



STEPHENS COLLEGE

More Information about CONSENT

Consent is the idea that every person, man or woman, has a right to personal sovereignty, which means that she/he has the right not to be acted upon by someone else in a sexual manner unless she/he gives clear permission to do so.

Consent is only effective when it is informed, freely and actively given, and is an affirmative action that through clear words or actions creates mutually understandable permission and indicates a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it is obtained through fraud, or results from the use of physical force, threats, intimidation or coercion.

The person initiating sexual activity should initiate such activity only with the consent of the other person involved. Consent must be a clear verbal or non-verbal “yes” agreeing to participate in a sexual activity. Silence or passivity is not considered consent; the absence of resistance is not consent. Consent can be withdrawn at any time, as long as that withdrawal is clearly communicated by the person withdrawing it.

Other considerations related to consent:

- Consent can be broad or narrow and can be limited, such as in cases where someone is willing to engage in some forms of sexual activity, but not in others.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent may be given verbally or nonverbally, based on an active, informed, freely decided choice.
- Consent means you can't make assumptions about what your partner does or does not want. Absence of clear signals means you cannot touch someone else—not that you can.
- Consent means two people deciding together to do the same thing, at the same time, in the same way, with each other.
- The idea of consent completely rules out any need to show the use of force, or any type of resistance.
- Passively allowing someone to touch you in a sexual manner is not consent.
- There is no duty for anyone to fight off or act in any way to stop a sexual aggressor.
- We cannot play the game of “If she/he doesn't want it, she'll/he'll stop me.” That notion is based on antiquated and inappropriate resistance requirements. It is not her or his job to resist, but yours to respect her or his boundaries and find out what they are if they are unclear.
- No means no, but nothing also means no. Silence and passivity do not equal permission.

- The idea that kissing always leads to fondling, which always leads to petting, which leads to some sort of intercourse is a notion that is based on stereotypical sexual patterns and beliefs. Mutual exchanges must involve the expectations and desires of each person involved at every stage of the interaction.
- To be valid, consent must be given prior to or contemporaneously with the sexual activity.
- Silence, previous sexual relationships, and/or current relationships may not, in themselves, be taken to imply consent.
- Consent cannot be implied by attire or inferred from the spending of money on a date.
- Consent lasts only for a reasonable time, depending on the circumstances.

Consent Cannot Be Given By:

- One who is being forced, threatened, intimidated, or coerced into giving consent.
- A minor to an adult. Someone under the age of 16 cannot give consent to someone over the legal age of consent (18), absent a legally valid marriage or court order.
- Mentally disabled persons cannot give consent to a sexual activity if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves.
- One who is physically incapacitated as a result of alcohol or other drug consumption (voluntary and involuntary), or who is unconscious, unaware, or otherwise physically helpless, is incapable of giving consent. One may not engage in sexual activity with another whom one knows or suspects to be physically incapacitated. Physically incapacitated persons are considered incapable of giving consent when they lack the ability to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of that situation.