

SEXUAL BOUNDARIES AND CONSENT

- Sexual consent means to give knowing, voluntary and clear permission by word or action to engage in mutually agreed-upon sexual activity.
- It is the responsibility of each party to make certain the other party has consented before engaging in sexual activity.
- Consent to some sexual contact cannot be presumed to be consent for other sexual activity.
- Consent given on a prior occasion does not constitute consent on a subsequent occasion.
- Silence or the absence of resistance in and of itself does not constitute consent.
- Consent can be withdrawn at any time during a sexual encounter. If that happens, the other person must stop immediately.
- If a person is intoxicated to the point of incapacitation, asleep, unconscious, passed out or underage, they are incapable of giving consent for sexual activity.

SAFETY TIPS

hr.adelphi.edu/title-ix/university-policy for complainant touching of an intimate body part for the purpose of

- **Be aware of your surroundings.**

sexual gratification that is committed without consent, or by the use or threat of force, or where the complainant is incapable of giving consent.

Acquaintance/date rape is sexual intercourse perpetrated by someone known to the complainant and committed without the consent of the complainant or by the use or threat of force, or when the complainant is incapable of giving consent.

• **“It can’t happen to me.”** Anyone can be a victim of sexual assault, regardless of their age, race, gender, sexual orientation, educational background or income level.

• **“The primary motive for rape is sex.”** Rape is a crime of power, violence and control.

• **“Rape only occurs among strangers.”** Seventy percent of rape cases are committed by someone known to the victim.

• **“No one can be forced to have sex against their will.”** Anyone can be forced to have sex against their will by the threat or use of force.

• **“Most rape victims suffer visible physical injury from the incident.”** More than two-thirds of all rape victims do not sustain any visible physical injuries from their attack.

LEGAL OPTIONS

Sexual assault complainants have the following options:

Criminal Prosecution

Report the incident to the local or state police for possible arrest and prosecution. Criminal investigations are independent of campus disciplinary proceedings. Complainants can be assisted by University personnel in reporting these cases to the police.

Civil Remedies

Pursue civil remedies. Civil proceedings are independent of any criminal or campus disciplinary proceedings.

STUDENT BILL OF RIGHTS

For sexual assault, dating violence, domestic violence and stalking

All students have the right to:

1. Make a report to local law enforcement and/or the state police;
2. Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;

3. Make a decision about whether or not to disclose a crime or violation and have that decision respected. Students have the right to a criminal justice process free from pressure.

APPLICABLE LAWS AND PENALTIES

CRIME	CLASS	MAXIMUM
Sexual Misconduct	A Misdemeanor	1 year
Rape, 3rd degree	E Felony	4 years
Rape, 2nd degree	D Felony	7 years
Rape, 1st degree	B Felony	25 years
Criminal Sexual Act, 3rd degree	E Felony	4 years
Criminal Sexual Act, 2nd degree	D Felony	7 years
Criminal Sexual Act, 1st degree	B Felony	25 years
Forcible Touching	A Misdemeanor	1 year
Persistent Sexual Abuse	E Felony	4 years
Sexual Abuse, 3rd degree	B Misdemeanor	3 months
Sexual Abuse, 2nd degree	A Misdemeanor	1 year
Sexual Abuse, 1st degree	D Felony	7 years
Aggravated Sexual Abuse, 4th degree	E Felony	4 years
Aggravated Sexual Abuse, 3rd degree	D Felony	7 years
Aggravated Sexual Abuse, 2nd degree	C Felony	15 years
Aggravated Sexual Abuse, 1st degree	B Felony	25 years
Facilitating Sex Offense With a Controlled Substance	D Felony	7 years