Sexual Consent In and Out of the Bedroom: Disjunctive Views of Heterosexual College Students

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ABSTRACT

Previous research assumes that people communicate consent “in the bedroom” or other private settings and immediately prior to sexual activity. The research presented in this study challenges that notion, examining consent as it was interpreted by 30 heterosexual college students during in-depth interviews. Our findings suggest that men often read consent as happening in social settings, whereas women are more likely to conceptualize such cues as part of a larger consent process that also includes cues occurring in private settings. This disjunctive understanding may be a function of larger social scripts regarding expected sexual behavior and may lead to problematic interpretations of consent messages.

Yes, I left the bar with him, and that was my first attempt to let him know sex was on the table; like I was willing to have sex with him. But I didn’t make my final decision until we were inside his bedroom. What happened outside the bedroom certainly spoke to what I wanted to do, but my official consent came inside the bedroom when I told him to put a condom on.

—Sandra, 21 (emphasis added)

Sexual assault continues to be a salient public health issue. Approximately one in five women in college experience sexual assault or attempted sexual assault (Muehlenhard, Peterson, Humphreys, & Jozkowski, 2017). Sexual consent, defined as “freely given verbal or nonverbal communication of feelings of willingness to engage in sexual activity” (Hickman & Muehlenhard, 1999, p. 259), has gained recent public attention in the United States, particularly as public scrutiny has focused on the high rates of sexual assault experienced by college women. Universities are reexamining their sexual assault prevention policies and educational efforts, including explicit definitions of what constitutes sexual consent (Ivy, 2016). Furthermore, some legislators have passed legislation requiring universities to adopt an affirmative consent policy. For example, in September 2014 California state legislators passed Senate Bill No. 967, which directed the state’s public institutions of higher education receiving state funds for student financial assistance to implement an affirmative consent policy regarding sexual encounters among students.

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According to California’s legislation, “Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity… Lack of protest or resistance does not mean consent, nor does silence mean consent” (SB-967, 2014). The legislation also states that “Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time” (SB-967, 2014). Furthermore, it explains that simply being in a romantic relationship or on a date should not imply consent.

Similar legislation was signed into law in New York in June 2015, defining affirmative consent as “a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity” (State University of New York, 2015, p. 3). Further, the New York law, like California’s, points out that silence does not equal consent. Illinois and Connecticut followed suit in creating consent laws; similar to California and New York, the legislation was careful to indicate that affirmative consent must be given and that silence does not in and of itself constitute consent (Affirmative Consent Project, 2017; Connecticut General Assembly, 2016). For those who seek to eliminate sexual assault through education and/or activism, the passage of the laws may seem like a victory. Yet, as specific and careful as these laws are, they perpetuate ongoing assumptions that people easily understand what consent entails and that more explicit consent communication will, indeed, reduce sexual assault. Both of these assumptions lack empirical support (Muehlenhard, Humphreys, Jozkowski, & Peterson, 2016).

We further investigate these aforementioned assumptions by examining college students’ perceptions of consent communication occurring in social settings. We begin with an overview of research about consent behaviors. Then, we use Carspecken’s (1996) critical qualitative analysis and versus coding in conjunction with coordinated management of meaning theory as an approach to analyze interview data from 30 heterosexual college students. Our findings suggest that men often read consent as happening in social settings, whereas women are more likely to conceptualize such cues as part of a larger consent process, which includes cues occurring in private settings (or, as Sandra, a participant in the current study, phrased it, “inside the bedroom”). The conclusion discusses the implications of this disjunctive understanding of consent for researchers and policymakers.

**Interpretation of consent cues**

College students tend to read many different verbal and nonverbal cues as constituting consent, regardless of the will of their partners or how their interpretations compare to legal standards (Ivy, 2016; Muehlenhard et al., 2016). As a result, the potential for consent to be misunderstood is a communication issue. Research about sexual communication could inform general sexual awareness and sexual assault prevention (Ivy, 2016). To date, such research has largely explored consent in more-private settings; although recently, research about public consent disclosures has become more common.

**Consent in more-private settings**

Most of the past research on consent has assessed the cues people use to communicate sexual consent immediately preceding initiations of sexual activity. Hickman and
Muehlenhard (1999) were among the first to examine consent communication among college students. They identified consent cues as falling into categories of direct verbal, indirect verbal, direct nonverbal, indirect nonverbal, and no response signals, the latter of which is the most implicit. General findings across a number of consent studies indicate that people use nonverbal cues, such as not resisting, more frequently than verbal cues (Hickman & Muehlenhard, 1999; Jozkowski, Sanders, Peterson, Dennis, & Reece, 2014). However, types of cues (verbal versus nonverbal; explicit versus implicit) may vary by gender (Hall, 1998; Jozkowski, Peterson, Sanders, Dennis, & Reece, 2014), the relationship status of those involved in the sexual activity (Foubert, Garner, & Thaxter, 2006; Humphreys, 2007), and the types of behaviors being enacted (Hall, 1998; Jozkowski, Peterson, et al., 2014).

This previous research also indicates that college students mostly perceive consent as something that happens immediately before sex (Muehlenhard et al., 2016). For example, Hickman and Muehlenhard (1999) discovered that the college students in their research sample most commonly reported not resisting their partners’ sexual advances as a cue for communicating consent. Similarly, Jozkowski, Peterson, et al. (2014) found that college students generally reported using nonverbal cues to communicate consent, but that women reported using verbal cues with greater frequency compared to men, who favored nonverbal cues. Other research found that college students were more likely to endorse the use of nonverbal cues among heterosexual couples in established romantic relationships than for individuals who had just met (Humphreys, 2007).

Finally, Hall (1998) and Jozkowski, Peterson, et al. (2014) found that cues varied depending on the type of sexual behavior in which participants engaged. According to both studies, college students reported using verbal cues for behaviors such as intimate touching (e.g., touching genitals) less frequently compared to intercourse (i.e., vaginal–penile; anal–penile), with oral sex falling in the middle. In both of these studies, participants were instructed to think about a situation in which they wanted to have sex with their partner and they realized their partner wanted to have sex with them. Based on the response options provided in both studies, participants primarily thought about situations in a private setting.

As these findings suggest, studies assessing consent communication among college students have tended to focus on binaries, such as verbal versus nonverbal cues and implicit versus explicit cues. Typically, particular contextual factors such as gender, relationship status, and type of sexual behavior are examined in conjunction with those binaries. Little attention has been paid, however, to where such consent communication is occurring and at what point in a social or sexual interaction individuals begin evaluating another person’s cues to interpret consent. Studies attending to the location or timing of consent often explicitly or implicitly instructed participants either to consider a private location or focus on the moments immediately preceding sexual behavior.

Consent “outside the bedroom”

Even though most consent research is enacted with the assumption that consent is established immediately prior to sex, qualitative research has indicated that notions of
consent are likely more complex and involve a series of cues across an extended period of time. For example, Beres (2010) asserted that some of her interview participants considered “certain behaviors in a bar, the nature of the relationship, and whether or not someone was willing to transition to a private location after the bar” to be initial indicators of consent (p. 6). In a separate study assessing college students’ responses to a fictitious vignette, the act of “relocating to the bedroom” was cited as a cue leading to sexual intercourse in (Beres, Senn, & McCaw, 2014, p. 770).

Other research illustrates the complex nature of consent communication. In one focus group, men participants believed a woman could refuse sex by not going home with a man or by not going to the bedroom with a man (O’Byrne, Hansen, & Rapley, 2008). Consequently, if young men perceived that “not going home with someone” was a refusal, that opens the possibility that people may perceive going home with someone as agreeing to sexual activity. Although the men in O’Byrne and colleagues’ study did not indicate that going home with someone could be interpreted as communicating consent, the men’s interpretations suggest that interactions in a social space could be read as part of a larger process of consent communication. This inference is supported by research that indicates some college men believe that women’s social drinking and provocative behaviors indicate their desire for sex (Ivy, 2016; Jozkowski, Marcantonio, & Hunt, 2017), an idea that is frequently identified as a rape myth. Research about rape justifications and rape myth culture indirectly provides some evidence for “outside the bedroom consent” (Jozkowski, 2016a; Muehlenhard, Powch, Phelps, & Giusti, 1992).

Rape justification and social perceptions about sexual interest

Research about rape myths suggests that young adults may make assumptions about consent based on the context of a situation. For example, college students reported that a man’s use of force to obtain sex would be justified should a woman accept alcoholic drinks from him at a bar and then go home with him (Abbey, McAuslan, & Ross, 1998; Muehlenhard, 1988). Indeed, young adults perceive that men may be justified in forcing sex even if a woman refuses sex after she has transitioned home with a man. This perception is driven by situational factors (e.g., if she is alone with the man in his bedroom), contextual factors in a social setting (e.g., if she had been in a bar consuming alcohol), and/or her behavior in a social setting (e.g., if she left the bar with the man and was flirty and/or accepted alcoholic drinks from the man). Endorsement of these beliefs implies that women deserve rape given these situational and contextual factors in social settings for a summary (see Dripps, 1992; Jozkowski, 2016b; Ostler, 2003; Walker, 1997). In other words, some people seem to believe that some social behaviors, such as accepting drinks and transitioning home, override women’s “inside the bedroom” refusals.

This rape justification literature is somewhat dated, particularly given recent public discourses regarding consent and sexual violence awareness. However, recent media stories suggest that some people may still assume that women’s behaviors in social settings justify men’s sexual aggression. For example, in January 2016, college student Brock Allen Turner was found sexually assaulting an intoxicated, unconscious woman behind a Dumpster (see People v. Turner, 2016). Turner’s defense claimed that the sex was
consensual because the victim had left the party with him. According to responses posted to social media, many were outraged by this defense. Yet many others endorsed the notion that merely leaving a party with someone potentially means that rape was justified, the victim was at fault or was “asking for it,” and/or that there was some sort of agreement to have sex.

The idea that college students may believe rape is justified under certain circumstances is disheartening. But perhaps the issue is not that they believe rape is justified but that they believe individuals’ actions/behaviors in a social setting indicate whether they will consent to sex once they are in a private location. In such scenarios, consent communication would be an extended process, beginning in a social setting such as a bar. Thus, cues communicated in a secluded location may seem less important to the individual trying to obtain sex or to others hearing about the event after the fact. Such speculation is supported by studies that indicate men often believe women are “playing hard to get” when refusing sex (Ivy, 2016; Muehlenhard et al., 2016; Osman, 2003). This assumption, however, would be at odds with situations such as the Brock Turner case, in which claims were made that the victim “consented” because she left the party with him.

Admittedly, the linking of three already-small research bodies—private consent, social aspects of consent, and rape justification—provides a shallow basis for arguing that consent may begin or even be entirely recognized, correctly or incorrectly, by a partner in public. To that end, we heed Beres’s (2007) assertion that “future [consent] research should focus on understanding sexual consent in its contextualized environment” (p. 106) and especially via qualitative inquiry. The current study seeks to strengthen and extend past research about public aspects of consent by more directly approaching these issues through interviews with college students. It is important to acknowledge that we are reporting on our participants’ perceptions of consent communication, not necessarily what we believe might qualify as consent. To that end, the goal of this study was to better understand college students’ perceptions of consent communication in social settings.

**Coordinated management of meaning theory**

This study is informed by coordinated management of meaning (CMM) theory. Conceived in the 1970s, CMM examines how communication allows people to “co-create, maintain, and alter social order, personal relationships, and individual identities” (Cronen, Pearce, & Harris, 1982, p. 64). The theory assumes that communication is a process where “each person interprets and responds to the acts of another, monitors the sequence, and compares it to his or her desires and expectations” (Pearce & Cronen, 1980, p. 68). This description aligns well with the conceptualization of consent as a process as potential sexual partners read the cues of others and try to make sense of them as they relate to their own sexual interests. In addition, CMM examines how other aspects of the social order, including other relationships and larger cultural stories, inform interpersonal communication (Pearce & Cronen, 1980). Again, this aspect of the theory is useful for exploring how cultural perspectives of consent play into more-intimate interactions.
CMM also assumes that people learn behaviors as they are appropriate for specific contexts (Cronen et al., 1982). This learning impacts immediate conversations at many levels, including content (words used), speech acts (how content is performed), contracts (formal or informal rules that guide communication), episodes (the actual interaction), life scripts (the self-perception of individuals in a conversation), and archetypes (shared social understandings regarding speech acts, contracts, episodes, and life scripts) (Pearce & Cronen, 1980). In this study, CMM serves to help unpack the complex layers of interaction that often accompany sexual communication (Manning, 2014). Specifically, in interpreting participants’ responses, we consider consent to be a coordinated interaction where meaning is made regarding whether sexual activity is agreed to or not. As Pearce (2005) acknowledges, some of the most interesting uses of CMM happen when meaning might not be uniform across participants. Thus, in this study, CMM serves as a theoretical background for understanding differences between participants. This exploration of consent is guided by three broad research questions:

**RQ1:** To what extent do college students believe cues occurring in social settings communicate consent to engage in sexual activity?

**RQ2:** What “outside the bedroom” cues do college students report using to interpret consent from and to communicate consent to a sexual partner?

**RQ3:** How do the various points of social/sexual interaction, both public and private, come together to determine consent?

**Methods**

**Participants**

Participants (N = 30) were recruited from a large-lecture introductory health education course taught at a large university in the southern United States. To participate, students had to be at least 18 years of age and enrolled in college courses at the time of the study. A $20 gift card was provided in exchange for participation. For detailed demographic information, see Table 1.

**Procedures**

Following institutional review board (IRB) approval, semistructured in-depth interviews (Carspecken, 1996) were administered. The first author conducted all interviews in a private, university office space to ensure confidentiality. The office was stripped of any posters, signage, books, or other artifacts that might indicate the researcher had an opinion on the topic. The interviews were dialogic and used open-ended questions. More-specific follow-up questions were asked depending on participants’ responses to initial lead-off questions, providing both a sense of structure and freedom for the interviewee to help guide the conversation. Interviews lasted between 68 minutes and 167 minutes, with most interviews lasting approximately 80 minutes. The interview structure was organized into three movements: the first exploring how the participant and college students in general navigate sexual relationships; the second exploring how
participants tend to determine that consent has been given in a sexual interaction; and the third exploring how participants indicate consent in a sexual interaction. The results presented in this article focus on responses to the latter two movements: consent communication and interpretation.

All interviews were audio recorded and transcribed verbatim. Interview transcripts were combined with journal notes taken during and after each interview by the first author to create a thick record (Carspecken, 1996). The authors referred back to the thick record during data analysis. In lieu of actual participant names, all data are presented using pseudonyms.

**Data analysis**

Two tools were used to analyze data for this study: one for initial analysis and a second to further explore a theme from the first analysis—what Saldaña (2009) refers to as “second-order coding.” Both of these tools are explained here.

**Carspecken’s critical qualitative analysis approach**

Carspecken’s (1996) critical qualitative approach was first used to analyze the data. This analytical tool is specifically focused on identifying truth claims. Truth claims provide insight and guidance to understand how people communicate about the world they live in, how they believe the world functions, and what they consider to be true about themselves, others, and the larger culture. Carspecken (1996) offers two assessments for analyzing truth claims, or how people make and manage meaning: meaning field analysis (MFA) and reconstructive horizon analysis (RHA). As part of MFA, we identified a range of potential meanings from participants’ claim statements; then we used RHA to focus on interpreting claim statements as either backgrounded or foregrounded.

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assumptions. For example, in considering a participant’s claim “I never say yes to sex verbally,” a foregrounded claim could be that the participant does not use verbal indicators to communicate consent to sex. A more backgrounded claim might be that verbal consent does not fit cultural standards of consent communication among college students. Both claims are linked to the participant’s statement; the former is explicitly tied to the literal statement, whereas the latter is an assumption that could be derived.

To conduct this analysis, the first and third author separately reviewed interview transcripts to identify truth claims related to the study’s guiding questions. MFA and RHA were then separately applied by each author. From this, each author separately created a list of foregrounded and backgrounded themes and then narrowed their lists to best match the current study’s topic of social aspects of consent. Initial codes (Saldaña, 2009) were then independently applied to each claim by both researchers and then collapsed into thematic categories. Thematic categories were then shared between the two researchers, compared, and then checked against the entire data corpus and extant literature to consider alternative perspectives.

In terms of foregrounded themes, the authors agreed on one dominant overall theme that was supported by two subthemes. In considering the backgrounded themes, however, the authors noticed that participant beliefs were largely divided based on gender—specifically that similar themes related to consent communication seemed to emerge but were articulated differently. To help unpack this observation, a second round of analysis was initiated.

**Versus coding**

For the second round of analysis, the study’s second author applied versus coding (Wolcott, 2003), which helped to explicate gender differences in our findings. Versus coding involves identifying binary terms, concepts, or ideas across participants and then inductively placing those competing or binary elements into descriptive categories. For this study, it was a useful second-level analytical tool (Saldaña, 2009) because women and men generally had different and often competing backgrounded beliefs regarding consent cues. After the second author identified the conflict points in the data, each tension or disagreement about consent was labeled and paired with data exemplars. These tensions were then compared to the analysis that was already completed by the first and third authors as a form of validity.

**Validity checks**

Throughout the process we took several other steps that ensured validity. During the first level of analysis, an expert in Carspecken’s analytical approach was consulted to review our data analysis. For the second level of analysis, data and results were shared with a group of gender researchers to enact a data-conferencing process (Braithwaite, Allen, & Moore, 2017) where results were challenged and alternate perspectives considered. Specifically, the gender researchers supported our interpretation that differences between men’s and women’s views should be a focus in the manuscript, as participants’ assumptions regarding consent appeared to be markedly different based
on gender. Finally, the results for both of the analyses were presented to heterosexual college students from several geographic locations who did not participate in order to do external member checks (Manning & Kunkel, 2014). Participants in these external member checks validated the results of both analyses, which serves as a good indicator that the findings derived from the two sets of data analyses for this study are transferable.

Results

Analysis 1: Foregrounded and backgrounded discourses of consent

As the analysis indicates, participants did see consent as something that starts or is entirely negotiated in public (research question 1). In addition, their answers also provided good indicators of how this consent happens (research questions 2 and 3).

Foregrounded theme about consent: “It’s hard to say, but I know when I see it.”

When articulating their conceptualization of consent happening in more-public spaces, participants predominantly espoused a truth belief that they described with opposing and contradictory conceptualizations: It is difficult to decipher consent cues because they are ambiguous and vague, yet consent cues are obvious and college students can easily pick up on them because they are universally understood. At some point during the interview, all participants described the same cues related to how they interpreted and communicated consent as both clear and obvious as well as ambiguous and vague. This conceptualization of consent is exemplified via two subthemes.

Consent cues occur in the context of social gatherings. Participants indicated that consent communication frequently, if not exclusively, begins in social settings—such as bars or parties—via implicit, nonverbal communication, including eye contact; body language; touching on the arms, legs, back, hair, or face; and flirting. Participants discussed other implicit, physically intimate cues occurring in public spaces, such as initiating or not refusing a participant’s initiation of kissing and grinding. Participants considered these cues as both obvious indicators of consent yet difficult to decipher at times. Phil, age 21, described an interpretation of consent in reference to a sexual encounter he had with a woman that started at a bar and ended with them engaging in sexual intercourse. When asked about how he knew she was agreeing to have sex with him, he said the following:

**PHIL:** The body language and the timing [in reference to being with a woman around 1:00 a.m.] was there. It’s just—it’s just—it’s hard. It’s confusing, you know?

**INTERVIEWER:** What makes it confusing?

**PHIL:** Well, she’s touching my arms, my back, my legs. It’s like one in the morning, but it’s still sometimes hard. The signs are there that say yes, but sometimes you can’t know for sure.

In this case, Phil thought his partner might be trying to communicate her consent, or at least begin consent negotiation in the bar through physically intimate behavior, such as touching his arms, back, and legs at a time that was close to when the bar would close. He interpreted her behaviors as vague consent cues, but cues nonetheless, to the
sex they eventually engaged in at the end of the night after transitioning home together from the bar. Although he perceived that consent negotiation started at the bar as part of his partner’s potential seduction, he struggled to articulate a clear indicator of consent to actual sexual behavior.

Another participant, Laura, age 19, described how a collective group of vague “outside the bedroom” cues can provide clear indicators of consent. In response to a question about how she communicated and interpreted consent during a particular sexual situation she had just described, Laura stated:

I knew he wanted to, because he hadn’t left my side all night … dancing on me, getting drinks, kissing on my neck, being touchy, ya know. I didn’t know how it would end, at that point. So but, when he asked me to go upstairs, I knew he was almost propositioning me for sex … . We ended up not having sex sex [vaginal–penile intercourse] because he didn’t have any condoms … so we just kinda fooled around. But I knew from being downstairs together all night that once we got up here, we were going to have sex.

Laura cited several different physically intimate behaviors that occurred at the party, which she thought indicated her partner’s interest in sex with her, but during the interview she maintained that she was unsure about whether he truly wanted to have sex until he specifically asked her to go upstairs. Thus, according to Laura, consent negotiation began “outside the bedroom” but seemed “legitimate” when her partner asked her to transition to the bedroom. Interestingly, she alludes to a continued consent negotiation “inside the bedroom” by describing her partner’s inability to produce a condom. This backgrounded theme of women’s interpretation of more tentative “outside the bedroom” consent cues is discussed in a subsequent section.

Participants also described demeanor, tone of voice, and text messaging as obvious yet vague cues associated with consent. When asked how participants could distinguish these cues as consent, participants stated, “You just know.” According to Nick, age 22, “It’s hard to say, but I know it when I see it.” Through follow-up questioning, participants indicated that a series of vague cues occurring over an indeterminate period could be interpreted as obvious consent. For example, consider the following explanation from Damien, age 22:

Well, tone of voice. If it’s kind of like, you know, how she sounds. If it’s kind of like, “Oh, no, just stop it,” you know, and it seems kind of passive. You know, it’s like you just want me to break forward. But if it’s like, “No, no, stop.” It’s kind of more serious, a little more firm, that’s when you kind of know, maybe next time.

In this passage, Damien interpreted a partner’s agreement based on the tone she uses, even if the content of her words reflect a refusal. He suggested that passive refusal is really an indicator of consent, whereas a firm refusal should be interpreted as actual refusal.

Consent cues occur via “code” or “hidden messages”. Many of the participants suggested that subtle, implicit nonverbal cues occurred in social settings and were imperative to communicating consent because being explicit was generally socially unacceptable. Specifically, participants indicated that consent communication, whether verbal or nonverbal, occurs via “code” or “hidden messages.” This subtheme was foregrounded in many participants’ responses as they explicitly reported perceiving that covert “codes” communicate consent to engage in sexual activity. They noted that codes could be communicated verbally, nonverbally, or in combination.
Damien, age 22, described a conversation he had with a woman he wanted to have sex with but ultimately did not: “It’s like, we were talking in code. You know, that code where you know—[pause] I don’t know—[pause] you know, but you don’t know. ’Cause at the same time, whenever you think you know, you can be fooled.” During the interview, Damien talked about feeling confused about his conversations regarding potential sexual interest from another woman. Specifically, he was confused about whether certain conversations he had with this woman suggested her willingness to engage in sex or were simply mundane conversations. Ultimately, he decided that she was talking in “code” as an attempt to communicate consent:

DAMIEN: It took a while, but I finally realized she was doing all that, being sly with her words and whatnot, because she was trying to tell me she would have sex with me without actually saying it in real words.

INTERVIEWER: What do you mean by “real words”?

DAMIEN: You know, saying, “Hey, Damien, I want to have sex with you.” She had to be sort of …

INTERVIEWER: Covert?

DAMIEN: … I was gonna say sneaky, but yeah, that works.

Talking in “code” is also foregrounded by the following statement from Jennifer, age 21, that articulates how the content of college students’ statements about invitations for sex (and consent), might not match underlying meaning:

The thing is, what you are saying is not what you mean. So like, he might say, “You wanna to come over to watch a movie?” But I know he means “Do you want to come over for sex?” He says come for a movie, but I know he is asking if I want to come for sex… . It’s like we are taking in a code or something, so no one has to say “sex” or like, you know, say what it really is.

Earlier in the interview, Jennifer noted that she had met the person through mutual friends and that the two of them had flirted. The flirtation had been ongoing via social media and occasionally in person leading up to his invitation to come over. Jennifer stated that it would create an uncomfortable situation if her partner had explicitly asked her if she wanted to come over to hook up or have sex.

Thus, by asking to come over for a movie, Jennifer believed it was universally understood the two would engage in sexual activity. According to Jennifer, “We both really wanted it to happen but just didn’t want to say we did out loud … so we kinda side-stepped it with these hidden exchanges of ‘coming over for a movie,’” In this exchange, Jennifer negotiated with her partner about sex without being explicit. Underlying her exchange is the notion that her and her partner were consenting to that behavior through this coded conversation about watching a movie.

Jennifer’s statements are reminiscent of the contemporary phrase “Netflix and chill,” a colloquial phrase that implies an invitation for sex without explicitly using the word “sex.” In addition to avoiding an explicit conversation about consent, this approach might also have helped study participants save face when met with rejection. If Jennifer
did not want to engage in sexual activity when propositioned to come over to watch a movie—which she argues is universally understood as an invitation for sex—it might have been easier for her to say she was too tired, had too much coursework, or maybe had already seen the movie, rather than say outright she did not want to have sex with the individual. Thus, using the guise of the movie serves as a code that both partners might appreciate because it minimizes the embarrassment of both request and refusal.

**Analysis 2: Disjunctive interpretations of consent**

Backgrounded themes were not consistent across participants by gender. These disjunctive interpretations illustrate gendered tensions regarding consent communication. When using versus coding as a second-level analysis for these conflicting themes, it became clear that three tensions articulated by participants provided answers for the second and third research questions, and that the tensions specifically pertained to gender differences.

**Alcohol as indicator of sexual willingness (men) versus social enhancer (women)**

One common truth assumption made by men was that women drinking alcohol is associated with a desire to have sex. Relatedly, men also saw women drinking alcohol as a consent cue. These truth assumptions were not shared by women, who were more likely to see alcohol as a social enhancer. For example, Joe, age 19, stated:

> If she is drinking a bunch, or even just partying a little, ya know, having a few drinks or shots or whatever, you know she is looking to have sex… That’s why she is partying and drinking … it’s like a way of saying, “Hey, I am interested … I’m willing to do it.”

Jacob, age 21, also said:

> Sometimes when I hear a group of females, ladies, talking about how, ya know, they wanna get wasted… I know they mean they wanna have sex too. Especially for the females, because they can’t—they’re not allowed to be as up front about it.

These excerpts reflect a common assumption by men that alcohol consumption or perceived alcohol consumption is part of the consent process. According to all of the men in the study, women consume alcohol because they want to have sex; therefore, men assumed the act of consuming alcohol was an initial part of the consent communication process.

Most of the women in the study also described alcohol consumption as part of the consent process, However, their interpretations differed from the men’s. For example, all of the men stated that the action of a woman consuming alcohol was more of an implicit way of seeking sex and indicating consent. As Mike, age 20, explained, “It’s like if I see her drinking, I know that it’s game on. I don’t mean that in a creepier way, just like I know she is drinking, so I know she wants me to know, ‘I’m interested, I’m willing.’”

Alternatively, most of the women indicated that alcohol consumption could be an indicator of consent to engage in sexual activity, including sexual intercourse, but that often it was just as likely an indicator of having an enjoyable time with friends with no
implications for sexual activity. As Sarah, age 19, shared, “When I go out and drink, I am usually just looking to have fun. If something happens, if I hook up or something, okay, fine. But usually I am just drinking to have a good time with friends.”

Women were far more tentative about the association between alcohol consumption and consent. They were more likely to interpret alcohol consumption as part of a flirtation process expressing sexual interest. Jessica, age 22, articulated this with regard to women receiving an alcoholic drink purchased for them by a man: “Accepting it might be an indicator that you might be interested [in having sex with him] or not.”

**Going home with someone as indicator of definite sexual activity (men) versus possibility of sexual interaction (women)**

Another frequently mentioned indicator of consent is the act of leaving a social event, bar, or club and transitioning to a place of residence with an individual. Both women and men described these behaviors as indicators of interest in sexual activity. However, slight but meaningful gender differences in interpretation of what these behaviors signify exist. Once again, all the men in our study indicated that the act of going home with someone equated to consent. As Mike, age 20, stated: “If she leaves the bar with me, it’s like game on, we are gonna have sex.”

Alternatively, women indicated that leaving could be interpreted as sexual interest, as Kelsey, age 19, stated: “When I have left parties with guys, I’ve sometimes left to have sex. But sometimes I will just leave because I think he is cute and I want to make out, or just keep hanging out in a more private setting.”

Most women who were interviewed clearly articulated that interest in sex and consent to engage in sexual intercourse were not synonymous, thus simply leaving a social gathering, party, bar, or club with a man does not necessarily imply consent. Some women did state that they may leave a party, bar, or club with a man and intend to have sex with him, but that this was still a decision in process, with “official” consent still to be determined—as the words of Sandra, used as the epigraph for this article, eloquently explained.

Alternatively, all of the men interpreted the action of going home together as a woman’s agreement to engage in sexual intercourse or at least some sexual activity. Although the men generally indicated they knew that sexual activity might not happen, they were generally more optimistic that “outside the bedroom” cues were indicative of eventual consent or were a way of implicitly stating that sex was wanted.

**Sexual communication in a public context as indicator of a promise to have sex (men) versus indicator of sexual interest (women)**

As previously stated, both women and men identified actions and behaviors such as nonverbal cues, tone of voice, and text messaging occurring in a social context as consent cues. However, students’ interpretation of these cues again differed slightly based on gender even though they perceived a shared understanding of these cues. For example, all of the men indicated that if a woman engaged in behaviors like making eye contact, flirting, touching, and texting late at night, sex would occur. If sexual activity did not occur or if a woman refused sex “inside the bedroom” after engaging in these
cues at a bar or party, men discussed experiencing a range of feelings such as disappointment, confusion, anger, and frustration. Eric, age 22, described his response to a situation in which a woman was flirting with him via text message while at the bar and then did not have sex with him: “Yeah, because she did all that [flirting] and then didn’t want to [have sex]. Yeah, I was a little pissed. And—but also, it’s confusing, like what’s going on here?”

Alternatively, some women said that engagement in the previously mentioned cues did not necessarily indicate consent to engage in sexual activity, although it could. Women stated that they might engage in these behaviors to indicate interest, willingness, or consent to sexual intercourse. But these cues might also be used to express romantic interest. As Erika, age 19, explained:

“I’m flirty, like touchy, and making eye contact and all. Sometimes if I want to have sex with the guy, to let him know he could with me or he could at least fool around, or something. But I am also flirty and stuff when I like the guy, so it goes both ways.

Similar to the act of going home with someone, both men and women assumed they had a shared understanding of the consent interpretation—even though there were slight, gendered variations.

One notable exception to this finding came from Tracey, age 22, who described an experience in which she understood that her public actions were read as consent:

TRACEY: Flirtation means there is a chance. But he has to ask first, and guys don’t always know that. They try to avoid being explicit and instead do this [figurative] dance.

INTERVIEWER: Can you give me an example of what you mean?

TRACEY: A few weeks ago, I was hanging all over this guy from [X] fraternity ‘cause I wanted to hook up with him. We did this whole [figurative] dance where he told me I could get better alcohol from his personal supply if I went upstairs with him. I knew it was a ploy to get me upstairs, and so did he. But I think he thought that if I went upstairs with him that would mean that I would have sex with him, and it didn’t mean that for me. Things kind of unfolded and we hooked up, but no sex… So long story short, he thought that because I went upstairs with him, that he had a shot [at engaging in vaginal–penile intercourse with her]. But ultimately I thought he still had to get my consent … like I still had to say yes once we were in his room. And when he didn’t ask and just got sort of aggressive, I ended up leaving. Guys think once you are alone it is a done deal, but that’s not what I think at all.

Tracey’s remarks resemble other women’s in that she noted that “outside the bedroom” cues did not necessarily equate to consent but might imply a sexual or romantic interest. However, she made an important distinction: She stated that she understood that her male partner interpreted her going upstairs with him as indicating her consent. In other words, she knew she had a different understanding of consent from her partner instead of the shared understanding described by others in the study. Tracey’s articulation of this point is significant because she was the only participant in the study to acknowledge that women interpreted certain actions, like going upstairs with someone, as related to consent, but did not equate those actions to consent the way that men do.

Collectively considering these subthemes, men in this study generally perceived contextual “outside the bedroom” cues as automatic indicators of consent. Alternatively,
most women indicated that the different cues cited could be mechanisms used to subtly communicate willingness, though they are equally likely to be used to communicate romantic interest or general interest and “inside the bedroom” cues were still required to communicate consent prior to sexual activity.

Discussion

This study adds to the growing body of consent research by indicating how college students perceive consent-oriented behavior in social settings, what those specific behaviors are, and how they connect to consent in more-private settings. Based on our findings, some college students perceived cues occurring in social settings as indicators of consent, and even more saw the process of consent as beginning with a potential partner in a particular social scene such as a bar or party. Drawing from participant vernacular, these differences are labeled here as “inside the bedroom” (cues in private settings immediately before sexual activity) and “outside the bedroom” (cues in more-public settings that indicate sexual interest, willingness, or consent). We also found that for some college students, especially men, behaviors in social settings and/or the transition from a social setting to a more-private setting are perceived as a promise to engage in sexual activity. Men in our study also perceived that drinking in social settings relates to sexual willingness, whereas women tended to see such behaviors as indicative of possibility and not probability. Overall, these findings suggest new areas of inquiry with regard to how consent is conceptualized, how perceptions related to what constitutes consent are gendered, and how sexual assault may be prevented.

Reconsidering where and how consent is perceived as happening

The interpretation of a series of actions leading to consensual sex is conceptually similar to Beres’s (2010) and Humphreys’s (2004) articulations of consent as a process. However, in Beres’s and Humphreys’s descriptions, consent process cues occur in much closer proximity to sexual behavior and may be ongoing during sexual behavior. The extension of this process into a social setting is somewhat novel and requires further investigation. Empirical models that illustrate how consent occurs across social and more-private settings in conjunction with each other would be especially welcome.

Participants listed certain cues such as flirting, eye contact, and touching in a social setting and talking in code “outside the bedroom” as potential cues suggesting consent negotiation. Such cues are implicit and open to interpretation; participants expressed difficulty deciphering such cues as indicative of consent, general interest, or perhaps friendship. Because talking about sex is often perceived as taboo—especially in the United States, where these data were collected—it might be that communication regarding sexual activity is viewed as culturally off-limits (see discussion in Ivy, 2016). As a result, using implicit cues allows people to communicate at different levels and potentially save face when being rejected or doing the rejection. For example, men in Foubert et al.’s (2006) study stated that they are sometimes not explicit about consent communication because they are afraid of rejection. Thus, implicit communication may help them save face.
Disjunctive understandings of “outside the bedroom” consent interpretations

In some cases, men in our study interpreted women accepting alcoholic drinks, going home with them, or even flirting in bars as definite indicators of consent. Alternatively, women were more tentative as they indicated that such cues could suggest consent but that they more likely suggest a way of enjoying social interaction or, at best, a romantic or sexual interest. According to the women in this study, these behaviors could also be an indication of interest in other sexual behaviors, including, but not necessarily, intercourse. Previous research assessing “inside the bedroom” consent suggests that some gender differences exist (e.g., Hall, 1998; Jozkowski, Peterson, et al., 2014). Consistent with these findings, we found some gender discrepancies in how college students perceived “outside the bedroom” consent.

Such gendered perceptions are similar to the gender distinctions that emerged with regard to consent as a process. Humphreys (2004) found that women more readily endorsed the conceptualization of consent as a process compared to men, who more frequently endorsed consent as a discrete event, as men typically ask for consent only once during a sexual encounter. Consistent with this distinction, this study found that perceived consent gained in public more readily carries over to a private setting for college-aged men and not women. There are many potential explanations for why this might occur. First, given that sex remains a taboo topic, some men may simply think that the “outside the bedroom” consent cues are easier to rely on than cues exchanged “inside the bedroom,” particularly because overtly stating one’s interest/agreement in sex violates social norms (e.g., Jozkowski & Humphreys, 2014; O’Byrne, Rapley, & Hansen, 2006). In addition, some men report avoiding explicit consent communication due to fear of rejection with novel partners (Foubert et al., 2006). Therefore, they may cling to the less-explicit “outside the bedroom” consent cues to avoid rejection. Another explanation could be that when public cues read by men as indicating sexual willingness come into conflict with more-private cues rejecting sexual activity, men believe women are being coy or simply performing some sort of token resistance (Muehlenhard & Rogers, 1998).

These possibilities help explain why some men in this study stated they felt confused if a woman refused sex “inside the bedroom” after accepting drinks, flirting, and transitioning from a social setting. Returning to CMM theory, the ways sexual expectations are misunderstood indicate that two meaning systems are in play and are in discord. As such, some men may legitimately misunderstand women’s consent cues. Previous research indicates that men tend to overestimate women’s sexual interest (Farris, Treat, Viken, & McFall, 2008). However, some of the men in this study reported that they heard women’s refusals but believed they were not sincere or that the women were hoping for the men to convince them to continue with sexual activity. It may also be the case that some men simply preferred an interpretation of consent that provided them an opportunity to engage in sexual activity. That is, if men opted to interpret “outside the bedroom” cues as consent, despite “inside the bedroom” refusals, they could justify essentially forcing sex on their partner. Such statements and views are important to consider for education about consent and sexual assault prevention.

Another explanation for these findings could stem from the stereotype that men are always interested in sex (Jozkowski & Peterson, 2013). This explanation is backed by...
previous research that demonstrates college men’s status among their peer groups increases based on the number of women with whom they have sexual relations (Bogle, 2008; Jozkowski & Wiersma-Mosely, 2017). As such, men may prefer to rely on the broader “outside the bedroom” consent cues to maximize the situations in which women appear to be consenting. This stereotype especially illustrates the importance of the cultural or social levels of messages about sexuality and consent (Willis & Jozkowski, 2018). Future research is needed to better understand how these meanings are created and should specifically focus on how sexual double standards and gender-based sexual expectations among college students influence consent negotiation as a meaning-making process.

An additional explanation for our findings could stem from gendered social-sexual expectations regarding consent. For example, the social-sexual expectations of women—both in this study and as established by past research—could help explain some of the gender differences in perceptions of consent. Put in CMM terms, meaning-making about consent does not happen in a vacuum and between two people but rather relies on understanding how many levels of messages come into play. For example, women who do indicate they desire sex, particularly casual sex, could face social repercussions, such as slut shaming (Jozkowski, 2016b). Thus, women may interpret “outside the bedroom” consent in more tentative ways (e.g., “It could mean I want sex, but it could mean I want a relationship”) to avoid self-judgment and the feared judgment of others. Women who are interested in sex will have to grapple with mixed societal messages that suggest they should avoid being up front about their desires. Such pressures reinforce rape culture (Jozkowski, 2016b), especially the victim-blaming myth that women engage in token resistance (Trinh, 2015). Further research assessing connections between more public aspects of consent and sex-negative attitudes toward women would be worthwhile.

It is also important to consider how our findings inform concepts related to rape justification and rape myth culture. A considerable number of college students justify rape under certain circumstances, such as when a woman flirts, consumes alcohol, and leaves a social gathering, bar, or club with a man (Jozkowski, 2016a; Muehlenhard, 1988). In such instances, college students may not believe themselves to be justifying rape, but instead they may be thinking that the behaviors engaged in while in a social setting constitute consent—and thus the circumstance is not rape because consent had already been established. This possibility is concerning and warrants further attention. The view among some men that drinking alcohol indicates sexual interest or even consent is also troubling, especially given past research that shows victims and perpetrators of sexual assault often consumed alcohol prior as part of the episode (e.g., Abbey & McAuslan, 2004; Cleere & Lynn, 2013). Conflating alcohol consumption with consent communication can also contribute to victim blaming.

One other possibility must be considered: It is sometimes the case that college students might actually believe women deserve to be forced into sex they do not consent to or want, particularly if they engaged in certain behaviors in the bar such as flirting, accepting alcoholic drinks, and going home with someone (Dripps, 1992; Ivy, 2016; Ostler, 2003). In such instances, “outside the bedroom” consent cues could then be utilized as an ex post facto rationale to support rape. Continued research that is specifically focused on rape justification beliefs and consent is imperative.
Implications for prevention of sexual assault

The results of this study should not indicate that “outside the bedroom” cues constitute consent or supersede “inside the bedroom” refusals. This research also should not indicate that forced sex is justified because a woman flirted, consumed alcohol, left a social gathering with a man, or for any other reason. However, the results do indicate that some college students perceive that consent negotiation begins in a social setting.

Our findings reaffirm what Muehlenhard and colleagues (2016) point out: Consent is quite complex. Unfortunately, education and activism do not always present it as such. Messages such as “yes means yes” and campaigns like the popular “Consent and Tea” public service announcement¹ are positive steps but fail to acknowledge the complexities of consent communication (Muehlenhard et al., 2016). Critical discussions regarding consent communication should be included in sexual assault prevention; and these discussions should do more than encourage college students to “get consent” or state that “yes means yes and no means no” because “consent is simple.” Getting to a deeper understanding of the importance of consent requires conversations that can help people to unpack these varying perceptions about consent and dig deeper into the potential meaning of various sexual communication messages.

Affirmative consent policies

Some argue for the use of affirmative, enthusiastic consent (e.g., Friedman & Valenti, 2008) not only as a mechanism to prevent sexual violence by reducing miscommunication but also to improve the quality of sexual activity (e.g., Jozkowski, 2013). Enthusiastic consent ensures that all parties not only are agreeing to sexual activity but are enthusiastic about the sexual activity. However, even if implementation of affirmative consent policies were effective in increasing explicit consent communication, there is no evidence to suggest that this will reduce rates of sexual assault. There also seems to be a substantial gap between how college students currently communicate consent—with subtle, implicit, nonverbal cues—and what is being proposed via affirmative consent policies—explicit, obvious, potentially verbal cues.

To bridge this gap, sexual assault prevention education programming should point out the nuances in consent communication to demonstrate the utility of being explicit in consent negotiation and to instill the importance of ongoing affirmative consent. At the least, sexual assault prevention education initiatives might acknowledge that college students may be using “outside the bedroom” cues and point out that such cues should not be relied upon exclusively given the ambiguity and potential gender discrepancies, not to mention the fact that people may change their minds.

Another approach might be to promote the use of more explicit “outside the bedroom” communication to increase the extent to which college students discuss consent with their partners far in advance of any sexual encounter. That being stated, it also needs to be emphasized that if two people agree in a social setting like a bar that they eventually would like to go home together and engage in sexual activity, they have the right to change their mind. Agreeing to engage in sexual activity at an earlier point
does not bind a person and should not be used as justification for forcing sex postrefusal.

**Misunderstanding consent**

In line with the results of this study, Jozkowski (2015, 2016a) has argued that affirmative consent policies may be ineffective in reducing sexual assault because research suggests that sexual assault does not occur because of miscommunication (Beres, 2014; Kitzinger & Frith, 1999). Indeed, on the surface, affirmative consent policies seem inconsistent with contemporary conversational and cultural norms regarding how college students communicate about sex (Jozkowski & Humphreys, 2014; Muehlenhard et al., 2016) which suggest that accurate consent communication can occur via subtle, implicit nonverbal cues (e.g., Beres, 2014; Kitzinger & Frith, 1999) and therefore miscommunication is not the root of sexual violence. The findings in this study suggest there are gendered ways that men and women talk about consent. However, this does not mean that women and men misunderstand each other leading to sexual assault. Instead, the study provides some evidence that college students perceive consent negotiation as a process that includes cues which are subtle, both nonverbal and verbal, often implicit, frequently begin in a social context, and which are explicitly espoused as being universally understood, even if men and women sometimes have different interpretations. Scholars who study sexual communication and consent should especially consider developing models that take into account these various aspects and that highlight these complexities of how sexual consent functions.

**Limitations and future research**

Although these findings provide a useful contribution to sexual consent research, it is important to note limitations and possibilities for future research. First, findings presented in this article are meant to be preliminary and exploratory, warranting continued research with larger samples and methodologies that can serve to test the theory/conceptualization of “outside the bedroom” consent as well as other questions raised by these data. Future research may also benefit from an increased sample size, perhaps using quantitative, qualitative, and/or mixed-methods approaches to test theories related to “outside the bedroom” consent data, particularly related to alcohol consumption. Second, through convenience recruitment techniques, our participant pool was composed of heterosexual-identifying college students only. As such, participants spoke about their experiences with heterosexual sex exclusively. As Manning and Stern (2018) note, it is important to examine how consent communication occurs within same-gender or gender-nonconforming sexual relationships as well; and intersectional aspects of identity, especially as they influence sexual communication, should be considered. Finally, future research might examine constructs not directly related to consent communication but related to the general system under which college students operate. We recommend that future research examine power dynamics, gender norms, hegemonic gender roles rooted in social dominance of men over women, and their influence on
how consent is communicated as these issues are particularly relevant on college cam-
puses (Jozkowski & Wiersma-Mosely, 2017).

Conclusions

Our findings are preliminary but suggest that college students perceive “outside the bed-
room” cues as potentially related to a larger consent communication process but distinct
from “inside the bedroom” cues. Our findings also build on other qualitative work (Beres, 2010; O’Byrne et al., 2006) that suggests the act of transitioning home may be perceived as related to consent communication and support the conceptualization of consent as a process (Beres, 2010; Humphreys, 2004). Our results provide more evidence that consent, as a process, can begin in a social setting. Importantly, the results we present here also suggest the potential for disjunctive interpretations of consent among women and men. Although our participants are mostly consistent in their interpretation of specific cues as being related to consent (e.g., flirtation, going home with someone), the extent to which these cues should be considered absolute indicators of consent varied by gender. Further investigation is warranted to better understand the extent to which “outside the bedroom” cues are endorsed by college students and the extent to which women and men may deviate in their interpretation of these cues. Research that examines how larger cultural messages interplay with more immediate family or educational/institutional messages to influence consent communication would be especially valuable. Sexual communication is important in order to strive for healthy, satisfying sexual interactions (Manning, 2014); such communication begins by conveying the extent to which a person has agreed to engage in sexual activity. It is important to be aware of and respond to complexities that influence consent communication, particularly as these issues relate to gender, to continue to progress toward positive sexual interactions.

Note

1. “Consent and Tea” is a short, animated video created in 2015 equating asking for consent
to a task as “simple” as asking someone if he or she wants a cup of tea.

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