

Practice Profile - Affirmative Consent

Practice Definition *(adapted from Sexual Misconduct Policy Involving Students, version 8/10)*

Consent is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions. It is the responsibility of the person who wants to engage in the sexual activity to insure that he or she has the consent of the other to engage in the activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding. Moreover, the existence of a dating relationship between the persons involved or the fact of a past sexual relationship should never provide the basis for an assumption of consent.

Consent must be present throughout the sexual activity -- at any time, a participant can communicate that he or she no longer consents to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

The following persons are unable to give consent:

- Persons who are asleep or unconscious
- Persons who are incapacitated due to the influence of drugs, alcohol, or medication
- Persons who are unable to communicate consent due to a mental or physical condition.

Type of Practice:

- Promising (not solidly supported by research)
- Content-oriented

Targeted attributes of education program containing content on consent

- 1) Engages all genders and all people
- 2) Addresses role of alcohol
- 3) Promotes healthy cultural norms (gender equity and healthy relationships)
- 4) Provides how-to information (how to ask, how to give, how to refuse)
- 5) Progressive consent
- 6) Legal ramifications
- 7) Policy ramifications
- 8) Education uses practice and dialogue to connect the material to real-life situations

Opportunities for expansion

Research and Literature

- Cowan, Sharon. (2008). The Trouble With Drink: Intoxication, (In)Capacity, and The Evaporation of Consent to Sex.
- Remick, Lani Anne. (1993). Read Her Lips: An Argument For A Verbal Consent Standard In Rape.
- Berkowitz, Alan D. (2004). Rape and Motivation To Rape: Can Someone Rape and Not Know It?
- Men Can Stop Rape website <http://www.mencanstoprape.org/>
- Subotnik, Dan. (2007). "Hands Off: Sex, Feminism, Affirmative Consent and The Law of Foreplay" 16 Southern Cal. Rev. Of Law and Social Justice 149.
- American College Health Association. (2007). Shifting the Paradigm: Primary Prevention of Sexual Violence.

What are evidence-based practices?

- 1) Informed by external sources
- 2) Subject to change
- 3) May be solidly supported by research or simply "promising"