



## Know Your Rights! Consent

What is consent?

Freely and verbally agreeing to give/receive an intimate touch at all times during the interaction. Always ask!



What if I didn't give consent?

You may be a victim of sexual harassment and/or sexual assault.

What ISN'T consent?

Consent cannot be given if under...

- Pressure
- The influence of alcohol or drugs
- Age 18 (See below for detail.)
- Assumption of consent or based on body language

What If I am accused of not getting consent?

You may face criminal prosecution, school disciplinary action, a restraining order, and/or a lawsuit.

**Youth Legal Hotline: (510) 250-5277**

Leave a message ANYTIME and include your name and number in the message.



## Know Your Rights!

### What is (and isn't) Consent?

Consent means that one person allows another person to intimately touch them.



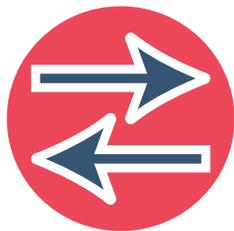
Consent is not a guessing game, though.

- If one person begins to touch another person intimately, and the other person does not say or show that they're uncomfortable, that does not equal consent.
- Always ask if the person is okay with being touched, and not assume they're fine with it if they're quiet.
- There isn't a way around vocal consent - no matter what someone is wearing or previous interaction.
- Body language is not enough. A vocal agreement is required.



Can I change my mind?

- Consent requires that both people are, at all times, comfortable with their decision to have an intimate interaction.
- Just because someone consented before does not mean they have to continue the interaction.
- Even if two people are dating or married, consent is not guaranteed. Partners should consistently check in with each other to confirm that what they're doing is okay!



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# Know Your Rights!

## What is (and isn't) Consent?

### What if I did not give consent?<sup>1</sup>

- If someone did not consent to an intimate interaction and it happened anyway, they are a victim of sexual harassment and/or sexual assault.
- If you're unsure if it "counted" as an intimate interaction, reach out to an adult you trust. Many situations are considered intimate, and if your gut is telling you that something didn't feel right, it probably wasn't.



### What if I've been drinking or using drugs?

- A person cannot consent if they are under the influence of any drugs or alcohol, as drugs and alcohol can interfere with someone's true feelings on what they're comfortable with.



### What if I feel pressured or forced into an intimate interaction?

- A person cannot consent if their partner is pressuring them, threatening them, or somehow tricking them into agreeing to have an intimate interaction. Any decision has to be completely their own.
- To understand if this is truly their own decision, both people should check-in with themselves and each other.
- Talking to your partner before, during, and after an intimate interaction is the best way to make sure both of you are comfortable with moving forward.



### What if my partner is older than me?

- Under California law, it's important to know that a minor (someone under the age of 18) cannot consent to have sex with an adult (someone over the age of 18). If this happens, the adult could be arrested and found guilty of statutory rape. The minor, however, will not be punished in any way, and there should be no fear of state action against them.



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## Know Your Rights! Consent and Social Media



### What if someone is sending me unwanted sexual content through text or social media?

- If you receive unwanted sexual content through any form of media (texts, emails, Instagram, TikTok, Snapchat, etc.), or if someone is sending or posting sexual content about you without your consent, this could be considered sexual harassment or bullying at school.<sup>2</sup> Reach out to an adult you trust or BayLegal to help you navigate the situation.

### What if someone is posting sexual content about me?

- If someone is posting sexual content about you in any way, contact BayLegal as this is typically illegal under child pornography and/or child exploitation laws in California. The person posting could be arrested and found guilty for their actions.

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# Know Your Rights! Consent and School Responsibility



Schools have a responsibility to keep everyone safe at school or in any school-related activity. If something intimate occurred at school or at a school-related activity and you did not give your consent, reach out to BayLegal and we can help you figure out your options.<sup>3</sup>

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1) See Equal Rights Advocates on sexual harassment, sexual assault, and Title IX claims: <https://www.equalrights.org/issue/equality-in-schools-universities/sexual-harassment/>

2) See Equal Rights Advocates: <https://www.equalrights.org/issue/equality-in-schools-universities/sexual-harassment/>; [stopbullying.gov](https://stopbullying.gov); Educ. Code § 48900.

3) See Equal Rights Advocates on sexual harassment, sexual assault, and Title IX claims: <https://www.equalrights.org/issue/equality-in-schools-universities/sexual-harassment/>; Department of Education Questions and Answers on Title IX Regulations on Sexual Harassment: <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

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