



# NSAAA

## PROCEDURES AT DISCIPLINARY ENQUIRY

The purpose of this document is to ensure procedural and substantive fairness  
(Additional paper should be used where necessary.)

### To be read out by the chairman.

Good morning / afternoon / evening to all present.

I am \_\_\_\_\_ (name), and chairman of this disciplinary enquiry.

The purpose of this disciplinary enquiry is to investigate the allegation/s against:

Name: \_\_\_\_\_

Which took place on:

\_\_\_\_\_ (date) at,  
\_\_\_\_\_ (place)

1) I would like to introduce everyone present.

The Tribunal: \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)  
\_\_\_\_\_ (name)  
\_\_\_\_\_ (position)  
\_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

The charging officer: \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

The member: \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

The member representative: \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

The interpreter (if applicable) \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

2) The charging officer's witness / s (when applicable)

\_\_\_\_\_ (name)  
\_\_\_\_\_ (position)  
\_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

3. The member's witness / s (when applicable)

\_\_\_\_\_ (name)  
\_\_\_\_\_ (position)  
\_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

4. Note: If a representative is present, proceed to no 5,

If the member does not have a representative, the chairman must ask the following questions.

**Question:** **answer:**

4.1 Do you have a representative = yes / no

4.2 Were you aware that you have the right to be represented, and that "it is your responsibility to make this arrangement" ? = yes / no

4.3 Do you want to be represented at this enquiry by a member, or a representative of your choice? = yes / no

A) If yes: I will call for a recess to allow you a further opportunity to find a representative, and i wish to emphasize that you should make every effort to find one so that this enquiry can be finalized at our next meeting.

If you fail to have a representative available at the next enquiry, without an acceptable reason, we will continue with the enquiry without you being represented.

B) If no: Since you have stated that you do not want to be represented at the enquiry, I take it that you are satisfied that this enquiry can continue without you being represented.

5. My role of chairman of this enquiry is to conduct the enquiry according to the association's disciplinary procedures.

6. The role of the member's representative is to represent and assist the member, and also act as spokesman on behalf of the member. Of course the representative may also act as interpreter.

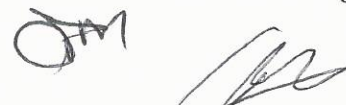
7. I would like to stress a few points that are applicable at all times to everybody present at this enquiry.

7.1. I wish to assure everyone that no person will be victimized during or after this enquiry.

7.2. I request everybody to adhere to the purpose of this enquiry.

7.3. I will not tolerate any misbehaviour or disruptions to disorganize this enquiry.

7.4. It is important that each person speaks clearly, and only when it is his turn, through me, the chairperson.



8. I will now read out the alleged offence / complaint as stated in the notification of this enquiry.

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9. Are there any questions on what has been said up to now? (No statement. / Questions only)

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10. Chairman to member: How do you plead on the allegations?

(Guilty / Not guilty) (Mark with X)

11. Chairman to charging officer: Will you please state the case?

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12. Chairman to member: Do you wish to ask the person laying this charge questions?

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13. Chairman to member representative: Do you wish to ask any questions?

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14. Chairman to member: Will you please state your case.

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15. Chairman to charging officer: Do you wish to ask the member any questions?

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\_\_\_\_\_  
\_\_\_\_\_

16. Chairman to member representative: do you wish to ask the member any questions?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. The chairman: (If applicable) I will now call the witnesses one at a time. The member, his representative, and the charging officer may ask the witnesses questions individually after each witness has testified.

Witness 1:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness 2:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: after having heard all evidence – proceed to 18.

18. The chairman: I will now give the member, his representative, and the charging officer the opportunity to emphasize or re-emphasize individually any important facts that were presented during the proceedings. (Make their closing statements)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. The chairman: I will now \_\_\_\_\_ (time) adjourn this enquiry to determine whether the member is guilty, or not guilty, of the allegations lodged against him / her.  
We shall reconvene again at \_\_\_\_\_ (time)  
Reconvened at: \_\_\_\_\_ (time)

20. Chairman to member: on the balance of probabilities we find you guilty / not guilty of the allegations as charged.  
Before we consider the appropriate actions:  
- Do you have anything to say in mitigation?  
- Are there any extenuating circumstances that need to be taken into account? (External factors i.e. Family)

21. Chairman to charging officer: are there any aggravating circumstances that we should take into account?

22. Now that we have heard mitigating, extenuating, and (if appropriate) aggravating circumstances, we have to consider the appropriate fines and/or penalties (if any) in terms of the association's disciplinary code.

We will now adjourn ( \_\_\_\_\_ time), until ( \_\_\_\_\_ time), when we will give our decision on the fines and/or penalties and the reasons.

23. During the adjournment;

- Consult the disciplinary code,
- Consider mitigating, extenuating and aggravating circumstances,
- Consider the members disciplinary record,
- Consider, condonation, seniority, likelihood of prejudice to the association, etc.
- Prepare your sanction statement with reasons, to be read once re-convened.

24. Chairman: We have listened very carefully to all the evidence and facts submitted. It is our unanimous and considered opinion, after evaluating all the facts and considering disciplinary action against the member: (Read prepared statement):

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25. Chairman to member:

I wish to inform you, that you have the right to appeal against the action taken against you at this enquiry today.

Your appeal must be lodged to the Chairman of the Association and at payment of the appropriate fee.

It is important that you exercise your right to appeal, within two weeks of the closure of this enquiry.

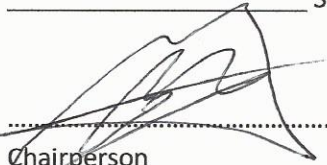
Your basis to appeal can be on the following grounds:

- Procedural unfairness.
- Substantive unfairness, (e.g. Penalty too severe)
- New evidence / evidence not properly considered.
- Mitigation / extenuating circumstances.

26. Chairman: I now declare this disciplinary enquiry closed at:

( \_\_\_\_\_ time) ( \_\_\_\_\_ date)

\_\_\_\_\_  
Signature of Chairman



Chairperson



Secretary