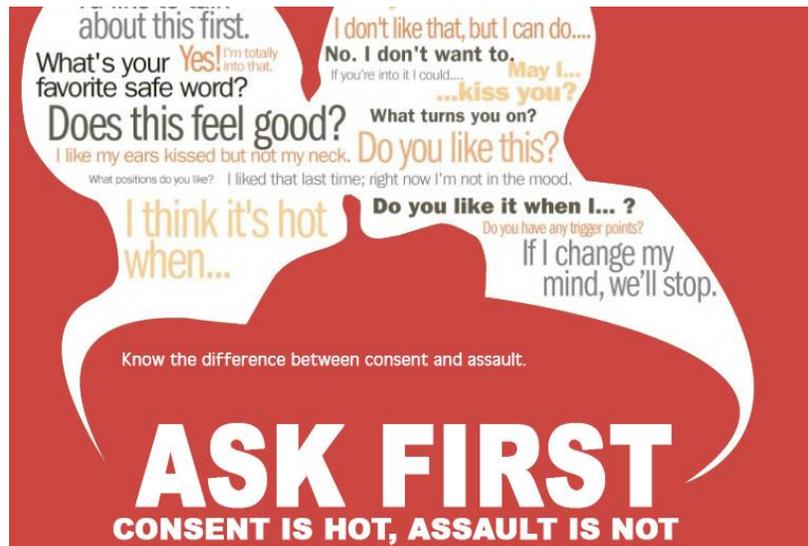


Martin Methodist College Guidance on Consent



Definition of Consent

Consent - The positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent must be an informed decision, freely given made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. A clear “yes,” verbal or otherwise, is necessary.

When "no" to a form of sexual activity is communicated by word or action, that sexual activity must cease immediately. Repeated requests to engage in a form of sexual activity may amount to Coercion. However, there is no requirement that a person express non-Consent, i.e. someone might not Consent to sexual activity even though they do not say “no” or physically resist. As such, Consent cannot be inferred merely from the absence of a “no.” Some behaviors and statements do not indicate Consent, including the following:

- “I don’t know.”
- "Maybe.”
- Without more, ambiguous responses such as “uh huh” or “mm hmm.”
- A verbal “no,” even if it may sound indecisive or insincere.
- Moving away.

Consent to some sexual acts does not constitute Consent to others, nor does past Consent to a given act constitute present or future Consent. Consent must be ongoing throughout a sexual encounter and can be revoked by any participant at any time.

Consent cannot be given by an individual who is asleep, unconscious, or mentally or physically Incapacitated, either through the effect of drugs or alcohol or for any other reason. Engaging in sexual activity with a person whom you know—or reasonably should know—to be Incapacitated constitutes Sexual Harassment. Effective Consent is deemed withdrawn at any point during sexual activity when an individual knows or reasonably should know that the other person has become or is Incapacitated.

Consent cannot be obtained by Coercion, including threat or force. Agreement under such circumstances does not constitute Consent.

The College recognizes that there are a wide variety of sexual interactions, that there is no single way to communicate Consent, and that context matters. When evaluating whether sexual activity was consensual, the College will consider the entirety of the sexual interaction and the relevant circumstances. A factor that may be considered when evaluating Consent is whether, under similar circumstances as the person initiating the sexual activity, a sober reasonable person would have concluded that there was effective Consent. Previous sexual relationships of the Complainant and the Respondent with others are generally irrelevant to the existence of effective Consent, but a previous, current, and/or subsequent sexual relationship between the Complainant and the Respondent may or may not be relevant to demonstrating or establishing, depending on the facts and circumstances, whether effective Consent was sought or obtained. Relevancy of a previous, current, and/or subsequent sexual relationship between the Complainant and Respondent or others will be evaluated on a case-by-case basis.

Additional Guidance on Consent

Effective consent is never implied by a person's attire, the person's extension or acceptance of an invitation to dinner, a date (social function), or a person's residence, or the person's consensual participation in kissing or other sexual activity.

A person's age may be a factor in determining the ability to give effective consent. For example, under Tennessee law, a person who is under the age of 18 cannot effectively consent to sexual intercourse with a person four or more years older than the underage person.

Consent can be accurately gauged only through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent.