

## Rape, Sexual Assault & Sexual Battery

**Both men and women can be victims of rape or sexual assault.** For purposes of this notice, Rape, Sexual Assault, and Sexual Battery are defined below:

**Rape** is a form of Sexual Violence and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The accused's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.

**Sexual assault** is a form of Sexual Violence and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

**Sexual Battery** is a form of Sexual Violence and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex.

In order for a sexual act to be considered rape, sexual assault, or sexual battery the act must be non-consensual. What is consent?

**Consent** for sexual contact means that an individual is a willing participant in the sexual act. **Individuals are unable to give consent if incapacitated by the influence of drugs or alcohol or they suffer from a physical or mental disorder that makes them incapable of giving consent. Likewise, a minor is unable to give legal consent for sexual intercourse.**