Some Facts about Alcohol and Sexual Misconduct

Drinking is undeniably part of campus life, and in some cases, central to the social scene. Students consider alcohol to be a quick way to relax and unwind, to reduce inhibitions, to simply let go and enjoy oneself. It is an integral part of the hook up culture and facilitates casual sexual encounters. Two people meet at a bar or party, have several drinks and engage in consensual sex. Underage drinking aside, there’s nothing wrong with that. Maybe a hangover or some regrets in the morning, but no harm done.

So when does the line get crossed? When does social interaction become sexual predation? When does consensual sex become sexual misconduct?

Colgate’s policy is clear on several points:

- **Consent.** Consent is the crux of the matter. Without clear, voluntary, knowing permission by both parties to a sexual activity, consensual sex cannot take place and the behavior has crossed the line into sexual misconduct. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). 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. Silence, the lack of “no,” or the absence of resistance alone is not consent. The desire to engage in ongoing sexual activity must be clear.

- **Incapacitation.** Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of the sexual interaction). If someone is incapacitated, disoriented, unconscious or blacked out due to alcohol or other drugs, that person cannot give knowing consent to sexual interaction. An individual who engages in sexual activity when the individual knows, or should know, that the other person is incapacitated due to alcohol or other drugs has committed sexual assault and violated Colgate’s policy.

- **Intoxication is not an excuse.** It is not an excuse that the individual responsible for sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Just as with drinking and driving, the individual is responsible for their actions while under the influence of drugs and alcohol.

- **Amnesty.** If you are a victim of sexual misconduct, you will not be charged with minor infractions (such as underage drinking) that are ancillary to the incident.

- **Morning after remorse does not mean misconduct occurred.** Having sexual encounters while intoxicated does not violate Colgate’s policy as long as the individuals willingly participated in the sexual activity. Because inhibitions are lowered, people can make decisions while drunk that they would not have made if they were sober, including the decision to engage in sexual activity. The issue is whether both partners consented to the sexual interaction at the time it occurred.

Other points to keep in mind:
• In 94% of cases of sexual assault on college campuses, the victim knew the perpetrator. This is not stranger rape, but acquaintance rape, assault committed by the seemingly nice person you met at the social event.
• Sexual predators plan in advance, target their victims, and frequently incapacitate them through the use of alcohol and so-called date-rape drugs.
• You can take steps to protect yourself from sexual predators. Be your own bartender. Keep track of your drink at all times and pour your own beverage, whether it is alcohol or something else. Pay attention to what is happening around you, and if a situation begins to feel unsafe, leave. Adopt a “buddy system.” Go with a friend, stay with a friend, leave with a friend. Make very clear to your friends what your expectations and wishes are before the night begins, and stick with the plan.