

Affirmative Consent

A knowing, 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 the 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.

Note: Following are some guiding principles for the above definition:

- Affirmative consent to any sexual act or prior consensual sexual activity 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- Affirmative consent may be withdrawn at any time.
- Affirmative consent cannot be given when a person is incapacitated (unable 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. Someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent depending on level of intoxication.
- 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- When affirmative consent is withdrawn or can no longer be given, sexual activity must stop.