

## **Disciplinary Code – SANPA**

The Disciplinary Code is established to regulate the exercise of disciplinary proceedings by SANPA against a Member, Organization or Individual falling under the jurisdiction of SANPA.

### **1. Notice of a Disciplinary Hearing**

In cases where:

1.1. charges are preferred by SANPA against a Member, Venue, Organization or Individual and such a party has been charged with any offence within the jurisdiction of the Disciplinary Board:

1.1.1. SANPA shall cause to be delivered to such a party a Notice of disciplinary hearing in the prescribed format 15 (fifteen) days before the date of hearing.

1.1.2. The Disciplinary Board may, in certain circumstances, suspend or extend the delivery of a Notice of disciplinary hearing for a reasonable time.

1.1.3. The Notice of disciplinary hearing shall be signed by SANPA.

1.1.4. The Notice of disciplinary hearing shall be in a prescribed format.

### **2. The Charge Sheet**

Where charges are brought by SANPA against a Member, Venue, Organization or Individual, they shall be initiated by the notice of a disciplinary hearing and formulated by way of a charge sheet which shall:

2.1 contain a concise summary of the facts;

2.2 set out concisely the charge(s) preferred against such a party; and

2.3 set out a possible sanction that may be imposed flowing from such charge(s).

3. **Sanctions of the Disciplinary Board**

- 3.1. When a charge is proved to the satisfaction of the Disciplinary Board the following sanctions may be imposed:
- 3.1.1. warn or reprimand; and/or
  - 3.1.2. impose a suspension of Member, Organization or Individual; and/or
  - 3.1.3. impose a fine to be imposed in respect of a Member, Organization or Individual; and/or
  - 3.1.4. impose termination of membership of any individual affiliated through their respective SANPA affiliation or membership;
  - 3.1.5. dismiss a complaint or dispute if it is vexatious, frivolous or does not set out a prima facie case or for any grounds as shall be appropriate in law; and/or
  - 3.1.6. make any appropriate order.

4. **Procedure before the Disciplinary Board**

- 4.1. The ordinary procedure as outlined hereunder shall be applicable in cases where the Federation institutes a charge(s), against a Member, Organization or Individual, wherever they may be at any time engaging in activities under the jurisdiction of SANPA, relating to the following:
- 4.1.1. the alleged infringement of the Constitution, the rules, Regulations, directives, or resolution of SANPA;
  - 4.1.2. any act of misconduct;
  - 4.1.3. improper practices;
  - 4.1.4. misdemeanor;
  - 4.1.5. acts of defiance; and/or
  - 4.1.6. generally bringing sport or SANPA into disrepute.
- 4.2. The onus of proving the charge shall lie with SANPA, which must prove the charge on a preponderance of probabilities.
- 4.3. The Disciplinary Board shall, subject to this Rules have the power to delegate and/or elect one or more of its member(s) to initiate and/or conduct disciplinary proceedings against a Member, Organization or Individual.

- 4.4. Appoint on an ad hoc basis a *pro-forma* prosecutor and/or nominee to represent SANPA in all disciplinary hearings before the Disciplinary Board.
  - 4.5. All the parties to the disciplinary proceedings shall be notified by The Secretary of the date, time and place of the hearing.
  - 4.6. The charge sheet shall be dispatched within reasonable time (at the discretion of the Chairperson) before the date of the hearing and shall be on the prescribed format.
  - 4.7. No party other than a party summoned or called as a witness to appear before the Disciplinary Board shall be entitled to attend a hearing except with permission of the Disciplinary Board.
5. **The *pro-forma* prosecutor conducting the prosecution may:**
- 5.1. Before the accused pleads guilty to a charge, withdraw the charge, in which event the accused shall not be entitled to a verdict of acquittal in respect of that charge; and
  - 5.2. at any time before the accused pleads to a charge at any time after an accused has pleaded to a charge, but before conviction, stop the prosecution in respect of that charge, in which event the Disciplinary Board will acquit the accused in respect of that charge(s).
  - 5.3. **The *pro-forma* prosecutor conducting a prosecution shall:**
    - 5.3.1. read out the charge sheet addressed to the accused and the accused will then be asked by the Chairman of the Disciplinary Board to plead "guilty" or "not guilty" to the charges;
    - 5.3.2. a plea by the accused that he/she has already been convicted or acquitted of the offence with which he is being charged may be pleaded together with a plea of "not guilty";
  - 5.4. **Where the accused pleads guilty:**
    - 5.4.1. where the accused pleads "guilty" to the charges;
    - 5.4.2. the Disciplinary Board shall, if satisfied that the accused is guilty of the offence to which he has pleaded "guilty", convict the accused on the accused's plea of "guilty". Nothing in this rule will prevent the *pro-forma* prosecutor from presenting evidence

on any aspect of the charge, for the purposes of determining an appropriate sentence.

**5.5. Where the accused pleads not guilty:**

- 5.5.1. where the accused pleads "not guilty" the Disciplinary Board may, in its discretion, enquire from the accused whether he wishes to make a statement indicating the basis of his defence;
- 5.5.2. where the accused elects not to make a statement or does so, and it is not clear from the statement to what extent the accused denies or admits the issues raised by his plea, the Disciplinary Board may question the accused in order to establish which allegations in the charge are in dispute. The Disciplinary Board may in its discretion, put any question to the accused to clarify any matter raised under this provision, and will enquire from the accused whether an allegation which is not placed in issue by the plea of "not guilty" may be recorded as an admission by the accused of the allegation, and if the accused so consents, such admission will be recorded and will be sufficient proof of such fact.
- 5.5.3. The accused may then call witness(es) to each of whom questions may be put by the accused, in which event they may be cross examined by the accused, the *pro forma* prosecutor and the Disciplinary Board.
- 5.5.4. At any time the Chairperson and through him, members of the Disciplinary Board may question witnesses giving evidence on behalf of SANPA.
- 5.5.5. The *pro forma* prosecutor may then call other witnesses in support of the charge/s.
- 5.5.6. The accused will have the right to ask questions of such other witnesses. Such other witnesses may also be questioned by the *pro forma* prosecutor and members of the Disciplinary Board.

- 5.5.7. At the conclusion of such evidence, the prosecution's case will be closed.
- 5.5.8. The Accused shall have the right to apply for a discharge on the basis that *no prima facie* case has been made out by the *pro forma* prosecutor.
- 5.5.9. The accused may then give evidence on his own behalf and in such event he may be cross examined by the *pro-forma* prosecutor and the Disciplinary Board.
- 5.5.10. At the conclusion of such evidence the accused's case will be closed.
- 5.5.11. The Disciplinary Board may if it thinks it is desirable, or on application by *pro forma* prosecutor, or the accused, allow further evidence to be led by either the *pro-forma* prosecutor or the accused, or by both, after their cases are already closed.
- 5.5.12. "Hearsay" evidence as well television and video recordings may be allowed to be used by any party to the proceedings with permission of the Chairperson.
- 5.5.13. No evidence on any previous misconduct of the accused will be admitted, unless, it's an element of the current charge or relevant to it the accused will have put his character in issue.
- 5.5.14. After all evidence has been led, the *pro-forma* prosecutor will be allowed to address the Disciplinary Board on the evidence and the legal position, and this will be allowed irrespective of whether the accused has led evidence or not.
- 5.5.15. Thereafter, the accused will likewise be allowed to address the Disciplinary Board. The *pro-forma* prosecutor may reply on any question, which the accused has raised in his address.
- 5.5.16. Upon the conclusion of the case, the Disciplinary Board will deliberate thereon.
- 5.5.17. Once a decision has been reached the Chairman will notify the parties of the verdict.
- 5.5.18. If the accused is found "not guilty" the proceeding will be

declared closed.

5.5.19. If the accused is found “guilty” or the accused has pleaded “guilty”, the *pro-forma* prosecutor will be entitled to address the Disciplinary Board regarding a suitable sentence to be imposed and the accused will be entitled to address the Disciplinary Board in mitigation of sentence.

5.5.20. Thereupon, the Disciplinary Board will deliberate upon the most suitable sentence to be imposed.

5.5.21. Once a decision has been reached, the parties will be recalled and the Chairperson will announce the sentence.

## 6. **Disciplinary Board**

6.1. The member of the Disciplinary Board will be appointed by the Exco of SANPA on an ad hoc basis and will comprise of a Chairman and at least two other members.

6.2. The members of the Disciplinary Board need not be members of SANPA.