



Legal issues re the WE-CONSENT™ App

What is Affirmative Consent?

As the societal standard regarding sexual interactions is shifting from the prior “No Means No” standard to a new Affirmative Consent standard of “Yes means Yes” it is critical for young men and women (particularly students) to understand that nothing is to be gained by avoiding explicit discussions that are aimed at ensuring that both prospective partners are comfortable prior to engaging in the proposed sexual activity. While the prior “No means No” standard meant that the only necessary discussion was around when one of the participants wanted to “stop” and what that meant to both, now the new standard demands explicit affirmation each step of the way.

So Conversation is Required?

Yes and Upfront so that proceeding is only by **mutual agreement**.

How does having an App help?

Young people are seldom without their mobile phones. By having an App available on their phone they know that each person has access to a tool that can be used to pause a potential sexual encounter and create the opportunity for discussion and consent before proceeding. In the extreme case, the App can create the required evidence of consent or lack thereof. Sharing that potentiality with your partner is a trigger for the very discussions that the Affirmative Consent standard demands — what are we doing? Do we agree we are doing it? Should we make a record of that? How do I know I should trust you and vice versa?

How does the WE-CONSENT™ App work?

Each partner is prompted to state name and the name of the other partner as well as saying an explicit yes to sexual relations. The 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, and by subpoena. They are NOT available to the users — which prevents misuse.

I NEED the video what do I do?

The video recordings are only available to law enforcement, university disciplinary proceedings, and by subpoena. Because the laws of all 50 states vary, it is critical that you hire a lawyer and have that lawyer get in touch with us at legal@isce.edu. If you are member of law enforcement, please contact us both by email and by phone. If you are a representative of a college or university disciplinary or investigative office, please have your attorney contact us at legal@isce.edu. WE CANNOT RESPOND TO VIDEO REQUESTS EXCEPT THROUGH OUR ATTORNEYS AND A LEGAL PROCESS. NO EXCEPTIONS.