



SECTION 1.2: CODE OF CONDUCT

The Australian Ballet School

RESPONSIBLE: Board

VERSION 1 APPROVED BY THE BOARD: May 2020

LATEST VERSION APPROVED BY THE BOARD: February 2024

REVIEW DATE: This policy will be reviewed after any significant child safety and bullying incident or at least every 2 years and improve where applicable.

ACCESS LOCATION: Staff Portal, Student Portal, The Australian Ballet School website.

1. PURPOSE

The Australian Ballet School (School) is a community built upon the core values of respect, care, support and acting ethically. The School is committed to fostering a culture of honesty, integrity, openness, empathy and accountability while operating in an unbiased, unprejudiced and non-discriminatory manner. This includes full compliance with all legal obligations.

This Code of Conduct (Code) defines how all members of the **School Community** should conduct themselves and their responsibilities in relation to each other, the School and the broader community when representing themselves or the School.

The Code guides the School in realizing its Purpose and Values and serves as a foundation for the School's policies and procedures relating to expected behaviours.

The School complies with their legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act (2005)* (Vic), the *Crimes Act (1958)* (Vic) and the recommendations of the *Betrayal of Trust Report*. The School follows compliance requirements of the *Victorian Ministerial Order 1359* and considers protecting children as everyone's responsibility – parents/carers, communities, governments and the School and its boarding facility Marilyn Rowe House (MRH) as a business, have an integral role to play.

The School and its boarding community at MRH is committed to providing a child-safe and child-friendly environment which includes ensuring that children, families or personnel who wish to report allegations of abuse or child safety concerns know how to report abuse allegations and are encouraged to do so.

2. WHO DOES THIS POLICY APPLY TO

This policy applies to all members of the **School Community**.

3. DEFINITIONS

Confidentiality: where this or any other grammatical form is used, means non-disclosure of information, whether oral or written in any form, as far as circumstances allow.

Contractor: an independent individual or organization that works with the School to complete a job, service or to provide materials. Contractors include subcontractors and are sometimes referred to as “providers”.

Consultant: an independent individual or organization engaged by the School to provide expert business advice, often in relation to a specific project.

Natural Justice: the right of a person against whom an allegation is made to know what is alleged against them, the right to put their case in reply and for any decision to be made by an impartial decision-maker.

School Activities: any activities undertaken on the **School Premises** or conducted by or on behalf of the School external to the School Premises, including but not limited to travel for the purpose of such activities.

School Community: includes Board members, all **Staff Members** including staff of Marilyn Rowe House (MRH), students and parents/guardians/carers, **Volunteers**, Contractors and Consultants.

School Premises: includes all areas of the Primrose Potter Australian Ballet Centre, including the Level 4 walkway, Level 1 entrance and car park, the surrounding public space areas and MRH. Where any other areas/locations are used for School Activities (including transport by means to or from School Activities), these areas are included for the purpose of this definition.

Serious Misconduct: has its ordinary meaning and may occur in different ways and in different contexts. The examples below are for guidance but do not provide an exhaustive definition of what may constitute Serious Misconduct.

- a. In an employment context, Serious Misconduct is defined by Regulation 1.07 of the *Fair Work Regulations 2009* (Cth) as having its ordinary meaning and includes an employee deliberately behaving in a way that is inconsistent with continuing their employment. This means that for Staff Members, Serious Misconduct includes but is not limited to: conduct that causes serious or imminent risk to the health and safety of themselves or others, or to the reputation, viability or profitability of the School; engaging in fraud, theft or assault; being intoxicated at work; or refusing to carry out lawful and reasonable instruction that is part of their job.
- b. Many of these examples are behaviours for which there is zero tolerance and which, outside the employment context, also amount to Serious Misconduct. This means that for any members of the School Community, Serious Misconduct includes but is not limited to: conduct that causes serious or imminent risk to the health and safety of themselves or others, or to the reputation, viability or profitability of the School; engaging in theft from the School or another member of the School Community; assaulting another member of the School Community; being intoxicated while

on School Premises or engaged in School Activities; sexual harassment or bullying of another member of the School Community.

Staff Member: refers to a person employed by the school, whether pursuant to a written contract of employment or otherwise, irrespective of the nature of the period of their employment. This includes a person employed on a full-time, part-time or casual basis, or a contract for a specified period.

Volunteer: refers to a person engaged by the School under written volunteer agreement to provide a service to the School for no financial compensation, irrespective of the nature or the period of the engagement. This includes a work experience/internship or vocational placement student, but excludes the Board.

4. CODE OF CONDUCT

This Code sets out the standards of conduct expected of all members of the School Community whilst on School Premises or engaged in School Activities. Members of the School Community should be conscious that even when conducting themselves in private situations, their conduct may affect the School and its reputation.

All members of the School Community are expected to be familiar with and comply with the Code at all times. Further detail on the behaviours expected of members of the School Community in specified contexts may be found in the School's policies.

Professional Behaviour:

- Compliance with all policies and procedures of the School;
- When alcohol is served to adult members of the School Community in connection with a School Activity, exhibiting a responsible attitude to the use of alcohol;
- Adhering to professional standards and boundaries at all times and in particular, with regard to relationships with students of the School;
- Avoiding conduct which may harm the School's reputation;
- Not making any statements to the media about the School unless expressly authorized to do so by the School.

Respect:

- Treating all members of the School Community with courtesy and respect;
- Upholding the dignity and welfare of all members of the School Community;
- Upholding the School's commitment to child safety;
- In respecting the health and safety of all members of the School Community: not using, supplying or being affected by illegal drugs or substances injurious to human health, and not using or supplying tobacco or similar products;
- Supporting students to live their lives authentically, and to be challenged and stimulated in their education and growth;
- Not circulating any explicit, offensive or harassing material;
- Respecting the School's property.

Fairness:

- Being fair in all dealings with members of the School Community;
- Promoting and upholding the principle of equality;

- Reporting any conduct which is in breach of this Code;
- Participating fully and promptly when involved in any investigation or response to complaints conducted by or on behalf of the School.

Integrity:

- Being honest in all dealings with members of the School Community;
- Immediately disclosing any potential, perceived or actual conflict of interest (whether direct or indirect) and complying with any directions from the School to eliminate or reduce any conflict;
- Only accepting or offering gifts, entertainment or other business courtesies in accordance with the School’s Conflict of Interest Policy;
- Maintaining financial integrity and responsibility;
- At all times, behaving in a way that upholds the School’s values and the integrity and good reputation of the School.

Compliance with law:

- Compliance with all applicable laws;
- Compliance with all lawful instructions given by the School;
- Compliance with all policies and procedures in relation to Child Safe Standards, including understanding and complying with all reporting and disclosure obligations concerning child safety and wellbeing;
- Avoiding harassment, victimization and bullying in any form;
- Avoiding discrimination in any form on the basis of personal characteristics including age, disability, race, sex, intersex status, gender identity and sexual orientation;
- Observing all health and safety rules and responsibilities;
- Reporting any detected or suspected fraud or corruption;
- Supporting the reporting and investigation of any unlawful or unfair treatment.

Teamwork:

- Pursuing the interests of the School and its students at all times;
- Promoting opportunities for staff and students to reach their full potential, acknowledging creative and personal development and educational requirements;
- Upholding the School’s commitment to working together to achieve the School’s Purpose and Values and its commitments to stakeholders.

Confidentiality:

- Supporting openness and transparency, with appropriate safeguards of Confidentiality as appropriate to the circumstances
- Observing any contractual obligations of confidentiality.

5. PROCEDURES

These procedures for administering this Code and managing potential breaches of the Code have been developed to foster consistency in process. They cannot cover all circumstances but should be used as guidelines.

5.1 Administering the Code:

The responsibility for administering the Code rests with the Board, along with The Director of the Australian Ballet School (Director) and the Executive Director, as the senior leaders representing the governance and operations of the School.

5.2 Investigation of Potential Code Violations:

All reports of potential breaches of the Code will be investigated thoroughly and promptly.

Investigation of potential breaches of the Code will be conducted Confidentially and in accordance with the principles of Natural Justice.

In general, an investigation will be conducted by the Director and/or the Executive Director (the Investigator). Depending on the nature of the investigation, the School Counsellor and Board members may be involved. Background information may be sourced from staff and any other source that may aid the investigation.

If there is the possibility of a conflict of interest, the Board may decide to appoint an external Investigator.

5.3 Breaches of the Code and Determination:

The School aims to take such disciplinary action as is appropriate to the nature of any breach of the Code. Disciplinary action may include corrective and/or preventative actions such as training and counselling to address any breaches and prevent future occurrences.

The Investigator will make a determination about any potential breach of the Code and recommend any disciplinary action.

A person determined to have breached the Code may seek review of the determination and any recommended disciplinary action, consistent with Natural Justice.

5.3.1 Students:

A student may be suspended or expelled for any breach of the Code or other activity which the School considers inappropriate (as reflected in the School's *Student Handbook*), including:

- suspension from a class or area of the School for a specified period of time;
- suspension from the School for a specified period of time;
- in cases of Serious Misconduct, expulsion.

For any suspension for a period of greater than one day or expulsion, the student must be provided with written reasons for the determination and the period of suspension or end date of enrolment (as applicable). The School will also provide the student with information on the School's Student Complaints & Appeals Policy.

5.3.2 Staff Members:

A Staff Member may be suspended from the School for any breach of the Code for a specified period of time depending upon the nature of the breach.

Where a breach of the Code involves Serious Misconduct, this may result in summary dismissal.

For any suspension or termination of employment, the staff member must be provided with written reasons for the determination and, the period of suspension or end date of employment (as applicable).

5.3.3 Other Members of the School Community:

Depending on the nature of any breach of the Code, in respect of a member of the School Community who does not fall within 5.3.1 or 5.3.2, disciplinary action may include but is not limited to being:

- required to make an apology;
- refused access to the School Premises or participation in School Activities for a specified period of time.