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## **CONFLICT RESOLUTION FOR INTERNAL DISPUTES**

This document was adopted by the Management Committee on 26<sup>th</sup> February 2020 for operation as the Conflict Resolution For Internal Disputes at Eurobodalla Access Radio Inc. in compliance with Code 6 of the Codes Of Practice for the sector.

Prior to the formulation of the document reference was made to the CBAA Handbook. The policies contained in the document generally follow the recommendations of the CBAA as being the best practice in achieving compliance with the code. Only minor changes have been made to the CBAA model.

Volunteer members of Eurobodalla Access Radio Inc. were given the opportunity to provide input. The policies and procedures contained in the document are to operate from 26 March 2020 and remain in force until the next review of the Conflict Resolution For Internal Disputes in January 2023.

### **(1) GENERAL**

The purpose of this document is to implement appropriate dispute resolution procedures to deal with

internal disputes at the station. The document also aims to:

- (a). ensure that any such disputes arising at the station are resolved in a timely and conscientious manner
- (b). put mechanisms in place to resolve internal disputes thus avoiding the need for the parties involved to engage outside assistance.
- (c). promote a general awareness of the procedures to be followed by station members.

#### **The policies refer to any internal dispute which might arise as follows:**

- a. between an individual member or group of members and the Management Committee regarding a Management Committee process
- b. between an individual member or group of members and the Management Committee regarding a resolution of the Management Committee.
- c. between individual members and/or groups of members on any issue.

Internal Conflict is defined in the CBAA Handbook as being a 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".

Code 6.1 of the Codes of Practice defines a complaint as "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) INTERNAL COMPLAINTS PROCESS**

in managing internal complaints from station members our station will pursue the following commitments:

- (a). acknowledge in writing within 10 days of receipt, all complaints that are received in writing and show the members name and address. The acknowledgement is to include a copy of the station's policies and procedures document.
- (b). the acknowledgement will include a commitment to begin resolution of the conflict within 30 days of receipt of complaint in a conscientious manner.
- (c). there will be no response to or recording of verbal or anonymous complaints.
- (d). a fair, transparent and impartial investigation process;
- (e). to make all reasonable effort to resolve the internal conflict within 60 days;
- (f). to provide all parties involved with reasonable notice of meetings;

- (g). access to some form of independent mediation processes where resolution is not easily achieved;
- (h). access to appeals process;
- (i). to respect all individuals rights to privacy and to fair and equal treatment.

### **(3) INTERNAL COMPLAINTS HANDLING**

#### **Stage 1: Investigation and Internal Complaints Resolution**

The station's Management Committee will investigate complaints with all parties concerned. If deemed necessary, a Complaints Committee will be appointed by the Management Committee. This committee is to be impartial.

#### **Generally, the investigation process will follow these steps:**

- (a). establish if there has been any breach of station policy, broadcasting law, or other legal requirement;
- (b). recommend appropriate action in relation to presenters/volunteers/staff if a breach has occurred;
- (c). negotiate for dispute resolution by managing discussion between disputants, which is aimed to bring about agreement or a settlement of opposing demands or attitudes;
- (d). recommend appropriate legal response if legal action is likely or is taking place;
- (e). recommend appropriate response to the complainant/s after taking legal advice if necessary;
- (f). recommend appropriate action/s needed to avoid future breaches;
- (g). write to all parties involved in the investigation outlining the outcomes of the investigation informing them that they have a right to lodge a letter of Appeal regarding the determination made by the Complaints Committee to the station Management Committee at their next sitting.

#### **Stage 2: Mediation**

In instances where complaints are not resolved through the findings of the investigation process:

- (a). independent mediation or arbitration to be arranged if a reasonable outcome for all parties cannot be achieved;
- (b). impartial legal or other expert advice to be considered as required;

#### **Stage 3: Reporting and Record Keeping**

To ensure the station is in a position to respond to the ACMA if requested the station will include in its final procedures the following steps:

- To keep a record of material relating to complaints, including logging tapes or audio copies of broadcast material, and written documentation for five years, including:
  - (a). the date and time the complaint was received;
  - (b). the name and address of the complainant;
  - (c). the substance of the complaint;
  - (d). the substance and date of the station's response;