# DISCIPLINARY POLICY AND PROCEDURE FOR ALL STRUCTURES (BEC, REC, PEC, NEC)

## 1. TITLE AND VERSION CONTROL

**1.1.** **Policy Title:** Disciplinary Procedure and Appeals Policy for BEC, REC, PEC, and NEC

**1.2.** **Document Number:** AAAIC-DISC-2025/003

**1.3.** **Version Number:** V1.0

**1.4.** **Date of Adoption/Approval:** 25 May 2025

**1.5.** **Effective Date:** 01 June 2025

**1.6.** **Review Date:** 01 June 2027

**1.7.** **Policy Owner:** Office of the Secretary-General, National Executive Committee (NEC)

## 2. POLICY STATEMENT

**2.1.** ARISE AFRIKA ARISE INDEPENDENT CONGRESS (AAAIC) is committed to promoting ethical conduct, discipline, accountability, and justice within the organization.

**2.2.** This policy affirms the right to a fair, impartial, and timely disciplinary process that is corrective rather than punitive in intent, while respecting the principles of natural justice, equality before the law, and transparency.

**2.3.** AAAIC has a zero-tolerance stance on misconduct, corruption, and divisive behavior and expects all structures — from BEC to NEC — to uphold the Constitution, internal policies, and the party's democratic ethos.

## 3. SCOPE AND APPLICATION

This policy applies to:

**3.1.** All card-carrying members of AAAIC.

**3.2.** All elected or appointed officials at the Branch, Regional, Provincial, or National levels.

**3.3.** Any individual acting in the name or interest of the party.

**3.4.** External agents or volunteers acting within a formal AAAIC structure.

## 4. GROUNDS FOR DISCIPLINARY ACTION

Members may be subject to disciplinary proceedings for:

**4.1.** Breach of the AAAIC Constitution, Code of Conduct, or any internal policy.

**4.2.** Acts of dishonesty, corruption, abuse of office, or unauthorized financial dealings.

**4.3.** Misrepresentation of AAAIC or engaging in conduct that brings the party into disrepute.

**4.4.** Leaking or misuse of confidential party information.

**4.5.** Failing to declare or acting on conflicts of interest.

**4.6.** Harassment, discrimination, or intimidation of other members.

**4.7.** Obstructing party activities or fomenting disunity, tribalism, or factionalism.

**4.8.** Defying or undermining legitimate party decisions or leadership directives.

## 5. RIGHTS OF THE ACCUSED MEMBER

Every accused member shall enjoy the following rights:

**5.1.** The right to a presumption of innocence until proven guilty.

**5.2.** The right to be formally informed in writing of the nature and details of the charges.

**5.3.** The right to receive at least 7 working days' notice before the hearing.

**5.4.** The right to adequate preparation time and access to evidence.

**5.5.** The right to be represented by another AAAIC member in good standing.

**5.6.** The representative must be:

- **5.6.1.** A fully paid-up member in good standing for a minimum period of 12 months.
- **5.6.2.** Not currently facing disciplinary proceedings or suspension.
- **5.6.3.** Approved by the accused in writing and disclosed to the disciplinary panel in advance.
- **5.6.4.** Prohibited from intimidating witnesses or disrupting the process.

**5.7.** The right to respond fully to the allegations.

**5.8.** The right to present witnesses and evidence.

**5.9.** The right to cross-examine any witnesses called by the party.

**5.10.** The right to a fair and unbiased hearing by an impartial panel.

**5.11.** The right to receive a written outcome and reasons for the decision.

**5.12.** The right to appeal against the decision or sanction.

## 6. DISCIPLINARY STRUCTURES AND JURISDICTION

**6.1.** **BEC:** Handles minor transgressions and first-line infractions by branch members.

**6.2.** **REC:** Hears appeals from BEC decisions and handles serious matters affecting the region.

**6.3.** **PEC:** Hears appeals from REC decisions and investigates or initiates cases involving provincial leadership or reputational damage.

**6.4.** **NEC:** Final national authority for appeals, serious national breaches, and matters involving national leadership or party image.

7. Disciplinary Panels at each level must:

**7.1.** Comprise at least three impartial members.

**7.2.** Include a chairperson with proven integrity and knowledge of party rules.

**7.3.** Exclude complainants or directly involved parties.

## 8. DISCIPLINARY PROCESS

### 8.1. Step 1: Lodging a Complaint

Any member may submit a written complaint with supporting documentation to the relevant Secretary.

### 8.2. Step 2: Preliminary Screening

The Executive Committee reviews the complaint to determine whether a hearing is warranted or if it can be resolved through mediation.

### 8.3. Step 3: Formal Charges

A Notice of Disciplinary Hearing is issued, including:

**8.3.1.** Specific charges

**8.3.2.** Time, date, and venue of the hearing

**8.3.3.** Member's rights and obligations

### 8.4. Step 4: Disciplinary Hearing

**8.4.1.** Hearing is conducted by the Disciplinary Panel.

**8.4.2.** Testimony is heard, and both parties present evidence.

### 8.5. Step 5: Deliberation and Outcome

**8.5.1.** Panel deliberates in private and issues a verdict.

**8.5.2.** Sanctions, if any, are imposed based on the severity of the breach.

### 8.6. Step 6: Communication of Decision

A detailed written report is provided to the accused and relevant structure within 7 days.

## 9. SANCTIONS

Sanctions imposed must be fair, consistent, and proportionate, and may include:

**9.1.** Verbal warning (recorded)

**9.2.** Formal written warning

**9.3.** Compulsory retraining or political education

**9.4.** Apology or restitution to the party or affected individuals

**9.5.** Temporary suspension from duties

**9.6.** Suspension of membership rights for a defined period

**9.7.** Demotion or removal from leadership position

**9.8.** Disqualification from seeking office for up to 5 years

**9.9.** Permanent expulsion from AAAIC

Sanctions take into account the gravity of the transgression, mitigating/aggravating factors, and past conduct.

## 10. APPEALS PROCEDURE

**10.1.** Appeals must be submitted within **14 calendar days** from the date of the decision.

**10.2.** Appeals must be directed to the **next higher structure** and must include:

**10.2.1.** Grounds for appeal

**10.2.2.** Supporting documentation

**10.2.3.** Desired relief (e.g., setting aside of decision, reduction of sanction)

11. The appellate structure shall:

**11.1.** Review all relevant records and evidence

**11.2.** Offer the appellant an opportunity to be heard (if necessary)

**11.3.** Make a final and binding decision within **30 calendar days**

12. The appeal may result in:

**12.1.** Confirmation of the decision

**12.2.** Substitution of the decision

**12.3.** Reduction or removal of sanction

**12.4.** Referral for rehearing

## 13. CONFLICTS OF INTEREST AND OBLIGATIONS OF NEUTRALITY

**13.1.** **Mandatory Declaration of Interest:** All disciplinary panelists, secretaries, investigators, and participants in the proceedings must declare any existing, perceived, or potential conflict of interest as soon as it becomes known.

**13.2. Examples of Conflicts:** Conflicts of interest include—but are not limited to—familial relationships, business partnerships, historical disputes, direct personal involvement in the matter, or close political alliances with either the complainant or accused.

**13.3. Duty to Recuse:** Anyone with a conflict of interest must recuse themselves immediately from all aspects of the process. If they fail to do so, any affected party may lodge an objection. The matter will then be reviewed by the remaining impartial members of the executive structure, who may appoint an independent replacement.

**13.4. Challenge to Panel Composition:** The accused or complainant may object in writing to any panelist's participation on the grounds of conflict of interest. This objection must clearly state the basis of the concern and be submitted at least 48 hours before the hearing.

**13.5. Replacement Procedures:** In cases where a member recuses themselves or is successfully challenged, the relevant structure (BEC, REC, PEC, or NEC) must appoint an alternate panelist with no conflict of interest and with sufficient understanding of party rules.

**13.6. Oath of Neutrality:** All panel members must sign a declaration of impartiality prior to hearing any case. Breach of this declaration may result in disqualification from further service on disciplinary panels and/or separate disciplinary action.

**13.7. Prohibition of Undue Influence:** No member, regardless of rank or seniority, shall attempt to influence the outcome of any disciplinary matter. Any interference shall be treated as serious misconduct.

## 10. CONFIDENTIALITY AND RECORD-KEEPING

10.1. All proceedings shall be confidential.

10.2. No member shall discuss, disclose, or leak disciplinary matters unless legally compelled or authorized.

10.3. Records of all proceedings must be securely stored by the Secretary and made available to appellate bodies on request.

10.4. Breach of confidentiality shall constitute a separate disciplinary offense.

## 11. DUTY TO REPORT AND ZERO TOLERANCE

11.1. All members and office bearers have a **duty to report** misconduct, unethical behavior, or abuse of office.

11.2. **Whistleblowers** shall be protected from retaliation, victimization, or adverse treatment.

11.3. AAAIC maintains a **zero-tolerance policy** for cover-ups, intimidation of witnesses, and deliberate concealment.

11.4. Any attempt to interfere with the disciplinary process shall result in immediate disciplinary action.

## 12. REVIEW AND AMENDMENTS

12.1. This policy shall be reviewed **every two years** or after major constitutional or regulatory amendments.

12.2. Any changes must be ratified by a **two-thirds majority** of the NEC.

12.3. Amendments take effect upon formal adoption and communication to all structures.

## 13. APPROVAL AND SIGN-OFF

**Approved By:**

Ben Suping Mothupi

President, ARISE AFRIKA ARISE INDEPENDENT CONGRESS (AAAIC)

**Date of Approval:** 25 May 2025

**END OF POLICY**