

# **CONFLICT RESOLUTION AND DISCIPLINE PROCEDURE**

## **1.0 INTRODUCTION**

This 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.

## **2.0 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.

The manager will complete parts 2.1 and 2.2 of Conflict Resolution Form A.

### **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).

## **3.0 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 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.

## **4.0. 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.

The manager will fill out Part 4.1.3 of Conflict Resolution Form C.

#### **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.

Conflict Resolution Procedure Adopted by the Board September, 2007

#### **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.

## **5.0 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 KCR policies or procedures, or
- c) a violation of the KCR 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.