

Affirmative Consent

In many cases of sexual misconduct, the determination of whether or not consent was given, or if those involved were able to give consent is essential. Consent is mandatory when engaging in all sexual acts, and it is important that all parties understand what it means to give consent. Consent is a conscious decision, agreed upon by all parties, voluntary and mutual. Consent is given freely using clear words and actions, giving all reasonable persons involved under the circumstances that there is a clear willingness to participate in sexual activity. Consent needs to be obtained by each/ all parties involved and does not vary based upon one's gender identity, gender expression, sexual orientation, type of relationship or sex. The following factors will be considered when determining consent:

- Consent must be established between both/all parties before engaging in, and during sexual activity.
- Consent should be active and mutual for both/all parties involve during sexual activity.
- Consent is clear communication between all parties in any type of intimate relationship.
- Consent is given clearly and concisely with any intention to act in a sexual act or relationship that any reasonable person would indicate as willing participation to engage in that act.
- Consent is when all parties are fully conscious and aware of their decision making process; they are not inebriated or heavily under the influence of drugs or alcohol.
- Consent is not silence, or a sexual act where force, coercion, intimidation or threats were used prior or during sexual activity.
- When consent can no longer be given by anyone involved then sexual activity must end immediately.
- Consent may be withdrawn at any time for any reason by any party involved.
- Consent is not when one/ both/ all parties are unable to provide consent due to being physically helpless, mentally incapable due to being under the influence of drugs or alcohol, or mentally disabled.
- Consent is not silence or able to be given by one who is not fully conscious (passed out).
- Consent is not engaging in sexual activity with someone who is not of sufficient age, or in a relationship where there is a power differential.
- Consent is not an option, not only is it the law, but is required, mandatory and part of a culture that is respectful of all people.

Those who are found in violation of NMC's sexual assault, sexual harassment, or discrimination policy will receive sanctions based on the nature of the behavior that is found in violation. Sanctions can range from mandated counseling session(s) to removal from NMC's campus in its entirety.

Maintaining a safe campus is crucial for students to feel comfortable within their learning environment and to interact freely without experiencing fear. Frequently, those who experience sexual misconduct also face other serious mental health issues after the assault occurs. These issues can include anxiety, depression, suicidal ideation, post-traumatic stress and feelings of low self-esteem and self-worth. In order to lessen these occurrences, asking for consent is important. Whether sexual activity is part of a short-term or long-term relationship, asking for consent allows the individuals to establish a foundation with boundaries that are healthy for all that are involved.