

YALE SCHOOL OF DRAMA (YSD) PROTOCOL FOR REHEARSING AND PERFORMING MATERIAL WITH SEXUAL CONTENT, CONSENSUAL SEXUAL TOUCHING, AND DEPICTING SEXUAL ASSAULT

INTRODUCTION

Sexual harassment and sexual assault are not tolerated at Yale School of Drama (“YSD”). All members of the community have these ethical obligations: to refrain from participating in these behaviors; and to take steps, where possible and safe, to interrupt and address them when witnessed. When sexual misconduct in any form is reported, the leadership of YSD is responsible for the “investigation”, follow up, and any disciplinary action, if determined necessary, of the individual(s) in question. (To read a full statement of Yale’s policies and definitions, go to: <http://smr.yale.edu/sexual-misconduct-policies-and-definitions> and <http://smr.yale.edu/sites/default/files/files/Guide-Preventing-and-Responding-to-Sexual-Misconduct.pdf>.)

This document is designed to promote freedom of expression through processes that respect collaborators’ personal boundaries, in order to eliminate incidents of sexual misconduct in rehearsal and performance.

All dramatic literature includes—or may be interpreted to include—the subject of human sexuality, and theatrical rehearsal and production of many works may include overt sexuality, nudity, and/or the staging of sexual touching and/or depictions of sexual assault. Like many other subjects of drama, these issues and practices can and do make people uncomfortable. Nonetheless, there are significant artistic and professional opportunities that depend upon a mature approach to these subjects. Actors and their collaborators can master such an approach while in training, so as to make work confidently throughout their careers.

YSD takes responsibility for providing these protocols to all members of the community who may be working in rehearsal and performance— students, interns, faculty, staff, and guest artists—and all members of the community explicitly accept responsibility for upholding these standards to the best of their abilities, by signing and returning to the Registrar the signature pages of this document.

These protocols and all training offered forthwith shall be consistent with the protocols and union standards of the League of Resident Theatres and Actors’ Equity Association agreement.

DEFINITIONS

SCENES WITH SEXUAL CONTENT

Scenes with sexual content are those in which either the plain meaning of the text or the company's interpretation of the text reference sexuality, including attitudes, actions, and sexual language, whether graphic or suggestive, as well as states of dress and undress, including but not limited to nudity and partial nudity. Scenes with consensual sexual touching are those with staging or choreography including these consensual behaviors: kissing, touching of buttocks, breasts, and thighs, at or close to erogenous zones, stroking, body-to-body contact or that deal with simulations of physical penetration, oral sex, touching oneself sexually, and orgies. In consultation with the director of any production, YSD will determine whether the sexual content of scenes with sexual content and/or consensual sexual touching require the presence of a named fight director or intimacy director.

Scenes with depictions of sexual assault are representations of acts which, in the plain meaning of the text or in the interpretation of the company, fit any of these descriptions: non-consensual sexual touching (including kissing), penetration, or oral sex, when any of the above are perpetrated by force, coercion, incapacitation, or in the absence of affirmative consent. Note: All productions with scenes depicting sexual assault require a named fight director or intimacy director.

SEXUAL HARASSMENT

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature on or off campus, when: (1) submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing; or (2) submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating or hostile academic or work environment. Sexual harassment may be found in a single episode, as well as in persistent behavior.

SEXUAL MISCONDUCT

Sexual misconduct incorporates a range of behaviors including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual or has the purpose or effect of threatening, intimidating, or coercing a person. Much sexual misconduct includes nonconsensual sexual contact, but this is not a necessary component. For example, threatening speech that is sufficiently severe or pervasive to constitute sexual harassment will constitute sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct.

SAFETY

Safety is all collaborators' full confidence that sexual content and sexual touching, including in depictions of sexual assault, will only be rehearsed or performed with the ongoing affirmative consent of all actors; that YSD classrooms, rehearsal halls and theaters will be free of sexual harassment; and deviations from these protocols will be addressed immediately by collaborators and YSD.

SEXUAL CONSENT

Under Yale's policies, sexual activity requires affirmative consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a "no;" a clear "yes," verbal or otherwise, is necessary. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know—or reasonably should know—to be incapacitated constitutes sexual misconduct.

Consent can be accurately gauged only through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, body language, or dancing) are unwarranted, and should not be considered as evidence for consent.

Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent.

PROTOCOL FOR YSD PRODUCTIONS:

PRE-PRODUCTION

Directors discuss scenes with sexual content, scenes with consensual sexual touching, and depictions of sexual assault with the Chair of the Acting Department, who uses discretion in contacting the acting pool to opt in or out of being cast in roles that include sexual content.

After casting is complete, the director, playwright (if present), choreographer (if any), stage manager, and dramaturg ensure that scenes with sexual content are marked in the stage management notes.

REHEARSAL

The stage manager will be the facilitator for all protocols relating to scenes with sexual content. These rehearsal protocols will be posted at all rehearsal halls and communicated during production meetings. At the first rehearsal, the stage manager will point the posting out to the company, and confirm that all members of the company have signed the attached affirmation. The stage manager will also enumerate the scenes with sexual content. During the first week of rehearsal, the director, in consultation with the playwright (if present), stage manager, and dramaturg, will have discussions with the actors who are involved with scenes with sexual content.

All company members must be mindful that sexual content is to be treated with professionalism and respect by all collaborators: careless references to or jokes about these subjects, or about people's bodies, or the transmission of related photos or other materials, may constitute sexual harassment.

GENERAL PROTOCOL: DIRECTING/CHOREOGRAPHING SCENES WITH SEXUAL CONTENT

When a scene with sexual content is rehearsed, there will be a conversation between the director and actors, in consultation with the playwright (if present), choreographer (if any), stage manager, dramaturg, fight director, or intimacy coach (if any). Discussion of scenes with sexual content should address the following parameters and how they will impact the rehearsal and performance process: context, consent, communication, and choreography. The director should determine:

- What kinds of behavior, which might constitute harassment in other circumstances, are required or possible in the scene?
- What kind of physical contact is required or possible in the scene?
- What body parts are acceptable to be touched?

If improvisation is involved in these scenes, boundaries should be clear before any improvisation begins.

When a depiction of sexual assault is first staged, the participation of a fight director or intimacy coach is required. Closing such a rehearsal to all but essential personnel (as agreed by the actors, stage manager, fight director/intimacy coach, and director, all of whom shall be deemed essential) is standard—exceptions should be rare and agreed to by all actors, stage manager, and director. While the fight director or intimacy coach's ongoing participation is expected, after initial staging, the director, stage manager, fight captain, and actors may collaborate on minor adjustments, and the company may continue to rehearse the material for purposes of review.

When scenes with partial nudity, nudity, and other sexual content are being staged at significant levels of undress or physical contact, the director, stage manager, and actors shall discuss whether the rehearsal room will be open or closed. Closing such a rehearsal to all but essential personnel (as agreed by the actors, stage manager, and director) is standard—exceptions should be rare and agreed to by all actors, stage manager, and director.

A closed rehearsal room is one in which any actor or creative team member outside of the scene(s) in question, with the exception of the director, choreographer, fight director/intimacy coach, participating actors, and stage manager, will not be admitted into the rehearsal room during the rehearsal of the scene in question. The doors to a rehearsal room during a closed rehearsal are not locked at any time and appropriate notice and appropriate signage should be posted indicating that the rehearsal room is off limits to those not directly participating in the scene.

GENERAL RESPONSIBILITIES OF THE ACTOR

Actor is responsible for acknowledging actor's own personal boundaries – regardless of the scene – and communicating that information to actor's scene partner(s) as clearly as possible prior to the start of any rehearsing. Actor should communicate forthrightly about actor's personal boundaries, since all parties involved in the rehearsal need to know what has been affirmatively consented to in order to begin scene work. The first step is always a conversation with actor's scene partner(s). This communication may be difficult for some actors who are reticent about stating their sexual boundaries. If this is so, seek help from your director or a faculty member.

All actors are expected to work within the parameters of the rehearsal protocols set forth in this document.

A reminder that the energy exchanged between actors in a scene is in service to the story of the play. Sexual attraction between two characters is not the same as – and should not be confused with – sexual attraction between the individual actors who portray those characters. If actor's scene partner(s) give(s) actor permission to touch them in an intimate way in rehearsal, it does not mean that permission extends outside the context of the scene. Actor should not make assumptions about actor's scene partner(s) based on their work with actor in rehearsal.

In scenes involving consensual sexual touching, it is each actor's personal responsibility to seek ongoing affirmative consent from a scene partner: the actor must ascertain verbally what is acceptable to their scene partner, before any and all sexual touching, including kissing.

The actor must receive unambiguous confirmation of their scene partner's affirmative consent to sexual touching. The interpretation of the scene may be ambiguous with respect to any character's intent, but the actor must have unambiguous clarity with respect to their fellow actor's ongoing affirmative consent to sexual touching.

Third party assurances (“the director/teacher/another actor said it was okay”) are not acceptable as consent. Ongoing affirmative consent can only be given by the actor or actors being touched sexually.

Before initiating an improvisation that involves consensual sexual touching, scene partners must clarify what physical boundaries are in play, and give their affirmative consent to the sexual touching incorporated into the improvisation. If an actor feels unsafe at any point, the actor may say, “Hold” to temporarily suspend the improvisation, and the sexuality, sexual touching, or protocols should be discussed. It is far better to stop an improvisation than to breach the trust of another actor.

RESPONSIBILITIES OF TEACHERS

It is the responsibility of the teacher to alert students when they are assigned scene work that may involve consensual sexual touching, including kissing. Such notice may be given in writing, via e-mail, or during an in-person meeting with the stage manager and any involved scene partners. Best practices at YSD include contextualizing explorations of sexuality in the classroom. Students will acknowledge they understand that they are consenting to explore sexuality and/or consensual sexual touching.

Teachers will honor a student’s right to pause during a scene, if the student feels unsafe. Teachers who have questions with respect to implementation of these protocols should contact the Chair of their department or Associate Dean/YSD Title IX Coordinator Chantal Rodriguez.

PROTOCOLS FOR ACTORS REHEARSING A SCENE FOR CLASS

When a rehearsal is private, i.e., with no faculty, director, or stage manager present, it is especially important to acknowledge and respect boundaries in rehearsing scenes with sexual content or consensual sexual touching, including kissing.

Prior to staging physical action of a sexual nature, the actors should discuss the sexual content of the scene, and communicate their boundaries within the context of that rehearsal; this creates the container for that particular rehearsal. The first time the physical action related to sexual content in the scene is rehearsed, a third party should be present in the room to observe and help the actors follow the rehearsal protocols, as needed. Once the basic choreography is set, the actors are free to rehearse on their own. At any point during the rehearsal process, an actor can request the presence of a third party to observe and assist, as needed.

If an actor feels unsafe at any point, the actor may say, “Hold” to temporarily suspend the rehearsal, and the sexuality, sexual touching, or protocols should be discussed. If an agreement on rehearsing such moments cannot be reached, then the actors may rehearse other moments, or may agree to suspend the rehearsal. They should then, either individually or together, take their concerns to the class’s faculty member.

BEST PRACTICES

Spontaneous changes to staging involving sexual touching are unacceptable both in rehearsal and performance, unless they fall within previously agreed boundaries. Safety trumps spontaneity in every circumstance.

If at any time in rehearsal an actor feels unsafe (that affirmative consent has not been given, that a harassing act has taken place, or that a mistake in protocol has occurred) the actor may say, “Hold”—this requires any other actor, the director and/or stage manager, or faculty member if it is in a class, to temporarily suspend the action in rehearsal. At that time the actors, director, stage manager and/or faculty member can discuss how the rehearsal may proceed safely and in a productive manner.

In any situation, it may be necessary for the class or company to take a break, while the faculty member or stage manager and/or director talks with the actors about the scene.

In rehearsals, if an actor accidentally touches a body part that was not stated as being acceptable, the actor touching accidentally will verbally let the scene partner know that this has occurred, and will ask permission to continue with the work within agreed parameters. During a performance, if an actor accidentally touches a body part that was not stated as being acceptable, the actor touching accidentally will, following the scene or the completion of the performance, verbally acknowledge actor’s inappropriate touch and let the scene partner know that this has occurred, and in future performances will agree to maintain the work within agreed parameters.

In rare circumstances, actors in class may be assigned or choose to work on a scene that gives rise to a depiction of sexual assault. Actors should only choose such work in consultation with teachers; teachers should only make such assignments in consultation with the actors; and all parties should be confident that these protocols will be used by the actors to rehearse the scene in safety for the purposes of the class.

PROTOCOL FOR REPORTING

In the event any actor feels uncomfortable speaking up in rehearsal for a production or class, the actor may contact any faculty member, the director, or stage manager, the Acting or Directing Department Chair, or Associate Dean/YSD Title IX Coordinator Chantal Rodriguez at any time privately, either in person or via email. The goal of such communication should be to move the conversation back into the rehearsal hall, so that the actor is fully empowered to give affirmative consent to, or withhold affirmative consent from, the scene partner(s).

Should any scene partner, stage manager, director, or teacher be unreceptive to an actor’s concerns about sexual content, the next step is for the actor to speak with the Chair of the Acting or Directing department or Associate Dean/YSD Title IX Coordinator Chantal Rodriguez.

Affirmation of Understanding and Commitment
(To be signed and returned to the Registrar)

I, (print name here) _____, have read and understand the Yale School of Drama Protocols for Rehearsing and Performing Material with Sexual Content, Sexual Touching, and Depictions of Sexual Assault.

I have read Yale University's policies and definitions pertaining to sexual misconduct (<http://smr.yale.edu/sexual-misconduct-policies-and-definitions>) and understand that "sexual assault" includes penetration, oral sex, and/or sexual touching, which includes kissing, in any of these four circumstances:

1. By physical force—overpowering the victim.
2. By incapacitation—with a victim who does not resist by virtue of being drunk, under the influence of drugs, or passed out.
3. By coercion—the pressure of a non-physical threat.
4. In the absence of affirmative consent.

I further understand that the definition of "sexual harassment" includes, among other behaviors:

1. Sexual remarks or jokes or stories that are insulting or offensive.
2. Inappropriate or offensive comments about someone's body, appearance or sexual activities.
3. Saying crude or gross sexual things or trying to get someone to talk about sexual matters when they don't want to.
4. Transmitting offensive sexual remarks, jokes, stories, pictures or videos to people that don't want them.
5. Continuing to ask someone to go out, get dinner, have drinks or have sex even though they said, "No."

I am committed to ensuring an environment free of sexual assault and harassment, and I affirm that I will follow YSD rehearsal guidelines to the best of my ability at all times.

Signed,

Signature

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