



Consent

What is consent?

There are many definitions for consent, but all include common threads woven into their definitions. The University of Arkansas defines consent as

“Consent is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, if those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. If coercion, intimidation, threats, or physical force are used, there is no consent.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol or drugs or being asleep or unconscious. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent. This Policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Brundage, etc. is prohibited, and administering one of these drugs to another person is a violation of this Policy.

Use of alcohol or other drugs will never function as a defense to a violation of this Policy. An individual violates this policy if the individual initiates and engages in sexual activity with someone who is incapacitated, and (1) the individual knew the other person was incapacitated, or (2) a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated.

There is also no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Under Arkansas law, the age of consent varies with the degrees of assault, the age of the actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated § 5-14-125, Sexual Assault in the Second Degree).

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. In addition, previous relationships or prior consent cannot imply consent to future sexual acts.” – [Title IX website](#), retrieved on 09/29/22

How to Ask for Consent!

There are many ways to ask for consent. Being open and honest about what you desire is a good place to start. Some examples of starting communication for consent are:

- “I would like to ... Would like to do so too?”
- “How do you feel about doing ... ?”
- “I’d like to ... Would you and if not what would you like to do?”
- “I’d like to have sex tonight. Do you want to?”
- “How do you feel about if we try to ... ?”

As important as it is to ask for consent, it is important to also listen to your partners response. Consent must be continuous. At any time if consent is withdrawn, it is imperative to stop. And consent for one type of activity does not mean consent exists for all activities.

**Be clear. Clarify. Communicate.
Get Consent!**

Consent Cues

It is necessary to have consent before engaging in sexual activity of any form. At any point it is uncertain that consent is given, then stop and clarify. Never proceed with sexual activity if uncertain consent is present.

Consent must always be freely given, informed, conscious, and revocable. Consent may be verbal or non-verbal.

Examples of verbal consent cues that a partner may give are:

- “Yes”
- “I like it when you...”
- “Please keep doing that...”
- “I want to...”
- “It feels good when you...”
- “Let’s do that more”
- “This feels awesome”

Examples of non-verbal consent cues that a partner may give are:

- Nodding yes
- Thumbs up
- Pulling someone closer
- Actively touching back
- Making direct eye contact
- Initiating sexual activity

Remember:

- Incapacitated individuals cannot give conscious and informed consent
- Consent can be withdrawn at any time
- Coercion is not consent
- Absence of no does not mean yes
- Silent/saying nothing is not consent
- Lying still/not participating is not consent
- Pushing away or turning away is not consent

Campus Resources

SRVC	479-575-4000
Advocacy email	survivor@uark.edu
Education programs email	respect@uark.edu
CAPS 24 HR Crisis Line	479-575-5276
(Counseling & Psychological Services)	
Pat Walker Health Center	479-575-4451
(University Health Services)	
U of A Cares	479-575-5004
uofacares.uark.edu	
University Police	479-575-2222
Title IX	479-575-7111
On campus incidents	titleIX@uark.edu
Student Standards & Conduct	479-575-5170
Off campus incidents	judicial@uark.edu
Reports for Any Concern	report.uark.edu

In the event of an emergency, call 911

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Campus Resource Options

If you want to speak on campus with someone **confidentially** about sexual or relationship violence, you may do so with a victim advocate at the SRVC or a mental health counselor. Faculty and staff are required by university policy to report incidents of sexual or relationship violence to the Title IX coordinator for the University to investigate. An advocate is available through the SRVC and may be reached by emailing survivor@uark.edu or calling 479-575-4000.

For more information, visit srvc.uark.edu

Forensic Evidence Collection (“a Rape Kit”) is available by appointment at the NWA Center for Sexual Assault, 1670 W. Sunset, Suite B, Springdale, AR 72762. Call 1-800-794-4175 to arrange for an appointment or contact the campus SRVC for assistance with this.