

10 Ways to Distinguish Consent

A GUIDE FOR STUDENTS AND ADVISORS

**Title IX
Compliance
Institute**

Consent: A clear and unambiguous agreement, expressed in mutually understandable words or actions, to engage in a particular activity.

**Listen for
“yes”**

- 1. Consent is fundamental** – You must obtain consent before engaging in or going further with any sexual activity.
- 2. Consent requires communication** – Verbal communication before engaging in sexual activity clarifies consent. Discussing your own and your partner’s sexual desires, needs, and limitations provides a basis for a positive experience.
- 3. Consent is affirmative** – Listen for a clear and positive agreement. These factors don’t count: the absence of “no,” silence, relying solely on body language, flirtation, coercion, marital or relationship status, power differentials, clothing choice, or a person’s past behavior. “Yes” is a statement of consent.

**Make sure
“yes”
means
“yes”**

- 4. Consent is voluntary** – Consent must be given freely and willingly, and may not be valid if one person is being subjected to emotional or psychological pressure, intimidation, or fear.
- 5. Consent must be unimpaired** – A person who is impaired in any way, asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent. Using alcohol or drugs may also seriously interfere with the initiator’s judgment about whether consent was sought or given.

**Keep the
conversation
open and
ongoing**

- 6. Consent is impermanent** – Consent at one time does not imply consent for the future; it must be freely given every time.
- 7. Consent is always retractable** – Consent is subject to change and can be withdrawn at any time. Consent must be clear at each stage of a sexual encounter: consenting to one sexual activity does not imply consent to further activity.

**Equality is a
cornerstone
of consent**

- 8. Consent is autonomous** – A current or past relationship, such as dating or marriage, does not override the need to obtain consent.
- 9. Consent is equitable** – Consent is invalid when the initiator holds authority over the partner, such as in an academic or workplace setting, or when one participant is under the legal age of consent.

The bottom line

- 10. Consent is essential** – Sexual contact without consent is sexual assault.

