

## **Procedure for Managing Disciplinary Action**

### **1. INTRODUCTION**

- 1.1. Volunteers are an invaluable resource to Barossa Broadcasting Board Inc (BBBfm) and our primary aim is to encourage and support their contribution to the station. However it is also recognised that there may be times when a volunteer needs to be counselled, disciplined and perhaps dismissed.
- 1.2. BBBfm undertakes to handle such situations in the utmost professional manner, ensuring communication between the station and the volunteer is clear, fair, objective and remains within the policy outlined below.
- 1.3. Further, the Board of BBBfm will reflect on its own operations and those of the station as a whole and consider, in the instance of disciplinary measures or dismissal, the circumstances surrounding the behavior which lead to this action.
- 1.4. The following questions will guide this process:
  - i) Have the roles, values and expectations of the organisation been clearly communicated to the volunteer and subsequently reinforced during prior conversations regarding the volunteer's performance?
  - ii) Are there any other factors that may be contributing to the volunteer's poor performance e.g. learning difficulties or language barriers?
  - iii) Has the volunteer been reminded of expected codes of conduct and consequences for breaches?
  - iv) Has the volunteer received training / mentoring and or coaching to improve performance?
  - v) Has a written warning been given to the volunteer explaining that any further non-compliance will result in termination of the volunteering opportunity?
  - vi) Did the volunteer have the opportunity to respond to prior written warnings?

### **2. PURPOSE**

- 2.1. The purpose of this procedure is to provide volunteers with a clear process for managing disciplinary measures and dismissal procedures.
- 2.2. The procedure aims to provide a clear and fair structure which is easy to follow and understandable to all volunteers.
- 2.3. This procedure includes an appeals mechanism to ensure a 'right of reply' to a volunteer who has been disciplined. This procedure is further complemented by BBBfm's Internal Conflict Policy and Internal Conflict Procedure documents.
- 2.4. This document does not include the procedure for expulsion of a member from the association. That process is laid out in the constitution of Barossa Broadcasting Board Inc (BBBfm).

### **3. RESPONSIBILITIES IN MANAGING DISCIPLINARY ACTION**

- 3.1. In the first instance, it is the responsibility of the volunteer's Team or Committee Co-ordinator, or a Board member, to instigate disciplinary action.
- 3.2. If there is a possibility that disciplinary action implemented for any party involved might result in suspension or dismissal, then the investigating team should seriously consider the use of an external investigator to ensure that the investigation and the process followed will stand up in any potential court proceeding.

### **4. CONDUCT LEADING TO DISCIPLINARY ACTION**

- 4.1. Conduct which may lead to disciplinary action includes, but is not limited to:
  - i) Poor timekeeping and unreliability.
  - ii) Not following pre-existing station rules and policies.
  - iii) Engaging in acts or broadcasts which may breach other related legislation such as the Broadcasting Services Act 1992 (which includes sponsorship provisions), copyright or defamation laws.
  - iv) Inappropriate handling or use of station equipment or other property.

v) Rudeness or hostility towards other volunteers, or visitors to the station, or others involved in station activities, for example outdoor broadcasts and social events. This behaviour includes “hostile” emails for example where the writer has used capitals and/or underlining, and threats that other volunteers might cause loss of broadcasting licence.

Refer to the BBBfm Bullying Policy.

vi) Intoxication through alcohol or other substances during volunteering hours.

vii) Publicly criticising or bringing BBBfm volunteers or the BBBfm brand into disrepute.

## 5. **DISCIPLINARY PROCESS**

5.1. The investigating team might find it necessary to implement disciplinary action, based on Item 4 Conduct Leading to Disciplinary Action in this document, in the case of either party involved in the internal conflict.

If this is the case, the prescribed disciplinary action is a three step process which includes:

- i) First infringement resulting in a formal notice in writing, including details of the issue and, where feasible, evidence. In a case where the disciplinary measure has been instigated by a complaint, it may be appropriate to include a copy (with identification removed) or extract of this complaint.
- ii) Second infringement resulting in a formal notice in writing, referring to the first formal notice and details of the second infringement.
- iii) Third infringement resulting in a formal notice in writing, referring to the first and second formal notices, and advising if more serious action is to be taken, for example suspension from of volunteer duties for a period of time.

5.2. A formal notice in writing can be sent via an email.

5.3. It is recommended that emails are sent using the “delivered” and “read” options.

5.4. Not opening an email or letter is not a defence.

5.5. For issues that are considered minor, a conversation with the volunteer may be appropriate; however this will not be considered part of the formal disciplinary action, although it may be referred to in later action.

5.6. A verbal warning is not an allowable part of the process but is needed to urgently address inappropriate conduct.

5.7. Every effort will be taken to ensure that notice of a disciplinary measure, whether formal or informal, will be given at an appropriate time, eg: not immediately prior to, or during a broadcast.

5.8. Notice of a disciplinary measure will be given by a designated Board member.

5.9. Suspension is effective immediately upon the Board’s advice being sent to the volunteer, and this must be clearly explained in the third formal written notice.

5.10. The volunteer has to right to appeal against the action, and this appeal must be in writing to the Board.

5.11. The appeal must be heard in a meeting of the volunteer and the investigating team, or other persons appointed by the Board, to be held within two (2) weeks of the receipt of the appeal.

5.12. The volunteer may bring a support person to any meeting; the support person role is as an observer, not as an active participant.

5.13. Should this appeal result in a change in the disciplinary action, or removal of it, this will be confirmed in writing to the volunteer within two (2) days of the decision being made.

## 6. **CONSEQUENCES OF SUSPENSION**

6.1. Consequences of suspension include but are not limited to:

- i) Exclusion from on air presentation.
- ii) No, or conditional access to BBBfm property and facilities, including the studios, transmitter site, outdoor broadcasts and social activities.
- iii) Conditional return to volunteering with BBBfm, as determined by the Board.

## 7. **GROSS MISCONDUCT**

7.1. Some conduct may be tantamount to ‘gross misconduct’; in this instance a volunteer may be dismissed without warning.

7.2. Conduct which may be classed as ‘gross misconduct’ may include, but is not restricted to:

- i) Verbal or physical harassment of any other volunteer, guest or associate of BBBfm, particularly in respect of race, sex or religion.
- ii) Wilful damage to or theft of property belonging to BBBfm or other volunteer or guest or associate of BBBfm.

- iii) Falsifications of any organisation records for personal gain.
  - iv) Commercial misrepresentation of BBBfm.
- 7.3. In a case of a volunteer being dismissed without prior warnings the volunteer will be provided an appeal as outlined in item 5.

**Related Documents**

- BBBfm Sexual Harassment Policy
- BBBfm Bullying Policy
- BBBfm Membership Policy and Procedure
- BBBfm Internal Conflict Policy
- BBBfm Constitution

<b>Amendments to this Procedure</b>		
<b>Date Approved</b>	<b>Item Number</b>	<b>Details of Amendment</b>
9 <sup>th</sup> February 2022	Full Procedure	Adoption of this Procedure in its entirety