



# What is Consent?

## To Ensure Your Safety

If you feel you have been the victim of sexual harassment or assault, the College wishes to assure your safety as soon as possible. The College reserves the right to take the following actions:

- Temporary suspension of the accused's eligibility for enrollment or attendance, as well as denial of the student's access to College facilities or property including College housing
- Temporary suspension or limitation of the accused's eligibility to participate in or attend certain events without the suspension of enrollment status
- Issuance of a no-contact order
- Transcript holds
- Delay/hold the conferring of a degree
- Temporary employment suspension
- Supervisor change
- Immediate removal from the alleged victim's classes and/or residence hall

## Consent

Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity or contact. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. Continued pressure can be coercive, and is also a violation of this policy. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. Silence or the absence of resistance alone is not consent.

## Types of Non-Consent

### Non-consensual Sexual Contact

Non-consensual sexual contact is defined as any intentional sexual touching with any object by a person upon another person that is without consent and/or by force. Sexual touching includes, but is not limited to, any bodily contact with breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

### Non-consensual Sexual Intercourse

Non-consensual sexual intercourse is defined as any sexual penetration or intercourse (anal, oral, or vaginal), with any object by a person upon another person that is without consent and/or by force. Sexual intercourse includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

## WHAT IS CONSENT?

### Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship; the type of the relationship; and the frequency of interaction between the persons involved in the relationship.

### Domestic Violence

Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by someone with whom the victim shares a child in common; by a person who is cohabitating with the victim as a spouse; or by a person similarly situated to the spouse of a victim under domestic or family violence laws.

### Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her own safety; or the safety of others; or suffer substantial emotional duress.

## Factors in Consent

### Force

Force is the direct or indirect use of physical violence and/or imposing on someone physically to gain sexual access. There is no requirement that victims resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

### Incapacitation

Consent must be "knowing" to be valid. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason (including due to voluntary or involuntary use of alcohol or drugs). An individual who engages in sexual activity when the individual knows that the other person is incapacitated has violated this policy. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Possession, use and/or distribution and/or administering of any incapacitating drugs, is prohibited and is a violation of this policy.

It is not an excuse that the accused party of sexual misconduct was intoxicated, and therefore, did not realize the incapacity of the other.

***To access GSC sexual misconduct policies, please visit [http://www.glenville.edu/about/ix\\_policies.php](http://www.glenville.edu/about/ix_policies.php)***



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