

ZA

DISCIPLINARY REGULATIONS

- 1 In these Regulations any reference to “the Committee” shall be construed as a reference to the Rules and Regulations Committee of the SAFSA and any reference to “the Chairperson” as a reference to the Chairperson of the said Committee.
2. The Chairperson may initiate the procedures provided for in these regulations whenever s/he receives written information that a Member of the SAFSA, its Provincial Committee's or affiliates, Standing Committee's, affiliated Clubs or any affiliated bodies may have conducted him or herself in any manner described in Clause 14.8.1 of the Constitution.
- 3 If s/he decides to initiate such proceedings, the Chairperson shall as soon as possible, in whatever way s/he finds appropriate, supply the Member with the information at his disposal, and request him or her to respond in writing thereto.
- 4 Upon receipt of the Member's response, or if the Member fails to respond, the Chairperson shall decide whether the Member should be charged. If s/he decides that the Member should be charged, the Chairperson shall prepare a charge sheet.
- 5 The charge sheet shall list every charge separately and shall contain sufficient information to inform the Member in reasonably precise terms of:
 - 5.1 every act or omission on which every charge is based,
 - 5.2 the date on which,
 - 5.3 the place where,
 - 5.4 the manner in which it allegedly occurred, and
 - 5.5 the type of conduct under Clause 14.8.1 of the Constitution that it allegedly constitutes.
- 6 If any of these matters are unknown to the Chairperson, the charge sheet shall state this.
- 7 The Chairperson shall:
 - 7.1 post a written notice informing him or her of the decision to charge him or her, and a copy of the charge sheet, to the Member, and
 - 7.2 require the Member to plead in writing to every charge within the time mentioned in the notice, and to submit written submissions simultaneously on the question of sentence on any charge to which s/he pleads guilty.

- 8 The Member shall furnish the Chairperson with the plea and submissions (if any) within the stipulated time.
- 9 If the Member pleads guilty to the charge or to all the charges (in the case of multiple charges), the Chairperson may convict him/her and, after consulting two other members of the Committee, impose a sentence in terms of rule ZA.13.
- 10 If, in the case of multiple charges, the Member pleads guilty to some of them and the Chairperson decides not to proceed with the charge or charges to which the Member pleaded not guilty, he may convict him on the charge or charges on which a plea of guilty was received, and, after consulting two other members of the Committee, impose a sentence in terms of rule ZA.13.
- 11 If the Chairperson decides to proceed with the charge or charges to which the Member pleaded not guilty, or if the latter pleads not guilty to all the charges, a formal hearing shall, subject to rule ZA.5.12.8, be held in the manner provided for in rules ZA.12 and ZA.16, unless the Member agrees to another procedure proposed by the Chairperson.
- 12 The following provisions shall apply to formal hearings:
 - 12.1 The Chairperson shall appoint a panel of three members of the Committee or additional persons who need not be Members of SAFSA to assist with the hearing to hear the matter and one of them to preside.
 - 12.2 Any other member of the Committee or any other Member of the SAFSA, may present the case against the Member.
 - 12.3 The Member may be represented by another Member of the SAFSA and shall be entitled to legal representation if the panel considers it fair and reasonable. In the event of the Member being legally represented the SAFSA shall be entitled to similar representation.
 - 12.4 If the Member fails to appear at the hearing after being duly informed of its date, time and venue, the hearing may be continued in his/her absence.
 - 12.5 The hearing shall be open to all other Members of the SAFSA but to no-one else without the permission of the presiding member of the panel, and shall be conducted with fairness to both sides according to the principles of natural justice.

- 12.6 The panel's verdict and reasons may be pronounced verbally in the Member's presence or conveyed in writing to the Member by the Chairperson.
- 12.7 In the event of a conviction, the representatives of both parties shall, depending on the panel's ruling in this regard, be allowed either to present oral argument or to make written submissions on sentence. Evidence that the Member had previously been convicted in disciplinary proceedings of the SAFSA shall be admissible for purposes of sentence.
- 12.8 If the Member had pleaded guilty to some of the charges as envisaged in rule ZA.10, the panel may take cognizance of the plea of guilty and convict and sentence the Member on the charge or charges in question.
- 13 The panel may, taking due account of the nature and seriousness of the conduct involved in the conviction and of any previous conviction of the Member in disciplinary proceedings of the SAFSA,
- 13.1 warn the Member to desist from such conduct; or
 - 13.2 reprimand the Member; or
 - 13.3 impose a fine; or
 - 13.4 suspend the Member's membership for such a time as the panel may decide; or
 - 13.5 terminate the Member's membership; or
 - 13.6 report the Member's conduct to any Government Authority; or
 - 13.7 direct the Member to pay the expenses incurred by the SAFSA in connection with the arrangement and holding of the hearing; or
 - 13.8 combine any of the above where a combination is feasible and desirable; or
 - 13.9 deal with the Member as it deems fit.
- 14 Any fine shall be recoverable, and any order to pay the expenses shall be enforceable, by the SAFSA by appropriate proceedings in a competent court.
- 15 If, for any reason, any member of the Committee who is involved in any manner in pending disciplinary proceedings becomes incapacitated, unavailable to deal with the matter within a reasonable time or resigns, the Chairperson may replace him with another member or acting member of the Committee. If the Chairperson himself becomes incapacitated, unavailable to deal with the matter within a reasonable time or resigns, the remaining members of the Committee shall elect a replacement from their ranks. No replacement in terms of this regulation shall affect the validity of any pending proceedings.

- 16 If any situation arises which is not covered by any of these Regulations, the situation shall be resolved by the Chairperson after discussing it with the Member.
- 17 The Chairperson shall supply the National Secretary of the SAFSA with a concise report of any disciplinary proceedings in which a Member was convicted.
- 18 If the Member fails to submit a plea as provided for in Rule ZA.8, or in any way wilfully obstructs the Chairperson or the panel in the performance of his, her or its duties, or insults the Chairperson or any member of the panel, or behaves in a disorderly or insulting manner at the hearing, s/he shall be liable to be disciplined in terms of Clause 14.8.1 of the Constitution for conduct unbecoming a Member.