

MUSIC BROADCASTING SOCIETY OF SA INC

POLICY STATEMENT

DISPUTE/CONFLICT RESOLUTION

A DEFINITIONS

1 In this policy

- a) 'Board' means the Board of Directors
- b) 'MBSSA' mean the Music Broadcasting Society of SA Inc
- c) 'Member' includes 'Members'
- d) 'Management' means a committee or officer appointed by the Board or a person delegated to make such appointments.
- e) 'dispute' means any disagreement, conflict or argument that occurs between a member/members and a committee/group formally established within the management structure of 5MBS or that occurs between one or more individual members relating to the operations of 5MBS.

2 This policy does not apply to complaints from listeners (whether members or not) concerning the content of broadcast programs. Such complaints are to be dealt with by the Station Manager in terms of the BCAA Code of Conduct.

3. This policy statement does not preclude any member from taking action as provided for by any relevant legislation, both Federal and State such as

- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Equal Opportunity Act 1984

and other similar or relevant legislation.

Where the Board or other member believes that a Federal or State law has been contravened, the matter will be referred directly to the relevant authority.

4. This policy does not deal with matters that may lead to the expulsion or disciplining of a member under Clause 8 of the Rules of Association. In such matters, Policies 240 and 501 apply.

5. This policy relates to three areas where a dispute or conflict may arise:

- a) policy and other decisions which are not directed at a particular individual or small group of individuals taken by the Board or groups/individuals delegated to make policy decisions – Policy Decisions;
- b) management decisions taken by the Board or groups/individuals delegated to make such decisions that affect an individual Member or a group of Members – Management Decisions;
- c) personal disputes arising between individual Members (or groups of Members) including members of the Board of Management and other persons holding appointed positions – Interpersonal Disputes.

6. In relation to all matters covered in the policy, any complainant or individual or group who is the subject of a complaint will be treated according to the principles of natural justice.

B POLICY DECISIONS

7. Where a member considers that the Board or groups/individuals delegated to make policy decisions have acted outside the scope of their authority or has failed to take into account legislation or other statutory requirements or has made a policy that is considered to be detrimental to the effective running of the station, the member has the right to raise the matter with the President of the Board in writing. The President of the Board will take such steps as to determine the basis of the complaint by acting alone or nominating a delegate or delegates to investigate the complaint. The President or delegate will ensure that the complainants are provided with an opportunity to present their case in person as well as in writing. The President or delegate(s) will also invite the Board or group/individual who made the policy decision to respond to issues raised by the complainant(s). The President may also seek such legal advice as may be appropriate in making a judgement.
 - a) Where the complaint concerns a decision made by the Board, the President will determine whether or not the complaint is upheld or dismissed and advise the Board accordingly. The complainant will be advised of the outcome in writing.
 - b) Where the complaint concerns a decision made by a group/individual delegated to make policy decisions, the President will report his findings to the Board together with recommendations for further action. The complainant and the group/individual responsible for making the original decision will be advised in writing of the outcome(s).
 - c) Such a determination by the Board shall be considered as final and there is no provision for a review of the decision of the Board.

C MANAGEMENT DECISIONS

8. Where the Board takes a management decision that affects an individual Member or group of Members (other than in accordance with Policies 240 and 501), and the Member considers the decision to be unfair, the Member shall be entitled to have the matter reviewed by the Board.
9. The Member will advise the President in writing of the nature of the complaint and may elect to have the complaint considered by the President acting alone or the Board as a whole. The Member may either make a written or oral submission or both. The Member may seek the advice and assistance of an Internal Grievance Officer and, if they choose to do so, may also elect to have that Officer attend any meeting.
10. If the Member requests the assistance of an Internal Grievance Officer, that Officer is to regard any discussions with the complainant as confidential and cannot be required to comment neither can advice be sought from the Internal Grievance Officer.
11. After considering all of the submissions made, the President (if acting alone) will report to the Board and the Board will determine whether to reaffirm its decision, vary its decision, or rescind its decision. The Member will be advised in writing of the decision of the Board. There is no provision for appeal against the decision by the Board.
12. Where a management decision is taken by a person or group delegated to make such decisions that affects an individual Member or group of Members, and the Member considers the decision to be inappropriate, the Member shall be entitled to have the matter reviewed.

13. In the first instance the review will be by person or group which made the decision. The Member may make a written submission to and/or meet with the person or group explaining why they consider the decision to be inappropriate and to outline any action that they are seeking to remedy the situation.

The Member may elect to approach an Internal Grievance Officer for advice and assistance in the matter and, if they choose to do so, may also elect to have that Officer attend any meeting with the person or group.

If the Member requests the assistance of an Internal Grievance Officer, that Officer is to regard any discussions with the complainant(s) as confidential and cannot be required to comment neither can advice be sought from the Internal Grievance Officer.

14. After considering all of the submissions, the person or group will determine whether to reaffirm its decision, vary its decision, or rescind its decision. It will advise the Member(s) concerned in writing.
15. If the Member is not satisfied with the outcome of this process, the matter may be referred to the Board, again with the assistance of an Internal Grievance Officer if desired.
16. The Board will seek a written report on the process from the person or group making the original decision. The Member may also elect to make further representations, either in writing or orally or both, to the Board, with the assistance of an Internal Grievance Officer if desired.
17. After considering the relevant material the Board will adopt one of the following courses:
 - a) uphold the original decision;
 - b) vary the decision;
 - c) overturn the decision.

The Board will advise the parties involved in the dispute of its decision in writing. There is no provision for appeal against the decision by the Board.

D INTERPERSONAL DISPUTES BETWEEN MEMBERS

18. From time to time disputes may arise between Members that affect their ability to work together or with other Members. The matters causing the dispute may either relate to the operations of the Station or be unrelated to the operations of the Station. In the first instance, members involved in a dispute with another member/group of members are requested to attempt to resolve the dispute voluntarily without formal intervention.
19. Where a resolution of a dispute is not able to be reached voluntarily between the two parties, either party may seek the support from an Internal Grievance Officer (see Policy Document 433). The role of the Internal Grievance Officer is to provide such advice and support to the member as may be helpful to assist the member in resolving the dispute. If the Internal Grievance Officer believes that their relationship with either party is likely to create a conflict of interest, the Internal Grievance Officer may decline the request and refer the member to another Internal Grievance Officer.
20. Where the Internal Grievance Officer believes that action should be taken under Federal or State legislation, the complainant may be assisted by the Internal Grievance officer to make a referral to the relevant agency.

21. The member may request the Internal Grievance Officer to call the other party to a mediation conference. The role of the Internal Grievance Officer is to remain impartial and to ensure that both parties are able to present their position fairly and appropriately. The purpose of the mediation conference is to achieve a resolution of the dispute/conflict. This may be in the form of a verbal or written agreement which is accepted by both parties.
22. Where the Internal Grievance Officer is unable to assist the parties to reach an agreed outcome, the Internal Grievance Officer may report the matter to the Station Manager in writing and provide a copy of that report to both parties. The Station Manager, upon reviewing all aspects of the situation, may make a determination concerning how the parties are to resolve the matter and advise them in writing. In reaching such a determination, the Station Manager is required to provide all parties with an opportunity to present their point of view in either writing or orally or both. The Station Manager may only seek the advice of the Internal Grievance Officer if both parties consent to such action.
23. On receiving the Station Manager's determination, if either party is dissatisfied with that determination, the party may make a formal complaint to the Board. Upon receiving such a formal complaint, the Board shall appoint a person (or persons) to review the situation. The reviewer will consult with all relevant parties and make a recommendation to the Board.
24. The Board shall inform both parties of its decision in writing. Such a decision will be considered as final. If considered appropriate, action may be taken by the Board under Section 8 of the Rules of Association.
25. Where the Station Manager becomes aware of a dispute between members which is not resolved, the Station Manager may require both parties to meet with him/her, a person delegated by the Station Manager in order to determine an appropriate course of action. The Station Manager or either party may seek the involvement of an Internal Grievance Officer.
26. The Station Manager, upon reviewing all aspects of the situation, may make a determination concerning how the parties are to resolve the matter and advise them in writing. In reaching such a determination, the Station Manager is required to provide all parties with an opportunity to present their point of view in either writing or orally or both. The Station Manager may only seek the advice of the Internal Grievance Officer if both parties consent to such action.

Where the Station Manager is one of the parties involved in the dispute, the Station Manager will report the matter to the President of the Board who shall make such arrangements for the matter to be resolved. If considered appropriate, the Station Manager may voluntarily step aside from his position or may be required by the President to step aside until the situation is resolved.