

Canberra Dance Theatre

Respectful Behaviour Policy



1. Background

- 1.1 This policy details Canberra Dance Theatre's (CDT) position on *unacceptable behaviour* and applies to a person's conduct in any CDT-related context, including administration, dance classes, performances at the Studio premises or any other spaces, and social events organised by CDT. The policy covers:
 - (a) the obligations of CDT and individuals to maintaining a respectful environment and practices to prevent unacceptable behaviour.
 - (b) key definitions pertaining to unacceptable behaviour.
 - (c) a process to address unacceptable behaviour, including handling reports of unacceptable behaviour and its resolution.
 - (d) list of key resources and legislation (see Appendix).
- 1.2 A range of Commonwealth and ACT legislation (see Appendix) places a responsibility on organisations, including not-for-profit organisations such as CDT, to protect its staff, volunteers and class attendees from harassment and bullying.
- 1.3 This policy should be read in conjunction with the following CDT policies, available on the [CDT website](#):
 - *Code of Conduct*
 - *Work Health and Safety*
 - *Working with Vulnerable People*

2. Obligations and expectations

- 2.1 All Board members, staff, teachers, volunteers and class attendees (i.e. the CDT community) have the right to enjoy respectful relationships and feel safe from any form of unacceptable behaviour, including bullying, harassment and physical violence (see Definitions below).
- 2.2 We expect all members of the CDT community to abide by the *CDT Code of Conduct* which outlines our expectations for respectful behaviour to prevent unacceptable behaviour.
- 2.3 All members of the CDT community and participants in CDT activities have a responsibility to ensure that neither harassment nor bullying occurs.
- 2.4 CDT commits to treat any reports of harassment or bullying seriously, promptly, in strict confidence and with sensitivity.
- 2.5 Whilst CDT will endeavour to resolve issues through informal internal processes (see 3: Procedures), a breach of this policy may result in disciplinary action, up to and including termination of employment (if applicable) or exclusion from classes or other CDT activities.

Definitions of unacceptable behaviour

- 2.6 The term **unacceptable behaviour** covers a range of behaviours, including bullying, harassment and physical violence. The following definitions are drawn from WorkSafe ACT and Comcare (see Appendix).
- 2.7 **Bullying** is repeated unreasonable behaviour directed towards a person or group. This could be in person or via technology (e.g. cyberbullying / abuse via social media).
- (a) Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
 - (b) Unreasonable behaviour refers to behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
 - (c) Verbal aspects of bullying can include yelling, swearing, threats, ridicule, laughing at or teasing in a derogatory manner.
 - (d) Social aspects of bullying can include deliberately excluding a person from conversations and social events, everyone leaving a room when a particular person enters.
- 2.8 **Harassment** refers to harmful behaviours targeting a person on the basis of their characteristics such as age, disability, race, nationality, religion, political affiliation, relationship status, family or carer responsibilities, sexual orientation, sex, gender identity or intersex status. Examples include:
- (a) offensive jokes
 - (b) insulting comments
 - (c) taunts
 - (d) sexual and/or gender-based harassment.
- 2.9 **Sexual and gender-based harassment** is unwelcome behaviour of an offensive or demeaning nature because of a person's gender, sex or sexuality. These behaviours can make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, verbal or non-verbal. It can be a one-off event, repeated or continuous. Some examples of sexual harassment include:
- (a) inappropriate staring or leering
 - (b) suggestive comments or jokes, or insults and taunts based on gender
 - (c) unwelcome touching or other physical contact
 - (d) repeated / inappropriate advances
 - (e) sending or showing someone sexually explicit material
 - (f) sexually explicit or indecent emails, phone calls, messages or online interactions
 - (g) threats or sharing intimate images or film without consent
- 2.10 **Physical violence** is the use of physical abuse, threats and assault against a person. *Aggressive and violent behaviour can represent criminal conduct.* Physical violence represents a serious incident and should be reported to the Police.

3. Procedures for Addressing Unacceptable Behaviour

- 3.1 If a person feels they are experiencing or witnessing unacceptable behaviour at CDT, and are not comfortable dealing with the problem themselves, or their attempts to do so have not been successful, they should raise the issue promptly with a member of CDT's staff or Board (e.g. by email or speaking to the person).

How CDT will respond

- 3.2 Complainants have the right to choose how they wish to have a complaint treated, to have support or representation of their choice throughout the process, and to discontinue a complaint at any stage of the process. NOTE: There is an exception where CDT has a legal obligation for mandatory reporting (see 3.18 and 3.19).
- 3.3 A CDT representative will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
- 3.4 If issues cannot be resolved satisfactorily for the complainant using the above informal internal approach, complainants can seek the assistance of the ACT Human Rights Commission Conciliation process (class attendees/non-staff/staff) or the Fair Work Commission (for staff, including volunteers; see Appendix). Complainants may wish to access those commissions' websites to understand the options available and to speak to those commissions for advice. CDT commits to offering appropriate support to a complainant wishing to contact the relevant commissions and to participating in good faith with any authorised commission or relevant authority.
- 3.5 For issues not satisfactorily resolved informally by internal processes and not covered by either the ACT Human Rights Commission conciliation or the Fair Work Commission, CDT may engage an external professional (e.g., qualified mediator or human resources consultant) to assist in resolving the issue.
- 3.6 All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
- 3.7 CDT will treat any reports and complaints of unacceptable behaviour seriously, promptly, in strict confidence and with sensitivity. There will be no victimisation of the person making the report or helping to resolve it.
- 3.8 Complaints made maliciously or in bad faith may result in disciplinary action.

Record keeping

- 3.9 At the completion of the process, all investigation records are to be kept confidentially, in a file for the specific complaint. If the file is stored electronically, CDT will take all practicable measures to prevent unauthorised access to the file, such as password protection. Records may be kept for a period of seven years.

Consequences of breaching this policy

- 3.10 Individuals found to have committed an instance of unacceptable behaviour may have a sanction applied by the Board. The type and severity of the sanction will depend on the relationship of the person to CDT, and some individuals may have a combination of sanctions applied.

- 3.11 An **employee** may be sanctioned consistent with employment arrangements, which may include:
- (a) termination of employment
 - (b) formal warnings
 - (c) a direction to undergo supplementary training.
- 3.12 A **CDT member or volunteer** may be sanctioned through the provisions of the CDT Constitution and work health and safety provisions, including:
- (a) suspension from membership for a period specified by the Board
 - (b) expulsion from CDT membership
 - (c) a ban from the CDT premises and activities, which includes, but is not limited to CDT classes and events, studio hire and off-site events.
 - (d) a direction to undergo supplementary training.
- 3.13 A **non-member individual** of the general public, such as non-member hirers, who have breached this policy may be sanctioned with:
- (a) a ban from CDT membership
 - (b) a ban from the CDT premises and activities, which includes, but is not limited to CDT classes and events, studio hire and off-site events.
- 3.14 Regarding **contractors**, CDT retains its rights to end a contractual engagement within the provisions of a contract. Contractors would otherwise be sanctioned as CDT members or non-member individuals, as applicable.
- 3.15 In determining the severity of a sanction, the Board will consider:
- (a) the severity and frequency of the behaviour
 - (b) the wishes of the complainant
 - (c) any apology from the respondent and willingness to make amends
 - (d) whether the respondent could have been reasonably expected to know such behaviour was unacceptable
 - (e) whether there have been any prior incidents or warnings.

If unacceptable behaviour has not been substantiated

- 3.16 If an investigation finds unacceptable behaviour has not occurred or cannot be substantiated, CDT may still take action to address any identified issues leading to the initial report.

Criminal conduct and Mandatory reporting

- 3.17 CDT cannot investigate suspected instances of criminal conduct but will support a referral to the Police, should a complainant wish to do so and accepts CDT's support.
- 3.18 CDT must report any suspected incident of sexual assault to WorkSafe ACT, consistent with the CDT Work Health and Safety Policy and relevant legislation (see Appendix).
- 3.19 Any person in the ACT must report a suspected incident of the sexual abuse of a child to the ACT Police as soon as reasonably practicable, consistent with CDT's Working with Vulnerable People Policy.

Appendix

CDT documents are available at <https://canberradancetheatre.org/management/>

This includes CDT's:

- *Code of Conduct*
- *Work Health and Safety Policy*
- *Working with Vulnerable People Policy*

References and useful resources:

Discrimination Act 1991 (ACT): <https://www.legislation.act.gov.au/a/1991-81/>

ACT Human Rights Commission: <https://www.hrc.act.gov.au/>

ACT Human Rights Commission Conciliation: <https://www.hrc.act.gov.au/complaints>

Australian Government, eSafety Commissioner, Cyberbullying:
<https://www.esafety.gov.au/key-topics/cyberbullying>

Australian Government, eSafety Commissioner, Adult Cyber Abuse:
<https://www.esafety.gov.au/key-topics/adult-cyber-abuse>

Australian Government, Comcare: comcare.gov.au/safe-healthy-work/prevent-harm/psychosocial-hazards/harassment

Australian Human Rights Commission: <https://humanrights.gov.au/>

Fair Work Commission: <https://www.fwc.gov.au/>

Safe Work Australia: [Guide for preventing and responding to workplace bullying](#).

Safe Work Australia, Dealing with Workplace Bullying:
<https://www.safeworkaustralia.gov.au/system/files/documents/1702/workers-guide-workplace-bullying.pdf>

Work Safe ACT, Work-related Bullying (a): <https://www.worksafe.act.gov.au/health-and-safety-portal/safety-topics/mental-health/work-related-bullying>

WorkSafe ACT, Work-related Bullying (b): worksafe.act.gov.au/health-and-safety-portal/notify-worksafe/work-related-bullying