



INTERNAL CONFLICTS AND COMPLAINTS POLICY

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| Drafted by: | John Poole | Approved by Management Committee on: | 22 September 2018 ¹ |
| Responsible person: | Secretary | Scheduled review date: | September 2019 |

INTRODUCTION AND PURPOSE

1. As a community broadcaster, Cairns FM 89.1 is required to adopt the Community Radio Broadcasting Codes of Practice. The licence to operate Cairns FM 89.1 is held by Cairns Community Broadcasters Inc which is an Incorporated Association and governed by its own Rules.
2. The Codes and / or Rules have something to say about internal conflicts, complaints by listeners, volunteers and members, procedures for the dismissal of volunteers and the suspension or expulsion of members. This document addresses these matters.
3. Note that where a conflict and / or complaint asserts bullying or discrimination, this policy should be read in conjunction with the station’s anti-bullying and anti-discrimination policy. Where there are inconsistencies the policy and procedures set out in the anti-bullying and discrimination policy applies.

POLICY AND PROCEDURE

Listeners, Volunteers and Members

Listeners

4. The Code states that listeners have a right to complain that Cairns FM 89.1 is not following the requirements of the Code. And since the Code covers more than what we choose to put to air, and any person can reasonably claim to be a listener even extending beyond the Cairns region (consider internet streaming). In effect the Code gives the public the right to complain about much of what we do. That said, we are not obliged to do much where a ‘complaint’ is clearly frivolous, without sufficient grounds or not made in good faith.
5. Volunteers and members will often be genuine listeners and so have all the rights that listeners have.

Volunteers

6. Volunteers are those individuals who have offered their time and expertise to assist in the operation of Cairns FM 89.1 and that offer has been accepted. Volunteers include

¹ Minor change to reflect approval of anti-bullying and anti-discrimination policy where special investigation and resolution arrangements apply.

presenters and all volunteers are required to accept a written document that sets out their rights and responsibilities.

Members

7. Individuals can become members of Cairns Community Broadcasters Inc on terms set out in the CCB Rules. They need to agree to abide by the Rules of CCB when applying for membership. At the present time, all presenters are required to be members but volunteers who are not presenters are not.

Internal Conflict

8. Internal Conflict between volunteers (who may also be members) arises when different ideas, values, interests, hopes, aspirations and opinions of individuals are questioned.
9. Where Internal Conflict arises the first step is negotiation between those involved with the aim of bringing about agreement, settlement of the opposing demands or attitudes, or a compromise that is acceptable to all parties who may, in fact, have to agree to differ. Volunteers have a responsibility to try and achieve this themselves, although they may seek help from the Station Manager and the Station Manager may seek help from somebody else such as a Management Committee member.
10. However, if the issue is very contentious, the parties have strong personal views, and where agreement is not going to be achieved, one or other (or both) of the parties should formally make a Complaint.

Complaints

11. Complaints have to be made in writing (email is acceptable) and can be made by anyone. If a Listener contacts the station with a potential complaint by telephone or in person, they should be told to complain in writing and provided with the station's postal and email addresses.
12. All complaints should be referred to the Station Manager unless the complaint is about the personal conduct or behaviour of the Station Manager him or herself when the complaint should be referred to the Secretary.
13. Where the complaint is that the station has failed to comply with the requirements outlined in the Code, and there is no reference to a specific individual:
 - a. Receipt of the complaint will be acknowledged in writing,
 - b. The complaint will be investigated by the Station Manager and written conclusions provided to the President including the proposed response,
 - c. Subject to the President's concurrence, the complaint will be responded to in writing (by letter, fax or email) within 60 days of receipt,
 - d. The response will include a copy of the Code, and
 - e. The person complaining will be told that they have the right to refer their complaint to ACMA.
14. Where the complaint refers to a specific individual, the Station Manager's investigation will include giving the individual concerned a reasonable chance to state their case. The response to the person complaining should not provide details of any action taken by the station against the person being complained about as details may be considered 'personal information' and therefore subject to privacy considerations. However more general statements such as 'the person concerned has been counselled' would be acceptable.
15. Where the complaint is not a Code related matter, steps d and e above need not be followed.

16. All written complaints will be investigated as set out above. However, the Station Manager may, at his or her discretion, treat any situation as if a written complaint has been received.

Disciplinary Action against Volunteers

17. The results of the Station Manager's investigation in response to a complaint may be that disciplinary action against a volunteer is justified. The Station Manager himself or herself may also initiate disciplinary action against a volunteer even if no complaint as such has been received.

18. The wording of certain complaints may appear to assert defamation by others or may even appear to be defamatory statements themselves. Whether these situations are so or not is a matter of legal opinion. Within the station no attempt should be made to judge whether one individual has defamed another. If an individual considers that he or she has been defamed, they need to seek their own legal advice as to what they might do about it. Where it seems possible that the Station has been defamed, the matter should be referred to the Secretary.

19. Grounds for taking disciplinary action against a volunteer include:

- a. Poor timekeeping and unreliability,
- b. Not following station policies and procedures, including programming policies and program briefs,
- c. Engaging in acts or broadcasts which may breach the Codes,
- d. Engaging in broadcasts which may breach other related legislation such as the Broadcasting Services Act 1992 (which includes sponsorship provisions), copyright or defamation laws,
- e. Inappropriate handling or use of station equipment or other property,
- f. Rudeness or hostility towards other volunteers or staff members,
- g. Intoxication through alcohol or other substances during working hours,
- h. Verbal or physical harassment of any other volunteer, employee, member or guest of Cairns FM 89.1, particularly in respect of race, sex or religion,
- i. Wilful damage to or theft of property belonging to Cairns FM 89.1 or a volunteer, employee, member or guest of Cairns FM 89.1,
- j. Falsifications of any of the organisation records for personal gain,
- k. Commercial misrepresentation of Cairns FM 89.1, and
- l. Publicly bringing Cairns FM 89.1 into disrepute.

20. Items h. to l. above are examples of grounds for immediate dismissal as a volunteer. More generally though, volunteers will not be dismissed until two warnings in writing have been issued.

21. Written warnings will include details of the issue and, where feasible, evidence. Where the disciplinary measure has been instigated by a complaint, it may be appropriate to include a copy or extract of this complaint with identification removed.

22. In determining what action to take, which may range from simply a conversation with the volunteer through suspension of volunteer duties for a period of time to dismissal as a volunteer, the Station Manager will take into account factors such as:

- a. Have the roles, values and expectations of Cairns FM 89.1 been clearly communicated to the volunteer and subsequently reinforced during prior conversations regarding the volunteer's performance?
- b. Are there any other factors that may be contributing to the volunteer's poor performance e.g. learning difficulties or language barriers?

- c. Has the volunteer been reminded of expected codes of conduct and consequences for breaches?
- d. Has the volunteer received training/mentoring and or coaching to improve performance?
- e. Has a verbal and written warning been given to the volunteer explaining that any further noncompliance will result in suspension or termination of the volunteering opportunity?
- f. Was the volunteer given an opportunity to respond to prior verbal and written warnings?

23. Where action is being considered as an outcome of internal conflict, the Station Manager will also consider the extent to which either party involved in the conflict tried to resolve the matter between themselves.

Suspension or Expulsion of Members

24. Where the volunteer is a member and the Station Manager believes that he or she should be suspended as a member or expelled from the Association because the member has engaged in conduct considered to be injurious or prejudicial to the character or interests of the Association, the Station Manager will so recommend to the Secretary and state the grounds for his or her conclusion.

25. Any member is also able to write to or email the Secretary stating that another member should be suspended as a member or expelled from the Association on these grounds and explaining why this is his or her view. As a practical matter, however, it is recommended that the member discusses the matter informally with the Station Manager or Secretary beforehand.

26. The Secretary will ensure the matter is placed before the Management Committee as soon as practicable but not sooner than 14 days and not later than 42 days of the Station Manager's recommendation or statement from a member being received.

27. The Secretary will inform the member whose conduct is being questioned:

- a. That a recommendation for suspension or expulsion has been received from the Station Manager or that another member has suggested likewise,
- b. The grounds on which the recommendation or suggestion has been made,
- c. The time and place of the Management Committee meeting,
- d. That any written submission the member cares to make will be considered by the Committee, and
- e. That the member will also be able to appear at the Committee meeting.

28. The member must be given at least 7 days to prepare any submission.

29. The Committee will consider the matter and in doing so consider any written submissions as well as giving each party a reasonable opportunity to state their case.

30. Have considered the matter, the Committee will, in executive session, discuss further as necessary and determine an outcome by resolution and the Secretary will advise the member whose suspension or expulsion was considered accordingly.

Rights of Appeal

31. Where a person has been disciplined in their capacity of a volunteer, that person may tell the Secretary that he or she wishes to appeal. The appeal will be then heard by two Management Committee members nominated by the President one of whom may be the President.
32. The appeal itself can be in writing and the person concerned with also be able to appeal in person and be accompanied by a representative. Should the appeal result in a change of disciplinary action or its removal, the person appealing will be notified in writing by the Secretary.
33. Where a person's membership has been suspended or terminated by the Management Committee, the member will have a right of appeal as set out in the Rules of the Association. In summary, this is an appeal to a general meeting of members at which members will vote by secret ballot. Details of the appeal process would be given to the member by the Secretary when the Secretary informs the member of the Management Committee's decision to suspend or terminate membership.

Disputes and Complaints involving the Station Manager

34. Where a volunteer or a member who is not a volunteer wishes to complain about the actions or behaviour of the Station Manager, that volunteer or member should inform the Secretary. The Secretary will ask the volunteer or member to set out details of the complaint in writing. Thereafter the President will be informed and initiate action consistent with the procedures set out above, the Rules of the Association where relevant, and the terms and conditions of any employment contract together with employment related law generally.

Record Keeping

35. The Secretary will ensure that records of the following will be maintained for at least two years from the date of complaint or date that disciplinary action was initiated:
 - a. The date and time the complaint was received or disciplinary initiated,
 - b. The name and address of the person complaining,
 - c. The substance of the complaint or basis for proceeding with disciplinary action,
 - d. The station's response to the complaint
 - e. Logging tapes or audio copies of broadcast material
 - f. Relevant written documentation
36. In addition, where action is taken against a member of CCB, appropriate records such as agenda and minutes will be maintained as a matter of course.

AUTHORISATION

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Secretary

22 September 2018