

These standards and protocols provide a framework for working with intimacy

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INTRODUCTION

In film, television, digital media and the interactive world, nudity, intimacy and simulated sex often have an important role to play in the telling of a story. Although performances in these scenes convey strong feelings and powerful emotions to an audience, which can be integral to a storyline, we also recognise the unique vulnerabilities that might arise for Performers, and indeed all Production Team involved, when engaged in hyper-exposed work.

The high level of sexual violence and trauma in South Africa calls for a responsible approach to this sensitive topic. The following set of protocols and standards - for those creating intimate content - establish specialised support mechanisms that empower and protect Cast and all Production Departments pre-, during and post-production.

The policies are designed to provide a safety net for Performers while allowing for a more efficient production.

These standards and protocols provide a framework for working with intimacy. Professional Intimacy Coordinators (ICs) can be employed throughout the entire production process (pre-production, on-set and post-production). They are trained to protect both the Performers and the Production Team as a whole and to facilitate exchange and collaboration with the least disruption to the production. However, these protocols are equally applicable to productions that include scenes with intimacy whenever an IC is not available, not required or not an option.

OBJECTIVES OF THE PROTOCOLS:

- help take away any shame or embarrassment involved in writing, performing, shooting or editing intimate scenes
- provide an open and safe channel of communication for the Performer and Production Team, in the context of the intimate scenes
- establish the Performer's freely given and specific personal consent boundaries and consent containers
- provide an important safety net for Performers and Crew working in hyper-exposed scenes that respects the boundaries of all
- create an environment for Performers to be 'personally safe so that they can be artistically vulnerable'
- Define exit-strategies, allowing the Performers or Crew to step out of the action at times when they do not feel emotionally or physically safe
- Provide the option for facilitated closure, to ensure post-scene emotional safety

INTIMACY

WHAT IS INTIMACY?

Intimacy can be any moment of personal contact executed by a Performer; or a Performer appearing nude or semi-nude, during a scene.

The context may be sexual (such as kissing, simulated sex, masturbation etc.), sexual violence (such as rape, sexual assault, BDSM etc.) or non-sexual (such as touch from mother to a child or a nurse to a patient etc).

WHAT IS AN INTIMACY COORDINATOR?

An intimacy Coordinator is a trained professional who specialises in managing scenes with intimacy, simulated sex and nudity and can be employed by a production to assist when planning or working on scenes with intimate content, from pre-production, during production and through post-production.

Much like a Stunt Coordinator, they bring a level of safety, a clear structure and process designed to enhance the Director's vision and protect the Performer when choreographing intimate scenes.

CONSENT

Consent should be freely given, without coercion, and can be retracted at any point throughout the production.

For a Performer to consent to an action, they must be fully informed in advance regarding what is expected of them and have the right to say no. 'Yes' has no value, if 'no' is not an option.

Consent should be sought: prior to audition, at contract/rider/waiver stage, throughout rehearsals, while shooting, and into post-production.

If a Performer feels physically or mentally unsafe, violated or coerced into performing either nudity or scenes with intimate content, they are entitled to withdraw consent, irrespective of what they have agreed in their contract. In such cases production may be entitled to use body doubles, to enact the scene as agreed in the rider/contract.

Consent should extend to all production departments including those working on post-production.



DURING PRE PRODUCTION

WRITERS

For Performers and Production Team to provide consent, writers must write scenes that clearly define the sexual content, intimacy or nudity, in the stage directions, in a way that lets everyone involved in the production know exactly what the artistic vision for the scene is, and how it develops both character and story in the narrative.

Ideally, full scripts should be available to all at the point of being booked to work on a project.

If this is not possible, clear communication and transparency is essential, based on the information that is currently available, and sample scripts/sides made available to all who request them.

Writers should be aware of their target audience and should write to standards applicable to FPB guidelines on sex/nudity/sexual violence restrictions.

PRODUCERS

As part of a wider process to create a safe and respectful culture on set, that is free from sexual harassment and discrimination, producers have an obligation to implement standard workplace sexual harassment policies, with clear lines of reporting and procedure in the event of a complaint.

A recommendation is to include the <u>Code of Good Practice</u> - Handling Sexual Harassment in the Film and Television Industry as a signed addendum to each contract.

In addition, Producers must identify whether a production includes scenes of intimacy and sexual content as part of the risk assessment.

They should break down available scripts and then consider whether they need to budget for an Intimacy Coordinator, either as a consultant or for days on set. If there is a high level of sexual content, it is a good idea that the Intimacy Coordinator be inducted as part of the Crew from the outset; in so doing, all Performers and production Crew know that the agreements and protocols surrounding the sexual content and nudity are going to be handled consistently on set.

All Production Departments, Cast, and Crew (including Post-Production) must be given the opportunity to look at the available scripts and to discuss the nature of the content written and/or Directorial vision prior to being booked on the production.

This allows all parties involved to make an informed decision whether or not to accept the role/position.

Moreover, it allows them to offer creative and technical input at this important planning stage, while ensuring that they are prepared for how the intimate scenes will be directed, filmed and then edited.

All Performers and Production Team should be given space to negotiate any potential and complex emotional responses experienced while working on these scenes, whether the production is using an Intimacy Coordinator or not.

This is most pertinent in cases where the scenes include sexual violence.

In these instances, production should arrange access to a mental health specialist, or support professional, who can assist anyone who has been triggered by scenes with this challenging content, whether a witness or performing as perpetrator or victim.

In all circumstances Producers will employ best practice Intimacy Coordination protocols and insist that this vision is shared with Directors, all HOD's, including Post-Production, and all Performers who have intimate scenes.

- Casting briefs must include the level of nudity and/or intimacy required for the role.
- Auditions should take place in a professional space during working hours.
- No initial auditions or screen tests are to include simulated sex scenes, intimate contact (ie kissing) or to involve nudity. Where, in exceptional circumstances, nudity or semi-nudity is required in a recall/call back, the Performer must be informed in advance and provided with the script. The Performer must consent to these actions.
- If a Performer is nude or semi-nude in a recall, they may bring a support person to be with them throughout the meeting.
- In such cases, the audition process should follow a closed audition protocol. The only other people allowed to be present in the audition room are the Casting Director and/or Director/Producer, and the Reader.
- The Performer may be asked to audition in specific clothing (e.g. swimwear) required for a commercial but in such cases the Performer MUST be informed in advance.
- The Performer must sign a written agreement with the Casting Director that any recording of a nude or semi-nude audition will be confidential.
- All material recorded must be protected and be destroyed once the role has been cast.
- All challenging aspects of audition scenes must be identified and clearly articulated in the audition brief. In addition, appropriate support measures must be put in place, and outlined in the brief.

CONTRACTING

At point of contract all scenes involving nudity, intimacy, or simulated sex are to be discussed, and communicated in writing, with the Performer and their representative/Agent, so that agreement is made with full disclosure.

• The Performers' contract for screen productions should allow the Performer to agree, or disagree, to performing any form of nudity or simulated sex, and include an option to indicate the type of nudity the Performer is willing (or not willing) to do (e.g. buttocks only, or full frontal).

- Performers sometimes accept a role in which their character will be semi-nude, only to find later that additional scenes have been written into the script which include full frontal nudity and simulated sex. In such instances, consent must be renegotiated with the Performer, and the Performer is entitled to refuse to give this consent. This will not be deemed to be a breach of contract by the Performer.
- Agreement and consent to be given by the Performer and/or Performer's representative each and every time they work on an intimate scene. A Performer's consent regarding a previous scene or film does not automatically produce consent for a following scene or film.

A NUDITY RIDER IS A LEGAL CONTRACT, AND SHOULD INCLUDE:

- 1. a detailed description of the scene(s).
- 2. the type of nudity or physical contact required.
- 3. limitations on use of the footage and production stills (if any).
- 4. agreed costume elements (if applicable).
- 5. any other conditions that Production and the Performer have agreed upon.
- 6. agreement on use or non-use of body doubles.
- 7. agreement regarding the utilization of closed set protocols.



The specificity of the nudity rider is of utmost importance. Therefore, consider language specified such as the following: full nudity, rear nudity, or profile nudity; excluding or including genitals, nipples, pubic hair, etc.; and whether you may wear cover-ups during filming (such as c-strings and daisies).

Performers should not sign, or be forced to sign, a contract for full frontal nudity and simulated sex if they are only prepared to go semi-nude.

All contractual stipulations, obligations and riders on intimate scenes between the Producer and Performer must be relayed to the entire camera department, including DIT and post-production department.

AGENTS

It is also critical to involve Agents in all discussions. They should be informed about how the scenes will be shot and what is to be included in order to protect their clients.

Discussions with Agents need to be ongoing, particularly if the script is still in development, as often happens with long running series', like soaps. Performer boundaries must be detailed and stipulated in writing. (e.g. What body parts can be filmed and how?)

Agents must also, with the express consent of the Performer, raise issues that may be relevant, or a consequence of the performance, for example:

- Previous related trauma in a Performer's life that may be relevant to the scenes.
- Risk of Performers' image being leaked to social media
- Impact of scenes on the personal reputation and future casting potential for the Performer.
- Impact on the reputation of the Performer in conservative territories.

A mitigation strategy must be agreed to deal with or alleviate these potential consequences. This is most critical when the intimacy involves a minor or vulnerable person.



DURING Production

When considering scheduling, it is generally preferable for the Performers to film intimate scenes and nudity at the beginning of the day, when they are freshly washed and have prepared their bodies. If this is not possible, time and the facilities must be made available for them to 'freshen up' before working in close contact with their on-screen partners. Special attention should be given to sexual harassment protocols when filming intimate scenes or nudity, in particular the making of inappropriate comments, before, during or after. These protocols should be clearly reiterated by the Intimacy Coordinator and/or AD before any intimate scene is filmed.

- It is imperative to employ a closed set as standard when working with simulated sex.
- Agreement and consent by the Performer to be given on every day of filming intimate content.
- Respect and boundaries between all Cast and Crew must be maintained before, after and between takes.
- Irrespective of the language used in the script, when blocking a scene plain words should be used by everyone, rather than sexually charged or titillating language, for example: penis, breast and buttocks rather than, cock, tits and arse.
- During all rehearsals and blocking, there must always be a third party present, to keep the work professional, rather than private.
- The Performers and the Director, or the Performers and Director in conjunction with an Intimacy Coordinator must ensure the scene serves the character, storyline and the character's emotional journey.
- When the blocking and/or physical boundaries have been agreed by the Performers, they must neither improvise outside of those agreements nor change blocking, without a new agreement being put in place.
- Action should never extend beyond what has been agreed upon, whether or not 'cut' has been called.
- A 'safe word' should be agreed upon prior to shooting and should be used by Performers or Crew to halt the action if any issue arises. This includes allegations of sexual harassment, assault and arousal. At such time the right to Privacy must be maintained. The IC or AD have the responsibility to manage such situations and the issue needs to be addressed before filming recommences. If this issue is deemed to be sexual harassment or assault, this should be dealt with in conjunction with the production's sexual harassment protocols.

KISSING

- When kissing, it is standard practice not to use tongues, however, should the Director feel it would serve the scene better to use tongues, then there must be agreement and consent from both of the Performers.
- Kissing scenes should not be rehearsed in private, but in full sight of the Director and/or Intimacy Coordinator, or other appropriate 3rd party.
- When rehearsing a stage/screen kiss, start off with kiss placeholders (such as cheek to cheek, hand to cheek or a peck) until the choreography of the scene has been completed. This may be integral when Performers are still agreeing to physical touch, and sculpting the physical actions. Subsequently this offers a detailed choreographic context when exploring the quality of the kiss, identifying the emotional content of the scene, and integrating the physical actions with the emotional content.
- Once physical and emotional blocking of the kiss is established, Performers should not be asked to repeatedly rehearse the kiss whilst emotionally engaged.
- The length of the kiss should be established prior to the shot and cut point agreed. Kissing does not continue beyond the moment 'cut' is called.
- No kissing when either of the Performers have active cold sores or any other communicable diseases, unless the informed consent of both Performers has been granted.
- Appropriate oral and personal hygiene should be adhered to for all kissing scenes.



NUDITY

Even if a Performer has signed a nudity rider, they may withdraw their consent for any reason and at any time before or during the filming of a scene involving nudity.

In such cases the Producer shall have the right to use a body double to perform the scenes as per the initial agreement between the Producer and Performer.

Consent may not be withdrawn regarding footage already filmed.

WHEN WORKING WITH NUDITY ON SET:

- Pre-agree times and scenes when nudity will be used.
- It is imperative to employ a closed set as standard when working with nudity.
- Nudity will only be required from action to cut. The Performer should be covered at all times between scenes. This is not optional.
- No nudity with genitals touching, or faces touching genitals during simulated oral sex. Always use patches, modesty garments and/or barriers.
- Performers should not override the nudity guidelines independently or improvise without prior consent and agreement of touch in place. Any new proposal is to be discussed with the other Performers and the Director.
- Technical rehearsal will show blocking only and will be in rehearsal clothes.
- Shot order should be considered so that the time that the Performers spend in a state of undress is minimised.
- No still photography of nudity or simulated sex will be authorized by the Producer without the prior written consent of the Performer.

WORKING WITH 'ADULT ENTERTAINMENT' PERFORMERS, SUPPORTING ARTISTS (EXTRAS) AND BODY DOUBLES

Adult Entertainment Performers, Extras (SAs) and Body Doubles must be treated exactly as you would the Principal Cast and all relevant protocols must be followed from Casting through Post-Production.

IN ADDITION:

- Share protocols and guidelines with the Performers in advance of the shoot and brief them fully on set as to professional expectations before they start work.
- Give Performers the opportunity to outline their boundaries in writing before arriving on set.
- Keep a signed copy accessible during the shoot and into Post-Production, making sure Performers only perform pre-agreed simulated sex and nudity.
- Give Performers the autonomy to either halt the action, or change their blocking, to an alternative pre agreed blocking, if issues arrive mid shot.
- Consider the use of multiple Intimacy Coordinators for scenes that involve many Performers engaged in simulated sex at the same time



WORKING WITH ON SET STAND-INS

Stand-ins should never be asked to re-enact the physicality of simulated sex or kissing.

Stand-ins may refuse to perform any action they are uncomfortable with and should be fully clothed at all times.

IF STAND-INS HAVE BEEN EMPLOYED SPECIFICALLY FOR THIS ROLE – THESE PROTOCOLS SHOULD ALSO BE FOLLOWED:

- Inform the Stand-in in advance of job acceptance/offer of nature of the production.
- Invite Stand-in to Crew showing so they are aware of the specifics of the shot.
- Give them, and respect their right, to say 'No'.
- Give them IC support to agree to touch and show positions that do not compromise their boundaries and do not require the Stand-ins to be forced to bear weight on each other or have lip to lip/body contact.
- Provide them with suitable physical barriers ie substantial cushions.
- Have an IC present, or on standby, while working with Stand-ins to ensure guidelines are met and boundaries are being respected.
- If there is a need to work with exposed flesh for technical/shot/lighting setup reasons, have appropriate flesh tone costume i.e. bodysuits, rather than requesting the Stand-ins remove their clothing.

DURING POST-PRODUCTION



Although consent may not be withdrawn as to film already filmed, best practice accords Performers an opportunity during Post-Production to state any objections they may have with the edit:

- Intimacy Coordination/best practice protocols, should extend to Post-Production to ensure that the entire Production and Post-Production process, up to final cut, is consistent with all contractual obligations and riders for intimate scenes, and that Performers' rights are protected in this regard.
- Dailies of nude and simulated sex scenes may be viewed only by the Director, Producers and key Production and Post-Production Personnel.
- Performers should have the right to view the dailies of nude and simulated sex scenes and engage in meaningful communication about their concerns with the Director and Producer, either in person, or via the Intimacy Coordinator if one has been used.
- Nude and simulated sex scenes may not be used in connection with any advertising, publicity and/or promotional materials without the Performer's written approval in each instance, noting that once approval is given it cannot be withdrawn.

• Producers must ensure that Post-Production is aware of all contractual obligations around the destruction of outtakes and that these obligations are in fact possible to implement, and that they are in line with standard backup protocols and insurance requirements. Where they are not, then the Performer must be informed and alternate arrangements made to the satisfaction of both parties.

ROLE OF THE INTIMACY COORDINATOR/PRODUCER IN POST-PRODUCTION

Where budgets allow, the IC should continue to final cut, but in the absence of an IC the following will be the responsibility of the Producer:

- Addressing Performers' questions and concerns, post-filming, to ensure that any trust built up on set cannot be squandered in Post-Production.
- Completing scene reports for every intimate scene, both for record-keeping and developing best practice.
- Ensuring that the Post-Production department is aware of all Performers' contract stipulations around destroying any footage such as outtakes, and that a closed edit site protocol is adhered to.
- Notes about any promises and agreements made with Performers during the course of filming intimate scenes, must be given to the Editors.
- These should have been signed off on a scene-by-scene basis, and this must be made available to the Post-Production department.
- Verifying that the final cut is consistent with all contractual obligations and riders.

SECURITY AND CONFIDENTIALITY FOR INTIMATE SCENES IN POST-PRODUCTION

Many productions will already include a non-disclosure agreement (NDA) between the Production Company and Post-Production professional, department and/or facility.

In the case of intimate scenes there should be further riders around security and confidentiality to include a closed edit site protocol, to be included in all post-production agreements and contracts - particularly in cases where Post professionals are working remotely.

ALL POST WORKSTATIONS AND EDIT SUITES MUST BE COMPLIANT WITH ANY ELECTRONIC AND PHYSICAL CONTENT SECURITY AGREEMENT WITH THE PRODUCTION COMPANY, TO INCLUDE THE FOLLOWING:

- Workstation screens to be positioned so as not to be visible to unauthorised persons.
- At no point will the screens be shared with anyone else other than the Director and those authorised by the Producer.
- At no point will the work be discussed with, viewed by, or otherwise accessed by anyone outside of the security agreement - and in the case of remote working, the Editor has an obligation to ensure that third parties, including household members, adhere to the confidentiality provisions of the NDA.
- No unauthorised exports and no screenshots to be taken, whether on the workstation or by mobile device.
- Compliance with any provisions of the security agreement prohibiting copying or downloading of content and uploading content to unauthorised locations.
- The ethics and rules of best Post-Production practice will take piracy seriously, with consequences, particularly in the case of intimate scenes.

ACKNOWLEDGEMENTS AND LINKS

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APPENDIX

PRODUCER'S CHECKLIST FOR INTIMATE CONTENT

Identify all scenes with sexual content, intimacy and/or nudity as part of the production risk assessment and plan accordingly. This risk assessment will include all stages of production – from script development, to pre-production, production through to post-production.

- It is recommended as part of the risk mitigation that a qualified Intimacy Coordinator be contracted to manage scenes with intimacy, simulated sex and nudity, if at all possible.
- It is also recommended that as part of the risk mitigation to include the Code of Good Practice: Handling Sexual Harassment in the Film and Television Industry as a signed addendum to each contract of all personnel in all production workspaces, as part of a robust culture of health and safety.
- Ensure an open and safe channel of communication for all production personnel in the context of any intimate scenes.
- Ensure that the script has all intimate content and/or nudity clearly defined in the stage directions so all scenes which the Cast members will be present for, has a detailed description of the action and how it will be filmed. This information must be clear on all available scripts sent to Casting Directors, Casting and Crewing agencies, and all departments within the production.
- At point of contracting there must have already been full disclosure of all proposed or anticipated scenes involving intimate content and/or nudity, to be communicated in writing with the Performer and their representative/Agent. This disclosure must be extended to all those contracting in all production workspaces.
- It is highly recommended, in line with international best practice, that a Nudity Rider be included with every Performer contract, either for all scenes with sexual content, intimacy and/or nudity, or a rider for each scene, with as much detail as necessary to make clear what the Performer has consented to or not.
- Agreement and consent by the Performer for intimate and nude scenes must be treated as on-going, must be freely given and specific to each scene, to be managed daily during filming.
- If consent is withdrawn for any reason, the producer will have the right to use a body double for that scene, but only in accordance with the agreement in the rider/contract.
- A closed set for all intimate and nude scenes will be standard, and the production will have clear guidelines in place for this, so all production personnel are clear what the closed set protocol is.
- The security and confidentiality of the intimate content must be included in any Non-Disclosure Agreement negotiated with all those contracted on the production; during casting, rehearsal on set and in post-production.

NUDITY RIDER - EXAMPLE

DURING NUDITY RIDER TO PERFORMER AGREEMENT

DATED AS OF XXXX

BETWEEN XXXXXX (PRODUCTION COMPANY) AND PERFORMER (XXXX) IN CONNECTION WITH THE TELEVISION SERIES/FEATURE FILM (SERIES/FILM)

Reference is made to the agreement ("Agreement") dated as of XXXXX, between XXXXX ("Producer") and XXXXXX ("Performer") in connection with the television series/film entitled "xxxxxxx" (the "Series/Film").

1. NUDITY and SIMULATED SEX SCENE: it is understood between the parties, that with respect to the services rendered by Performer, for the consideration set forth in the Agreement, such services shall require Performer to appear nude, and/or semi-nude, and/or perform designated simulated sex scene(s) as the case may be, in the Film.

The description of the extent of such nudity, and the type of physical contact required in such simulated sex scene(s), is attached as Exhibit "A".

2. PERFORMER'S CONSENT: Artist hereby consents to Artist's appearance in the scenes set forth in page(s): episode #X, scene #Y and pages 0-0 (attached hereto as Exhibit A) of the script (all such footage containing nudity, partial nudity and/or simulated sex acts in the scenes described above referred to herein as the "Material"), which page(s) or scene number(s) may change in the event of a script revision provided that any such changes may not alter the scope or details of the partial nudity or simulated sex scene without Artist's prior written consent.

3. THE FOLLOWING CLOTHING ITEMS WILL BE WORN: (as an example – here is where the detail of the Rider is included - edit as required)Performer will be in various stages of undress but never fully nude.

Performer may expose side of buttocks but will have either nude underwear or a C-String and nipple daisies covering Performer's private parts during the shoot and Performer will engage in a nudity and simulated sex scene. (Further example) At no time will the Material require the filming of below the waist frontal nudity. At no time will the Material require the filming of below the waist rear nudity, without Performer's prior consent

4. BODY DOUBLES: It is agreed that no double of Performer will be used with the scenes described herein unless Artist refuses to perform in such scenes and then only in accordance with the terms hereof. Consent may not be withdrawn as to film already shot.

Performer shall have a reasonable right of consultation regarding shots of any double.

5. CLOSED SET: During the filming of such scenes, the set shall be closed, and no unnecessary Cast or Crew shall be present. No still photos and/or video of the scenes (other than filming of the scenes for the episodes) will be taken. Cell phones and other personal recording devices shall not be present on the set while recording the Material. Performer shall be supplied with a robe between takes.

6. OWNERSHIP OF PERFORMANCE: Pursuant to terms and conditions of the Agreement, Production Company shall retain all rights to the Material including, but not limited to, the right to exhibit the Material as part of the Series/Film in all media now known or hereafter devised, throughout the universe, in perpetuity. The Material will not be used in any promotions, advertising and publicity, paid ads or key art without Artist's prior written consent, which shall not be unreasonably withheld.

ALL OTHER ASPECTS OF THE AGREEMENT SHALL REMAIN IN FULL FORCE AND EFFECT.

_____ Date:

Exhibit "A"

1) xxxxxx

2)xxxxxx

3)xxxxxx

ELEMENTS TO BE INCLUDED IN A SCENE REPORT

A scene report should serve as a record as what was agreed in advance, versus what happened on the day. It can flag issues that can be learned from before commencing the next scene with intimate content, and will also act as evidence as to measures that were put in place to minimise risk if there is a later dispute.

- Full Production details, such as Producers, Director, 1st AD, Actors, Date, Location, Scene Number and brief description
- Details re conversations, rehearsals and agreements put in place ahead of the shoot
- Details re scene execution, both positive and negative
- Whether an Intimacy Coordinator was used or not
- Whether a stunt Coordinator was used or not
- Whether there was nudity involved, and the implementation of appropriate coverings
- Whether there was simulated sex and appropriate barriers or physical anchoring techniques were used to avoid genital to genital contact
- Whether closed set protocols had been adhered to if implemented
- Any other factors that may be worth noting
- Feedback from the actors after they have been given some time to reflect on the scene