

2MCE CONFLICT RESOLUTION GUIDELINES

These guidelines were developed from the CBAA Codes of Practice and are adopted as 2MCE policy.

Code No 5: Volunteers

The purpose of this code is to recognise the community broadcasting sector's reliance on volunteer workers for its continued operation and to ensure that the rights and responsibilities regarding volunteering are addressed by individual stations.

- 5.1 Community broadcasting licensees will have guidelines in place that outline:
- a) principles of volunteering;
 - b) the rights and responsibilities of volunteers within the organization.
- 5.2 Community broadcasting licensees will make these guidelines easily available to all volunteers in document form.

Code No 6: Conflict Resolution for Internal Disputes

The purpose of this policy document is to ensure that 2MCE-FM has appropriate dispute resolution procedures in place to deal with internal disputes. This policy also ensures 2MCE-FM acts in a timely and conscientious manner in resolving disputes, and actively manage the conflict resolution process.

Internal conflict is the situation where the goals, values, interests or opinions of one group or individual are incompatible with, or perceived to be incompatible with, those of another individual or group.

The role of the ACMA is to determine whether the CBAA Code of Practice has been implemented and not to determine the outcome of internal disputes. The ACMA cannot resolve disputes or offer a mediating role for internal conflict resolution.

- 6.1 A complaint is an assertion made in writing, relating to station activities, its licence conditions, and responsibilities under the code, to a licensee or to a person at the station acting with apparent authority of the licensee, by a station member who provides his or her name and address.

Code of Practice

Best Practise in Internal Conflict Resolution

The following notes are not testable code conditions and are provided to ensure a fair and transparent approach to internal conflict resolution.

1. Definition of 'complaint' as set out in code 6.1

"A complaint is an assertion made in writing, relating to station activities, its licence conditions, and responsibilities under the code, to a licensee or to a

person at the station acting with apparent authority of the licensee, by a station member who provides his or her name and address.”

2. Be easy to access by all station members (for example be supplied as part of the station induction and training processes, and be posted on notice boards)
3. Include a commitment to acknowledge in writing all complaints within 30 days of receipt along with a copy of the stations policy & procedure document
4. Include a commitment to begin resolution of the conflict within 60 days of receipt of complaint in a conscientious and impartial manner

N.B. 2MCE is under no obligation to respond to or record comments provided anonymously to the licensee.

In managing internal complaints from station members 2MCE-FM will pursue the following commitments:

1. A fair, transparent and impartial investigation process;
2. To make all reasonable effort to resolve the internal conflict within 90 days;
3. To provide all parties involved with reasonable notice of meetings;
4. Access to some form of independent mediation processes where resolution is not easily achieved;
5. Access to an appeals process;
6. To respect all individuals rights to privacy and to fair and equal treatment.

Stage 1: Investigation and internal complaint resolution

The station will investigate complaints with all parties concerned by a nominated officer with the authority to represent the licensee (e.g. Station Manager or President), or a complaints committee made up of representatives of the board of management or other impartial members appointed to the committee.

The investigation process will generally follow these steps:

1. Establish if there has been any breach of station policy, broadcasting law, or other legal requirement;
2. Recommend appropriate action in relation to programmers/volunteers/staff if a breach has occurred;
3. Negotiate for dispute resolution by managing discussion between disputants, which is aimed to bring about agreement or a settlement of opposing demands or attitudes;

4. Recommend appropriate legal response if legal action is likely or is taking place;
5. Recommend appropriate response to the complainant/s after taking legal advice if necessary;
6. Write to all parties involved in the investigation outlining the outcomes of the investigation and informing them that they have a right to lodge a letter of Appeal regarding the determination made by the investigating party to the full board of the station at their next sitting.

Mediation

Where Complaints are not resolved through the findings of the investigation process:

1. Consider independent mediation or arbitration if a reasonable outcome for all parties cannot be achieved. (A range of free services are available to not-for-profit organisations, or the station may use a person/party agreed by all to be independent and impartial to mediate an outcome)
2. Consider impartial legal or other expert advice as required

Reporting and Record Keeping

To ensure 2MCE can make a full response to the ACMA if requested, we include the following steps:

2MCE will keep a record of material relating to complaints, including logged audio copies of broadcast material, and written documentation for 1 year, including:

1. The date and time the complaint was received;
2. The name and address of the complainant;
3. The substance of the complaint;
4. The substance and date of the licensee's response.