

# WHAT IS CONSENT?

In accordance with Catholic teaching, the University does not condone engaging in sexual activity outside the confines of marriage. However, the University understands that students will make their own decisions with regard to sexual activity. Individuals who choose to engage in sexual activity of any type must first obtain consent. Consent is the informed, voluntary and willing participation or cooperation in action, behavior or attitude that is commonly understood to be consistent with the exercise of free will.

## Affirmative consent requires participants who:

- are fully conscious, equally free and legally competent to act;
- have clearly communicated their willingness, cooperation or permission to participate in the specific sexual activity engaged in; and
- are positive and clear about their desires and are able to cease ongoing consensual activity at any time.



A person who wants to engage in a specific sexual activity is responsible for obtaining effective consent for that activity.

A lack of resistance, or silence and/or passivity, **does not** constitute consent.

A refusal to consent, or withdrawal of consent, **does not have to be verbal**; it can be expressed with clear gestures, body language or attitude.

A prior sexual history between participants by itself **does not** constitute consent to future sexual activity.



## For consent to be valid:

- There must be a **clear expression in words or actions** that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied.
- For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.
- Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

## When consent is not clearly provided...

Consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

**Consent can also be withdrawn once given**, as long as the withdrawal is reasonably and clearly communicated. **If consent is withdrawn, that sexual activity should cease.**

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 intimate relationship is not sufficient to constitute consent.**

## Marymount's Amnesty Policy

The University seeks to remove any barriers to reporting Sexual Misconduct. The University will generally offer any student, whether the Complainant, a witness or third party, who reports Prohibited Conduct, limited immunity from being charged for Policy violations related to the personal ingestion of alcohol or drugs, provided that any such violations did not, and do not, place the health and safety of any person at risk. The University may choose, however, to pursue educational or therapeutic remedies for those individuals.



## Ways to talk about consent

You may be comfortable enough to get right to the point and directly ask:

- Can I kiss you?
- Can I take this off? What about these?
- Do you want to have sex or would you prefer to wait?
- Can I [fill in the blank]?

You can also take the opportunity to use open communication about boundaries beforehand to during foreplay:

- It's a turn on when we [fill in the blank], do you want to do this?
- It feels so good when you [fill in the blank], do you want to do this?
- Can I take your clothes off?
- Can I kiss you here?

If you're already in the heat of the moment, you could ask:

- Are you comfortable with me doing this?
- Do you want me to stop/
- How far are you comfortable going tonight?



<https://www.healthline.com>

## You do not have consent from another person if:

- If they're sleeping or unconscious
- If you use threats or intimidation to coerce them into doing something
- If they're incapacitated by drugs or alcohol
- If you use a position of authority or trust (such as a professor or employer)
- If they change their mind- earlier consent **does not** count as consent later
- If you ignore their wishes and nonverbal cues to stop (i.e. pushing away)
- If you have consent for one sexual act, but not another sexual act
- If you pressure them to say yes or "give in"

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## Phrases/body language indicating you do NOT have consent

- No
- Stop
- I don't want to
- I don't know
- I'm not sure
- This makes me uncomfortable
- I don't want to do this anymore
- This feels wrong
- Maybe we should wait
- Changing the subject
- Saying no repeatedly then saying yes
- Pushing you away
- Pulling away from you
- Avoiding eye contact
- Shaking their head no
- Silence
- Not responding physically
- Lying motionless
- Crying
- Looking scared or sad
- Not removing their own clothing

<https://www.healthline.com>

A full description of Marymount University policies, resources, and reporting options, can be found on the Title IX Office website at [www.marymount.edu/titleix](http://www.marymount.edu/titleix)

Email the Title IX Office at [titleix@marymount.edu](mailto:titleix@marymount.edu)

# Confidentiality

At Marymount University, there are individuals on campus that can offer confidentiality while others ("Mandatory Reporters") have an obligation to report any sexual misconduct when they receive a report. If you are unsure if someone is a confidential source or a mandatory reporter, ask them before you talk.

**Confidential resources** do not have to report that you came forward for help or support so you can talk to them in confidence that your privacy will be maintained unless someone's life is in immediate danger.

## On Campus Confidential Resources:

- **Student Counseling Services** | Berg Hall 1014 | 703-526-6861
- **Student Health Services** | Berg Hall 1014 | 703-284-1610
- **University Chaplain** | Gerard Hall | 703-284-1607

## Off-Campus Confidential Resources:

- Doorways for Women and Children | 24-hour Sexual Violence Hotline | 703-237-0881
- Fairfax County Domestic and Sexual Violence Hotline | 703-360-7273
- Virginia State Domestic & Sexual Violence Hotline | 800-838-8238
- National Domestic Violence Hotline (NDV) | 800-799-7233 (SAFE)
- Marymount University Employee Assistance Program for Faculty and Staff | 888-267-8126

# Reporting Options

## REPORTING TO THE TITLE IX OFFICE

The Title IX Office receives, responds to, and addresses all reports of sexual misconduct and concerns about gender equity that affect members of Marymount community. They do this by responding to incidents, supporting those who have been harmed, and educating community members on how to create a safe and supportive campus that encourages healthy and respectful relationships. You may submit a report through our online report system by using the QR code below.



## CAMPUS SAFETY

Available 24/7 at the  
Guardhouse  
(703) 284-1600

Call 911 if you are in  
immediate danger

## LOCAL POLICE

- Arlington County PD: 703-558-2222
- Fairfax County PD: 703-691-2131
- Virginia State Police: 703-803-0026

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