

## Nowhere 2019 Consent Report and Committee Call for Members

As Nowhere grows, we're always trying to improve how we organize the event and make sure it remains a safe place for participants. We believe that consent plays a vital part in our community.

Consent is an agreement between two or more people to engage or not engage in specific activities together. Consent is not just about sex; it's needed before acting on any desires involving others. It's an important practice for creating and participating in healthy interactions and relationships.

Over the past five years, there has been an increasing number of reports about consent violations in our community. Some of these issues were brought up onsite during Nowhere, but most have either gone unreported, or were reported after the event was over. In 2019 we received 25 reports of consent violations. *Four of these consent violations have led to action being taken against the reported -- please see '2019 Reported Consent Violations' below for more details.* The remaining 21 reported participants will continue to be monitored and more actions may be taken as needed in the future.

The Participant Wellness Metalead is responsible for Malfare, Red Cross, and the Department of Inclusion. All of these roles have been structured to be event time roles, and then quickly wind down after the event and submit final reports in August. It was quickly recognized that a department was needed to focus on consent during the other 50 weeks of the year. To address both of these needs, over the past two years, the Participant Wellness group has been working to take a monumental step forward on consent by creating the Consent Committee.

The Consent Committee is a new role which was created by Nowhere's directors and Metaleads. The new department works under the Participant Wellness Metalead. They do not work event time, as Malfare holds this role, other than information gathering and coordination with Malfare for urgent reports. During non-event times this committee will review all reported cases, follow up to get additional details of the event, and finally, as needed, call a meeting of the appropriate committee to decide what action should be taken.

The Consent Committee is focused on creating a space to discuss consent issues, to allow Nowhere to approach people and encourage better behavior, to create better training material to help the community understand issues surrounding consent and our community.

The Consent Committee has worked over the last two years to create documents which are intended to be updated over time. These are intended to be living documents updated by the Consent Committee Members in including the experience gathered along the various reports taken in charge.

Finally the Consent Committee will also [publish yearly statistics](#), review all relevant documents and update them to reflect the latest understanding from the community, and ensure that community knows how they can get involved to help improve Nowhere's Consent culture.

## CALL FOR CONSENT COMMITTEE MEMBERS

The Nowhere Consent Committee is launching in 2020 and we need your help. The committee's mission is to protect our community from abusive behavior as outlined in the Participant Code of Conduct and ensure the community's ability to hold future events.

We would like to invite the Nowhere community members to take part in this important challenge with us by serving for a year-long term as Consent Committee members.

We are seeking 6 to 8 community members for this new non-event time volunteer role.

### **The applicants will be assessed based on certain criteria, such as:**

- Experience in managing consent-related events
- Significant Burn/Nowhere experience (participated in at least 2 Nowheres minimum)
- Community Member in 'good standing' (e.g. No outstanding reports against them)
- Willingness to sign a confidentiality agreement.
- This role is only active between events; the Consent Committee members do not have any responsibilities during Nowhere.

Consent Committee applicants who have particularly relevant experience may be invited to serve as Consent Response co-lead.

### **Community Feedback about Prospective Committee Members**

Once the applicants have been assessed, the Consent Committee Leads will submit the names of the selected members to the community for feedback before confirming their role in the Consent Committee.

### **How to Apply or Support This Project**

[Open Application Form](#)

If you're interested in serving on the Consent Committee, please read the [full Consent Committee Presentation](#) and [fill in this application form](#) to apply before the **29th of February**.

Even if you don't plan on applying for a position, please support this project by thinking of community members you feel might be good candidates and encourage them to apply.

Then, look for the announcement (mid March) of the preliminary list of committee members and give your feedback by the deadline so we can confirm the members and get started to review the next edition reports.

If you are curious to learn more about the Consent Committee and don't have time to read the full description now, you can start with the summary below.

## Nowhere Consent Committee Summary

### Priorities and goals:

Community Safety Nowhere Integrity Nowhere Values	Clear Process Communication Confidentiality
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The goal of a Consent Committee is not to determine guilt or innocence. When we receive a report we work to define with everyone involved how to protect our community from any other reported breach of the Participant Code of Conduct and ensure the community's ability to hold our events.

### What are the criteria to open a Consent Committee Session to review a report?

As of 2020, each report collected will be checked for eligibility, and may result in the opening of a Consent Committee session.

If eligible, the Consent Committee leads will select three of the nine Consent Committee Members to Consent the session. Only this team of three people will have access to the full details and identities of the individuals involved to determine an appropriate plan to protect our community from any additional reported breach of the Participant Code of Conduct and ensure the community's ability to hold our events.

Eligibility criteria for reports to result in the opening of a Consent Committee session:

The report is submitted directly by a participant impacted by a breach of the Participant Code of Conduct

- The event happened on site, at any other official Nowhere event, or on any official Nowhere social media or online space.
- The event happened between two or more participants in possession of tickets for the same Nowhere event.,

### Participant Agreement

Every situation is different, however when appropriate, our preferred result of a Consent Committee session is to form a Consent Agreement, agreed upon by the Reporter(s) and Reportee(s), which enables the involved parties to feel safe and able to enjoy future Nowhere events.

One goal of creating a Consent Agreement is to give the Reportee(s) a fair opportunity to demonstrate to the community that they will make efforts to change their behavior moving forward to make sure no additional reports are issued about them.

Consent Agreements may include action points such as: avoiding certain areas or types of activities volunteer or leadership roles at Nowhere; assigned reading materials; writing assignments; periodic check-ins by the Consent Committee Lead to ensure that reading and writing assignments are done.

Refusal by the Reportee(s) to participate in any steps of the Consent Committee session or a breach of the Agreement after signing it would result in a ban

## **How to report a Participant Code of Conduct breach?**

Any Nowhere Participant may report any incident in which another participant is behaving in an abusive, intimidating, threatening, or unsafe manner and consequently questioning the initial commitment to respect the Participant Code of Conduct which all participants agree to when purchasing a Nowhere ticket.

Incidents can be reported any time of year, at the event or afterward:

At Nowhere, any incident can be shared with Malfare in direct, the Nomads passing by or through the Consent Violation Reporting Box installed in the Welfare Enough dome. (Reporting Box Form will be edited accordingly)

Between events, there is an online reporting form (Nowhere Incident Report Form). Any participants who submit a report through email or interpersonal contact with NOrg between events will be invited to complete a Nowhere Incident Report Form to ensure that the information shared with the Consent Committee is in the Reporter's own words. .

All reports submitted will be used to help us keep track of patterns of behavior and issues on site (a statistical summary of reports is published each year), and will be kept in case it is useful in connection with a later report.

Additionally, a report would trigger a Consent Committee Session if it is:

- Within the scope of the Participant Code of Conduct
- Submitted by the participant directly impacted by the events described
- Able to identify the reportee

## **What happens if new facts are reported that can be linked with an ongoing Consent Agreement?**

Any new events that take place on site, and confirmed directly by the person(s) impacted, would be considered a breach of the Agreement and would call a new Consent Committee session that may result in the Consent Committee recommending a definitive ban of the Reportee(s), depending on what was defined in the agreement within the duration of the agreement (usually over the course of several editions of Nowhere).

Under the recommendation of this new Consent Committee session, the Directors may issue an official ban letter if a prospective participant continues engaging in harmful behavior after having agreed to an Consent Agreement.

The Consent Committee reserves the right to also propose the following actions if necessary:

- Involve local law enforcement.
- Communicate with other Burns (under the condition they have set a similar Consent breach management project and have signed a confidentiality agreement) the name of the reportee, and their [Consent Scale rating](#).

# Participant Code of Conduct

At all events organized at Nowhere, participants are responsible for their own behavior and resolving their own issues.

The Nowhere Consent Committee will not condone any behavior that endangers our ability to hold the annual festival and other community events, and will open a session in case of a significant breach of the following guidelines.

We will not tolerate:

- name calling, verbal abuse or bullying.
- physical abuse or harassment, hostile behaviour, aggressive, threatening behaviour.
- sexual discrimination, sexual harassment or sexual abuse.
- any discrimination on the grounds of sexuality, race, religion, gender, disability, age or any other distinction.
- stealing or any form of theft
- taking or sharing photos or video without the consent of the person(s) appearing in the image

Being in an inebriated state will not excuse a person from their actions if they decide to act outside the Code of Conduct.

Participants may report any incident in which another participant is behaving in an abusive, intimidating, threatening, or unsafe manner.

At Nowhere, any incident can be shared with Malfare directly, the Nomads passing by, or through the Consent Violation Reporting Box installed in the Welfare Enough dome.

In between events, there is an online reporting form ([link to Nowhere Incident Report Form](#)). Any participants who submit a report through email or interpersonal contact with NOrg between events will be invited to complete a Nowhere Incident Report Form to make sure the Consent Committee deals with some consistent document from a report to another.

*Important information: The contacts given for the ticket purchase can be shared, on request, with the Consent Committee in case of a report in which a Reportee is identified.*

More about the [Consent Committee](#)

A link to the Consent Committee presentation and Participant Code of Conduct will be implemented both in the ticket sale application and FIST

## The Consent Scale

The Consent Scale is a common tool (used by France & Belgium as of November 2018 with the hope that more Burning Man communities will adopt it as well) offering a guideline for how the reported behavior should be classified, and appropriate requirements to include in the Agreement based on the classification.

This scale has been used for the 2019 Consent Statistics, more details [Here](#)

	Nature of the Report	Recommended Consent Agreement content
BLUE	<ul style="list-style-type: none"> <li>● Heavy seduction</li> <li>● Verbal violence</li> <li>● Onsite / online harassment</li> <li>● Unwanted presence</li> <li>● Inappropriate Volunteer management</li> <li>● Non-consensual pictures/videos taken and refusal to delete them</li> </ul>	<ul style="list-style-type: none"> <li>● Reading educational material</li> <li>● Writings on how they would do differently in the same situation.</li> </ul>
Buffer (left to the discretion of the CC Members to determine whether it's blue or orange)	<ul style="list-style-type: none"> <li>● "No" was expressed &amp; not respected</li> <li>● Non-consensual non-sexual touch</li> </ul>	
ORANGE	<ul style="list-style-type: none"> <li>● Non-consensual contact of a sexual nature, not including act. For example a kiss on the lips, hands on genitals or sexual touch through clothing</li> <li>● Organizing / leading an unsafe workshop</li> <li>● Unsafe sharing (illegal/not checking for any health vulnerabilities)</li> </ul>	<ul style="list-style-type: none"> <li>● Reading educational material</li> <li>● Writings on how they would do differently in the same situation.</li> <li>● Writings on how they succeeded to manage better in a similar situation.</li> <li>● Activities / roles to be avoided</li> <li>● Commitment not to contact the Reporter(s) at burns or in any context (do not go to the camp or contact via private channels)</li> <li>● Reporter(s) also commit to respecting the process and refrain from provocation, publicity, etc.)</li> </ul>
Buffer (left to the discretion of the CC Members to determine whether it's orange or red)	<ul style="list-style-type: none"> <li>● Sexual act under mutual intoxication</li> </ul>	
RED	<ul style="list-style-type: none"> <li>● Non-consensual sexual act</li> <li>● Unconscious sexual touch/act (the offended person could not express Consent = sleeping, drunk, intoxicated ..)</li> </ul>	<ul style="list-style-type: none"> <li>● Reading educational materials</li> <li>● Writings on how they would do differently in the same situation</li> <li>● Writings on how they succeeded to manage better in a similar situation.</li> <li>● Activities / roles to be avoided</li> <li>● Places to avoid</li> </ul>

		<ul style="list-style-type: none"><li>• Commitment not to contact the Reporter(s) at burns or in any context (do not go to the camp or contact via private channels)</li><li>• Reporter(s) also commit to respecting the process and refrain from provocation, publicity, etc.)</li></ul>
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## 2019 Reported Consent Violations

We were saddened that 25 reports of consent violations have been made during and after Nowhere 2019. More on the Nowhere 2019 Consent Project Statistics [Here](#)

Four of the reports are very serious and require further action, so the first meeting of the Consent Committee was held with the minimum people needed to take action of the 4 reports above. The committee's first meeting in December 2019. In attendance at this Consent Committee Meeting were Nowhere's directors, Members of the Directors, the Participant Wellness Metalead and the Consent Response Lead.

The four reports which were reviewed represented reports where we had enough details to understand who it was that performed the consent violation. It was felt that the consent violation crossed a threshold that we were concerned about, and that the violation was/will not self correct.

The remaining 21 reported participants will continue to be monitored and more actions may be taken as needed in the future.

This Nowhere Consent Committee has agreed on the following decisions for four 2019 Nowhere participants:

<p>The Nowhere Consent Committee considered that the attendance of some participants would be too significant risk for the community which they do not want to take for a short duration.</p> <p><a href="#">Click here to see which type of behavior each color means</a></p>		
<p>2018 Red Code by first person 2019 Orange Code by second person</p>	<p>Participant will not be allowed to buy a Nowhere ticket 2020 &amp; 2021</p>	<p>Will be required to attend a session with the Consent Committee in January 2022.</p> <p>In this session, they will need to explain how they have addressed their behavior and why Nowhere can welcome them again to our community.</p>
<p>2019 Red Code by first person 2019 Blue Code by second person</p>	<p>Participant will not be allowed to buy a Nowhere ticket 2020</p>	<p>Will be required to attend a session with the Consent Committee in January 2021.</p> <p>In this session, they will need to explain how they have addressed their behavior and why Nowhere can welcome them again to our community.</p>
<p>For two other participants, the Nowhere Consent Committee considered they would be welcome but with some limitations.</p>		
<p>2019 Orange Code</p>	<p>Participant was sent an email containing limitations on activity at</p>	<p>Will be required to attend a session with the Consent Committee Lead in January 2020.</p>

	Nowhere 2020 related to the conditions of the report.	In this session, they will need to explain how they will Consent themselves safely and why Nowhere can feel safe with them in our community.
2019 Orange Code	Participant was sent an official mail containing some limitations related to the context of the report. for 2 years (2020 & 2021).	Will be required to attend a session with the Consent Committee Lead in January 2022.  In this session, they will need to explain how they have addressed their behavior and why Nowhere can feel safe with them in our community.

Those decisions have been taken with regard to current Nowhere procedures. Ideally the committee should be comprised by a group (Consent Committee) in charge of designing an adapted and educative response to each report for which the problematic participant is identified.