

**Consent** means an informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent must be voluntary, and given without coercion, force, threats, or intimidation. Consent requires positive cooperation in a particular sexual act, or expression of intent to engage in that sexual act through the exercise of free will. Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts). Consent to sexual activity given on one occasion does not constitute consent to sexual activity on another occasion. The fact that two people are or were in a dating or sexual relationship does not constitute consent to engage in sexual activity. There must always be mutual and affirmative consent to engage in sexual activity. Consent to a sexual act may be withdrawn or revoked at any time, including after penetration. The victim's request for the perpetrator to use a condom or birth control does not, in and of itself, constitute consent. Once consent is withdrawn or revoked, the sexual activity must stop immediately. Consent cannot be given by a person who is incapacitated. For example, a person cannot give consent if s/he is unconscious or coming in and out of consciousness. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational judgments. Examples of incapacitation include unconsciousness, sleep and blackouts. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decisionmaking capacity, awareness of consequences, and ability to make fully informed judgments. A person with a medical or mental disability may also lack the capacity to give consent. Being intoxicated by drugs or alcohol does not diminish a person's responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered include whether the person knew, or whether a reasonable person in the accused's position should have known, that the victim did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent. Sexual intercourse with a minor is never consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

- **Domestic Violence** is a form of sexual violence and is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.
- **Dating Violence** is a form of Sexual Violence and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website.
- **Stalking** means a repeated course of conduct directed at a specific person that places that person in reasonable fear for his/her or others' safety, or to suffer substantial emotional distress.
- See further information in Fresno State's sexual violence prevention and education statement, which includes facts and myths about sexual violence at <http://www.fresnostate.edu/titleix/students>.

**Whom to Contact If You Have Complaints, Questions or Concerns.** Title IX requires the university to designate a Title IX Coordinator to monitor and oversee overall Title IX compliance. Your campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint (for example, in cases of sexual violence); the university's complaint process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters. **If you are in the midst of an emergency, please call the police immediately by dialing 9-1-1.**

**Campus Title IX Coordinator:**

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Office Hours: 8 a.m. -5 p.m.

**University Police**

Lt. Lupe Canales-Shrum  
2311 E. Barstow Avenue  
Fresno, CA 93740  
[lupec@csufresno.edu](mailto:lupec@csufresno.edu)  
559.278.8400

**U.S. Department of Education, Office for Civil Rights:**

800.421.3481 or [ocr@ed.gov](mailto:ocr@ed.gov)