

CODE OF ETHICS OF THE ESCOLA SUPERIOR DE MÚSICA DE CATALUNYA FOUNDATION

The following documents have been consulted in the preparation of this proposal:

- Code of Ethics of the Public Service of Catalonia. 2020
- Barcelona City Council's Code of Ethics and Conduct. 2017
- Code of Ethics, Integrity and Good Practices of the University of Barcelona. 2018
- Code of Ethics of Pompeu Fabra University. 2020
- Code of Ethics of the Teatre Lliure Foundation. 2019
- Code of Ethics and Anti-Corruption Guide of the National Theatre of Catalonia. 2017
- Resolution ENS/585/2017

PREAMBLE

The Escola Superior de Música de Catalunya Foundation was created in 2001 with the aim of guaranteeing higher education in the public music education system.

The summary of the institution's objectives states that:

The Foundation's main purpose is the management of the Escola Superior de Música de Catalunya as well as the promotion and support of initiatives and activities related to higher and postgraduate music education and associated research.

To achieve these objectives, we rely on a centre model:

- a) Comprehensive, characterized by flexibility and non-hierarchy between disciplines.
- b) At the forefront of languages and technological innovation applied to music.
- c) At the service of future music professionals and also of society as a whole.
- d) Connected and coordinated with the educational and musical networks of Catalonia and the rest of the world.
- e) Open to the entire music sector, permeable to the social environment and a promoter of music in all its dimensions.
- f) Committed to the objectives of the 2030 Agenda, especially Quality Education, Gender Equality and Environmental Sustainability.

GENERAL PROVISIONS

Object

The ESMUC Code of Ethics aims to prescribe the behaviour required of people linked in any way to the Foundation beyond the mandatory legal provisions, the Statutes themselves, the Regulations or the Collective Bargaining Agreement in force, transparency, equality or the environment.

Scope

This code is applicable to the following groups and individuals:

- a) Members of the Board of Trustees
- b) Temporary management staff
- c) Administrative, service and teaching positions
- d) Student body
- e) Teaching staff
- f) Administration, services and teaching support staff
- g) Suppliers
- h) Members of the consultancies and the advisory board

Purposes

The purposes of this code are:

- a) Declare the Foundation's ethical values and principles of action
- b) Determine the rules of conduct and make explicit the commands and prohibitions to be observed by the persons involved
- c) Inform everyone – and especially students – about the treatment they should receive from the obligated persons
- d) Provide a mechanism for the resolution of ethical conflicts that may occur in the actions of the Foundation

Structure

The Code is structured in five parts:

1. General Principles of Behavior
2. The rules applicable to students. Coexistence plan
3. The rules applicable to teaching staff. Code of Ethics
4. The rules applicable to administrative, economic and service management. Transparent management
5. Information and Dispute Resolution Procedure

General frame of reference

The general frame of reference of the ESMUC Code of Ethics is the Code of Ethics of the Public Service of Catalonia, a document approved by the Drafting Committee on 30 June 2020 and which is structured in four following blocks:

1. Values inherent in public service
2. Values related to the performance of public servants
3. Values linked to the relational dimensions of public servants
4. Values of Organizations Responsible for Public Service

This Code of Ethics for the Public Service of Catalonia must also be considered part of the requirements contained in the ESMUC Code of Ethics.

Responsibility for Enforcement

The Management Committee of the Escola Superior de Música de Catalunya will ensure compliance with the Code of Ethics and, where appropriate, will activate the planned procedure for investigation and, if necessary, sanctions.

PRINCIPLES

General Principles of Behavior

The Higher School of Music Foundation of Catalonia is actively committed to the defense of human rights, equity, the fight against inequalities and social progress. All persons concerned by this Code of Ethics shall act in accordance with the following principles:

1. Respect for and protection of people's fundamental rights, with special attention to the most vulnerable.
2. Transparency in the procedures of action, making public all available data of public interest.
3. Rigorous and efficient economic and financial performance of available resources.
4. Absolute respect for people's privacy.
5. Impartiality and honesty in decision-making.
6. Non-discrimination, either directly or indirectly, on the basis of any personal or social condition.
7. The consideration of diversity as an enriching asset of society and institutions.
8. The absolute prohibition in any circumstance of any type of workplace or sexual harassment and/or harassment based on sex, sexual orientation, gender identity or gender expression.

9. The ethical and appropriate use of social networks. It is forbidden to consult or disseminate pornographic, violent, or degrading images and materials.
10. The search for fairness and equality, guaranteeing equal opportunities despite different conditions.
11. Cordial and respectful personal treatment within the organization itself, with suppliers and collaborators and with – and between – students.
12. Loyalty to the institution, without compromising its prestige through personal actions.
13. Promoting the participation of staff, the public and the public in all its dimensions, internal and external.
14. The search for maximum accessibility of services and activities, considering physical or social handicaps.
15. The protection of copyright and intellectual property, especially regarding the use of electronic and mechanical reproduction instruments.
16. The obligation to make careful, economical, and efficient use of the Foundation's assets, equipment, facilities and resources.
17. The promotion of the Catalan language and, in general, culture, without any exclusion or discrimination against other languages and cultures.
18. A positive attitude of internal and external cooperation with people and entities related to the Foundation.
19. Solidarity in situations of emergency and injustice.
20. Gifts, presents and donations of objects by third parties: students, individuals, or companies, and collaborating or supplying institutions are only acceptable within the framework of the rules of courtesy or institutional relationship with a limited and socially acceptable value.
21. The obligation to behave responsibly in reducing the environmental impact of the Foundation's activity and, whenever possible with the means available, to proceed with the reuse and recycling of the materials consumed.
22. The key elements of coexistence are: punctuality and attendance at school with an adequate personal condition for the exercise of teaching.
23. The Foundation will maintain an attitude of active collaboration in the local environment where it carries out its activities.

Teachers' Code of Ethics

The relationship between the teaching staff and the students of the ESMUC is the factor that most defines and qualifies the assessment of the Higher School of Music of Catalonia as a necessary and useful institution for the society it serves. Therefore, regardless of their dedication, all teachers are obliged to comply with the following principles and duties:

1. The attitude of the teachers in the classroom in particular and in any teaching activity in general is a mirror for the students. Therefore, it is obliged to transmit knowledge in a rigorous, cordial way and with the values of civility, coexistence, and respect at the level of a Higher School of the educational system of Catalonia.
2. Any position of arrogance is prohibited, even if it cannot be considered an abuse of power or an expression of harassment.
3. The teaching staff is committed to the continuous improvement and renewal of teaching. It is one of the elements that defines professionalism and is a matter of responsibility and the search for the highest quality. Improvement and renewal refer to both the content and the methodology or the pedagogical materials and tools.
4. It is the obligation of the teaching staff to explain in advance to the students the evaluation criteria that will be used in any exercise or teaching test.
5. The relationship between teachers and students should be cordial but neutral, impartial, and transparent. Any personal or family relationship, beyond the teaching relationship, involves a conflict of interest that must be made explicit to the person responsible for the corresponding academic organization (Department, Coordination or Academic Secretary) to take the appropriate measures as a guarantee of equity.
6. When, for reasons of teaching practice, it is convenient for the teaching staff to have physical contact with the students in any part of the body, the procedure to be followed will be as follows: request the student's permission and precisely describe the action to be performed. If permission is denied, the teacher will replace this action with other descriptive means: images or descriptions.
7. Teachers may not make use of the resources, position or reputation of the School for personal gain. Eventually, upon request and when its usefulness and general interest are demonstrated, the use of equipment, instruments and/or facilities for teaching staff activities may be authorized.
8. The teaching staff of the ESMUC are part of the public teaching community of music education in Catalonia. The attitude towards the rest of the institutions, in the face of any requirement, must be one of cooperation and availability.
9. The teaching staff of the ESMUC will carry out their teaching under the principle of freedom of teaching. This principle must be exercised within the framework of respect for the curricula and approved content of the corresponding subjects.
10. In the relationship between the teachers themselves, it is necessary to maintain a peaceful attitude of dialogue, avoiding any expression that could be interpreted in an intimidating or imposing way.
11. Any accredited derogatory manifestation – inside and outside the ESMUC facilities – that arbitrarily questions the honour or reputation of the school itself, of any of its disciplines, qualifications, or subjects, or of any other of the people who work or participate will be dealt with with disciplinary proceedings.
12. All ESMUC faculty have the right to respect for their authorship, privacy, and confidentiality and, symmetrically, the obligation to respect that of others. In the research programs, the participation of each and every one of the people who are part of the team will be recorded in detail and rigorously.
13. Apart from the general commitment of the entire ESMUC community, teachers

will ensure that the environmental impact is reduced as much as possible in the development of their teaching activity and the use of materials, equipment, and facilities.

14. The teaching staff will take special care to detect and treat those people – especially students – who are disadvantaged or in difficulty, and will inform the people who are responsible for the academic organisation (Department, Coordination or Academic Secretary).

Student Code

Accessing the ESMUC is difficult. Applications are significantly higher than the places available and, therefore, a selection process is necessary that, in the best of cases, exceeds one person out of every three applicants.

The tuition fee covers approximately one-eighth of the actual cost of the student body.

Studying at ESMUC is not a privilege, but it requires an explicit and active commitment on the part of the students.

General commitments:

1. Respect and propriety in dealing with the teaching staff and other staff of the School, with the freedom, however, to express criticism, observations or formal complaints.
2. Respect and propriety in dealing with colleagues. Debate and confrontation of ideas cannot lead to conflict and confrontation.
3. The proper use of goods, facilities, and services in strict compliance with the corresponding requirements and instructions. Special care must be taken in the use of the instrument park, computer and audiovisual equipment, and the documentary collection of the CRAI Library, which must be maintained in the best possible conditions at the service of all.
4. Careful compliance with the principles of equality and non-discrimination based on any personal condition.
5. Any attitude that could be considered coercion and/or harassment must be avoided, regardless of the penalties provided for in the regulations. The attitude of ESMUC students in these situations must be proactive, denouncing, if necessary, any malpractice by a person from any of the levels: students, teachers, administration, and services staff, even when this situation affects third parties.

Academic commitments:

6. Attendance – and/or participation – in classes and other complementary activities of the academic year with special responsibility in those subjects or activities where the presence of the student is essential for the correct performance of the session, and their absence has a negative impact on the practice and learning of the rest of the students.

7. The maximum use of the theoretical and practical knowledge received according to one's own abilities.
8. The preparation, delivery, or presentation of commissioned works under the agreed conditions and deadlines.
9. The student will try to resolve any conflicts, needs for clarification or disagreement in a subject first with the faculty involved. If there is no satisfactory solution, the problem can be raised to the department that manages the subject and, finally, to the management of the centre in the event that the problem is not resolved, without detriment to communication with the tutor and the queries that he/she may refer to other bodies.

Institutional commitments:

10. Being part of the ESMUC community means assuming the honorability, competence, and aspiration to excellence of the institution.
11. Reputability in behavior extends to any circumstance and environment, including digital networks.

ORGANIZATION

On the organization and management of resources

General requirements

All persons working in the organization and administration of the resources of the Escola Superior de Música de Catalunya must comply with the following requirements:

1. Planned, rigorous and efficient management with the aim of achieving the maximum return on the available resources.
2. The prohibition of arbitrariness and any favourable treatment of any person, especially in the case of staff and other public representatives.
3. The prohibition of making or receiving gifts of any kind beyond the terms expressed in the general principles.
4. The prohibition of hiring a person, organization or company that manifestly fails to comply with the principles contained in this code of ethics.
5. Accurate and complete information on the activities and management of the Foundation.
6. The rendering of accounts in the approval and liquidation of the Foundation's resources which, beyond the legal prescriptions, must contain:
 - a) A detailed list of jobs (including temporary jobs)
 - b) The current organizational chart
 - c) Detail of the full annual remuneration of staff
 - d) the available management indicators and, in any case, the total cost and public subsidy for each student

Requirements for persons who are part of individual and collegiate governing bodies

Among the functions assigned to the management positions of the Foundation and the School structure is the obligation to ensure compliance with the Code of Ethics within the scope of their responsibility.

APPLICATION

In order to guarantee the correct application of the Code of Ethics and the resolution of any conflicts that may arise, the following is established

Procedure

1. The Code will be disseminated through the Foundation's media. In the first relationship with individuals, entities and companies, a copy of the Code of Ethics will be delivered along with the corresponding documentation.
2. The Foundation's staff will receive appropriate training in those subjects that require it.
3. Any of the addressees of this Code may report facts or situations that involve its violation. To this end, a specific electronic mailbox will be set up so that any person – identified or anonymously – can report any situation that may involve a breach of the Code of Ethics.
4. In the event of any circumstance that contravenes the Code of Ethics and is known to the Foundation, the plenary will appoint a member of the Board of Trustees who is not part of the Executive Committee to be responsible for its investigation and clarification.
5. A file will be opened containing the documentary information and statements of the persons concerned. In any case, all persons forming part of the command structure, including the Deputy Directorate of Administration and Services and the Directorate, shall give their statements.
6. Based on the investigation carried out, the person responsible for the file will prepare a report which will necessarily include the determination of the facts tested, their qualification and, within 30 days, the reasoned proposal for a resolution.
7. The resolution, after informing the Commission, must be approved by the Plenary of the Foundation in an extraordinary session convened within a maximum period of 30 days from the receipt of the proposed resolution.
8. The result may be:
 - a. Archiving due to proven lack of responsibility.
 - b. The agreement to process a sanctioning proceeding in accordance with the provisions of Title IX of the General Regulations of the ESMUC.

FINAL PRESCRIPTIONS

1. The annual report will include, where appropriate, an assessment of the status

- of application of the Code of Ethics, even in those cases where the incident has not given rise to a subsequent procedure.
2. In those cases that this Code of Ethics does not contemplate or detail, it will be of subsidiary and analogous application of the Code of Ethics of the Public Service of Catalonia of June 30, 2020, or the regulations that replace it.
 3. The sanctions are an adaptation of those provided for in the following legal texts: Law 12/2009 on Education in Catalonia, article 37; Legislative Decree 1/1997 on the Civil Service, article 114 et seq.; art. 53 of the VI Single Collective Bargaining Agreement of Catalonia for the staff of the Generalitat de Catalunya 2008.
 4. Once four years have elapsed from the date of its approval, a committee of the Foundation's Board of Trustees will review this Code of Ethics, and will propose, where appropriate, the corresponding modifications.

Barcelona, 17 March 2022.