



STATEMENT ON CONSENT

Toccoa Falls College promotes the belief that sex is reserved for marriage. Although TFC maintains its right to uphold and apply its religious beliefs with regard to sexual behavior, the College has no tolerance for any form of Sexual Misconduct committed against any individual. Individuals are strongly encouraged to report all incidents of Sexual Misconduct, even when the individual has a concern that they have engaged in conduct that may violate provisions of the College's Student Handbook relating to sexual behaviors. See **TFC's Amnesty policy** for more information.

CONSENT

At Toccoa Falls College, consent is defined as words or overt actions by a person in advance clearly communicating a freely given, present agreement to participate in a particular sexual contact or activity. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual contact or activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual contact or activity to obtain consent for that activity. For consent to be valid there must be a clear expression in words or actions that the other individual consented to that specific sexual contact or activity.

The definition of consent is subject to the following:

- A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue and, if that happens, the other person must stop immediately.
- A minor below the age of consent according to state law (age 16 in Georgia) cannot consent to sexual activity. Sexual contact by an adult with a person below the age of consent is a crime as well as a violation of this Policy, even if the minor appeared to have wanted to engage in the act.
- Consent to some physical contact (such as kissing or fondling), by itself, cannot be presumed to be consent for other sexual activity (such as intercourse).
- The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.
- Silence or the absence of resistance alone is not consent. Consent is active, not passive.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- A current or previous sexual relationship or encounter, by themselves, are not sufficient to constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.
- An existing sexual, romantic, or marital relationship does not, by itself, constitute consent.
- Prior sexual activity with other individuals does not imply consent.



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- Consent cannot be procured, expressly or implicitly, by use of force, intimidation, threats, or coercion, as that term is defined below.
- An individual known to be, or who should be known to be, incapacitated, as defined by this Policy, cannot consent to sexual activity initiated by another individual.
- Use of alcohol or other drugs will never function to excuse behavior that violates this Policy.
- Explicit consent to protected sexual contact does not constitute consent to unprotected sexual contact.

INCAPACITATION

Incapacitation is defined as the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. It may be permanent or temporary. Someone who is asleep, unconscious, or involuntarily physically restrained is incapacitated. Someone can also be incapacitated by alcohol or other substances. With respect to incapacitation due to the ingestion of alcohol or other drugs, incapacitation requires more than being under the influence of alcohol or other drugs; a person is not incapacitated just because they have been drinking or using other drugs. Where alcohol or other substances are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent; and whether such condition was known or reasonably should have been known to the accused or a reasonable, sober person in the accused's position. Intoxication of the respondent is not an excuse for failure to obtain consent or failure to know of the complainant's inability to consent.

COERCION

Coercion is defined as the application of an unreasonable amount of pressure or emotional/psychological manipulation that would induce an individual to do something against their will. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to obtain consent from another. Coercion involves (1) the use of physical force, (2) threats of severely damaging consequences or (3) pressure that would cause a reasonable person to fear severely damaging consequences.

SEXUAL MISCONDUCT CONDUCT PROCEDURES

The Title IX Coordinator or her designee coordinates TFC's response to alleged Sexual Misconduct policy violations and the formal or informal resolution of any related complaints. These policies and their resolution falls under guidelines provided by the Department of Education. Therefore, student conduct procedures described in the Conduct Procedures section of this Code of Student Conduct do not apply in such cases.

Procedures related to Sexual Misconduct complaints are further outlined in the TFC Title IX policy found here: <https://tfc.edu/title-ix/>.



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BEING AN EFFECTIVE BYSTANDER

Proactive intervention will serve the College in identifying students who may have the potential to either hurt themselves or others. If a student, faculty or staff member is a witness to a comment or action that is made which could lead to a violent act, either against themselves or the campus community, or to Sexual Misconduct, a report should be made at once to the Division of Student Affairs. The bystander should contact the Vice President for Student Affairs within 24 hours and submit a confidential report of what they witnessed.

To be an effective bystander, consider engaging in one or more of the following ways:

- Be proactive and speak up for those who cannot speak for themselves.
- Assist those with seeking help to address the situation that occurred.
- Remember details related to the scene (gender, clothing, location, number of people involved, comments made, names and description of others in the area, sound of voice tones, etc.).
- Take seriously and advance the information provided to you as it deals with a misconduct issue, specifically if it relates to an area of Sexual Misconduct, Stalking, Dating Violence, Domestic Violence, and/or Sexual Assault.
- Learn more about being an effective bystander.

REDUCING RISK AND WARNING SIGNS OF ABUSE

Reducing risk in romantic relationships or platonic friendships helps students and employees stay more safe and healthy. Listed below are a few options to reduce the risk that can compromise personal safety.

- Be wary of meeting unknown people with whom you have communicated with online in a physical location.
- Inform friends of where you are going.
- Awareness of how to express yourself in clear and understandable terms.
- Awareness of campus/community resources that can help.
- Avoid substances that can impair your judgment while also being in an unknown/unfamiliar location.
- Avoid locations that appear questionable or untrustworthy.
- Be aware of exit locations and opportunities to flee a situation.
- Visit with licensed counseling staff or others on campus or in the community to discuss challenges or concerns in relationships.
- Attend a personal safety course offered on campus or in the local community to learn basic self-defense tactics/strategies.



Warning signs can surface or evolve that can lead to non-healthy relationships. Listed below are examples of warning signs that may be characteristic of abuse (2014, Center for Relationships Abuse Awareness):

- Public criticism, humiliation from your partner in private or public
- Nervousness around your partner
- Being scared to disagree with your partner
- Receiving pressure from partner for sexual activity
- Lack of effective communication
- Direct or indirect messages from your partner that indicate you are the one who should change to make things better
- Violent or threatening behavior in public or private
- Dismissal of demeaning comments with excuses of “being tired” or “joking”