



## ArtSound Disciplinary Policy

*This policy outlines the procedure to be followed regarding disciplinary measures, including suspension or dismissal when an ArtSound member/volunteer engages in misconduct, including by breaching the ArtSound Constitution, by-laws, or policies or the Community Radio Broadcasting Codes of Practice.*

### **Purpose**

Members/volunteers are an invaluable resource and ArtSound's primary aim is to encourage and support their contribution to our station. However, we also recognise that there may be times when a member/volunteer needs to be counselled, disciplined, or even suspended or dismissed.

This policy aims to ensure that all disciplinary matters are dealt with in a fair and reasonable manner and resolved efficiently and promptly. It is complemented by ArtSound's Grievance Policy, which may be used in a situation where a member/volunteer believes they have not been fairly heard, that this policy has not been adequately followed, or they have a complaint about another member/volunteer, ArtSound staff, or the ArtSound Board.

This policy applies to all members/volunteers.

### **Principles**

- 1 Any disciplinary action must be fair and impartial and provide the member/volunteer with the opportunity to respond.
- 2 Disciplinary processes should be resolved efficiently and promptly.
- 3 Every effort will be made to ensure that notice of a disciplinary action, whether formal or informal, will be given at an appropriate time (for example, not immediately prior to, or during, a broadcast).
- 4 ArtSound will maintain confidentiality during the disciplinary process, to the extent practicable.
- 5 Any disciplinary action taken will depend on the circumstances involved and will include consideration of the severity of the breach, wilfulness, history, and/or previous actions and any mitigating factors.
- 6 Members/volunteers have the right to appeal against any disciplinary sanction imposed.

### **Procedure**

The ArtSound Board of Management is responsible for the disciplinary process.

Any alleged misconduct must be reported to the station management at [admin@artsound.fm](mailto:admin@artsound.fm) or the ArtSound board at [board2019@artsound.fm](mailto:board2019@artsound.fm); or to ArtSound Inc. PO Box 3573, Manuka ACT 2603, Phone : 02 6295 7444

A disciplinary action may be dealt with under this policy where:

- 1 An ArtSound staff or board member refers the matter to be dealt with under this policy; or
- 2 The complaint has been dealt with under the Grievance Policy and it was determined the complaint would be referred to be addressed under this Disciplinary Policy.

### **Minor issues**

For some minor issues, it may be appropriate for a Program Coordinator or committee chair to have a conversation with the member/volunteer about the misconduct. This will not be considered part of the formal disciplinary action. However, ArtSound will keep a written record of this and may refer to it in later action.

## Investigation

For other misconduct issues, before any disciplinary action is taken, ArtSound will carry out an investigation. The aim of an investigation is to:

- establish the facts as soon as possible;
- speak with the member/volunteer and other relevant parties;
- explain to the member/volunteer the nature of any allegations made against the member; and
- gather all evidence relating to the incident, including whether there has been a breach of ArtSound's Constitution, by-laws or policies, or of the *Broadcasting Services Act 1992*, the Community Radio Broadcasting Codes of Practice, or any other law.

ArtSound will maintain records of all steps undertaken in the investigation process, including accurate and detailed notes of all conversations (including dates and people involved), action taken, and copies of documents or recordings examined.

Any member/volunteer involved in an investigation or subject to investigation will be entitled to have a support person present during any interviews.

Following the investigation, ArtSound will determine whether the incident amounted to misconduct or gross misconduct.

## Process for dealing with misconduct

ArtSound will follow a three-step process when dealing with misconduct:

1. First instance of misconduct: notice in writing;
2. Second instance of misconduct: notice in writing;
3. Third or further instances of misconduct: notice in writing of suspension or dismissal from volunteer duties.

In addition to issuing warnings, ArtSound may also require the member/volunteer to:

- undergo training or mentoring to improve their performance;
- agree to monitoring of their performance;
- review the ArtSound Constitution, by-laws or policies;
- make an apology; or
- provide an undertaking that the behaviour will not occur again.

## Misconduct

Misconduct that may lead to disciplinary action includes, but not limited to:

- Poor time keeping and unreliability;
- Unsatisfactory performance of a member/volunteer's role;
- Failing to observe or comply with the ArtSound Constitution, by-laws, or policies, including programming policies and program briefs;
- Engaging in acts or broadcasts which may breach the Community Radio Broadcasting Codes of Practice;
- Engaging in broadcasts which may breach the *Broadcasting Services Act 1992* (including in relation to sponsorship provisions), copyright or defamation laws;
- Inappropriate handling or use of station equipment or other property;
- Rudeness or hostility towards other members/volunteers, ArtSound staff, or the ArtSound Board;
- Intoxication through alcohol or other substances during the time they are volunteering;
- Publicly bringing ArtSound into disrepute as reasonably determined by the Board; and

- Making a complaint or raising a grievance dishonestly or maliciously.

### **Gross misconduct**

Conduct which may amount to gross misconduct includes, but not limited to:

- Discrimination, vilification, or verbal or physical harassment of any other volunteer, employee, member, or guest of ArtSound, particularly in respect of national or ethnic origin, sex, religion, or sexual orientation;
- Wilful damage or theft of property belonging to ArtSound or another volunteer, employee, members, or guests of ArtSound;
- Falsification of any of ArtSound's records, whether or not for personal gain;
- Commercial misrepresentation of ArtSound;
- Divulging any of ArtSound's confidential information to any person who is not a member/volunteer of ArtSound;
- Using ArtSound's confidential information for matters unrelated to ArtSound, whether or not for personal gain;
- Failure to follow lawful and reasonable directions of ArtSound; and
- Conduct that endangers a person's health or safety.

A member/volunteer who is found, by the ArtSound Board acting reasonably, to have engaged in gross misconduct may be suspended as a volunteer/member - or dismissed as a volunteer without prior warning and without engaging in the three-step process outlined above.

Gross misconduct or repeated instances of misconduct may be considered conduct detrimental to the interests of ArtSound and the Board may expel the member in accordance with the process set out in rule 34 of ArtSound's Constitution.

### **Appeals**

A member/volunteer who has been disciplined may appeal the decision by requesting, in writing a meeting with the Board. Wherever possible, the meeting will be held within two weeks of it being requested.

The meeting will:

- Provide the member/volunteer with the opportunity to make written and verbal submissions about the misconduct;
- Consider the findings of the investigation process and any records made during that process; and
- Consider the seriousness of the misconduct and any mitigating factors raised by the member/volunteer.

Following the meeting, ArtSound will confirm, revoke, or alter the suspension of the member/volunteer or confirm or alter the dismissal of the volunteer or the expulsion of the member. This decision will be final. (subject to any further rights of the member under ArtSound's Constitution).

### **Records**

ArtSound will maintain a register of misconduct, which will include:

- allegations of misconduct, whether substantiated or not;
- the name of the person alleging misconduct;
- whether the allegations were found to be true;
- if true, full details of the misconduct as determined by the investigation;
- disciplinary action taken; and
- any other information that may be relevant.

ArtSound will report any misconduct or alleged misconduct and disciplinary action taken, to the Board.

