

According to the Northwestern University Policy on Sexual Misconduct (bit.ly/nupsm):

CONSENT IS

Consent is present when clearly understandable words or actions manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate conduct. It must be all of the following:

KNOWING

Consent must demonstrate that all individuals understand, are aware of, and agree to the “**who**” (same partners), “**what**” (same acts), “**where**” (same location), “**when**” (same time), and “**how**” (the same way and under the same conditions) of the sexual activity.

ACTIVE

Consent must take the form of “**clearly understandable words or actions**” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

VOLUNTARY

Consent must be freely given and cannot be the result of **force** (violence, physical restraint, or the presence of a weapon), **threats** (indications of intent to harm, whether direct or indirect), **intimidation** (extortion, menacing behavior, bullying), **coercion** (undue pressure) or **fraud** (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity). Consent must exist at the time of the sexual activity.

PRESENT AND ONGOING

Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. **Consent may also be withdrawn at any time** – provided the person withdrawing consent makes that known in clearly understandable words or actions.

CONSENT IS NOT

Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age (generally 17 in Illinois), physical condition, or disability that impairs the individual's ability to give consent.

Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring.

Signs of incapacitation include when an individual demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:



Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance)



Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction)



Inability to effectively communicate for any reason (for example slurring speech or difficulty finding words)

A person may appear to be giving consent but may not have the capacity to do so, in which case the apparent consent is not effective. **If there is any doubt as to another person's capacity to give consent, community members should assume that the other person does not have the capacity to give consent.** Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.