

Melbourne Fringe

Content & Conduct Policies



Context

Melbourne Fringe democratises the arts. Our vision is cultural democracy – empowering anyone to realise their right to creative expression. We support the development and presentation of artworks by, with and for Melbourne’s people, running the annual Melbourne Fringe Festival, the year-round venue Common Rooms at Trades Hall, and a range of arts sector leadership programs. We believe that equitable access to the arts and creative expression are fundamental human rights and vital to a creative, cohesive and empathetic society.

The opposite to cultural democracy is artistic exclusion, and Melbourne Fringe is built on a model that seeks to dismantle a programming ecosystem that has historically excluded voices from the margins. But an open access model is only the beginning of this work because exclusion doesn’t need to be explicit; it can come about by creating or sustaining hostile environments. The only way to ensure that any individual has a right to creative expression is to foster an environment where they are welcome to do so.

To that end, we have three policy documents that work in companion to each other: the Melbourne Fringe Community Guidelines, the Melbourne Fringe Participant Code of Conduct and the Melbourne Fringe Child Safety Code of Conduct. These policies collectively seek to establish a safety framework for Melbourne Fringe participants and audiences.

Application

The **Melbourne Fringe Community Guidelines** relates to the creative content or communications contained within an event, or otherwise placed in the public sphere. This policy seeks to support Freedom of Artistic Expression, while also restricting language that promotes hatred, vilification or discrimination.

The **Melbourne Fringe Participant Code of Conduct** relates to the behaviour or actions of an individual. This policy seeks to create a framework that sanctions any individual (or organisations that they are a representative of) who has or is likely to have engaged in harassment, bullying or discrimination.

The **Melbourne Fringe Child Safety Code of Conduct** relates to commitments of behaviour regarding working with children or presenting interactive work for children. This policy seeks to create a safe working environment for children engaged in the creation or presentation of an event.

These three documents co-exist to address different and sometimes complex situations that may arise from time to time and are designed to be read and considered in complement of each other.

Scope and Resolution

These three policy documents directly relate to participation in the Melbourne Fringe Festival and relate to content and conduct in-person, online and/or in written form. Where one or more of the policies has been found to be breached, and where there is no definite resolution that would allow the registered event to proceed without sustaining an unacceptable level of risk, Melbourne Fringe may withdraw the relevant registered event or venue from the Festival.

These policies are actionable for any participant who has a contractual agreement with Melbourne Fringe; this includes all registered artists (whether part of the Open Access Program or Curated Program), all Festival registered venues, and any contractors, associates or employees of those artists or venues.

Melbourne Fringe does not have standing to make a criminal investigation. The decision of whether a policy breach has occurred and whether an unacceptable level of risk is being sustained will be made after an internal investigation, and will be determined at the discretion of Melbourne Fringe Executive Staff and/or Board. A decision under these policies does not have any legal implications beyond the dissolution of the relevant event registration contract. However, where a complaint about content or behaviour is alleged to be in breach of criminal or civil law, we may refer the matter to police or suggest the complainant seeks legal representation, as the appropriate case may be.



Melbourne Fringe

Community Guidelines

Participation in any of Melbourne Fringe's programs is subject to the two key principles of our Community Guidelines: **Freedom of Expression** and **Supporting Community Safety**.

Principle One: Freedom of Artistic Expression

Freedom of artistic expression is vital to our culture, our democracy and our artistic practice, and allowing a diversity of viewpoints opens powerful, difficult and important conversations to take place.

The nature of an open access festival is to support individuals with a platform to present their work. As a result, our activities include presenting uncurated programs of independent work, often from artists we do not know, alongside commissioned and curated work. We create a platform for people to express themselves and to support a diversity of viewpoints, artforms and cultures. We remove artistic hierarchies so the people themselves decide what is art and what is of value. Our participants have a broad range of experience in the arts and demonstrate an equally broad representation of social, cultural and political backgrounds.

We provide a presentation context for work that is risky, difficult and political. We may platform work or artists we don't agree with, we don't like, or we don't know, because the alternative is to stifle civic participation.

We believe it is important to have complex and nuanced conversations and we believe passionate disagreement is an acceptable and sometimes an important outcome, opening our minds to different ways of seeing our world.

Principle Two: Supporting Community Safety

No freedom is absolute nor without consequence, and we are committed to creating safe spaces for self-expression in order to champion artistic freedom for all participants.

To ensure that Melbourne Fringe's values of justice and human rights align with our democratic ideals, we actively work to eradicate racism, ableism, ageism, misogyny, transphobia, homophobia and any other form of hatred, vilification or discrimination from our community of artists, audiences, staff and other stakeholders. We do this by celebrating, profiling and nurturing diversity, by privileging marginalised voices, and by supporting artists as they learn. We have identified five communities of focus whose voices we particularly work to amplify: First Peoples, Deaf and disabled people, people of colour, women and nonbinary people, and LGBTQIA+ people.

Sustaining safe community spaces allows all participants to take greater artistic risks, because they are presenting work in a context free from violence and vilification.

Our position

We are committed to supporting artists without compromising their individual artistic expression, and are equally committed to cultural equity, inclusivity, and community safety. These two principles will inherently come into conflict.

Our position is that Freedom of Artistic Expression should not be used as a tool to exclude others from engaging with the arts. However, this can be the outcome when creative content or public communications establish a hostile environment. Where one artist's actions or opinions create a context of community exclusion it unjustly places the freedom of that individual above that of the impacted community members, which undermines our vision of cultural democracy.

On rare occasions we may decide that providing an artist or an event with the support of our platform would create an unfair and unjust compromise of one or the other of these two Principles. To uphold our values, Melbourne Fringe must, on occasion, assess the balance across our Festival and make decisions about which works and artists we platform.

Organisational Policy

There are laws for hate speech and vilification which must be met in all walks of life. At Melbourne Fringe, we believe that our community should be held to a higher standard than these legal minimums, and that although every individual has the right to be heard, Melbourne Fringe maintains the right to decide what content and voices enjoy the support of our platform.

We don't believe offensiveness should be the guide to what voices should and shouldn't be heard. History has shown that "offensiveness" arguments have been used to silence minorities or alternative viewpoints, and provocative and challenging art can walk a fine line between stimulating thought and offending someone. We do have to draw a line somewhere though, and these Community Guidelines help us decide our organisation's ethical position when content is more than just offensive.

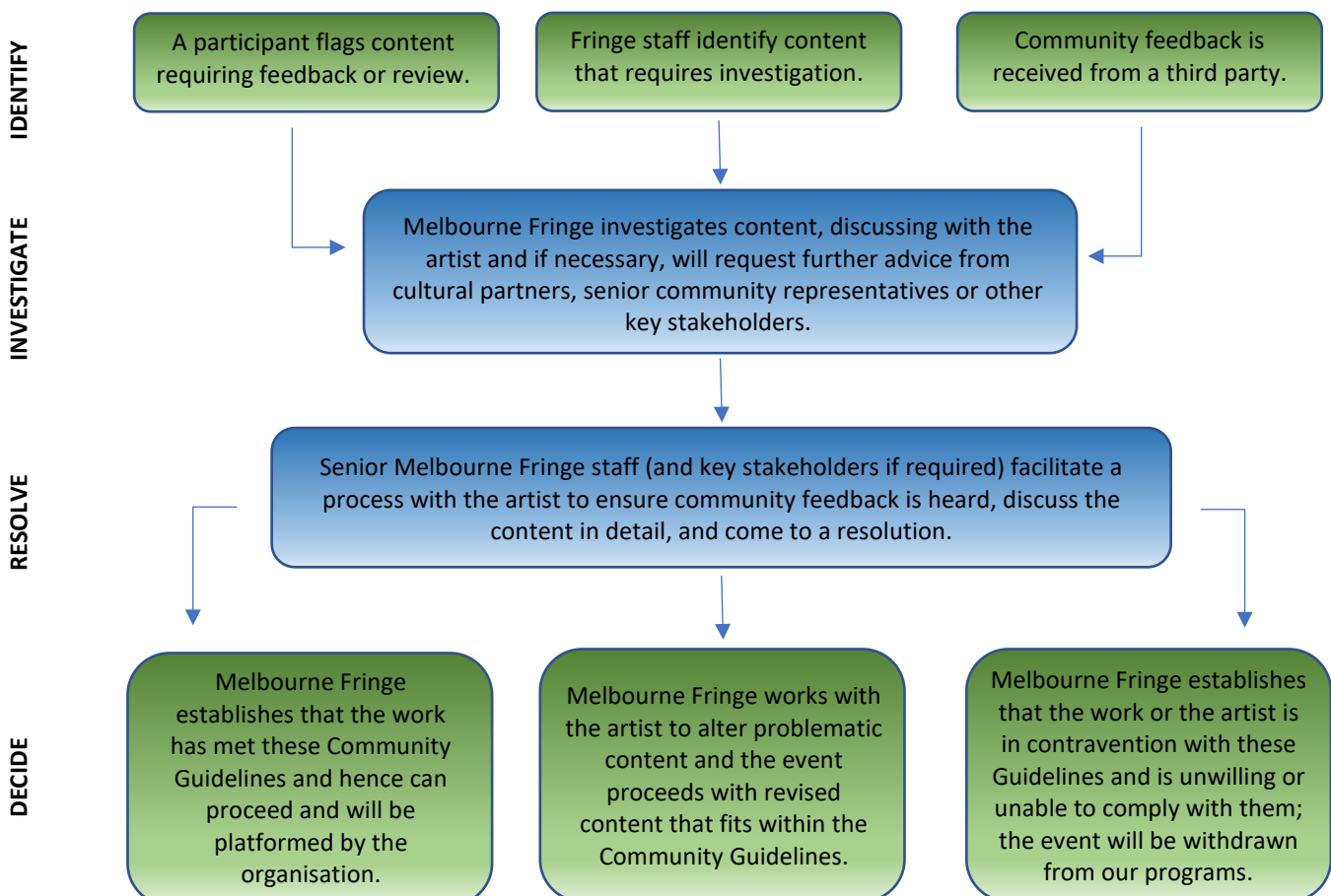
Where creative content is at risk of compromising the principle of community safety we will primarily consider, with community consultation where appropriate: **the likelihood and potential scale for which permitting this content might lead to a serious erosion of community safety, and the discrimination or exclusion of an identified group.** Exclusion may occur for various reasons, but most frequently where unsafe community spaces are cultivated through hatred, contempt or ridicule of a group because of their age, ethnicity, nationality, race, gender, sexuality, religion or disability.

Where a participant is creating content that contravenes these Guidelines, we will first attempt to assist them to resolve any problematic content, especially where the problems are unintended or misunderstood by the artist. We believe in an education-first approach.

A participant is only considered to be knowingly creating or presenting content that contravenes these Guidelines if they have been alerted to a potential breach and have refused, are unwilling or unable to work to address the problem. However, on occasion, for community safety reasons, we may need to temporarily withdraw an event from our program while the Creative Content Review Process is underway.

We cannot cancel an event (i.e we can't stop an event from happening). But we can withdraw it from our programs and refuse to platform the work as part of Melbourne Fringe Festival – an action we will take in extreme circumstances only, according to the process outlined below.

Creative Content Review Process



Melbourne Fringe

Participant Code of Conduct



Melbourne Fringe values diversity and inclusivity and strives to create a festival that is safe, inclusive and welcoming for all. We are committed to providing an environment that is free from discrimination, harassment, sexual harassment, bullying and victimisation.

As part of this commitment, all participants (registered artists, venues, and any contractors, associates or employees of those artists or venues) are required to comply with Melbourne Fringe's Policies and Code of Conduct.

We are firmly anti-discrimination, anti-harassment, anti-sexual harassment and anti-bullying.

We are firmly pro being yourself, having safe spaces and celebrating difference.

Context

This policy document, the Melbourne Fringe Code of Conduct, relates to the **behaviour or actions of an individual**.

There is a second policy document, the Melbourne Fringe Community Guidelines, which relates to the creative content or communications contained within an event or otherwise placed in the public sphere.

These two documents co-exist to address different and sometimes complex situations that may arise from time to time and are designed to be read and considered in compliment of each other.

Application

This policy applies to behaviour or actions that occur during an activity that is directly related to or has sufficient connection to the individual's engagement with Melbourne Fringe.

This policy may also apply where behaviour or actions that are not related to the individual's engagement with Melbourne Fringe are nonetheless considered at risk of creating an unsafe environment. This may also include incidents that predate the individual's engagement with Fringe, if such incidents indicate a sustained pattern of Unacceptable Behaviour that is likely to continue throughout their engagement with Fringe.

Standards Of Behaviour

Everyone engaged by or with Melbourne Fringe is responsible for promoting a safe, respectful, inclusive festival environment by:

- Treating all people with dignity, courtesy and respect
- Respecting cultural, ethnic, religious, ability, gender and sexual orientation differences
- Behaving in a professional, fair and courteous manner at all times
- Promptly reporting any breaches of this Code of Conduct, whether it is against you or another person
- Maintaining confidentiality when complaints are made and/or under investigation

Unacceptable Behaviour

Anyone engaged by or with Melbourne Fringe, including all artists and venue operators, must not:

- Abuse or threaten to abuse (verbally, physically or in writing) another person
- Discriminate or unfavourably treat someone because of their race, age, sexual orientation, gender, disability or other personal characteristics
- Intimidate, threaten or harass another person
- Physically or sexually assault another person
- Sexually harass another person, including unwanted, unwelcome or uninvited behaviour of any kind
- Bully, isolate or humiliate another person

- Victimise, unjustly treat or threaten someone because they have raised a complaint or are a witness in an investigation
- Behave improperly or unethically

Reporting Process

Immediate Reporting:

If you are in danger or require emergency assistance, call triple zero (000).

If you are not requiring emergency assistance, the best response to witnessing or experiencing any incident of Unacceptable Behaviour is to immediately report it to venue staff who will lodge an Incident Report. This will create a formal account of the incident.

Follow Up Reporting:

If you would like to discuss an issue or incident, you can contact us at any time. We are always available for confidential support and guidance. Any of the following staff members can be contacted at the Fringe office on (03) 9660 9600, or by emailing them directly:

Executive Staff:

- Fringe Board Member | boardmember@melbournefringe.com.au
- Simon Abrahams – Creative Director & CEO (pronouns: he/him) | simon@melbournefringe.com.au
- Marline Zaibak – Executive Director & Deputy CEO (pronouns: she/her) | marline@melbournefringe.com.au

Heads of Department:

- Louise Richardson – Head of Audience and Digital (pronouns: she/her) | louise@melbournefringe.com.au
- Danny Delahunty – Head of Programming & Deputy Creative Director (pronouns: he/him) | danny@melbournefringe.com.au
- Miranda Bormon – Head of Development (pronouns: she/her) | miranda@melbournefringe.com.au

Artist Support Staff:

- Carly Findlay – Access Advisor (pronouns: she/her) | carly@melbournefringe.com.au
- Olly Lawrence – Independent Arts Program Manager (pronouns: they/them) | olly@melbournefringe.com.au
- Peta Duncan – Deadly Fringe Program Coordinator (pronouns: she/her) | peta@melbournefringe.com.au

Complaints Handling Process

Any complaints or reports of breaching conduct will be followed up in accordance with Melbourne Fringe's Complaints Policy. Your complaint will be kept confidential and a Fringe staff member will explain what options are available for dealing with the complaint.

Your options may include following Melbourne Fringe's informal or formal procedures and/or may result in raising the complaint with an external agency or the police if the allegations are of a criminal nature.

Informal complaints will remain confidential and be kept on the record in a similar way that an Incident Report will remain on record. No further action will be taken regarding an informal complaint. You may change your mind at any point and progress an informal complaint to a formal complaint. We may also contact you in the future, if further incidents occur, to ask if you would be willing to progress to a formal complaint.

Formal complaints will trigger an investigative process, in line with our Complaints Policy. The process will be different and responsive to the nature of each incident and may include a right of response from the individual breaching this policy. This means elements of the complaint must be non-confidential.

Further action may then be taken by Fringe, pending the outcome of an investigation. This may include a resolution that third party assistance is required to progress the investigation or to lead mediatory activities. It

could also include a resolution that it would be in the best interests for Fringe to sever connections with the individual who has breached this Code of Conduct.

Further Support

There are a number of external organisations available for support. It's important to remember that support organisations can help you even if you don't report a crime to the police.

These organisations include:

- Lifeline: a free and confidential service staffed by trained telephone counsellors
Ph: 13 11 14 or www.lifeline.org.au
- The Australian Human Rights Commissions: a complaint handling service that may investigate complaints of discrimination, harassment and bullying
Ph: 1300 656 419 or <https://www.humanrights.gov.au/>
- Sexual Assault Crisis Line: a support organisation for victims of sexual assault and sexual abuse.
Ph: 1800 806 292 or <https://www.sacl.com.au/>
- Victorian Equal Opportunity and Human Rights Commissions: a free telephone enquiry line – provides free, fair and timely dispute resolution, information and education
Ph: 1300 292 153 or <https://www.humanrightscommission.vic.gov.au/>

Melbourne Fringe Child Safety Code of Conduct



All Melbourne Fringe participants who work with children in the development of their event, or who engage children in an interactive manner as part of their event, whether in-person or digital, must do the following:

1. Read and agree to the Child Safety Code of Conduct, and
2. Provide a Child Safety Plan to Melbourne Fringe that demonstrates their understanding of the Child Safety Code of Conduct and how it applies to the specific circumstances of their event and/or creative process, and
3. Refrain from engaging with any children (any person under the age of 18) until Melbourne Fringe has actively confirmed receipt and approval of their Child Safety Plan.

Commitments to Child Safety

All Melbourne Fringe participants are responsible for promoting the safety and well-being of children by actively complying with the following:

- ✓ Take all reasonable steps to protect children from the risk of abuse and neglect
- ✓ Treat all children with dignity, equality and respect
- ✓ Listen to and value the ideas and opinions of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- ✓ Promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification)
- ✓ Promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having zero tolerance of discrimination)
- ✓ Promoting the safety, participation and empowerment of children with disability (for example, during personal care activities)
- ✓ Ensuring as far as practicable that adults are not left alone with a child

- ✓ Act as a positive role model in your conduct with children
- ✓ Develop positive relationships with children and parents (including carers and legal guardians) based on mutual trust and open communication
- ✓ Be professional in your actions through your use of language, presentation and manner
- ✓ Respect the privacy of children and parents (including carers and legal guardians), and only disclose information to people who have a need to know
- ✓ Be aware of risks with communication and behaviour between employees and children (including online and mobile)
- ✓ Be aware of risks with communication and behaviour between children (including online and mobile)
- ✓ Aim to ensure children understand they are valued members of the production, program or audience experience and encourage children to 'have a say' on all issues that affect them
- ✓ Acknowledge the uniqueness and potential of all children, in recognition that enjoying their childhood without undue pressure is important
- ✓ If by chance any children are found unsupervised, direct and accompany children to their supervisor or relevant management immediately
- ✓ Report any breaches of these standards of behaviour to the CEO or relevant management promptly.

Melbourne Fringe participants **MUST NOT** under any circumstances:

- × Discriminate against any child because of age, gender (including transgender status), cultural background, religion, vulnerability, disability or sexuality
- × Engage in behaviour that is intended to shame, humiliate, oppress, belittle or degrade children
- × Engage in any activity with a child that is likely to physically or emotionally harm them
- × Take photos or video of children without the explicit permission of the child (if 15 years of age or older) and their parent, carer or legal guardian, and relevant management
- × Share personal information or photos of children on social media without the informed consent of the child (if 15 years of age or older) and parent, carer or legal guardian, and relevant management
- × Work with children while under the influence of alcohol or illicit drugs
- × Ignore or disregard any concerns, suspicions, or disclosures of child abuse
- × Show overly familiar physical affection towards children or any unnecessary physical contact with children
- × Marginalise or exclude specific children
- × Show favouritism towards specific children such as the offering of gifts, special thanks, special treatment or inappropriate attention
- × Subject children to any form of physical punishment, social isolation, immobilisation or any conduct likely to humiliate or frighten children
- × Enter children's dressing rooms (unless there are a designated supervisor, or approved to do so by a supervisor or relevant management).
- × Allow children to enter an adult's dressing room or crew areas, unless accompanied by their supervisor and approval has been granted by those in the area.
- × Close doors in rooms where children are present, unless children need privacy to dress
- × Allow children to (un)dress with others around (dressing should take place in private)
- × Do things of a personal nature for children that they are able to do for themselves, such as assisting with going to the toilet or dressing
- × Gossip or engage in discussions of a mature or adult nature in the presence of children
- × Use inappropriate language in front of children
- × Distress a child for the purpose of eliciting a dramatic reaction
- × Develop any 'special' relationship with children outside of the professional relationship or arrange contact with children outside of work obligations
- × Have unauthorised contact with children online or by phone

All complaints or reports of conduct not keeping with this Code of Conduct will be pursued in accordance with the Melbourne Fringe's, including referring matters to investigatory bodies if necessary.

What is Child Abuse?

Child abuse includes four categories of abuse:

Physical violence / abuse: Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of weapons (such as belts or paddles).

Sexual offences: Sexual offences occur when a person involves the child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism, exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.

Serious emotional or psychological abuse: Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Serious neglect: Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.

What to do if you suspect Child Abuse

Call the police on 000 if you have immediate concern for a child's safety.

Concerns should also be reported immediately to Marline Zaibak – Executive Director & Deputy CEO (pronouns: she/her): marline@melbournefringe.com.au or by phone on (03) 9660 9600.

Information about child protection services can be found on the Department of Health and Human Services website (www.dhs.vic.gov.au/for-individuals/crisis-and-emergency/reporting-child-abuse)

Signs of Child Abuse		
Type of Abuse	Physical Indicators	Other Possible Indicators
Physical violence	<ul style="list-style-type: none"> - Unexplained bruises - Burns and/or fractured bones 	<ul style="list-style-type: none"> - Showing wariness or distrust of adults - Wearing long sleeved clothes on hot days (to hide bruising or other injuries) - Fear of specific people - Unexplained absences - Academic problems
Sexual offences	<ul style="list-style-type: none"> - Presence of sexually transmitted diseases - Pregnancy - Vaginal or anal bleeding or discharge 	<ul style="list-style-type: none"> - Displaying sexual behaviour or knowledge that is unusual for the child's age - Difficulty sleeping Being withdrawn - Complaining of headaches or stomach pains - Fear of specific people

		<ul style="list-style-type: none"> - Showing weariness or distrust of adults - Displaying aggressing behaviour
Serious emotional or psychological abuse	<ul style="list-style-type: none"> - Delays in emotional, mental or even physical development - Physical signs of self-harming 	<ul style="list-style-type: none"> - Exhibiting low self-esteem - Exhibiting high anxiety - Displaying aggressing or demanding behaviour - Being withdrawn, passive and/or tearful - Self-harming
Serious neglect	<ul style="list-style-type: none"> - Frequent hunger - Malnutrition - Poor hygiene - Inappropriate clothing 	<ul style="list-style-type: none"> - Stealing food - Staying at school outside of school hours - Aggressive behaviour - Misusing alcohol or drugs - Academic issues