Report + Support: What is sexual misconduct?

Sexual Misconduct means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to:

- Sexual harassment
- Sexual assault
- Rape

Consent

A person consents to a sexual interaction taking place if they agree by **choice** and have the **freedom** and **capacity** to make that choice.

Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and it may be withdrawn at any time. Consent must be enthusiastic, ongoing, and clearly communicated.

Freedom to consent is not present when submission by an unwilling participant results from the exploitation of power, coercion or force, regardless of whether there is verbal or physical resistance. Exploitation of power happens when someone in a position of power, be that real or perceived, uses their position to take advantage of someone else. Coercion or Force include any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual feels compelled to engage in a sexual act.

Capacity to consent is not present when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as the result of alcohol or drug use. Signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively.

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Examples of sexual misconduct:

- Pressuring or forcing someone to do something sexual;
- Touching someone sexually without their permission;
- Unwanted sexting – sending sexually explicit texts and images to someone without their consent;
- Unwanted sexual attention – for example making sexualised comments about someone's body;
- Engaging in sexual acts with someone who is too drunk, or too intoxicated to give consent
- Engaging in a sexual act with someone who is asleep or unconscious.

Find out more:

- Citizens Advice: provide information on rape and sexual assault.
- Met Police: Provide further information on definitions of sexual assault, rape and consent.
- Rape Crisis: Provide information on the different types of sexual violence.