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# LIBERTY COUNSEL

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Reply to: Florida

April 25, 2018

**VIA EMAIL AND FACSIMILE**

Dr. Pamela R. Moran  
Superintendent of Schools  
Albemarle County Public Schools  
401 McIntire Road, Room 345  
Charlottesville, VA 22902  
Fax: 434-296-5869

Re: Videos describing cunnilingus, fellatio and anal penetration in violation of Virginia Code §§ 18.2-370; 18.2-371; 18.2-376; § 18.2-374.4, shown to ninth grade girls in the absence of parental permission

Dear Superintendent Moran:

By way of brief introduction, Liberty Counsel is a non-profit litigation, education, and public policy organization with an emphasis on First Amendment liberties. With offices in Florida, Virginia, and Washington, D.C., we provide *pro bono* legal representation to a variety of individuals, entities, and groups, including public school students and their parents.

Liberty Counsel represents outraged parents of 14-year-old girls who are students at West Albemarle County High School. Albemarle County Public Schools (“ACPS” or “the District”) has permitted the mental violation of our clients’ daughters under the guise of “education.”

As you know, during “Family Life Education” classes on April 13, 2018, two classes of girls were shown two different YouTube videos describing sex acts in graphic detail. Both videos contained crude colloquial terms for genitalia. One video, entitled “Male Pleasure!” contained discussion and images of how to provide sexual pleasure to males. The video contains too many offensive statements and images to describe here. For the sake of brevity, the video discusses oral and anal sodomy, and the use of artificial devices. The video contains images of erect circumcised and uncircumcised penises, with highlighted “zones.” The video demonstrates masturbation techniques, and encouraged the girls to “lick,” “suck,” or “put a vibrator to” their partners’ “balls.” The video encouraged the girls to place their fingers or objects in their partners’ rectums, in order to stimulate the prostate. The other video, entitled “How to Help Her Orgasm,” also went into graphic detail regarding female sexual pleasure. The videos are sponsored by and contain multiple advertisements for the website of a seller of pornography and sex toys.

I further understand that the videos were presented by [Lexie Huston](#), who is an employee of the Charlottesville-based organization "[Sexual Assault Resource Agency](#)" ("SARA") since 2016. Ms. Huston [publicly opposes Abstinence education](#), claiming it is "ineffectual and unethical."<sup>1</sup> (see attached screenshot). A basic background check would have revealed this. Her public position against Abstinence calls into question whether her personal biases permit her to credibly teach the concept. Indeed, her actions have shown she cannot.

SARA claims Ms. Huston obtained "approval" to show the above sexualizing videos from WAHS Physical Education Department Chair Frank Lawson. While a school employee should never have approved that which he apparently did not review, ultimate blame for this "approval" lies with Ms. Huston and SARA, which should have specifically pointed out the addition of this obscene material to the previously approved curriculum. Despite this deception by omission, SARA's Community Outreach Director, Sheri Iachetta Owen, expressed no regret, instead shifting responsibility back onto ACPS: "In advance of the scheduled visit to the school, on April 2nd at 8:34 a.m., we emailed the curriculum to the head [physical education] teacher and requested that the content be reviewed and approved," SARA said in the statement. "On April 2nd at 9:29 a.m., we received an email approving the curriculum."

At this date, I understand that the District has disavowed SARA, and media reports that the District will be disaffiliating with SARA because of this shocking lack of judgment, and what amounts to mental rape of 14-year-old girls. Yet in an email, WAHS Principal, Darah Bonham, has implied that SARA will eventually return: "We don't need them [SARA] back in the building **until the dust settles.**" (Emphasis added).

The dust will not settle on this issue. It is not acceptable for SARA to remain affiliated with ACPS as a provider in any fashion. Federal law is clear: students do not shed their constitutional rights at the schoolhouse gate. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). If "there is any fixed star in our constitutional constellation, it is that **no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.**" *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943). This includes the right of students to be free from a prescribed "sexual orthodoxy" by radical organizations like SARA, a Planned Parenthood affiliate, or presenters whose personal biases prevent objective treatment of Family Life Education.

Beyond the rights of the girls, ACPS has also violated the rights of their parents. The law is clear that **parents**, not agents of the state like teachers, and not outside radical groups, **have the right to direct the upbringing and associations of their children.** The law presumes that **parents** possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions, not activist school employees. "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children. . . **The child is not the mere creature of the State;**" *Pierce v. Society of Sisters*, 268 U.S. 510 (1925). (Emphasis added). "The history and culture of Western civilization reflect a strong tradition of parental concern for the

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<sup>1</sup> <https://www.facebook.com/lexie.huston/posts/10155097387796359>

nurture and upbringing of their children. **This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.** *Wisconsin v. Yoder*, 406 U.S. 205 (1972). (Emphasis added).

In addition, the videos violate Virginia law protecting minors: Virginia Code § 18.2-371 prohibits “Causing or encouraging acts rendering children...abused, etc.,” “Any person 18 years of age or older...who (i) willfully contributes to, encourages, or causes any act, omission, or condition that renders a child...abused or neglected **as defined in § 16.1-228** or (ii) engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older...is guilty of a Class 1 misdemeanor. Under the Virginia Code § 16.1-228, “Definitions,” an “Abused or neglected child” means any child upon whom any “person responsible for h[er] care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means.” If the girls performed the advocated-for acts of fellatio upon other children, they would be committing a crime.

Virginia Code § 18.2-370 makes it a felony for any person to take indecent liberties with children; and provides that any “person 18 years of age or over, who, with lascivious intent, knowingly and intentionally commits any of the following acts with any child under the age of 15 years is guilty of a Class 5 felony:” “(4) **Propose to such child the performance of an act of sexual intercourse, anal intercourse, cunnilingus, [or] fellatio...**” The videos proposed to the children that they engage in all of the above. Since the video presentation was by a “person in custodial or supervisory relationship,” a.k.a, Ms. Huston and any other adults in the room, the offense should be upgraded to a Class 6 felony. See § 18.2-370.1.

Virginia Code § 18.2-376 prohibits “**Advertising, etc., obscene items, exhibitions or performances,**” making it “unlawful for any person knowingly to prepare, print, publish, or circulate, or cause to be prepared, printed, published or circulated, any notice or advertisement of any obscene item proscribed in § [18.2-373](#), or of any obscene performance or exhibition proscribed in § [18.2-375](#), **stating or indicating where such obscene item, exhibition, or performance may be purchased, obtained, seen or heard.** A purveyor of obscene items and performances was the website sponsor of the videos, and the video directed the students to that website multiple times.

Finally, Virginia Code § 18.2-374.4 prohibits the “Display of child pornography or grooming video or materials to a child:”

- A. Any person 18 years of age or older who displays child pornography or a grooming video or materials to a child under 13 years of age **with the intent to entice, solicit, or encourage the child to engage in the fondling of the sexual or genital parts of another** or the fondling of his sexual or genital parts by another, **sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration** is guilty of a Class 6 felony.
- B. "Grooming video or materials" means a cartoon, animation, image, or series of images depicting a child engaged in the fondling of the sexual or genital parts of another or the fondling of his sexual or genital parts by another, masturbation, sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration.

It cannot be seriously argued that the videos were shown without the “intent to entice, solicit, or encourage the child[ren] to engage in the fondling of the sexual or genital parts of another” while engaged in “sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration.” The videos said as much. The narrator in the videos was intentionally made up to look as young and “child-like” as possible, for the target audience of girls. Erect animated images of penises complete the statutory violation.

In addition to the egregious videos, the SARA “Sex Positivity” curriculum contain role-play activities which are coercive; expose children to the sexual beliefs of others which may be far removed from their own; require them to publicly debate and defend their personal and family’s beliefs about “boundaries,” and require them to take part in activities that violate their religious beliefs, upon penalty of social ostracism. Among other things, the children are instructed to write their own personal boundaries on paper; the papers are collected; and then “anonymously” redistributed to the class.

The SARA curriculum violates the federal National Assessment of Educational Progress (NAEP) Act, [20 USC §9622 \(b\)\(5\)\(A\)](#), which authorizes assessments, but requires that they “**objectively** measure academic achievement, knowledge, and skills, and ensure that **any academic assessment authorized under this section be tests that do not evaluate or assess personal or family beliefs and attitudes or publicly disclose personally identifiable information.**” (Emphasis added).

The SARA curriculum violates the Protection of Pupil Rights Amendment (“PPRA”), 20 USC §1232(h), which protects pupil rights by requiring all instructional materials to be made available for parental inspection, **prior to use**, including any “**supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program.**” The SARA curriculum particularly runs afoul of various prohibitions contained in Section 1232h, which places “[l]imits on survey, analysis, or evaluations” whereby no “student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:”

- (1) **political** affiliations or **beliefs** of the student or the student's parent;
- (2) mental or psychological problems of the student or the student's family;
- (3) **sex behavior or attitudes**;
- (4) illegal, **anti-social**, self-incriminating, or demeaning **behavior**;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) **religious practices, affiliations, or beliefs** of the student or student's parent; (Emphasis added)

The “My Boundaries” activity on page 4 of the curriculum illustrates these violations:

1. Hand out a worksheet to each student and ask them to NOT write their names at the top. The worksheet asks hypothetical questions, and they should answer honestly. They will be discussed confidentially.

2. Collect the worksheets and keep them faced own. Mix them up. **Distribute the worksheets back out to the students.** Most will not get their own back, but if they do, tell them to not say anything.
3. **Tell the students they are now to act according to what is on the paper they were given, not their own personal feelings.**
4. **Put each of the signs in various places around the room. These are where the students will stand according to their responses.**
5. Read each statement and have students move to the proper sign.
6. Debrief:
  - a.
    - i. What was the experience of filling out the worksheet like?
    - ii. What was it like to then stand under the signs of someone else's worksheet?
    - iii. **How did it feel to have to go to someone else's boundary, especially if it was different than what you wrote on your paper?**
    - iv. **What did you notice about where people stood?** Was there a lot of agreement or more of a variety?

On page 10 of the curriculum, there is the “**Activity: Keeping Consent Sexy Brainstorm (15 Minutes).**”

1. Have students **get a partner.** Within their groups, **have them brainstorm different ways to talk to their partners about consent that would keep it “sexy.”**
2. Have groups share as they are willing.
3. Consent doesn't have to be a rigid and awkward conversation. Some sex is completely rooted in consent conversations. It can be built into the "moment."

In sum, the SARA “Sex Positivity” curriculum is completely non-aligned to the ACPS Family Life Curriculum, and the promotion of Abstinence. SARA treats “consent” as the *sine qua non* of sexual activity. Nowhere in the document are the words “legal,” “moral,” “faith,” or “parents.” The word “sex” or derivatives appears more than 49 times in the document, including the sentence “I'd like to have sex tonight, would you?” as well as the statement that “There is no ‘right way’ to have sex – as long as it's consensual and safe. Sex can mean different things for different people.”

These are serious legal, ethical, and school board policy violations, directly opposed to the stated goals of the [ACPS ninth-grade Family Life Curriculum](#) course and Virginia Standards of Learning, which include concepts such as “Self-esteem/[Self-respect](#)/Justice;” “[Temperance/Self-control](#);” “Honesty/Integrity;” “Respect for dignity [and] worth...of all persons;” and “[Virtue](#).” Moreover, ACPS FLE curriculum states that students will learn to “*identify sexual abstinence as the appropriate choice for adolescents and identify appropriate methods for expressing feelings and affection.*” The videos did anything but promote those values. The presenter, Lexie Huston, publically opposes Abstinence education.

Teachers and contracted agents of the state are bound to respect all laws applicable to public schools, including the First Amendment protections of parent and student rights, as well as Virginia law protecting the rights of minors. Children are entrusted by their parents to ACPS for instruction, not indoctrination, or early sexualization by Planned Parenthood

affiliates like "SARA."<sup>2</sup> There has been a betrayal of trust by ACPS. The District must tangibly demonstrate its intention to rebuild that trust by complying with rules regarding notification and review by parents BEFORE materials are presented, as required law and District policy, and must ensure the fitness of contractors or "volunteers" to teach the material.

Therefore, on behalf of Liberty Counsel's client parents, please confirm to Liberty Counsel in writing by May 1, 2018, as follows:

1. Charlottesville "Sexual Assault Resource Agency" is indeed no longer affiliated with nor will any of its affiliates or employees, including Lexie Huston, present material at any time in the future for ACPS "Family Life Education" courses.
2. SARA's "Sex Positivity" curriculum (attached) will no longer be used in any fashion by ACPS.
3. Future District FLE contractors or presenters will be required to scrupulously adhere to the FLE standards, and will not publicly oppose Abstinence.
4. ALL FLE materials will be offered for review by parents beforehand, so that the parents can have the information necessary to decide whether to opt out.
5. NO materials will be shown or provided to students as part of FLE or similar sexuality based instruction that have not been first made available for review by parents with the opportunity for parents to opt their children out of the instruction.

If I do not receive this response, Liberty Counsel will take further action to prevent further irreparable harm to the rights of our clients.

Sincerely,



Mary E. McAlister†

Attachments

CC

**Via Email:**

Albemarle School Board

Kate Acuff, Chairman  
Jack Jouett Magisterial District

2210 Camargo Drive  
Charlottesville, VA 22902

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<sup>2</sup> "One Billion Rising Charlottesville is planning for a night of bringing awareness to the issue of violence against women front and center, **organized by Planned Parenthood**, The Women's Initiative, Shelter for Help in Emergency, **and SARA (Sexual Assault Response Agency)**," (emphasis added), *available at* <http://saracville.org/blog/166-1-billion-rising>

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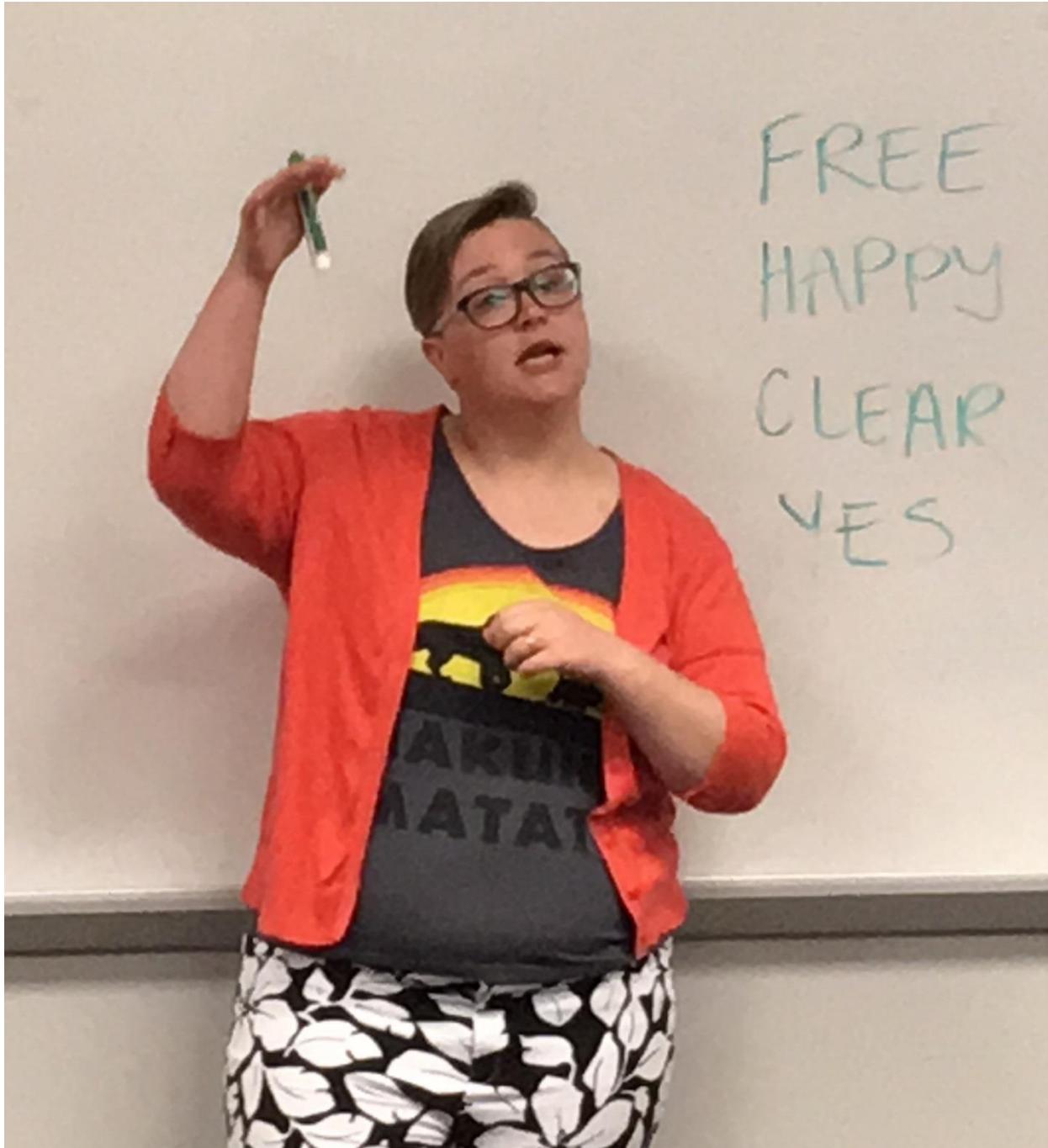
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Photos and Screenshots

Lexie Huston on SARA "Sex Positivity" Curriculum



**Lexie Huston opposes Abstinence, yet hired to teach it by Albemarle County Public Schools**

 **Lexie Huston** August 24, 2017 · 🌐

about time.



**Abstinence-Only Education Is Ineffective And Unethical, Report Argues**

Researchers say that programs advocating abstinence until marriage fail to get teens to delay sexual activity and also prevent them from getting important information about...

NPR.ORG

👍 Like      💬 Comment      ➦ Share

 **Lexie Huston** is in 📍 Charlottesville, Virginia. May 31, 2016 · 🌐



**Started New Job at Sexual Assault Resource Agency**

May 31, 2016 — Violence Prevention Educator  
Charlottesville, Virginia

➦ Share

👍 2

# 1 Billion Rising

Save the date to join us in a night of bringing awareness to the issue of violence against women.

**February  
13th, 2018**

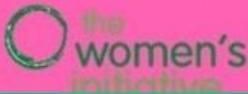
**For more information on participation and details of the event contact:**

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## 1 Billion Rising

One Billion Rising Charlottesville is planning for a night of bringing awareness to the issue of violence against women front and center, organized by Planned Parenthood, The Women's Initiative, Shelter for Help in Emergency, and SARA (Sexual Assault Response Agency).

# Session 1: Conversations about Sexuality

## Objectives:

1. Students will feel more comfortable having appropriate conversations around sexuality.
2. Students will increase their belief that consensual, age-appropriate sexuality should be positive and beneficial to each person involved.

## Pre-Survey (5 Minutes)

## Introductions (10 Minutes)

### *Personal Introduction*

*Begin the class by acknowledging that sometimes the things we are going to talk about can feel awkward. Both the teacher and the students can feel apprehensive about talking about them. But as long as we address this and all agree to be honest, open, and create a safe space, we can all learn from each other. Have the students create a list of group norms and expectations that they can all agree to follow. Be sure to state that opinions are welcome, but they should be expressed objectively or in a way that is not a put-down or debate with other students.*

*Introduce the Questions Bucket. This bucket is designed for students to use when they have questions or thoughts that they do not wish to ask in front of the class. This question bucket will be left here. You can use the provided strips to drop questions into the bucket that you have. These will be anonymous. Please respect what this question bucket is meant for...I am happy to answer any questions you have, especially to help clear up any confusion or misconceptions you may have heard about. These questions shouldn't be funny nor should they be personal questions about me. Be sure to uphold our group norms when we talk about what is inside the bucket.*

## OPTIONAL Handshakes Activity (10 Minutes)

*Objective: Students will experience not communicating about physical contact versus communicating about physical contact. This experience will give context for future conversations about what norms we want to adopt.*

1. Tell students that they will be walking around the room and shaking hands with as many people as possible, but without talking.
2. Debrief:
  - a. How was that?
  - b. How was it compared to other handshakes you've had?
  - c. What's the secret to a good handshake?
  - d. On a scale of 1-10, how was it?
  - e. Did anyone receive a handshake they weren't expecting? (Call out hard shakes)

3. It can feel strange shaking hands without talking, because handshakes are designed to get to know people. You often don't do it completely silently. Let's do it again, this time a little differently.
4. Tell the students that they will be walking around the room and shaking hands with as many people as possible, but this time they will need to communicate through the steps of the handshake. They should also be sure to ask if a person would like to shake hands. They won't need to negotiate everything before doing it, but they should be communicating about how the handshake will look. For example, they can ask questions like: "Do you want to shake hands with left or right hand?" "Do you want to go up and down or side to side?" "On a scale of 1 to 10, how firm do you want it to be?" "How long would you like it to go on for, or how many shakes would you like?" "Do you want to dry your hands first?" "Do you want to do something else altogether? A fist bump? A shoulder bump? A hug?"
5. Debrief:
  - a. How was that?
  - b. How was it compared to other handshakes you've had?
  - c. On a scale of 1-10, how was it?
  - d. How was it compared to the first round of handshakes?
  - e. Did you prefer the first or the second?
  - f. Those of you who weren't necessarily comfortable shaking hands with everyone, which did you prefer?
  - g. How did it feel if someone didn't want to shake your hand?
  - h. Was it easier to know what to expect out of the handshake when you talked about it?
6. It feels weird to talk about handshakes before we do them. Handshakes are so common place in our culture that it's just expected we do them. We all know how to do it, we know what makes a good first impression in a handshake. We don't talk about it, we just do it. In our culture today, we are starting to treat sex in very much the same way. We see it everywhere—we're starting to treat it like it's something we're all expected to do without thinking about it. What we don't want to see happen is that we forget to have a conversation about sex before doing so. It feels weird to talk about sex before doing it, just like it did with the handshakes. It feels weird because everything we see about sex in our media and in our world tells us that we shouldn't talk about it—we wouldn't want to "kill the mood." But because of the intimate and vulnerable nature of sex, we should talk about it. It might even make the sex better! Think of those handshakes some of you received that you weren't expecting. If someone grabbed your hand really hard, it took you by surprise and hurt you. We don't want people to be hurt when it comes to sex, and that's where consent comes in.
7. We want to keep the "sexy" in sex, but it's also very important to make sure that actions are mutually consensual.
8. Imagine that you have a tattoo that you really want to get. You talk about it all the time, and all your friends know what you want and where you want it. So one day, your friend pulls out a tattoo gun and starts to give you the tattoo you want. They say "this is what you wanted, right?" You would be pretty upset. The same works for sex—even if it seems like someone really wants to do something, we shouldn't just go ahead and do it unless we ask them first.

### Activity: What Have You Heard? (25 Minutes)

*Objective: Gauge what students know and don't know, get students connected with their own prior knowledge, and begin modeling how to bring a critical/analytical eye to messages they've received from sources that are not trustworthy.. Help students pick apart accurate sexual health information from inaccurate.*

1. Create a chart on the board that looks like the one below. Fill it in with the students' answers

	Love / Romance / Affection	Sex / Sexuality / Sexy	Relationships
Adults (formally or informally)			
Peers (in person or on social media)			
Media (TV, movies, Netflix, YouTube)			

#### Discussion questions:

1. How do you know what is accurate sexual health information?
  - a. Use examples / language from <http://advocatesforyouth.org/3rscurric/documents/6-Lesson-7-3Rs-BeingaSexEdSleuth.pdf>
2. I have to listen to my body to know what is or isn't good for me, **and** I have to listen to my partner to know what is or isn't good for them.
3. What does the word "sex" really mean? Are there different meanings for the word?
4. Why do some people feel uncomfortable talking about sex?
5. Why do some people laugh when they are asked to talk about sexuality?
6. What are some ways we can make sure this is a safe space to have these conversations?

#### Some notes to cover:

- a. Healthy Relationships
  - i. Core definitions we can all agree on:
  - ii. Trust, Respect, Attention, Fun: talk about aspects of each of these things
  - iii. Healthy relationships are based on equality, unhealthy relationships are based on power and control
  - iv. Communication also meets all of these categories. Communication should happen in relationships before, during, and after a sexual encounter.
- b. Intimacy (Emotional and Physical)
  - i. Our sexual and relational health usually have 2 categories, physical and emotional intimacy. Both of these need to be in a good place for things to be healthy and good.

## **Discussion: Physical Intimacy (5 Minutes)**

Sex as a spectrum—it's not all penetration. What do each "kinds" look like for different people?

There is no "right way" to have sex—as long as it's consensual and safe. Sex can mean different things for different people. This why communication and consent are very important for our relationships—it's impossible to be on the same page unless you talk about it.

Enjoying sex is all about feeling comfortable with your own body, feeling good about your partner and good about the sort of sex you are having. It should always be completely consensual. It's natural to want to experience the good feelings sex can give us, and it's important to be able to talk about pleasure.

## **Activity: My Boundaries (25 Minutes, Take a Stand)**

*Objective: Students will begin to think about what they do and don't want in a relationship.*

Physical boundaries include not only whether you want any kind of physical contact with someone else, but also how much. For example, you may be okay shaking hands with someone, but you don't want to hug them. You may love to hug, but end up hugging someone who hates to be hugged. You may not be interested in having penetrative sex with someone, but you might be okay with doing other sexual things with that person. Your personal boundaries are how comfortable you are sharing parts of your personal life with others.

1. Hand out a worksheet to each student and ask them to NOT write their names at the top. The worksheet asks hypothetical questions, and they should answer honestly. They will be discussed confidentially.
2. Collect the worksheets and keep them facedown. Mix them up. Distribute the worksheets back out to the students. Most will not get their own back, but if they do, tell them to not say anything.
3. Tell the students they are now to act according to what is on the paper they were given, not their own personal feelings.
4. Put each of the signs in various places around the room. These are where the students will stand according to their responses.
5. Read each statement and have students move to the proper sign.
6. Debrief:
  - a.
    - i. What was the experience of filling out the worksheet like?
    - ii. What was it like to then stand under the signs of someone else's worksheet?
    - iii. How did it feel to have to go to someone else's boundary, especially if it was different than what you wrote on your paper?
    - iv. What did you notice about where people stood? Was there a lot of agreement or more of a variety?

### Video: Female and Male Pleasure (10 Minutes)

- <https://www.youtube.com/watch?v=hUB0A-a1ROs>
- <https://www.youtube.com/watch?v=XWxDevsbPHw> (MUST STOP)

Having a healthy sex life is about taking care of yourself, and your partner, if you have one. Physically, that means practicing safer sex, getting tested for STDs regularly, preventing unintended pregnancies, trusting your instincts about where to set limits, and seeing a doctor or nurse if you have any problems. Feeling good about your body and having a healthy body image, enjoying sexual pleasure, and being comfortable with your sexual orientation and gender identity are also big parts of healthy sexuality. Having a healthy sex life means knowing what you do and don't want to do sexually and being confident enough to communicate that to your partner. It's important to have mutual respect for each other's boundaries.

### Activity: How Easy Is It To Talk About (10 Minutes)

1. Hand out the "Am I Ready or Not" checklist
2. Place the room signs at opposite ends of the room. Explain that the space between creates a continuum from easy to difficult to talk about.
3. Give each participant or group of participants a card. They should read it and then place it on the continuum where they think it falls. They should explain why they placed it there.
4. As a class, discuss if the group would move it elsewhere. They should then suggest ways to make the subject easier to discuss.
5. Debrief:
  - a. How was it trying to find a common ground with your classmates?
  - b. Did you find it easy or hard to come up with ideas that make it easier to talk about some of these more difficult subjects?
  - c. Are there ways to make some of these things easier to talk about?
  - d. Why do we have such a hard time with some of these topics?

### Activity: Open Forum (15 Minutes)

1. Remind students of the group norms and rules.
2. Explain that we will have "Open Forum" time, which is a chance for them to have open discussion and ask any questions that may have gone unanswered during the lesson.
3. Respond to any questions placed in the question bucket.

## Session 2: Consent as part of Healthy Sexuality

### Objectives:

3. Students will place responsibility for communicating about consent on the initiator of sexual contact, not the recipient.
4. SWBAT define consent as a free happy clear yes and nothing less.
5. Students will be more likely to ask about consent before engaging in sexual activity.

### Activity: Emotion Charades (10 Minutes)

*Objective: Students will observe that it is not easy to read more complicated emotions simply by interpreting a person's body language. Students should receive the message that they should not rely on body language to interpret whether the other person consents.*

1. Pass out emotion cards.
2. Each person must communicate the emotion on their card to the group without using verbal communication.
3. The group must try to guess the emotion being displayed by raising their hand to give their answer.
4. When the group has trouble guessing, emphasize just how difficult it can be to figure out how someone is feeling without seeing/hearing/understanding different kinds of communication (visual, verbal, body language)
5. Discussion
  - a. What's it like communicating these emotions?
  - b. What's it like to try and read these emotions?
  - c. How can you really understand how someone is feeling?
6. Say: We cannot understand how someone is feeling if we make assumptions. We need to communicate with them, have a conversation with them. To make sure that door is open for communication, we should ensure that our relationships are healthy.

Sarcastic	Judgmental	Alienated	Fulfilled	Optimistic	Powerful
Disappointed	Eager	Startled	Sensitive	Famished	Important
Cranky	Melancholy	Elated	Grief	Unsure	Energetic

### Activity: What Is She Thinking? (5 Minutes)

1. Using the three images of a girl's facial expressions, **ASK:** "What is this person thinking?"
2. Field as many answers as possible before showing them the second, then the third, image.

3. The students will all give different answers. Point this out and ASK: "What does that tell us about us as humans – we're not mind-readers, are we?" Optionally, ask how we might find out what she is really thinking.
4. At least one student will state that we would have to ask her, and they would be absolutely right!
5. We can't know what someone's checklist looks like if we don't talk to them about it. We are all in different places with how comfortable we are with sex. We can't assume someone feels the exact way we do—and we should respect and honor their feelings.

### Discussion: Consent (5 Minutes)

- Write "Consent" on the top of the board.
- Today we will be learning the meaning of consent, which is an often misunderstood concept. *Do not ask the students to attempt defining it, because their answers may send them in the wrong direction.*
- Consent is a state of being: Either a person wants to do something (Consent) or doesn't want to / isn't sure they want to (not Consent).
- Write under "Consent":

**FREE**  
**HAPPY**  
**CLEAR**  
**"YES"**

- Why do you think it has to be free?
  - Because it has to be a person's own free choice – not coerced, not manipulated, not passive, not because they've been threatened, intimidated, pressured, shamed, persuaded, or guilt-tripped into saying yes.
- Why does it have to be happy?
  - Because if someone has truly made a free decision, they should feel good about it. Romance is supposed to be a positive part of our lives, and if we are not in a position to feel good about moving forward (i.e. partners are both old enough, feel that it will benefit the relationship to engage in a physically intimate activity, and that it will be a positive part of their individual lives, etc.), then there's probably something off and it shouldn't happen.
- Why does it have to be clear?
  - If you want to kiss your dating partner, but you don't know for sure that s/he wants to, you have to find out clearly from them. Remember how hard it was to understand what the girl in October was thinking just by her facial expression? And what the volunteers in Charades were communicating through just body language? To truly understand someone, we had to ask clarifying questions and then listen! It's the same for consent.
- How do you KNOW whether a person wants to do something with you?
  - You have to ASK first! And you have to make it clear that they have a free choice – nothing they say will make you pressure them, hold something over their head, threaten them, etc.
- **Consent** is not the absence of a 'no', nor is it giving in after a lot of persuasion or guilt-tripping, nor is it being threatened or manipulated or blackmailed into saying 'yes'. It is a free, happy, clear YES. To consent is to willingly, voluntarily, happily, express that one DOES want to engage

in sexual contact - the absence of a NO does *not* = a YES. When people give permission freely, without any pressure or intimidation, they usually feel relaxed, alert, and present. When one person has more power than the other (due to authority, age, ability, size, or status – including culture, gender, class, race, etc.), the person with less power may feel intimidated, pressured, or afraid, and therefore not able to give true consent.

- Consent is NOT...The person didn't say "NO," the person didn't resist, the person gave in after persuasion, threats, or guilt trips (acquiescence), the person was drunk, the person was manipulated or pressured, the person said "no", but I'm sure they meant "yes", the person felt like they owed it to the perpetrator, the person thought they had to do it to be 'normal' or 'fit in'.  
**Consent is...a free, happy, clear "YES"**
- We talked about making assumptions and trying to read others and how there are pitfalls of trying to understand someone using only these methods. The same concepts apply here. We cannot assume that someone wants to do something by trying to read how they feel. Instead, we have to give them a chance to express their consent. By utilizing our listening skills, we should ask them where they are at and act according to how they answer. This is showing them empathy and that we understand and respect how they feel.
- We also need to make sure it's a FREE choice, and we did not pressure them or make them feel that they were obligated to consent when they didn't actually want to.
- What are some examples of how people pressure someone to do something they don't want to do?
  - What, you don't trust me? You don't love me?
  - But we're dating. Don't you want to keep dating me?
  - If you loved me, you would...
  - You know you really want to. I know you do.
  - You've had sex before, haven't you?
  - If you don't do it, I will break up with you.
  - Come on, just do it. It's not such a big deal.
  - It's normal, everyone does it and likes it
- There are 3 very important things that go along with the FHCY that go with consent. The first is that consent can be reversed—that means someone can change their mind, and it's alright for them to do so. If at any point any part of the FHCY is revoked, then consent is no longer present and the activity must stop immediately. The second is that relationships do not imply consent. This means that if you are dating someone, and even if you are married to someone, they are not obligated to do anything with you. Consent is something that must be checked for each and every time you want to do something. The third is that the responsibility for checking for consent is always on that of the initiator. This means that if you would like to do something, it is your job to find out if they consent to it. You can't expect someone to tell you how they feel unless you invite them to do so.

### Activity: Pin It (10 Minutes)

1. Write three categories on the board:
  - a. They definitely want to (consent)
  - b. It's not clear (find out more, wait a sec!)
  - c. They definitely don't want to (stop, go away!)

2. With this activity, we'll begin trying to identify where consent is present and where it isn't. Some of these signs will make it very clear where they should be placed and others are a little vaguer with room for interpretation. That's ok. And it's more real life, right? This is just a step towards thinking through this in our own everyday life. So when you answer, just have a reason for why you think the sign belongs in one place.
3. Instruct students that they can volunteer come up one at a time. They will close their eyes, show the sign to the class, and the class will instruct them to turn around, move right, left, up, down, to post the sign in the correct category.
4. Make sure the class knows not to tell the volunteer what is on the sign, because then s/he will know where it goes.
5. When the volunteer has posted it, they can open their eyes and determine whether the class placed the sign correctly. If it's wrong, they have to explain why and then move it.
6. Discussion
  - a. What did we learn from this?
  - b. What did you notice?
  - c. How does this connect to what we've been talking about all day?
  - d. Is anything still confusing?
  - e. How do you feel about what we've talked about?
  - f. Where would feel awkward talking about consent?
  - g. We've stepped into a place that can feel rather gray. Just remember to always ask if someone consents to something. Don't act unless they feel free, happy, clear, and say, "YES!"

### Activity: Conversation Starters and Stoppers (5 Minutes)

It's good to know that you're meeting each other's needs, it's good to set boundaries, and it's good to have an idea of what's going to happen. It can be weird to start a conversation about consent—remember the handshakes? Negotiating everything is not realistic. But what's important is that you have a conversation with your partner to make sure that everyone is on the same page. Be sure to use conversation starters, or open-ended questions, instead of conversation stoppers, or directed statements. Partners should come to a mutual decision about how far they want to go.

STARTERS	STOPPERS
May I... I'd like to, would you? If not, what would you like to do? How do you feel about doing? Are there thing you know you don't want to do? What are they? Mine are... Is there anything you need to feel comfortable or safe when we do? I'm really interested in doing with you, and it feels like the right time for me. Do you want to do that and does the timing feel right for you? I'd like to have sex tonight, would you?	Let's do I want Last week you really liked it when I, so we'll do that again tonight. I heard people really like it when someone does, so let's do that, you'll probably like it. Let's just do it. I'll take care of you. You're okay, right? I know you trust me, right?

What do you want to do or try?	
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Debrief:

- What is the difference between the two?
- How could the 'stoppers' (choose some examples) make you feel if you were the one on the receiving end?
- Does it sound like the person EXPECTS something? Does it sound like the person will LISTEN, and RESPECT ANY answer you give?
- Think about the context and tone of voice in which the questions are asked – what would make a person feel safer to give their honest answer?
- Does gender play a role in how someone hears these questions?

### **Video: Consent is Like Tea (5 Minutes)**

- <https://www.youtube.com/watch?v=fGoWLS4-kU>

### **Activity: Keeping Consent Sexy Brainstorm (15 Minutes)**

1. Have students get a partner. Within their groups, have them brainstorm different ways to talk to their partners about consent that would keep it "sexy."
2. Have groups share as they are willing.
3. Consent doesn't have to be a rigid and awkward conversation. Some sex is completely rooted in consent conversations. It can be built into the "moment."

### **Post Survey (10 Minutes)**