

## Information about Consent: What it is and why it's important

This page is dedicated to helping us understand *CONSENT* and why it is important in any relationship. The information below was acquired from two websites that are cited below.

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Taken from the [RAINN Website: \(http://www.rainn.org/\)](http://www.rainn.org/)

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There are three main considerations in judging whether or not a sexual act is consensual (which means that both people are old enough to consent, have the capacity to consent, and agreed to the sexual contact) or is a crime.

- 1. Are the participants old enough to consent?** Each state sets an "age of consent," which is the minimum age someone must be to have sex. People below this age are considered children and *cannot legally* agree to have sex. In other words, even if the child or teenager says yes, the law says no.
  - *In most states, the age of consent is 16 or 18. In some states, the age of consent varies according to the age difference between the participants. Generally, "I thought she was 18" is not considered a legal excuse — it's up to you to make sure your partner is old enough to legally take part.*
  - *Because laws are different in every state, it is important to find out the law in your state. You can call your local crisis center or the National Sexual Assault Hotline at 1.800.656.HOPE to find out more about the laws in your state.*
- 2. Do both people have the capacity to consent?** States also define who has the mental and legal capacity to consent. Those with diminished capacity — for example, some people with disabilities, some elderly people and people who have been drugged or are unconscious — may not have the legal ability to agree to have sex.
  - *These categories and definitions vary widely by state, so it is important to check the law in your state. You can call your local crisis center or the National Sexual Assault Hotline at 1.800.656.HOPE to find out more about the laws in your state.*
- 3. Did both participants agree to take part?** Did someone use physical force to make you have sexual contact with him/her? Has someone threatened you to make you have intercourse with them? If so, it is rape.
  - *It doesn't matter if you think your partner means yes, or if you've already started having sex — "No" also means "Stop." If you proceed despite your partner's expressed instruction to stop, you have not only violated basic codes of morality and decency, you may have also committed a crime under the laws of your state (check your state's laws for specifics).*

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Taken from the [Campus Assault Resources & Education website at the University of California – Irvine \(http://www.care.uci.edu/General/Sexual-Assault--Defining.aspx\)](http://www.care.uci.edu/General/Sexual-Assault--Defining.aspx)

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### Understanding consent

Consent is positive cooperation involving an act of free will, absent of coercion, intimidation, force, or the threat of force. A person cannot give effective consent if he/she is unable to appreciate the nature of the sexual act - as with a person who has a disability that would impair understanding of the act or if a person is impaired by the influence of drugs or alcohol.

There must always be active consent on both sides. Consent to one thing does not imply another. If limits are made clear and consent is not given, pressuring someone into changing their mind is not consent. → If you are unwilling to accept a "no", then "yes" has no meaning.

- *Consent is based on choice.*
- *It is active, not passive. Silence and passivity do not equal consent.*
- *Consent is possible only when there is equal power.*
- *Giving in because of fear is NOT consent.*
- *Giving in or going along with someone to gain approval or to avoid being hurt is NOT consent.*
- *Consent means two people (or more) deciding together to do the same thing, at the same time, in the same way, with each other.*