



## Internal Conflict Policy

### Purpose:

This policy relates to disputes that arise between members of the station and complaints made by one member against another or other members.

### Disputes and Complaints:

1. Where a dispute arises between two members of the station or where a complaint is made against one or more other members on or all parties to the dispute shall advise the Secretary or other person nominated to deal with disputes in writing.
2. A complaint or notification of a complaint may be made by any member of the Association (including a life member) or where the board is of the opinion that a member as acted as set out herein, without a formal complaint as if such complaint had been made:
  - a. That some other member of the Association, as persistently refused or neglected to comply with a provision or provisions of the constitution.
  - b. Has persistently and wilfully acted in a manner prejudicial to the interests of the association.
  - c. Has abused, threatened, intimidated, committed an assault and/or battery against another member.
  - d. Discriminated against a member based on ethnicity, religious beliefs, age, sexuality, disability, or political views.

### Dispute Resolution and Procedure:

3. The parties shall endeavour to resolve the dispute informally between themselves.
4. Where such a dispute or complaint against another volunteer and the matter cannot be resolved between them the matter should be referred to the Secretary or other nominated member agreed to by the parties to the complaint who shall
  - a. Hold a meeting in the presence of a mediator(s) who shall be chosen by agreement of the parties or failing such agreement by the board.
  - b. The mediator may be a member of the Association but cannot be a party to or otherwise involved in the dispute or an independent person
  - c. Where the complaint or dispute is between a member and the Association the mediator shall be a person agreed upon by the parties to the complaint or where agreement cannot be reached, the mediator shall be selected by the Community Broadcasting Association of Australia.
5. The appointed mediator shall:
  - a. Allow the parties to the dispute to be heard.
  - b. Allow due consideration to be given to any written statement or submission submitted by the party.
  - c. Ensure the principals of natural justice procedural fairness be followed in the mediation process.
6. Where mediation fails to resolve the matter, the dispute shall be referred to the board for resolution.
7. On the receipt of notice of complaint, the board shall:
  - a. Cause written notice of the complaint to be forwarded to the member concerned.



- b. Advise the parties concerned that they have 14 days from the time of notice is received by them to respond to the complaint, make submissions to the board or give notice that they wish to address the board.
    - c. Follow the receipt of such submissions, or if no submissions are received from all or any of the parties to the dispute; the board shall set a date for hearing the dispute and give all parties 14 days' notice of the time, date, and place of hearing.
  8. Any member of the board who is directly involved in the dispute shall not take part in the hearing except as such party.
  9. At the hearing of the board shall take into consideration all submissions made by the member in connection with the complaint and shall:
    - a. Allow the person or persons making the complaint to address the complaint, call witnesses, provide any written material and answer any questions.
    - b. Allow the person or persons against whom the complaint has been made to respond to the complaint either in person or through an advocate, provide any written material and answer any questions.
    - c. An advocate may be a member of the association, or an independent person but shall not be a solicitor, barrister, or paralegal. The Advocate shall be appointed in writing and the board shall be advised five days prior to the date of the hearing of the name of the advocate.
    - d. The advocate shall not be a person directly involved in the dispute.
    - e. The advocate shall be entitled to have access to all documents at the hearing by confidential information shall only be released on the written authority of the person in possession of the documents.
    - f. Submissions to the hearing by any party to a hearing may be made orally or in writing.
    - g. Where a party appears in person the board or any other party shall have the right to ask further questions or seek additional information.
    - h. All disputes will be determined in line with the principles of natural justice and fairness.
    - i. The board shall hear any other person who has information or material relevant to the matter being heard.
    - j. Hearsay evidence shall not be admitted.
  10. The board shall take into consideration all matters raised by all parties to the dispute.

#### Determination of a Dispute:

11. After taking into consideration any matters raised or submissions made by the member the board may:
    - a. Take no further action
    - b. Issue a formal written warning
    - c. Issue an oral caution
    - d. Suspend the member for a period not more than six months for a first incident or not more than twelve months for a subsequent incident.
    - e. Expel the member found to have contravened this policy.
  12. After the hearing all parties to the dispute shall be advised in writing of the decision and informed of their right to appeal at a Special general meeting of the Association.
  13. Any appeal shall be dealt with as provided for in rule 24 of the constitution.



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