

Sexual Rights: Who Decides?

A Lesson Plan from Rights, Respect, Responsibility: A K-12 Curriculum
Fostering respect and responsibility through age-appropriate sexuality education.

NSES ALIGNMENT:

By the end of 12th grade students will be able to:

IV.11.CC.1 – Identify the state and federal laws related to intimate partner and sexual violence (e.g., sexual harassment, sexual abuse, sexual assault, domestic violence)

IV.12.INF.1 – Analyze how peers, family, media, society, culture, and a person's intersecting identities can influence attitudes and beliefs about interpersonal and sexual violence*

TARGET GRADE: Grade 12
Lesson 3

TIME: 60 Minutes

MATERIALS NEEDED:

- White board and markers
- Extra pencils in case students don't have their own
- Story: "Senior Send-Off" – one per student
- Senior Send-Off Roles 1-10 – enough copies of each role for each member of the small group as assigned
- Handout – "Resources: Rape and Sexual Assault," one half sheet per student

ADVANCE PREPARATION FOR LESSON:

- Create 10 small groups and assign each group a Senior Send-Off Role (see handout) for the class activity
- Make 10 copies, one for each small group, of the Senior Send-Off Roles for the small groups and paper clip them together
- Make enough copies of the Resource list for half the students in class; cut the sheets in half so that each student will receive a half sheet
- Please read and understand the Colorado consent laws so that you are prepared for the lesson.
<https://www.ageofconsent.net/states/colorado>

LEARNING OBJECTIVES:

By the end of this lesson, students will be able to:

1. Identify their own feelings about a specific type of law relating to statutory rape. [Affective]
2. Describe at least two messages about sexual consent, abuse, age and gender, and the source(s) of those messages. [Knowledge]

A NOTE ABOUT LANGUAGE:

Language is really important and we've intentionally been very careful about our language throughout this curriculum. You may notice language throughout the curriculum that seems less familiar - using the pronoun "they" instead of "her" or "him", using gender neutral names in scenarios and role-plays and referring to "someone with a vulva" vs. a girl or woman. This is intended to make the curriculum inclusive of all genders and gender identities. You will need to determine for yourself how much and how often you can do this in your own school and classroom, and should make adjustments accordingly.

PROCEDURE:

Note to the Teacher: *This lesson addresses an accusation of statutory rape. Although the description of what happens between the two people is not very graphic, you may want to give students a warning about the topic at the beginning of class and watch your students' reactions so you can follow up with any students who's trauma response seem to be activated by what is discussed. Please also mention that this if this topic is activating a someone's trauma response for a student who has experienced assault they can go to a*

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designated classroom or safe space with a trusted adult. Talking with your counseling or social work team in advance to let them know you are teaching this class, and they may expect students to come talk to them about this topic

STEP 1: Explain to students that you are going to be talking about a particularly intense topic today – consent to sexual activity - both when it’s present and when it isn’t. Please also mention that if this topic is activating someone’s trauma response for a student who has experienced a sexual situation in which consent wasn’t present, they can go to a designated classroom or safe space with a trusted adult. If you have already created ground rules for your classroom, be sure to highlight them before starting the lesson. If you don’t have any already created, explain to the students that you are going to ask them to be particularly sensitive and respectful during this class session.

(2 minutes)

STEP 2: Say, “There are parts of sex and sexuality that are for us as individuals to decide for ourselves. We all have rights – even when you’re under 18, you have some rights. Yet there are some aspects of sex and sexuality that society has created laws about. Can you think of any examples?”

Probe for laws about sexual assault, abortion, being naked or having sex in public.

Say, “Sometimes a law is passed that makes sense to some people, but not to others. And as you know, laws can be interpreted by different judges and different lawyers. We’re going to look at an example of this today.”

(3 minutes)

STEP 3: Explain that before we get started, we’re going to review some key ideas related to consent and review Colorado’s consent laws.

Consent means that someone is giving their affirmative, clear, voluntary, continuous, and knowing agreement to engage in a sexual encounter or personal relationship. Say, “There are so many kinds of consent. Today we are going to be talking about affirmative consent and nonverbal consent.”

Ask students to share what they know about consent. Say, “Affirmative consent is when consent is requested by asking and receiving a “yes” instead of waiting for someone else to say no. For example, if you’re asking to have sex with someone, you have to wait until you hear them clearly communicate a ‘yes’ through their words or non-verbal signals. Just because someone does not say no, it doesn’t mean you have consent to do anything with them.

When getting consent you must remember two things: First, it must be clear what someone is consenting to, for example, you can’t ask someone to do one sexual behavior and then assume you can do a second, different sexual behavior. Second, make sure their consent is voluntary, which means they made the decision on their own. If you said something like, “if you don’t have sex with me, I’m going to tell your mom about that time we had sex” or even using something harsher against them. Then that person feels pressure (or coerced) to consent and that isn’t a decision that they made on their own.¹

¹ Concepts and definitions provided by [CCASA](#) and [Project PAVE](#)

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Now tell the students that consent can be verbal or nonverbal. Consent can be given in words or actions if the words or actions are clear permission regarding someone's willingness to engage in an activity. It is important you know that the person giving consent isn't feeling pressured or threatened when it happens." Ask students how a person may or may not give consent to something nonverbally:

- Nodding their head yes
- Giving a thumbs up
- Shaking their head no
- Putting up two hands with palms forward indicating, 'stop'

Discuss with students the appropriate way to react if someone says no, and therefore, does not give consent. A person may feel a bit sad or embarrassed if someone does not give consent, but the most important thing is listening to and respecting their boundaries. If a person doesn't give you consent, you must stop. Now say, "It is important that you practice effective communication about boundaries and consent and stop right away when someone says "no".

Ask students, "What are some things you can say when someone does not give you consent for a behavior?" Examples may include:

- Hey, no problem
- It's okay, I get it
- Oh, I'm sorry
- Let's do something else then

It's important to also know the laws of consent in Colorado. Say " The legal age to consent is 17 years old. This means that a person under 17 years old cannot legally say "yes" to any type of sexual intercourse and if an adult has sex with a person under 17, they may be charged with crime. However, in Colorado, if both people are under the age of 17, and they both consent to sex, it is not a crime. A person who is under 15 can have sexual intercourse with a person who is no more than four years older than them, and a person a person who is 15 or 16 can consent to sex with a person who is no more than 10 years older than them. Let's put this into examples:

- Jay is 15 and Remi is 16. They can both consent to sex with each other because even though they are under 17 (the age of consent), Remi is 16, which is less than four years older than Jay.
- Ali is 16 and Cedric is 18. As long as both people are consenting, Cedric is not committing a crime because he is less than 10 years older than Ali.²

(10 minutes)

STEP 4: Explain and outline the roles of prosecutor/defense/judge to the students prior to doing this activity:

- **Prosecutor:** The lawyer that presents evidence against the defendant (in this case the senior student). The prosecutor is the one who is going to argue against the defense attorney in favor of the victim (first year student). The prosecutors goal is to make a case that the senior student is guilty.

² <https://www.ageofconsent.net/states/colorado>

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- **Defense:** The defense lawyer is the one who represents the defendant (senior student) and upholds their rights. The defense lawyer's goal is to make a case that the senior student is not guilty.
- **Judge:** The judge is the one who keeps order and oversees everything within the court. The judge's goal is to listen to the arguments and evidence and determine which lawyer makes the strongest argument.

Distribute the handout, "Senior Send-Off." Ask for volunteers to read aloud one part of the handout. Once the entire handout has been read, say, "I'm guessing you all have some reactions to this story! You're going to get a chance to talk about it – but you're going to have to do it in character."

Explain that you are going to divide the class into 10 small groups. Each small group will be representing one person in the story. Tell them that you are going to give them 15 minutes to prepare how they plan to play their role, which will be provided to them.

Divide the class into 10 groups, and distribute the roles. As they work in their groups, walk around the room and listen to their conversations, answering questions or contributing guidance as necessary.

(17 minutes)

Note to the Teacher: The groups should be divided and the roles assigned intentionally as part of preparing for class.

STEP 3: Once 15 minutes are up, tell the class that, although they worked on their roles as a group, they need to decide who will be the first speaker to represent their group as if they are one person. Tell them that others in the group will be able to speak as well, but that someone has to start.

Then tell the groups where they should position themselves. What this looks like will depend on your classroom, but one suggestion is as follows:

Judge	
Senior accused student	First-year student
Defense attorney	Prosecuting attorney
Parents of senior student	Parents of first-year student
Friend of the senior student	Friend of the first-year student
Members of the Senior Class Council	

Ask the Prosecuting Attorney to go first, present the case, and then have the Defense Attorney respond. Have the judge call on other witnesses as outlined in their instructions. Tell them that each person will have no more than 2 minutes to make their case.

(17 minutes)

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STEP 5: After everyone has spoken, the judge will share their collective verdict with the class. Once the verdict has been shared, thank the class for their work, and ask everyone to return to their original seats.

Process the experience by asking the following questions:

- What was it like to do that? What was [insert student responses] about it?
- This story is about statutory rape – although they both said they wanted to have sex, the law says that the first-year student is too young to agree or consent to have sex. Do you agree? Was this rape? At what age do you think a person is capable of knowing whether they're ready to have sex? Why?
- Did the senior student have the right to have sex with the younger student? What was the first-year student's rights in this situation?
- What did you notice about what different people used to make their arguments? Do you think those were valid points? Where do you think those ideas came from?
- You'll notice that none of the roles was assigned a gender – how did you decide in your groups what gender your character was? What kind of impact would gender have? If the gender of the first-year student had been different, would anyone have played their role differently? How about the senior? What about if they were the same sex? Why or why not?
- What responsibility did each of the characters have in this story? For example, should the senior council members have done anything differently?

End the class by suggesting the students keep talking about the scenario and that they talk about it at home to see what their other family members think and what they would say. Distribute the resource sheet on statutory and other rape resources. Say, "No matter the circumstances, if someone has been raped or sexually assaulted, it is never their fault. If you or someone you know has experienced any kind of rape or sexual assault, or if you're even not sure whether what happened was an assault, please contact any of the organizations listed on this sheet."

(11 minutes)

RECOMMENDED ASSESSMENT OF LEARNING OBJECTIVES AT CONCLUSION OF LESSON:

The experience of the mock court, and in particular, the processing discussion that follows, will achieve both learning objectives.

HOMEWORK:

None.

Story: Senior Send-Off

A 17-year-old high school senior with an excellent GPA has already been accepted to college. They are liked by everyone at school, both students and teachers. They have a good relationship with their parents, and are an active member of their faith community. They tutor students who need it, and volunteer at the animal shelter in town.

An unofficial tradition at their school is something called “Senior Send-Off,” in which graduating seniors compete to see who can have sex with the youngest student they can find at the same school. This tradition is not sanctioned by the school, although considering some of the graduates work as staff at the school, it’s possible that some know about it and simply look the other way.

The 17-year-old student has been helping a first-year student with their homework. That first-year student seems to look up to - perhaps even like? – the 17-year-old. The 17-year-old decides to try something sexual, just a kiss, and the first-year responds positively. They make out for a while, and end up having sex. They are both happy afterwards, but for different reasons.

When it is over, the 17-year-old smiles and says, “Just out of curiosity, how old are you?” The first-year student says, “I’m 14, why?” The 17-year-old says, “Well, thanks to you, I may have just won a contest,” and tells them about the Senior Send-Off and that they need to be able to tell the senior class council how old they are.

The first-year student is confused – and then furious. “Wait – you’re saying this is only a game? I thought you were interested in me.” The 17-year-old, so excited by the idea of winning the competition, is confused – and then realizes that the first-year student really liked them.

The first-year student goes home, and their parents notice they’re really upset about something. The first-year student tells their parents what happened. The parents flip out, yell, “But you’re 14!” and call the police. By the end of the day, the 17-year-old has been arrested for statutory rape; a few days later, the student’s parents are notified that the college their child was accepted to has cancelled their offer of admission.

Senior Send-Off Roles

FIRST-YEAR STUDENT

You are really upset and offended by what happened with the other student. You did consent to have sex with them, but you certainly would not have had you known in advance that this was part of some contest. You feel humiliated, and since everyone now knows what happened to you, you want the Senior to pay.

FIRST-YEAR STUDENT'S PARENTS

You are as upset as your child. You think the outgoing senior coerced your baby and took advantage of them – you want justice for your child. You also think that that student's parents are to blame, and want to hurt and embarrass them, too. You think the older student should be expelled and shouldn't be allowed to return to school.

FIRST-YEAR STUDENT'S CLOSE FRIEND

You and the first-year student have known each other since grade school. You think they're a great person, and would never lie or say anything mean about someone else unless that person really had done something wrong. You think the 17-year-old definitely raped your friend and should be punished.

17-YEAR-OLD SENIOR

You are the 17-year-old student. You cannot believe everyone is freaking out about this. You thought this was between you and the first-year student. You both wanted to have sex, and you thought that since they liked you, they wouldn't mind helping you win the contest. You don't see what the big deal is and you certainly don't want this to affect your future.

SENIOR'S PARENTS

You are very conservative and very religious, and the idea that your child was having sex outside of marriage is distasteful to you. You are very disappointed in your child, but do not think it is possible for them to be seen as a rapist. You understand why the other student's parents are upset, but think that this is a matter to be dealt with privately with your religious leader, not in a legal setting.

SENIOR'S CLOSE FRIEND

You and the 17-year-old have known each other since middle school. You think they're a great person, and that they would never lie or do anything mean to another person – it's just not in their nature. You are sure that this must be some kind of terrible misunderstanding. You've seen how great your friend is with younger kids, helping them after school and tutoring other high schoolers. You used to tease your friend for being kind of a goody-goody when you were younger, and you really can't blame them for wanting to do one thing that would make them seem cool in the eyes of the other seniors before they graduated.

Mock Court Roles

Senior Class President and Council Members

You and the rest of the senior council have known about this tradition, but it has never been written down anywhere. You are the ones who have been pushing the students who are about to graduate to compete in the contest, but there's an unspoken rule that people don't talk about it – especially not with adults. You are terrified that you are all going to get into trouble and not be able to graduate. You want to cover yourselves and distance yourself from the senior who is being accused of rape as much as possible.

Prosecuting Attorney

You interpret the law as meaning this was rape, even though they both consented to it. But the age difference means that the younger person was not able to consent to the sex act, legally. Because it was part of a game, you really want to make the older person out to be a predator with no positive characteristics. This will make an example of the senior and serve as a warning to others.

Defense Attorney

You want to demonstrate as much as possible that the first-year student is smart enough to know the difference between whether they wanted to have sex or not. You believe the school itself is to blame because they should have known about the tradition and stopped it. You do not think your client should be convicted of rape-in fact you think this should be seen as a simple high school misunderstanding that is nobody else's business but the two people who had sex. You think the first-year student's parents are blowing it out of proportion and are just angry because they're uncomfortable with the idea of their child having sex.

Judge

Your job is to LISTEN. Think about the arguments each "person" makes, talk amongst yourselves, and reach your verdict. All you have to decide are two things: First, was this rape, according to the law; and second, regardless of whether you decide it was or was not, what consequence(s), if any, should there be for any of the people involved? Things you might consider include whether the senior should be allowed to finish school, whether the senior council bears any responsibility, whether the school itself should be punished, whether the parents carry any responsibility, etc.

Resources: Rape and Sexual Assault

If you or someone you know needs information about rape (including statutory rape), sexual abuse or sexual assault, the following resources may be of use:

National Sexual Violence Resource Center

www.nsvrc.org

National Teen Dating Abuse Helpline

www.loveisrespect.org

866-331-9474

RAINN – Rape, Abuse and Incest National Network

www.rainn.org

800-656-HOPE (4673)

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