



Drawing the Line

In NCSF's Guide for Groups, we recommend a consent policy that groups and clubs can implement at their events. The Guide also tells groups how to ban someone without incurring liability:

https://ncsfreedom.org/images/stories/pdfs/Consent%20Counts/CC_Docs_New_011513/Guide%20for%20Groups.pdf

The following are some things your group or club can consider when trying to determine if someone should be disciplined or banned:

1. Seriousness

If the consent violation harmed someone, especially if they had to get first aid or medical care, then other members are at a higher risk if it happens again. There is also potential liability for a group that allows someone to attend who has hurt someone before and could do so again. However for one-off social violations and less harmful consent violations, some people may need one-on-one education to learn how to behave properly.

2. Intent

Does the person who was violated report that it was caused by an accident? A misunderstanding? A miscommunication? A lack of skills or knowledge? Those things are not as serious as a deliberate violation and when coercion or manipulation is involved. But if someone repeatedly hurts people because of a lack of skills or misunderstandings, then other members are at a higher risk of it happening again.

3. Multiple Accusations

Breakup (s)he-said/(s)he-said stories unfortunately happen. But when multiple people accuse the same person of violating their consent, a similar pattern often emerges in the activities or circumstances. Of over 4,500 people who responded to the Consent Violations Survey, only ½ of 1% said they had been falsely accused two or more times. Compare that to 29% who reported a consent violation.

4. Police reports and Restraining Orders

Less than 3% of the kinky victims in our survey reported to the police, and that's because it's a very difficult thing to do, especially if you don't have the help of a victim

advocate. Even though a police report is filed, that doesn't mean a real investigation will be done, especially if the violation happened in a kinky scene or relationship. Prosecutors have admitted to NCSF that they are reluctant to prosecute a kink-related assault or sexual assault. To do so, they usually require two of the following: 1) an immediate police report rather than delayed reported, 2) medical evidence that is gathered within 48 hours, 3) witnesses, and 4) any emails about negotiations or discussions about what happened between the participants. Even if there isn't prosecution or conviction, that doesn't prove innocence. On the other hand, a Restraining Order has to be defended to a judge, so there has to be evidence it was necessary.

5. Confession

People do step forward and accept responsibility for violating someone's consent. That helps set an example for what is acceptable, and helps them make reparations to their victim. Beware of apologies laced with excuses or justifications. A self-admitted consent violator can be put on probation if you decide to allow them back into a group or club. That way they can be watched since they crossed a boundary before. Probationary status will also warn others about that person and promote what is acceptable behavior and what is not.

Consequences

When a rule is broken during an event, it's best to enforce it immediately in the form of a warning or removal, depending on the seriousness of the infraction.

Between ban and allow as a member, there are a lot of things that can be done to warn and punish consent violators – and warn everyone else – that violations won't be tolerated. It models how consent works in our personal relationships. Groups can work up from a warning, to ejection from an event, to banning someone for 6 months or a year.

Or there's a watch list for minor infractions and people who have been warned, where more informally the organizers keep an eye on people.

For people in positions of authority and volunteers who commit consent violations, it is important to treat them the same way as you treat your members. You have to hold yourselves to the same standard as you hold everyone else. In fact, if you believe that a serious consent violation occurred against one or more people, that person should be removed as a DM or presenter until they prove themselves again, or removed permanently, depending on the seriousness of the infraction.

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