by Dr Rachel Fenton (ESHTE Project, 2017). The bystander approach has become a popular method of gaining community engagement with sexual assault



prevention. The programme focuses on creating awareness of scenarios where individuals can intervene to prevent sexual violence (McMahon and Banyard, 2011).

The European CONVEY project who count the Cork Sexual Violence Centre as one of their partners are focused on counteracting sexual violence and harassment by engaging with youths (14-18). They propose digital education of students in their school environment and could be a progressive addition to consent education in Ireland if it were implemented (Conveyproject.eu, 2017). The government has also recognised the need for expansion and re-evaluation of the sexual education curriculum within primary and secondary schools as the National Council for Curriculum and Assessment is currently undertaking a review of the Relationship and Sexuality (RSE) curriculum (MacNeela et al., 2018). However official changes have yet to be announced. As such further research and investment in education is clearly needed to counteract the cultural and societal failing resulting in misperceptions of consent. This vast era of statistics and reports of facts, perceptions and lack of education of consent in Ireland provided a strong basis from which this research was conducted.

## **Chapter 3. Methodology**

This chapter explains the methodology utilised for this empirical research, outlining the participants in the study, the measures of the study, the design of the survey, research procedures and data analysis. The collection and storage of data and ethical issues taken into consideration are also described.

### **3.1 Survey Design and Measures**

This research was conducted using a predominantly closed question, quantitative attitudinal survey which was created to examine the issue of sexual consent. A survey was chosen as the most suitable method to conduct this research as an empirical examination of UCC students' opinions was the aim of this research. A survey was chosen over a focus group as a focus group was not logistically possible due to time constraints available for data collection. The choice of a survey was not thought to detract from possible results, as Ward, Bertrand and Brown's (1991) research comparing surveys and research groups found that both methods provide consistently similar results, while acknowledging focus groups do provide additional qualitative detail.

The survey for this research was designed using Google Forms. This allowed for the creation of a self-completion questionnaire with vertically formatted questions which resulted in an uncomplicated, clear survey that created pre-coded responses for analysis. The closed question format was chosen as it provided easy to process pre-coded fixed-choice answers (Bryman, 2012). The majority of questions created were primarily trichotomous. The traditional dichotomous yes/no answers scale was adapted to include the option of 'don't know' to ensure all opinion options were available. This avoided selection of an option despite lack of knowledge as advocated by Converse and Presser (1986). As this was an attitudinal survey of students' understanding and perceptions of sexual consent the option of 'don't know' also provided information on a lack of knowledge in the area. The five-point Likert scale was utilised for two of the attitudinal questions within the survey. Two open-ended

questions were also included to allow participants to express their own personal understanding of sexual consent outside of the confines of fixed-choice answer closed questions, allowing for a qualitative examination of students' perceptions of consent.

Bryman (2012) *Social Research Methods* was utilised in the construction of questions to avoid leading, double-barrelled, ambiguous questions. Prior research questionnaire sources (SAVI report (2002) and the *Gender-based Violence. Special Eurobarometer 449* (2016)) on sexual consent were examined and utilised in the development of this questionnaire. The NUIG *Smart Consent* campaign was hugely relevant to this research as it centred around the perceptions of third level students in relation to consent and as such influenced many of the questions within the survey.

### **3.2 Survey Question Design**

The twenty-four survey questions sent to participants can be found in the appendix of this dissertation. The first category of questions established the demographic of participants. The 2016 Eurostudent VI survey on higher education students in Ireland placed the majority of full-time undergraduate (>80%) and postgraduate (>50%) students within the 18-24 age bracket, so this was chosen as the starting age group (Higher Education Authority 2016, p.24). Beyond this, the age range was increased in intervals of nine (as this avoided overlap in answer choices) stopping at 45+ so not to overcomplicate the data being received (Bryman, 2012). This was also chosen to assure anonymity as there are a relatively small number of mature students within final year criminology and creating age ranges beyond this could result in identifiable participants. A gender demographic question was created however the results to this were excluded due to the low male response rate which could result in identifiable responses.

A broad open question was chosen to begin the survey, this question was placed at the beginning of the survey to examine responses prior to the participants being

primed by the remaining questions in the survey. Beyond legal and dictionary definitions the aim of this question was to examine how students understand the term consent. The final question in the survey was also open-ended and was included to provide participants with the opportunity to express their own opinions on the criteria needed for a definition of consent. The data received from these questions was coded to examine whether any common themes emerged in the students understanding of consent and the findings were deliberated in the context of legal definitions of sexual consent.

Further consent related questions were created to provide an in-depth understanding of the participants perceptions of consent. Given that the term 'consent' is readily used by the media, especially in relation to recent prominent cases a question regarding student's awareness of a legal definition (*Criminal Law (Sexual Offences) Act 2017*) of consent was created (Davies, 2018). Also stemming from this legal definition two questions regarding consent while under the influence of drugs and alcohol were created. Similarly, three separate questions were chosen to examine the foundational question of how consent is given, rephrasing of this question was used to highlight any inconsistency in responses.

An additional set of consent-related questions regarding personal comfort levels related to consent and factors which influenced perceptions of consent were also created. The influence options of: Legal definitions of sexual consent, sexual health education, peer group perceptions of sexual consent, social media, formal education, consent campaigns, partaking in sexual encounters or parental or familial influence were given. The formatting of this question was forced-choice as Smyth et al. (2006) have shown that the forced-choice format compared with a 'tick all that apply' format results in more options being selected by participants. The responses were then analysed dichotomously as individual questions. A further two questions were chosen to understand how open students are in discussing the topic of sexual consent with peer groups comparative to new sexual partners. These were influenced by the NUIG Smart Consent report 2018 which highlighted a variance in

comfort levels between these two groups (MacNeela et al. 2018 p. 25). The five-point Likert scale was used to score both these questions e.g. Very comfortable= 5, Very uncomfortable=1.

Two questions were chosen to examine students' opinions of sexual consent outside the realm of physical contact i.e. in relation to sexual images. This is with respect to a recently approved amendment to the Non-Fatal Offences Bill 1997. The Harassment, Harmful Communications and Related Offences Bill 2017, is currently in its third stage before the Dáil (Harassment, Harmful Communications and Related Offences Bill 2017). Section 4 of this proposed Bill would make it an offence for "A person who without lawful authority or reasonable excuse records, distributes or publishes, or threatens to record, distribute or publish, an intimate image of another person without the other person's consent" (Harassment, Harmful Communications and Related Offences Bill 2017, Section 4 (1)(a)).

Three questions were provided regarding consent within a relationship, these were mirrored on questions previously asked within the survey. The responses to both were then compared for variation in participants perceptions of consent within and out of relationships. The remainder of the questions related to specified consent scenarios examining when consent is needed within sexual encounters and if this can be implied through behaviour. These questions were selected based on previous research such as the findings off the SAVI report (2002), the European Commission report (2016) on gender-based violence and the NUIG Smart Consent workshops as previously examined in Chapter 1.

### **3.3 Participants**

Following advice from the ethics committee, final year criminology students were chosen as the participant group for this survey. Participants were chosen using non-probability convenience sampling as the researcher had the easiest access to this group (Bryman, 2012). A total of 26 responses to the survey were received from the total 45 participants the survey was sent to, giving a response rate of 57.7%. All

participants who began the survey completed it. Demographic data including gender and participant age ranges were captured within the survey. Due to the sensitive nature of the material an exclusionary age restriction of eighteen years of age was imposed. Participants completed a consent form prior to beginning the survey, with those under the age of eighteen excluded from progressing to the survey.

### **3.4 Ethical Considerations**

Ethical approval for this research was sought and obtained from the UCC Criminology ethical approval committee. Due to the sensitive nature of the survey topic participants were fully briefed on the content of the survey within the email they received and informed that the questions within pertained to sexual consent. The participants were informed of their right to withdraw from the survey while it was being completed. However, they were informed withdrawal past submission was not possible as the information provided was anonymised thus there was no way to specifically identify a participant's responses following survey completion. Once the participant completed the survey a 'submit' button appeared to finish the survey, under which read 'withdrawal from this survey is not possible after submission' to ensure participants were fully aware when the information they provide was stored. Participants were assured of their anonymity and guaranteed that only demographic information and no personal details were to be stored. A consent form was also completed prior to participation in the survey. Most importantly contact information for the Cork Sexual Violence Centre and Samaritans was provided at the end of both the email and the survey as well as a suggestion to contact their GP should participants feel adversely affected by the content matter.

### **3.5 Procedures**

The survey itself was distributed directly to final year criminology students' emails on a modular basis using their only core final year module CR3002. Approval was sought from the module co-ordinator Dr James Windle and was distributed by the lecturer directly to the email addresses of student's registered for this module via Blackboard. The option of an online survey was chosen due to issues which could

arise through paper in-situ surveys. Possible logistical issues were likely, as no core class-based module was available, multiple elective modules would have been targeted with no guarantee of Criminology students being present. Also, should the survey have been conducted in-situ in an elective module where only a handful of Criminology students could be present, this would have jeopardised their anonymity, which may have also affected their responses within the survey as they would be aware of their recognisability (Bryman, 2012). The chosen method of distribution through the module code allowed for access to third year Criminology students email addresses specifically. However, identifiable email addresses were not stored as the survey was provided as a link within the email containing all the information needed on the nature of the survey, complying with UCC protocol on informed participant consent. Anonymity was guaranteed as the researcher had no access directly to identifiable email addressed or personal information beyond demographic. The survey itself was created on Google Forms using the researchers UCC google account.

### **3.6 Data Storage**

The data stored was non-personal demographic information and opinion-based answers to the attitudinal survey provided. The nature of the data stored was numerical (percentages etc), excluding two open opinion questions. UCC allows for cloud storage on Google Drive through the UCC-supplied G-Suite. As personal, identifiable information was not being stored this method of storage was chosen as it complies with UCC research data storage protocols. The anonymised data stored is both encrypted and password protected. As storage on the personal account of the primary researcher cannot be guaranteed beyond 2020 the digital data will be sent to the research supervisor beyond this point for storage in the same manner. The data will be stored for a minimum of 10 years and destroyed after this period complying with the UCC guidelines and data protection policy for such research.

### **3.7 Data Analysis**

Google Forms collected the data obtained from the 26 participant responses received to the survey. The data collected from Google Forms was condensed to a .csv file and transferred to Microsoft Excel for data analysis. All data imported from the .csv file was organised in vertical rows. This allowed for various pivot tables to be created which compiled the quantitative responses numerically allowing for a breakdown of data distribution. The main graphical forms of statistical numerical analysis used were pie charts and bar charts created from the vertical rows tabulated within Excel. Both open question responses were coded by removing comparable key words allowing for a qualitative analysis of participant opinions beside the numerical data collected.

### **3.8 Research Limitations**

As this research was conducted using non-probability, convenience sampling of a small participant grouping its results are not populationally generalisable (Bryman, 2012). Similarly, there is clearly stated an unequal gender and age demographic with no quotas for either imposed meaning data is also non-generalisable by gender and age. As such no gender demographic statistics were stated. However, despite its non-generalisability the research provided a valuable insight into final year criminology students perceptions of what constitutes consent, highlighting interesting findings.



## Chapter 4. Results

This chapter presents the data collected from the 26 survey responses received during this empirical research. The data was examined and compiled using Microsoft Excel and is stated numerically. Charts have been utilised to aid in displaying some of the results which will be further examined in Chapter 5. The results themselves have been compiled and categorised thematically to observe response patterns. All 26 participants were over the age of 18, with 18 (69.2%) between the ages of 18-24, 5 (19.2%) between 25-34 and the final 3 (11.5%) aged between 35-44. The sample was predominantly female, so for the purposes of anonymity and confidentiality for the smaller male cohort, the gender of the participants is not identified. The researcher acknowledges a gender bias in the research results. The responses are categorised and stated in full below.

### 4.1 Open-ended Questions

Question 3: *In your view, what does consent mean?* provided a wide era of responses which were coded to examine overlapping opinions: The word *Agree* was used by 8 participants (30.7%), *Permission* was used by 8 (30.7%), *Willing* was used by 7 (24.1%) and *Participate* was used by 3 (10.3%). One participant did not respond to this question. Overall there seems to be a consensus of consent as giving agreement to something. The second open ended question and final question of the survey Question 24: *In your view, what elements should a good definition of consent contain?* equally provided a wide variety of responses. However, 7 participants (26.9%) of the 26 did not answer this question. Of the 19 responses received two main buzzwords were found: *Withdraw*, 4 participants used this word (21% of the 19 respondents to this question) and *Verbal* 6 participants used this word (31% of the 19 respondents to this question). Similarly, "saying yes" was used by 2 participants and could be interpreted as an expected verbal response. Thus 42% of the 19 respondents suggested verbal agreement should be included within a definition of consent.

#### 4.2 Consent Related to the Legal Definition and Legislation

Several questions were posed related to Irish legislation of consent the first of which Question 4: *Are you aware of a legal definition of sexual consent in Ireland?* (as shown in figure 4.1), found only half of those surveyed were aware of the existence of *Criminal Law (Sexual Offences) Act 2017* which legislated for and provided a legal definition of consent in Ireland.

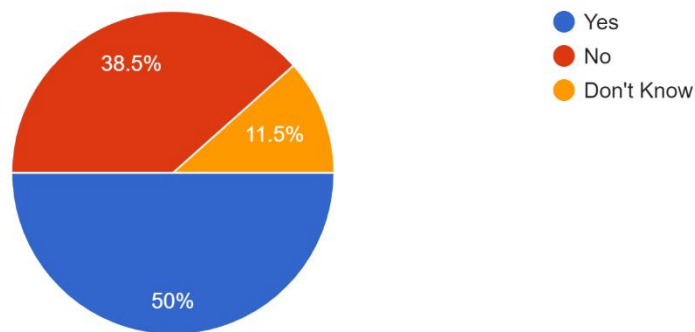


Figure 4.1

Three further questions resulted from this legislation firstly Question 14: *Can a person give sexual consent if an intoxicating level of alcohol has been consumed?*, two participants (7.7%) responded *Yes*, one participant (3.8%) was unsure, while the vast majority 23 participants (88.5%) responded *No*. Question 15: *Can a person give sexual consent if an intoxicating level of recreational drugs have been taken?*. One *Yes* (3.8%) participant believed consent could be given in this case, three participants were unsure (11.5%) and 22 participants (84.6%) stated *No*. Finally Question 13: *If consent is given at the beginning of a sexual encounter, can it later be withdrawn?*, 25 participants (96.2%) responded *Yes* consent could be withdrawn, with one participant (3.8%) responding *No* that consent could not be withdrawn.

As legislation is currently behind the digital realm in relation to consent two questions were posed related to consent and sexual images. Firstly Question 6: *Does consent need to be given to send sexual images/nudes to an individual?*, 23

participants (88.5%) responded *Yes*, two (7.7%) responded *No* and one participant *Don't Know* (3.8%). Secondly, Question 7, *Does consent need to be given to receive sexual images/nudes from an individual?* resulted in 24 (92.3%) *Yes* responses and 2 (7.7%) *No*. The same two participants responded no to both of the above questions.

#### **4.3 Comfort Levels with the Topic of Consent**

Two questions were posed related to comfort levels discussing consent, the results of which are exhibited in figures 4.2 and 4.3. Question 8: *How comfortable would you be discussing the topic of sexual consent with peers?*, resulted in 19 (73.1%) *Very Comfortable* responses, 6 (23.1%) *Comfortable* and one (3.8%) *Neither Comfortable nor Uncomfortable* discussing consent with peers. Compared to Question 12: *How comfortable would you be discussing the topic of sexual consent with a new sexual partner?*, 14 (53.8%) participants were *Very Comfortable*, 8 (30.8%) *Comfortable*, two (7.7%) *Neither Comfortable nor Uncomfortable* and two (7.7%) *Uncomfortable*. Showing a large difference in comfort levels between the two factors. The five-point Likert scale was utilised in the creation of both the above questions.

**Question 8:** *How comfortable would you be discussing the topic of sexual consent with peers?*

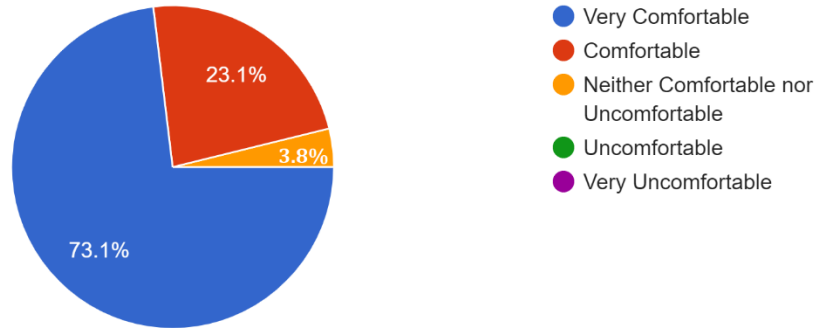


Figure 4.2

**Question 12:** *How comfortable would you be discussing the topic of sexual consent with a new sexual partner?*

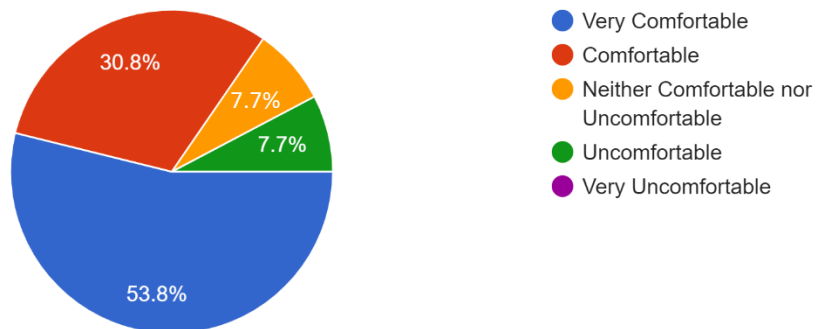


Figure 4.3

#### 4.4 Verbalisation of Consent

As legislation on consent has not stipulated in what manner consent needs be given, three questions were created to establish this. The results to all three are discussed further in Chapter 5 (5.2). Question 9: *Does sexual consent need to be given verbally?* received 16 *Yes* (61.5%) responses, 9 (34.6%) *No* and one (3.8%) *Don't Know*. Question 10: *Can sexual consent be given through non-verbal behaviour e.g. reciprocating/initiating sexual activity?* received 12 (46.2%) *Yes* responses, 12 (46.2%) *No* and two *Don't Know* (7.7%) responses. Question 11: *If a person does not verbally object during a sexual encounter does this mean they are consenting?* received one (3.8%) *Yes* response, 23 (88.5%) *No* and two (7.7%) *Don't Know*.

#### 4.5 Consent Scenarios

The questions within this section examine a variety of consent scenarios the results to which are stated. Question 19: *If a person goes home with you following a night out is sexual consent implied?* 24 (92.3%) participants responded *No*, one (3.8%) *Don't Know* and one (3.8%) *Yes*. This figure is lower than that of the *Special Eurobarometer 449 Report Gender-based violence* (2016) which found 9% of those surveyed claimed voluntarily going home with someone was giving consent (European Commission 2016 p. 64). Question 17: *Is consent needed for all sexual contact or only sexual intercourse?*, received 22 (84.6%) *Yes* responses, two (7.7%) *No* and two (7.7%) *Don't Know*. Question 18: *If consensual sexual activity (e.g. foreplay) takes place is this giving consent for sex?* All 26 participants (100%) responded *No*. Question 19: *If consent was previously given in a sexual encounter does this give consent for future encounters?* received one (3.8%) *Yes* response, 24 (92.3%) *No* and one (3.8%) *Don't Know*. Question 20: *Does the clothing a person wears imply sexual consent? e.g. revealing clothing*, all 26 participants (100%) responded *No*. This is interesting given the recent Irish case of a Judge calling to attention to a jury the underwear of an alleged rape victim to be considered in their deliberations (Dillon, 2018). This finding is also an improvement on the *Special Eurobarometer 449 Report Gender-based violence* (2016) finding that 9% of Irish people surveyed thought wearing revealing clothing was giving consent (European Commission 2016 p. 64). The

clothing a person wears as giving consent is also factor which has not been legislated against (Dillon, 2018).

#### **4.6 Relationships and Consent**

Three questions were utilised to examine consent within relationships. All three questions are further examined in Chapter 5 (5.3). Question 21: *In a relationship does consent needed to be given each time a couple has sex?* received one (3.8%) *No* response, one (3.8%) *Don't Know* and 24 (92.3%) *Yes* responses. Question 22: *In a relationship can sexual consent be given if an intoxicating level of recreational drugs have been taken?* received 19 (73.1%) *No* responses, three (11.5%) *Yes* and four (15.4%) *Don't Know* responses. Results were identical for Question 23: *In a relationship can sexual consent be given if an intoxicating level of alcohol has been consumed?* receiving 19 (73.1%) *No* responses, three (11.5%) *Yes* and four (15.4%) *Don't Know* responses.

### 4.7 Influences on consent understanding

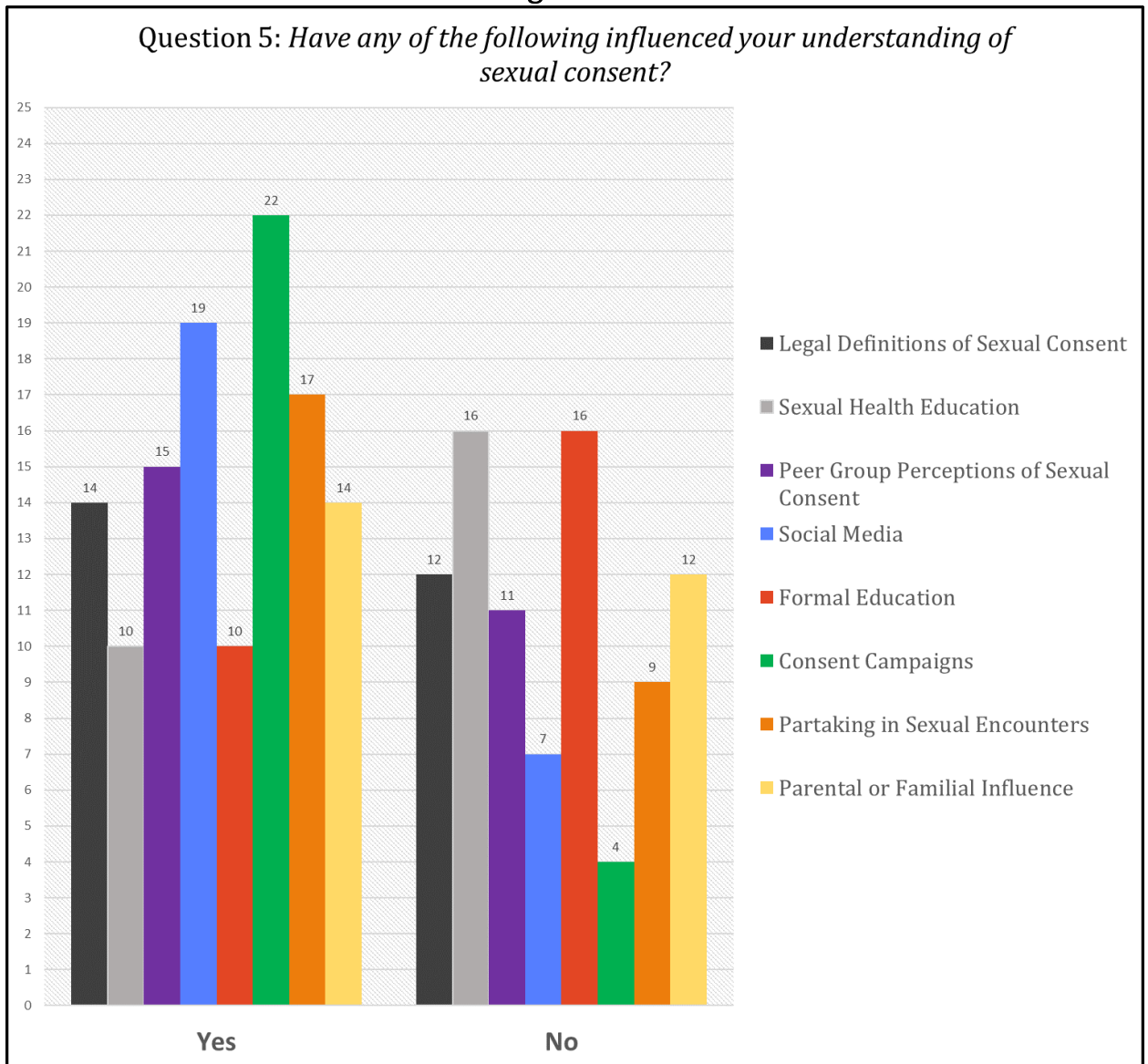


Figure 4.4

The factors which respondents viewed as influencing their understanding of consent are charted in figure 4.4, the results displayed are discussed in greater detail in Chapter 5 (5.4).

## **Chapter 5. Discussion and Recommendations**

This chapter examines four particular findings from the results which were extrapolated from the survey data. The findings have been categorised and conceptualised in relation to previous theories, findings and legislation, with the four key findings selected and expanded upon for further examination and contextualisation.

### **5.1 The Vaguer of Sexual Consent Legislation**

As previously stipulated a legislative definition of sexual consent was not created in Ireland until the formation of the *Criminal Law (Sexual Offences) Act 2017*. This legislation stipulated scenarios where voluntary sexual consent is incapable of being given and allowed for this consent to be withdraw, including during the sexual act itself (*Criminal Law (Sexual Offences) Act 2017, Section 48*). However, despite the implementation of this long overdue legislation, only 50% of those surveyed were aware a legal definition of sexual consent existed in Ireland. This lack of knowledge of what consent is legally defined as resulted in responses which if enacted would result in a breach of this new law.

As mentioned in Chapter 1, the effects of alcohol and drugs are stipulated within the legislation as factors impacting when an individual is capable of giving consent. However, two (7.7%) participants stated that a person can give consent when an intoxicating level of alcohol is taken, with another participant unsure. Similarly, one person stated consent can be given if an intoxicating level of recreational drugs have been taken, with three participants unsure of their answer. This finding is lower than the *Eurobarometer 449 Report* which found 11% of those surveyed thought sex without consent was justifiable when drugs or alcohol were consumed (European Commission, 2016). While intoxicating is not a specific measurement of coherent abilities and the type of recreational drugs is not broken down into specific types, the phrasing of the survey questions are more specific than the legislation itself which merely states “he or she is incapable of consenting because of *the effect* of alcohol or some other drug” (*Criminal Law (Sexual Offences) Act 2017, Section 48*).



The vagueness of this sentence could result in easy targeting within a criminal justice case as clear defining parameters are in no way stipulated or justified, the “effect” of alcohol or drugs is an ambivalent, interpretable term which could easily be misconstrued. It is unclear whether such an effect begins once a person consumes any level of the drug or alcohol, or once an inebriated state is apparent and upon which point consent is unable to be given.

While there has currently been no announcement to amend the vaguer of consent legislation in the physical realm a proposed amendment to the Non-Fatal Offences Bill 1997 has received approval which will legislate consent in the digital realm (Harassment, Harmful Communications and Related Offences Bill 2017). This proposed amendment will officially make it a crime to post intimate or explicit images of a person online without their knowledge or consent (Harassment, Harmful Communications and Related Offences Bill 2017). While this is a long overdue step in Irish legislation against the phenomenon known as ‘revenge porn’ there remains no legal framework on receiving or sending nude or explicit images (Bardon, 2018). The phenomenon of sexting and sending or receiving nude images has expanded exponentially with the emergence of social media. Security software company McAfee found in a recent survey report that 49% of those surveyed had sent or received this intimate content (McAfee, 2014). However, what was not examined is if this content was wanted or not or if both participants consented to receiving/sending these images.

The results of this research predominantly show that participants expect consent to be given in this digital realm, which is interesting considering the uncertainty around consent for sexual activity itself. 88.5% of those surveyed stated consent needs to be given before sending a sexual image to an individual, with this rising to 92.3% when receiving a sexual image. Given the lack of regulation, this is interesting and currently remains entirely up to the discretion of the individuals involved. This rather cohesive response however suggests that regardless of legislation it is not

societally acceptable or appropriate to send unsolicited images without the consent of the other party.

## 5.2 Ambiguity in the Giving of Consent

The *Criminal Law (Sexual Offences) Act 2017* stipulates scenarios where an incapability to give consent occurs and also acknowledges that this is not a definitive list of scenarios where consent cannot be given. However, the legislation crucially fails to stipulate the key factor of how this consent is given, whether verbal agreement is needed or if consent can be provided though behaviour has never been specified. While this could cause potential harm within the criminal justice system as to whether consent is given or not, it is also an important distinction which needs to be understood by anyone partaking in sexual encounters. If an individual is unsure of how consent can be given, there is a question of how they can be sure it has been given at all.

Three separate questions were created within this survey to examine the verbalisation of consent. In the first, 61.5% of participants stated that sexual consent needed to be given verbally. However, in a second follow up question stating that non-verbal behaviour e.g. reciprocating or initiating contact, can constitute consent an even participant response of 46.2% Yes and 46.2% No was found. The contradictory responses highlight the uncertainty surrounding the giving of consent. Notably, when phrasing was changed, responses also changed. The lack of regulation can lead to uncertainty and can lead to understandings of consent developed from other influences. The final question related to verbal responses asked *If a person does not verbally object during a sexual encounter does this mean they are consenting?* Worryingly, two respondents (7.7%) were unsure and while one (3.8%) respondent stated lack of verbal objection constituted consent. The *Criminal Law (Rape)(Amendment) Act 1990* legislation stipulated that verbal objection was not a necessity for consent to be removed as “any failure or omission by that person to offer resistance to the act does not of itself constitute consent to the act” (section 9).

Despite the lack of a legislative definitions on how consent is conveyed, when asked to provide the elements which should be used to define consent, six of the nineteen (as discussed in 4.1) respondents included the word “verbal” in their answer. While two others included the similar term “saying yes” within their response. Combined, this means that 42% of those who responded to this question thought a verbal response is a necessary component of a consent definition. While a verbal response may remove some of the ambiguity that often constitutes the grey areas of consent, consent is predominantly a situationally based occurrence between participant individuals and is thus a difficult area to legislate definitively. MacNeela et al. (2014) found student perceptions of non-verbal consent led to gender roles of the agentic male and the passive female, implying Locke’s *tacit consent* (p.14). Further debate and examination of this is clearly needed, if non-verbal responses can constitute consent an awareness of non-verbal cues need to be clearly exemplified. Awareness and education are fundamentally needed to highlight what constitutes consent. Given these findings, perhaps the theoretical definition created by Hickman and Muelhenhard’s feminist theory which describes consent as “the freely given verbal or nonverbal communication of a feeling of willingness to engage in sexual activity” could be utilised in the re-examination of how consent is expressed (1999, p.259).

### **5.3 Consent within Relationships**

While consent while intoxicated by drugs and alcohol has already been examined these questions were again asked with the paradigm of “In a relationship” placed before both. This stipulation changed the participant responses. Two participants changed their response from ‘No’ to ‘Yes’ claiming consent can be given when drugs have been taken in a relationship, while one participant changed from ‘No’ to ‘Don’t know’ when compared to the same question outside of a relationship. Similarly, one participant changes there answer from ‘No’ to ‘Yes’ and three from ‘No’ to ‘Don’t know’ in relation to intoxicating levels of alcohol in a relationship. These findings suggest that perception shifts occur when consent is stipulated as within a relationship. Perhaps most problematic is the final relationship consent question which queries whether consent needs to be given each time a couple has sex. One

participant stated consent did not need to be given each time, while another was unsure, which may mean non-consensual sex was deemed justifiable once this occurred within a relationship. This erroneous perception is highlighted through the American Bureau of Justice Statistics finding that 33% of rapes are “committed by a current or former spouse, boyfriend, or girlfriend” (Department of Justice 2017, p.7). Similarly, MacNeela et al. (2014) found that students struggled to label rape within a relationship compared to the stereotypical false perception of rape as an offence committed by a stranger.

#### **5.4 The Influence of Education on Consent**

One of the most insightful findings of this research was the influences upon participants understanding of sexual consent. The factor with the highest influence was *Consent Campaigns* which influenced 84.6% of participants. Consent campaigns have been prevalent on the UCC campus with the implementation of a bystander intervention module (UCC Bystander Intervention, 2019), and the NUIG SMART Consent campaign (MacNeela et al., 2018), prevalent high profile, global campaigns such as the MeToo movement can also not be neglected in suggesting possible factors for this influence (Me Too Movement, 2019). The second most influence on understanding was social media (73%). The negative factors, unsurprisingly given the findings highlighted in Chapter Two, again highlight the prevalence of a troubled relationship between education and sexual consent. With the joint lowest influences on understanding of consent being *Formal Education* and *Sexual Health Education* (61.5% each). This finding coincides with the NUIG SMART Consent finding that 60% of males and 70% of females were not satisfied with the sexual education they had received in school (MacNeela et al. 2018 p. 5). This also coincides with the findings of the Oireachtas Education Committee who recommended changes in the current outdated curriculum first implemented in 1999 (Joint Committee on Education and Skills, 2019). The committee found relationship and sexuality education (RSE) to be non-inclusive of LGBTQI+ students while also heavily influenced by the school ethos, with Catholic organisation often brought in to discuss RSE (Joint Committee on Education and Skills, 2019). While the Committee acknowledges that sexual

education does not adequately cover the issue of sexual imagery, pornography and the internet, consent is particularly highlighted as “the programme [SPHE and RSE] does not deal sufficiently with consent” (Joint Committee on Education and Skills 2019 p.19). The acknowledgment of this educational lacking has led to the National Council for Curriculum and Assessment undertaking a review of the RSE curriculum within Irish primary and secondary schools (MacNeela et al., 2018).

The third and fourth most influential factors were *Partaking in Sexual Encounters* (65.3%) and *Peer Group Perceptions* (61.5%) respectively. This slightly juxtaposes with the findings regarding comfort levels of discussing sexual consent. While 73.1% were *Very Comfortable* in discussing the topic with peers only 53.8% were *Very Comfortable* discussing this topic with a new sexual partner. These two points compared suggest that many participants understanding of consent occurred through participation in sexual activity, however they were less comfortable discussing the topic of consent with the individual the act was taking place with and thus the person it most needs to be discussed with. The fact that some participants were uneducated in relation to consent and needed to physically engage in sexual encounters to understand the boundaries of consent is a very worrying finding which speaks volumes to the state of the sexual education systems in place.

### **5.5 Recommendations**

While there is now a legislative definition of consent there clearly has not been enough announcement of its enactment, as 50% of participants in this study were unaware of its existence. Increased public discussion is necessary for public awareness and understanding of this legislation. An uncertainty regarding legislative developments is also evident as consent when factors such as alcohol, drugs and relationship status are present resulted in uncertainty within responses (Criminal Law (Sexual Offences) Act 2017, Section 48).

It is this researcher’s understanding that this uncertainty stems from two main causes, the changes to which are the main recommendations to emerge from this

research. Firstly, a lack of definitive definition of what constitutes consent, the ambiguity of which leads to confusion as to what factors are necessary for informed consent to be given. Further research should be conducted to comprehensively and clearly define what the criminal justice system constitutes as consent. Feminist theorisations of *affirmative consent* could be utilised within this process. This understanding of informed sexual consent should then be explicitly published and clarified to ensure citizens are targeted to educate them in their understanding of consent.

This brings us to the second factor negatively effecting the understanding of consent, sexual education. While the positive factors of consent campaigns were highlighted as factors influencing participants' understanding of consent, the foundational factor of relationship and sexuality education (RSE) was found to be strongly lacking (Joint Committee on Education and Skills, 2019). This research further recommends the reevaluation of the RSE system which is currently being undertaken. However, positive (albeit non-governmental) action has already been taken to counteract the current deficiency in our education system such as the European CONVEY project and NUIG SMART Consent campaigns which have focused on understanding the main issues of how and when consent can and cannot be given (Conveyproject.eu, 2017; MacNeela et al., 2018). As the topic and act of consent affects so many lives it is imperative that further research and education on the subject continues.

## Chapter 6. Conclusion

This research fulfilled the aim of examining the perceptions and understanding of sexual consent among UCC Criminology students. An analysis of sexual consent was achieved through the legal, theoretical and academic examination and conceptualisation of the research results. The recommendations were provided based upon these results in conjunction with the findings of previous studies which highlighted the perpetuation of rape myths and lack of consent awareness in Irish society (McGee et al., 2002). Two primary recommendations and findings emerged based on this research. First, this research is critical of the current indistinct legislative definitions of consent. Second, the lack of education on sexual consent observed has led to information on consent being received from other sources, resulting in a nonuniform understanding of the concept.

A major difficulty within criminal justice cases related to sexual assault is in proving that consent was or was not given (Beres, 2007). This issue has resulted in the proposal by the Law Reform Commission of Ireland for the addition of a *Gross Negligence Rape Offence* where the defendant “honestly believed that the complainant was consenting, but that belief was unreasonable” (Law Reform Commission of Ireland 2018 p.35). Within this proposed offence the defence would have to prove that reasonable steps were taken by the defendant to establish the complainant was consenting (Law Reform Commission of Ireland, 2018). While no announcement has been made as to whether this will be legislatively implemented it is clear research is being undertaken to examine possibilities for furthering legislation around consent. This is a positive step in hopefully progressing to alter and clarify the legislative definition of consent as recommended.

The prevalence of media campaigns and outcries against sexual violence paramount in the last few years have placed the topic of consent as a current hot button issue (Me Too Movement, 2019). However, media representations of consent campaigns and the usefulness of promoting the awareness and understanding of the topic have recently faced backlash. These campaigns have been misconstrued by some

resulting instead in the perpetuation of a view that males should fear accusations of sexual assault rather than the promotion of positive understandings of consent (Power, 2019). The recent proposal by a UCD medical student for a consent app in order to remove the possibility of a women later retracting consent was proposed to protect men from the growing fear of being “sued post intercourse due to consent not being recorded/denied/retracted, [and] the life destroying legal ramifications that follow” (Power, 2019). The lack of understanding of consent is highlighted here as the illogicality of this endeavour ignores the fact consent can legally be withdrawn (Criminal Law (Sexual Offences) Act 2017, Section 48). The fact that this was thought to be logistically and legally possible exemplifies and highlights the failings of education on consent and justifies the recommendation for increased discourse and education on the topic.

Past research has highlighted the prevalence of sexual harassment while emphasising the misconceptions and lack of education which seems to be ever prevalent among society today despite campaigns to the contrary. The National Sexual Assault Treatment Unit (SATU) annual report 2015 produced a noteworthy finding, the average age of a patient treated that year was 25 years with 45% of patients identifying themselves as students (National SATU Services 2016 p. 31). This finding is especially worrying given the rampant misconceptions exhibited by third level students in relation to sexual consent (MacNeela et al., 2014). It is clear from this study and its recommendations that continued research is needed academically, legally and governmentally to examine the topic of sexual consent in Ireland. This examination is needed to ensure we as a nation understand sexual consent to the utmost. Endeavouring to eventually dispel rape myths caused by this lack of knowledge and remove the insidious, dangerous misconceptions produced by their internalisation (MacNeela et al., 2014).

*“The consent of the governed is not consent if it is not informed” – Edward Snowden (Snowden and Greenwald, 2013).*



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## Appendix

### Survey Questions

1. What age group do you belong to?

- 18-24
- 25-34
- 35-44
- 45+

2. What is your gender?

- Male
- Female
- Other (prefer not to say)
- Other \_\_\_\_\_

3. In your view, what does consent mean?

\_\_\_\_\_

4. Are you aware of a legal definition of sexual consent in Ireland?

- Yes
- No
- Don't know

5. Have any of the following influenced your understanding of sexual consent?

Yes                  No

- Legal definitions of sexual consent
- Sexual health education
- Peer group perceptions of sexual consent
- Social media
- Formal education
- Consent campaigns
- Partaking in sexual encounters
- Parental or familial influence

6. Does consent need to be given to send sexual images/nudes to an individual?

- Yes
- No
- Don't know

7. Does consent need to be given to receive sexual images/nudes from an individual?

- Yes
- No
- Don't know

8. How comfortable would you be discussing the topic of sexual consent with peers?

- Very comfortable
- Comfortable
- Neither comfortable nor uncomfortable
- Uncomfortable
- Very Uncomfortable

**9.** Does sexual consent need to be given verbally?

- Yes
- No
- Don't know

**10.** Can sexual consent be given through non-verbal behaviour e.g. reciprocating/initiating sexual activity?

- Yes
- No, consent needs to be given verbally
- Don't know

**11.** If a person does not verbally object during a sexual encounter does this mean they are consenting?

- Yes
- No
- Don't know

**12.** How comfortable would you be discussing the topic of sexual consent with a new sexual partner?

- Very comfortable
- Comfortable
- Neither comfortable nor uncomfortable
- Uncomfortable
- Very uncomfortable

**13.** If consent is given at the beginning of a sexual encounter, can it later be withdrawn?

- Yes
- No
- Don't know



**14.** Can a person give sexual consent if an intoxicating level of alcohol has been consumed?

- Yes
- No
- Don't know

**15.** Can a person give sexual consent if an intoxicating level of recreational drugs have been taken?

- Yes
- No
- Don't know

**16.** If a person goes home with you following a night out is sexual consent implied?

- Yes
- No
- Don't know

**17.** Is consent needed for all sexual contact or only sexual intercourse?

- Yes
- No
- Don't know

**18.** If consensual sexual activity (e.g. foreplay) takes place is this giving consent for sex?

- Yes
- No
- Don't know

**19.** If consent was previously given in a sexual encounter does this give consent for future encounters?

- Yes
- No
- Don't know

**20.** Does the clothing a person wears imply sexual consent? e.g. revealing clothing

- Yes
- No
- Don't know

**21.** In a relationship does consent needed to be given each time a couple has sex?

- Yes
- No
- Don't know

**22.** In a relationship can sexual consent be given if an intoxicating level of recreational drugs have been taken?

- Yes
- No
- Don't know

**23.** In a relationship can sexual consent be given if an intoxicating level of alcohol has been consumed?

- Yes
- No
- Don't know

**24.** In your view, what elements should a good definition of consent contain?

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