Attachment E: Myths and Facts about Sexual Misconduct/Sexual Assault

Common Myths and Facts about the Causes of Sexual Misconduct/Sexual Assault

1) ***Myth***: Individuals provoke Sexual Misconduct/Sexual Assault[1] by the way they dress or when they act in a promiscuous manner.

   Fact: Sexual Misconduct/Sexual Assault is **never** the fault of the victim. Sexual Misconduct/Sexual Assault is an act of violence and control that stems from a person's determination to exercise power over another. Neither the way a person dresses nor their previous sexual behavior with anyone are invitations for sexual activity. Engaging in sexual activity with another person without that person's Affirmative Consent is Sexual Assault, regardless of the way that person dresses or acts.

2) ***Myth***: If a person goes to a bar or back to someone's room or house, they assume the risk of Sexual Misconduct/Sexual Assault. If something happens later, they can't claim that they were raped or sexually assaulted because they should have known not to go to those places.

   Fact: This idea of an "assumption of risk" wrongfully places the responsibility of the offender's action with the victim. Engaging in sexual activity with another person without that person's Affirmative Consent is Sexual Misconduct/Sexual Assault, regardless of where it happens. Even if a person went voluntarily to someone's home or room and consented to engage in **some** sexual activity, this does not serve as Affirmative Consent for **all** sexual activity. CSU policy defines Sexual Misconduct to include any sexual activity without Affirmative Consent. Affirmative Consent means informed, affirmative, voluntary, and mutual agreement to engage in sexual activity. Each person involved is responsible to ensure that they have the Affirmative Consent of the other participant(s). When in doubt if the person is comfortable with sexual activity, or a different form of sexual activity, stop and ask.

[1] Definitions of prohibited conduct, including Sexual Misconduct, Sexual Assault, and Affirmative Consent are found in Article VII of the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

3) ***Myth***: It is not Sexual Misconduct/Sexual Assault if it happens after drinking or taking drugs.

   Fact: Being under the influence of alcohol or drugs is not an invitation for sexual activity. A person under the influence does not cause others to assault them; others choose to take advantage of the situation and sexually assault them because they are in a vulnerable position. **A person who is incapacitated due to the influence of alcohol or drugs is not able to consent to sexual activity**.

4) ***Myth***: Most Sexual Misconduct/Sexual Assaults are committed by strangers. It's not rape if the people involved know each other.

   Fact: Most Sexual Assaults are committed by someone the victim knows. A Department of Justice study found that eight out of ten rapes are committed by someone known to the victim.[2] Most often, an intimate partner or former intimate partner, classmate, friend, acquaintance, or co-worker sexually victimized the person.

5) ***Myth***: Rape can be avoided if women avoid dark alleys or other "dangerous" places where strangers might be hiding or lurking.

   Fact: Sexual Misconduct/Sexual Assault can occur at any time, in many places, to anyone. As noted in Myth 4 above, most Sexual Assaults are committed not by strangers, but by someone known to the victim. The majority of Sexual Assaults occur at or near the victim's home.[3]

6) ***Myth***: A person who has really experienced Sexual Misconduct/Sexual Assault will be hysterical.

   Fact: A person who has experienced Sexual Misconduct/Sexual Assault may exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anxiety, anger, apathy, denial, and shock. Being sexually assaulted is a very traumatic experience. Reaction to the assault and the length of time needed to process through the experience vary with each person. There is no "right way" to react to being sexually assaulted. Assumptions about the way a person "should act" may be detrimental because each person copes in different ways.

[2] Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016 (2017).
[3] Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994-2010 (2013).

7) ***Myth***: A person who has experienced Sexual Misconduct/Sexual Assault will report the crime immediately to the police. If they do not report it or delay in reporting it, then they must have changed their minds after it happened, wanted revenge, or didn't want to look like they were sexually active.

   Fact: There are many reasons why a person may not report the assault to the police or campus officials. It is not easy to talk about being sexually assaulted and can feel very shameful. The experience of retelling what happened may cause the person to relive the trauma. Another reason for delaying a report or not making a report is the fear of retaliation by the offender. There is also the fear of being blamed, not being believed, and being required to go through judicial proceedings. Just because a person does not report the incident does not mean it did not happen.

8) ***Myth***: Only heterosexual women are assaulted.

   Fact: Sexual violence affects people of every gender identity and sexual orientation. While women and girls experience sexual violence at high rates, men and boys also experience sexual assault. Transgender and nonbinary individuals experience high rates of sexual violence. It is important to remember that Sexual Misconduct/Sexual Assault can occur in heterosexual and same-gender relationships. Assumptions about the "typical" victim might lead others not to report the assault because they do not fit the stereotypical victim profile.

9) ***Myth***: It's only Sexual Misconduct/Sexual Assault if the victim puts up a fight and resists.

   Fact: There are a number of reasons why a person who is sexually assaulted may not resist. They may experience an involuntary response to what is happening that physically prevents them from resisting or moving (sometimes called "tonic immobility"). A person may also fear that if they resist, they will anger their attacker, resulting in more severe injury. Many assault experts say that victims should trust their instincts and intuition and do what they believe will most likely keep them alive. Not fighting or resisting an attack does not equal consent.

10) ***Myth***: Someone can only be sexually assaulted if a weapon was involved.

    Fact: In many cases of Sexual Misconduct/Sexual Assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats, or a combination of these tactics to overpower the victim. Although the presence of a

weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held responsible, criminally or otherwise, for a Sexual Assault.