

Was I Raped?

Here we use the term rape to refer to any type of sexual violence

How can you figure out if what happened was rape? There are a few questions to consider...

1. Are the participants old enough to consent?

The age of consent in Ohio is 16. This means that this is the minimum age someone must be to have sex. People below this age are considered children and cannot legally agree to have sex. In other words, even if this child or teenager says yes, it is still considered rape under the law.

2. Do both people have the capacity to consent?

In Ohio, a person with diminished capacity cannot legally consent. For example, some people who have disabilities, some elderly people and people who are under the influence of drugs and alcohol cannot legally consent. In other words, even if the person says yes, if they are drunk or under the influence of drugs, it is considered rape under the law.

3. Did both participants agree to take part?

Did someone use physical force to make you have sexual contact with them? Has someone threatened you to make you have sexual contact with them? Did you consent in the beginning and change your mind at any point? If so, it is rape.

Common Questions

“I didn’t resist physically – Does that mean it isn’t rape?”

People respond to an assault in different ways. Just because you didn’t resist physically doesn’t mean it wasn’t sexual assault — in fact, many victims make the good judgment that physical resistance would cause the attacker to become more violent. Lack of consent can be express (saying “no”) or it can be implied from the circumstances (for example, if you were under the statutory age of consent, or if you had a mental defect, or if you were afraid to object because the perpetrator threatened you with serious physical injury).

“I used to date the person who assaulted me – does that mean it isn’t rape?”

Rape can occur when the offender and the victim have a pre-existing relationship (sometimes called “date rape” or “acquaintance rape”), or even when the offender is the victim’s spouse. It does not matter whether the other person is an ex-boyfriend or a complete stranger, and it doesn’t matter if you’ve had sex in the past. If it is nonconsensual this time, it is rape.

“I don’t remember the assault – does that mean it isn’t rape?”

Just because you don't remember being assaulted doesn't necessarily mean it didn't happen and that it wasn't rape. Memory loss can result from the ingestion of GHB and other "rape drugs" and from excessive alcohol consumption.

"I was asleep or unconscious when it happened – does that mean it isn't rape?"

Rape can happen when the victim was unconscious or asleep. If you were asleep or unconscious, then you didn't give consent. And if you didn't give consent, then it is rape.

"I was drunk or they were drunk - does that mean it isn't rape?"

Alcohol and drugs are not an excuse – or an alibi. The key question is still: did you consent or not? Regardless of whether you were drunk or sober, if the sex is nonconsensual, it is rape.

"I thought "no," but didn't say it. Is it still rape?"

It depends on the circumstances. If you didn't say no because you were legitimately scared for your life or safety, then it would likely be considered rape. Sometimes it isn't safe to resist, physically or verbally — for example, when someone has a knife or gun to your head, or threatens you or your family if you say anything.

I think I may have been raped – Now what?

Please visit the Office of Equity and Inclusion's website for more information on reporting options, survivor resources and preserving evidence.

**The information on this handout was taken directly from RAINN*