

Niagara University's Office of Prevention of Violence & Education

Definitions

Affirmative consent: is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the 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 participants' sex, sexual orientation, gender identity, or gender expression.

- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol;
- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act;
- Consent may be initially given but withdrawn at any time, and when consent is withdrawn or can no longer be given, sexual activity must stop;
- Coercion, force, or threat of either invalidates consent;
- 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. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Dating/Relationship Violence: Relationship violence occurs between people who know each other: boyfriends and girlfriends or same sex partners whether or not they live together. The violence may be physical, emotional and/or sexual. It may include threats, enforced social isolation and/or humiliation, intimidation, harassment, emotional mistreatment or abuse, financial control, forced sex or making threats with regard to family, friends, and/or children.

Stalking: is defined as non-consensual communication with, and/or harassment of another person. It is the willful, malicious and repeated harassing or threatening of another person, which, as a pattern, tends to escalate in both intensity and frequency over time and can last for many years. Stalking includes a direct or implied threat, and victims often report fear for their safety. Stalking is about power and control. Stalkers control the time, type, amount, and place on contact.

Cyberstalking: is the use of the internet or other electronic means to stalk or harass an individual, group, or organization. It may include false accusations, defamation, slander and libel.

Intimate Partner Violence: is a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Domestic Violence & Intimate Partner Violence: are terms that are often used interchangeably. Domestic Violence (DV) can be used to describe any abuse that occurs within the context of one's home or family, whereas Intimate Partner Violence includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an "intimate relationship" including but not limited to couples who live together or have lived together, or persons who are dating or who have dated in the past, including same sex couples.

Sexual Assault: Any act of violence, either physical or verbal. At its most basic level, sexual assault refers to any form of nonconsensual sexual activity, which encompasses all unwanted sexual acts from intimidation to touching to penetration. Sexual assault is an act of aggression designed to humiliate, intimidate, control, or instill fear.

Rape: Rape is a crime, which is a form of criminal sexual assault. Every state has its own definitions of rape. In general, rape is actual or attempted penetration accomplished by threats, coercion, or physical force. It includes non consensual vaginal, anal, or oral penetration by penis, finger, or any object. In the following circumstances, actual or attempted penetration is rape, because under NYS law, it is impossible for the following to give consent: individuals who are under the influence of alcohol or other controlled substances; who are physically helpless (including sleeping); who are under the age of 17; who are mentally incapacitated; and/or who are mentally disabled. Men and women, irrespective of gender identity or sexual orientation, may be either perpetrators or victims.