



ArtSound Grievance Policy

This policy includes the procedure used to settle grievances between ArtSound members/volunteers and/or between ArtSound (including staff and the Board) and a member/volunteer.

Purpose

The purpose of this policy is to set out the procedure used to settle grievances between any:

- ArtSound members/volunteers
- ArtSound staff;
- The ArtSound Board.

Matters of misconduct can be dealt with directly under the ArtSound Disciplinary Policy below or, if raised as a grievance, may be dealt with under this Grievance Policy (and then under the Disciplinary Policy if found to be misconduct).

What is a grievance?

For the purpose of this policy, a 'grievance' is any type of problem, concern, or complaint that an ArtSound member/volunteer, ArtSound staff and/or the ArtSound Board has about the behaviour, acts, or omissions of another member/volunteer, ArtSound staff, and/or the ArtSound Board. The grievance must relate to activities undertaken for or by ArtSound, ArtSound's licence conditions, or its responsibilities under the Community Radio Broadcasting Codes of Practice or relevant legislation.

A person who has a grievance and makes a complaint is known as the complainant.

Principles for dealing with grievances

- 1 Grievances should be dealt with in a timely manner and treated seriously and with sensitivity.
- 2 Grievances should be reported as soon as possible.
- 3 Wherever possible, ArtSound will seek to resolve grievances by consultation, cooperation, and discussion.
- 4 ArtSound respects all parties' rights to fairness, impartiality, and procedural fairness when resolving grievances.
- 5 All parties involved with a grievance will be given reasonable notice (not less than **24 hours**) of any meeting called by ArtSound in the course of resolving a grievance, and the opportunity to bring a support person.
- 6 All parties are required to participate in the process in good faith.
- 7 Grievances and information arising from the handling of any grievance must be treated confidentially by all involved.
- 8 No person connected with a grievance should be victimised or intimidated.
- 9 ArtSound will maintain appropriate records throughout the grievance resolution process.
- 10 ArtSound is under no obligation to respond to a grievance raised anonymously.
- 11 Any person who makes a complaint or raises a grievance dishonestly or maliciously may be subject to disciplinary action, in accordance with ArtSound's Disciplinary Policy.
- 12 ArtSound will ensure that all volunteers are given information about this policy as part of their induction and are aware of procedures for managing complaints.

Grievance procedures

Attempt to resolve the grievance directly

ArtSound encourages the early resolution of grievances by discussion and cooperation. If they feel comfortable doing so, an individual with a grievance is encouraged to raise their grievance directly with the relevant individual. However, individuals are not required to address their grievances in this way.

Making a formal complaint

An individual may lodge a formal complaint to the ArtSound board. The complaint should be in writing with as much detail as possible.

ArtSound will acknowledge all complaints in writing as soon as possible and within 14 days of receiving the complaint.

Upon receiving the complaint, ArtSound will appoint an appropriate person (e.g.: the President or another person delegated by the board) to respond to the complaint.

The person appointed to resolve the complaint will:

- Consider the details of the complaint;
- Make initial inquiries to determine the substance of the grievance;
- Identify possible resolutions; and
- Determine whether the grievance may be capable of resolution by informal means, or whether formal processes such as mediation and/or a formal investigation are required.

Complaints with no basis or complaints that are dishonest or malicious

After conducting initial inquiries, the person appointed to resolve the complaint may determine that the complaint has no basis, is dishonest or malicious and decide to take no further action. This decision must be communicated to the complainant in writing and include reasons for the decision. The complainant may appeal such a decision in accordance with the appeals process outlined below.

A complainant who has made a complaint dishonestly or maliciously may be subject to disciplinary action in accordance with ArtSound's Disciplinary Policy.

Informal resolution

Wherever possible and appropriate, ArtSound will attempt to resolve the grievance by facilitating and managing meetings and discussions between the parties involved.

ArtSound will attempt to resolve the grievance within 30 days of a person being appointed to respond to the complaint; however, this will depend upon the circumstances and complexity of the grievance.

ArtSound is not required to attempt informal resolution if it does not consider it appropriate.

The person appointed to respond to the complaint will take accurate and detailed notes of all conversations (including dates and people involved) and actions taken.

Mediation

ArtSound may arrange for the parties to engage in a process of mediation with a view to reaching an outcome acceptable to all involved.

The mediator must be:

- A person chosen by agreement between the parties; or
- In the absence of agreement –

- In the case of a dispute between members/volunteers, a person appointed by ArtSound; or
- In the case of a dispute between a member/volunteer and ArtSound, a person who is a mediator appointed or employed by the ACT Conflict Resolution Service.

Formal investigation

The person appointed to respond to the complaint may determine that a formal investigation is required. The person may choose to conduct the investigation themselves or it may be completed by someone, appointed by them, who is independent of ArtSound.

The investigation will:

- give all parties involved the opportunity to be heard in relation to the complaint, both in writing and in person;
- interview ArtSound members/volunteers, staff, or Board members (if any) who may be able to assist;
- examine any relevant documents or recordings;
- investigate whether there has been any breach of ArtSound's Constitution, by-laws, or policies;
- investigate whether there has been any breach of the *Broadcasting Services Act 1992*, the Community Radio Broadcasting Codes of Practice, or any other law;
- consider whether any disciplinary action is required to be undertaken in accordance with ArtSound's Disciplinary Policy; and
- if, disciplinary action is required, determine what disciplinary action should be undertaken.

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

The investigator must complete their investigation within thirty days of commencement. When the formal investigation is completed, the investigator will write to those involved in the complaint setting out the findings of the investigation, the decision of the investigator, and the reasons for the decision. This decision is binding on the parties.

Outcomes of investigation

The outcomes of the investigation may include, but are not limited to:

- disciplinary action in accordance with ArtSound's Disciplinary Policy, including suspension or dismissal as a member/volunteer;
- training to assist in addressing the problems underpinning the grievance;
- monitoring to ensure that there are no further problems;
- an apology and an undertaking the behaviour will not occur again;
- a commitment by ArtSound to make changes to policies or procedures;
- a determination that a member has engaged in conduct detrimental to the interests of ArtSound and a referral to the Board to consider expelling the member in accordance with the process set out in rule 34 of ArtSound's Constitution; or
- no further action.

Appeals

A party may appeal in writing to the ArtSound Board for a reconsideration of the investigator's decision. They must do so within fourteen (14) days of receiving notification of the investigator's decision.

In determining the appeal, the Board must:

- consider the investigator's report; and

- provide the parties involved with the opportunity to be heard in relation to the complaint and the appeal, including in writing and in person.

The Board may confirm, revoke, or alter the decision of the investigator. It must make its decision within thirty (30) days of the appeal being lodged. The Board must notify all parties involved of its decision in writing and give reasons for its decision. The decision of the Board is final. A person who has been expelled as a member may appeal against their expulsion in accordance with the procedure set out in rule 34 of ArtSound's Constitution.

Records

So that it will be in a position, if necessary, to respond to requests from Australian Communication and Media Authority (ACMA), ArtSound will document the following information on each complaint received, and retain the information for **two years**:

- The date and time the complaint was received;
- The name and address of the member/volunteer(s) making the complaint;
- The substance of the complaint;
- The date and substance of ArtSound's response – for example, whether the complaint was resolved informally, through mediation, or following an investigation or appeal, and the details of any outcome;
- Written records made during any informal resolution process, formal investigation, or appeals process; and
- Audio recordings of any broadcast material relevant to the complaint, and any written documentation.