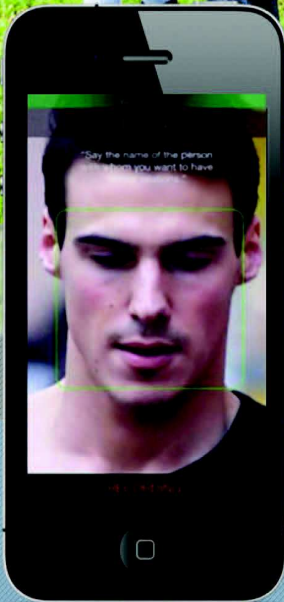




Institute for the Study of  
Coherence and Emergence



# **We-Consent™**

A Suite of Smart Phone Apps  
Improving Title IX Compliance  
by Changing the Context  
Around Sexual Consent



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# The We-Consent™ App Suite

Improving the climate regarding sexual consent on college campuses is presently a social change of major proportions. Such change cannot be adequately accomplished solely by implementing edicts and laws, as recent unsettling statistics have shown. Instead, this change has to be accomplished through the willing participation of a vast majority of members of the community itself.

While education efforts have helped in spreading awareness of sexual consent, the statistics regarding sexual assault have proven that education alone is not enough. Even with the best instruction available, most college students cannot conceptualize themselves as potential rapists or even as committing a sexual assault. The role of aggressor in a sexual situation simply does not sink in as applicable on a personal level. While most steadfastly agree that “rape is always wrong,” they tend to think that this unequivocal rule does not apply to anything they can picture themselves doing, but only to the actions of others instead. Until a vast majority of college students see these lessons as directly and personally relevant, educational efforts alone are unlikely to have lasting effect. Something more is needed.

Social tools can help solve what we all know is an urgent problem on today’s campuses. These tools must be easily implemented on the ever-present companion of all students - the mobile phone. A tool that is simple to use, with a purpose that is crystal clear to everyone, can trigger discussion whenever a phone is present - which is always.

## Introducing the We-Consent™ App Suite.

The We-Consent™ App Suite is the only tool available designed to help colleges better comply with Title IX’s requirement of addressing any unwanted and unwelcome sexual behavior which would significantly interfere with a student’s access to educational opportunities. Unlike other tools, the We-Consent™ App Suite is aimed at helping students with the broad range of behaviors which may be part of any ongoing or proposed sexual encounter. Because the suite is not restricted to problem of assault, it stands a better chance of being incorporated into the daily lives of more students.

The We-Consent™ App Suite currently consists of four apps: We-Consent™, What-About-No™, I’ve-Been-Violated™ and Party-Pass™ (under development).

The We-Consent™ App Suite easily complements ongoing education efforts on campuses. It is available to individuals and, at a discount, to groups and schools.

The We-Consent™ App Suite is provided through the Affirmative Consent division of the Institute for the Study of Coherence and Emergence (ISCE.edu), a 501(c) (3) non-profit educational research institution. Founded in 1999, ISCE researches how societal change happens from the perspectives of social complexity theory and cybernetics.



# We-Consent™



## Affirmative Consent App Suite

SEX?

YES!

### Evokes Discussion

Residing on the phone, the app suite is a constant reminder that discussion comes first.

### Counters Psychological Coercion

Tools to counter the mind games associated with sexual coercion.



### Delivers Strong Messaging

Communicates a crystal clear "NO" when needed.



[ProtectEqualsRespect.com](http://ProtectEqualsRespect.com)

### It's There for "Just in Case"

If an assault does occur, the I've-Been-Violated™ App allows for private and contemporaneous recording of evidence.

### Complements Education Efforts

The We-Consent™ App Suite is an ever-present prop that supplements affirmative consent education.

# We-Consent™

An App Suite for the Silent 85%



Title IX demands that schools deal with all unwanted and unwelcome sexual encounters. Studies show that 85% of such encounters go unreported – much of the time because the participants do not want to label what occurred as an assault.

Existing programs focus on assault and victims, which does little to help the silent 85%.



The We-Consent™ App Suite aims to change that.

As an ever-present prop which evokes upfront discussion, the We-Consent™ App Suite is an ongoing reminder of the need to have explicit talk before engaging in sexual activities.



Title IX is for **EVERYONE**  
not just victims.

Prevention requires both education and tools.

Make unwanted encounters a thing of the past!

Get the We-Consent™ App Suite for your campus today!



[ProtectEqualsRespect.com](https://ProtectEqualsRespect.com)



# The We-Consent™ App: Background

Enforcement of the new standard of “Only Yes Means Yes” is too important to leave to the vagaries of he said/she said. The We-Consent™ App is a simple app that records an approximately 20-second video consisting of four brief segments of two people stating their affirmative consent to physical interaction. That recording is kept private, encrypted in the cloud, and inaccessible without a legal petition. (If either user says “no” or does not unequivocally say “yes” or does not appear as a human face, the app destroys the video). The app therefore does not document sexual conduct—it documents consent.

More important than the actual documentation of consent is the conversation trigger that the opportunity for documentation provides when the We-Consent™ App is present on one or both prospective partners’ phones. When the prospective partners decide whether or not to run the app - regardless of the app’s use, any consideration of running this app will have already begun a conversation about consent itself. Triggering such discussions is the main goal of the We-Consent™ App.

Direct discussions between prospective partners would go a long way towards ameliorating the context and cultural environment that seems to afford opportunities for acquaintance assault. As noted in a recent Chronicle of Higher Education article:

**On campuses, over 90 percent of the perpetrators are acquaintances. Most women are oriented and trained and socialized to fear the stereotypical stranger rape and to avoid the underground parking garage or walking home alone at night across campus. That doesn’t protect them from far-more-common threats. We’re trying to help women work through the complex emotional obstacles to recognizing cues in the men they might like or at least know. With acquaintances, women are much more likely to use methods like reasoning or pleading or crying, and we know those are ineffective.**

<http://chronicle.com/article/Sex-Assault-Prevention-Program/230861>

A record of consent is an increasingly valuable part of modern life. For example, some bases staffed by the United States military have required service personnel to sign consent cards if they were going to engage in fraternization.



Governing bodies, international newspapers and magazines, websites, and broadcast media devote daily discussions to this topic, and several states are considering adding the topic to high school curricula. More than a dozen states have proposed legislation which would enshrine Affirmative Consent as law.

At present, the law in both NY and CA as well as the Department of Education Title IX standard used at most colleges is “Only Yes Means Yes.” Further, it is widely acknowledged that the transition to an implementation of the new “Only Yes Means Yes” standard is fraught with risks—risks that ONLY can be ameliorated should the parties document their consent.

The college student of today is faced with a very different environment regarding sexual relations and consent than the students of even a decade ago. It is not enough to “sort of agree - i.e. maybe” to engage in sexual contact - the new law and regulations require explicit affirmative consent. These are conversations many of us might wish to avoid, but for the millions of Americans for whom “Only Yes Means Yes” is the law they cannot be

avoided. The mere presence of the app on a participant's phone is a catalyst for the communication needed for affirmative consent truly to be a joint decision.

The We-Consent™ App is a simple, inoffensive, and non-intrusive tool to help users deal with this new “Only Yes Means Yes” environment. As the “Only Yes Means Yes” standard spreads in tandem with a “preponderance of the evidence” (e.g. 51%) burden of proof, the value of a tool that offers the opportunity to document affirmative consent cannot be over-stated.

What the We-Consent™ App cannot help with are situations where one party is intent on physical coercion (the option of dialing 911 is far better) or situations where the two parties are both intoxicated but deliberately attempt to portray themselves as sober. In the latter situation though, the very idea that there will be a discussion about “how to fool the app” is likely a prelude to at least some discussion of the anticipated interaction between the parties. No app can overcome the effects of too much alcohol or other drugs.

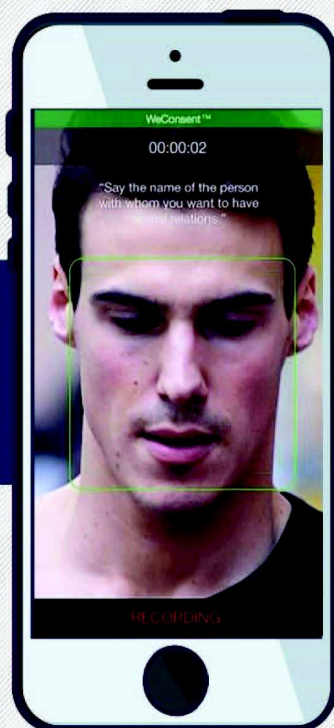
We are on the cusp of a changing social standard where the risks associated with a sexual encounter have been increasing—at the same time as the casualness with which Generation Z approaches such encounters has increased perhaps even more markedly. Generation Z participants carry their phones everywhere and make intensive use of mobile apps. Making available an app that provides incentive and facility for the required conversation promotes proper conduct. To underscore again this point, the mere presence of the app on participants' phones gives rise to the conversation needed for affirmative consent to truly be a joint decision.

Sexual encounters and the discussions leading up to them are private. The We-Consent™ App helps both partners keep it that way. Privacy means that the record of any explicit discussion about an intended sexual encounter needs to be unavailable to others except when there is a legal reason to disclose it. Such privacy helps ensure that both parties will be clear that consent is freely given and be willing to be “on the record” regarding such consent. When it comes to sexual relations, respect is meaningless in the absence of privacy.

The We-Consent™ App also contains extensive protections against abuse. If the second partner is feeling coerced, he or she can state “forced yes” and the app creates a record of the coercion. The app will not record without recognizing a face in frame and only for about 20 seconds in total. Moreover, unlike video taken with the phone's native camera app, users cannot even access their own recordings without a court order or other similar legal request. The We-Consent™ App maintains the privacy of both parties in a way that the native video app does not. We are all aware of the unfortunate misuses of pictures and videos taken that circulate the Internet yet we understand the value of allowing use of these important technologies.

Seventy million or more Americans live with “Only Yes Means Yes” as the law or its equivalent. A requirement for affirmative consent is not going away: it is being legislated and required with increasing frequency. The social importance of being able to document affirmative consent among those where that standard is the law or the regulatory norm demands that apps such as We-Consent™ be developed and deployed. For approximately \$5 per user per year (with discounts available for groups and schools), the We-Consent™ App Suite is an essential tool for the youth of today.





# ***The Apps***

# The We-Consent™ App

## How does the We-Consent™ App work?

Each partner is prompted to state his or her name, the name of the other partner, and to state explicitly “yes” to sexual relations. If the second partner is feeling coerced, he or she can state “forced yes” and the app creates a record of the coercion. The We-Consent™ App records video and audio, which are encrypted, sent initially to cloud storage, and then stored off-line. The recordings are only available to law enforcement, university disciplinary proceedings, or by subpoena. They are NOT available to the users—which prevents misuse.

## How much does the We-Consent™ App Cost?

The We-Consent™ App is free—but is available only to members of ISCE.edu, which costs \$5 per year. Group memberships are available at the reduced annual rate of \$4 per student. Institutional memberships (e.g., everyone at a given .edu domain) is available at a negotiated rate.

## Why is the focus on proof of consent?

The We-Consent™ App makes use of its recording of proof as a trigger for discussion. By giving the two parties the option of making a permanent record of their consent, the mere existence of the app triggers questions about its use or potential use. These discussions inevitably evolve into a discussion of the intended upcoming sexual activity. More important than proof is the fact of both parties having direct and explicit discussions about what activities they both agree to engage in. Indeed, the conversation itself is the fundamental objective of the app. We believe that having the app on students’ phones encourages these very discussions. Proof is only needed if there is a complaint. If there is a complaint, having proof in the form of a video record can help remove ambiguity.

## Does the We-Consent™ App check for drugs or alcohol?

The We-Consent™ App records audio and video that will show the state of both parties, but it does NOT test the level of intoxication of either partner. Conceptually it may be possible for an intoxicated person to pretend to be sober for the sake of the video – but such a person is likely not so intoxicated as to be unable to provide meaningful consent. It should be noted that if intoxicated parties need multiple attempts to demonstrate that they are “sober,” each such attempt is recorded (though the recordings are not saved)—and, by definition, through the process of making multiple attempts, the parties will have the requisite discussion regarding their intentions.

## How long does consent last?

That is up to the two parties involved. The We-Consent™ App can only record consent at a given moment (which is timestamped and geo-coded)—it has no capability to interact again after it is run. Consent can, of course, be withdrawn at any time. If consent is withdrawn and the message is not getting through loud and clear, the We-Consent™ App Suite includes the What-About-No™ App to help deliver a firm “NO.”



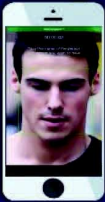
# The **We-Consent**™ App

## How It Works



### 1. Partner A Records Message

Partner A uses the front camera to video record his/her own name and then the name of the person with whom they wish to have sexual relations.



### 2. Partner B Records Message

The back camera then records Partner B first stating his/her name and then saying yes to sexual relations with Partner A.



### 3. Recording Encrypted & Stored

An encrypted record of the video messages is created and stored for future retrieval through the proper channels (not available directly to the user).

### 4. (If needed) Record Revoked Consent

If at a later time either partner needs to signal withdrawal of consent, they can use one of the companion apps (e.g. What-About-No™). These apps create encrypted records of a "NO" message being communicated.



**Embeds consent education in daily experience**

**PROMPTS DISCUSSION BEFORE SEX**

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# The What-About-No™ App

## How does the What-About-No™ App work?

The person who wants to communicate the “NO” message activates the app on his or her phone. After a few seconds delay (to allow time for the phone owner to show the phone’s display to the other party), a policeman appears on screen and states “You were told NO! A video of that no message has been recorded and saved. What is it about the word no that you do not understand? No means No!” Thereafter, a stop sign appears notifying the viewer: “A video of you watching this ‘No’ message has been safely uploaded to the cloud.”

The What-About-No™ App creates a powerful delivery of a “NO” message and gives the user the option of recording someone watching a video of a policeman stating “NO” in clear terms. The What-About-No™ App takes roughly 8-10 seconds to run.

## How much does the What-About-No™ App cost?

The What-About-No™ App is available in the Apple App Store for \$5 per year as a stand-alone app, but is available for free as a part of the We-Consent™ App Suite.

## How can the What-About-No™ App be used to withdraw consent?

Should a “yes” become a “no” the What-About-No™ App provides a clear message of that. It takes 8-10 seconds. It makes a geo-coded, time-stamped video recording. This recording is a backup for those times when a verbal “no” is insufficient. Note, due to various state law restrictions, the video recording will contain no audio. It is important to remember that if one party want to withdraw consent, then the ongoing activity needs to cease. The very act of reaching for one’s phone and playing a warning message can be very powerful.

The What-About-No™ App is ideally used in situations where one person needs to underscore their dialogue of not giving consent with a dramatic video. The What-About-No™ App can be an important tool in situations where one party perceives that he or she is on the receiving end of psychological coercion. The What-About-No™ App should NOT be used in situations where imminent physical coercion is displayed as its use could aggravate tensions.

## And if the “No” message is ignored?

The unfortunate truth is that unwanted sexual encounters occur to more than 25% of females and more than 5% of males at some point during their undergraduate career. While we hope that more upfront discussion and using the We-Consent™ App and What-About-No™ App will help lessen those numbers, assaults will still occur. For such situations the We-Consent™ App Suite includes the I’ve-Been-Violated™ App.

## What about the risk of unintended consent?

The risk of unintended consent refers to the risk of allowing a perpetrator to get recorded consent for one behavior then engage in other behaviors, without consent, and claim consent was given. It assumes that the victim has somehow been prevented from expressing a “no” at the appropriate moment or is unwilling to interrupt the encounter. If the desired message is “no,” then the sexual activities have stopped and prior activities will indeed be interrupted. The victim has every freedom (absent real or threatened physical coercion) to say “no,” get up, break away, reach for a phone or clothing, and if necessary to scream or deliver a kick to the groin.



# The **What-About-No**<sup>TM</sup> App

How It Works



## 1. Transmit a Strong "NO" Message

Decide to transmit a strong "NO" message that otherwise seems not to be received by your partner.

## 2. Activate and Run the App

Show your partner the video of a policeman communicating a strong "NO" message. Leave no doubt that consent is withdrawn.



## 3. Recording Encrypted & Stored

An encrypted record of your partner watching the "NO" message is created and stored for future retrieval through the proper channels (not available directly to the user).

## 4. Discuss Consequences and Leave

Remind your partner that there is now an evidentiary record of him/her watching the "NO" message. False assertions of consent will be directly contradicted by that record.



**Embeds consent education in daily experience**

**COUNTERS PSYCHOLOGICAL COERCION**

# The I've-Been-Violated™ App

## How does the I've-Been-Violated™ App work?

The I've-Been-Violated™ App is designed for those unfortunate times when an assault occurs and the victim is unwilling to immediately speak with appropriate third parties (legal, health, or school based) about that event. Statistics suggest that this holds true for upwards of 85% of all victims. The lack of an immediate willingness to speak with appropriate third parties should not compound the victim's injuries by introducing doubts of credibility. The I've-Been-Violated™ App directly addresses the potential for such doubts (and generates a more reliable record of what may have happened) by enabling the victim to record his or her story of what happened and who was involved.

Once the victim has reached what he or she considers to be a safe place, the I've-Been-Violated™ App can be run. The app asks the victim to identify him- or herself, to state what transpired, and to name the assaulter. Inherently, the video will record the current appearance of the victim (which may be useful evidence at a later date). This information is video recorded, and, as with all other apps in the We-Consent™ App Suite, the geocoded, time-stamped video is encrypted and sent to the cloud for transfer to offline storage. The video is only available to appropriate legal, health, and school authorities or upon subpoena.

When the victim believes it is time to speak about what happened, the I've-Been-Violated™ video record is available to use as contemporaneous evidence that can minimize credibility issues. Nothing about the I've-Been-Violated™ App is restricted to sexual assaults.

## How much does the I've-Been-Violated™ App cost?

The I've-Been-Violated™ App will be available by mid-October for free as a part of the We-Consent™ App Suite for those who have the We-Consent™ App.

## Is there a risk of potential abuse?

As with most tools and services, yes, there is a potential for abuse. However, we have built-in safeguards to address most potential forms of abuse. As the user has no access to the videos, the I've-Been-Violated™ App cannot be used by an accuser. To file a false police report is itself a potential crime. More importantly, repeated use is potentially suggestive of other issues. If a user runs the app more than three times in the space of a year (ignoring test runs in the first two weeks after installation), we will notify the user's college or university. If a user has run the app more than five times in the space of a year (again ignoring test runs in the first two weeks after installation) we will notify law enforcement.



# The *I've-Been-Violated*<sup>TM</sup> App

## How It Works



### 1. Get to a Safe Place

As soon as possible, get to a safe location before starting the app.

### 2. Activate and Run the App

Turn on the app and begin to tell your story by following the on-screen instructions. The app will prompt you on what to say while recording audio and video.



### 3. Recording Encrypted & Stored

An encrypted record of your story is created and stored for future retrieval through the proper channels (not available directly to the user).

### 4. Authorities Access Evidence

When you are ready to do so, contact the appropriate authorities and they can access the video recording. The fact that it was recorded contemporaneously with the violation helps a victim's credibility be maintained.



**Embeds consent education in daily experience**

**SAFELY CREATES CONTEMPORANEOUS EVIDENCE**



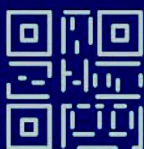
# The Party-Pass™ App

How It Works



(coming soon)

An app designed to make clear that hook-ups require discussion first



## 1. QR Code

A QR code is created (via the accompanying web app) that is specific to a given party, its location, and time.

## 2. The Pledge

Use of the app involves recommitting to the following pledge: "I pledge to not engage in sexual relations for the next eight hours unless I have an explicit discussion about them with my prospective partner first."



## 3. Scan QR Code with Phone

Upon arrival at a party, students scan the QR code as part of the process of admittance thereby taking an active step to reaffirm their commitment to the pledge.

## 4. E-mail Notification

The next day each student using the app receives an e-mail notification reminding them of their app use and the pledge.



**Embeds consent education in daily experience**

**PROMPTS DISCUSSION BEFORE SEX**



# Important Issues

## Who should provide the We-Consent™ Apps?

Because the legal status of direct provision of these apps by schools has not been tested, we recommend that The We-Consent™ App Suite be either purchased individually by students or made available for voluntary adoption by a group, fraternity, school. Unless the school or group has gained appropriate legal advice to the contrary, we strongly caution against the school or group mandating the use of the We-Consent™ App. Obviously, the use of both the What-About-No™ App and the I've-Been-Violated™ App cannot be mandated - nor would that be desirable.

By contrast, we strongly believe that schools and groups should make every effort to require the use of the Party-Pass™ App. Requiring this app for every authorized or sponsored event should lead to an immediate change in the context of the “hook-up” culture at such parties. The very act of actively scanning the QR code and being reminded of the “No Sex without Discussion First” pledge is a powerful contextual trigger. Knowing that some data about using the app is potentially available in the case of a problem is a further trigger for taking the app and the pledge seriously.

Ideally the We-Consent™ App Suite would be made available to an entire campus - so that all that was required for enrollment and use was the availability of a .edu email address. ISCE.edu has campus-wide pricing available and as a 501(c)(3) organization stands ready to assist in procuring grants and foundational support to pay for such a deployment. We further note that co-branding of the We-Consent™ App Suite or of the Party-Pass™ App is available.

## Are there implications for a student who fails to make use of the We-Consent™ Apps once available?

No negative inferences should be drawn from non-use. The primary importance of these apps is the discussions they evoke, NOT the records they create. This is true campus-wide as well as individual-by-individual. ISCE.edu officials are available to supply testimony to reinforce this if it should be necessary in the context of a legal or disciplinary proceeding.

## What is the role of education?

The We-Consent™ App Suite is designed to help trigger discussions and context changes. The substance of these discussions and the meaning of the context changes are best communicated through continuing education. The Apps cannot substitute for such education efforts but are powerful supplemental tools. Further, because the Apps reside on a student's phone, they have a constant presence and, unlike education efforts, can serve as constant triggers.

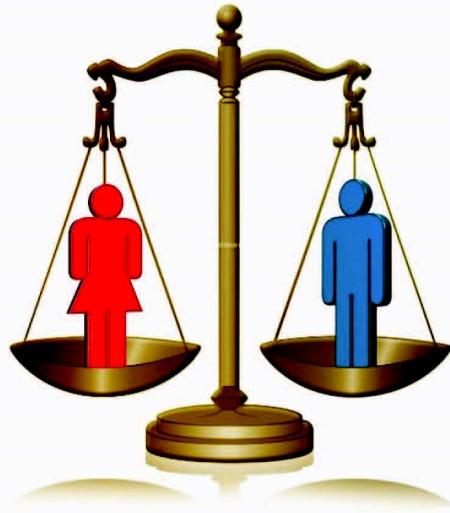
## Are the We-Consent™ Apps available for Android phones?

The Android version of each of the Apps is expected to be released before year-end.

## Does ISCE have other mobile apps available?

We also have an anti-bullying app called The-No-App™ - for further information see <http://the-no-app.com>.

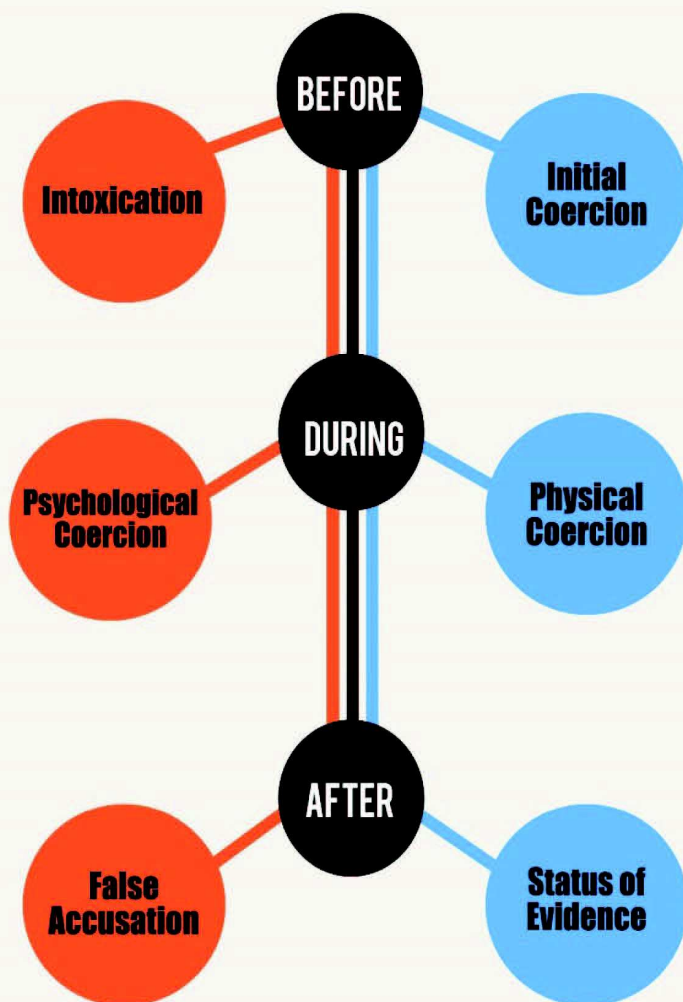




# **TITLE IX RISK MITIGATION**

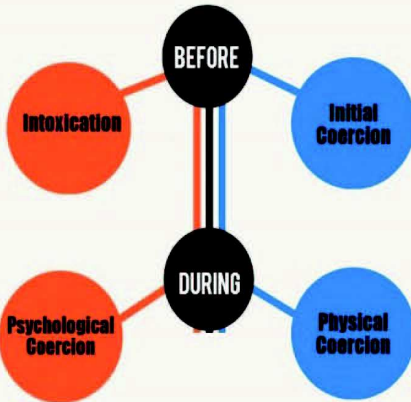
# THE RISKS REGARDING TITLE IX

Defining Unwanted and Unwelcome  
Sexual Encounters



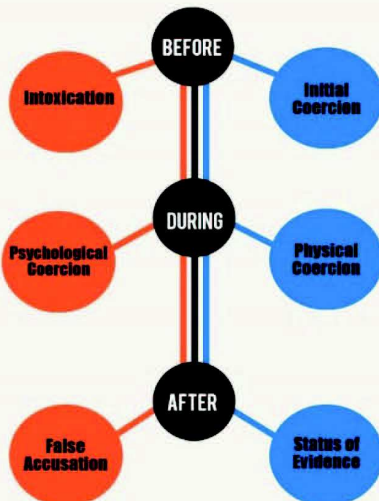
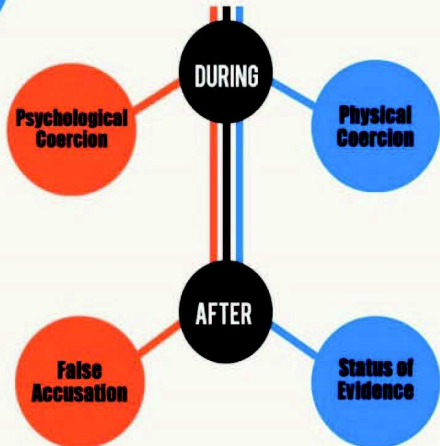


# TITLE IX ISSUES



**LICENSURE:**  
Is there actual consent  
being given freely?

**EVIDENCE:**  
How does a third party  
know what happened?



**NARRATIVE:**  
What story is each party  
telling themselves and  
others about the encounter?

# BEFORE

## Intoxication



### Current State (no app)

No constraints or evidence.



### We-Consent™: Available on Phone

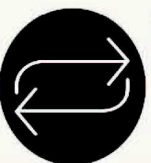
Availability of the We-Consent™ App Suite creates the context for discussion, which may create self-reflection by the parties involved.



### We-Consent™: Activated

If the two parties cannot make the We-Consent™ App work, that should indicate to them that they should not continue. If they can make it work, there is video evidence regarding state of intoxication.

## Initial Coercion



### Current State (no app)

He said/she said.



### We-Consent™: Available on Phone

Availability of the We-Consent™ App Suite creates the context for discussion, which may deter the coercer.



### We-Consent™: Activated

The coerced party can say "forced yes," which creates a record of the coercion (and which in turn may then deter the coercer).

# DURING

## Psychological Coercion



### Current State (no app)

He said/she said.



### We-Consent™: Available on Phone

Availability of the What-About-No™ App empowers the person being coerced.



### We-Consent™: Activated

The What-About-No™ App creates an effective deterrent.

## Physical Coercion



### Current State (no app)

He said/she said. Delays in notification can adversely impact perceptions of victim's credibility.



### We-Consent™: Available on Phone

Victim now has choices regarding notification without impact on credibility.



### We-Consent™: Activated

The I've-Been-Violated™ App allows the victim to record near contemporaneous evidence.

# AFTER

## False Accusation



### Current State (no app)

He said/she said creates many possibilities for abuse. A false administrative (non-police) report does not rise to the status of a criminal violation. Thus, there are limited consequences to the accuser of a false report.



### We-Consent™: Available on Phone

Unless the I've-Been-Violated™ App has been used, the ability to have a false accusation taken seriously is greatly reduced.



### We-Consent™: Activated

Possibility of abuse exists, but because the retrieval of the I've-Been-Violated™ video requires the involvement of law enforcement, a false report rises to the level of a criminal violation. In addition, I've-Been-Violated™ contains safeguards should multiple uses by the same person occur.

## Evidence



### Current State (no app)

He said/she said.



### We-Consent™: Available on Phone

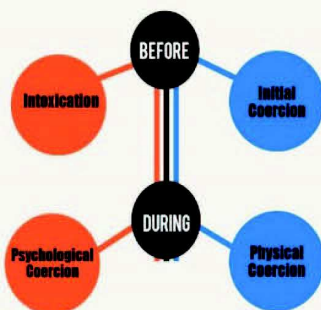
No value without use.



### We-Consent™: Activated

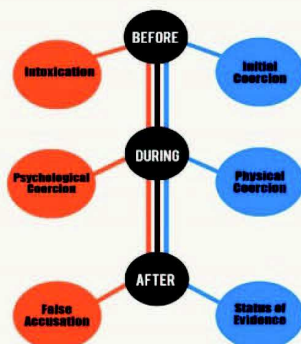
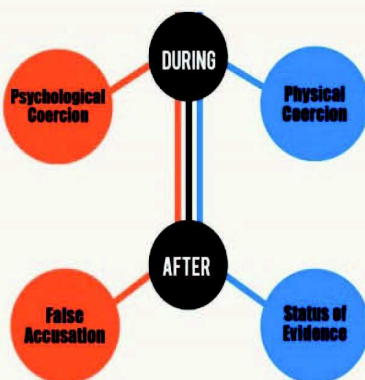
Each app in the We-Consent™ App Suite creates video evidence and saves it offline in a secure location.

# HOW WE-CONSENT™ MITIGATES TITLE IX RISKS



**LICENSURE:**  
Evokes discussion.

**EVIDENCE:**  
Records video.



**NARRATIVE:**  
The discussion of whether or not to use any of the apps changes the context of the encounter.

## We-Consent™ helps mitigate your Title IX risks

Giving students an easy to use tool to confirm licensure, which itself creates evidence, helps to shape the narrative by making the granting of consent an explicit, recorded act.





FORTUNE



Affirmative  
Consent

The Conversation  
is Changing

THE CHRONICLE  
of Higher Education



SUPPORTING  
MATERIAL



# Consent Game Changers

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June 12, 2015

Senator Kristen Gillibrand  
478 Russell  
Washington, DC 20510

Dear Senator Gillibrand,

As the creators of The Affirmative Consent Project, we are writing to endorse WE-CONSENT™ electronic app as a useful tool in combating sexual assault on our college campuses.

## **About The Affirmative Consent Project:**

The Affirmative Consent Project ([affirmativeconsent.com](http://affirmativeconsent.com)) was developed to address the fast moving topic and new legislation designed to address campus safety, campus security, and the mutual consent of two adults who are going to engage in an intimate relationship.

## **Affirmative Consent Project Goals:**

When we began the project, we were discussing the idea of creating our own proprietary app to help people record, discuss, and agree on a mutually consensual arrangement. Part of our decision making process included the great responsibility of a legal agreement between consenting parties, as well as the major concern of keeping information safe, secure and encrypted.

We soon realized that the responsibility of an electronic application would be better handled by a company that was devoted to these safety features and security issues. To that end, we redirected our efforts away from a high tech personal app, and focused on creating an information portal that would keep the public sector informed about Affirmative Consent, the changes to the "Yes Means Yes" model, and the new laws that affect everyone.

We knew, given the fast paced news coverage, and so many colleges developing their own in house policy, that there would probably be exactly the type of electronic app(s) that we had envisioned sooner rather than later. We were correct on that front.

## **Consent App Development:**

To date, there have been at least 4 different 'consent' apps introduced to the market, and to the public. Some have had mild success, and some have failed miserably. At Consent Game Changers, we kept in touch with the companies that were developing these software platforms, and let them know that we were open to forming alliances and partnerships once we knew how their apps would fare both in the market, and with the public.

As we mentioned earlier, we had a number of concerns about an app that would meet the safety and legal concerns that this policy requires, as well as the security of the individuals using the program. While some of the apps that have been developed do strive to meet these security and

[www.AffirmativeConsent.com](http://www.AffirmativeConsent.com)

privacy goals, only one has proven to have all of the parameters we feel are necessary to protect the consenting individuals in this process. And that is We-Consent.com

**WE-CONSENT™ Endorsement:**

WE-CONSENT™ has shown that they understand all three of the components of the consent legislation and policy: Consenting, Refusing Consent, and Revoking Consent. In addition, they have shown us a high regard for individual security and personal encryption. These components are very important to us, and we-consent.com is endeavoring to meet these standards.

We endorse the WE-CONSENT™ app, and hope that you will consider this software in your recommendations for federal legislation.

Thank you very much for your time and consideration to this matter.

Sincerely,

Alison Berke

Cody Collins

John Chauncey

Founders, Consent Gamechangers/AffirmativeConsent.com

Changing the Conversation



# THE CHRONICLE OF HIGHER EDUCATION

## When It Comes to Preventing Sexual Assault, Should There Be an App for That?

By Meg Bernhard June 11, 2015

To some people, the idea for an iPhone app designed to let students record video statements of agreement before engaging in sexual activity sounds like a bad joke. Or perhaps just a well-intended overuse of technology.

But Michael Lissack has come up with a set of such apps, and he defends them as a way to reset the conversation around sex on the campus.

His creation, called [We-Consent](#), is actually [three apps](#) — one that lets students document mutual consent to a sexual encounter by video-recording a conversation about it with the cellphone's camera, and two "no" apps that record an individual watching a message on the phone that clearly states "no," so there is a record of that individual having received the message.

Mr. Lissack, who is executive director of the Institute for the Study of Coherence and Emergence, said the videos are encrypted and unhackable; they don't save onto a user's phone, but they are stored in an offline database. The only time the videos can be viewed is when there is a legal reason to disclose them, such as a court proceeding or university adjudication.

Right now, the two "no" apps are available through the App Store on Apple's [iTunes](#), but the yes app is accessible only on the apps' website. Mr. Lissack said that Apple considered the yes app "icky."

Mr. Lissack said he got the idea for the app last fall, during debates about the new sexual-assault policy at Harvard. For Mr. Lissack, "there had to be a better way" to ensure that both people involved had consented to sexual activity.

He said he hopes the apps will facilitate more open and clear discussion between partners about engaging in sexual activity, and will mitigate any prior confusion.

*The Chronicle* talked with Mr. Lissack to learn more about the app. An edited and condensed transcript of the conversation follows.

**Q. Just asking for consent during sexual activity is difficult enough. Wouldn't bringing in a phone make things even more complicated?**

A. From my perspective it works as follows. The current societal standard is no means no. We are asking for that standard to change. That means, if you're asking us to put it in computer language, the default assumption is being reset. That requires work. If you merely depend on the conversation itself with no props, that is harder than if you provide a context which makes it easier. The purpose of these apps is to create or help create that context.

**Q. Do you really think that when people are about to become intimate, they're going to reach for their phone and go through these processes?**

A. If both parties agree to have a conversation, then the objective has already been reached. What is it that's going to cause the conversation to happen? Having it on the phone is a cause for the conversation. Whether or not they actually use the app is not the same as the fact that it's there, because it's the fact that it's on the phone that changes the context.

**Q. What do you mean?**

A. People [in college] have their phones within two feet of them at all times. Let's be blunt. If one or both of you know you have this app on your phone and you know that you're supposed to be engaging in this discussion, and you know that unfortunate things may happen after the event that cause people to re-evaluate, which is part of the importance for both sides if they respect each other of actually having the conversation — it's just easier to know the prop is there.



# Do Consent Apps Really Work? Here's Why It Doesn't Matter

Swipe right for enthusiastic consent.

by [katherine speller](#) 7/29/2015

Have you ever thought about introducing an app into your foreplay? Because, yeah, that's a thing.

Apps like [We-Consent](#) and the much discussed [Good2Go](#) offer a way for you to keep a little reminder of affirmative and enthusiastic consent in the back of your mind and close to your heart (right next to Tinder and Candy Crush.)

We talked to the Michael Lissack, Executive Director of the [Institute for the Study of Coherence and Emergence](#) (ISCE), who designed the We-Consent app. Pretty much immediately, he made it clear that it's not *really* about the app at all. "It's not the use of any app, it's having the discussions that matters," Lissack said. "What I care about is that young people talk about what their doing. If we can get the kids to talk — *that's the victory.*"

Although the We-Consent app — included in a suite of [other consent/rejection-related apps](#) with a five dollar ISCE membership — offers the ability to record a video confirmation of themselves and their partners consenting to have sex and saves a record of their affirmative consent. If the partner doesn't say "yes," the app destroys the videos and tells them to try again. While it seems a little robotic and, frankly, unsexy, when put in those terms — it's pretty far from it.

"Young people sort of do things in silence, then they have the activity [the sex] and then maybe a small percentage may talk about it later," Lissack said "The idea that you do [sexual] things based off weird silent body language, it's normal to the 20 percent. But I think it'd be better to spend some time figuring out who were you were supposed to do something with before you discover the hard way that you've made a terrible mistake."

## [This Is Where The Law Messes Up When Talking About Sexual Assault](#)

With affirmative and enthusiastic consent [policies and laws](#) cropping up across the country, it's important to realize that they aren't about taking the fun or spontaneity out of your sex life — it's not like you're pulling out paperwork, asking for signatures and initials. All it means is that the law expects you to make sure that the person you're having sex with wants to have sex with *you*. It's about starting to *really* communicate and making the whole "consent conversation" a no-brainer part of every person's sex life.

Because look: If your partner is not okay with or consenting to sex or sexual acts, you are hurting them. That's sexual assault and, assuming you care about other people, not something you want to risk. If you want to have sex (let alone *good* sex) you need to make sure you're giving a f-k about your partner and their well-being. That's the only way to keep your sex life sexy.

## Can an app help reduce sexual assault on college campuses?

by Molly Petrilla SEPTEMBER 1, 2015, 2:53 PM EDT

The controversial We-Consent app is the latest tech tool to tackle the issue of sexual violence. While many of us look back on the fall back-to-school season with fond memories, colleges are increasingly acknowledging that the first few months of school can be a dangerous time for female students. Known as the “red zone,” the weeks leading up to Thanksgiving are when students are most likely to be sexually harassed or raped.

As administrators struggle to protect their students, [New York](#) and [California](#) have introduced laws requiring all schools to adopt affirmative consent policies. Even outside those states, many are championing an “only yes means yes” culture, urging partners to obtain a clear yes at every point of sexual activity. This departure from the old “no means no” model has left some students confused about what affirmative consent actually entails. Could new tech help them figure it out, or even offer some protection?

A new suite of apps, [We-Consent](#), debuted in June. Here’s how We-Consent’s eponymous app works: Sexual partners each say their name, their partner’s name, and an explicit “yes” to sex. The app records video of the statements, adds a time-stamp and geo-code, then encrypts the footage and stores it offline. Only law enforcement, university disciplinary proceedings or subpoenas can unlock it.

“Do you really want to go into court and say, ‘Well, yeah, I guess I said yes on this app?’” Laura Dunn asks. “Consent is a fluid concept. It can be given, it can be withdrawn, it can exist for part of an act, some acts, not all acts.”

But according to Michael Lissack, who created the We-Consent suite, the app is meant to open a conversation between partners because “sometimes kids need props to help them do that.” “Whether or not you choose to use [the app], it will have started a discussion,” he says. “It’s a weird thing—I built an app that, if it actually works, won’t get used,” because students will talk about consent on their own instead.

He says he addressed the issue of changing consent with [What-About-No](#), a second app in the We-Consent suite. It uses images and audio to explicitly tell another person “no,” even after a We-Consent video may have been recorded. Then it tells the viewer that a video of them receiving the “no” has been “safely uploaded to the cloud.” Again, the footage is available only for court cases or school hearings.

Chantelle Cleary, Title IX coordinator for the University at Albany and a former special victim’s prosecutor, says the app concerns her. “You may be in a position that’s starting to become scary, upsetting,” she says. “Who’s going to think to grab their phone? And if they do, will that make it more dangerous?”

Lissack says What-About-No is meant for people facing “psychological pressure” rather than physical coercion. As with We-Consent, he says it’s more about sparking discussion than gathering court-admissible footage. So why even have that capability? “Because that’s what causes the conversation,” he says. “Usually fake things don’t work very well.”

He won’t give out exact numbers, but Lissack says he has “a couple thousand customers” so far and is “in discussions” with about 300 schools around the country to adopt the We-Consent suite and offer it to their students.

While What-About-No is available in the Apple store, We-Consent is more complicated to get. Lissack claims that’s because Apple told him it was “icky” and rejected it, leaving him to figure out distribution on his own. Apple has not yet responded to Fortune’s request for comment.

To download the iOS app, users must join the [Institute for the Study of Coherence and Emergence](#), an organization directed by Lissack. Membership costs \$5 per year for students or \$4 if you’re part of a group. If a university adopts the app suite, it will pay the institute a flat fee to make the apps available to all its students.

Lissack isn’t the only one working on an affirmative consent-focused app right now. Good2Go creator Lee Ann Allman says she’s been hearing from new people every few weeks who are intent on launching their own versions. Some move on when she tells them about her own experience—the thousands of dollars she lost, the public backlash she faced—but others insist that their product will be different.

Both Allman and Lissack say financial profit was not their focus, yet John Foubert—president of the nonprofit rape prevention organization [One in Four](#)—counters that even nonprofits need to offset their costs, and “we all need to be very careful about making money off of women’s pain.” It may be possible to address sexual violence with online education programs, he says, “but not with apps. Everyone keeps thinking apps are going to solve the world’s problems. That’s silliness.”





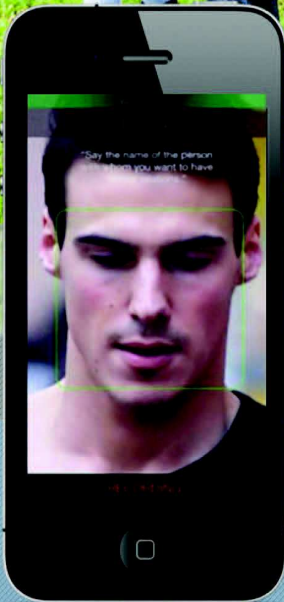
Group and campus wide discounts are available.

For further information

please contact Michael Lissack, ISCE Executive Director  
at [lissack@isce.edu](mailto:lissack@isce.edu) or call 617-710-9565



Institute for the Study of  
Coherence and Emergence



# **We-Consent™**

A Suite of Smart Phone Apps  
Improving Title IX Compliance  
by Changing the Context  
Around Sexual Consent