

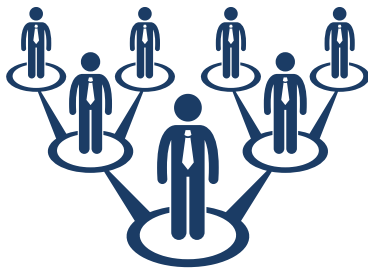
WHAT IS CONSENT?

As defined in MCA 45-5-501

"AN EXPRESSION OF LACK OF CONSENT THROUGH WORDS OR CONDUCT MEANS THERE IS NO CONSENT OR THAT CONSENT HAS BEEN WITHDRAWN."

"No! Stop!" Not engaging, whimpering, crying, freezing, moving away, fighting, silence...

There are numerous other verbal and non-verbal expressions that may indicate no consent was given or has been withdrawn.



"A CURRENT OR PREVIOUS DATING OR SOCIAL OR SEXUAL RELATIONSHIP BY ITSELF OR THE MANNER OF DRESS OF THE PERSON INVOLVED WITH THE ACCUSED IN THE CONDUCT AT ISSUE DOES NOT CONSTITUTE CONSENT."

Look at the totality of the circumstances.

You cannot draw conclusions based on prior relationships, current relationships, or manner of dress.

"LACK OF CONSENT MAY BE INFERRED BASED ON ALL OF THE SURROUNDING CIRCUMSTANCES AND MUST BE CONSIDERED IN DETERMINING WHETHER A PERSON GAVE CONSENT."

Consent is not based on just one moment during sexual activity, but what happens before, during, and after the sexual encounter.



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