“I WOULDN’T SAY IT WAS RAPE, BUT…:” THE “GRAY AREA” AS A EUPHEMISM FOR SEXUAL ASSAULT

A Thesis presented to:

The Faculty of the Department of Sociology

Colorado College

In Partial Fulfillment of:

The Requirements for the Degree Bachelor of Arts

By

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May 2015

On my honor,

I have neither given nor received

unauthorized aid on this thesis.

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March 2015

Acknowledgments

I would like to both thank and commend each of my interview participants for candidly sharing deeply intimate portions of their lives with me. I hope that our conversations were as impactful for you all as they were for me, and that our time spent together brought something positive out of something negative. I would also like to thank: Vanessa Muñoz, my thesis advisor, for framing this experience as one of mutual learning, Gail Murphy Geiss, my academic advisor, who, from the moment I sat infuriated in her office after witnessing a clearly guilty perpetrator of marital rape walk free out of a Colorado Springs court room during FYE, has unwaveringly supported me in the most beautifully unapologetic feminist ways, C.J. Pascoe for being the catalyst of my sociological pursuits and the brilliant human being I aspire to be, and Steve from Chas Coffee for nonjudgmentally enabling my thesis-induced caffeine habit, and making late nights in the library a little more bearable. Additionally, I would like to acknowledge my parents, who groveled about the cost of what ultimately became three independent thesis blocks and motivated me to make it money well spent, and my fiercely feminist sisters and mentors, Tess Gattuso, Ashley Johnson, Han Sayles, Maeve O'Connor-Bethune, Kenzie Mulligan-Buckmiller, Grace Montesano, Katie Rogers, Tomi-Ann Roberts, Heidi R. Lewis, and Sarah Snyderman, among others, for being some of the finest examples of womanhood in my life. Lastly, my appreciation for Brenna Swift, Tara Misra, Jaden Combs and my fellow members of the Student Organization for Sexual Safety and OrgasmiCC – as well as Beza Taddess, Simón Cheuquelaf, Benjamin Kent, and particularly for Baheya Malaty – cannot be overstated. Thank you for constantly encouraging me to maximize the potential of this project. And thank you for unknowingly healing me in so many ways from my own nonagentic and assaultive experiences.

– This work is dedicated to my biggest cheerleader, Emily Spiegel (2/25/1993 – 3/26/2014) –

Abstract

Many college students term their troubling sexual experiences "gray" or do not categorize them at all, which may contribute to emotional trauma and confusion about how to heal. This has prompted numerous scholars to argue for dedichotomization of consent rhetoric. Arguing, instead, that consent binarism expounds the sexually assaultive nature of "gray area" experiences, in this paper, I use affirmative consent standards to examine anecdotes of "gray area" sexual encounters. Through qualitative interviews, college students, mostly female, described their perceptions of invulnerability to campus sexual violence – though many of them would be considered victims of sexual assault within "yes means yes" affirmative consent paradigms and some within federal "no means no" paradigms. Demonstrating interpretations of confusing sexual experiences that allow them to dissociate from stereotypical victims, unacknowledged victims in my study exhibited similar emotional responses as those of acknowledged victims. They also positively identified a third-person account of "gray" sex – one that paralleled many of their own – as assault. Positing that "gray area" rhetoric exists as a euphemism for sexual assault, this research seeks to validate the lived experiences of victims – acknowledged and unacknowledged – while addressing the individual and collective implications of assault acknowledgment.

KEYWORDS: (college, rape, sexual assault, unacknowledged victims, gray area)

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An online article published on totalsororitymove.com (henceforth: TSM), a website that, according to its brander, "captures the heart and soul of what the All-American girl thinks and experiences," (Grandex Brands) called attention to an important problem that college campuses and academic literature alike have been grappling with for decades: "gray area" sexual experiences. The author of the article titled "Is it Possible That There Is Something In Between Consensual Sex And Rape?" detailed one of her such experiences with a college acquaintance:

> In my state of extreme intoxication, my mind was racing in search of a decision. This was exciting. This was fun. But this was also really, really weird, and ultimately, not a road I wanted to go down. I couldn't decide if the excitement and lust in the air would win over the pit in my stomach. It wasn't until he grabbed a condom that I really knew how I felt. I was not okay with this. I did not want to have sex with him. But I did. I woke up with an 'oh shit' feeling that quickly turned into an 'oh well.' I didn't really feel I'd been violated, though part of me knew I had (Ruckh 2014).

She concluded that she "certainly didn't feel like [she'd] been raped" (Ruckh 2014), yet recognized that "what had happened the night prior was not consensual sex." At its origin, nonconsensual sex is rape, not "in between consensual sex and rape," and, considering that Ruckh never verbalized consent, this experience was sexual assault – a violation of affirmative consent legal statutes. Still, Ruckh, in no way at fault for her experience, labeled the encounter "gray" and was able to shrug off her "oh shit" feeling. It was unspecified whether or not she faced lasting emotional or physical health consequences.

Because consent exists conceptually as a binary – consensual or nonconsensual – it has been suggested to colleges that framing a woman's capacity to assert sexual agency, and the extent to which a partner respects it, should be equally imperative as the establishment of affirmative consent in adjudicating sexual assaults (Crown and Roberts 2007; Rozee 1993). Using this framework, Ruckh's experience may be unanimously considered assaultive, as it was distinctly not her choice to engage in sex, and her partner advanced nonetheless, accordingly undermining her agency in the sexual situation.

My Study

Through this study, I originally intended to de-dichotomize collegiate consent rhetoric by validating the use of "gray" or "in between consensual sex and rape" labels; however, through analyzing how college students make meaning of these forms of sexual experiences, I reconsidered the

nature of the "gray area" label. Highlighting how essential labels may be for individuals to make sense of their sexual encounters, Ruckh (2014) said, "There is not a word for my experience [which] makes us feel like it doesn't exist, [but] it *does* exist." She is correct in that the type of sexual encounter she experienced undeniably exists and is prevalent on college campuses, but there *is* a word for it, and that word is rape – a pervasive and unacceptable form of sexual assault and gender disempowerment.

LITERATURE REVIEW

Legal Definitions of Rape and Sexual Assault

The FBI divides rape (excluding statutory rape), into three subsets: (1) rape, (2) sodomy, and (3) sexual assault with an object, defined as

> (1) The carnal knowledge of a person, (2) oral or anal sexual intercourse with another person, and (3) [the] use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, [*each*] without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity (U.S. Department of Justice).

Whereas "rape" is a penetrative form of sexual assault, nonpenetrative forms of sexual assault include "forcible kissing, fondling, groping, or touching" with the same stipulations for consent (U.S. Department of Justice).

Sexual violence, in all forms, is commonly adjudicated by a "no means no" consent standard, which implies that the unwantedness of a sexual act must be conveyed by a victim through physical or verbal resistance and disregarded by a perpetrator for an act to be legally classified assault. California, New York, and New Hampshire, however, have enacted "yes means yes" bills, stipulating that, unless affirmative verbal consent is given, a sexual act cannot be considered consensual. "Lack of protest or resistance does not mean consent," the Californian law states, "nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time" (California Legislative). Some have advocated that "yes means yes" should be a federal standard for adjudicating campus sexual assault (Little 2005). Perhaps with this paradigm, statistics regarding campus sexual violence would be more accurate and call more attention to the extensive problem.

Acknowledged and Unacknowledged Victims

National statistics suggest that one in five women will experience some form of sexual violence during their time at college (Krebs, Lindquist, Warner, Fisher, & Martin 2009); however, most sexual assaults are unacknowledged (Koss 1985; Harned 2005), and most acknowledged sexual assaults are unreported (Orchowski, United, and Gidycz 2013; Catalano 2006; Koss 1992). Consequently, this national figure excludes a major population of sexually victimized women: individuals who intentionally, and perhaps unknowingly, avoid categorizing their troubling sexual experiences as assaults for a variety of reasons. This population is often called "unacknowledged victims," a term used throughout existing literature.

Victims of sexual assault are commonly referred to as either *acknowledged* or *unacknowledged.* Whereas an acknowledged victim is a woman who has both acknowledged and labeled the violative nature of her sexual experience(s) with words like "rape," "sexual assault," or "crime," an *unacknowledged victim* is "a woman who has experienced a sexual assault that would legally qualify but who does not conceptualize herself as a rape victim" (Peterson and Muehlenhard 2004:195). These women are described in one study as the "most hidden in the truest sense" because they do not receive the social and psychological supports afforded acknowledged victims (Harned 2005:405) and are statistically unaccounted for, yet alarmingly numerous.

In Koss' study (1985), 43% of female rape victims were unacknowledged. Studies that employed the term "sexual assault" instead of "rape" have reported greater percentages of unacknowledged sexual assaults, ranging from 48% to 73% of women identified by researchers as victims (Peterson and Muehlenhard 2004: Koss, Dinero, Seibel, and Cox 1988; Layman, Gidycz, and Lynn 1996; Bondurant 2001; Kahn, Mathie and Torgler 1994). Orchowski et al. (2013) summarized the many factors that impede the acknowledgment of sexual violence:

> Stigma associated with identifying as a sexual assault survivor (Gibson & Leitenberg 2001), minimization of the experience (Harned 2005), self-blame (Pitts & Schwartz 1993), and/or having concern for the perpetrator (Parrot 1991). Misperception of what constitutes sexual victimization may also decrease assault acknowledgement (Burt,1980; Kahn, Mathie, & Torgler,1994; Littleton

> & Axsom 2003; Muehlenhard, Powch, Phelps, & Guisti 1992), [and] women are less likely to acknowledge assaults perpetrated by a romantic partner (Koss 1985), and assault[s] involving a low level of physical resistance (Schwartz & Leggett 1999) (p. 941).

It is likely that unacknowledged victims minimize, dismiss, or entirely deny their victimizing experiences in order to maintain a perception of themselves as mature agentic adults who are capable of behaving otherwise in the future, thereby preventing subsequent assaults, and because their assault did not match their impressions of what constitutes rape (Kahn, Jackson, Kully, Badger and Halvorsen 2003; Phillips 2000). Sexual encounters that resembled a stereotypically violent rape, in addition to encounters where a victim can clearly attribute blame to a perpetrator (Frith and Kitzinger 1997), are more likely to be acknowledged as sexually violative than experiences encompassing more subtle degrees of sexual coercion (Orchowski et al. 2013). This is "concerning, [because] college men are more likely to perpetrate sexual aggression by using coercive tactics compared to more forceful tactics" (Orchowski et al. 2013:952), and women may be more inclined to term their troubling, unclear, or nonconsensual sexual encounters "gray" if the assaultive elements of a sexual experience were not flagrant (Peterson and Muehlenhard 2004) – as Felson (2002) noted, "Ambiguous situations are easy to interpret in self-serving ways" (p. 135).

"Nonagentic" Sex and The "Gray Area"

Few colloquial words justly convey the significance of: "sex was unwanted, but had nonetheless," yet Crown and Roberts' (2007) fundamentally important term "nonagentic" expresses that individuals may have engaged in unwanted sex due to lack of sexual agency *or* lack of ability to assert sexual agency. The conceptualization of nonagentic sex is substantiated by understanding that sexual health hinges on sexual agency, a person's ability to act on volition according to will in sexual situations (Foucault 1978; Crown and Roberts 2007). Agency, also defined as the "possession of control over one's body and sexual choices (Phillips 2000) [and] feeling 'a sense of entitlement to say no and to say yes to forms of sexual expression' (Tolman, Streiepe, and Harmon 2003)" (Crown and Roberts 2007:389), is paramount for personal realization of the right to positive and pleasurable sexual

experiences (Fields 2008). Nonagentic is not necessarily synonymous with "gray;" however, and it is important to understand that sexual experiences can be both consensual and nonagentic (Crown and Roberts 2007). Crown and Roberts (2007), for example, found that about 33% of their female participants had experienced "nonagentic" sex that was not considered assault by the participants or researchers. In another study, nonagentic was associated with "gray" or nonconsensual, as unacknowledged victims were given a scale of one to seven on which to rank the extent they considered their rape experiences rape, and 48% chose between two and six (Peterson and Muehlenhard 2004). This exemplifies both the profundity of "in between" or "gray area" sex and its connotation of sexual assault.

While "sexual assault" may not be difficult to define, the "gray area," by nature, is. The only marginal definition I found in the literature suggested that "gray area" sex fits neither into the category of deplorable sexual assault – brutally forced, malicious, etc. – nor optimal healthy sex (Crown and Roberts 2007). Dovetailing this definition, although vague, with an understanding of the fundamentality of sexual agency restructures the way "gray area" can be considered: sexual relations, which lack the degree of agency indispensable to consensual sex, violate the standards of healthy sexual experiences, and may, under various circumstances, be considered assaultive (Crown and Roberts 2007).

Implications of alcohol use

A woman's sexual agency may be undermined by several conditions (Crown and Johnson 2007) like psychological pressure or alcohol use. Alcohol, in particular, increases a woman's likelihood of responding passively to unwanted sexual advances (Davis, George and Norris 2004), and is involved in the majority of campus sexual assaults (Orchowski et al. 2013). Additionally, though intoxication legally renders a person incapable of consenting, highly intoxicated women are the most likely of all unacknowledged victims to blame themselves for the assault and, consequently, label it erroneously (Orchowski et al. 2013; Kahn, Jackson, Kully, Badger, Halvorsen 2003).

Labeling Sexual Assault

In fact, college students who do not label their assaults commonly use substitutive categorizations like "gray area" that are "consistent with efforts to conceptualize their unwanted sexual experiences as something less serious or harmful than sexual abuse or assault" (Harned 2005: 409; Janoff-Bulman and Frieze 1983). While not all acknowledged victims eventually label their experiences as assaults or themselves victims/survivors of sexual violence, most do, and the majority does so retrospectively (Harned 2005). "Kelly (1988) found that more than 60% of the women in her sample did not initially define their experiences as a form of sexual violence, but that about 70% of the women changed their definitions of their experiences over time, almost always in the direction of relabeling an incident as abuse" (Harned 2005:409).

Because victims who have yet to acknowledge or label their victimizing experiences frequently reduce their encounters to "mistakes," "miscommunications" or just "bad sex" (Orchowski et al. 2013; Harned 2005), it can be particularly impactful for college students who feel negatively about a sexual experience to seek social and professional support. This is the most commonly cited trigger for labeling sexual assaults (Harned 2005), as friends and therapists are able to expound the assaultive natures of "gray" encounters from a third-party perspective, and it demonstrates the importance of consulting mental health resources after any sort of troubling sexual experience – nonagentic, "gray," assaultive, or otherwise. Seeking support can be particularly essential because labeling sexual victimization has significant implications for post-assault health (Orchowski et al. 2013). In one study, *unacknowledged* victims "reported greater interference from emotional problems and more negative emotions" (Littleton, Rhatigan and Axsom 2007:63) perhaps because they did not consider themselves eligible to the support afforded individuals who have acknowledged their sexual assaultive experiences.

Additionally, there are notable benefits to labeling an assault, which should be emphasized by campus counseling and sexual assault response resource centers. Individuals who acknowledge their victimizing experiences are less likely to fault themselves for the assault (Pitts and Schwartz 1993),

and more likely to be proactive about reducing risks for subsequent assaults (Hammond and Calhoun 2007). They are also privy to "sympathy, temporary relief from other role responsibilities, [and] legal recourse" (Burt and Estep 1981:16).

It is especially important to emphasize that whether or not women acknowledge or label their assaultive sexual experience is not indicative of whether or not an assault transpired (Fisher, Daigle, Cullen and Turner 2003). Furthermore, it is imperative that feminist scholarship not imply "that women's assault acknowledgement is indicative of the extent of harm experienced as a result of the" encounter (Orchowski et. al 2013:954). On the surface, several victims may seem able to overlook the problematic natures of their assaultive incidents or avoid serious emotional impact by downplaying or entirely dismissing the events (Orchowski et al. 2013; Frith and Kitzinger 1997). This may be contrived, though, because numerous social scripts govern how women are expected to think and behave in the wake of a sexual assault, teaching women to accept negative sexual experiences (Frith 2009; Yates, Axsom and Tiedeman 1999), and dissuading them from validating their emotions and labeling their experiences accurately. It cannot be overstated that a sexual incident does not have to encompass serious emotional distress to significantly impact an individual's mental health and overall wellness long-term (Harned 2005). Still, both acknowledging and labeling assaults are complex processes, nuanced heavily by prevalent rape myths and scripts.

Rape Myths and Rape Scripts

Because of popularized rape myths and scripts, women often hold narrow definitions of assault and what constitutes it (Peterson and Muehlenhard 2004). *Rape scripts* refer to an individual's impression of what typically happens during a sexual assault (Peterson and Muehlenhard 2004). These stereotypical ideas of rape are often framed by depictions of rape in media – for instance, strangers jumping out of the woods with weapons and brutally forcing women walking alone at night to engage in intercourse. Because rape scripts are sustained by an exaggeration of the frequency of this form of deplorable sex, they directly impact rape myths. *Rape myths* are believed "facts" about rape (Peterson

and Muehlenhard 2004), for example, "only promiscuous girls get raped," "drunk girls ask for it," and "it couldn't have been rape if he's her boyfriend."

Reducing a troubling sexual encounter to miscommunication, another rape myth, is also a common impediment to labeling assault (Orchowski et al. 2013). In this rape myth model, women are blamed for inadequately or ambiguously expressing their lack of desire to engage in sexual activity (McCaul, Veltum, Boyechko and Crawford 1990). Other prevalent rape myth models are those which fault the victim for "not fighting back," blame the victim for lying, imply she unknowingly did want sex, suggest the perpetrator's intentions weren't malicious and are therefore permissible, or consider acquaintance rape an inconsequential event (Peterson and Muehlenhard 2004). While rape myths and scripts do not reflect the complexities of acquaintance or date rape and sexual assault (Crown and Johnson 2007), they are "used by men to justify or deny men's sexual violence, and women may use them to deny personal vulnerability to rape" (Peterson and Muehlenhard 2004:130). They also: encumber the labeling process by teaching women to fault themselves entirely for their violative encounters and absolve the perpetrators of any responsibility (Harned 2005), thwart sexual assault victims' agency in all aspects of their encounters, pre, during, and post (Peterson and Muehlenhard 2004), and may stifle movements to end sexual assault on college campuses.

Framework for My Study

If sexually victimized women were encouraged to acknowledge their victimizations and validated for doing so, these movements would gain unity, power, and political urgency:

> "Women as a group, and likely women in the future, might be better off if all women who experienced rape labeled it as such. Such widespread acknowledgment of rape might highlight the tremendous problem of rape in our society, lead to greater enforcement of rape statutes, greater prosecution for rape, and ultimately reduce the frequency of rape" (Peterson and Muehlenhard 2004:241).

Though the existing literature establishes the prevalence of unacknowledged victims, it seemingly fails to address the individual and collective implications for mislabeling a sexual assault "gray area" sex. It also complicates the ambiguous definition of "gray area" sexual experiences defining them as

any sexual act that is not flagrantly assaultive or flagrantly consensual. By qualitatively examining several unacknowledged victims' anecdotes, I realized that "gray area," in many cases, has a simple definition: sexual assault, and, through this study, I seek to present the stark parallels between the two. "Gray area" experiences are violations of "yes means yes" affirmative consent standards, and rhetoric suggesting otherwise, often rhetoric in favor of consent nonbinarism, overcomplicates an already complex phenomenon and euphemizes sexual assault.

METHODOLOGIES

Through a qualitative multi-methods approach, I set out, broadly, to understand how college students conceptualize negative sexual encounters, and ultimately developed a different outlook than the one I began with[1]. As I initially intended to argue the contrary, the responses from 200 online surveys and eight conversational interviews fully informed my argument that "gray area" rhetoric euphemizes what are, realistically, sexual assaults. Though I intended to extend the bounds of existing literature by including college males in my findings reports, male participation in both surveys and interviews was insubstantial. Hence, the reported survey findings are mostly gynocentric.

Surveys

Survey respondents were predominantly heterosexual Caucasian women in their last two years of four-year college, which reflects the populations studied by others (Harned 2005; Orchowski et al. 2013; Crown and Roberts 2007). These demographics – with the exception of gender – are also reflective of the population at their small private college in Western, U.S.A. (Table 1[2])

I recruited survey respondents through social media announcements and postings to relevant campus listservs by advertising an opportunity to talk about "weird" sexual experiences anonymously.

[1] See Appendix B for methodological reflection, page 44.
[2] 200 college and university students began the survey; 124 completed it. 138 provided demographic information. My findings were informed by all interviews and by both completed and uncompleted surveys.

Table 1. Survey and Interview Participant Demographics

		N
Gender		
Female	86.2%	119
Male	11.6%	16
Other	2.2%	3
Race		
White/Caucasian	71.9%	92
Hispanic/Latin@	.5%	7
Black/African-American	3.9%	5
Asian	3.1%	4
Arab	0.8%	1
Two or more races	14.0%	18
Sexual Orientation		
Lesbian	6.5%	9
Gay	2.9%	4
Bisexual	15.9%	22
Asexual	1.4%	2
Queer	8.0%	11
Straight	72.5%	100
Other	4.3%	6
Age		
18	8.9%	11
19	8.9%	11
20	21.0%	26
21	29.8%	37
22	19.4%	24
23-25	10.5%	13
26-28	2.4%	3
Year in college/university		
Freshman	18.5%	24
Sophomore	15.4%	20
Junior	23.8%	31
Senior	42.3%	55

My survey was comprised of up to 31 multiple-choice and text entry questions, depending on whether respondents answered "yes" or "no" to: "Can you think of a time or times you actively engaged in a sexual act that you did not necessarily want to engage in?" If a respondent selected "no," the subset of questions pertaining specifically to the unwanted sexual incident(s) was omitted. If "yes" was selected, respondents were coded as having experienced nonagentic sex, and asked a follow-up question: "Did you give active consent (i.e. verbalized "yes" or affirmative head nod) to the sexual act(s) you did not necessarily want to engage in?" If a respondent selected "yes," their experience(s) remained coded as nonagentic; if "no" was selected *and* they did not identify as a victim of sexual assault, I coded them as

an "unacknowledged victim," since the lack of affirmative consent violates "yes means yes" statutes. I immediately coded those who identified positively as a victim of sexual assault or selected "maybe" as "acknowledged victims of sexual assault" and "unsure victims of sexual assault," respectively.

Beginning with low-stakes questions unassociated with assault, survey questions were grouped thematically: personal constitutions of good/bad sex, personal contextual and emotional circumstances of nonagentic or nonconsensual sexual experiences, third-party perspectives pertaining to the TSM article, and demographic information[3]. I also included several open text-entry opportunities for respondents to elaborate on any of their multiple-choice responses or feelings throughout the survey, and a comment box at the conclusion. Additionally, I provided information for campus sexual assault response and counseling resources, as well as national hotlines, at the beginning and end of the survey.

Interviews

Seven interview participants were female and one was male. Five racially identified as white/Caucasian, one identified as black/African-American, and two as multi-racial. Six identified as heterosexual and two as homosexual. Three participants were involved in a campus sex education organization, four in a sexual safety advocacy group, and one in a feminist group. I had two participants in each year of college – freshman, sophomore, junior, and senior, and ll were between 18 and 21 years of age, attended the same small private college in Western, U.S.A, and were recruited via word of mouth or social media postings that advertised the opportunity to candidly share "weird" sexual experiences in a judgment-free space.

Though I had prewritten questions, each interview departed from my interview schedule and took a free-flowing conversational form. My questions, both prewritten and improvised, were open-ended – "Have you ever felt not good about a sexual experience? Tell me about that; How did you feel after that? etc." – and allowed participants to share as much or as little as they liked. Interviews lasted, on

[3] See Appendix A for survey design and complete list of survey questions, page 37.

average, 46 minutes, and were recorded with an audio recorder. I conducted them in private rooms in public buildings on participants' campus.

Though participants' anecdotes differed slightly, the interviews were united in that each participant had experienced at least one self-identified "gray" sexual encounter. Two participants were acknowledged assault victims[4] who had experienced other unacknowledged assaults, five were unacknowledged victims, and one was not a victim but had experience with nonagentic sex. All participants' names, as well as names of partners mentioned in interviews, have been changed, and I have not included any identifying information about participants in this study.

Upon concluding the interview process, I transcribed from the audio recordings using transcription software and coded by hand simultaneously. After reanalyzing and recoding numerous times, I identified major themes across all interviews: confusion, personal definitions of consent contradicting experiences not deemed unconsensual, sexual passivity, "gray area," emotional aftermath, awareness of violation, dissociation from prototypical sexual assault victim, citation of rape scripts/myths, and minimization.

FINDINGS

My participants demonstrated interpretations of their confusing sexual experiences that allowed them to dissociate from stereotypical victims, much like participants reported in existing research. Utilizing coping mechanisms like minimization instead of seeking professional support, unacknowledged victims in my study exhibited emotional responses characteristic of rape and sexual violence, and, citing the "gray area," to define their assaultive experiences, interview participants exhibited confusion about how to heal from them. This completely transformed my framework for understanding campus sexual violence, as it became clear that college students, for numerous reasons, often do not label themselves victims of sex crimes even though I could identify their troubling sexual

[4] While the term "survivor" is generally favored over the term "victim" in sexual assault response communities, all of my interview participants used the term victim. To honor their word choice, my language in this study reflects theirs.

experiences as legally qualifying sexual assault *and* see that their emotional repercussions resemble those of acknowledged victims. It is possible that participants' assessments of their encounters would differ if read about from a third party perspective – survey respondents positively identified the TSM author's "gray area" sexual experience, which they reported paralleled many of their own, as assault.

Communicating Consent

Evaluating perceptions of the prevalence of nonagentic sex on college campuses, I found that communication about consent in sexual scenarios is not commonplace while lack of agency and gray area sex is alarmingly so. Most survey respondents had neither a verbal agreement n*or* an implied agreement in their nonagentic encounters. For instance, 87% (n=103) of female and 69% (n=11) of male survey respondents reported having actively engaged in an unwanted sexual act or acts (Table 2). Only 39% (n=40) of these women and 36% (n=4) of these men reported giving affirmative consent to the act(s), and 61% (n=62) of women and 64% (n=7) of men *did not* give affirmative consent to the acts they unwantedly engaged in, meaning that, under "yes means yes" statutes, these experiences are unlawful sexual violations. Female respondents recognized this. Just over 50% (n=52) of female respondents felt that their nonagentic experiences were violative; however, 91% (n=10) of males felt that theirs were not violative. Though the survey sample of men was very small, these stark differences in responses between men and women indicate why it may be important to consider gender separately in studying nonagentic or "gray" experiences.

Despite the results that 74% (n=76) of the women who consider their nonagentic experiences violative *do not* consider – or are unsure whether they consider – them consensual, 64% (n=76) do not self-identify as victims of sexual assault, and 10% (n=12) are unsure about their how they categorize their victim statuses (Table 2). Only 16% of female respondents – acknowledged and unacknowledged victims – sought on-campus counseling or sexual assault response resources.

Table 2. Prevalence and Conceptualization of Nonagentic Sexual Experiences

	Females	Males
Are you familiar with the term "gray area" to describe sexual situations/experiences?	(n=119)	(n=16)
Yes	84.0%	56.3%
No	7.6%	25.0%
Unsure	8.4%	18.7%
Can you think of a time or times you actively engaged in a sexual act that you did not necessarily want to engage in?	(n=119)	(n=16)
Yes	86.6%	68.8%
No	13.4%	31.2%
Did you give active consent (i.e. verbalized "yes" or affirmative head nod) to the sexual act(s) you did not necessarily want to engage in?	(n=102)	(n=11)
Yes	33.6%	36.4%
No	61.0%	63.6%
How often have you found yourself engaging in sexual acts you may not want to be engaging in?	(n=101)	(n=11)
It was an isolated incident	32.6%	72.7%
A few times	63.4%	27.3%
Often	4.0%	0.0%
Did you feel this experience or these experiences were violative in any regard?	(n=103)	(n=11)
Yes	50.5%	9.1%
No	49.5%	90.9%
Do you consider these experiences or experience consensual?	(n=103)	(n=11)
Yes	26.2%	54.5%
No	34.0%	18.2%
Unsure	39.8%	27.3%
Do you identify as a victim of sexual assault?	(n=119)	(n=16)
Yes	24.3%	6.25%
No	63.9%	87.5%
Unsure	11.8%	6.25%
Have you used campus resources to help process any of your sexual experiences?	(n = 119)	(n=16)
Yes	16.0%	6.2%
No	84.0%	193.8%

Interview participants shared possible insights into why consent is not foremost in so many college students' sexual encounters. Alluding to the cultural view of consent communication as exceptional, Olivia, a junior student said,

> I hate when people are like, 'Oh my god, this guy last night, he asked me if he could kiss me,' and we make it this huge deal like, 'He's a keeper! Keep him around! Wow, he's a great guy!' Like NO!

> That is what everyone should be doing, that is the norm. Anyone who doesn't do that is a jackass. Anyone goes beyond that is maybe a good guy…we shouldn't congratulate people on asking for consent. And from there we use-if someone's like, 'Hey can I kiss you?' – that's a stepping-stone to like fuck the rest of consent.

These thoughts echo the "yes means yes" stipulation that affirmative consent must be communicated for each sexual act throughout the entirety of a sexual experience, and touch on the fact that consent given for one sexual act is not automatically consent to other sexual acts, which is particularly pertinent for women, who may be accustomed to rewarding men who ask for consent or respect their sexual boundaries. These are two facets that should, theoretically, be a part of every sexual relationship, but are occasionally not.

For example, Kristin, a first year student, was surprised when her boyfriend respected her wishes to abstain from sexual intercourse: "I kind of like made it clear that I was waiting to have sex with him and he was like 'yeah I think it's like really refreshing, like it's nice' and I was like 'Oh? Okay, cool, I'm gunna keep you around.'" Her boyfriend's reaction – respecting her decisions about her sex and her body – should be expected, yet he was deemed worthy of "keeping around" because of them.

Participants also mentioned that consent is too difficult to define or too complicated to dichotomize. Cleo, a senior student, struggled to outline what consent looks like to her:

> You can't make a rule that like fits every scenario…I think that you can say if someone said no, it means no. I think you can say-I don't even know-maybe if someone says yes, maybe they felt pressure, I don't know…the no means no thing is definitely like-that can be like a straight rule, but like everything else is just too like gray.

Despite citing the constraints of the consent binary, Cleo hinted at how there are actually "rules that fit every scenario" like "yes means yes" standards, adding that "the verbal agreement is important" in differentiating consensual from nonconsensual experiences. However, victims may shy away from considering consent similarly.

Perceptions of Invulnerability to Victimization

Though over half of the survey respondents (51.1%, n=69) – male and female – and seven of

the eight interview participants legally qualify as victims of sexual assault or rape in California, New York, and New Hampshire, some directly expressed their perceived senses of invulnerability to rape sexual assault, and demonstrated dissociations from victim labels and victimizing experiences. Ari, a sophomore who prides herself on "knowing a lot" about sex, described a conversation she had with her mother regarding collegiate hook up culture. When her mom expressed concern with the prevalence of sexual violence on college campuses, Ari dissociated from the possibility of ever becoming a victim: "I'll be fine, I don't think you understand exactly how fine I am. She's like 'I know, but I don't want anyone to take advantage of you,' and I was like have you met me? Like that's not going to happen." Ari continued, saying that her mother, "was just like, 'I just like don't want you to get taken advantage of, like guys can do that.' And I was like, yeah, but like, I've met those guys, I kind of hate those guys, like, I know what kind of types they come in, you don't have to worry about that mom." Articulating the stereotypical perception that there is a certain "type" of sexually violative college male, Ari may not be aware of how the coercive nonconsensual sexual behaviors perpetrated against her at a college fraternity party undermined the assertion of her sexual agency. She explained,

> Every time I see him all I can think about is like [him] shoving my hand down [his] pants…At first I think I was like-I like took [my hand] out [of his pants] and I was like, 'Oop, we're good, thank you," and he's like 'Nope,' and he like put it back in there…it was like very weird and like traumatizing, I didn't really talk about it a lot.

Here, Ari, despite considering herself invulnerable, clearly and unambiguously asserted her sexual agency by saying "no," yet both her wishes and body were violated by the male perpetrator, which she recognizes: "When I look at him, I'm like, you're the guy who like violated my hand." Ari detaches herself from victimhood, saying that her *hand* was violated, which implies she was not the recipient of violative behavior. She does not label that experience assault nor herself as a victim.

Ari is not the only college woman I interviewed who described sexual experiences comprised of sexual coercion, vulnerability, and nonconsensual behavior. Charlotte, a first year college student, described herself as "stubborn as hell," explaining that she could not be sexually victimized because "people can't really convince [her] to do something [she] doesn't want to do." She explained, "no one's

ever going to tell me to do something, and then me do it." She also noted that she doesn't "like having any gray areas when it comes to making the decision [to have sex]" because she doesn't "want to feel like someone else swayed [her] in anyway." However, alluding to a negative sexual experience that took place in a campus dormitory, she said, "And I kinda felt like that."

Manipulating Consent

Charlotte also mentioned that she does not "like being drunk and doing [sexual] things," perhaps because of a troubling past sexual experience that took occurred under the influence of alcohol during high school. While she ruminated aloud on the consensuality of the encounter, toying with the notion of having blamed herself for drinking rather than him for violating consent standards, she said that college was the first place she ever heard of "consent being [between] two sober people:"

> I only thought about [consent] in terms of like raping someone-like having sex with someone against their will…first thing that comes to my mind is some like man overpowering, you know, but like there's a lot of different forms…like I didn't think about any gray areas or blurred lines except for like, like I thought of like girls being drunkenly-like guys taking advantage of them…at the time there was nothing like that crossing my mind, and it's not like it's [rape] crossing my mind now…"

Charlotte noticeably struggled to articulate herself, perhaps because she had avoided reflecting on her experiences prior to our interview. It is possible that Charlotte, like many of the other participants, began to retrospectively conceptualize her troubling experience as being beyond simply "gray" during our conversation. In citing that she originally thought rape indefinitely involved overpowering elements, Charlotte exemplified how rape myths can be used by women to dissociate from stereotypical assault victims while impeding their processes of acknowledging their own assaults.

Cleo also had difficulty gathering her thoughts. Likely more informed about campus consent and sexual assault issues as a senior student, she narrated an experience she considered, "a very gray area" yet "sexually assaulting, basically" while shying away from using the word "rape," because it's "such a gross word:"

> I said like I wasn't sure if I wanted to have sex-I was like, "I'm not sure if I want to do this," and he kept like kissing me, and stuff, and then I-I kind of like succumbed…but then I said-I like kind of stopped it and I was like, "You know like I am saying yes right now, you know,

> because I want to say yes because I-I feel weird starting with like being 'I don't know if this is a good idea or I don't know if I want to do this,' and then going forward and having sex," because I was like that feels like borderline like rape, which is such a gross word."

Cleo, like most interview participants, does not identify as a victim, however it is clear from this example that, unlike other participants, she intentionally and consciously positioned herself as unable to claim legal victimization status during a sexual experience in her campus dormitory:

> Since I had said like "I don't know," like I wanted to make a point of being like, "I'm saying yes right now," because then I was like, "You know if I didn't just say yes, like just now, like if I hadn't like verbally said it, like I don't-like you shouldn't go forward. If somebody says like, 'I don't know about this,' like don't, that's not a yes."

Cleo explained that she was initially unsure about the wantedness of her partner's sexual advances; however, it seemed he was moving forward regardless. Thus, she gave her affirmative consent, ostensibly verbalizing "yes" to prevent herself from feeling justified in reflecting negatively upon the experience. However there are numerous indicators that Cleo's encounter severely lacked both agency and genuine consent – her partner did not respect her desire to hold off on engaging in sex, and she eventually "succumbed" to the coercive pressure; never completely willingly or enthusiastically giving her consent.

After the encounter, Cleo openly discussed how she felt about it with her partner. Recounting the conversation, she said he responded "defensively" when she told him: "if I didn't say yes, like then it could-like it would be like sexual assault." She added that, for his sake, she "wanted him to like realize [that]" because otherwise he could suffer serious consequences. This interaction is unfortunately not isolated, for Cleo or for many of her female peers.

In detailing another blatantly assaultive yet unacknowledged experience with a different partner, Cleo trailed off saying, "Rape is like such a serious like thing. And then consensual is so like-it sounds so straight-forward, so yeah I would call [that] 'somewhere between,' yeah, cause it's like I don't wanna say…" It is likely that, in regards to this incident, she didn't want to say a perpetrator of rape

victimized her, even though, legally, he had. However, she was also able to dissociate from the problematic elements of the first encounter with a romantic acquaintance by employing minimization techniques like concern for *his* safety and well-being and seeming disregard for hers.

Exemplifying a passive attitude, characteristic of unacknowledged victims, she expressed that she almost expects troubling sexual experiences to occur during her time in college: "In some ways, I expect for like weird things to happen when I'm young…I think that I have this expectation that like this age-like there will be those times when it's not so-when it's not the best experience." Chalking her assaultive sexual experiences up to normal college occurrences minimized the extent of the impact she allowed herself to feel. Furthermore, the emotionally charged words she used to describe both of the aforementioned experiences – "freaky," "creepy," "terrible," "scary" – suggest that they were more serious than "not the best."

Emotional Aftermath

The responses to one survey question ("If any of the following describe what you experienced AFTER the time or times you engaged in a sexual act you did not necessarily want to engage in, please select all that apply. If none apply, leave blank."), based on the National Institute for Mental Health and Rape, Abuse, and Incest National Network's overviews of depression and PTSD, indicated that some of the emotional aspects experienced in the wake of unacknowledged assault are similar to those of acknowledged assaults (Table 3). While the responses of "unsure victims" more closely parallel those of acknowledged victims, it is important to consider how 83% of unacknowledged victims felt "negative feelings" about themselves or others. Because women, in particular, are likely to blame themselves for their negative sexual experiences, it is possible that unacknowledged victims were able to avoid other serious emotional consequences by faulting themselves. It is unclear if these emotions were experienced as direct results of the unwanted sexual *event* or how respondents considered/internalized their culpabilities.

Table 3. Emotional Aftermath of Nonagentic Sexual Experiences, per NIMH and RAINN's Depression and PTSD Symptoms Overview

	Acknowledged victims of sexual assault[1] *(n=27)*	Unsure victims of sexual assault[2] *(n=12)*	Unacknowledged victims of sexual assault[3] *(n=35)*
• Sadness	96.3%	83.3%	54.3%
• Anxiety	88.9%	83.3%	42.9%
• Avoidance regarding thinking about it	66.7%	58.3%	54.3%
• Avoidance regarding talking about it	63.0%	66.7%	151.4%
• Negative feelings about myself or other people	96.3%	91.7%	82.9%
• Feeling emotionally numb	55.6%	58.3%	40.0%
• Feeling guilt or shame	88.9%	75.0%	62.9%
• Sense of hopelessness regarding future	51.9%	25.0%	11.4%
• Heightened sense of being on-guard	63.0%	33.3%	17.1%
• Changed mental state in subsequent sexual experiences	66.7%)	50.0%	51.4%
• Emptiness	70.4%	66.7%	34.3%
• Unhappiness	92.6%	83.3%	42.9%
• Lessened interest in sex	70.4%	58.3%	37.1%
• Loss of interest in sex	29.6%	16.7%	5.7%

Note: The inclusion criterion for "unsure victims" and "unacknowledged victims" was female and male respondents who indicated "yes" when asked if they have actively engaged in unwanted sex *and* indicated "no" when asked if they actively consented – i.e. verbalized "yes" or affirmative head nod – to the unwanted sexual acts. Under California's definition of assault/rape, these experiences qualify.

[1] Only survey respondents who indicated "yes" when asked if they identify as victims of sexual assault are included in the "victims of sexual assault" category.

[2] Survey respondents who indicated "unsure" when asked if they identify as victims of sexual assault are included in the "unsure victims" category.

[3] Survey respondents who indicated "no" when asked if they identify as victims of sexual assault are included in the "unacknowledged victims" category.

Before answering the question associated to depression and PTSD, so as not to prime their open text entry responses, survey respondents were asked to describe how they felt after a) engaging in a sexual act or acts they did not want to engage in and/or b) actively consenting or not consenting to an unwanted sexual act or acts. Figure 1 displays the survey responses, arranged in text size by usage frequency (n=29), of identified sexual assault victims. Figure 2 displays those of unidentified and unsure sexual assault victims (n=53). Many of the words are identical. Conflated, the most frequently cited emotional experiences post engaging in unwanted sex were: "confused" (used by 34.1% of participants, n=28), "used" (31.7%, n=26), "ashamed" (28.0%, n=23), "dirty" (23.2%, n=18),

"uncomfortable" (20.7%, n=17), and "embarrassed" (20.7%, n=17). "Guilty" was cited 13 times (15.9%), and "violated," 10 (12.2%)[5].

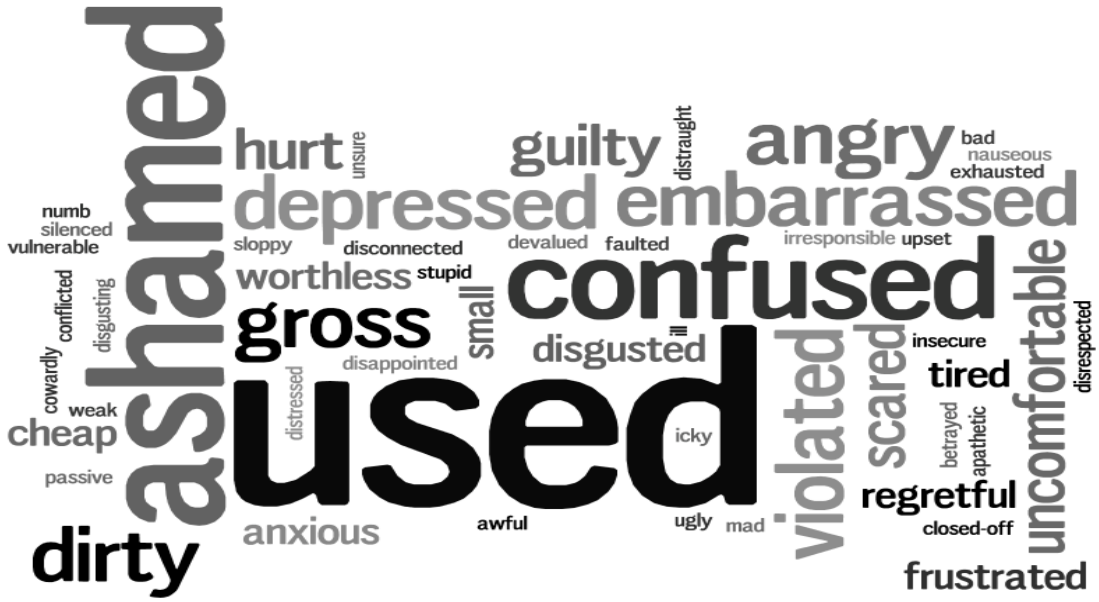

Figure 1. Emotional Aftermath of Acknowledged Sexual Assault, Sized by Usage Frequency

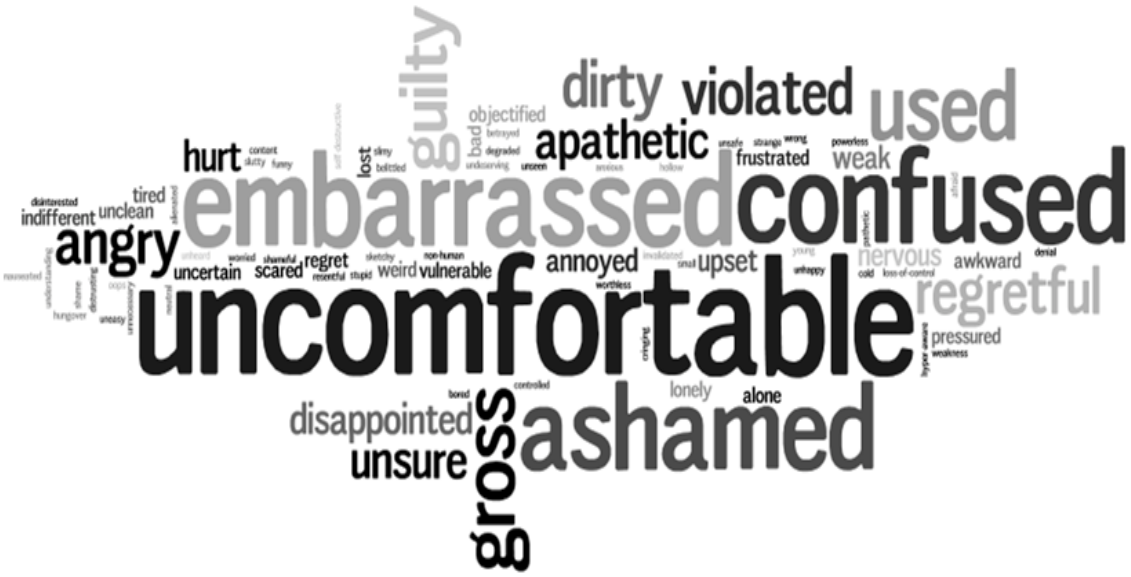

Figure 2. Emotional Aftermath of Unacknowledged Sexual Assault, Sized by Usage Frequency

Interview participants also reported similar emotions. For example, Kristin, a first year student who is "not super comfortable freely talking about" sex, experienced what would qualify as rape under both federal and "yes means yes" laws not long into her freshman year, yet has "never really thought about

[5] It is possible that if these words had been presented as multiple-choice options for survey respondents to select their emotional aftermath of unacknowledged assaultive sex, rather than open-text entry, occurrence rates would be higher.

it that much." Describing the encounter in a campus dormitory, she explained, "We were both really drunk, and we were like in my bed, and I remember saying to him 'I don't want to have sex, I don't think we should have sex'…And then I remember we had sex." Later, Kristin heard from an acquaintance shared by her and the perpetrator that she allegedly "talked about how [she] didn't want to have sex with him, and then went to the bathroom or something and came back, and [was] like 'let's have sex!" The mutual friend heard this version of the story from the male partner. Kristin has no recollection of changing her mind, has not confronted the perpetrator about it, and has not sought mental health resources; however, she "feel[s] incredibly violated by that particular experience," and legally is; all rape statutes – federal and "yes means yes" – outline that consent, if she had actually given it, is invalid when given under a state of temporary mental or physical impairment due to drugs or alcohol. Kristin also said she felt "uncomfortable" and "weird" numerous times about the sexual experience, described by her as, "such a clear example of that gray area."

Ari felt "all these emotions" too, following her nonconsensual unacknowledged assault experience at the fraternity house: "I just remember feeling so dirty and like used and like unwanted at the same time." Both Ari and Kristin's emotional repercussions from unacknowledged assault parallel those of Olivia's multiple on-campus sexual assaults. Using similar descriptors, Olivia said she felt "horrible," "disgusted," "guilty," and "used," after her *acknowledged* assaults, and that her "anxiety [is] definitely traced back to that." This reiterates that the emotional consequences of any negative sexual experience – assaultive or not – may be extremely impactful to an individual's mental and physical health. Though Olivia consistently goes to psychotherapy for her assault-related mental health struggles, none of the other participants sought professional help after their unacknowledged assaults, despite experiencing similar emotional challenges. Brandon has also gone to counseling for his acknowledged rape, but not for his unacknowledged rape, though the aftermath of each resembled each other.

To describe his *acknowledged* campus acquaintance rape, Brandon, a sophomore male, used the words "scared," "uncomfortable," and "violated." Explaining the nonagentic and nonconsensual nature of the assault, he said,

> I just like kept making boundaries for myself inside my head and then I kept excusing them when he had crossed those boundaries like oh it's okay like we can go a little bit further, and be like no this is the furthest I want to go, well no, it's okay, we can go a little bit further…I just remember feeling like as it was happening like woah, I did not want to go this far. But it was happening, and like he wasn't like forcing-like physically forcing me to…I was like, "No I don't want to do this," he was like "No it's okay, like, I just want to show you how much I like you."

In this instance, Brandon unambiguously said "no." This component is unnecessary to evaluate an experience as sexual assault, but makes the violation extremely clear. Though his subsequent unacknowledged campus assault did not encompass a direct assertion of "no," it did not involve an affirmative "yes:"

> As soon as like physical contact started to happen, then I was [thinking] no, like I don't want this…he started to kiss me and I was like oh god, like I don't want this at all… Before I knew it, he was inside me, and he was not using a condom, he didn't even like think about it, he just like went for it…without even thinking about me-respecting my body…it just felt like everything about my space, my bedroom, my body, just felt so violated so quickly…It was not a good experience-it was more than not a good experience, it was not consensual in the way I wanted it to be. [I felt] violated. I felt gross, like my body felt gross, um, empty, embarrassed and ashamed.

He also used "uncomfortable," "weird," "confused," and "bad" in later descriptions of the experience. Brandon said he felt he had "violated [him]self" by not directly saying "no," which indicates a degree of lack of agency; however, Brandon did not "violate himself." Instead, someone who did not respect him, his agency, or his body perpetrated sexual violation against him, and traditional rape scripts governed his assumption of culpability. It is also possible that Brandon, who had already experienced emotional trauma from a previous acknowledged assault, wanted to conceptualize this experience as non-assaultive in order to avoid further trauma. Vocalizing that the "gray area wasn't easy to define," he considered this experience "gray," and, like many of his peers, Brandon did not seek the assistance of professional campus resources to process this experience. Approximately 94% of unidentified and unsure sexual assault victim survey respondents did not do so either.

Factors Associated with Not Acknowledging Assault

Numerous factors – including difficulty opening up to friends and therapists – discouraged interview and survey participants from conceptualizing their gray area sexual experiences as assaults. These factors included dissociation from what an individual perceives to be a prototypical victim or victimizing incident, confusion as to how to categorize the sexual experience, and minimization of the experience. Because my participants actively dissociated themselves from sexual assault victims – preemptively or retrospectively – they saw the nondichotomous gray area label as the only suitable designation for their sexual encounters and were further confused about how to move forth.

For example, Kristin seemed perplexed by thinking about the implications of gray area sex for "the first time", explaining that "the gray area is very much there," and that she has "no idea what to do about it." Olivia expressed that utilizing resources like friends and therapists can be "more difficult than anything." "It's so hard," she said, "to say that something affected me in such a big way, when maybe it really has no right to affect me," but explained, "I think whatever affects someone is, you know, it doesn't matter what actually happened, it only matters how it made you feel. But, I just feel silly talking about some of the things." Perhaps this is because her experiences with sexual assault did not reflect those of stereotypically violent rape. It is also possible that, because many people trust the validity of rape myths, those she shares her experiences with do not validate them as sexual assaults:

> I told one of my friends who happened to be there right after [the first sexual assault]. I cried in her arms about it but whatever. And then one year ago, I told her that what had happened was sexual assault, and she laughed in my face, and said, "But you told me right after that you guys had a great time, like what happened…

Here, Olivia also demonstrated minimization via dismissing the fact that she cried in her friends arms about a negative sexual experience *and* that she had told her friend, nonetheless, that is was a "great time."

Minimization

Charlotte also minimized a troubling sexual experience, perhaps as a result of encountering devalidation from her friends while she "kept thinking about how [she] thought [she] should feel:"

> I thought I should feel like upset or sad…so like in my mind I was totally justifying everything and I was like 'it's okay.' And then at one point-this was really lame-I was like 'maybe I should just like cry or something, and like get some tears to happen, and like feel like cleansed or something,' and I couldn't, I was like 'okay, just go to bed.'

Recounting her friends' reactions, Charlotte said, "they were like, 'What's the big deal? It's just a blow job,' but in my mind I was like 'no, it wasn't though.' And so I didn't really have anyone to talk to that I felt like they were understanding me." Later in our conversation, however, Charlotte, like Olivia and others, exemplified minimization: "Like, I think about it and I don't think it's like a huge deal, like a blow job, whatever…" though she had previously expressed that it was a "big deal."

Cleo's friends, on the other hand, thought her unacknowledged assaultive experience was "shocking," though, before talking to them, she had minimized it with laughter. During an off-campus program arranged by her college, Cleo had a situation she described as "very blurry:"

> I don't even remember like getting to my room. I was just so drunk…suddenly we were like having sex…And then the next day, the guy-or like a couple days later-the guy like apologized for being like maybe aggressive and like too pushy, and like the fact that he apologized makes me definitely think that he was-he was being aggressive and like I-he probably knew I wasn't like able to be like doing something like that.

The following morning, she "felt terrible when [she] woke up" and "didn't know what to do." She even considered reaching out to her college's professional sexual assault advocate; however, while describing the experience to her friends, Cleo minimized her feelings and "laughed about it." But her friends demonstrated the power of third-party perspective and "were really shocked," making Cleo think, "Oh, maybe I should feel worse about it." A few days later, she reported feeling that the sexual experience was "freaky" and "creepy...It's weird, like cause you like sometimes don't know like how you…-like I guess I wasn't, I didn't really feel too in danger, and I don't really think of like-like yeah, I wouldn't say it was rape, but it wasn't like consensual."

To me, it sounded like Cleo had not thought of her experience as assaultive until her friends suggested otherwise. Upon her reconsideration though, she compared her experience to that of a stereotypical rape, and deemed it "gray." Particularly because of the element of intoxication, the experience she described is unlawful rape, and her reasoning for participating in my research suggests

that she knows this: “I didn’t go and report it…I didn't really like do a lot things like I possibly could have or should have done so I was like, well, I can take this experience and like help someone with their study.”

Like Cleo, my other participants – acknowledged victims and nonvictims alike – discussed minimization through laughter. Though Caitie, a first year student, was not a victim of acknowledged or unacknowledged sexual assault, she had several negative sexual experiences since beginning college. “I try to tell it in like a really funny way,” she said, “even if it like wasn't that funny, cause it makes me feel a lot better to be like-laugh about it.” Charlotte, not laughing at all while telling me about several “funny” sexual experiences, said, “It was like really funny. He was like 'yeah so that was fun,' he was like talking about [our sex], and I was like 'yeah...okay...'” She clearly did not agree that the sexual experience with this partner was “fun” or “funny,” and later in the interview, she said, “I don't know how I feel, like I haven't thought it was as funny the past couple days.” Similarly, Olivia “just said [her assault] was whatever.” She continued, “You know I made it like really miniscule, I told my friends I lost my virginity, it was great, like I was super drunk, but whatever, it didn't matter,” though as previously reviewed, it did matter. It also had serious implications for her post-assault mental health and overall well-being, and implications for her friendships when Olivia’s friends failed to validate how impactful her assaultive virginity-loss experience was for years to come.

Third Party Assessment of Assault

While it cannot be argued that *all* “gray area” sexual experiences are sexual assaults, my research suggests that many fit the assault statutes outlined by “yes means yes” bills, and, by incorporating excerpts from and associated questions about the TSM article in my survey, I was able to assess that respondents may agree. Allowing participants to remove themselves from analyses of their questionably consensual sexual experiences and approach the subject from a more impersonal standpoint, furthers the notion that unacknowledged victims use “gray area” rhetoric as mental/emotional cushioning from what is realistically assault.

When asked survey questions about the TSM "gray area" anecdote – an anecdote that mirrored many of their personal encounters – most survey respondents identified the sexually assaultive nature of the experience. The majority of survey respondents (76%, n=91) reported that they identified with the descriptions of mixed feelings, known lack of desire to engage in sex, lack of consent, lack of agency assertion, and elements of minimization. Ninety-one percent (n=82) of women specified the main reason the TSM article resonated with them: they've "felt like that before," and 43% of women (n=51) considered the TSM situation sexual assault, while 38% (n=45) were unsure, and only 19% (n=23) *did not* think the anecdote was assaultive. Furthermore, despite how the author conceptualizes her own experience, 62% (n=74) of women thought this situation should have been a "big deal."

Incongruences between individuals' assessments of their own experiences and the experience of a third party carry significant weight in claiming that the gray area is a euphemism for sexual assault. Perhaps one way to validate the victims and understand the assaultive nature of their "gray" experiences is to more rigidly and accurately dichotomize them within the existing consent binary, encouraging victims to frame their own experiences as either consensual or not, the same way they seem able to frame other peoples'. An anonymous female survey respondent highlighted how "It's easy for us to forget that nonconsensual sex is a fundamental violation of a person's body."

"Gray Area, In Most Ways, Is Assault"

Olivia, in particular, has reflected thoroughly on her nonconsensual sexual experiences, many of which were unacknowledged assaults for up to three years. When asked why she thinks it took so long to acknowledge her assaults, she said, "I was afraid to admit it – like with that gray area – unless it's like blatant assault, it's so hard to come to the conclusion" that an experience was sexual assault. She continued, "I think I realized that gray area, to me, in most ways, is assault." Another anonymous female survey respondent echoed this notion: "I think that, although there often seems to be a "gray area" of sexual assault, experiences in the gray area *are* sexual assault[s]."

It is certainly difficult to come to the conclusion that an experience was sexual assault; however, this process may be complicated by legitimizing a nondescriptive, arguably unproductive, third category "gray area." Victims of campus sexual violence – unacknowledged and acknowledged – need to be encouraged socially, psychologically, and institutionally in every step of their acknowledgement and labeling journeys, so that, if they come to the conclusion that their "gray" experiences were sexual assaults, as most do (Harned 2005), they have the support and resources to begin healing.

DISCUSSION OF FINDINGS & CONCLUSION

In considering my participants' demonstrations of dissociation from their perceptions of what constitutes stereotypical rape and victimhood, interpretational confusion when thinking about their troubling sexual experiences, use of coping mechanisms like minimization and laughter, and downplay of emotional distress, all while exhibiting emotional repercussions consistent with sexual assault, it is important to also consider the limitations of this study and how they may have affected participants' responses.

My participants discussed their negative sexual experience and thought processes comfortably and openly, and it is likely that I was able to attain such richly detailed and personal anecdotes due to my involvement in many of the same organizations. As such, my position as a researcher was important to consider throughout the interviewing process. Though I did not have prior first-hand knowledge of the participants' experiences, it is likely that some participants had prior knowledge of my general research topic through our involvements in the same organizations. However, I can safely assume that they were unaware of my research agenda, because I was too until the conclusion of my research. Additionally, due to the self-selecting nature of individuals who voluntarily participate in research regarding negative sexual experiences, I speculated that interview participants' extracurricular involvements –activist groups that discuss sexual violence in some capacity – might influence how they treated "gray" encounters or assaults. It is likely that their levels of awareness regarding sexual violence-related issues are higher than most college students; however, my participants exemplified similar dissociations from

and minimizations of sexual assault characteristic of unacknowledged victims unaffiliated with related student organizations in existing literature (Orchowski et. al 2013). This nuances my findings by calling particular attention to the pervasiveness of the "gray area;" even acutely informed students do not want to accurately label their sexual assaults.

A limitation of my survey, in particular, was that respondents' self-reported victimization statuses might not be associated with their reported nonagentic or nonconsensual experiences; I could not know which experience caused them to identify as a victim. However, as my survey analyses and comparisons between acknowledged and unacknowledged victims were general and not related to specific experiences, I did not find this limitation problematic. If I were to do this research again, however, I would include a question, after the establishment of nonagentic and non-affirmatively-consensual sexual experience, which asks, "Do you identify as a victim of sexual assault because of this experience/these experiences?" I might also consider asking about victimization status at the beginning and end of the survey, to gauge if the survey influenced respondents' acknowledgment processes. Because I am interested in increasing my understanding of the extent to which alcohol plays a role in victimization labeling, I would also include a question, which asks if the nonagentic or nonconsensual experience occurred while the respondent and his or her perpetrator was drunk. Still, my qualitative findings aligned with much of the existing literature. Additionally, they called attention to the understudied fact that victims of unacknowledged assault tend not to seek professional resources for the associated emotional trauma.

Consistent with Orchowski et al. (2013) and Peterson and Muehlenhard's (2004) studies, most interview participants had not labeled the experiences they considered "gray" as assaults. In both surveys and interviews, the majority of unacknowledged victims did not identify as victims of sexual assault, and many "maybe" identified as victims. Accordingly, all interview participants exhibited some degree of minimization, confusion, misperception of assault, and negative associations with the word "rape," consistent with Crown and Roberts (2007) and Orchowski et. al's (2013) research on why

individuals do not acknowledge sexual assaults. While many participants minimized the extent of harm experienced as a result of their negative sexual encounters by discussing them as "funny," almost no one laughed during their anecdotal retellings. Furthermore, several participants seemed somewhat aware of the assaultive natures of their experiences, yet chose not to acknowledge them in order to avoid identifying with their perceptions of a stereotypical victim. These findings are consistent with those in Harned (2005) and Janoff-Bulman and Frieze's (1983) research.

It would be compelling to do a follow-up study assessing Kelly's (1988: Harned 2005) finding that the majority of unacknowledged victims come to acknowledge their experiences after some time. Though my study did not address the possible longitudinal changes in post-assault emotional distress, my findings paralleled those of Frith (2009) and Yates et. al (1999) in that individuals possessed frameworks for how they thought they were expected to think and behave after an assault associated with rape myths and scripts. They also experienced, to varying degrees of severity, the trauma and depression characteristic of acknowledged assault, and, as Orchowski et al (2013) found too, the perpetrators in my interview participants' sexual encounters used subtle coercive tactics to convince their undesiring, unsure or intoxicated partners to engage in unwanted, ultimately emotionally consequential, sex.

In sexual assault response professions, the manner in which "gray area" is discussed already exists on a sexual assault spectrum, as it most often refers to the "gray area of sexual assault[6]." What constitutes "gray area sexual assault," per victim advocacy and assault prevention rhetoric, is most commonly sex where both parties were too intoxicated to recall what happened. Though my results touch on alcohol in that many of the encounters transpired under the influence, Davis et al.'s (2004) research suggests that alcohol plays a bigger role in this issue than my study was able to assess. As outlined in an article on Dame, an online feminist zine, alcohol can be particularly problematic because

[6] Tara Misra: College Sexual Assault Response Coordinator, in-person conversation, February 2015.

of the pervasive cultural double standard – rape myth – when involved in sexual assaults. If the perpetrator was drunk, his culpability is reduced, but if the victim was drunk, her increases:

> Sex can be complicated. Consent is not…If we wouldn't buy the argument that alcohol obliterates a person's ability to distinguish between hugging and strangling, why do we believe it can erase the obvious differences between consensual sex and rape? Why do we accept the myth that the line between consent and non-consent is filament-fine, or easily blurred? (Harding 2014).

Author Kate Harding, explained though, that alcohol is not central to the issues of consent and identifying assault: "The thing that magically turns sex into rape is not alcohol. It's the lack of consent" (Harding 2014).

I have yet to see a study that explicitly speaks to the sexually assaultive nature of "gray area" incidents. Scholars frequently fault the dichotomous nature of consent rhetoric for discouraging many assault victims from labeling their experiences outside the binary in a way they feel preserves a positive self-image (Janoff-Bulman and Frieze 1983), but the dichotomy between what is rigidly consensual or nonconsensual accurately reflects most, if not all, of the sexual experiences recorded through this research, as most of these experiences were affirmative consent violations. Culturally tolerating use of the labels "in between" or "gray" to describe what are often sexual assaults is unproductive for the victims healing process, especially because victims of sexual violence could benefit from acknowledging their assaults (Littleton, Rhatigan and Axsom 2007:63).

Conclusion

Consent is continuous communication between people engaging in sex. These small are necessary for each sexual act, and are, at their roots, black-and-white. Where consent should be particularly black-and-white, and legitimated as such, is in determining the safety of a sexual act by assessing a partner's engagement in and wantedness of it – by communicating.

> "Practicing affirmative consent means being cognizant of how your partner's responding to everything that happens, doing everything you can to make sure you're both happy, [communicating] and respecting the other person's boundaries even when they conflict with your immediate desires…Doing quasi-sexual things to someone who isn't clearly consenting is a violent, dehumanizing act (Harding 2014).

Disrespecting or disregarding someone's agency is also a violent dehumanizing act. So how do we allow women to preserve their senses of self in ways conducive to mental and physical health *and* encourage them to define their sexual encounters for what they are while strengthening their abilities to engage in affirmative consensual sex? Aside from educating en masse about sexual agency and sexual assault response, perhaps one way to accomplish this goal is to offer unacknowledged victims a tangible preliminary term with which to start defining their unacknowledged assaultive experiences: nonagentic. Agency is an understatedly paramount component of positive sexual experiences, yet numerous college students have seemingly yet to cultivate a sense of sexual agency or the ability to assert it in sexual situations. Understanding the significance of sexual agency, and that troubling sexual experiences involve lacks of agency and/or undermining of agency, may help an unacknowledged victim to frame his or her experiences within the appropriate sexual assault paradigm.

It is not okay to feel just okay about the consensuality of any sexual experience, especially numerous times. As Harding (2014) explains, "Affirmative consent is a win-win, because the only people who wouldn't want a clearly enthusiastic partner are the ones who benefit from laws and policies that say a victim must prove she's done the utmost to resist, or it wasn't rape. Which is to say, people who are looking for victims, not partners, in the first place." While institutionalizing terminologies like "nonagentic," and validating women who use them to initially categorize their assaultive sexual experiences, could be positively impactful, it is important not to conflate the "gray area" with nonagentic sex. Nonagentic sex is *consensual* sex that lacked agency – perhaps in that a woman fails to communicate that she doesn't like something her partner is doing, but *feels able and comfortable,* to some extent, to do. "Gray area" sex usually encompasses *violations* of agency. Overall, it "may be particularly effective in empowering women to "name the unnameable'' "gray areas" (Warshaw 1988:1). As this paper examines, the "unnameable" is often sexual assault.

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APPENDIX A: SURVEY QUESTIONS

"I Said Yes, But…": Unpacking Nonagentic 'Consensual' Sexual Experiences

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Online Consent Form

You are invited to take part in a research survey about consent and "gray area" sexual experiences. Your participation will require no more than ten minutes and is completed online at your computer. While there may be sensitive subject matter, there are no known risks or discomforts associated with this survey, beyond those encountered in every day life. Taking part in this study is completely voluntary. If you choose to be in the study you can withdraw at any time without adversely affecting your relationship with anyone at Colorado College. Your responses will be kept strictly confidential, and digital data will be stored in secure computer files. Any report of this research that is made available to the public will not include your name or any other individual information by which you could be identified. If you have questions or want a copy or summary of this study's results, you can contact the researcher at the email address above. If you have any questions about whether you have been treated in an illegal or unethical way, contact the Colorado College Institutional Research Board chair, Amanda Udis-Kessler at 719-227-8177 or audiskessler@coloradocollege.edu. Please feel free to print a copy of this consent page to keep for your records.

Please also note that Colorado College's Sexual Assault Response Coordinator, Tara Misra, is available as a resource. She provides confidential support, information and referrals to survivors and others whose lives have been affected by sexual assault, intimate partner violence, stalking and other forms of gender and sexuality bias motivated acts, and may be contacted at (719) 227-8101 or tara.misra@coloradocollege.edu. There are also advocates on 24/7 call at (719) 602-0960.

Clicking the "Next" button below indicates that you are 18 years of age or older, and indicates your consent to participate in this survey.

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1. Please read the following excerpt from a TotalSororityMove.com article and answer the associated question.

"Sometimes you have to have lunch with [people] you don't want to have lunch with, and sometimes you have to have sex with [people] you don't want to have sex with."

Do you agree?
- o Yes
- o No
- o Unsure

---

2. At what age did you have sex for the first time? If you have not had sex, please indicate. (Open response).

3. Which of the following best suit your description for the best sexual experience you've had? Select all that apply. If none apply, leave blank.

- Romantic interest in partner(s)
- Foreplay
- Active consent (i.e. verbal)
- Implied consent (i.e. body language)
- Emotional intimacy
- I reached orgasm
- My partner(s) reached orgasm
- "Pillow-talk" (intimate conversation following sex/sexual acts, often in bed)
- Sense of connection between me and my partner(s)
- Sexual communication
- Display of affection before, during, and/or after sex
- My partner and I had a preexisting nonsexual friendship
- Incorporation of sex toys

If you would like to further elaborate on the best sexual experience you've had, please do so here. (Open-response).

4. Which of the following best suit your description for the worst sexual experience you've had? Select all that apply. If none apply, leave blank.

- Romantic interest in partner(s)
- Foreplay
- Active consent (i.e. verbal)
- Implied consent (i.e. body language)
- Emotional intimacy
- I reached orgasm
- My partner(s) reached orgasm
- "Pillow-talk" (intimate conversation following sex/sexual acts, often in bed)
- Sense of connection between me and my partner(s)
- Sexual communication
- Display of affection before, during, and/or after sex
- My partner and I had a preexisting nonsexual friendship
- Incorporation of sex toys

If you would like to further elaborate on the worst sexual experience you've had, please do so here. (Open-response).

5. Please arrange the following in order of general importance in your sex life:

My orgasm
My partner's orgasm
Active consent
Emotional intimacy
Communication
Mutual enjoyment

---

6. Are you familiar with the term "gray area" to describe sexual situations/experiences?

- Yes
- No
- Unsure

7. Can you think of a time or times you actively engaged in a sexual act that you did not necessarily want to engage in?

- Yes
- No

7b*. Did you give active consent (i.e. verbalized "yes" or affirmative head nod) to the sexual act(s) you did not necessarily want to engage in?

- Yes
- No

8*. Do you feel you reflected upon the experience(s) of engaging in a sexual act(s) you did not necessarily want to engage in, in any way?

- Yes
- No

9*. Please enter a few adjectives describing how you felt after either a) engaging in a sexual act or acts you did not want to engage in or B) actively consenting to a sexual act or acts you did not want to consent to. (Open response).

10*. If any of the following describe what you experienced AFTER the time or times you engaged in a sexual act you did not necessarily want to engage in, please select all that apply. If none apply, leave blank.

- Sadness
- Anxiety
- Avoidance regarding thinking about it
- Avoidance regarding talking about it
- Negative feelings about myself or other people
- Feeling emotionally numb
- Feeling guilt or shame
- Sense of hopelessness regarding future
- Heightened sense of being on-guard
- Changed mental state in subsequent sexual experiences
- Emptiness
- Unhappiness
- Lessened interest in sex
- Loss of interest in sex

11*. Why do you think you went forth with actively engaging in sexual act(s) you did not want to engage in? Select all that apply.

- I didn't want to feel that I had led my partner on
- I didn't want to disappoint my partner
- I didn't want to have to deal with a "let's do it, but no, we shouldn't" verbal tug-of-war
- I felt like it was an obligation to go through with it
- It was the easiest way out of the situation
- I felt guilty for not wanting to go through with it
- It wasn't a big deal

12*. How often have you found yourself engaging in sexual acts you may not want to be engaging in?

- It was an isolated incident
- A few times
- Often
- It happens in almost every one of my sexual experiences

13*. Did you feel this experience or these experiences were violative in any regard?

- Yes
- No

14*. Do you consider these experiences or experience consensual?

- Yes
- No
- Unsure

15*. Have you used campus resources to help process any of your sexual experiences?

- Yes
- No

Feel free to elaborate on any of the experiences you've thought of while answering the previous questions. (Open response).

***(Displayed only if "yes" was selected in Q7).**

Please read the following excerpt from a TotalSororityMove.com article and answer the associated questions.

"Before I even had a chance to decide [what I wanted to do or not do], we were making out. In my state of extreme intoxication, my mind was racing in search of a decision. This was exciting. This was fun. But this was also really, really weird, and ultimately, not a road I wanted to go down. I couldn't decide if the excitement and lust in the air would win over the pit in my stomach. It wasn't until he grabbed a condom that I really knew how I felt. I was not okay with this. I did not want to have sex with him. But I did. He slid inside me and I didn't say a word. At the time, I didn't know why. Maybe I didn't want to feel like I'd led him on. Maybe I didn't want to disappoint him…It was easier to just do it. Besides, we were already in bed, and this is what people in bed do. I felt an obligation, a duty to go

through with it. I felt guilty for not wanting to. I wasn't a virgin. I'd done this before. It shouldn't have been a big deal–*it's just sex*–so I didn't want to make it one."

16. Do you consider this a sexually assaultive experience?

- Yes
- No
- Unsure

17. Did the above excerpt resonate with you for any reason?

- Yes
- No

17b. (Displayed only if "yes" was selected in Q17). Which portions of the excerpt resonated with you most? Select all that apply.

- "Before I even had a chance to decide [what I wanted to do or not do], we were making out."
- "In my state of extreme intoxication, my mind was racing in search of a decision."
- "This was exciting. This was fun. But this was also really, really weird, and ultimately, not a road I wanted to go down."
- "I couldn't decide if the excitement and lust in the air would win over the pit in my stomach."
- "It wasn't until he grabbed a condom that I really knew how I felt."
- "I was not okay with this."
- "I did not want to have sex with him. But I did."
- "He slid inside me and I didn't say a word. At the time I didn't know why."
- "Maybe I didn't want to feel like I'd led him on."
- "Maybe I didn't want to disappoint him."
- "It was easier to just do it."
- "Besides, we were already in bed, and this is what people in bed do."
- "I felt an obligation, a duty to go through with it."
- "I felt guilty for not wanting to."
- "I wasn't a virgin. I'd done this before."
- "It shouldn't have been a big deal–it's just sex–"
- "–so I didn't make it one."

17c. (Displayed only if "yes" was selected in Q17). Why did these sentences resonate with you?

- I've felt like that before
- I feel as though I've caused someone else to feel like that before
- I have a friend or family member who has expressed similar sentiments to me
- I'm unsure

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18. Do you think the situation detailed in the excerpt should have been a "big deal"?

- Yes
- No

- Unsure

19. The original excerpt is taken from an article titled, "Is it possible that there is something between consensual sex and rape that happens to almost every girl out there?" What do you think?

- Definitely
- It's possible
- I don't really think so
- I highly doubt it
- I'm unsure

20. "Is it possible that there is something between consensual sex and rape that happens to almost every guy out there?"

- Definitely
- It's possible
- I don't really think so
- I highly doubt it
- I'm unsure

---

21. How old are you? (Sliding scale from 18-28).

22. Are you an undergraduate or graduate student?

- Undergraduate
- Graduate

23. In what year of school are you?

- Freshman
- Sophomore
- Junior
- Senior

24. Do you currently attend Colorado College?

- Yes
- No

25. With which gender do you identify?

- Male
- Female
- Gender queer/nonbinary
- Other (open response)

26. With which sexual orientation(s) do you identify?

- Lesbian

- Gay
- Bisexual
- Asexual
- Queer
- Straight
- Other (open response)

27. With which race/ethnicity do you identify? (Open response).

28. Do you identify as a victim of sexual assault?

- Yes
- No
- Maybe

Thank you greatly for your participation! If you have anything else you'd like to say or comment, please do so here. Also please do not hesitate to contact me directly at savannah.johnson@coloradocollege.edu with any questions, comments, or concerns. Have a lovely day. (Open response).

APPENDIX B: METHODOLOGICAL REFLECTION

When I read the Total Sorority Move Article in fall 2014, I was initially floored. At the time, a close friend of mine was struggling to unpack various negative sexual incidents that took place with the man she had been hooking up with a few months prior. Her mental state and the triggers behind it became popular discussion topics amongst our friends – was Elizabeth depressed because Will (names both changed) had raped her? Depressed because of their break up? Both? Had she even experienced sexual assault? Why was she depressed, and how was she conceptualizing her experiences? Elizabeth recalled giving some form of half-hearted verbal or nonverbal consent to the acts she felt negatively about, but knew that doing so resulted from coercion, and different friends took drastically different approaches towards supporting her.

Our friend Victoria frequently used sexual assault discourse buzzwords such as "traumatic," "abusive," and "manipulative" to describe Will, and insisted that what Elizabeth experienced was rape. I cautioned Victoria against projecting a stereotypical victim role onto Elizabeth before she knew if she self-identified as victim or not, imploring her not to let Elizabeth conceptualize and label her experiences personally. This situation catalyzed my original argument.

Embarking on this research, I initially intended to explore the same broad topics – how college students make meaning of sexual experiences considered "in between consensual sex and rape," and why college individuals engage in and/or consent to unwanted sexual acts – I ultimately investigated in this paper. However, I originally hypothesized that college students' failures to exercise sexual agency in unwanted sexual settings are violations by nature, but self-violations – individuals violating their known senses of agency and their known abilities to assert it by not doing so in unwanted sexual situations that could have, otherwise, been prevented. Upon analyzing the results of my interviews and surveys, though, my perceptions of this issue changed completely, and I realized that my original hypothesis was an entirely self-serving perspective on the issue. I

now understand that, with this first hypothesis and research agenda, I was actually imposing, onto Elizabeth and my participants, my yearning to have my conceptualizations of some of my negative sexual experiences – my conceptualizations that, like those of many participants, exhibited minimization and denial, and are characteristic of victims of sexual assault – validated and legitimized. Coming across Felson's (2002) research examining how "ambiguous situations are easy to interpret in self-serving ways" (p. 135) was key for my realization that not only were I and my peers interpreting our ambiguous sexual situations in self-serving ways, but that we were also making unambiguous situations ambiguous in order to preserve our self-serving conceptualizations and reflections. In some instances, we were even altering our memories to do so.

As such, each stage of this research brought about new and unforeseen challenges for me as a researcher. One of the most difficult aspects of conducting the interviews was my third-party perspective on their experiences, and trying to reconcile my role(s) in our interviews. Because I am a trained peer advocate for students dealing with sexual assault-related issues, I was inclined to adopt a "therapist" role, and gently and supportively point out the coercive and assaultive elements of participants' experiences. At the same time; however, my role as a researcher was to ask non-leading questions, and not impose any of my own ideas or experiences on them, so I did not. Naturally, these roles conflicted, and I found myself feeling emotionally exhausted after hearing numerous stories of unacknowledged assaults and feeling unable to do anything besides provide a sheet of paper detailing the counseling options available on campus.

I also struggled to reconcile the ethical implications of labeling my participants' experiences as unacknowledged assaults in this paper. It wasn't until I came across the works of Melanie Harned (2005) that I accepted how it *is* ethical to label unacknowledged assaults and unidentified victims. Harned (2005) touches on how, if a sexual encounter fit the statutes for legal sexual assault, but neither party considered it assault, identified as a victim because of the encounter, or had any

negative emotional aftermath, it would not be appropriate to call research participants unacknowledged victims. None of my participants even remotely fit this description; hence, I felt it was appropriate to externally impose the label "unacknowledged assault" onto their harmful non-affirmatively-consensual negative sexual experiences.

Because my deep connectivity to our conversation topics occasionally affected the extent to which I lingered on irrelevant topics like school sexual education history or how far I probed into compelling comments, depending on my emotional state, I am also fortunate that my participants were so candid. Emotions are stereotypically regarded as obstructive to conducting viable studies; however, they are fundamentally important to feminist epistemology, and were fundamentally important to my research journey. Just a few minutes into my first interview, I found myself thinking, "well, shit, this experience she's talking about is so clearly sexual assault, and she is completely denying that," and I grew routinely more frustrated with "gray area" categorization. I also had thoughts like, "well, shit, this experience she's talking about it so clearly sexual assault, and so closely resembles one of my own experiences." Both of these realizations catalyzed my reconsideration of my initial proposed argument.

In "Love and Knowledge: Emotions in Feminist Epistemology," Alison Jaggar calls attention to the fact that all knowledge is based on sensory experience, and that all sensory experience is based on emotions, which are ways in which we engage actively and even construct the world" (Jaggar 1989: 151). My dismissal of my negative emotions stemming from nonagentic sex resulted in my construction of what I wanted my original thesis to be; however, when I was able to freely reflect, and allow myself to feel emotional, I was able to construct this paper, which I feel is an accurate reflection of what the "gray area" truly is. While the months I spent researching and writing this paper were full of ups and downs, they were paramount in my growth and discovery processes as a researcher and as a sexual being.