



Type:	Operational	Approved:	March 2018
Adopted By:	Board of Directors	Last Amended:	March 2018
Executive Responsibility	President	Procedure:	Attached.

Policy: Conflict Resolution

APPLIES TO

All members of the Radio Malaspina Society and it's Volunteers and Staff.

1. Introduction

The intent of this policy is to provide a framework for resolving conflict between RMS volunteers, between volunteers and employees, and between employees, that affects the function and/or the physical or social environment of RMS. It is an internal policy and does not address listener concerns or complaints, or non-member concerns or complaints.

2. General Principles

It is the intent of this policy to encourage members and employees to resolve conflicts and foster good will through direct dialogue whenever possible, before following formal resolution procedures.

It is also the intent of this policy to keep personal relationships at the station healthy and constructive so that RMS can carry out its Mission Statement and Programming Objectives as set out in the RMS Volunteer Manual.

This policy is intended to work in tandem with existing laws including the Employment Standards Act and the Human Rights Act, and not to supersede those laws or contradict them.

Discipline, as set out in the Conflict Resolution and Discipline Procedure, is intended to conform with the accepted concept of *progressive discipline*, which is based on increasing warnings and/or penalties for repeat occurrences, rather than being punitive or arbitrary.

3. Definitions

- 3.1. Manager: The Operations Manager or Executive Coordinator.
- 3.2. Volunteer: Anyone who does unpaid work of any kind at the station, including programmers and committee members.
- 3.3. Mediation: A process where a neutral third party assists two conflicting people to come to agreement. This could involve the mediator speaking individually to the two people but ultimately must include the mediator facilitating a meeting between both of the conflicting people.
- 3.4. Conflict: A strong disagreement or a dispute between volunteers, between volunteers and employees, between employees, or between board and staff, resulting from
 - 3.4.1. differences of opinion, belief or understanding, or
 - 3.4.2. differences of personality or behaviour, or
 - 3.4.3. violation of RMS policies and procedures or of regulations or laws with which RMS is legally obligated to comply, and which negatively affects the functioning of RMS or its social environment.
- 3.5. Discipline: Corrective action as prescribed in the Conflicts and Discipline Procedure.
- 3.6. Progressive Discipline: a system of discipline where warnings and/or penalties gradually increase upon repeat occurrences.

4. Related Policies, Procedures, and Documents

- 4.1. Any RMS policy as it may apply to a specific conflict or disciplinary situation.

5. Appeals

If a volunteer feels that disciplinary action has been taken against her unfairly, or that her rights as outlined in RMS's Volunteer Rights and Responsibilities Policy have been violated, they may appeal the decision. All appeals shall be made in writing to the appropriate person or committee as described in the Conflict Resolution Procedure.

The Appeals Committee will consist of 2 members of the Board of Directors and one member of the membership, who is not a board member, selected by the

Appeals Committee for his/her/their experience or background in conflict resolution.

All decisions of the Appeals Committee will be final.



Procedure: Conflict Resolution

APPLIES TO

All members of the Radio Malaspina Society and its Volunteers and Staff.

1. INTRODUCTION

The purpose of this procedure is to carry out the intent of the Conflict Resolution Policy in a systematic way. It makes necessary distinctions between situations where a manager is (Part 3.0) and is not (Part 2.0) one of the parties to the conflict.

2. CONFLICTS BETWEEN VOLUNTEERS AND/OR STAFF MEMBERS, WHERE NONE IS A MANAGER

2.1. Initial Meeting

The conflicting people should make an appointment to sit down, with enough time and no distractions, and discuss the matter. They should listen to each other, and make sure they understand each other. They should try to come to a solution that will work for both. This meeting must be designated as the Initial Meeting, and the date should be recorded for future reference.

If a volunteer is engaging in behaviour that would clearly threaten the well-being of others or the station (fighting, destruction, theft, etc.) a manager may move directly to stage 4.1.4 of this Procedure.

2.2. Mediation by Manager

If the problem persists, one or all of the conflicting people should make a Request for Mediation to one of the managers. This request may be verbal, and must be made no more than 30 days after the Initial Meeting. Within 14 days of receiving the Request for Mediation, the manager will attempt to mediate the conflict, taking meticulous care that all sides are heard. The mediation may take whatever form of discussion the manager chooses, but

the mediation must include at least one sit-down meeting between all of the people involved.

2.3. Referral to Disciplinary Procedure

If the manager determines, before or after attempting mediation, that the reason for the conflict is that one of the people is violating station policies or procedures, the matter will become a disciplinary matter, and the manager move immediately to the Discipline Procedure beginning at 4.0 of this Procedure.

The manager will fill out Part 2.3 of Conflict Resolution Form A.

2.4. Manager's Decision

If the matter is not a disciplinary one, and remains an interpersonal problem, and if the manager's mediation does not work within 30 days of the most recent sit-down meeting described in 2.2, the manager will make a written decision about what should happen and give a copy to all parties to the conflict.

The manager will fill out Part 2.4 of Conflict Resolution Form A.

2.5. Appeal

Any decision by a manager under part 2.2, 2.3, or 2.4 may be appealed, using Form E (Notice of Appeal).

3. CONFLICTS WHERE AT LEAST ONE OF THE PEOPLE IS A MANAGER

3.1. Initial Meeting

The conflicting people should make an appointment to sit down, with enough time and no distractions, and discuss the matter in a fair and open way. They should listen to each other, and make sure they understand each other. They should try to come to a solution that will work for both. This meeting must be designated as the Initial Meeting, and the date should be recorded for future reference. The Manager will fill out Part 3.1 of Conflict Resolution Form B.

3.1.1.

If the party to the conflict who is a non-manager believes that the manager is biased against him or her, or believes that for any other reason the

manager is unlikely to give the matter a fair hearing, then the matter will proceed to 3.3, skipping 3.2.

3.2. Referral to Discipline Procedure

If the manager decides, after the Initial Meeting, that the conflict is based on the other person violating station policy and procedure, the matter will become a disciplinary matter, and the manager should follow the Discipline Procedure beginning at 4.0 of this Procedure.

The manager will fill out Part 3.2 of Conflict Resolution Form B.

3.3. Mediation by Personnel Committee

If the matter is not yet resolved, it must be taken to the Chair of the Personnel committee within 30 days of the Initial Meeting described in 3.1. The Personnel Committee Chair may delegate the matter to another member of the Personnel Committee who may be better at conflict resolution. The Personnel Committee Chair or his/her delegate will mediate and attempt to resolve the matter, taking meticulous care that all sides are heard. The mediation must consist of at least one sit-down “face-to-face” in-person meeting between the people involved, which must take place within 45 days of the Initial Meeting.

The Personnel Committee mediator will fill out Part 3.3 of Conflict Resolution Form B.

3.4. Decision by Personnel Committee

If, within 30 days of the most recent sit-down meeting described in 3.3, all parties in conflict do not agree that the mediation by the Personnel Committee has been successful, the Committee will make a decision about what should happen, and this could include the Discipline Procedure under 3.2.

This decision will be in writing and delivered to both parties within 7 days.

The Personnel Committee will fill out Part 3.4 of Conflict Resolution Form B.

3.5. Appeal

Any decision by a manager or the Personnel Committee under Part 3.2, 3.3, or 3.4 may be appealed.

4. DISCIPLINE

This Discipline Procedure distinguishes between discipline of a volunteer or employee by a manager (4.1), and discipline of a manager by the board (4.2).

This procedure is intended to follow a process of progressive discipline.

If a manager, employee, or volunteer has engaged in behaviour that would clearly threaten the well-being of others or the station (assault, destruction, theft, etc.) the Manager or the board may move directly to 4.1.4 or 4.2.5 of this Procedure.

4.1. Discipline by Manager of a Non-manager

If a manager determines that a volunteer, or a paid staff person other than a manager, is not following the policies and procedures of the station, the manager will follow this procedure.

4.1.1. Initial Discussion

The manager will discuss the problem with the person, ensuring that the person is aware of the policy or procedure being violated, and of the effect on the person's conduct on the station. The manager and the person will take great pains to ensure each understands the other's point of view. This meeting must be designated as the Initial Meeting, and the date should be recorded for future reference.

The manager will fill out Part 4.1.1 of Conflict Resolution Form C.

4.1.2. Written Warning

If, within 30 days of the Initial Discussion, the problem is not solved to the satisfaction of the manager, the manager will give the person a written warning, explaining that there must be significant evidence of the problem being addressed within 14 days of the delivery of the written warning. The letter must set out in detail the criteria for improvement. The manager will fill out Part 4.1.2 of the Conflict Resolution Form C.

4.1.3. Second Written Warning

If the problem is not solved within 14 days of the delivery of the first written warning the manager will deliver a second letter of warning, stating that if the problem is not solved within a further 14 days the

person's station privileges will be revoked and the person's activities in the station must cease.

4.1.4. Cessation of Volunteer Privileges

If the problem is still not solved after that period of two weeks, there will be an immediate cessation of whatever volunteer privileges the person engages in at the station. This suspension will be put in writing by the manager.

The manager will fill out Part 4.1.4 of Conflict Resolution Form C.

4.1.5. Appeal

Decisions made by a manager under 4.1.3 or 4.1.4 of this Discipline Procedure may be appealed.

4.2. Discipline of Manager by Board

It is preferable that the performance of managers in following the policies and procedures of the station should be dealt with in annual performance reviews and ongoing informal feedback. If that has not happened, this Procedure applies.

If the Personnel Committee determines that a manager is not following the policies and procedures of the station, the Personnel Committee Chair, or a board member on the Personnel Committee designated by the Personnel Committee chair, will follow this procedure.

4.2.1. Initial Discussion

The Personnel Committee Chair will discuss the problem with the manager, ensuring that the person is aware of the policy or procedure being violated, and of the effect on the person's conduct on the station. The Personnel Committee Chair and the manager will take great pains to ensure each understands the other's point of view. This meeting must be designated as the Initial Meeting, and the Personnel Committee chair will fill out part 4.2.1 of Conflict Resolution Form D

4.2.2. Written Warning

If, within 30 days of the Initial Discussion, the problem is not solved to the satisfaction of the Personnel Committee Chair, the Chair will

give the manager a written warning, explaining that there must be significant evidence of the problem being addressed within 14 days of the delivery of the written warning. The letter must set out in detail the criteria for improvement.

The Personnel Committee Chair will fill out Part 4.2.2 of Conflict Resolution Form D

4.2.3. Second Written Warning

If the problem is not solved within 14 days of the delivery of the first written warning the Personnel Committee Chair will deliver a second letter of warning, stating that if the problem is not solved within a further 14 days the manager's employment will be suspended for a specific period of time, or, depending on the seriousness of the situation, the manager will be dismissed.

The Personnel Committee will fill out Part 4.2.3 of Conflict Resolution Form D.

4.2.4. Legal Advice

If a disciplinary matter reaches 4.2.3, the Personnel Committee Chair should seek legal advice, in order to ensure that the actions taken so far, and the further actions contemplated, are legally defensible.

4.2.5. Suspension or Dismissal

If the problem is not solved at the further 14 days described in 4.2.3, the Personnel Committee Chair may suspend or dismiss the manager. The length of a suspension and its terms, or the amount of notice given before dismissal, will depend on the legal advice received under Step 4.2.4.

The Personnel Committee will fill out Part 4.2.5 of Conflict Resolution Form D.

4.2.6. Appeal

Decisions made by the Personnel Committee under 4.2.3 or 4.2.5 of this Discipline Procedure may be appealed.

5. APPEALS

Decisions of a manager or the board under the Conflict Resolution Policy and Procedure may be appealed if the appellant thinks a decision by the board or a manager is mistaken because of

- A. a mistake of facts, or
- B. a misinterpretation of RMS policies or procedures, or
- C. a violation of the RMS Volunteer Rights and Responsibilities document, or
- D. a violation of terms of employment, or
- E. documented bias or discrimination on the part of the decision-maker

5.1. Written Appeal Notice

Anyone wishing to appeal a decision made under the Conflict Resolution Policy and Procedure must fill out Conflict Resolution Form E (Notice of Appeal), and submit it to the Appeals Committee within 30 days of the date of the decision being appealed.

5.2. Appeal Process

The Appeals Committee may set its own procedure on a case by case basis. It must meet with the appellant and with anyone else relevant to the matter.

The Appeals Committee's decision will be based on a thorough look at the evidence, the contents of the conflict resolution forms, and the process by which the decision was made. Fairness to the appellant and the best interests of the station are paramount.

5.3. Decision

The Appeals Committee will inform the appellant of its decision within 30 days of receiving the Notice of Appeal. The Appeals Committee's decision will be final.



Conflict Resolution Form A

To be used in conjunction with Part 2 of the Conflict Resolution Procedure—when a conflict is between volunteers and/or non-manager employees.

This form is to be used by the manager as soon as he or she learns of the need for mediation under Part 2.2 of the Conflict Resolution Procedure.

The manager must share the written contents of this form with the conflicting parties.

The contents of this form will be kept confidential by the manager.

First and Last Names of Conflicting Parties:

2.1 Initial meeting between the conflicting parties under part 2.1 of the Conflict Resolution Procedure

Note: this meeting might happen without the manager knowing about it. In that case, this section of the form (2.1) should be filled in retroactively.

Date of meeting_____

Result:

2.2 Mediation by Manager under part 2.2 of the Conflict Resolution Procedure.

Date of Request for Mediation_____

Date(s) of mediation meeting(s)_____

Result:

2.3 Referral to Disciplinary Procedure (if applicable) under Part 2.3 of the Conflict Resolution Procedure.

Date of Referral, if applicable_____

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Manager's reason:

2.4 Manager's decision under Part 2.4 of the Conflict Resolution Procedure, following mediation:

Conflict Resolution Form B

To be used in conjunction with Part 3 of the Conflict Resolution Procedure-- when one of the parties to the conflict is a manager.

This form is to be used by the Personnel Committee as soon as it learns of the need for mediation under Part 3.2 of the Conflict Resolution Procedure.

The Personnel Committee must share the written contents of this form with the conflicting parties.

The contents of this form will be kept confidential.

First and Last Names of Conflicting Parties

3.1 Initial meeting between the conflicting parties under part 3.1 of the Conflict Resolution Procedure

Note: this meeting might happen without the Personnel Committee knowing about it. In that case, this part of the form (3.1) should be filled in retroactively.

Date of initial meeting_____

Result:

3.2 Referral to Discipline Procedure (if applicable) under Part 3.2 of the Conflict Resolution Procedure.

Date of Referral_____

Manager's reason:

3.3 Mediation by Personnel Committee under part 3.3 of the Conflict Resolution Procedure.

Date of Request for Mediation_____

Date(s) of mediation meeting(s)_____

Result:

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3.4 Personnel Committee's decision under Part 3.4 of the Conflict Resolution Procedure, following mediation:

Conflict Resolution Form C

To be used in conjunction with Part 4.1 of the Conflict Resolution Procedure-- discipline of a volunteer or non-manager employee by a manager.

This form is to be used by the Manager following mediation in Part 2.2 of this Conflict Resolution Procedure, if the manager believes a volunteer or non-management employee is violating the policies and procedures of the station.

If a manager, employee, or volunteer has engaged in behaviour that would clearly threaten the well-being of others or the station (assault, destruction, theft, etc.) the manager or the board may move directly to 4.1.4 of the Conflict Resolution Procedure, and need not use this form.

The manager must share the written contents of this form with the person being disciplined. Otherwise, the contents of this form will be kept confidential by the manager.

4.1.1 Initial Discussion under Part 4.1.1 of the Conflict Resolution Procedure.

Date of discussion_____

Result:

4.1.2 Written Warning.

Date of written warning_____

Attach copy to this form.

4.1.3 Second Written Warning

Date of second written warning_____

Attach copy to this form.

4.1.4 Cessation of Volunteer Privileges

Date of Cessation_____

Attach copy to this form

Conflict Resolution Form D

To be used in conjunction with Part 4.2 of the Conflict Resolution Procedure-- discipline of a manager by the board.

This form is to be used by the Board following mediation in Part 3.3 of this Conflict Resolution Procedure, if the board believes the manager is violating the policies and procedures of the station.

If a manager has engaged in behaviour that would clearly threaten the well-being of others or the station (assault, destruction, theft, etc.) the board may move directly to 4.2.5 of the Conflict Resolution Procedure, and need not use this form.

The board must share the written contents of this form with the person being disciplined. Otherwise, the contents of this form will be kept confidential by the manager.

4.2.1 Initial Discussion under Part 4.2.1 of the Conflict Resolution Procedure.

Date of discussion_____

Result:

4.2.2 Written Warning.

Date of written warning_____

Attach copy to this form.

4.2.3 Second Written Warning

Date of second written warning_____

Attach copy to this form.

4.2.4 Legal Advice

Attach any legal advice that has been given.

4.2.5 Suspension or Dismissal

Date of Suspension or dismissal_____

Attach copy to this form

Conflict Resolution Form E (Notice of Appeal)

Appellant's Name_____

Date_____

Attach any relevant documentation and list it here:

1. What decision is being appealed?

2. Is the decision a result of (tick all that apply):

- ☐ a) mistaken facts
- ☐ b) misinterpretation of RMS policies
- ☐ c) violation of RMS Volunteer Rights and Responsibilities
- ☐ d) violation of the terms of employment
- ☐ e) bias or discrimination on the part of the decision-maker

Please separately explain each one you checked below:

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3. Appeal Committee's decision and detailed reasons:

Appeal Committee Signatures + Date