

# DRUNK DOES NOT EQUAL CONSENT: A CONVERSATION STARTER

April marks Sexual Assault Awareness Month (SAAM), and in our ongoing poster campaign around prevention, Zeta Tau Alpha, Pi Kappa Phi and Alpha Chi Omega support initiatives sponsored and coordinated on college campuses around the country. Contained in this educational guide are statistics, definitions, questions, resources and thoughts you can use to create conversation and provide information around this issue to your chapter members. The enclosed posters are intended to hang in a high-traffic area, but more importantly, we believe chapters should have the education and information to make informed decisions around consent.

**This short resource will provide you with information about the pervasiveness of sexual assault, key definitions and talking points to use in providing education to your members.**

## SCOPE OF THE PROBLEM

Sexual violence is a significant public health problem in the United States. According to the Centers for Disease Control and Prevention's (CDC) National Intimate Partner and Sexual Violence Survey (NISVS), nearly 1 in 5 women and 1 in 71 men in the United States have been raped at some time in their lives. Nearly 1 in 2 women and 1 in 5 men have experienced other forms of sexual violence victimization in their lifetime (e.g., made to penetrate someone, sexual coercion, unwanted sexual contact, and noncontact, unwanted sexual experiences).

Source: Centers for Disease Control and Prevention  
<http://www.cdc.gov/ViolencePrevention/sexualviolence/index.html>

## UNDERSTANDING CONSENT

**Consent: permission, approval or compliance; acquiescence; or acceptance of something done or planned by another; permission; agreement**

When it comes to coercion, alcohol is considered the No. 1 rape drug and the No. 1 tool perpetrators use to lower their victims' defenses. In fact, research indicates alcohol is involved in about 75 percent of all sexual assaults on campus.

Giving and getting consent, especially around sexual behaviors, is important. Always ask before you act. As a college student making decisions about sex, it is your responsibility to make sure any sexual advances you make are welcome. The easiest way to make this determination is to ask, "Is this OK?" *Under the law, a lack of response is the same thing as a "no."*

This also means it is your responsibility to assess whether the person you are with is *able* to **give** consent.

Bottom line: Being drunk is often used by perpetrators as an excuse for their own inappropriate behavior, but if what occurred is a crime, intoxication of the victim will not be a defense.

## GOOD PRACTICES

- **TALK:** Ongoing conversation is an important vehicle for consent. Stating your own desires does not ensure consent. Both parties should clearly and unambiguously express consent.
- **CLARIFY:** When in doubt, find out! Don't be afraid to ask questions if anything is unclear. The responsibility for obtaining consent lies with the person initiating the sexual act. Avoid ambiguity; be verbal. Without verbal conversation, mutual agreement and understanding is difficult, if not impossible, to reach. Again, asking "is this okay," before moving forward is key.
- **MUTUALLY CONSENT:** Sex is a two-way street. If sex is mutually and simultaneously initiated, responsibility for communicating consent (agreeing/obtaining/refusing/denying) continues to rest with all involved.
- **MAKE CONSENT AN ONGOING PROCESS:** Consent should be understood as an ongoing process rather than a one-time, one-conversation, open door to any or all sexual interactions. Be aware that consent for one act

(such as kissing) does not automatically imply consent for subsequent behaviors. Asking "Do you want to have sex with me?" is a good start but not enough. People have different ideas about what sex is.

- **RESPECT:** Consensual sex is best established when both partners can express themselves, be listened to, and have their desires and needs respected.
- **CHECK IN:** It is okay to check in and see if your partner is enjoying his/herself. If you sense at any point he/she is not fully participating, not completely engaged in sexual behavior, or has changed his/her mind, ASK if he/she wants to stop. Mutually, if you have changed your mind, say so.
- **KNOW THE MEANING OF "YES" AND "NO": "No" always means no, not maybe. ONLY "YES" MEANS YES.** At any point in sexual engagement, anyone has the right to stop ANY specific act or all sexual interactions. This can be done through verbal statements (e.g. "No." "Don't." "I don't want to do this specific behavior ("kiss", "be touched here", etc.) anymore." "I don't like that." Any use of designated safe word. "Stop.") and/or through nonverbal actions (e.g. pulling and/or pushing away; getting up and/or walking, turning away; etc.). At this point, check in because consent has ended and the other person(s) must comply.

## POOR PRACTICES

- **INTOXICATION:** According to laws of some jurisdictions, consent **cannot** be given when any person is intoxicated (whether by drugs or alcohol), unconscious or asleep.
- **SILENCE:** Do not be silent and/or non-communicative when discussing consent. Also, make sure your partner communicates consent to you. Do not rely on assumptions.
- **VIOLENCE:** The threat of or use of violence or force negates any previous consent or subsequent assumptions of consent.
- **DRUGS/ALCOHOL:** Giving someone drugs or alcohol with the intent to impair his/her judgment or make him/her unconscious violates the law.
- **HARASSMENT:** By the very definition, when someone is sexually harassed, the behavior is unwelcome; therefore, any form of sexual harassment is nonconsensual. For instance, masturbating in front of someone without his/her agreement and/or touching and groping someone at a party is not considered consensual.
- **HOOKING UP:** The less you know the other person, the greater the risk for misunderstanding the wishes and intent of the other person.

Source: The University of Chicago's Resources for Sexual Violence Prevention  
<http://rsvp.uchicago.edu>

## ADDITIONAL THOUGHTS ON CONSENT

- The safest and most clear message of consent is a verbal "YES" from someone who is not intoxicated and not pressured in any way. If you don't have that, do not have sex.
- If you do not receive a clear, explicit message of enthusiastic consent, do not have sex.
- If someone is intoxicated or you are unsure whether he/she is capable of giving true consent, do not have sex.
- A person passed out cannot consent to sex.
- Going to someone's room is not consenting to have sex.
- It is never too early or too late to do something. However, intervening early may prevent the situation from escalating or becoming more complicated.
- There is no one way to act when intervening. Some people are very direct, some prefer a more subtle approach, and sometimes, it is best to get others involved in confronting the situation. Do what feels most comfortable for you.
- If you are feeling uncomfortable with a situation, chances are others around you are, too. The important thing is you recognized something was not okay and you intervened. Can you see how this is living according to your values and how this creates a better, stronger and safer campus community?

## IT'S EVERYONE'S RESPONSIBILITY

- Before you go out with a group of sisters or friends, ask what everyone's plans are for the evening and getting home. Stick to the plan.
- If you notice a friend who is intoxicated leaving with someone or heading to a nonpublic location, talk to her/him about your concerns. Don't be accusatory or rude. Instead, try something like, "Hey, you've had a lot to drink tonight, how about you let me walk you home?"
- Know your adult allies in the chapter or on campus. Who do you trust? Who are the advisors or university staff you can talk to about this? It can be anyone who makes you feel safe.
- Know your resources. Where can your friend go if she/he wants to report an assault? Offer to go with her/him: "Do you want to talk to someone together? I can go with you to the police or to talk a counselor if you want."
- Be there to listen to your friends. When someone has been assaulted, listening without judgment is important. It is very important you make yourself known as a "safe" person upon whom a friend can always count. Say things like "I'm your friend no matter what" or "I'll always be here for you," and mean it.
- If you witness an assault, report it. This can be to anyone: advisor, counselor or police.

## CIRCLE OF 6: AN APP FOR THAT

With the Circle of 6 mobile application, people can connect with friends to stay close, stay safe and prevent violence before it happens. The Circle of 6 app for iPhone and Android makes it quick and easy to reach the six friends you choose.

Circle of 6 lets you choose six trusted friends to add to your circle. If you get into an uncomfortable or risky situation, use the app to automatically send your circle a pre-programmed SMS alert message, with your exact location. It's quick. It's discreet. Two taps on your iPhone is all it takes.

Here's how it works:

- You're out late and you lose track of your friends. Use Circle of 6 to send your circle a "come and get me" message—with a map using GPS to show your precise location.
- You're on a date that starts to get uncomfortable. You need a polite way to excuse yourself. Use Circle of 6 to alert your circle to call you and interrupt the situation.
- You're seeing someone new, but you have some doubts about how things are going. Use Circle of 6 to access a wealth of online information about healthy relationships.
- In critical situations, use Circle of 6 to call two pre-programmed national hotlines or a local emergency number of your choice.

Circle of 6 is more than a safety application; it's a community and a state of mind. It fosters the formation of groups based on trust, and it connects users with organizations who have made violence prevention their mission. We hope the app becomes a vehicle for a social movement that champions safe and healthy relationships

Download the app at <http://www.circleof6app.com/>.