

February 16, 2024

Good afternoon, my name is Michelle Olson , I live in Overland Park Kansas. I am a 39 year old stay-at-home mom of 3 very active young boys, and a former special education teacher in Kansas City, Kansas. I live in Overland Park.

I am here today to speak in support of HB 2370.

This legislation is important to me because based on my personal and professional experiences, listening and reading victim's stories, and reviewing recent data it's clear that the general public is in need of a comprehensive definition of consent. Codifying consent would provide the general public an opportunity to educate themselves on what consent is, to provide our teachers the opportunity to teach consent and stop the consent being summed up into the simple "no means' no" or "yes means 'yes'" phrases we've all heard.

About two and a half years ago, in September of 2021, exactly one week after submitting a letter addressing the Kansas State Board of Education about the importance of consent education, I came across a news article online. That previous weekend, a student at the University of Kansas had called 911 at approximately 1:00 am. She claimed that she had been drugged and raped at a fraternity house by a member. My heart sank. I couldn't stop thinking about her. I wanted to help her but I couldn't.

I was mad at myself for not having begun this work earlier. I had spent years inside my head contemplating consent education. I had been reluctant to raise this issue with the Kansas Board of Education. I didn't think I knew enough about the issue, I didn't think they would support my idea so I had to be really committed to it. I don't like talking in front of people. I was busy raising my children who were 5, 2 and 6 months old at the time, one with special needs.

I felt I had failed her and many more with similar experiences. I wanted to tell her I was sorry. That I thought things had gotten better for her. I thought our society had begun a cultural shift that saw all forms of sexual assault as the horrible, traumatizing, life changing crime it had been all along. That our society, especially young adults, were rejecting social norms that trivialize sexual assault

and consent such as rape jokes, objectification, locker room banter, and victim blaming to name a few.

This young man, allegedly having committed sexual assault, had recently experienced the height of the #metoo movement, he heard victim's stories and seen widespread media coverage of sexual assault cases (e.g., Brock Turner, Bill Cosby and Harvey Weinstein). Stories of men allegedly using physical force, drugs and their positions of power to their advantage in a horrible way. I assumed he knew that no longer is the life of the victim forever changed after sexual assault but their assaulter's could be as well.

Now, in 2021, things have changed and these stories are rare and rates of sexual assault were at an all time low. To prove that to myself, I went to Google for answers. Numerous statistics, studies and surveys told me this was not an isolated incident and sexual assault continued to be pervasive in our country just as before, the data showed there was no significant change. #Metoo's ethos of support of victims coming forward, sharing their stories and celebrating when justice was served had not changed much of anything.

In 2019, the American Association of Universities (AAU) conducted the largest survey ever of sexual assault and misconduct on college campuses across the country. About 182,000 students completed their survey from 33 colleges (they had a good sample study and included big and small universities, private, public, and Ivy League schools). Their findings were very concerning:

1 in every 4 undergraduate female students and 1 in 5 transgender, queer or nonconforming students reported being the victim of rape or sexual assault since enrollment (David et al. 2020).

According to the U.S. Bureau of Justice Statistics, only 20% of female students, ages 18-24, reported their assault to law enforcement. (Department of Justice, Office of Justice Programs, and Bureau of Justice Statistics 2014).

Also according to the Bureau of Justice Statistics, if we were to pick 100 sexual assaults committed in this country, 30 will be reported to police, out of those 30, 5 will lead to an arrest, and a little less than 3 of those 5 will receive a felony conviction and face prison time. (Department of Justice, Office of Justice Programs, and Bureau of Justice Statistics 2013; Department of Justice, Office of Justice Programs, and Bureau of Justice Statistics 2014; Department of Justice et al. 2021)

After decades of high incidences of sexual assault, data shows society needs more guidance on what sexual consent is, and that's why I'm advocating for consent to be codified into Kansas Criminal Code. The well-known taglines of "no means no" and "yes means yes" need to stop. These phrases are misleading and problematic, each in their own ways and I'll tell you why.

Let's start with "No means no". I asked a dad of young boys what he was planning to tell his sons about consent shortly after reading that news article two and a half years ago. He looked at me funny and said "no means no" shrugging his shoulders like I had just asked him what color the sky is. "That's it?" I asked. "Yeah, no means no," he repeated. I replied, "But Brock Turner and Bill Cosby's victims didn't say 'no'".

"Yes means 'yes'" is problematic because someone can truly believe if they get a "yes" they have consent. It doesn't matter if pressure, persistence, coercion, fraud, or threats are used for compliance. Some of Harvey Wienstein's victims said "yes", but was it free from pressure or intimidation?

If consent is codified into Kansas criminal code, then Kansas's State Health Standards will be able to include consent education in the curriculum. Until that happens, we are failing millions of young Kansas everyday. They are literally at the highest risk age group of being the victim of sexual assault and consent is not even mentioned...and the "no means no" and "yes means yes" narrative continues...and nothing changes. (Department of Justice, Office of Justice Programs, and Bureau of Justice Statistics 2013; Department of Justice, Office of Justice Programs, and Bureau of Justice Statistics 2014; Department of Justice et al. 2021). Consent can be taught just as well as teachers teach about STIs, barrier methods and how to prevent unwanted pregnancy.

For years I've been speaking with members of the Kansas State Department of Education and the Kansas legislature to listen to me on why this has to be done and how we can do it. I have been left with literal silence from the Education board, many unanswered emails, unreturned phone calls, pointed to one person that can help, then that person to the next. They all have led me down dead ends with the same answer: Consent will not be taught until it is codified into law.

The Kansas State Department of Education reviews each subject's curricular standards every seven years. (Kansas State Department of Education 2024) The Health Education Standards will be reviewed and is anticipated for approval and adoption by the board this winter, according to their website. (Kansas State Department of Education 2021). This is our last chance to codify consent into law so it can be taught or wait another 7 years.

This is not THE one answer to stop sexual assaults from happening, but it is one that can help prevent sexual assault from occurring in the first place. Until consent is codified, the misleading, problematic and inaccurate definition of consent will continue to be "no means no" and "yes means yes" and sexual assault will continue to be pervasive in our society.

I appreciate your time and attention today and am happy to answer any questions you have.

## References

- David, Cantor, Fisher Bonnie, Chibnall Susan, Reanna Townsend, and Association of American Universities (AAU). 2020. "Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct." Association of American Universities (AAU).  
[https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7\\_\(01-16-2020\\_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf).
- Department of Justice, Office of Justice Programs, and Bureau of Justice Statistics. 2013. "Felony Defendants in Large Urban Counties." Bureau of Justice Statistics.  
<https://bjs.ojp.gov/national-incident-based-reporting-system-nibrs>.
- Department of Justice, Office of Justice Programs, and Bureau of Justice Statistics. 2014. "Rape and Sexual Victimization Among College-Aged Females." U.S. Department of Justice.  
<https://bjs.ojp.gov/content/pub/pdf/rsavcaf9513.pdf>.
- Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, and National Crime Victimization Survey. 2021. "National Crime Victimization Survey." Bureau of Justice Statistics, 2015-2019.  
<https://bjs.ojp.gov/library/publications/criminal-victimization-2020>.
- Kansas State Department of Education. 2021. "Kansas Standards Approval/Adoption Dates and Review Timelines." Kansas State Department of Education.  
[https://www.ksde.org/Portals/0/CSAS/CSAS%20Home/Standards%20and%20Fact%20heets/2021\\_Kansas%20Standards%20Review%20Dates%20and%20Timeline.pdf?ver=2022-03-25-165642-477](https://www.ksde.org/Portals/0/CSAS/CSAS%20Home/Standards%20and%20Fact%20sheets/2021_Kansas%20Standards%20Review%20Dates%20and%20Timeline.pdf?ver=2022-03-25-165642-477).
- Kansas State Department of Education. 2024. "Curricular Standards." Kansas State Department of Education.  
<https://www.ksde.org/Agency/Division-of-Learning-Services/Career-Standards-and-Assessment-Services/CSAS-Home/Curricular-Standards>.