

## **Holy Names University Policy on Consent Spring 2014**

*Overview* – This policy pertains to sexual activity involving HNU students and provides guidance for determining sexually appropriate consensual behavior between individuals and for addressing complaints regarding sexually inappropriate consensual-related behavior between individuals. In other words, the intent of this policy is to promote the standard of “Yes means Yes” and to be an *Affirmative-Consent Campus*.

*Definition of Affirmation Consent* – “Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent” (California Senate Bill 967, Chapter 748).

Affirmative consent must be provided by both parties.

*Reporting of Complaints* – Students may present complaints to University Officials, including:

- [Michael Miller](#), Vice President for Student Affairs, Title IX Coordinator
- [Heather French](#), Dean for Student Development
- [HNU Counseling Services](#)
- [Campus Ministry](#)
- [Campus Safety](#)

*Adjudication of Complaints* – When investigating allegations of sexual misconduct (assault) HNU will determine whether both parties gave “affirmative, conscious and voluntary agreement” (California Senate Bill 967, Chapter 748). To evaluate complaints, it shall not be a valid excuse to claim affirmative consent happened under either of the following circumstances (California Senate Bill 967, Chapter 748):

- The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.
- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

*Additional Information* – More information and educational programs is available through Student Affairs, Campus Safety, Student Development and Engagement, and Counseling and Psychological Services. The following information may also be helpful.

- [Harassment Policy](#) - As a University dedicated to fostering the dignity of each person, HNU strives to provide an environment that is free of harassment. All members of the University community, especially faculty and other individuals who exercise supervisory authority have an obligation to promote this environment.
- [Sexual Assault – Policy and Reporting of Incidents](#) - Holy Names University deplors and prohibits sexual offenses of any kind (including but not limited to forcible sex offenses, non-forcible sex offenses, stalking, acquaintance rape, and the use of mind altering substances to facilitate any activity, including those that are sexual). Any such act committed against the integrity of another person will not be tolerated.
- [Reporting an Incident](#) - **Inquiries concerning the application of Title IX may be referred to:**
  - Michael S. Miller, Vice President for Student Affairs, Title IX Coordinator, [mmiller@hnu.edu](mailto:mmiller@hnu.edu), 510-436-1360, Brennan Hall, Room 54
  - United States Department of Education Office for Civil Rights, San Francisco Office, U.S. Department of Education, 50 Beale Street, Suite 7200, San Francisco, CA 94105-1813 Telephone: (415) 486-5555; Facsimile: (415) 486-5570; [Email: OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov).