



Dealing with Consent Violations

If the violation happens at an event:

1. Deal with it immediately by speaking to the complainant. If you can, have two of your group organizers or volunteers listen to what happened.
2. Always offer to assist the complainant in getting medical care or help from victim services, NCSF, or in reporting it to the police. If your group tries to hinder this in any way and a crime is reported to law enforcement, you can get into legal trouble. Offer to call a cab if the complainant wants to leave, or get hold of a friend who can help. If the complainant doesn't want to, then that is their choice.
3. Get the side of the person who is alleged to have committed the violation, and any witnesses if there are any. Don't bring the complainant and the alleged assailant together and have them confront each other. Don't attempt to do a mediation.
4. Have people who are empowered to make an immediate decision, even if the ultimate decision is made by your board at a later date. If the violation was minor, like an unwanted hug, then an organizer needs to speak to the member and let them know a complaint has been made against them and they have to ask permission before touching someone. You can have a strike policy for minor violations – 2 or 3 and you're out. If the violation rises to the level of assault – someone is hit with a toy without permission or someone ignored a safeword – then it's best to quietly ask that person to leave the event. The worst case scenario is if they violate another person at the event: the victim can hold the group liable if they knew of a previous violation and did nothing to stop another one from taking place.
5. If the violation was serious, whether law enforcement gets involved or not, then you need to decide whether to ban a member, or revoke membership privileges for a period, or give the person further education and another chance. It's difficult to set a firm, hard rule because there are such a variety of contexts in which consent violations happen – between strangers, friends, play partners and significant others. Also consent violations can come from accidents, misunderstandings, miscommunications, manipulation, coercion and outright predation. Finally, you have to consider the level of injury that occurred.
6. If the person who violated consent was a volunteer or group organizer, they should suffer the same penalties above. Removal from the volunteer position or removal from the board are other options.

If the violation happens away from the group:

1. Let both people know that since the violation didn't happen at one of your events, you have no witnesses and no authority over what happened. Encourage the complainant to get help from a victim services agency, NCSF or report what happened to the police. The police are the ones who can properly investigate what happened. Don't hold a mediation or try to bring together the complainant or alleged violator.

2. Consider the information you received from both people, as per #5 above. If you think the alleged violator might do the same thing to others, you can ban them. When you ban a member, don't give the reason for the ban. Simply say – "We don't think you're a good fit for our group." Anything else you say can be used if they decide to sue for libel – for example if you say "We kicked you out because Sally said you raped her while she was tied up," then you might be placed in the position of proving that statement in court.

3. Keep track of who has complaints against them. In our Consent Violations Survey, only 3% of the 4,600 people who responded said they had been falsely accused of a consent violation in a social space or during a scene, and it's even rarer to be falsely accused twice or more times. On the other hand 29% of the respondents said they had their consent violated, from minor to serious offences. So if you have two complaints by different people, you need to take it seriously in regards to the safety of your members and for liability reasons for your group.

4. If someone has a restraining order against them, that person is the one who should not be allowed into an event a victim attends. A judge looks at the evidence and decides if a RO is warranted. If both members have ROs, the group can ban both until the orders are lifted rather than let the members race each other to an event to see who shows up first and put you in a position of having to decide who to let in.

NCSF materials are provided for informational purposes only and do not constitute legal advice.