

Definitions

Version 7

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What is Sexual Assault?

A criminal offence under the *Criminal Code of Canada*. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration.

Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened or that is carried out in circumstances in which the person has not freely agreed, consented to or is incapable of giving consent.

What is Sexual Violence?

Sexual violence is any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, including sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

What is Consent?

Consent is voluntary agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour and requires that a person is able to freely choose between two options: yes and no.

This means that there must be an understandable exchange of affirmative words that indicate a willingness to participate in a mutually agreed-upon sexual activity. Further:

- silence or non-communication must never be interpreted as consent, and a person in a state of diminished judgement cannot consent
- a person is incapable of giving consent if they are asleep, unconscious, or otherwise unable to communicate
- a person who has been threatened or coerced (i.e., is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it
- a person who is drugged is unable to consent

- a person is unable to give consent when under the influence of alcohol and/or drugs
- a person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts
- the fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all current or future sexual activity, regardless of relationship status
- a person can withdraw consent at any time during the course of a sexual activity
- a person is incapable of giving consent to a person in a position of trust, power or authority, such as a faculty member initiating a relationship with a student who they teach or an administrator in a relationship with anyone who reports to them
- consent cannot be given on behalf of another person

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is of the age to consent.

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