



Where to Draw the Line

Groups and event organizers should address consent incidents that may create liability issues or involve their members in a criminal or civil legal case. Groups and event organizers are responsible for creating a culture of consent and communicating what their rules are. Keep in mind Explicit Prior Permission (EPP) is how you get consent to kink under the new legal framework; *however you should check your state law.*

NCSF suggests that group and event organizers address:

- Violations of your rules and Consent Policy at your events and online entities – [Click here](#) for NCSF’s help with consent policy and procedures.
- Behaviors outside of the group that could be in violation of criminal law – see below.
- Outing or threats of outing of attendees, which therefore may present a risk to attendees – [Click here](#) for NCSF’s help with outing policy and procedures.
- Reports of sanctions or bans by other groups with a similar consent culture as your group.

Reports that could be a violation of criminal law include:

- **Physical assault** - Physical assault laws vary from state to state, but generally physical assault is the act of causing physical harm or unwanted physical contact upon another person (especially when the other party is injured).
- **Sexual assault** – Sexual assault laws vary from state to state, but generally sexual assault is an act in which one intentionally touches another person’s breasts, genitals or buttocks without that person’s consent or coerces or physically forces a person to engage in a sexual act against their will.
- **Blackmail** – The action of demanding payment or another benefit from someone in return for not revealing compromising or damaging information about them. Extortion is a similar crime.
- **Revenge Porn** – This type of abuse intersects with sexual abuse, as it involves the digital distribution of nude or sexually explicit photos and/or videos of a person without their consent. (It’s called “revenge” porn because the images or videos are often used as retaliation or as blackmail material by a current or former partner.)
- **Stalking** – This is following someone to their home or workplace without permission.
- **Harassment** – Harassment is repeatedly attempting to communicate with someone after they’ve asked for no contact, or engaging in threatening conduct directed at the other person or any member of their family or friends.

***Interpersonal disputes** are typically not within the scope of the group or event organizer; however, groups should provide a rule to enable members to request no-contact.*

Groups can refer members to professional mediation, community support services, or trauma/ kink-aware counseling for issues such as:

- Emotional abuse
- Gaslighting
- Verbal abuse
- Humiliation
- Talking about bad experiences they had with someone
- Unpopular speech on social media
- Arguments on social media about ideology or ideas

While consent incidents are unique and varied, there is a common set of factors to evaluate when determining the most appropriate response as a group or event organizer:

- The severity and nature of the nonconsensual activity (e.g., unwanted hug, sexual assault, assault with injury)
- The nature of the consent incident (e.g., accident, ignorance, manipulation, coercion)
- The response of the individual who crossed a boundary (e.g., accepting responsibility for their behavior, showing empathy for the other party, desire to apologize, willingness to make changes in behavior)
- Power differentials between involved individuals (e.g., leadership position within the community, levels of experience, mentors, presenters, performers, owners, group officers)
- Multiple reports of consent incidents from unrelated people reporting the same person
- Reports of consent incidents by the reporter against multiple people
- Public documents like orders of protection, police reports, and sex offender registry
- Admissions of wrong-doing by the reported person
- Reports of sanctions or bans by other groups with a similar consent culture as your group
- Willingness of the reported person to defer to the needs and wishes of the reporter