

## ALCOHOL AND OTHER DRUGS AND CONSENT

Seton Hall is ethically and legally bound to discuss the importance of maintaining healthy relationships among our students. The following information mentions various acts of sexual intimacy and sexual violence. As a Catholic university, we remind our students that loving relationships are sacred. We are committed to creating and maintaining an atmosphere free from all forms of harassment, exploitation or intimidation. Sexual assault is not about the act of sex itself, but an act of violence and control. Any form of sexual violence contradicts the mission of the Catholic Church and our University. It will not be tolerated.

Our multilevel efforts to address issues related to sexual misconduct reflect an institutional commitment to seeing each person as deserving of respect as a person created in God's image.

Sexual contact in the absence of clear consent is a violation of University policy and may also be a crime in the state of New Jersey. A person who is incapacitated due to alcohol and/or other drugs is unable to give consent. The use of alcohol and other drugs can have unintended consequences. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion whether consent is freely and affirmatively given.

Common warning signs that a person may be incapacitated or approaching incapacitation include, but are not limited to:

- Slurred or incomprehensible speech
- Unsteady gait and needing assistance to walk
- Vomiting
- Unable to understand questions such as "Do you know where you are?", "Do you know how you got here?", and "Do you know whom you are with?"

Because the impact of alcohol and other drugs varies from person to person, one should be cautious before engaging in sexual contact when either party has been drinking or using other drugs. If one has doubt about either party's level of intoxication, the best thing to do is forgo all sexual contact.

Being intoxicated or impaired by alcohol or drugs is never a defense to a complaint of sexual violence.

Seton Hall University defines Consent as: "clear, unambiguous and voluntary agreement between the participants to engage in specific sexual activity.

"Past consent between the participants does not imply future consent. Silence or the absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

"Someone who is incapacitated cannot give consent. Incapacitation may be due to the use of alcohol and/or other drugs, may be if a person is asleep or unconscious, or may be due to an intellectual or other disability that prevents the student from having the capacity to give consent."

For questions, concerns, or more information, please contact the Dean of Students Office, rm. 237 in the University Center, 973-761-9076.