



*Serving Douglas County Since 1964*

## **Statement on Consent at Umpqua Community College**

Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent may be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Regardless of the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- Consent may be initially given but withdrawn at any time.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

Lack of Consent means the person has not given consent because:

- The person is incapable of giving consent because the person is mentally incapacitated and/or physically helpless.
- The person is not old enough to give consent.

Note: Oregon state law considers persons under the age of 18 to be "incapable of consenting to a sexual act" (ORS §163.315.) and states that if lack of consent is solely a result of the age of the victim, it is a defense to certain crimes that the actor was less than three years older than the victim at the time of the alleged offense (ORS § 163.345).

Note: In Oregon and in accordance with ORS 419B and HB 4016 (2012), effective January 1, 2013, all community college employees are "Mandatory Reporters" and are required to report suspected cases of child abuse to the Department of Human Services: (541) 440-3373 or Law Enforcement: 911 AND Human Resources Director: (541)440-7690.