



# Sexual Misconduct

## Drunk Does Not Equal Consent

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**Note: It is strongly encouraged the chapter utilize a campus Title IX officer or sexual misconduct prevention expert to facilitate this discussion.**

Sexual assault and sexual violence are a significant societal problem. While this issue is certainly not confined to college campuses, problematic sexual behavior is often exacerbated at colleges and universities due to students' lack of experience with both sexual activity and alcohol consumption. Getting and giving consent is important, so always **ask before you act**. Remember, it is your responsibility to make sure any sexual advances you make are welcome. Not only is it the ethically right thing to do, *it's the law*.

Use this guide to lead a discussion about consent, what role you and your brothers can play in preventing sexual assault and strategies for intervening when you notice a situation developing.

### **Drunk ≠ Consent**

It's no secret that alcohol plays a major role in sexual assaults. In fact, on average at least 50% of college student sexual assaults are associated with alcohol use (Abbey et al., 1996a, 1998; Copenhaver and Grauerholz, 1991; Harrington and Leitenberg, 1994; Presley et al., 1997). Not only is it your responsibility to ensure that you have mutual consent for all sexual behaviors, but you must also 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 will not be a defense. Below are some examples of good practices and poor practices when it comes to matters of consent.

#### **Good Practices:**

- **Talk:** Ongoing conversation is an important vehicle for consent.
- **Clarify:** Don't be afraid to ask questions if anything is unclear, avoid ambiguity.
- **Mutually Consent:** Sex is a two-way street, ensure both parties communicate consent.
- **Make Consent an Ongoing Process:** Consent for one act (i.e. kissing) does not automatically imply consent for subsequent behaviors. It's vital to treat consent as an ongoing process.
- **Respect:** Consensual sex is best established when both parties can express themselves 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 that he/she is not fully participating, ASK if he/she wants to stop.
- **Know the Meaning of "Yes" and "No":** "No" always means no, not maybe. "Yes" means yes, unless the other person is incapacitated.

#### **Areas of Caution:**

- **Intoxication:** According to the laws of some jurisdictions, consent **cannot** be given when any person is incapacitated (whether by drugs or alcohol), unconscious or asleep. And a person doesn't have to be passed out to be incapacitated. They could be blacked out, for example.
- **Silence:** Do not rely on assumptions, proper communication is key for gaining consent.
- **Violence:** The threat or use of violence or force negates any previous consent. Period.
- **Drugs/Alcohol:** Giving someone drugs or alcohol with the intent to incapacitate is morally wrong and potentially illegal.

- **Language:** Words and comments that are sexual in nature can be unwelcome and make a person extremely uncomfortable, and can be considered a form of harassment.
- **Hooking Up:** The less you know the other person, the greater the risk of misunderstanding the wishes and intent of the other person.

**Why do you think it is so important to ensure that consent is both clear and mutual, besides the fact that it can keep a person out of trouble? What are some of the benefits of being above coercion, pressure, or manipulation in a sexual or hook-up situation?**

### **It's Everyone's Responsibility**

It is important to remember that everyone plays a role in preventing sexual assault. Whether you are at a fraternity event, off-campus party or local bar, you can play a vital part simply by looking out for others.

- Keep an eye on each other and be willing to be a good friend by stepping in if someone may be on the verge of making a decision they are going to regret.
- Know your allies in the chapter or on campus. Who are the chapter leaders, advisors or university staff you can talk to about this?
- Know your resources. Be knowledgeable about the people and/or places on your campus or in your local community who can assist in a sexual assault situation.

**What are some other ways that you and your chapter brothers can help prevent someone from being harmed or harming someone else sexually?**

### **Making it Easier to Say Something**

While it initially may seem awkward or difficult to intervene in a social setting, keep in mind that you ultimately have their best interest in mind — even if that appears unclear to the other person. If you notice something that looks wrong, it is your responsibility to intervene. Below are some tips and strategies that will help make it easier to speak up and say something when you see a situation developing.

- **Realize it's helping everyone involved**
- **Recruit others to help**
- **Approach as a friend – you're on the same team**
- **You can say a lot without saying much**

**Can you think of any other tips or strategies that might increase others' confidence or willingness to intervene? What are some potential consequences (for all parties involved) that could occur if no one intervenes in a situation?**

### **Resources**

**AARON BOE, FOUNDER OF PREVENTION CULTURE**

[HTTP://PREVENTIONCULTURE.COM/](http://preventionculture.com/)

**NATIONAL SEXUAL VIOLENCE RESOURCE CENTER**

[HTTP://WWW.NSVRC.ORG/](http://www.nsvrc.org/)

Resource adapted from Zeta Tau Alpha's *Drunk Does Not Equal Consent: A Conversation Starter*

**NOT ALONE: TOGETHER AGAINST SEXUAL ASSAULT**

[HTTPS://WWW.NOTALONE.GOV/](https://www.notalone.gov/)

**CAMPUS TITLE IX COMPLIANCE OFFICE/OFFICERS**

**SOCIAL STRENGTHS AND BYSTANDER STRENGTHS WORKSHOPS – ASK YOUR LEADERSHIP CONSULTANT**