



Dealing with Consent Incidents

Deal with any consent incidents on a case-by-case basis. Keep in mind that limits can be violated deliberately, or through poor communication, misunderstandings, technical accidents, lack of knowledge, and/or lack of experience.

Here are some things to do if there is a consent incident:

1. If there is an injury that requires medical care, offer to have a staff member take them to the hospital or call 911 if it's an emergency.
2. If someone wants to report the incident to the police, have them call 911 or offer to take them along with a friend to the police station. The staff member should not express their views on what has occurred nor discuss the incident except to (a) respond to medical questions about the person's injury and (b) to answer—factually and truthfully—police questions.
3. If no emergency care is requested, have two staff members speak individually to the person reporting the consent incident, as well as to anyone directly involved and any witnesses to what happened.
4. Record the names and contact information for everyone involved in the consent incident.
5. When you talk to each person individually, ask them what happened and what they would like to have happen now.
6. Consider the following issues to where there are consistencies and to determine where the accounts differ:

What did they negotiate?

What were their limits?

Did the bottom safeword or withdraw consent?

Is there anything that might negate consent such as impaired thinking or a mental health issue?

What is the history of interaction between the participants?

How much experience do those involved have with the BDSM activities that were done?

Was there an injury done that exceeded the negotiated limits?

7. Whether a consent incident happens at your event or when you receive a report about a member from another community organizer, the following are some things you can consider when trying to determine if a member should be disciplined or banned from your group:

Seriousness - If the act involved physical injury, especially if they had to get medical care, then there is a higher liability risk and your members are at a higher risk.

Intent - Was the act done deliberately or was it an accident, misunderstanding, miscommunication, a lack of skills or knowledge? If accusations of manipulation, coercion or maliciousness are made, there is a higher risk of it happening again.

Multiple Accusations - When someone is involved in multiple consent incidents, they are a higher risk to your group. Often a similar pattern 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.

Police reports and Restraining Orders - There is a serious penalty for filing a false police report, so it rarely happens. If there has been a police report made, take it very seriously. A Restraining Order has to be defended to a judge, so there has to be evidence that it is necessary.

Confession - People sometimes publicly accept responsibility for violating someone's limits or safeword. That helps set an example for what is acceptable, and helps the individual make reparations. Beware of apologies laced with excuses or justifications.

8. Don't suggest that everyone involved get together to discuss the incident. If the person reporting the incident would like mediation for a minor consent incident, only do so if the person who committed the act is eager to apologize and rectify the situation.

9. Have someone or a group of people who are empowered to make an immediate decision, even if the ultimate decision is made by your board at a later date. Take into account what the person reporting the consent incident would like to have happen.

10. Depending on the severity of the offense, you can issue a warning, apply sanctions or ban the member. If you decide to ban a member, follow the guidelines in **Sanctions**.

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