



## AWEBSA RULE 15 OF 2014: DISCIPLINARY PROCEDURE

### INTRODUCTION

Disciplinary action is an unfortunate necessity and can be defined as the practice of training members to obey rules or a code of behaviour and using punishment to correct disobedience.

The AWEBSA Governing Body sincerely hopes that disciplinary action would be the exception rather than the rule. The Governing Body is however committed to deal with misconduct in a firm, fair and transparent manner.

In any social system, irrespective of its nature, it is important for an Association to determine a set of rules that will regulate the conduct of its members and should be observed in order to function successfully.

The AWEBSA Disciplinary Procedure is based on the following principles:

- The right of the Association to take appropriate disciplinary steps against any member, who acts in a manner conflicting with the interests of it;
- At the same time the Association recognizes the right of a member to a fair process as well as appropriate and just disciplinary action; and
- The emphasis of the disciplinary system is on prevention, justice and correction.

The disciplinary code is regarded as a guideline and its interpretation must be adequately flexible in order to adjust to various circumstances.

### **R15.1 Disciplinary Structures**

R15.1.1 The following disciplinary structures have been established in terms of the Constitution of the Association:

- R15.1.1.1 A Disciplinary Committee established by the AWEBSA Governing Body, consisting of three (3) members under the chairmanship of the Vice-chairman, to address alleged serious misconduct by Office Bearers, Judges, affiliated clubs and where appropriate members;
- R15.1.1.2 The Judges Committee that is tasked to deal with alleged misconduct of judges;
- R15.1.1.3 The Club Committees or where applicable the Disciplinary Committees of the respective clubs tasked to deal with alleged misconduct of their club members; and



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### VOORWOORD

Dissiplinêre prosedure is ongelukkig noodsaaklik, en kan omskryf word as 'n opleidings prosedure aan lede om reëls of gedragskodes na te kom en daardeur 'n sanksie in te stel om n aksie te korrigeer.

AWEB SA se Beheerliggaam hoop dat 'n dissiplinêre aksie eerder die uitsondering sal wees as die reël. Dit is dan ook vir die Beheerliggaam baie belangrik dat enige wangedrag op 'n ferm, regverdige en deursigtige wyse hanteer word.

In enige sosiale stelsel, ongeag van sy bestaan, is dit vir n Assosiasie belangrik om reëls te stel, om wangedrag van lede te kan bepaal en te korrigeer, om so die Assosiasie suksesvol te laat funksioneer.

Die AWEB SA Dissiplinêre Prosedure is gebaseer op die volgende waardes:

- Die reg van die Assosiasie om korrekte dissiplinêre stappe teen enige lid in te stel, wat optree op 'n wyse wat teenstrydig is met die belang daarvan;
- Terselfdertyd erken die Assosiasie die reg van 'n lid op n regverdige verhoor, sowel as 'n toepaslike en regverdige dissiplinêre aksie; en
- Die klem van die dissiplinêre stelsel is op voorkoming, geregtigheid en regstelling.

Die dissiplinêre kode word as 'n riglyn beskou en sy interpretasie moet voldoende buigsaam wees om aan te pas by verskeie omstandighede.

### **R15.1 Dissiplinêre Strukture**

R15.1.1 Die volgende dissiplinêre strukture is ingestel ingevolge die Grondwet van die Assosiasie:

- R15.1.1.1 'n Dissiplinêre Komitee, wat deur die AWEB SA Beheerliggaam aangestel is, bestaande uit drie (3) lede onder die voorsitterskap van die onder voorsitter, om beweerde ernstige wangedrag deur alle lede aan te spreek;
- R15.1.1.2 'n Beoordeelaars Komitee wat die taak het om beweerde wangedrag van beoordeelaars te hanteer;
- R15.1.1.3 'n Klub Komitee, of waar van toepassing, n Dissiplinêre Komitee van onderskeie klubs, wat aangewese is om beweerde wangedrag van hul klub lede te hanteer; en

- R15.1.1.4 The appointed Show Committees of clubs and the Association tasked to deal with alleged misconduct matters at shows.
- R15.1.2 Detailed knowledge of the Association's Constitution and Rules is essential to serve as a member of these structures.
- R15.1.3 It is incumbent on members of the various committees to study the Constitution and the Rules of the Association and stay up to date with amendments.
- R15.1.4 Members considering disciplinary matters must always be fair, objective and free from bias. If any member feels he/she is not able to do that in a particular instance he/she must recuse him/herself from that matter.
- R15.1.5 The accused member shall at all times be afforded an opportunity to state his/her case and have the choice to handle the matter by himself / herself or appoint a representative of his/her own choice from within the AWEBSA membership.
- R15.1.6 Outside or external legal representation shall not be allowed while the matter is being dealt with internally.
- R15.1.7 The bodies tasked to investigate allegations of misconduct shall have the power to impose the penalties set out in the Constitution and Rules.

## **R15.2 Scope of Disciplinary Actions**

Complaints must be in writing and may be lodged because of the following:

- R15.2.1 Awards or conduct of an exhibitor at Shows – any complaints regarding awards or conduct must be directed to the Show Manager and dealt with at the show by the Show Committee.
- R15.2.2 Improper conduct of judges – complaints in this respect must be directed to the Awebesa General Secretary for onward transmission, where appropriate, to the Judges Committee.
- R15.2.3 Any other actions by members – the complaint must in the first instance be dealt with by the Club's Disciplinary Committee, where established or alternatively the Club's committee, where the person is a member.
- R15.2.4 Complaints against any Club and other matters referred to it by the AWEBSA EXCO will be dealt with by the Disciplinary Committee of the Association.
- R15.2.5 The Governing Body will be responsible to deal with all appeals against decisions by the various competent bodies:
  - R15.2.5.1 Club Disciplinary Committee or Club Committee;
  - R15.2.5.2 Show Committee;
  - R15.2.5.3 Judges Committee; and
  - R15.2.5.4 Disciplinary Committee of the Association.

- R15.1.1.4 Die aangewese Skou Komitee van die klub en die Assosiasie om beweerde wangedrag by skoue te hanteer.
- R15.1.2 Gedetailleerde kennis van die assosiasie se Grondwet en Reëls is noodsaaklik om as lid van hierdie strukture te dien.
- R15.1.3 Dit is die taak van lede van die onderskeie komitees om die Grondwet en die Reëls van die Assosiasie te bestudeer en op hoogte te bly van die wysigings.
- R15.1.4 Lede wat dissiplinêre aangeleenthede oorweeg, moet altyd regverdig, objektief en vry van vooroordeel wees. As 'n lid voel, hy/sy is nie in staat om dit in 'n bepaalde geval te doen nie, moet hy/haar self van daardie saak ontrek.
- R15.1.5 Die beskuldigde sal te alle tye 'n geleentheid gebied word om sy saak te stel en die keuse te hê om die aangeleentheid self te hanteer of 'n verteenwoordiger van sy/haar eie keuse uit die AWESBA-lidmaatskap aan te stel.
- R15.1.6 Eksterne regsverteenvoordinging sal nie toegelaat word nie, terwyl die aangeleentheid intern behandel word.
- R15.1.7 Die komitees wat aangestel is om bewerings van wangedrag te ondersoek, sal die bevoegdheid hê om die strawwe, soos in Grondwet en Reëls uiteengesit, op te lê.

## **R15.2 Omvang van dissiplinêre aksies**

Klagtes, sover moontlik skriftelik, mag ingedien word as gevolg van die volgende:

- R15.2.1 Toekennings of gedrag van 'n uitstaller by Skoue - enige klagtes rakende toekennings of gedrag moet aan die Skoubestuurder gerig word, en op die skou deur die Skoukomitee hanteer word.
- R15.2.2 Onbehoorlike gedrag van beoordelaars - klagtes in hierdie verband moet aan die Beoordeelaars komitee gerig word.
- R15.2.3 Enige ander wan gedrag deur lede - die klag moet in die eerste instansie hanteer word deur die Klub se Dissiplinêre Komitee, waar gevestig of alternatiewelik die Klub se komitee, waar die persoon lid is.
- R15.2.4 Klagtes teen enige klub wat deur die Beheerliggaam uit gewys word, sal deur die Dissiplinêre Komitee van die Assosiasie hanteer word.
- R15.2.5 Die Beheerliggaam sal verantwoordelik wees vir alle appèlle teen besluite van die verskillende bevoegde liggame:
- R15.2.5.1 Klub Dissiplinêre Komitee of Klub Komitee;
  - R15.2.5.2 Skou Komitee;
  - R15.2.5.3 Beoordeelaars Komitee; en
  - R15.2.5.4 Dissiplinêre Komitee van Assosiasie.

### **R15.3 Complaints**

R15.3.1 A complaint may be lodged by:

- R15.3.1.1 The Governing Body on its own initiative;
- R15.3.1.2 The Awebsa EXCO; or
- R15.3.1.3 The secretary of a club on behalf of its committee; or
- R15.3.1.4 A judge; or
- R15.3.1.5 Judges Committee; or
- R15.3.1.6 Show Committee; or
- R15.3.1.7 An appointed representative of the Association; or
- R15.3.1.8 Any fully paid up member (who is not suspended or disqualified).

R15.3.2 Any complaint lodged by an exhibitor or spectator at a show must be made to the Show Manager at the show and before the show is officially closed:

- R15.3.2.1 After the show there would be no remedy unless fraud and corruption are suspected; and
- R15.3.2.2 Such a complaint where fraud and corruption are suspected must be directed by the relevant Show Manager to the Awebsa EXCO to instruct the Disciplinary Committee to investigate.

R15.3.3 The Disciplinary Committee of the Association will have the power to enquire into and deal with any charge or complaint referred to it by the Awebsa EXCO.

R15.3.4 Any member of any committee considering a complaint, or a subsequent appeal, who bears direct knowledge of the occurrence that gave rise to the complaint shall recuse himself from that committee meeting whilst the complaint is being considered. Such a person can however be a witness in the matter.

### **R15.4 Complaints Procedure**

R15.4.1 Any complaint shall be submitted in writing to the AWEBBSA General Secretary setting out in full the nature and grounds of the complaint.

R15.4.2 The only exception to R15.4.1 would be at shows where the alleged misconduct must be brought to the attention of the relevant Show Manager.

R15.4.3 On receipt of any complaint, the body charged with dealing with the matter shall firstly consider the complaint on the face of it and if in their opinion of the complaint is of a frivolous nature, it shall dismiss the complaint and shall inform the complainant thereof.

R15.4.4 Should the body charged with dealing with the matter be of the opinion that the complaint is one of substance they will take further evidence and investigate the complaint.

**R15.3 Klagtes**

R15.3.1 'n Klag kan ingedien word deur:

R15.3.1.1 Die Beheerliggaam op eie inisiatief; of

R15.3.1.2 Die sekretaris van 'n klub namens sy komitee; of

R15.3.1.3 'n Beoordeellaar; of

R15.3.1.4 Beoordeellaars Komitee; of

R15.3.1.5 Skou Komitee; of

R15.3.1.6 'n Aangestelde verteenwoordiger van die Vereniging; of

R15.3.1.7 Enige ten volle opbetaalde lid (wat nie opgeskort of reeds gediskwalifiseer is nie).

R15.3.2 Enige klag wat deur 'n uitstaller of toeskouer by 'n skou ingedien word, moet by die skou, voor die skou amptelik gesluit word, aan die Skouvoorsitter gemaak word:

R15.3.2.1 Na die skou sal daar geen verdere klagtes aanvaar word, tensy bedrog en korrupsie vermoed word nie; en

R15.3.2.2 So 'n klagte waar bedrog en korrupsie vermoed word, moet deur die Skouvoorsitter aan die Beheerliggaam gerig word om die Dissiplinêre Komitee in te lig om so bewering ondersoek.

R15.3.3 Die Dissiplinêre Komitee van die Assosiasie sal die mag hê om ondersoek in te stel en te handel met bewering of klagte wat deur die Beheerliggaam na hul verwys word.

R15.3.4 Enige lid van 'n komitee wat 'n klagte of 'n daaropvolgende appèl oorweeg, wat direkte kennis dra van die voorval wat aanleiding gegee het tot die klag, sal homself van die komitee vergadering weerhou terwyl die klagte oorweeg word. So 'n persoon kan egter 'n getuie in die saak wees.

**R15.4 Klagte Prosedure**

R15.4.1 Enige klagte sal, waar moontlik, aan die toepaslike instansie skriftelik voorgelê word, waarin die aard en gronde van die klag volledig uiteengesit word.

R15.4.2 Die enigste uitsondering op R15.4.1 sal wees, by vertonings waar die beweerde wangedrag waarskynlik onder die aandag van die Skouvoorsitter mondelings sal wees.

R15.4.3 By die ontvangs van 'n klagte moet die komitee wat met die aangeleentheid aangespreek is, eerstens die klagte oorweeg, en indien die komitee van mening is dat die klag/bewering ongegrond is, sal die klag ontslaan word en sal die klaer daarvan in kennis gestel word.

R15.4.4 Indien die komitee wat die klagte ontvang, van mening is dat die klag geldig is, sal hulle getuienis neem en die klagte ondersoek.

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- R15.4.5 The body charged with dealing with the matter must complete the initial investigation within fourteen (14) working days of receiving the written complaint, and in the case of shows on the day(s) of the show unless it is a matter falling outside the Show Committee's mandate, such as alleged misconduct by the officiating judge(s) or the accused party is not present at the show.
- R15.4.6 The body charged with dealing with the matter shall summon the accused party, in writing, to provide a written submission in defence of the complaint(s). The accused party must respond in seven (7) working days.
- R15.4.7 The body charged with dealing with the matter shall summon identified witnesses, in writing, to provide written submissions in relation to the complaint(s). The witnesses must respond in seven (7) working days.
- R15.4.8 The body charged with dealing with the matter shall consider the written submissions and if satisfied come to a conclusion. If not, it shall summon the accused party to appear in defence of such complaint at the meeting of the body charged with dealing with the matter called to consider the same. The accused party must be given seven (7) working days' written notice as per the template attached to this Rule of a date, venue and time.
- R15.4.7 The accused must attend the hearing personally and can be represented by a representative who must accompany him/her to the meeting. A junior can be represented by a parent or custodian.
- R15.4.8 The body charged with dealing with the matter can also summon witnesses to the meeting, the complainant being the witness in chief and must be present.
- R15.4.9 The accused or when represented by a representative would have the right to question the witness (es) after they provided their version of the alleged misconduct to the body charged with dealing with the matter.
- R15.4.10 Should such an accused party and or representative fail to attend the enquiry and on being satisfied that notice has been received, the body charged with dealing with the matter shall proceed to enquire into the complaint and adjudicate thereon in the absence of the accused party against whom such complaint has been made.
- R15.4.11 The accused party must be informed of the sanction in writing within seven (7) working days of the meeting and of his or her right to appeal.
- R15.4.12 The AWEBSA General Secretary will keep a register of all disciplinary matters received, rejected and concluded for reference and consistency purposes.
- R15.4.13 Outcomes of disciplinary matters will be published by the Association in the minutes of the Awebsa EXCO and on the official website of AWEBSA.

- R15.4.5 Die komitee wat getaak word om die aangeleentheid te hanteer, moet die aanvanklike ondersoek binne veertien (14) dae na ontvangs van die skriftelike klagte voltooi, en in die geval van 'n skou aangeleentheid op die dag van die skou, tensy dit 'n saak is wat buite die Skoukomitee se mandaat val, bv wangedrag van beoordeellaars, of as die beskuldigde nie by die skou teenwoordig is nie.
- R15.4.6 Die komitee wat die saak ondersoek sal die beskuldigde verwittig om te verskyn ter verdediging van so 'n klag. Die beskuldigde moet sewe (7) dae skriftelike kennisgewing ontvang soos per die aanhangsel wat aan hierdie reël geheg is.
- R15.4.7 Die beskuldigde moet die verhoor persoonlik bywoon, en kan verteenwoordig word deur 'n verteenwoordiger wat ook n lid van die assosiasie moet wees.
- R15.4.8 Die komitee wat die aangeleentheid hanteer, kan ook getuies oproep vir die verhoor, die klaer is die hoof getuie en moet teenwoordig wees.
- R15.4.9 Die beskuldigde en/of die verteenwoordiger, sal die reg hê om die getuie(s) te kruis ondervraag, nadat hul weergawe van die beweerde wangedrag gegee is.
- R15.4.10 Indien so 'n beskuldigde en/of verteenwoordiger versuim om die ondersoek by te woon, en indien die komitee oortuig is dat kennisgewing ontvang is, sal die komitee wat die aangeleentheid hanteer, voortgaan om die klagte te ondersoek en daaroor te beslis in die afwesigheid van die beskuldigde teen wie so 'n klag is gemaak.
- R15.4.11 Die beskuldigde moet binne sewe (7) dae na die verhoor skriftelik in kennis gestel word van die sanksie teen hom/haar en sy/haar reg tot appèl.
- R15.4.12 Die Algemene Sekretaris sal 'n register hou van alle dissiplinêre aangeleenthede wat ontvang, verwerp en afgehandel word vir verwysings- en konsekwentheidsdoeleindes.
- R15.4.13 Uitkomste van dissiplinêre aangeleenthede sal deur die Assosiasie gepubliseer word in die notule van die Beheerliggaam en op die amptelike webwerf van AWEBSA.

## **R15.5 Appel Proses**

- R15.5.1 Appèl moet by die Algemene Sekretaris van die Beheerliggaam ingedien word binne sewe (7) dae vanaf die datum waarop die handeling of besluit gegee is, naamlik die datum van die brief wat die lid van die verwerping van die klagte of die sanksie.
- R15.5.2 Geen klub of lid wat nog onder diskwalifikasie of opskorting is, en deur die Beheerliggaam bekragtig is, het enige reg op appèl.
- R15.5.3 Geen besluit van die komitee, wat die klagte hanteer het, onderhewig aan appèl, tree in werking totdat dit bevestig of ter syde gestel word op die volgende vergadering van die Beheerliggaam.



**R15.5 Appeals**

- R15.5.1 An appeal must be lodged with the AWEBSA General Secretary, in writing, within a period of five (5) working days from the date of the act or decision complained of, i.e. the date of the letter notifying the member of the rejection of the complaint or the sanction;
- R15.5.2 No club or member who is still under prior disqualification or suspension and ratified by the Governing Body, shall have any right of appeal.
- R15.5.3 No decision of the body charged with dealing with the matter, subject to appeal, shall take effect until confirmed or set aside by the next meeting of the Governing Body.
- R15.5.4 No member hearing the disciplinary action may serve as a member of the Governing Body meeting when the appeal is heard;
- R15.5.5 An appeal to the Governing Body, in writing, may be lodged by any person against whom disciplinary action has been taken and who may be aggrieved by the decision of the body charged with dealing with the matter;
- R15.5.6 Upon receipt of such appeal the AWEBSA General Secretary will ensure the matter is placed on the Agenda of the next ordinary meeting of the Governing Body for consideration. If the next meeting is some time away the AWEBSA General Secretary must call for a Special meeting to consider the appeal, which could be a WhatsApp meeting;
- R15.5.7 The Governing Body may uphold or reject the decision of the body charged with dealing with the matter, however not before consulting with the relevant structures;
- R15.5.8 The Governing Body may in exceptional cases alter the sanction imposed only should it be inconsistent with previous sanctions and that fairness is always the main consideration;
- R15.5.9 In the event of the Governing Body upholding the appeal of the accused person the Governing Committee may appoint a subcommittee to investigate the reasons therefore and make recommendations to it accordingly. The main reason is to ensure consistency of sanctions, to be a training aid as well as to ensure fairness to members at all times;
- R15.5.10 In the event of the Governing Body upholding the decision of the body charged with dealing with the matter, then the penalty imposed will be effective from the date of the meeting and the appellant shall be required to bear any costs incurred to hear the appeal; and
- R15.5.11 The Governing Body shall be the final tribunal of appeal.

- R15.5.4 Geen lid wat die dissiplinêre aksie hanteer het, mag dien as lid van die Beheerliggaamvergadering wanneer die appèl verhoor word nie;
- R15.5.5 'n Appèl na die Beheerliggaam kan ingedien word deur enige persoon teen wie dissiplinêre stappe geneem is, en wat verontreg voel deur die besluit van die komitee wat aangeleentheid hanteer het;
- R15.5.6 By ontvangs van so 'n appèl sal die Sekretaris verseker dat die aangeleentheid op die agenda van die volgende gewone vergadering van die Beheerliggaam vir oorweging geplaas word;
- R15.5.7 Die Beheerliggaam mag die besluit van die komitee wat klagte hanteer het, afkeur of verwerp, maar nie voordat daar met die betrokke komitee geraadpleeg was nie.
- R15.5.8 Die Beheerliggaam mag in uitsonderlike gevalle die opgelegde sanksie slegs wysig indien dit in ooreenstemming is met vorige sanksies en dat billikheid altyd die belangrikste oorweging is;
- R15.5.9 Indien die Beheerliggaam die appèl van die beskuldigde behartig, kan die Beheerliggaam 'n subkomitee aanstel om die redes daarvoor te ondersoek en dienooreenkomstig aanbevelings te maak. Die hoofrede hiervoor is om die konsekwentheid van sanksies te verseker, 'n opleidingshulpmiddel te wees en om te alle tye regverdigheid vir lede te verseker;
- R15.5.10 Indien die Beheerliggaam die besluit van die komitee wat saak hanteer het, bekragtig, sal die opgelegde boete of sanksie vanaf die datum van die verhoor van krag wees en sal die appeleerder, verantwoordelik gehou word vir enige kostes wat aangegaan is om die appèl te verhoor; en
- R15.5.11 Die Beheerliggaam sal die finale tribunaal van appèl wees.