

# INDEPENDENT SPECIAL COMMISSION ON THE BALLET ACADEMY

Univ.-Prof. Dr. Susanne Reindl-Krauskopf  
Martina Fasslabend  
Rektorin Mag. Ulrike Sych

“mdw - Universität für Musik und darstellende Kunst Wien”  
Anton-von-Webern-Platz 1  
1030 Vienna  
<http://www.kommission-ballett.gv.at>  
[office@kommission-ballett.gv.at](mailto:office@kommission-ballett.gv.at)

## FINAL REPORT of the INDEPENDENT SPECIAL COMMISSION ON THE BALLET ACADEMY

### I. Initial situation

When problems at the Ballet Academy of the Vienna State Opera came to light in a report by the weekly magazine *Falter* in April 2019, the then Federal Minister for the EU, Arts, Culture and the Media, Gernot Blümel, set up an "Independent Special Commission on the Ballet Academy" with the remit to investigate these grievances and develop measures to prevent any recurrence.

On 18 April 2019, this Special Commission met for its constituent session, It was chaired by the (then) President of the Constitutional Court, Brigitte Bierlein and was composed of the president of the “Österreichischen Kinderschutzpreis (Austrian Child Protection Award) MYKI“ and former president of “die möwe” (a child protection organization), Martina Fasslabend, as well as the Rector of the University of Music and Performing Arts Vienna (“mdw”), Ulrike Sych.

In early June 2019, the President of the Constitutional Court, Dr. Brigitte Bierlein, resigned from the chair because she was taking office as Federal Chancellor of the Republic of Austria. Susanne Reindl-Krauskopf, Head of the Department of Criminal Law at the University of Vienna’s Faculty of Law took over as chairperson. On 17 June 2019, the Special Commission met for the first time in its new composition.

The members of the Special Commission work in an honorary capacity and fulfil their function independently. They are not constrained by instructions and are bound to secrecy. The Special Commission has the following objectives:

- a. to discover – as far as possible – objective information on staff responsibilities and to evaluate organizational structures and/or processes independently and parallel to the investigations of the public prosecutor's office;
- b. to recommend measures designed to prevent discrimination and abuse of power and to ensure the development of a modern curriculum for ballet training by experts in the field.

The Special Commission notes that it is neither an administrative authority nor a court of law, which is why an investigation of the facts could only succeed to the extent that the individuals and institutions concerned were willing to cooperate. From a legal point of view, in particular, there is no obligation for anyone to make a truthful statement to the Special Commission nor does the Commission have any official investigative powers. Hence, there is a clear delineation between the Commission’s scope of duties and objectives and any simultaneous legal procedures, concerning, for example, labour law or criminal law, which can and must ensure that full information is procured.

In their activities, the members of the Special Commission were supported by experts from the field of child and adolescent psychiatry.

In July 2019, a progress report was submitted to Federal Chancellor Brigitte Bierlein. The Commission was asked to submit a final report in the last quarter of 2019.

## **II. The Course of Investigations**

Apart from the above-mentioned constituent meeting on 18 April 2019, the Special Commission also met on 8 May 2019, 27 May 2019, 17 June 2019, 8 July 2019, 6 September 2019, 9 September 2019, 16 September 2019, 17 September 2019, 8 October 2019, 29 October 2019, 12 November 2019, 20 November 2019, 25 November 2019, 9 December 2019 and 13 December 2019. The meetings took place at its seat, the University of Music and Performing Arts, Vienna, Anton-von-Webern-Platz 1, 1030 Vienna.

After the constituent meeting, a so-called Clearing Unit was set up to assist affected individuals, i.e. (active and former) students of the Ballet Academy, parents, teachers and other persons. The Clearing Unit could be reached both by telephone (+43 664 841 43 06) and by email ([office-clearing@mdw.ac.at](mailto:office-clearing@mdw.ac.at)). The Clearing Unit offered affected individuals meetings in a confidential atmosphere with experts from the field of child and adolescent psychiatry as well as psychologists. Contacts were arranged via the secretariat of the Clearing Unit. 43 people contacted the Unit, 20 of whom were successfully referred to face-to-face meetings with experts. The Special Commission received anonymized reports on the contents of what was discussed.

In addition, a website was set up for the general public to obtain information about the objectives and composition of the Special Commission. The website

provides contact details for the Clearing Unit and for the Special Commission as well as the progress report from July 2019 ([www.kommission-ballett.gv.at](http://www.kommission-ballett.gv.at)).

During the meetings of the Special Commission, interviews were conducted with 24 individuals. The interview partners were representatives of the former and current management of the Vienna State Opera and the Ballet Academy, the Managing Director of Bundestheater-Holding GmbH, the Head of Cabinet of the Federal Ministry of Education, Science and Research, the Principal of the Bundesgymnasium and Bundesrealgymnasium Wien III, Boerhaavegasse 15 (the academic secondary school: this is abbreviated below to BG&BRG Wien III) as well as individuals who fulfil or have fulfilled tasks and duties at the Ballet Academy of the Vienna State Opera and/or the BG&BRG Wien III. The Director of the Bildungsdirektion Wien (Vienna School Board) was unable to schedule a meeting, but sent two representatives whose area of responsibility includes and/or included the above-mentioned school. We would like to take this opportunity to thank all those interviewed for their willingness to meet with the Commission.

Since some of the individuals interviewed were assured of anonymity by the Special Commission at their own request, this report refrains from giving any names, since the organizational units concerned are so small that any names mentioned would allow conclusions to be drawn as to the identity of the others. The Special Commission has made it clear to all persons interviewed that it will be unable to maintain their anonymity in case of administrative and judicial proceedings. All interviewees were asked to provide truthful information to the Commission, even if they were under no legal obligation to do so.

In addition to conducting the interviews, the Special Commission also procured and examined written documents, in particular on the organizational structure of the Ballet Academy of the Vienna State Opera, the Vienna State Opera GmbH and the Bundestheater-Holding GmbH (including corporate guidelines, in particular also regarding compliance), on training at the Ballet Academy (e.g. curriculum, admission procedures for students and teachers, pedagogical guidelines, school regulations, house rules), on complaint management of the Ballet Academy and the Academy's cooperation with the BG& BRG Wien III,

and daily life at the school. Clearly, the present report includes both information that was provided by the interlocutors of the Special Commission and information obtained from parents and other persons and forwarded to the Special Commission. The Vienna State Opera has provided updates on measures taken in recent months. The development and implementation of these measures is continuously monitored by a newly created "Ballet Academy Coordination Unit". This information has also been taken into account in this report. The Special Commission is not in a position to judge whether it has always received complete information regarding developments during its period of activity.

In terms of content, the investigations of the Special Commission initially focused on three issues raised by reports in the media:

- allegations of inappropriate educational methods (e.g. kicking, scratching, kicking an ankle, intimidation, abuse of power)
- allegations of inadequate handling of the ballet students' nutrition (body shaming, weight measurements, handling of eating disorders)
- allegation of sexual assault by a teacher against a ballet student.

According to the information available to the Special Commission, the latter accusation, as well as the accusations relating to training methods that may have involved a level of bodily harm actionable under criminal law, had already been brought to the attention of the public prosecutor's office in the course of a statement of the facts. For this reason, the Commission's investigations focused on the following issues:

- appropriate teaching methods in state-of-the-art training to become a ballet dancer,
- combining and coordinating ballet training with general schooling,
- a modern quality management system appropriate to the training institution, in particular with regard to the selection of the teaching staff and students, as well as their training,
- ensuring child protection and children's rights, and
- a modern system of managing responsibilities, structures and processes at the Ballet Academy as a constituent body of the Vienna State Opera.

The Special Commission had already commented on these points in the progress report to the extent that the Commission defined areas in which action might be required on the basis of the interviews held until the submission of the progress report. In summary, the Special Commission conveyed its impressions

- that there seemed to be no sufficiently clear structures in terms of responsibilities, organization and process management at the Ballet Academy,
- that quality management and documentation at the Ballet Academy did not seem to meet current standards,
- that the ballet students seemed to enjoy insufficient medical and therapeutic care,
- that the Ballet Academy seemed to fail to take child protection issues sufficiently into account, and
- that there seemed to be no guarantee of a school-leaving certificate for students who dropped out of the Academy.

### **III. Observations by the Special Commission**

On the basis of the written documents and the interviews conducted by the Special Commission and within the context of the Clearing Unit, the Special Commission has arrived at the following conclusions at the time of publication:

#### ***A. Structures governing responsibilities, organization and process management at the Ballet Academy***

There are no clear structures pertaining to responsibilities and the organizational setup of the Ballet Academy. Some of the people interviewed were unable to state who was making which decisions, who was responsible for what and who their immediate superior was within the institution. There is no clear assignment of duties and responsibilities to positions and/or staff members. This applies not only to the staff reporting directly to the management of the Ballet Academy, but also to the relationship between the director of the Ballet Academy, the artistic director of the Ballet Academy and the management of the Vienna State Opera. While necessary to a certain extent in institutions where management tasks are shared, a delegation of tasks -- particularly of daily routine tasks -- in conjunction with historically evolved management structures at the Ballet Academy (and the earlier ballet school, respectively) and the parties involved, has led to a situation of blurred responsibilities. Those at the top management level obviously assumed that daily tasks would be performed as appropriate and any necessary changes made, which is why they saw no reason for more pronounced leadership and control activities regarding the Academy. The management of the Ballet Academy, on the other hand, seems to have been persuaded that they were only permitted to act upon a request from their superiors, even in questions of no relevance to the budget. As a result, there was obviously no one who felt responsible for issues of

strategy and leadership, or for matters relating to continuous quality management.

Any structures that may have been defined by the Vienna State Opera may not have been communicated to all persons working at the Ballet Academy and/or not implemented to the extent necessary for daily operations. According to the reports of some interviewees, the leadership and internal communication style of the Ballet Academy's management also lacked transparency and was non-participatory; this also applies to the cooperation partners (e.g. BG& BRG Wien III). At this external interface, the distribution of responsibilities also lacked clear definitions, for example with a view to health management for the children and adolescents.

Ambiguities exist not only with regard to the assignment of tasks and responsibilities, but also with regard to the associated processes. Procedures are usually undocumented and, thus, typically lack transparency, for instance with regard to admission procedures, students skipping classes, the approval of students entering competitions and process management relating to complaints from parents/children. On the one hand, this means that decision-making is found to be insufficiently predictable and comprehensible by those concerned. On the other hand, a lack of process transparency also makes it difficult to handle comparable situations in a uniform and consistent manner.

Contact persons on both sides were established to facilitate cooperation with the secondary school. However, the communication processes for coordinating school commitments on the one hand and information about rehearsals, performances and competitions, on the other, are inadequate and typically do not give sufficient notice. As a result, the students missed oral or written tests owing to short-notice dancing assignments, and it was not unusual for students to be exhausted because of overburdening.

The Vienna State Opera has informed the Special Commission that recent months have seen, among other things, a restructuring of the administration of the Ballet Academy and an increase in the number of staff. Moreover, the Opera commissioned an expert in organization development to assist with the

re-organization of the Ballet Academy, including the drafting of an appropriate organization chart and detailed job profiles. A new organization chart was submitted to the Special Commission on 11 November 2019. However, this chart does not include the top level supervisory bodies, i.e. the artistic director of the Ballet Academy, the State Opera management and the management of Bundestheater-Holding GmbH (and its supervisory board). The new job descriptions were also brought to the attention of the Special Commission.

In recent months, the Ballet Academy has followed up on the idea of establishing the position of a child protection officer within its structures. The relevant job description currently states: “Children’s representative for the implementation of the child protection plan.” As yet, no more details have become known. The Commission was struck by the fact that the position or the term “child protection officer” do not feature in the above-mentioned organization chart. Instead, the person who is designated to assume the duties of child protection officer, according to the job description submitted to the Commission, is found to be part of the teaching team under the title of “Betreuerin” (support person taking care of the students), and in the organization chart is shown to report directly to the director. Officers with special responsibilities are typically not bound by instructions in order to be free to perform their advisory and control tasks in their respective sphere. Assuming a double function as “support person” and “child protection officer” seems difficult to reconcile, since the organization chart implies that this function would be subject to supervision by the ballet director. It is also unclear to what extent the Academy intends that the psychologists, who are only present at the Academy on an hourly basis, should also perform tasks falling within the remit of child protection officer in addition to the above-mentioned “support person cum child protection officer”.

Several individuals expressed their regrets about the fact that the artistic director of the Ballet Academy is rarely present at the Academy and is almost never to be found in classes. The artistic director himself stated that he was only present at the exams and dance demonstrations, but was otherwise in regular contact via telephone or email with the director, who keeps him informed about daily operations. The artistic director of the Ballet Academy sees his

primary responsibility in the function of ballet director of the Vienna State Opera. This development and this understanding of his role are of a structural nature and are probably due to the fact that it was only as of the early 2000s that the director responsible for the ballet company was assigned the artistic direction of the ballet school – later the Ballet Academy -- as an additional task. The duties of a ballet company director leave hardly any time for the role as artistic director of the Ballet Academy, for example for providing more intensive guidance and support as well as fulfilling control tasks.

### ***B. Quality management and documentation at the Ballet Academy***

Sustainable quality assurance at the Ballet Academy is extremely deficient or even non-existent, as is illustrated by the following examples from different activity spheres and tasks of the Ballet Academy:

#### *Concerning internal matters:*

- A training institution must, for instance, be in a position to retrieve quickly all information on a student and his/her legal guardian in order to be constantly up-to-date about the student's situation, both in general and in the event of a crisis. This includes information about what training steps have been completed in the course of a school year, with what degree of success at every level, not only with regard to major exams, but also giving information about the student's state of health and other matters. Modern student administration systems offer assistance in this respect. The Ballet Academy does not use such a system. The people interviewed reported, for instance, that there were only printouts kept in loose-leaf binders and that these served merely as attendance registers.

The Vienna State Opera has informed the Special Commission that it has commissioned its IT department to find and/or develop a modern student administration programme which does not only provide mere data management, but which will also coordinate timetables, check performance schedules and record developments in student

performance. In the long run, such a programme should also be able to provide information on the total work burden of each of the students. First steps have been taken to define the required content and to clarify the technical possibilities and legal framework (i.a. relating to data protection).

- There is no obligation of regular written reporting to the higher-level units such as the artistic director and the Vienna State Opera management. Quality control by these two organizational units is virtually non-existent.
- Quality assurance processes are not laid down in writing. There is no clearly discernible assignment of tasks and responsibilities, which makes it difficult to gain a clear understanding of decision-making processes (also see III/A above).

Quality assurance measures are lacking in the field of studies, in admission procedures for students as well as teachers, in the cooperation with BG&BRG Wien III (incl. the boarding school), in specific child protection issues as well as in matters of health and psychological welfare: no criteria have been laid down in writing, for instance, for exams (e.g. grading, teaching objectives) or for the recruitment of new teachers. There are no documented official bodies composed of experts to draw up curricula, take exams, select ballet students for performances, handle admission procedures or decide on whether a student will remain at the Ballet Academy. Instead, the director seems to take weighty decisions on her own and, in general, without consultation.

The organization chart submitted to the Special Commission on 11 November 2019 clearly illustrates the central position of the director. The chart shows no higher-level units, viz. the artistic director, the management of the Vienna State Opera, the management of Bundestheater-Holding GmbH and, ultimately, the supervisory board of Bundestheater Holding.

- In recent months, the Ballet Academy has followed up on the idea of

creating the position of a child protection officer. There is also a need for quality assurance processes with regard to this position, its tasks and powers. Currently, the job description says: “Children’s representative for the implementation of the child protection plan.” What this means in detail remains to be seen (for more details on the position of child protection officer, see III/A above).

- While it is true that the Ballet Academy has made numerous changes since the Special Commission began its activities, both the approach and the content of the measures taken suggest to the Special Commission that the changes were not primarily motivated by the wish to ensure the wellbeing of the children and young people. Instead, the Ballet Academy seems to want to convey the impression of being extremely active to the public at large, because as yet no all-encompassing concept can be identified. Neither have participatory processes been initiated, which should also involve the teaching staff of the Ballet Academy as experts directly concerned with the subject.

*Concerning the interfaces towards the outside:*

- Cooperation with the BG&BRG Wien III and the boarding school affiliated with this school is also essential for achieving the training objective. While there is a need for detailed processes laid down in writing that identify the interfaces between the three institutions (academic secondary school, boarding school, Ballet Academy) and clearly define their areas of responsibility, such texts do not exist.

As concerns timetables, in particular, cooperation between the institutions does not seem to be quality-assured. Neither are there clear definitions of the responsibilities of each of the three institutions for health and psychological problems of the children and adolescents, for instance in the event of injuries or eating disorders.

A cooperation agreement between the BG&BRG Wien III (including the boarding school) and the Vienna State Opera has been negotiated in recent months, and this can be considered as a first step towards

clarifying the coordination and distribution of tasks. However, implementing the details of the quality assurance measures will be the responsibility of the people who are involved in this cooperation and who will have to bring this agreement to life.

*Concerning the involvement of parents and/or legal guardians:*

- Parents and/or legal guardians play an important role in the education of highly gifted children and adolescents, since the students should also find themselves in an appropriate atmosphere geared to performing arts education in their private environment. Some parents or legal guardians seem to have a knowledge deficit in this area.

The Vienna State Opera has informed the Special Commission that it has recently commissioned an organizational developer to draw up a plan for adequate quality management, including complaints management. Issues to be dealt with during the 2019/2020 school year include input qualities (e.g. teachers' competences, framework conditions), process qualities (e.g. job descriptions, organization chart, internal and external cooperation) and output qualities (e.g. training standards, graduates' careers). The organization chart and job descriptions have already been commented on above. The vast majority of these measures were still being planned or processed when this report was prepared, so that the Special Commission has not yet been able to form an impression of them.

***C. Medical and therapeutic care for ballet students***

The medical and therapeutic care given to the ballet students is inadequate. While there is a physician at the Ballet Academy, namely the in-house physician of the Vienna State Opera, as well as a school medical officer at the BG&BRG Wien III, this level of care seems neither adequate nor in keeping with current standards in view of the extreme demands placed on young dancers. It is particularly striking that there was and is no continuous support by nutritionists, physiotherapists or psychologists. While there is, in principle, the position of a

masseur at the Vienna State Opera who would also look after the ballet students, this position has been vacant for a long time according to information provided to the Commission (at least until the beginning of December 2019). It seems to be a matter of coincidence whether ongoing medical and therapeutic care is provided or not. According to a report, the father of a student working in the relevant field had offered to “help out” if needed.

There is also no reliable contingency plan for medical incidents (e.g. eating disorders, training accidents) that the ballet students or teachers would know of and be able to apply.

Even if the responsibility for initiating a health check for a student and the corresponding action in the case of a poor state of health or in the case of an illness is primarily the responsibility of the parent or legal guardian, the management of the Ballet Academy, as the management of a training institution requiring similar levels of fitness as a school for competitive sports, is still obliged to seek information about the physical and mental state of a student. In the case of illness, injury or mental disorder the Academy needs to take this into consideration and refer the student for appropriate medical/psychological treatment. This is all the more true for those students who come from abroad. Normally, the latter do not have a local person of trust outside the educational institution.

Based on the interviews conducted, the Special Commission gained the impression that the Ballet Academy is not aware of the fact that health concerns arising from the specific requirements placed on children and young people in the Ballet Academy are also the Academy’s responsibility, since the Academy is the institution where the students are trained in and perform physically and mentally demanding skills. Apart from acute emergencies such as training accidents, which involve the medical emergency services, the Academy considers medical and therapeutic care to be primarily the responsibility of the academic secondary school. This leads to an increased burden on the support staff and educators at the BG&BRG Wien III and at the boarding school. The boarding school is neither designed nor staffed for such additional tasks (in

particular organizing individual doctor's appointments for a majority of students and accompanying them to the appointments).

Against the background of the ongoing medical and therapeutic needs of ballet students, the health insurance situation of ballet students from abroad appears problematic. Although the Ballet Academy requires proof of proper health insurance in the home country, bottlenecks sometimes occur when children and adolescents are only provided with the European Health Insurance Card. In the case of time-limited stays in Austria, this card only covers treatments which prove to be vitally necessary during the stay, taking into account the nature of the benefit as well as the expected duration of stay. As a rule, this leads to a situation where only emergency treatment is covered, for example in the case of a training accident. Any additional treatments that would be advisable from a medical point of view are not covered. Such needs may well arise in the special circumstances of ballet training, for instance if there are signs of eating disorders or treatments of the musculoskeletal system, or needs linked to adolescence in general, such as orthodontic treatment. Children and young people who come from third countries and complete their training at the Ballet Academy typically face similar problems with their medical care.

Irrespective of the question of health insurance, the Special Commission was made aware of the fact that it is often difficult to obtain the parents' consent for medical and therapeutic treatments that appear necessary, even if there is not an acute emergency. In some cases, parents show little understanding, especially when there are signs of eating disorders reaching a critical level, and refuse to consent to meaningful measures. Apart from acute threats to the welfare of the child, the academic secondary school and the boarding school are obliged to accept the parental decision, and the same goes for the Ballet Academy. The Academy does, however, have the possibility of barring the children and young people concerned from ballet training. In this way it could make the health problems of the child obvious to the parents and legal guardians. This step would also serve to encourage approval of medical and therapeutic measures, because readmission to training would only be granted when an appropriate level of physical and/or mental health has been regained.

However, there is no documentation about the criteria that would lead to exclusion from training (also see point III/B above).

The Vienna State Opera and the Ballet Academy informed the Special Commission that an internal evaluation had been carried out in recent months and that a cooperation project with "Leistungssport Austria"<sup>1</sup> was being developed on the basis of this evaluation. The project aimed to create and introduce a new course called "health programme". It also wants to make available physiotherapeutic treatments and massages tailored for competitive athletes as well as a pool of physicians and therapists who can offer students treatment at their own expense if required. It was reported that "Leistungssport Austria" had already conducted first basic medical examinations. It has not been settled, however, which physician of the Ballet Academy will discuss the findings of "Leistungssport Austria" with each pupil and give them guidance with a view to treatment needs derived from these results. It is also unclear which teacher from the Ballet Academy or the BG&BRG Wien III will accompany the children and adolescents to the medical examination at "Leistungssport Austria".

It is the view of the Special Commission that such an assessment of the status-quo can be useful to ascertain the general needs of students. However, given the high physical and mental strains of ballet training, an annual school health check-up and a test by "Leistungssport Austria" are not sufficient. Access to a specialist has to be ensured between "annual check-ups". The Academy should also ensure that the routine check-ups are tailored to the specific needs of ballet dancers.

Furthermore, the Vienna State Opera has informed the Commission that two psychologists are now working at the Ballet Academy on an hourly basis and that a new course, catering especially to nutrition and injury prevention, has been included in the timetable of the Ballet Academy.

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<sup>1</sup> Translator's note: A national centre for high-level competitive sports training and athletes' support operating under the auspices of the Austrian Sports Ministry

Ballet students also need an adequate diet that is adapted to their physical performance requirements. In this respect, the Special Commission has found that the food served at the boarding school of BG&BRG Wien III does not fully meet these requirements. Although the organization “SIPCAN - Special Institute for Preventive Cardiology and Nutrition“ offers a certified meal plan, which should already ensure a higher nutritional quality, this does not sufficiently take into account the special needs of those children and young people who receive ballet training at the Academy. According to reports, the budget allocated to the BG&BRG Wien III for student meals has remained more or less unchanged since 2001. In conjunction with the inflexible framework conditions for the deployment of kitchen staff, the inadequate budget probably constitutes a great restraint on what the school can manage to offer.

#### ***D. Child Protection at the Ballet Academy***

The Ballet Academy teaches children from the age of ten. Since the children are obliged to attend regular school as well as receive ballet training, they are exposed to an enormous strain and a high pressure to perform. In addition to school and ballet training, there is a large number of rehearsals, performances, ballet competitions, and so on. Some children experience additional stress factors, for instance the fact that they live at the boarding school, far away from their parents, and therefore do not automatically have a trusted person in Vienna with whom they can discuss personal problems in their native language. Whether or not individual children get support seems to be a matter of coincidence and to depend on whether they happen to find a trusted person within the Ballet Academy (or at least at the academic secondary school). This can give rise to personal dependencies on particular individuals and thereby encourages abuse of power. Bodily changes during puberty also pose problems for many adolescents, given the physical demands of the dancing profession. Depending on the pedagogical approach, this may give rise to a pathological body image.

Meeting all the challenges associated with this situation requires a high degree of awareness with regard to child protection and child welfare. In the Ballet Academy, the lack of adequate awareness of these issues at management level propagates throughout the entire structure and internal culture of the institution. Areas such as health, family and social issues are only discussed in acute cases, although traditionally the great majority of ballet students (currently approx. 80%) come from abroad and many of them live not in a parental home but at the boarding school. There is no guideline that would focus on the general need of protection for children and young people and also take into account their increased need of protection owing to the requirements of ballet training and the life of a dancer.

On the basis of the interviews held and the reports submitted, the Special Commission has arrived at the conviction that the Ballet Academy fails to provide the necessary level of protection for the children and adolescents against discrimination, neglect and health impairments. Humiliating comments, the nature of derogatory comments regarding eating behaviour, (supposed) aesthetic requirements and an underdeveloped communication regime on the part of some ballet teachers indicate a lack of awareness of boundary transgressions. In this specific environment, the impact of the above is all the more negative because there is a danger that high-level competitive athletes, which includes classical ballet dancers and their training, will tolerate transgressions more readily in order not to endanger their successful career in sports or dance.

A threat to child welfare and/or a violation of child protection duties is also caused by the inadequately controlled overall workload the young dancers have to shoulder. There are neither long-term schedules for their performances at the Vienna State Opera, nor control mechanisms or individual workload profiles for each student. Such mechanisms or profiles would allow the Academy to retrieve the total workload of a student more or less at the push of a button and to respond by making decisions to ensure child protection, for example with regard to performance frequency. Instead, students frequently have to be available spontaneously and at short notice for stage productions. This opens the door for excessive strain and a disregard for the best interests of the children and young

people. This is all the more true as the highest management level, both at the Academy and at the Vienna State Opera, pays too little attention to the rights and welfare of these children and young people. Recently, there have again been reports of more frequent rehearsals at the weekends, which suggests that weekend rest periods may not be complied with.

The way individual ballet teachers deal with ballet students and the reaction of the management to this situation also suggest that the Ballet Academy lacks an awareness of the powerful position of persons of authority and trust and does not handle positions of power with the required care. In addition, ballet teachers and support staff are free to decide whether and to what extent they observe pedagogical principles and exercise attentive care.

A successful approach to child protection must also include appropriate preventive health care in terms of physical and mental health, particularly given the high performance levels expected. Here again, the Commission has found that the Vienna State Opera and the Ballet Academy pay too little heed to child protection and child welfare. It must be noted that the Ballet Academy does not offer a level of medical care in keeping with the age of the pupils and the high performance levels required by ballet. For more details on medical and therapeutic care and the problems identified, please refer to item III/C above.

Institutions in which children and adolescents are trained must be safe places where they are protected from boundary transgressions and psychological, physical and sexual violence, where child protection principles are observed, and where anxiety-free, open communication is guaranteed between the children and adolescents and the adults involved, as well as between the adults. This is even more important in institutions where a large number of children and adolescents are boarders from other countries and therefore have no one to turn to but the persons of authority and trust who are employed in the respective institution.

Child protection can only develop successfully if an institution has a clear organizational framework, in particular with reference to the distribution of tasks and responsibilities, and if it has also implemented resilient structures and

processes. This is not the case to the extent required (for more information on structures and processes, see item III/A above).

There is a need for a functioning quality management system that also relates to the individual aspects of the child protection plan. One of the first steps, for instance, must be to define the position of a child protection officer with the authority to act on their own initiative in child protection matters. The Ballet Academy has now established the position of child protection officer and has also prepared a job description for this position. The description has some shortcomings, such as the fact that it describes the tasks very vaguely, does not clearly distinguish them from other positions and does not include any tangible competences. As yet, the individual entrusted with this task has not been trained in the concomitant tasks and responsibilities (for more information on quality management, see point III/B above).

The Vienna State Opera informed the Special Commission that a Code of Conduct for Teachers was drawn up in the winter of 2019 and that staff training on the subject had begun. Furthermore, in recent months the Vienna State Opera and the Ballet Academy have begun to consult experts from the child protection organization "die möwe" in order to develop strategies and implement a tailor-made solution for the special needs of children and young people in the Ballet Academy.

The Vienna State Opera reported that a check has been carried out in consultation with the labour inspectorate to determine the total workload of the students, and this has led to a reduction in the total number of performances.

#### ***E. Cooperation with the BG&BRG Vienna III - Guarantee of a school leaving certificate***

The Special Commission explicitly welcomes the cooperation between the Ballet Academy and the BG&BRG Wien III, because the ballet students not only receive ballet training but also academic schooling and thus have the possibility

to obtain a school-leaving certificate that qualifies them for university studies. Given the fact that the career of a dancer is short and involves a relatively high risk of injury, which can lead to the premature end of a career, the option of a second career outside the dancing profession is essential to secure the students' livelihood in later life. In addition, students may simply develop other interests during the dance training, or their physical suitability for the profession may change and thus suggest or even require that they pursue another career. School education in addition to ballet training is therefore an essential element that must be maintained in order to keep all options open for ballet students, including the pursuit of further academic training.

According to the information available to the Special Commission, it is clear that anyone leaving the Ballet Academy (e.g. because they fail to pass the end-of-year examination) is also obliged to leave the secondary school. The students thus might have the problem of suddenly having to find a place in another school, which is usually difficult and may jeopardise the completion of their secondary education. A solution to this problem would reduce this pressure -- which only adds to the other burdens -- to be successful in ballet in order to obtain a school leaving certificate.

Apart from this challenge, it should be noted that the cooperation with the Ballet Academy, on which the so-called "dance branch" in the academic secondary school is based, is still designed as a school trial. At present the application for school trials or their extension has to be renewed annually. According to the current legal situation, existing school trials should either be established as part of the regular school system or discontinued by the end of the 2024/2025 school year. Hence, the school trial will have to be converted into a regular curriculum in the medium term. A detailed regime for such a transition to a standard curriculum has not yet been established, which is partly due to a lack of relevant information from the Federal Ministry of Education, Science and Research. This situation makes it difficult to devise strategic plans, since these naturally require a certain lead time, both at the Ballet Academy and at the BG&BRG Wien III.

Until November 2019, approval of the school trial or extension for the 2019/20 school year was still outstanding. This is probably related to the elaboration of a cooperation agreement between the Vienna State Opera/Ballet Academy and the BG&BRG Vienna III, which has been under negotiation for several months. In the opinion of the Vienna State Opera, various points added to the agreement by the Federal Ministry of Education, Science and Research in autumn 2019 were still unclear or could not be implemented in the manner requested. Since the contents of the cooperation agreement reflect and specify the most important aspects of the school trial, the responsible units in the Ministry of Education were apparently still awaiting clarification of the items in question in order to avoid contradictions between the school trial and the cooperation agreement that accompanies it. The Special Commission received the cooperation agreement, which was signed by the Vienna State Opera in December, on 13 December 2019.

Coordination problems repeatedly arise in the practical daily cooperation between the BG&BRG Wien III including the boarding school and the Ballet Academy. A particular problem resides in students being absent owing to artistic duties - sometimes announced at very short notice -, which means that they may miss written tests, for example. The even higher number of performances in the past (with dancing performances and stage work as extras) in which the children and young people were obliged to take part resulted not only in missed classes but also in exhaustion, which meant the students were unable to muster the necessary level of attention for classroom lessons. This is also linked to the fact that both the school (including the boarding school) and the students are often informed about upcoming performances at very short notice. There is insufficient longer-term advance scheduling, which would allow early or at least timely coordination of oral and written tests at the academic secondary school, although the programme at the Vienna State Opera is mostly finalized well in advance.

The educators and support staff at the boarding school are confronted with an especially challenging situation since they -- rather than someone at the Ballet Academy -- have to make time to organize and conduct individual doctor's

appointments for the students. This problem has already been mentioned above under III/C.

Apart from the substantive problems in the coordination and cooperation between the institutions, there were no quality-assured processes in this area either (see III/B above). At this important interface, responsibilities and procedures must be just as clearly defined as they are in the Academy's other spheres of action. The above-mentioned cooperation agreement constitutes an important step in this direction.

## **IV. Recommendations of the Special Commission**

On the basis of the observations described above, the Special Commission has come to the conclusion that changes must be made both in matters of principle and in specific areas in order to prevent the above-mentioned problems in future and to guarantee modern-day ballet training in cooperation with a state-run academic secondary school.

### ***A. General recommendation***

In recent months, the Vienna State Opera has begun to develop a series of measures together with the director of the Ballet Academy. While the Special Commission acknowledges these efforts, it is surprised that these steps – such as the development of a child protection plan – were not taken at a much earlier point in time, given that the Ballet Academy has always dealt with children and young people. In addition, the steps currently taken give the Special Commission the impression that although work is underway on various aspects, there is still no comprehensible overall concept. The Special Commission, therefore, basically recommends that the Academy develop a strategy for (classical) ballet training at the highest level in line with current training standards, taking into account the needs of potential students and the (school-related) legal framework in Austria.

It is the view of the Special Commission that, in order to succeed, such a reorientation process requires the Vienna State Opera not only to make a clear commitment to the Ballet Academy, but also to develop a greater awareness of its guidance and control duties vis-à-vis the Ballet Academy. On the other hand, there will also be a need for an innovative management at the Ballet Academy itself. This management must not be afraid to submit, on its own initiative, proposals for optimization to the higher authorities (e.g. introduction of

standardized processes); it must be prepared, if the need arises, to take unpopular decisions (e.g. if health concerns make it necessary to bar students from training; to hold teachers accountable for inappropriate interaction with pupils) and, if necessary, to represent the concerns and interests of the students persistently vis-à-vis higher-level units (e.g. to heed requests for a pre-training warm-up and stretching space, or timely announcement of participation in stage productions).

## ***B. Recommendations on specific aspects***

Apart from the above considerations of a general nature, the Special Commission has identified individual shortcomings, which are addressed below:

### ***1. Structures, processes and definition of clear responsibilities***

Deliberations on the definition of tasks, structures and processes and the definition of clear responsibilities must be continued with great urgency. The Special Commission recommends a fundamental revision of the organizational plan and the implementation of clearly structured procedures. Needless to say that once this organizational and operational framework has been devised, practical implementation must follow. It is primarily the task of the management levels to ensure that any deficient structures are dismantled and replaced by modern structures. In addition to the direction of the Ballet Academy, this calls for greater commitment on the part of the management of the Vienna State Opera as the superordinate level. From the point of view of the Special Commission, the recommended general considerations as well as the revision of the organizational and operational framework should be carried out in close cooperation with the designated director of the Vienna State Opera and the designated ballet director, who, according to the current structures, would also be the artistic director of the Ballet Academy.

## **2. Quality Management and Quality Assurance**

The Special Commission also recommends the implementation of quality assurance processes, particularly in the areas of ballet training, in admission procedures for pupils and teachers, with a view to cooperation with the BG& BRG Wien III (including the boarding school) and in matters of physical and mental health. This includes above all defining and laying down in writing clear structures as well as the processes linked to the respective decisions. In addition to defined decision criteria with regard to content, there needs to be transparency with a view to internal procedures in the Ballet Academy and to matters with an outside impact (e.g. admission or dropping out of ballet students). Another essential component of quality assurance is the strengthening of committee decisions, which also have to be derived on the basis of prescribed competences and processes. In order to ensure transparent and comprehensible processes, there should be a close-meshed reporting system (in writing) from the director of the Ballet Academy to the artistic director of the Ballet Academy and to the management of the Vienna State Opera (and, subsequently, to the management of Bundestheater-Holding GmbH). Examples of quality assurance measures in the field of ballet training include the introduction of a course evaluation system and the implementation of a modern student management programme. The latter has apparently been initiated recently.

With regard to parents and legal guardians, the Commission recommends the creation of an appropriate awareness of the needs and requirements of ballet students. Necessary awareness-raising certainly concerns topics such as nutrition, psychological aspects and rest periods, which could be conveyed in workshops, for example. Moreover, the Commission recommends the provision of regular contact opportunities for parents or guardians (e.g. weekly consultation hours, regular contact via telephone or Skype for parents abroad, etc.) in order to ensure direct and -- if they so wish -- regular exchanges with the ballet teachers.

### **3. *Medical and therapeutic issues***

In future the Ballet Academy will have to acknowledge explicitly its share of responsibility in the area of medical and therapeutic care for the students entrusted to its care. It is not acceptable for the Academy to delegate the lion's share of this responsibility to the academic secondary school or the boarding school. It must be ensured that health risks to students are identified. This applies to the initial medical examinations upon admission to the Ballet Academy, to the annual routine check-ups and also to any medical case arising between these routine examinations. The Special Commission recommends that a paediatrician be installed at the Ballet Academy as an initial point of contact for the students, who can cover preventive and curative issues as well as questions of health education. In addition, the Ballet Academy should have available a list of clinical psychologists experienced in psychotherapy and/or psychological crisis intervention to be consulted in case of need.

Since the position of masseur at the Vienna State Opera, who is also supposed to take care of the ballet students, is still vacant, the Special Commission recommends timely recruitment. An in-house masseur is a great deal easier to reach for the ballet students than any masseur who might be made available to them in Maria Enzersdorf (Lower Austria) in the context of the cooperation with "Leistungssport Austria".

The Special Commission also recommends the development of Standard Operation Procedures (SOPs) to be able to rely on a predefined approach in certain cases. SOPs would be particularly appropriate in four areas: in the case of 1) an accident, 2) a suspected eating disorder, 3) an apparent psychological problem and 4) any other medical condition.

In view of the problems identified with regard to adequate health insurance for foreign ballet students, the Special Commission recommends reviewing the possibilities for improving insurance cover within the framework of statutory health insurance and/or any private health insurance (e.g. exploring the possibilities of group insurance for ballet students) for medically sensible

therapies that exceed the scope of medical care in acute cases such as an accident.

The Special Commission learned that the consent of parents or legal guardians to treatments outside the acute case -- but sensible from a medical point of view -- is sometimes difficult to obtain, for example because of the absence of parents or lack of insight in a case of suspected anorexia. The Special Commission therefore recommends that the legal options for drafting contracts between parents/legal guardians and the Ballet Academy be reviewed in the best interests of the students. One could check, for instance, whether it is possible to obtain a contractual "prior consent" to certain treatments from the parents or legal guardians who are not present on the spot (perhaps combined with an obligation to warn the parents about costs of treatment that exceed a certain threshold). This could apply to specific issues, such as a medical check to verify whether a student is actually suffering from an eating disorder.

With regard to boarding school catering, the Special Commission recommends that the food given to the children and young people attending the dance branch be tailored to the needs of ballet students. Their diet should be planned with the help of a nutritionist, and the necessary budget should be made available to the school (or boarding school) for the implementation of such a dietary plan.

#### ***4. Child protection and ensuring the best interests of the child***

The Commission recommends that the same level of attention be paid to child protection and the best interests of the child as is paid to the students' artistic and athletic education. The management of the Ballet Academy is called upon to ensure ongoing support of the efforts that have now been initiated. On the basis of appropriate pedagogical and child-protection competences, this optimization process for a better balance between performance requirements and a healthy personal development must receive continuous monitoring.

In recent months, the Vienna State Opera and the Ballet Academy have begun to consult experts from the child protection organization "die möwe" in order to develop plans and implement a tailor-made solution for the special needs of the

students at the Ballet Academy. As a minimum requirement, the Special Commission strongly recommends that this path be pursued further. The Ballet Academy should continue to use the support of these experts in the implementation of child protection measures. In future, the Ballet Academy should be subject to regular monitoring by these experts with regard to the implementation of the child protection programme at all levels and in all areas of activity of the Ballet Academy in order to ensure that child protection is safeguarded.

In this context, the pedagogical skills of the ballet teachers are of vital importance. When teaching the art of dance, their communication with the students must be age-appropriate and -- the necessary discipline notwithstanding -- appreciative. The Special Commission is cognizant of the fact that the media accusations concern only a few teachers and that the Ballet Academy's teaching staff includes very committed pedagogues who are fully aware of these requirements. However, the Academy needs to ensure that all teachers possess the necessary pedagogical competences. The Academy could add an official obligation to undergo further training in this and other areas to the service contracts of its teachers.

Developing a code of conduct for the staff and offering training in these matters can help to create a respectful and nurturing training environment for the students. When it comes to the conduct defined in the code, the management needs to lead by example, and compliance with the guidelines set out in such a code of conduct must also be ensured in practice.

With regard to the students who live as boarders, especially those from other countries, the Commission recommends the provision of a trained person of trust as their first point of contact for any questions and problems that adolescents struggle with (e.g. their bodily changes) at the place where the students spend most of their time, i.e. at the Ballet Academy. The child protection officer, who must be independent in the exercise of her duties and receive appropriate training, should also act as such a contact point.

## **5. Cooperation between the Ballet Academy and BG&BRG Vienna III**

The Special Commission recommends a prompt review of the legal options for the continuation of a dance branch within the context of the regular school system, which enables the students to obtain both a school-leaving certificate qualifying for university studies and a high-level dance education. There should also be consideration of potential new forms, for instance whether the structure of the existing sports grammar schools could serve as a model for the upper cycle (ages 14-18) or whether it would be conceivable to transfer individual ballet courses to school education or credit them towards the required number of school classroom hours. The Commission also recommends exploring to what extent the greater scope for school autonomy created by the 2017 Education Reform Act might help to ensure continuation of the dance branch.

As long as it is unclear which framework conditions can be adapted and which are unchangeable, neither the academic secondary school nor the Ballet Academy will be able to develop appropriate programmes for continuing the training. The Special Commission therefore considers that it is urgently necessary to settle quickly the key points for the conversion of the school trial into a regular school curriculum. This requires the participation of all institutions concerned, including in particular the Austrian Federal Ministry of Education, Science and Research, which is responsible for the conversion of school trials into regular school curricula.

From the point of view of the Special Commission, it is also urgently necessary to develop standardized exit scenarios which enable students to obtain a school leaving certificate qualifying them for university entrance even in those cases where a student does not pass a training year at the Ballet Academy owing to inadequate dance performance, or is forced to discontinue training at the Academy because of injury or other reasons. The options must be clear from the outset so that it does not depend on serendipity whether a student who leaves the Academy will be offered an education-friendly solution.

In the ongoing cooperation between the Ballet Academy and BG&BRG Wien III, the tasks and responsibilities must be clearly defined and laid down in writing (e.g. as concerns health management).

The Special Commission acknowledges the fact that it is essential for a successful career as a ballet dancer to already gather stage experience during the training period. The Special Commission is also aware of the fact that the Vienna State Opera has reduced the number of stage performances by ballet students for 2019. Nevertheless, the Special Commission recommends a continuous review of whether the scheduled stage appearances actually give the children and young people relevant -- i.e. dance-related -- stage experience. In the view of the Special Commission, the State Opera should, wherever possible, avoid using the students as extras, because such obligations provide meagre benefits for their dance education but may well constitute a considerable additional burden.

In order to improve the coordination of the performances with the BG&BRG Wien III, including the boarding school, the Special Commission recommends the drawing up of a preview of the planned productions or expected performance dates for the new school year to be made available to the school no later than at the end of the summer holidays so that it can coordinate the schedule of oral and written tests. The Academy should also include in this preview the dates of the relevant ballet competitions, as far as they are known.

## V. Concluding remarks

Austria has always rightly considered itself to be a nation of culture and enjoys worldwide renown for its valuable cultural achievements, which also include classical ballet. The recommended optimization measures notwithstanding, the Special Commission is firmly convinced that a classical ballet education at one of the best opera houses in the world definitely constitutes a great asset and an excellent part of the Austrian cultural heritage. Given the cooperation with the national school system, this education makes it possible for ballet students to embark on a ballet career but still have the option, if necessary, to seek a career outside the dancing world on the basis of their school education.

The Special Commission would highly welcome if this very special artistic training at the Ballet Academy were to be made fit for the 21st century in cooperation with the BG&BRG Wien III. This requires a clear commitment on the part of institutions responsible for the cultural sector as well as political decision-makers in the responsible administrative units at national and regional level to bring it up to the standards of modern professional (classical) ballet training at the highest level that takes into account the needs of children and adolescents. This type of training can be preserved, given sufficient commitment and new and innovative leadership.

The Special Commission is cognizant of the fact that some of the recommendations made also have budget implications, such as the organization of constant medical and therapeutic support. The Special Commission therefore calls on the responsible decision-makers actively to support the reorientation of the Ballet Academy by ensuring, among other things, that the Academy is endowed with a budget that permits it to make the necessary improvements for the benefit of the children and young people who have opted for a high-performance career in the arts world. After all, the graduates of the Ballet Academy, who also perform internationally, are important cultural ambassadors for Austria.

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Martina Fasslabend

Susanne Reindl-Krauskopf

Ulrike Sych