



Carroll University Definitions¹

Sexual Assault and Rape

Sexual Assault (non-consensual sexual contact)

The term **sexual assault** refers to sexual contact or behavior that occurs without explicit consent of the victim. Some forms of sexual assault include:

- Attempted rape
- Fondling or unwanted sexual touching
- Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator's body
- Penetration of the victim's body, also known as rape

Non-Consensual Sexual Contact (or attempts to commit the same):

Non-consensual sexual contact (sexual assault) is any intentional sexual touching, however slight, with any object, by a person, upon a person, which is without consent and/or by force. This includes but is not limited to:

- intentional contact with the breasts, buttock, groin, and/or genitals, or touching another with any of these body parts, and/or making another person touch yourself and/or them with or on any of these body parts.

Rape (non-consensual sexual intercourse)

Rape is a form of sexual assault, but not all sexual assault is rape. The term rape is often used as a legal definition to specifically include sexual penetration without consent.

- The FBI defines rape as "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." See Wisconsin's sexual assault statute.²

Non-Consensual Sexual Intercourse (or attempts at the same):

Non-consensual sexual contact (rape) is any sexual intercourse however slight, with any object, by a person, upon a person, which is without consent and/or by force. **Intercourse** includes:

- Vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, or oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

¹ Carroll University Student Code of Conduct

² <https://docs.legis.wisconsin.gov/statutes/statutes/940/11/225?view=section>



Date Rape

The term “**date rape**” is sometimes used to refer to acquaintance rape. Perpetrators of acquaintance rape might be a date, but they could also be a classmate, a neighbor, a friend’s significant other, or any number of different roles. It’s important to remember that dating, instances of past intimacy, or other acts like kissing do not give someone consent for increased or continued sexual contact.

Coercion

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure an individual uses to get consent from another. When an individual makes it clear that they do not want sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual activity, continued pressure beyond that point can be coercive.

Consent

Consent is clear, knowing, and voluntary agreement to participate in certain conduct. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give effective consent, one must be of legal age.

Force

Force is the use of physical violence and/or imposing on an individual physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent. There is no requirement that an individual resists the sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Force/Coercion doesn’t always refer to physical pressure. Perpetrators may use the following to coerce a victim into non-consensual sex:

- Emotional coercion
- Psychological force
- Manipulation

Some perpetrators will use threats to force a victim to comply, such as threatening to hurt the victim or their family or other intimidation tactics.



Incapacitation

Incapacitation is a state where an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual activity).

- Sexual activity with an individual who one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated constitutes a violation of this policy.
- Sexual activity with an individual whose incapacity results from alcohol or other drug use, unconsciousness or blackout, mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs

Sexual assault/non-consensual sexual contact and/or intercourse can take many different forms, but one thing remains the same: it’s never the victim’s fault.

Perpetrators

The majority of **perpetrators** are someone known to the victim. Approximately seven out of 10 of sexual assaults³ are committed by someone known to the victim, such as in the case of intimate partner sexual violence⁴ or **acquaintance rape**.

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

⁴ <https://rainn.org/articles/intimate-partner-sexual-violence>