

# MUSIC BROADCASTING SOCIETY OF SA INC

## DISCIPLINING VOLUNTEERS

### A Scope

This policy deals with circumstances where the Board of Directors is considering the dismissal of or some lesser sanction against a Volunteer at 5MBS (operated by the Music Broadcasting Society of SA Inc [MBSSA]). This policy does not deal with matters of performance; MBSSA has separate procedures for dealing with the performance of volunteers. This policy is concerned with instances of inappropriate behaviour that warrant the Board of Directors giving consideration to whether or not the Volunteer should be allowed to continue to work at the Station in any capacity.

### B Grounds for Dismissal

A Volunteer may be dismissed for any of the following reasons:

1. Conduct that is detrimental to the interests of the Station.
2. Any criminal activity in relation to the property of the Station, other Volunteers or Members of MBSSA.
3. Where a conviction is recorded in a properly constituted court for any offence that involves theft, damage to property, fraud, violence towards other persons or sexual harassment.
4. Sexual harassment of other Volunteers or Members.
5. Persistent abusive behaviour towards other Volunteers or Members.
6. Persistent failure to comply with Station policies.

Note that the first of these grounds is sufficient to warrant the Board of Directors terminating the individual's Membership of MBSSA pursuant to Rule 8 of the Association. Termination of an individual's Membership will automatically result in the individual's dismissal as a Volunteer.

### C Preliminary considerations

1. Where a volunteer is convicted of an offence as outlined in item 3 in B above, the Station Manager (or if the volunteer is the Station Manager, the President) shall dismiss the volunteer in writing and at its next meeting the Board of Directors shall confirm that decision. A Volunteer dismissed under this provision may not appeal against that decision. Where charges relevant to any such offence have been laid against a volunteer, the Station Manager (or if the volunteer is the Station Manager, the President) shall suspend the volunteer pending the decision of the courts and at its next meeting the Board of Directors shall confirm that action.
2. In other cases, where the Station Manager believes that an allegation against a volunteer is sufficiently serious, he/she should consult with two members of the Board of Directors to determine that the volunteer should be suspended pending the resolution of the issue. If a Volunteer is suspended under this provision, the Board of Directors, at its next meeting, will consider whether to confirm the suspension, pending resolution of the issue, or to lift it. Where an allegation is made against the

Station Manager, the President and two members of the Board of Directors may take the necessary action. Any suspension imposed under this provision shall remain in place until the proceedings, including consideration of any appeal, are completed.

## **D Procedures**

1. For the Board of Directors to consider disciplinary action against a Volunteer under this policy a formal written complaint must be made to the Secretary (or if the Secretary is laying the complaint, the President) by a member of the Board of Directors or another Volunteer (the complainant). The complaint must set out in detail (with reference to B above) the grounds on which disciplinary action is sought and the circumstances or incidents thought to demonstrate those grounds.
2. If the allegation relates to the second of the grounds set out in B above the matter will be referred to the Police and dealt with within MBSSA as follows:
  - a. The Volunteer will be suspended from all activity pending the outcome of any Police investigation and any subsequent action before the courts. If no action is taken by the Police, or if charges are laid and the Volunteer is not successfully prosecuted, then the Volunteer will be reinstated.
  - b. If the Volunteer is successfully prosecuted by the Police, then the Management Committee will consider whether to:
    - i. Take no further action, or
    - ii. Dismiss the Volunteer, or
    - iii. Proceed against the Volunteer under Rule 8 of the Association.
  - c. If the Board of Directors is considering proceeding along the lines given in 2b(ii) then the Volunteer must first be given the opportunity to be heard by the Board of Directors.
  - d. Nothing in this clause prevents action being taken against the Volunteer in relation to matters relating to other grounds set out in B above.
3. In other cases particulars of the allegation must without delay be communicated in writing to the Volunteer.
4. Not less than fourteen days after the allegation has been communicated to the Volunteer the Board of Directors must establish a Tribunal consisting of one or more persons who are not Members of the Board of Directors, who are not involved in the case, who may or may not be Members of the Association, and who have experience relevant to dealing with such matters. The Tribunal shall deliberate on the case in accordance with this policy.
5. The Tribunal shall hold a formal hearing at which the complainant and the Volunteer shall be entitled to present submissions and documentary evidence relevant to the charge. Such documentary evidence must be provided to the other party at least seven days prior to the date appointed for the formal hearing. Either party may call witnesses to collaborate their submission.

6. After any submissions and the presentation of evidence the Tribunal shall consider its decision *in camera*.
7. After considering any submissions and evidence placed before it the Tribunal may decide to take one of the following actions:
  - a. Determine that a case for dismissal has not been made and take no further action.
  - b. Determine that the Volunteer has acted inappropriately and issue a formal warning. Such a warning will be taken into account if a similar charge is laid against the Volunteer in the future.
  - c. Suspend the Volunteer for a specified time not exceeding one year. The suspension may be either from all volunteer activity or activity in specified areas of the Station's operations.
  - d. Direct that the Volunteer no longer work in one or more specified areas of the Station's activities.
  - e. Terminate the Volunteer's services as a volunteer.
8. The Tribunal shall prepare a written draft of its decision and the reasons for making it and provide a copy to the complainant and the Volunteer who shall be entitled to make further representations to the Tribunal within seven days.
9. After considering any such further representation the Tribunal shall finalise its determination and communicate it in writing to the Volunteer and, at the same time, to the Secretary for the information of the Board of Directors.
10. If the Tribunal has determined a penalty under 7(b)-7(e) above, the Volunteer may, within fourteen days and in writing to the Secretary indicate that they intend to exercise a right of appeal. The grounds for the appeal shall be one or more of the following:
  - a. That there has been some deficiency in the process involving a failure to comply fully with this policy;
  - b. That the reasons provided by the Tribunal are not sufficient to warrant the imposition of a penalty;
  - c. That the penalty imposed is too severe and a lesser penalty should be imposed.

If the Volunteer does not exercise this right as specified, the Tribunal's decision shall be given immediate effect.

11. Within one month of receipt by the Secretary of a notice of intention to appeal, the Board of Directors shall consider the appeal; any Member of the Board of Directors who is directly involved in the case shall not participate in the consideration of the appeal. The Volunteer may provide a written submission to the Board of Directors at least one week prior to its meeting or may address the meeting or both. After considering the representations of the Volunteer, the Board of Directors may:
  - a. Confirm the decision of the Tribunal, in which case the decision shall be given immediate effect;

- b. Seek further comment on specific matters from the Tribunal, in which case the matter shall proceed in accordance with 12 below;
- c. Determine that a lesser penalty than that determined by the Tribunal shall be imposed in its place; for this purpose the penalties set out in 7 above shall be taken to be of increasing severity; in this case the lesser penalty so determined shall be given immediate effect;
- d. Dismiss the case against the Volunteer and take no further action.

12. If the Board of Directors decides to seek further comment from the Tribunal it must:

- a. Immediately advise the Volunteer that it has done so;
- b. Immediately communicate its request to the Tribunal seeking its further comment within one month;
- c. Consider the further comment from the Tribunal within fourteen days of receipt of such comment;
- d. After considering the further comment from the Tribunal make a determination in accordance with 10(a), (c), or (d) above.

## **E No Double Jeopardy**

If a Volunteer is charged under Rule 8 of the Association and following consideration by the Board of Directors or on appeal to the Association in general meeting retains their Membership of MBSSA then no action is allowed under this policy in relation to the same matter.

If a Volunteer is dealt with under this policy then, whatever the outcome, the Board of Directors may not consider a charge under Rule 8 of the Association in relation to the same matter.