

MCWVC

Montgomery County Women's Center

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Understanding Consent

UNDERSTANDING CONSENT

Consent is an agreement between two people, given through words or actions, that they are both clearly and enthusiastically willing to engage in sexual activity. Silence or lack of resistance does not count as consent. Some people aren't able to give consent, such as individuals who are drunk, sleeping, or unconscious, and some people with intellectual disabilities. Consent involves active communication, and knowing that one person always has the right to withdraw consent. This means that someone can consent to one activity (kissing) but not consent to another (sex). Consent, like sex, should be about respecting each other to make their own decisions about their body.

How does consent work?

Getting consent can be simple: it's all about communication. You can talk about boundaries before engaging in sexual activity, but you should also regularly check in with a simple, "Is this okay?" to ensure everyone involved is comfortable with what is going on.

When you're engaging in sexual activity, consent is about communication. And it should happen every time for every type of activity. Consenting to one activity, one time, does not mean someone gives consent for other activities or for the same activity on other occasions. For example, agreeing to kiss someone doesn't give that person permission to remove your clothes. Having sex with someone in the past doesn't give that person permission to have sex with you again in the future. It's important to discuss boundaries and expectations with your partner prior to engaging in any sexual behavior.

You can change your mind at any time.

You can withdraw consent at any point if you feel uncomfortable. One way to do this is to clearly communicate to your partner that you are no longer comfortable with this activity and wish to stop. Withdrawing consent can sometimes be challenging or difficult to do verbally, so non-verbal cues can also be used to convey this. The best way to ensure that all parties are comfortable with any sexual activity is to talk about it, check in periodically, and make sure everyone involved consents before escalating or changing activities.

What is enthusiastic consent?

Enthusiastic consent is a newer model for understanding consent that focuses on a positive expression of consent. Simply put, enthusiastic consent means looking for the presence of a "yes" rather than the absence of a "no." Enthusiastic consent can be expressed verbally or through nonverbal cues, such as positive body language like smiling, maintaining eye contact, and nodding. These cues alone do not necessarily represent consent, but they are additional details that may reflect consent. It is necessary, however, to still seek verbal confirmation. The important part of consent, enthusiastic or otherwise, is checking in with your partner regularly to make sure that they are still on the same page.

Enthusiastic consent can look like this:

- Asking permission before you change the type or degree of sexual activity with phrases like "Is this OK?"
- Confirming that there is reciprocal interest before initiating any physical touch
- Letting your partner know that you can stop at any time
- Periodically checking in with your partner, such as asking "Is this still okay?"
- Providing positive feedback when you're comfortable with an activity
- Explicitly agreeing to certain activities, either by saying "yes" or another affirmative statement, like "I'm open to trying."
- Using physical cues to let the other person know you're comfortable taking things to the next level (see note below)

Note: Physiological responses like an erection, lubrication, arousal, or orgasm are involuntary, meaning your body might react one way even when you are not consenting to the activity. Sometimes perpetrators will use the fact that these physiological responses occur to maintain secrecy or minimize a survivor's experience by using phrases such as, "You know you liked it." In no way does a physiological response mean that you consented to what happened. If you have been sexually abused or assaulted, it is not your fault.

Consent does NOT look like this:

- Refusing to acknowledge "no"
- A partner who is disengaged, nonresponsive, or visibly upset
- Assuming that wearing certain clothes, flirting, or kissing is an invitation for anything more
- Someone being under the legal age of consent, as defined by the state
- Someone being incapacitated because of drugs or alcohol
- Pressuring someone into sexual activity by using fear or intimidation
- Assuming you have permission to engage in a sexual act because you've done it in the past

How do I Know if I Have Consent?

Consent must be informed (the person being acted upon knows what is happening) and mutual (both parties have input and both want to participate in a given sexual act.)

Communication is important. Consent is not implied; talk to your partner about what is comfortable for him or her every step of the way. Pay attention to both verbal and non-verbal communication – the absence of a "no" does not imply consent, nor does a prior sexual relationship. A person who is mentally or physically incapacitated by drugs or alcohol cannot give consent.