

Consent is:

- **voluntary,**
- **freely given,**
- **informed,**
- **positive cooperation in act and attitude,**
- **revocable at any time, and**
- **ongoing throughout a sexual encounter**

Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or marital relationship shall not be sufficient to constitute consent. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Persons who are related to each other within the degrees wherein marriage is prohibited by law cannot consent to sex intercourse with each other.

- **Consent may not be assumed.**

If there is any ambiguity or confusion a person involved should stop the activity and clarify and confirm consent. Once consent is withdrawn, the sexual activity must stop immediately.

Consent is not freely given if:

-It is obtained through the use of force, through the fear of or the threat of force, intimidation, coercion, or by kidnap

-The individual has acted or spoken in a manner which expresses they refuse to give consent.

-The complainant was unable to give consent for any of the following reasons:

The individual is unable to make an informed decision due to incapacitation;

The individual is unconscious, asleep, or suffering from shock;

The individual is under the statutory age of consent; or

The individual has a permanent or temporary mental disorder or developmental or physical disability, and therefore legally unable to give consent.



Consent