

Definition of Affirmative Consent

(revised 7/2015)

Affirmative consent is a knowing, and voluntary and mutual decision among all participants to engage in sexual activity. Affirmative consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Affirmative consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Affirmative consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Affirmative consent may be initially given but withdrawn at any time. Affirmative consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Affirmative consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When affirmative consent is withdrawn or cannot be given, sexual activity must stop.

Affirmative consent may be withdrawn at any time without fear of retaliation. Retaliation is defined as any intimidating, harassing, or retributive action including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequence, and bullying of any person for reporting a violation or for participating in any way in the investigation or conduct process.

(Rev. March 2018)