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GQ MAGAZINE MENTIONS ANTIOCH COLLEGE'S 1990S POLICY FOR AFFIRMATIVE CONSENT

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1990s Policy for Affirmative Consent**

Antioch College News

by antiochcollege | Mar 4, 2020

In an article written by Eliza Brooke for GQ Magazine, Brooke writes about #SexEd and post #MeToo and references Antioch's early 1990s response to reports of rape on campus:

the Sexual Assault Policy which received nation-wide coverage by the media.

29 years ago, Antioch's sexual consent form was mocked. Today, it's more relevant than ever.

Follow [this](#) link to read the article. The full policy is outlined below.

THE ANTIOCH COLLEGE SEXUAL OFFENSE POLICY

All sexual contact and conduct on the Antioch College campus and/or occurring with an Antioch community member must be consensual.

When a sexual offense, as defined herein, is committed by a community member, such action will not be tolerated.

Antioch College provides and maintains educational programs for a community members, some aspects of which are required. The educational aspects of this policy are intended to prevent sexual offenses and ultimately to heighten community awareness.

In support of this policy and community safety, a support network exists that consists of the Sexual Offense Prevention and Survivor Advocacy Program, an Advocate, Peer Advocates, and victim/survivor support groups through the Sexual Offense Prevention and Survivors' Advocacy Program and Counseling Services.

The Advocate (or other designated administrator) shall be responsible for initiation and coordination of measures required this policy.

The implementation of this policy also utilizes established Antioch governance structures and adheres to contractual obligations.

CONSENT

1. For the purpose of this policy, "consent" shall be defined as follows: the act of willingly and verbally agreeing to engage in specific sexual contact or conduct.

2. If sexual contact and/or conduct is not mutually and simultaneously initiated, then the person who initiates sexual contact/conduct is responsible for getting the verbal consent of other individual(s) involved.

3. Obtaining consent is an on-going process in any sexual interaction. Verbal consent should be obtained with each new level of physical and/or sexual contact/conduct in any given interaction regardless of who initiates it. Asking "Do you want to have sex with me?" is not enough. The request for consent must be specific to the act.

4. The person with whom sexual contact/conduct is initiated is responsible to express verbally and/or physically her/his willingness or lack of willingness when reasonably possible.

5. If someone has initially consented but then stops consent during a sexual interaction, she/he should communicate withdrawal verbally and/or through physical resistance. The other individual must stop immediately.

6. To knowingly take advantage of someone who is under the influence of alcohol, drugs and/or prescribed medication is not acceptable behavior in the Antioch community.

7. If someone verbally agrees to engage in specific contact/conduct, but it is not of her/his own free will due to any of the circumstances stated in (a) through (d) below, then the person initiating shall be considered in violation of this policy if:
 - a) the person submitting is under the influence of any other substances supplied to her/him by the person initiating;
 - b) the person submitting is incapacitated by alcohol and/or prescribed medication;
 - c) the person submitting is asleep or unconscious;
 - d) the person initiating has forced, threatened, coerced, intimidated the other individual(s) into engaging in sexual contact and/or sexual conduct.

OFFENSES DEFINED

The following sexual contact/conduct are prohibited under Antioch College's Sexual Offense Policy and, in addition to possible criminal prosecution, may result in sanctions up to and including expulsion or termination of employment.

RAPE: Non-consensual penetration, however slight, of the vagina or anus; non-consensual fellatio or cunnilingus.

SEXUAL ASSAULT: Non-consensual sexual conduct exclusive of vaginal and anal penetration, fellatio and cunnilingus. This includes but is not limited to, attempted non-consensual penetration, fellatio or cunnilingus; the respondent coercing or forcing the primary witness to engage in non-consensual sexual contact with the respondent or another.

SEXUAL IMPOSITION: Non-consensual sexual contact. "Sexual contact" includes the touching of thighs, genitals, buttocks, the groin region, or the breast/chest area.

INSISTENT AND/OR PERSISTENT SEXUAL HARASSMENT:

Any insistent and/or persistent emotional, verbal or mental intimidation or abuse found to be sexually threatening or offensive. This includes, but is not limited to, unwelcome and irrelevant comments, references, gestures or other forms of personal attention which are inappropriate and which may be perceived as persistent sexual overtones or denigration.

NON-DISCLOSURE OF A KNOWN POSITIVE HIV STATUS:

Failure to inform one's sexual partner of one's known positive HIV status prior to engaging in high risk sexual conduct.

NON-DISCLOSURE OF A KNOWN SEXUALLY TRANSMITTED DISEASE:

Failure to inform one's sexual partner of one's known infection with a sexually transmitted disease (other than HIV) prior to engaging in high risk sexual conduct.

PROCEDURES

1. To maintain the safety of all community members, community members who are suspected of violating this policy should be made aware of the concern about their behavior. Sometimes people are not aware that their behavior is sexually offensive, threatening, hurtful. Educating them about the effects of their behavior may cause them to change their behavior.

If someone suspects that a violation of this Sexual Offense Policy may have occurred, she/he should contact a member of the Sexual Offense Prevention and Survivors' Advocacy Program or the Dean of Students.

It is strongly encouraged that suspected violations be reported, that they be reported as soon as is reasonable after a suspected violation has occurred. Where criminal misconduct is involved, reporting the violation to the local law enforcement agency is also strongly encouraged.

Any discussion of a suspected violation with a member of the

Sexual Offense Prevention and Survivors' Advocacy Program or the Dean of Students will be treated as confidential.

2. When a suspected violation of this policy is reported, the person who receives the report with the Sexual Offense Prevention and Survivors' Advocacy Program or the Dean of Students office will explain to the person reporting all of her/his options (such as mediation, the Hearing Board, and criminal prosecution) which are appropriate to the suspected offense.

3. If the person reporting a suspected policy violation wishes to arrange for mediation, then the Advocate, the Dean of Students, or a staff member of the Sexual Offense Prevention and Survivors' Advocacy program shall arrange for mediation consistent with the mediation guidelines used by the Sexual Offense Prevention and Survivors' Advocacy Program.

a) If the Dean of Students arranges mediation, the Dean shall notify the Advocate of the mediation session.

b) A written agreement with educational and/or behavioral requirements may be part of the outcome of a mediation session. Copies of this agreement shall be given to the parties involved, the Advocate and the Dean of Students.

c) Should a student persist in sexually threatening or offensive behavior after mediation has been attempted, the Sexual Harassment Committee or the Advocate should refer the case to the Hearing Board.

d) If a satisfactory conclusion is not reached through mediation or if the mediation agreement is not adhered to by any of its participants, then the case may be referred to the Hearing Board.

4. In the event that an action taken by the Dean of Students regarding a sexual offense is appealed, the appeal shall be made to the Hearing Board.

5. If the primary witness wishes the Hearing Board to make a finding regarding an alleged policy violation, the primary witness must file a written complaint with the Advocate. The Advocate shall inform the primary witness of her/his rights regarding procedure and appeal under this policy.

6. When a written complaint is filed, if the respondent is a

employee, the Advocate shall inform the President or the President designee of the reported violation of the Sexual Offense Policy. The matter will be promptly investigated by the appropriate administrator or other supervisor with the assistance of the Advocate. If whatever review process appropriate to the employee results in a determination that the policy has been violated, the remedy should be commensurate with the seriousness of the violation, and procedures specified in College and University policies should be followed.

7. When an official report is filed, if the respondent is a student, then the following procedures shall be followed:

A. The Advocate shall notify the Dean of Students, or a senior College official, who shall have the respondent report to the Dean of Students' office within a reasonable period of time, not to exceed the next business day the College is open that the respondent is on campus. When the respondent reports, the respondent will then be informed by the Advocate and/or the Dean of Students of the report of the sexual offense, the policy violation which is being alleged, and her/his rights regarding procedure and appeal. The respondent will be given an opportunity to present her/his side of the story at that time. If the respondent does not report as directed, implementation of this policy shall proceed.

B. Based on the information available, the Advocate, or the Dean of Students in the Advocate's absence, will determine whether there is reasonable cause to believe that a policy violation may have occurred.

C. In the event that the respondent is situated on campus and there is reasonable cause to believe that a policy violation may have occurred, and (2) there is reasonable cause to believe that the respondent may pose a threat or danger to the safety of the campus community, the Hearing Board will be convened as soon as possible, preferably within 24 hours from the time of the report to the Advocate, to determine whether the respondent shall be removed from campus until the conclusion of the Hearing process. If the Hearing Board cannot be convened within 24 hours but there is reasonable cause as stated in (1) and (2) above, the Dean of Students or the Advocate in the Dean of Students' absence, can act to remove the respondent from campus.

If the respondent is living on-campus and is temporarily removed from campus, the College will help arrange housing if the respondent is unable to locate any on her/his own.

If the respondent is taking classes on-campus and is temporarily

banned from attending classes, the College will help provide alternative instruction.

The emergency removal of the respondent from campus shall constitute a determination that the respondent has violated this policy.

D. The Hearing Board will then convene for a Hearing hear the case. Consistent with this policy, the Hearing Board will take into account the primary witness's story, the respondent's witnesses, the past history of the respondent, and other relevant evidence, and will determine whether or not a policy violation has occurred and which aspect of the policy has been violated.

E. The Hearing shall take place as soon thereafter a reasonable, no longer than seven days from the date of filing or notification of the respondent, whichever is later, unless the Advocate determines that reasonable cause exists for convening the meeting at a later, still reasonable time, in which event the Advocate shall so notify the Chair of the Hearing Board.

F. If the primary witness chooses, she/he may have a representative at all hearings of the Hearing Board and/or through any appeals process. The primary witness's advocate is to provide advocacy and emotional support for the primary witness. When appropriate, if the primary witness chooses, the Advocate or a Peer Advocate may act as the primary witness's representative at all hearings of the Hearing Board and/or through any appeals process. The primary witness may also choose to have someone outside the Sexual Offense Prevention and Survivors' Advocacy Program serve as her/his representative. Choosing a representative from within Antioch community is encouraged.

G. If the respondent chooses, she/he may have a representative at all hearings of the Hearing Board and/or through any appeals process. The respondent's advocate is to provide advocacy and emotional support for the respondent. When appropriate, if the respondent chooses, the respondent may select an advocate from the list maintained by the Students' office of administrators and tenured faculty who have a serve in this role. This advocate may act as the respondent's representative at all hearings of the Hearing Board and/or through any appeals process.

The respondent may also choose to have someone outside this list serve as her/his representative. Choosing a representative from within the Antioch community is encouraged.

8. The Hearing Board and any appellate body which hears a case under this policy shall administer its proceedings according to the

fundamental assumptions:

A. There will be no reference to the past consensual violent sexual contact and/or conduct of either the primary witness or the respondent.

B. No physical evidence of a sexual offense is necessary to determine that one has occurred, nor is a visit to the hospital or administration of a rape kit required. The primary witness shall be supported by the Advocate in whatever decisions she/he makes, and be informed of legal procedures regarding physical evidence.

C. The fact that a respondent was under the influence of alcohol or mental dysfunction at the time of the sexual offense will not excuse or justify the commission of any sexual offense as defined herein, and shall not be used as a defense.

9. This policy is intended to deal with sexual offenses which occurred in the Antioch community, and/or with an Antioch community member, on or after February 7, 1991. Sexual offenses which occurred prior to that date were still a violation of community standards, and should be addressed through the policies and governance structures which were in effect at the time of the offense.

THE HEARING BOARD

1. The Hearing Board's duties are:

a) to hear all sides of the story;
b) to investigate as appropriate;
c) to determine if a violation of this policy has occurred;
d) to develop, in consultation with the Dean of Students and the Advocate, an appropriate remedy in cases where mandatory remedies prescribed in this policy;

e) to prepare a written report setting forth its findings which it distributes to the parties involved and the Dean of Students.

2. The Hearing Board will consist of three community representatives as voting members and the Dean of Students as an *officio* member.

3. By the end of each Spring quarter, nine representatives will be chosen to form a Hearing Board pool to begin serving at the beginning of the next academic year (Fall quarter) for the duration of that academic year: three each from the categories of students, faculty, and administrators/staff members.

A. The nine members of the Hearing Board pool shall be appointed by ADCIL from the following recommended candidates:

- 1) Six students recommended by COMCIL;
- 2) Six faculty members recommended by the De and FEC;
- 3) Six administrators/staff members who shall recommended by the President of the College.

B. At least five members of the Hearing Board pool s women.

C. Three of the representatives shall be appointed b serve each quarter as a Hearing Board. One Hearing Board member must be from each of the three categories listed above, and at le one member must be a person of color.

For every case which is heard, at least one Hearing Board member must be the same sex as the primary witness, and at least one Hea Board member must be the same sex as the respondent.

D. One member of the Hearing Board shall be designat ADCIL to serve as Chair. The Chair shall preside for all Hearing Board meetings that quarter, and shall make the necessary physica arrangements to convene the Hearing Board (i.e., contact Hearing Board members, notify all parties involved of date, time, place,

E. The six representatives who are not serving in a quarter shall be alternates in case an active member is not avail or has a conflict of interest.

F. If an active member of the Hearing Board has a co interest in the case, that member is responsible to report the co as soon as possible. ADCIL shall be responsible to determine if conflict requires replacing the member, with an alternate chosen ADCIL to immediately take her/his place. If convening ADCIL for this purpose would serve to delay the Hearing Board process, then the President shall make a determination regarding conflict and, necessary, appoint an alternate.

4. All members of the Hearing Board pool shall receive train the Advocate and the College attorney regarding this policy and pertinent legal issues.

5. The Hearing Board is expected to follow the procedures ou in Appendix D. Any procedures not covered in this policy, includ Appendix D, shall be determined according to the discretion of th Hearing Board.

REMEDIES

1. When a policy violation by a student is found by the Hear

Board, the Hearing Board shall also determine a remedy which is commensurate with the offense, except in those cases where mandatory remedies are prescribed in this policy.

When a remedy is not prescribed, the Hearing Board shall determine the remedy in consultation with the Dean of Students and the Advocate, and shall include an educational and/or rehabilitative component as part of the remedy.

2. For Rape: In the event that the Hearing Board determines violation of rape has occurred, as defined under this policy, the respondent must be expelled immediately.

3. For Sexual Assault: In the event that the Hearing Board determines that the violation of sexual assault has occurred, as defined under this policy, then the respondent must: a) be suspended immediately for a period of no less than six months; b) successfully complete a treatment program for sexual offenders approved by the Director of Counseling Services before returning to campus; and (c) upon return to campus, be subject to mandatory class and co-op scheduling so that the respondent and primary witness avoid, to the greatest extent possible, all contact, unless the primary witness agrees otherwise.

In the event that the Hearing Board determines that a second violation of sexual assault has occurred, with the same respondent, the respondent must be expelled immediately.

4. For Sexual Imposition: In the event that the Hearing Board determines that the violation of sexual imposition has occurred, as defined under this policy, then the recommended remedy is that the respondent: a) be suspended immediately for a period of no less than three months; b) successfully complete a treatment program for sexual offenders approved by the Director of Counseling Services before returning to campus; and (c) upon return to campus, be subject to mandatory class and co-op scheduling so that the respondent and primary witness avoid, to the greatest extent possible, all contact, unless the primary witness agrees otherwise.

In the event that the Hearing Board determines that a second violation of sexual imposition has occurred, with the same respondent, then the recommended remedy is that the respondent: a) be suspended immediately for a period of no less than six months; b) successfully complete a treatment program for sexual offenders approved by the Director of Counseling Services before returning to campus; and (c) upon return to campus, be subject to mandatory class and co-op scheduling so that the respondent and primary witness avoid, to the greatest extent possible, all contact, unless the primary witness agrees otherwise.

primary witness agrees otherwise.

In the event that the Hearing Board determines that a th violation of sexual imposition has occurred, with the same respondent, then the respondent must be expelled immediately.

5. For Insistent and/or Persistent Sexual Harassment: In th that the Hearing Board determines that the violation of insistent and/or persistent sexual harassment has occurred, as defined unde this policy, then the recommended remedy is that the respondent: be suspended immediately for a period of no less than six months; successfully complete a treatment program for sexual offenders approved by the Director of Counseling Services before returning campus; and (c) upon return to campus, be subject to mandatory class and co-op scheduling so that the respondent and primary witness avoid, to the greatest extent possible, all contact, unle primary witness agrees otherwise.

In the event that the Hearing Board determines that a se violation of insistent and/or persistent sexual harassment has occurred, with the same respondent, then the respondent must be expelled immediately.

6. For Non-Disclosure of a Known Positive HIV Status: In th that the Hearing Board determines that there has been non-disclos of a known positive HIV status, as defined under this policy, the recommended remedy is that the respondent be expelled immediately.

7. For Non-Disclosure of a Known Sexually Transmitted Diseas the event that the Hearing Board determines that there has been n disclosure of a known sexually transmitted disease, as defined un this policy, then the recommended remedy is that the respondent b suspended immediately for a period of no less than three months.

In the event that the Hearing Board determines that ther been a second failure to disclose oneUs known sexually transmitt disease, as defined under this policy, then the recommended remed is that the respondent be suspended immediately for a period of n less than six months.

In the event that the Hearing Board determines that ther been a third failure to disclose one's known sexually transmitted disease, as defined under this policy, then the recommended remed is that the respondent be expelled immediately.

8. In all cases, a second offense under this policy, regardl category, must receive a more severe consequence than did the fir

offense if the second offense occurred after the Hearing Board's finding of a respondent's violation of this policy.

9. The remedy for a third offense of this policy, regardless category, must be expulsion, if the third offense occurred after Hearing Board's first or second finding of a respondent's violation of this policy.

10. It is the responsibility of the Dean of Students to ensure the Hearing Board's remedies are carried out.

THE APPEALS PROCESS

1. In the event that the respondent or primary witness is not with the decision of the Hearing Board, then she/he shall have the right to appeal the Hearing Board's decision within seventy-two hours of receiving that decision.

2. In the event of an appeal, the College shall secure the hearing review officer with experience in conducting arbitrations administrative agency or other informal hearings. A hearing review officer, who is not a current member of the Antioch College community, shall be selected by ADCIL in consultation with the Advocate for the purpose of handling such appeals.

3. The hearing review officer shall review the record(s) and written report(s) of the Hearing, any briefs or other written materials supplied to her/him by any of the involved parties, and meet with any of the involved parties which she/he determines appropriate, to determine if there was fundamental fairness in the Hearing process.

The hearing review officer's analysis shall include a determination whether the respondent was fully apprised of the charges against her/him; that the appealing party had a full and fair opportunity to tell her/his side of the story; and whether there was any malfeasance by the Hearing Board. The hearing review officer will present her/his finding and recommendation for action, if any, to the President of the College.

CONFIDENTIALITY

1. All of the proceedings of the Hearing Board, and all testimony given, shall be kept confidential.

2. For the duration of the Hearing process and any appeals process, the primary witness, the respondent, and any witnesses coming forward shall have the right to determine when and if they

names are publicly released. No one shall make a public release name not their own while the process is underway. Any public breach of confidentiality may constitute a violation of community standards and be presented to the Community Standards Board for debate.

A. The name of the primary witness shall not be considered public knowledge until such time that the primary witness releases her/his name publicly.

B. The name of the respondent shall not be considered public knowledge until such time that the respondent releases her/his name publicly, unless the respondent is found in violation of the policy which time the release of the respondent's name may be included with the release of the Hearing Board's findings. The name of the respondent will be released with the Hearing Board's findings if a violation is found and the remedy includes the suspension or expulsion of the respondent.

C. The names of any witnesses who testify to the Hearing shall not be released publicly until such time that each witness releases her/his own name publicly.

3. In the event of an appeal, the appealing party (or the party considering the appeal) shall have the right to review any written and/or audio records of the hearing. Such review shall take place on the Antioch campus with a member of the Hearing Board present. No materials are to be duplicated by any party; no materials are to be removed from the Antioch campus except to be given to the hearing review officer or to the College attorneys.

4. All members of the Hearing Board, including any note-taker, are bound to keep the contents of the proceedings confidential.

5. All written and/or audio records of the process which are created by the Hearing Board are to be turned over to the College Attorney at the conclusion of the appeals process, and shall be stored in the offices, to be disposed of when and as they see fit.

EDUCATIONAL AND SUPPORT IMPLEMENTATION PROCEDURES

1. A minimum of one educational workshop about sexual offenses, consent, and the nature of sexual offenses as they pertain to this policy will be incorporated into each quarterly orientation program for new students. This workshop shall be conducted by the Advocate or by a person designated by the Advocate. Attendance shall be required of all students new to the Antioch community.

2. Workshops on sexual offense issues will also be offered d study quarters. The content of these workshops shall be determin by the Advocate. Each student shall be required to attend at lea workshop each academic year for which she/he is on campus for one or more study quarters, effective Fall 1992. Attendance records s be maintained, and given to the Registrar's office. This require must be completed for graduation [pending approval by the faculty

a. It is recommended to the faculty that it develop encouraging all faculty members to attend workshops on sexual offenses.

b. Further, it is recommended to the College and Uni administration that all employees working on the Antioch College campus be encouraged to attend workshops on sexual offenses.

3. A one-credit P.E. self-defense course with an emphasis on womenUs self-defense will be offered each quarter. This course should be open to all Antioch community members free of charge.

4. Permanent support groups for female and male survivors of sexual offenses will be established and maintained through Counseling Services and/or the Sexual Offense Prevention and Survivors' Advocacy Program.

5. A Peer Advocacy Program will be maintained that shall con both female and male community members, recruited and trained by the Advocate. The Peer Advocates shall provide information and emotional support for sexual offense victims/survivors and primar witnesses. The peer advocates shall work with the Advocate in educating the community about sexual offenses and sexual wellness

6. A support network for students who are on Co-op will be maintained by the Advocate and the Sexual Offense Prevention and Survivors' Advocacy Program, with trained crisis contact people available.

29 years ago, Antioch's sexual consent form was mocked. Today, it's more relevant than ever.

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