WHAT IS CONSENT?

WHAT DOES IT REALLY MEAN TO CONSENT TO SEXUAL ACTIVITY?
The University’s Nondiscrimination, Anti Harassment and Sexual Misconduct Policy defines Consent as: the mutual assent by words or actions to engage in a particular sexual activity that must be made voluntarily and competently by all parties.

1. In order for consent to be given voluntarily, it must be free from threat, force, intimidation, extortion, and undue influence.

2. In order for consent to be given competently, all parties must have the capacity to consent. If one or more of the parties is incapacitated due to, among other things, drug or alcohol use, then that person(s) lacks the necessary capacity, and thus the competency required to consent.

CONSENT MUST BE PRESENT THROUGHOUT THE SEXUAL ACT IN ORDER TO BE VALID!
SO WHAT TYPES OF ACTS REQUIRE CONSENT

- Sexual Intercourse
- Oral Sex
- Kissing
- Fondling/Sexual Touching
- Recording of Sexual Acts
- Taking Explicit Photos
- Sharing Explicit Photos and/or Video/Audio Recordings

REMEMBER CONSENT CAN BE REVOKED AT ANYTIME
CONSENT VIDEO

https://www.youtube.com/watch?v=laMtr-rUEmY
Situations that Indicate a Lack of Consent

- Mike says to Steve: Tiffany has had a few shots and has been hitting on me all night. Think she’s too drunk to have sex?

- Kayla says to a friend: Mark always says yes to sex on Friday nights, but for some reason I had to keep asking and asking over and over again this past Friday. In fact, he didn’t say yes until I threatened to tell his manager that he lied about being “sick” yesterday, he actually was at Ft Myers beach.

- Charles says: I finally had sex with Sara last night. It wasn’t easy though. Even though she had already had seven beers she kept going back and forth...yes...no....yes...no and finally YES!
Paul and Samantha met for the first time during student orientation when they were placed in the same group. Paul was deeply in love with Samantha, but he does not believe in premarital sex. Samantha felt the same way about Paul, but she was ready to take their relationship to the next level. During multiple telephone conversations she tried to convince Paul to have sex with her once they moved on campus in the fall. One evening after classes started, they were both in Samantha’s dorm room. They began making out and Samantha felt as though this was her chance. When she went to unbutton Paul’s pants, he stopped her. She asked him why he stopped. Paul said “you know why”. Samantha told Paul that he must not really love her since he doesn’t want to have sex with her. She also told him that she would tell Paul’s Professor that he cheated on the midterm if he refused to have sex with her. Paul made a decision to sleep with Samantha to keep her quiet since he did in fact cheat on the midterm. CONSENT OR NO CONSENT?
Paul did not consent to Samantha voluntarily. Samantha threatened Paul to make him consent. Thus, the consent is invalid because it was forced and obtained by way of extortion. Paul consented not because he wanted to have sex with Samantha but because he feared that she may disclose the fact that he cheated on the midterm.
Ashley and Alex are both sophomores and have been dating since their freshman year. They enjoy having sex with each other and are always looking for ways to be more adventurous. One afternoon after class, they decided to go down to the beach and have sex. The next night Alex has a party at his apartment. Ashley did not attend the party because she was home studying; however, some of Ashley’s friends attended the party. The next day before class, Ashley was confronted by her friends who informed her that they viewed a videotape of her and Alex having sex on the beach. Ashley is shocked and extremely upset because she knew nothing about the tape. Could Alex be in trouble? CONSENT OR NO CONSENT?
While Ashley consented to having sex with Alex, she did not consent to being taped or allowing others to view the two of them having sex. While this may not be considered sexual assault, the University will likely consider it sexual exploitation or some other form of sexual harassment. Alex could face the same (or similar) penalties from the University as a case of sexual assault.
What Does the Word NO Mean?

Webster’s dictionary has several definitions for the word no including:

1. A negative used to express dissent, denial, or refusal, as in response to a question or request;
2. not in any degree or manner; not at all;
3. to reject, refuse approval, or express disapproval

Its been said a million times before but NO MEANS NO
What NO Doesn’t Mean

- No does not mean “try harder”
- No does not mean “he or she is just playing hard to get”
- No does not mean ask again but in a different way
- No does not mean “I can get him or her in the mood”
- No does not mean threaten or shame someone into saying yes
- No does not mean “buy him or her” another shot until they change their mind
- The absence of NO does not mean YES!
What Should I Do if I am Not Sure I Have Consent?

You should cease all sexual activity if there is ANY doubt that any participant has not expressly consented through their words or actions or both!!
What Should I do if I had Consent and then the Person said or indicated that they do not want to continue?

Even if a person has given valid consent, they have a right to revoke that consent at any time. If you and a partner(s) initially consented to a sexual act but then your partner(s) subsequently want to stop then you must

Remember engaging in a sexual act with another without valid consent is SEXUAL ASSAULT!!
What are the Consequences for Engaging in a Sexual Act with Someone without their Consent?

- You could be arrested, charged with a crime, and possibly serve jail time.
- You could have to register as a sex offender which severely limits future educational and career opportunities.
- You could be suspended or expelled from FGCU.
- Your actions could cause you not to finish your College Degree.
- You could cost your family thousands of dollars in legal fees.
- You could bring great shame to those who care for you.
https://vimeo.com/128105683
**IN CONCLUSION**

**Consent** is the mutual assent by words or actions to engage in a particular sexual activity that must be made **voluntarily** and **competently** by all parties.