

A CULTURE



OF CONSENT

M Muhlenberg
College



CONSENT

Consent: it's likely a word you've heard on campus. Understanding consent is a necessary first step toward the prevention of all forms of sexual misconduct. This means that cultivating a campus climate of prevention and understanding surrounding sexual assault is built around the very important idea of consent.

Therefore, to inspire a community free from all forms of sexual misconduct, we should be talking about it. This guide provides basic information about consent — to help spark and guide conversations across campus.

So, What is Consent?

Consent, at its most basic level, means everyone involved wants to participate.

Consent is defined . . .

As a noun: a voluntary agreement to another's proposition

As a verb: to voluntarily agree to an act or proposal of another, which includes sexual relations

Sexual Consent is when all parties agree to engage in sexual activity. Consent should always be mutual, voluntary and given without pressure, intimidation or fear. Consent must be freely, affirmatively and enthusiastically communicated between all individuals — in other words, **YES MEANS YES!**



YES!

Enthusiastic consent encourages individuals to provide their yes, to express intent to participate and to ask their partner(s) for their yes. **It is the responsibility of the person initiating sexual activity to make sure they've gained the consent of their partner(s).** Consent should be verbalized.

Consent must be obtained at each step and be present throughout sexual activity. *At any time*, a participant can communicate that they no longer consent to continuing.

Silence, lack of protest or no resistance doesn't equal consent. Anything — fear, incapacitation, cognitive disability — that reduces or impacts an individual's ability to exercise free will means that consent isn't present in that situation.

The existence of a current or previous relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, a willingness to engage in sexual activity must be freely and affirmatively communicated, *each and every time*.

Consent is
ACTIVE

Consent is
CLEAR

Consent is
VOLUNTARY
ASK FIRST!

MORE ABOUT CONSENT

To better understand consent, it is important to understand key terms and related concepts.

Coercion is the use or attempted use of pressure/oppressive behavior, including express or implied threats, intimidation or physical force, which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity.

Examples of coercion are:

- Pressuring someone to consume a substance with the intent to impair that person's ability to consent prior to engaging in sexual activity
- Threatening to break up with someone if they don't engage in sexual activity

Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, unconscious or unaware that the sexual activity is occurring. An individual who is incapacitated cannot consent to sexual activity. Consent doesn't exist when the individual initiating sexual activity *knew or should have known* of the other person's incapacitation.

Examples of incapacitation are:

- An inability to understand implications of the situation due to drugs or alcohol
- Having a mental disability or not being able to understand based upon their age
- Being asleep or unconscious

Someone who is incapacitated due to alcohol or other drugs CAN NOT consent.

Sexual Exploitation is committed through non-consensual use of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any non-legitimate purpose. Sexual exploitation occurs without the knowledge and consent of all participants.

Examples of sexual exploitation are:

- Watching, recording or photographing someone in a location where there's a reasonable expectation of privacy
- Social media posting without permission of all parties involved

Retaliation is any intimidation of an individual because they made a report or participated in an investigation and/or resolution of an allegation of sexual misconduct.

Examples of retaliation are:

- Encouraging one's peers to harass or intimidate the other individual
- Departing from a typical (employment or academic) practice regarding the individual

Sexual Harassment is unwelcome conduct or behavior, including sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. It creates a hostile environment when the conduct limits or denies a person's ability to participate in or benefit from educational programs or when it affects employment.

Examples of sexual harassment are:

- Continued efforts to develop a relationship after being denied
- Commentary about an individual's body or sexual activities
- Unwelcome physical touching or closeness
- Jokes/teasing of a sexual nature or based upon gender stereotypes

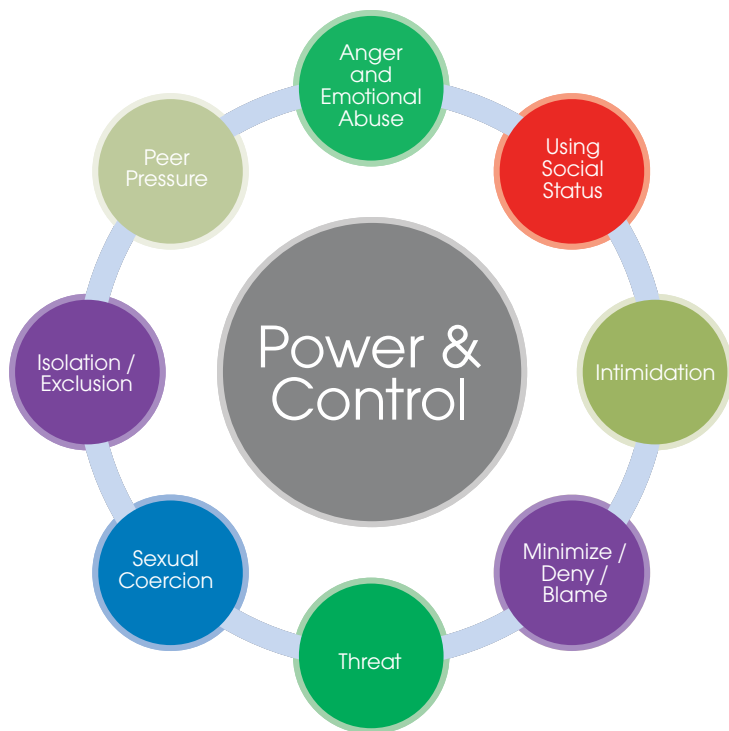
SEXUAL MISCONDUCT

In addition to Sexual Harassment, Sexual Violence and Sexual Exploitation, SEXUAL MISCONDUCT includes:

- **Dating/Intimate Partner Violence.** This is violence by a person who has been in a romantic or intimate relationship with the victim.
- **Stalking.** This is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.

Both dating/intimate partner violence and stalking are rooted in cycles of power and control. Actions such as telling lies, creating social isolation, threatening one's friends or family or pets, controlling someone's use of time, etc. might indicate an abusive relationship.

Below is one variation of the Power & Control Wheel, a diagram which is particularly helpful as a tool in understanding the overall pattern of abusive and violent behaviors. Often, one or more incidents are accompanied by a pattern of intimidation and control in the relationship.



CONSENT IS...

Consent is Communicative

The look on someone's face and that person's body language are both ways of communicating. However, these are NOT reliable indicators of consent in sexual interactions.

ALWAYS HAVE A VERBAL CONVERSATION ABOUT CONSENT

There are, however, other signs that your partner may not be comfortable with what is happening:

- Not pulling you closer, touching you or reciprocating, and/or pushing you away
- Turning away or hiding their face
- Stiffening muscles and/or other obvious signs like tears or shaking
- Lack of any sort of verbal feedback; silence is not consent

Asking questions while also being aware of body language helps you figure out if the person you're with is:

- Consenting and feeling comfortable, or
- Not consenting and feeling uncomfortable

If consent is not clear, then you should **STOP** what you are doing right away and **TALK** about it.

Consent is Healthy

In a Healthy Relationship, I...

Easily give CONSENT.

Am I free to choose whether or not to engage in sexual activity?

Am I able to stop the activity at any time during the sexual contact?

Am my partner's equal.

Do we both have equal personal power?

Do neither of us dominate the other?

Build respect and trust.

Do I regard myself and my partner positively?

Do I feel respected and supported by my partner?

Do I respect and support my partner?

Do I trust my partner and am I trustworthy for my partner, physically and emotionally?

Am safe.



HOW TO SUPPORT SURVIVORS

According to Department of Justice statistics, 19% of female-identified students and 6% of male-identified students report experiencing some form of sexual misconduct during their time in college. Therefore, it's very likely that over the course of your college career, you may know someone who needs your support.

You can show your support when you . . .

- **Listen.** Listen actively and non-judgmentally. It's not about saying the "right" things, but instead creating a supportive space for people to disclose difficult experiences. Focus on listening and allow them to disclose as much, or as little, as they want. Allow them to go at their own pace and be careful not to press for details.
- **Believe.** Believing someone is one of the most important things you can do. The first disclosure often sets the tone for how people engage with their entire healing process. People who disclose to someone and are believed are more likely to seek additional help.
- **Understand Trauma.** In the midst of trauma, especially sexual assault, the brain's fear dominates and all that's left may be reflexes and habits. This can lead to freezing, not fighting back and even memory loss of the event.
- **Restore Choice.** Healing occurs when survivors can make their own choices about what to do next. Respect and support their decisions, while helping them maintain control of the process.

- **Stay Committed.** Healing is not a linear process. There are some days that will be better than others. Be careful not to assign an arbitrary timeline. Ask what support means to each person, since we all have different definitions and expectations about support.

- **Know Your Limitations.** Sexual assault may bring up strong emotions and reactions for you. Don't push aside your own needs. Instead, talk with someone and ask for help.

- **Understand Social Issues.** Gender identity, race, ethnicity, class, religion and other identities often factor into how survivors navigate their experience. Be mindful of individual and institutional culture's impact, including how survivors interact with different systems such as administrators, law enforcement, counselors, etc.

Finding Care

Sexual violence can have psychological, emotional and physical effects on the survivor. These effects aren't easy to deal with, but with the right help and support they can be managed. And there are people on campus and in the community trained and ready to assist. Learning more can help you and those you care about find the best form of care to begin the healing process.



HOW TO INTERVENE

A bystander, or a person who is present at an event or incident but does not take part, has the ability to prevent sexual misconduct on campus...by intervening.

Bystander Intervention involves developing the awareness, skills and courage to interrupt a situation in which another person may need help. It provides an opportunity to send powerful messages about what is acceptable, expected behavior within our community.

How to...Create a Campus Culture of Consent

Creating a culture of consent is everyone's responsibility. We must each work to ensure that all community members have the right to enjoy and engage with their academic, professional and social spaces free from harassing, harmful behavior.

Campus policies explain "what" and procedures explain "how"; we all have the responsibility to promote a culture of consent and respect by putting these policies and procedures into practice.

And talking openly and honestly about consent will lead to enhanced understanding, sexual assault prevention and a campus climate of respect.

A Community of Consent

We all have a role to play in being part of a healthy, supportive community. Here are some ways you can help...

- Educate yourself
- Understand sexual violence and misconduct
- Understand consent
- Be a role model for respect through language and behavior
- Support survivors

An effective bystander intervention approach directs involvement by using the 3 D's: Being direct, creating a distraction and delegating responsibility.

How to Intervene Using the 3D's

Direct

Directly intervening, in the moment, to prevent a problem situation from happening.

Distract

Interrupting the situation without directly confronting the offender. You divert attention away from the situation.

Delegate

Seeking help from another individual such as a friend, supervisor, colleague, police officer or any individual you feel can help.

Combined Chart Sources: LiveTheGreenDot, Wesleyan University and the Office for Civil Rights Resource Guide

REPORTING OPTIONS, RESOURCES AND CONTACTS

KEY CONTACT

Title IX Coordinator Lee Ann Kolbe

Associate Dean of Students &
Director of Title IX Initiatives
484-664-3562
kolbe@muhlenberg.edu

OTHER COLLEGE RESOURCES

Campus Safety

484-664-3110

Student Health Services*

484-664-3199

Counseling Services*

484-664-3178

College Chaplain*

484-664-3120

COMMUNITY RESOURCES

Crime Victims Council of the Lehigh Valley*

610-437-6611

Turning Point of the Lehigh Valley (Domestic Violence)*

877-438-4957

PA Coalition Against Rape (PCAR)*

888-772-7277

Rape Abuse and Incest National Network (RAINN)*

800-656-4673

The National Domestic Violence Hotline*

800-799-7233

** indicates confidential resources*

Members of the Muhlenberg College community have the right to be free from all forms of discrimination based on sex and gender including, but not limited to, acts of sexual violence, sexual harassment, domestic violence, dating violence and stalking. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. In compliance with Title IX, the College will promptly and equitably respond to reports of violation of its policies in order to eliminate the discrimination, prevent its recurrence, and address its effects on any individual in the community.

Retaliation against individuals bringing a complaint or participating in an investigation will not be tolerated. The ultimate responsibility for maintaining an environment free of discrimination, harassment and retaliation rests with all members of the College community.

For additional policy information, visit: <http://muhlenberg.edu/sexualmisconductpolicy> and <https://muhlenberg.edu/aboutus/titleixatmuhlenbergcollege/>