DISCIPLINARY PROCEEDINGS HANDBOOK

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SECTION 1

1. SHORT TITLE, COMMENCEMENT AND APPLICATION

1.1. Short Title

This Handbook shall be known as the **AAAIC Disciplinary Proceedings Handbook, 2026**.

1.2. Commencement

This Handbook shall come into operation on the date approved by the National Executive Committee of ARISE AFRIKA ARISE INDEPENDENT CONGRESS (AAAIC), unless otherwise specified.

1.3. Purpose of the Handbook

The Handbook is intended to:

(a) provide uniform guidance for the conduct of disciplinary proceedings;
(b) promote fairness, accountability and transparency;
(c) safeguard the constitutional rights of members;
(d) ensure consistency in disciplinary decision-making;
(e) strengthen internal democracy and organizational integrity; and
(f) provide training and reference material to disciplinary officials.

1.4. Application

This Handbook applies to:

(a) all members of AAAIC;
(b) office bearers at all levels;
(c) elected public representatives;
(d) candidates seeking nomination or election;
(e) employees and volunteers where applicable; and
(f) any person subject to the jurisdiction of the Party in terms of its Constitution.

1.5. Binding Nature

This Handbook shall be read together with:

(a) the Constitution of AAAIC;

(b) the Party Disciplinary Code;

(c) the Rules of Practice and Procedure for Disciplinary Hearings; and

(d) any regulations lawfully adopted by the Party.

1.6. Hierarchy of Norms

In the event of inconsistency, the following hierarchy shall apply:

(a) The Constitution of the Republic of South Africa, 1996;

(b) Applicable legislation;

(c) The Constitution of AAAIC;

(d) The Party Disciplinary Code;

(e) Rules of Practice and Procedure;

(f) This Handbook.

1.7. Deviation

Failure to comply with this Handbook shall not automatically invalidate proceedings unless material prejudice or procedural unfairness is established.

SECTION 2

2. DEFINITIONS AND INTERPRETATION

2.1. Definitions

In this Handbook, unless the context indicates otherwise—

(a) ***"Appeal"*** means proceedings whereby a higher disciplinary body reconsiders the correctness of a decision.

(b) ***"Bias"*** means actual or perceived prejudice affecting impartial decision-making.

(c) ***"Branch"*** means a duly constituted branch of AAAIC.

(d) ***"Charge"*** means a formal allegation of misconduct.

(e) ***"Chairperson"*** means the presiding officer of disciplinary proceedings.

(f) ***"Code"*** means the AAAIC Disciplinary Code.

(g) ***"Committee"*** means any disciplinary body established under the Party Constitution.

(h) ***"Complainant"*** means a person who lodges a complaint.

(i) ***"Constitution"*** means the Constitution of AAAIC, unless otherwise stated.

(j) ***"Decision"*** means any ruling, order, finding or determination.

(k) ***"Digital Evidence"*** includes emails, social media posts, recordings, electronic messages and metadata.

(l) ***"Disciplinary Proceedings"*** means proceedings instituted to determine alleged misconduct.

(m) ***"Evidence"*** means oral, documentary, digital or physical material presented during proceedings.

(n) ***"Good Cause"*** means sufficient reasons based on fairness and justice.

(o) ***"Hearing"*** means formal proceedings before a disciplinary body.

(p) ***"Initiator"*** means the person presenting the case against a respondent.

(q) ***"Member"*** means any person duly admitted into AAAIC membership.

(r) ***"Misconduct"*** means conduct prohibited by the Constitution, Code or Party policies.

(s) ***"National Executive Committee"*** means the National Executive Committee of AAAIC.

(t) ***"Natural Justice"*** means principles requiring fair hearing and impartial adjudication.

(u) ***"Notice"*** means formal written communication.

(v) ***"Office Bearer"*** means a person elected or appointed to hold office.

(w) ***"Party"*** means ARISE AFRIKA ARISE INDEPENDENT CONGRESS (AAAIC).

(x) ***"Preliminary Point"*** means an objection or issue raised before merits are considered.

(y) ***"Procedural Fairness"*** means compliance with fair hearing requirements.

(z) ***"Province"*** means a provincial structure of the Party.

(aa) ***"Recusal"*** means withdrawal from proceedings due to conflict or bias.

(bb) ***"Respondent"*** means a person charged with misconduct.

(cc) ***"Review"*** means proceedings challenging procedural irregularity or legality.

(dd) ***"Sanction"*** means a disciplinary penalty imposed after a finding of misconduct.

(ee) ***"Secretary"*** means the designated administrative officer.

(ff) ***"Service"*** means lawful delivery of documents.

(gg) ***"Suspension"*** means temporary deprivation of rights or privileges.

(hh) ***"Tribunal"*** means a disciplinary committee or panel.

(ii) ***"Virtual Hearing"*** means proceedings conducted electronically.

(jj) ***"Witness"*** means a person who gives evidence.

2.2. Interpretation

(a) Words importing one gender include all genders.
(b) Singular words include the plural and vice versa.
(c) Headings are for convenience only.
(d) Any reference to legislation includes amendments and successor legislation.
(e) This Handbook shall be interpreted in a manner that promotes democracy, fairness, accountability and constitutionalism.
(f) Where uncertainty exists, the interpretation most consistent with natural justice shall prevail.

SECTION 3

3. PURPOSE, OBJECTS AND GUIDING PRINCIPLES

3.1. Purpose

The purpose of this Handbook is to establish a coherent framework for the training, guidance and administration of disciplinary proceedings within AAAIC.

3.2. Objects

The objects of this Handbook are to:
(a) uphold discipline and ethical conduct;
(b) preserve unity and organizational integrity;
(c) protect the rights of members;
(d) ensure accountability of leaders;
(e) promote transparency and fairness;
(f) strengthen democratic governance; and
(g) maintain public confidence in the Party.

3.3. Guiding Principles

All disciplinary proceedings shall be guided by:
(a) legality;
(b) fairness;
(c) impartiality;

(d) proportionality;
(e) accountability;
(f) transparency;
(g) consistency;
(h) dignity;
(i) equality;
(j) non-discrimination;
(k) restorative justice where appropriate; and
(l) constitutional supremacy.

3.4. Natural Justice

Every person subject to disciplinary proceedings shall have the right:

(a) to be informed of allegations;
(b) to adequate time to prepare;
(c) to present evidence;
(d) to call witnesses;
(e) to challenge evidence;
(f) to representation as permitted by Party rules;
(g) to receive reasons for decisions; and
(h) to appeal or review decisions.

3.5. Independence

Disciplinary bodies shall exercise their powers independently and without fear, favour or prejudice.

3.6. Abuse of Process

Disciplinary proceedings shall not be used to settle factional disputes, suppress dissent, or advance improper political objectives.

3.7. Standard of Proof

Unless otherwise prescribed, allegations of misconduct shall be determined on a balance of probabilities.

SECTION 4

4. CONSTITUTIONAL FOUNDATIONS

4.1. Constitutional Democracy

ARISE AFRIKA ARISE INDEPENDENT CONGRESS (AAAIC) recognizes that South Africa is founded upon the values of human dignity, equality, freedom, accountability, responsiveness, openness and the rule of law.

4.2. Constitutional Supremacy

The Constitution of the Republic of South Africa, 1996, is the supreme law of the Republic. Any conduct, rule, policy, decision or disciplinary measure inconsistent with the Constitution is invalid to the extent of its inconsistency.

4.3. Internal Party Democracy

AAAIC affirms that political parties are indispensable institutions in a constitutional democracy and that internal party governance must reflect democratic values, accountability and fairness.

4.4. Political Rights

Every member enjoys political rights within the Party, including the rights—

(a) to participate in Party activities;
(b) to seek election to office subject to lawful qualifications;
(c) to express views within the framework of Party discipline;
(d) to vote where entitled to do so; and
(e) to receive fair treatment in disciplinary processes.

4.5. Equality and Non-Discrimination

No disciplinary action shall be instituted or conducted on grounds constituting unfair discrimination, including race, sex, gender, pregnancy, marital status, ethnic or social origin, colour, age, disability, language or religion.

4.6. Human Dignity

All participants in disciplinary proceedings shall be treated with dignity and respect, regardless of status, office or seniority within the Party.

4.7. Freedom of Expression

Members enjoy freedom of expression subject to—

(a) the Constitution of the Republic;

(b) the Constitution of AAAIC;

(c) Party discipline;

(d) lawful limitations necessary to protect the integrity, unity and reputation of the Party.

4.8. Lawful Limitation of Rights

No right recognized by this Handbook may be limited except where such limitation is lawful, reasonable and justifiable in an open and democratic society.

4.9. Accountability

Every member and office bearer shall remain accountable to the Party and its constitutional structures for acts or omissions constituting misconduct.

4.10. Transformative Constitutionalism

This Handbook shall be interpreted in a manner that advances constitutionalism, social justice, ethical leadership and democratic governance.

SECTION 5

5. SOURCES OF DISCIPLINARY AUTHORITY

5.1. Foundational Authority

The authority to institute and conduct disciplinary proceedings derives from—

(a) the Constitution of the Republic of South Africa, 1996;

(b) the Constitution of AAAIC;

(c) the Party Disciplinary Code;

(d) Party policies and regulations;

(e) lawful resolutions of competent Party structures;

(f) principles of common law governing voluntary associations.

5.2. Nature of Membership

Membership of AAAIC constitutes a voluntary association governed by reciprocal rights and obligations arising from the Party Constitution and applicable rules.

5.3. Jurisdiction by Consent

By applying for and accepting membership, every member agrees to be bound by—

(a) the Constitution of AAAIC;

(b) Party rules and policies;

(c) disciplinary procedures established thereunder.

5.4. Duty of Loyalty

Every member owes a duty—

(a) to uphold the Constitution of the Party;

(b) to advance the aims and objectives of AAAIC;

(c) to avoid conduct prejudicial to the Party.

5.5. Authority of Party Structures

Disciplinary authority may be exercised only by duly constituted structures acting within their prescribed powers and jurisdiction.

5.6. Ultra Vires Conduct

Any disciplinary act performed outside lawful authority shall be invalid and subject to review or setting aside.

5.7. Delegation of Authority

A disciplinary power may only be delegated where—

(a) the Constitution or regulations permit delegation;

(b) the delegation is reduced to writing;

(c) the delegation does not undermine independence or fairness.

5.8. Residual Powers

Where no procedure is expressly prescribed, a disciplinary body may regulate its own process in accordance with fairness, natural justice and this Handbook.

5.9. Precedent and Consistency

Although disciplinary bodies are not strictly bound by previous decisions, they should strive for consistency unless there exists a sound basis for departure.

5.10. Good Faith

All disciplinary powers shall be exercised honestly, reasonably and in good faith for proper Party purposes.

SECTION 6

6. PRINCIPLES OF NATURAL JUSTICE

6.1. General Principle

Every disciplinary proceeding shall comply with the principles of natural justice and procedural fairness.

6.2. Audi Alteram Partem

No person shall be condemned or sanctioned without first being afforded a reasonable opportunity to be heard.

6.3. Minimum Procedural Guarantees

A respondent shall be entitled to—\

(a) receive written notice of charges;

(b) sufficient particulars of allegations;

(c) reasonable time to prepare a defence;

(d) access to relevant documents and evidence;

(e) call and examine witnesses;

(f) cross-examine adverse witnesses;

(g) present oral and documentary evidence;

(h) make submissions on sanction;

(i) receive written reasons for decisions.

6.4. Nemo Iudex in Sua Causa

No person may adjudicate a matter in which that person—

(a) has a personal interest;

(b) is a complainant or witness;

(c) has demonstrated bias;

(d) has a conflict of interest.

6.5. Actual and Reasonable Apprehension of Bias

A proceeding may be set aside where—

(a) actual bias is proven; or

(b) a reasonable and informed person would apprehend bias.

6.6. Equality of Arms

Parties shall be afforded substantially equal opportunities to present their respective cases.

6.7. Fair Notice

Notices shall specify—

(a) the charges;

(b) material facts relied upon;

(c) the date, time and venue of the hearing;

(d) the rights of the respondent;

(e) possible sanctions where appropriate.

6.8. Reasons for Decisions

Every final decision shall contain—

(a) findings of fact;

(b) credibility assessments where necessary;

(c) applicable rules;

(d) reasons for the outcome;

(e) the sanction imposed.

6.9. Open and Transparent Proceedings

Proceedings shall ordinarily be conducted transparently, subject to confidentiality, witness protection and other legitimate interests.

6.10. Substantial Fairness

Minor procedural defects shall not invalidate proceedings unless they result in material prejudice or a failure of justice.

6.11. Abuse of Procedure

A disciplinary body may dismiss proceedings that are frivolous, vexatious or instituted for ulterior motives.

6.12. Remedy for Unfairness

Where procedural unfairness is established, a disciplinary body or appellate structure may—

(a) remit the matter for rehearing;

(b) substitute its decision;
(c) set aside the proceedings;
(d) grant any equitable relief consistent with justice.

SECTION 7

7. RIGHTS AND OBLIGATIONS OF MEMBERS

7.1. General Principle

Membership of ARISE AFRIKA ARISE INDEPENDENT CONGRESS (AAAIC) confers rights and imposes obligations. Every member shall exercise rights responsibly and discharge obligations faithfully and in good standing.

7.2. Rights of Members

Subject to the Constitution of the Party and applicable laws, every member shall have the right—

(a) to equal treatment before Party structures;
(b) to participate in Party activities and programmes;
(c) to vote and stand for office where eligible;
(d) to freedom of political expression within lawful Party structures;
(e) to receive fair administrative and disciplinary treatment;
(f) to have disputes resolved impartially and expeditiously;
(g) to access Party documents where authorized;
(h) to appeal or review disciplinary decisions;
(i) to dignity, privacy and respect; and
(j) to be protected against arbitrary disciplinary action.

7.3. Rights of Respondents in Disciplinary Proceedings

A respondent shall have the right—

(a) to be informed promptly of allegations;
(b) to receive a charge sheet with sufficient particulars;

(c) to adequate time to prepare a defence;
(d) to be represented in accordance with Party rules;
(e) to challenge jurisdiction;
(f) to raise preliminary points;
(g) to call witnesses and present evidence;
(h) to cross-examine adverse witnesses;
(i) to receive written reasons for decisions; and
(j) to appeal or review decisions.

7.4. Duties of Members

Every member shall—

(a) uphold the Constitution and values of AAAIC;
(b) comply with lawful instructions and decisions of competent structures;
(c) promote unity and discipline;
(d) act honestly and ethically;
(e) safeguard Party property and resources;
(f) avoid conduct bringing the Party into disrepute;
(g) cooperate with disciplinary investigations and proceedings; and
(h) declare conflicts of interest where applicable.

7.5. Duties of Office Bearers

Office bearers owe heightened fiduciary duties and shall—

(a) exercise leadership ethically;
(b) avoid abuse of authority;
(c) account for Party resources;
(d) act transparently and in good faith;
(e) uphold collective decisions while retaining lawful rights.

7.6 Protection Against Victimization

No member shall be victimized, intimidated or prejudiced for—
(a) lodging a complaint in good faith;

(b) participating in disciplinary proceedings;
(c) giving evidence truthfully; or
(d) exercising rights under Party rules.

7.6. Abuse of Rights

No right conferred by this Handbook may be exercised for improper purposes, including factional manipulation, harassment or obstruction of justice.

7.7. Waiver of Rights

A member may waive procedural rights expressly and voluntarily, provided such waiver is informed and recorded in writing.

7.8. Continuing Obligations

Resignation or lapse of membership shall not automatically extinguish liability for misconduct committed during membership, unless otherwise determined by the Party Constitution.

SECTION 8

8. RELATIONSHIP BETWEEN PARTY DISCIPLINE AND STATE LAW

8.1. General Principle

The disciplinary processes of AAAIC operate within the framework of the Constitution of the Republic of South Africa and applicable legislation.

8.2. Separate Jurisdictions

Party disciplinary proceedings are distinct from—
(a) criminal proceedings;
(b) civil litigation;
(c) labour proceedings;
(d) electoral proceedings; and
(e) administrative proceedings before state institutions.

8.3. Concurrent Proceedings

The existence of criminal, civil or administrative proceedings shall not automatically prevent the Party from instituting disciplinary proceedings.

8.4. Stay of Proceedings

A disciplinary body may stay proceedings where continuation would—

(a) prejudice the administration of justice;
(b) undermine fairness;
(c) expose parties to substantial injustice.

8.5. Standard of Proof

Disciplinary proceedings shall ordinarily be determined on a balance of probabilities and not beyond reasonable doubt.

8.6. Use of External Findings

A disciplinary body may consider—

(a) court judgments;
(b) tribunal findings;
(c) reports of statutory bodies;
(d) public records; provided that parties are afforded an opportunity to address such material.

8.7. Criminal Convictions

A criminal conviction by a court of competent jurisdiction may constitute prima facie proof of the conduct underlying the conviction, subject to fairness and the respondent's right to be heard.

8.8. Cooperation with Authorities

The Party may cooperate with law enforcement and regulatory authorities in accordance with applicable law.

8.9. Reporting Obligations

Where misconduct may involve criminality, corruption or unlawful conduct, the Party may refer the matter to competent authorities.

8.10. Independence of Party Processes

The Party retains the right to enforce its own standards of discipline and ethics independently of state institutions.

8.11. Compliance with Legislation

This Handbook shall be implemented consistently with all applicable legislation, including laws governing political parties, elections, privacy, anti-corruption and equality.

8.12. Constitutional Interpretation

Where uncertainty exists, this Handbook shall be interpreted in a manner consistent with constitutional values and the rule of law.

SECTION 9

9. DISCIPLINARY STRUCTURES OF THE PARTY

9.1. Establishment of Disciplinary Structures

The Party shall establish disciplinary structures at national, provincial, regional and branch levels as prescribed by the Constitution.

9.2. Objectives of Disciplinary Structures

Disciplinary structures shall—

(a) maintain discipline and accountability;

(b) resolve disputes fairly;

(c) uphold Party values;

(d) protect organizational integrity.

9.3. National Disciplinary Committee

There is hereby established a National Disciplinary Committee ("NDC") as the principal disciplinary body of the Party.

9.4. Jurisdiction of the National Disciplinary Committee

The National Disciplinary Committee shall have jurisdiction over—

(a) national office bearers;

(b) members referred to it by lower structures;

(c) matters of national importance;

(d) inter-provincial disputes;

(e) appeals or referrals assigned by the Constitution.

9.5. Provincial Disciplinary Committees

Each province may establish a Provincial Disciplinary Committee ("PDC") to hear matters within its territorial jurisdiction.

9.6. Regional and Branch Structures

Regional and branch disciplinary structures may be established where authorized by the Constitution or regulations.

9.7. Independence

Disciplinary bodies shall function independently and shall not receive instructions regarding the outcome of any case.

9.8. Administrative Support

The Secretary-General or designated official shall provide administrative support without interfering with adjudicative independence.

9.9. Separation of Functions

The functions of—

(a) complainant;
(b) investigator;
(c) initiator;
(d) adjudicator; and
(e) appellate authority; shall, as far as reasonably possible, be performed by different persons.

9.10. Quorum

No disciplinary body shall conduct proceedings without a quorum prescribed by the Constitution or regulations.

9.11. Panels

A disciplinary body may sit—
(a) as a full committee; or
(b) through a duly appointed panel.

9.12. Emergency Panels

Urgent matters may be heard by specially constituted panels in accordance with Party rules.

9.13. National Appeals Tribunal

The Party may establish a National Appeals Tribunal as the final internal appellate body.

9.14. Finality of Internal Remedies

Members shall ordinarily exhaust internal remedies before approaching external forums, unless exceptional circumstances exist.

9.15. Code of Conduct

Members of disciplinary bodies shall subscribe to a Code of Conduct emphasizing independence, integrity, impartiality and confidentiality.

SECTION 10

10. JURISDICTION OF DISCIPLINARY BODIES

10.1. General Jurisdiction

Every disciplinary body established under the Constitution of AAAIC shall exercise only those powers lawfully conferred upon it by—

(a) the Constitution of the Party;
(b) the Party Disciplinary Code;
(c) these Rules and this Handbook;
(d) lawful resolutions of competent Party structures.

10.2. Types of Jurisdiction

A disciplinary body may exercise—

(a) personal jurisdiction;
(b) territorial jurisdiction;
(c) subject-matter jurisdiction;
(d) appellate jurisdiction; and
(e) incidental jurisdiction.

10.3. Personal Jurisdiction

A disciplinary body shall have jurisdiction over—

(a) members of the Party;
(b) office bearers;
(c) elected public representatives affiliated to the Party;
(d) candidates for public office;
(e) former members in respect of conduct occurring during membership; and
(f) any person expressly subjected to Party jurisdiction by agreement or constitutional provision.

10.4. Territorial Jurisdiction

Subject to the Constitution—

(a) Branch structures shall hear matters arising within their branch area;

(b) Regional structures shall hear matters arising within their region;

(c) Provincial structures shall hear matters arising within their province;

(d) National structures shall hear matters of national significance or matters referred to them.

10.5. Subject-Matter Jurisdiction

Disciplinary bodies may determine matters concerning—

(a) misconduct;

(b) ethical violations;

(c) breaches of Party policies;

(d) electoral disputes;

(e) financial irregularities;

(f) abuse of office;

(g) conduct bringing the Party into disrepute;

(h) violations of Party directives.

10.6. Exclusive Jurisdiction

The National Disciplinary Committee shall have exclusive jurisdiction over—

(a) members of the National Executive Committee;

(b) national office bearers;

(c) disputes involving more than one province;

(d) matters referred by the National Executive Committee;

(e) matters declared to be of national importance.

10.7. Concurrent Jurisdiction

Where two or more disciplinary bodies possess jurisdiction, the higher structure may—

(a) assume jurisdiction;

(b) consolidate proceedings;

(c) transfer proceedings to an appropriate forum.

10.8. Referral of Matters

A disciplinary body may refer a matter to another body if—

(a) it lacks jurisdiction;

(b) fairness requires referral;

(c) efficiency demands referral;

(d) the interests of justice so require.

10.9. Jurisdictional Objections

Any party may raise jurisdictional objections at any stage before the commencement of evidence.

10.10. Determination of Jurisdiction

Jurisdictional objections shall ordinarily be determined as preliminary issues before the merits are heard.

10.11. Waiver and Consent

Jurisdiction cannot be conferred by consent where the Constitution expressly excludes such jurisdiction.

10.12. Incidental Powers

A disciplinary body shall possess all powers reasonably necessary to give effect to its lawful jurisdiction.

SECTION 11

11. COMPOSITION OF DISCIPLINARY COMMITTEES

11.1. Establishment

Each disciplinary committee shall be constituted in accordance with the Constitution of AAAIC and applicable regulations.

11.2. Number of Members

A disciplinary committee shall ordinarily consist of not fewer than three and not more than seven members.

11.3. Chairperson

Every committee shall be chaired by a person possessing appropriate knowledge, skills and experience in disciplinary adjudication.

11.4. Qualifications

Persons appointed to disciplinary bodies should possess one or more of the following:

(a) legal training;

(b) dispute resolution experience;

(c) governance expertise;

(d) leadership experience;

(e) knowledge of Party constitutional law.

11.5. Diversity and Representation

In constituting disciplinary bodies, the Party shall promote—

(a) gender representation;

(b) youth participation;

(c) regional diversity;

(d) inclusion and transformation.

11.6. Independence

No member of a disciplinary body shall receive instructions regarding the outcome of any matter.

11.7. Disqualifications

A person shall be disqualified from serving on a disciplinary body where that person—

(a) is a complainant;

(b) is a witness;

(c) has a direct personal interest;

(d) has demonstrated bias;

(e) is otherwise conflicted.

11.8. Alternate Members

The Party may appoint alternate members to ensure continuity of proceedings.

11.9. Expert Assessors

A disciplinary committee may appoint assessors or advisors possessing specialized expertise, provided they shall not possess voting rights unless otherwise prescribed.

11.10. Administrative Personnel

Administrative staff may support proceedings but shall not participate in decision-making.

11.11. Vacancy

A vacancy shall not invalidate proceedings provided the committee remains quorate and fairness is maintained.

11.12. Continuity of Proceedings

Where a committee member becomes unavailable, the committee may—

(a) continue if quorate;
(b) appoint a replacement; or
(c) commence proceedings afresh where fairness so requires.

11.13. Oath or Declaration

Members of disciplinary bodies shall subscribe to an oath or declaration of impartiality and confidentiality before assuming office.

SECTION 12

12. APPOINTMENT AND REMOVAL OF MEMBERS OF DISCIPLINARY BODIES

12.1. Appointment Authority

Members of disciplinary bodies shall be appointed by the appropriate Party structure as

prescribed by the Constitution.

12.2. Merit-Based Appointment

Appointments shall be made on the basis of—

(a) competence;
(b) integrity;
(c) independence;
(d) experience; and
(e) commitment to constitutional values.

12.3. Eligibility

A person is eligible for appointment if that person—

(a) is a member in good standing;
(b) is not subject to disciplinary sanctions;
(c) possesses the requisite skills and integrity.

12.4. Term of Office

Members shall hold office for a term prescribed by the Constitution or appointment instrument.

12.5. Security of Tenure

Members of disciplinary bodies shall enjoy security of tenure during their term, subject only to lawful removal.

12.6. Removal from Office

A member may be removed on grounds of—

(a) misconduct;
(b) incapacity;
(c) incompetence;
(d) persistent absence;
(e) conflict of interest;

(f) breach of confidentiality.

12.7. Due Process

No member shall be removed without—

(a) written notice;

(b) an opportunity to respond;

(c) a fair process;

(d) a reasoned decision.

12.8. Suspension Pending Inquiry

A member may be suspended pending investigation where serious allegations exist and suspension is necessary to protect the integrity of proceedings.

12.9. Resignation

A member may resign by written notice to the appointing authority.

12.10. Filling of Vacancies

Vacancies shall be filled as soon as reasonably practicable in accordance with prescribed procedures.

12.11. Continuing Authority

Acts performed by a disciplinary body prior to the expiry of a member's term shall remain valid unless set aside by a competent authority.

12.12. Protection of Independence

No member of a disciplinary body may be removed for reasons relating to decisions lawfully made in the exercise of adjudicative functions.

12.13. Register of Members

The Secretary-General shall maintain a register of all members serving on disciplinary bodies.

SECTION 13

13. INDEPENDENCE AND IMPARTIALITY

13.1. Foundational Principle

The legitimacy and credibility of disciplinary proceedings depend upon the independence, impartiality and integrity of disciplinary bodies and officials.

13.2. Duty of Independence

Every disciplinary body and its members shall exercise their powers independently and without fear, favour or prejudice.

13.3. Freedom from Interference

No person or structure of the Party shall—

(a) direct or influence the outcome of proceedings;

(b) improperly communicate with a disciplinary body regarding the merits of a matter;

(c) intimidate or exert pressure upon any disciplinary official;

(d) interfere with the lawful exercise of disciplinary powers.

13.4. Institutional Independence

Disciplinary bodies shall remain institutionally separate from—

(a) investigative functions;

(b) prosecutorial functions;

(c) political campaign structures;

(d) electoral management functions.

13.5. Duty of Impartiality

Every disciplinary official shall approach proceedings with an open mind and decide matters solely on the evidence and applicable rules.

13.6. Equal Treatment

Parties appearing before a disciplinary body shall be treated equally and fairly irrespective of—

(a) office held;

(b) political influence;

(c) factional affiliation;

(d) seniority;

(e) length of membership.

13.7. Protection Against Retaliation

No disciplinary official shall suffer adverse consequences for decisions lawfully made in the exercise of adjudicative functions.

13.8. Confidential Deliberations

Deliberations of disciplinary bodies shall remain confidential unless disclosure is required by law or authorized by competent authority.

13.9. Ex Parte Communications

No member of a disciplinary body shall communicate privately with any party regarding the merits of a pending matter without the knowledge and participation of all affected parties.

13.10. Oath of Office

Before assuming office, every disciplinary official shall subscribe to an oath or affirmation committing to—

(a) uphold the Constitution of the Republic and the Constitution of AAAIC;

(b) act independently and impartially;

(c) preserve confidentiality;

(d) administer justice fairly.

13.11. Appearance of Independence

Disciplinary officials shall avoid conduct that may create a reasonable apprehension of bias or partiality.

13.12. Duty to Disclose

Disciplinary officials shall disclose any circumstances that may reasonably give rise to concerns regarding impartiality.

13.13. Nullity of Improper Interference

Any decision materially influenced by improper interference may be reviewed and set aside.

SECTION 14

14. CONFLICTS OF INTEREST AND RECUSAL

14.1. General Duty

All participants in disciplinary proceedings shall avoid actual, potential or perceived conflicts of interest.

14.2. Definition of Conflict of Interest

A conflict of interest arises where a person's private, political, financial or personal interests may improperly influence, or appear to influence, the performance of official functions.

14.3. Duty of Disclosure

A disciplinary official who becomes aware of a conflict of interest shall promptly disclose it to the Chairperson or relevant authority.

14.4. Circumstances Requiring Recusal

A disciplinary official shall recuse himself or herself where—

(a) the official has a personal interest in the matter;

(b) the official is a complainant, witness or investigator;

(c) the official has previously advised a party concerning the dispute;

(d) a close personal, familial, business or political relationship exists with a party;

(e) there exists a reasonable apprehension of bias.

14.5. Voluntary Recusal

A disciplinary official may voluntarily recuse himself or herself whenever doing so would advance the interests of justice.

14.6. Application for Recusal

Any party may apply for the recusal of a disciplinary official.

14.7. Procedure for Recusal Applications

An application for recusal shall—

(a) be made promptly upon discovery of the relevant facts;

(b) set out the grounds relied upon;

(c) be supported by evidence where available.

14.8. Determination of Recusal

The impugned official may provide a response to the application, after which the remaining members of the disciplinary body shall determine the application.

14.9. Replacement of Recused Members

Where recusal is granted, an alternate or replacement member may be appointed.

14.10. Waiver

A party who, with knowledge of the relevant facts, fails to raise an objection within a reasonable period may be deemed to have waived the objection.

14.11. Consequences of Non-Disclosure

Failure to disclose a material conflict of interest may constitute misconduct and may render proceedings reviewable.

14.12. Preservation of Fairness

The overriding consideration in all recusal matters shall be whether a reasonable, informed and objective person would apprehend bias.

14.13. Records

All recusal applications and rulings shall be recorded and retained as part of the official record.

SECTION 15

15. GENERAL PRINCIPLES GOVERNING MISCONDUCT

15.1. Principle of Legality

No member shall be found guilty of misconduct unless the alleged conduct contravenes—

(a) the Constitution of AAAIC;

(b) the Disciplinary Code;

(c) Party policies or regulations;

(d) lawful directives of competent Party structures.

15.2. No Punishment Without Rule

No disciplinary sanction shall be imposed unless authorized by law or Party rules.

15.3. Accountability

Every member is accountable for his or her conduct and omissions within the Party.

15.4. Personal Responsibility

A member shall ordinarily be liable only for his or her own conduct, except where collective responsibility is expressly recognized.

15.5. Intent and Negligence

Misconduct may arise from—

(a) intentional conduct;

(b) reckless conduct;

(c) negligent conduct;

(d) wilful disregard of Party obligations.

15.6. Continuing Misconduct

Where misconduct is continuous or recurring, each day during which such conduct persists may constitute a continuing violation.

15.7. Abuse of Position

The holding of office shall constitute an aggravating factor where misconduct involves abuse of authority or trust.

15.8. Equality Before Discipline

All members, regardless of office or status, shall be subject to the same disciplinary standards.

15.9. Burden of Proof

The burden of proving misconduct shall rest upon the initiator or complainant.

15.10. Standard of Proof

Misconduct shall be established on a balance of probabilities unless the Constitution expressly provides otherwise.

15.11. Mitigation and Aggravation

When determining sanction, the disciplinary body shall consider—

(a) the seriousness of the misconduct;

(b) the member's disciplinary record;

(c) remorse or lack thereof;

(d) cooperation with proceedings;
(e) prejudice caused to the Party;
(f) public interest.

15.12. Progressive Discipline

Where appropriate, disciplinary measures should seek correction, rehabilitation and restoration before punitive sanctions.

15.13. Proportionality

Sanctions shall be proportionate to the gravity of the misconduct.

15.14. Consistency

Comparable cases should generally attract comparable outcomes unless there are compelling reasons to depart.

15.15. Protection of Whistle-Blowers

Members acting in good faith to expose wrongdoing shall be protected from retaliation, subject to lawful limitations.

15.16. Prescription of Disciplinary Offences

Unless otherwise provided in the Constitution or Code—

(a) serious misconduct shall not prescribe;
(b) ordinary misconduct shall prescribe after three years from the date on which the Party became aware of the conduct;
(c) prescription may be interrupted by investigation or institution of proceedings.

15.17. Retrospectivity

No member shall be sanctioned under a rule that did not exist at the time of the alleged misconduct, unless the conduct was clearly unlawful or prohibited under existing Party norms.

15.18. Interests of Justice

In all disciplinary matters, the interests of justice shall remain the paramount consideration.

SECTION 16

16. CATEGORIES OF MISCONDUCT

16.1. General Principle

Misconduct consists of any act or omission by a member which violates the Constitution of AAAIC, the Disciplinary Code, Party policies, lawful directives, or the values and objectives of the Party.

16.2. Non-Exhaustive Nature

The categories of misconduct set out in this Handbook are not exhaustive. Conduct analogous to or comparable with the misconduct described herein may also constitute misconduct.

16.3. General Misconduct

A member commits misconduct if he or she—

(a) acts contrary to the Constitution or policies of the Party;

(b) undermines Party unity or cohesion;

(c) brings the Party into disrepute;

(d) acts dishonestly or unethically;

(e) abuses Party resources;

(f) behaves in a manner inconsistent with the values of AAAIC.

16.4. Dishonesty-Related Misconduct

Without limiting the generality of the foregoing, dishonesty includes—

(a) fraud;

(b) theft;

(c) corruption;

(d) bribery;

(e) misrepresentation;

(f) forgery;
(g) uttering forged documents;
(h) deliberate deception.

16.5. Falsification of Records

A member commits serious misconduct if he or she—

(a) falsifies Party records;
(b) fabricates attendance registers;
(c) alters membership records without authority;
(d) manipulates nomination forms or election records;
(e) creates false reports;
(f) submits fraudulent claims or declarations;
(g) knowingly certifies false information.

16.6. Consequence Management and Accountability

Any member or office bearer who—

(a) fails to exercise oversight;
(b) negligently permits irregular conduct;
(c) fails to implement corrective measures;
(d) fails to take reasonable steps to prevent misconduct;
(e) disregards adverse audit findings; may be subjected to disciplinary proceedings under the principle of consequence management.

16.7. Gross Negligence

Gross negligence includes conduct demonstrating a substantial departure from the standard of care reasonably expected of a member or office bearer.

16.8. Insubordination

A member commits misconduct if he or she—

(a) refuses to obey a lawful and reasonable instruction;
(b) wilfully disregards lawful directives;

(c) undermines legitimate authority;

(d) encourages others to defy lawful instructions.

16.9. Poor Performance of Party Duties

Where a member or office bearer holds responsibilities within the Party, misconduct may arise from—

(a) persistent failure to perform assigned duties;

(b) repeated neglect of responsibilities;

(c) failure to attend mandatory meetings without valid reason;

(d) failure to execute mandated programmes or campaigns;

(e) inability or unwillingness to fulfil obligations after support and guidance have been provided.

16.10. Incapacity and Performance Management

Poor performance attributable to incapacity, incompetence or lack of skill should, where appropriate, first be addressed through—

(a) counselling;

(b) mentoring;

(c) training;

(d) performance improvement measures; before disciplinary sanctions are imposed.

16.11. Abuse of Authority

Misconduct includes—

(a) abuse of power;

(b) victimization of members;

(c) intimidation;

(d) misuse of office;

(e) improper influence over Party processes.

16.12. Confidential Information

A member commits misconduct by—

(a) unauthorized disclosure of confidential information;

(b) leaking documents;

(c) revealing privileged deliberations.

16.13. Disruptive Conduct

Misconduct includes—

(a) disorderly conduct during meetings;

(b) threatening behaviour;

(c) harassment;

(d) intimidation;

(e) obstruction of Party activities.

16.14. Failure to Cooperate

A member commits misconduct by—

(a) refusing to participate in lawful investigations;

(b) refusing to produce documents lawfully required;

(c) obstructing disciplinary proceedings.

16.15. Misuse of Party Property

Misconduct includes—

(a) unauthorized use of Party assets;

(b) wasteful expenditure;

(c) negligent damage to Party property.

16.16. Social Media Misconduct

A member commits misconduct by—

(a) publishing false information concerning the Party;

(b) disclosing confidential matters online;

(c) engaging in hate speech or unlawful speech;

(d) damaging the Party's reputation through social media conduct.

16.17. Sexual Harassment and Discrimination

Any conduct amounting to harassment, discrimination or gender-based violence constitutes serious misconduct.

16.18. Criminal Conduct

Criminal conduct may constitute misconduct where it affects the integrity, reputation or interests of the Party.

16.19. Residual Misconduct

Any conduct inconsistent with the values, objectives and integrity of AAAIC may constitute misconduct where the interests of justice so require.

SECTION 17

17. ELECTORAL MISCONDUCT

17.1. Purpose

The purpose of this section is to protect the integrity, transparency and credibility of Party electoral processes.

17.2. Electoral Misconduct Defined

Electoral misconduct includes any act or omission that compromises or seeks to compromise internal Party elections or candidate selection processes.

17.3. Nomination Irregularities

A member commits electoral misconduct by—

(a) submitting false nomination documents;

(b) forging signatures;

(c) manipulating membership records;

(d) falsely representing eligibility.

17.4. Vote Manipulation

Electoral misconduct includes—

(a) ballot stuffing;

(b) vote buying;

(c) coercion of voters;

(d) tampering with ballots;

(e) interfering with counting processes.

17.5. Abuse of State or Party Resources

No member shall utilize Party or public resources improperly to secure electoral advantage.

17.6. Campaign Misconduct

Campaign misconduct includes—

(a) dissemination of false information;

(b) intimidation of candidates or supporters;

(c) defacement of campaign material;

(d) unlawful campaigning.

17.7. Abuse of Office

An office bearer commits misconduct by using official authority to influence electoral outcomes improperly.

17.8. Interference with Electoral Officials

Any attempt to improperly influence election officials constitutes serious misconduct.

17.9. Confidential Information

A member commits misconduct by improperly obtaining or disclosing confidential electoral information.

17.10. Electronic Interference

Tampering with electronic systems, databases or voting platforms constitutes serious misconduct.

17.11. Consequences

Electoral misconduct may result in—

(a) disqualification;

(b) suspension;

(c) removal from candidate lists;

(d) expulsion;

(e) referral to competent authorities.

SECTION 18

18. FINANCIAL MISCONDUCT

18.1. General Principle

Members entrusted with Party funds or assets owe fiduciary duties of honesty, accountability and stewardship.

18.2. Unauthorized Expenditure

No person shall incur expenditure without proper authorization.

18.3. Irregular Expenditure

A member commits misconduct by causing or permitting expenditure contrary to Party policies or applicable law.

18.4. Fruitless and Wasteful Expenditure

A member commits misconduct by—

(a) incurring avoidable expenditure;

(b) causing losses through negligence;

(c) failing to exercise reasonable care over Party finances.

18.5. Misappropriation

The misappropriation or unauthorized use of Party funds or assets constitutes serious misconduct.

18.6. Fraudulent Claims

A member commits misconduct by submitting—

(a) false travel claims;

(b) inflated invoices;

(c) fictitious expenses;

(d) fraudulent reimbursements.

18.7. Failure to Account

Any member entrusted with funds who fails to account fully and accurately may be disciplined.

18.8. Financial Record Keeping

Members shall maintain accurate and complete financial records.

18.9. Falsification of Financial Records

It is serious misconduct to—

(a) alter accounting records;

(b) destroy financial documents;

(c) conceal transactions;

(d) submit false statements.

18.10. Conflict of Interest

Financial decisions influenced by undisclosed conflicts of interest constitute misconduct.

18.11. Procurement Irregularities

Misconduct includes—

(a) favouritism;

(b) nepotism;

(c) bid manipulation;

(d) unauthorized procurement.

18.12. Consequence Management

Office bearers who fail to prevent or address financial irregularities may be held accountable.

18.13. Recovery of Losses

Disciplinary proceedings may include recommendations for recovery of financial losses, without prejudice to civil or criminal remedies.

18.14. Referral to Authorities

Where appropriate, financial misconduct may be referred to law enforcement or regulatory bodies.

18.15. Aggravating Circumstances

The following shall constitute aggravating factors:

(a) abuse of trust;

(b) concealment of misconduct;

(c) repeated violations;

(d) significant financial loss;

(e) reputational harm to the Party.

SECTION 19

19. MISCONDUCT BY PUBLIC REPRESENTATIVES

19.1. Application

This section applies to all public representatives elected or appointed under the banner, endorsement or sponsorship of **ARISE AFRIKA ARISE INDEPENDENT CONGRESS (AAAIC),** including members serving in national, provincial or local government structures.

19.2. Fiduciary Duties

Public representatives owe fiduciary duties to—

(a) the Constitution of the Republic of South Africa;

(b) the Constitution of AAAIC;

(c) the electorate;

(d) the Party.

19.3. Duty to Uphold Party Principles

Public representatives shall promote and uphold the values, policies and lawful decisions of the Party.

19.4. Accountability

Public representatives remain accountable to the Party for conduct that affects its integrity, reputation and political objectives.

19.5. Misconduct by Public Representatives

Without limiting the generality of this Handbook, misconduct includes—

(a) corruption or bribery;

(b) abuse of public office;

(c) misuse of public resources;

(d) failure to disclose financial interests;

(e) conflicts of interest;

(f) nepotism or favouritism;

(g) dishonest conduct;

(h) conduct bringing the Party into disrepute.

19.6. Breach of Party Caucus Decisions

A public representative who, without lawful justification, deliberately acts contrary to binding caucus decisions or Party mandates may be guilty of misconduct.

19.7. Unauthorized Public Statements

A public representative commits misconduct by making public statements falsely purporting to represent the official position of the Party.

19.8. Absenteeism

Persistent and unjustified absence from legislative sittings, council meetings, caucus meetings or official Party activities constitutes misconduct.

19.9. Non-Performance of Official Duties

A public representative who persistently fails to discharge official responsibilities may be subjected to performance management measures and, where appropriate, disciplinary proceedings.

19.10. Abuse of Privileges

Misuse of benefits, allowances, travel privileges or public resources constitutes misconduct.

19.11. Confidential Information

Unauthorized disclosure of confidential Party or government information constitutes serious misconduct.

19.12. Cooperation with Investigations

Public representatives shall cooperate fully with lawful investigations conducted by the Party or competent authorities.

19.13. Higher Standard of Conduct

Public representatives shall be held to a higher standard of ethical conduct owing to the trust reposed in them by the electorate and the Party.

19.14. Sanctions

Sanctions against public representatives may include—

(a) reprimand;

(b) removal from caucus positions;

(c) withdrawal of Party support;

(d) recall processes in accordance with the Constitution;

(e) suspension or expulsion from the Party.

SECTION 20

20. MISCONDUCT BY OFFICE BEARERS

20.1. General Principle

Office bearers occupy positions of trust and leadership and shall be held to the highest standards of integrity, accountability and competence.

20.2. Enhanced Accountability

An office bearer shall be accountable not only for personal conduct but also for failures of governance, oversight and leadership falling within his or her sphere of responsibility.

20.3. Dereliction of Duty

An office bearer commits misconduct by—

(a) failing to perform assigned duties;

(b) neglecting responsibilities;

(c) abandoning office without authorization;

(d) failing to discharge constitutional obligations.

20.4. Failure to Implement Resolutions

Failure or refusal to implement lawful resolutions adopted by competent Party structures constitutes misconduct unless objectively justified.

20.5. Failure to Convene Meetings

An office bearer commits misconduct by unreasonably failing to convene meetings required by the Constitution or lawful directives.

20.6. Failure to Submit Reports

Failure to submit financial, administrative or operational reports within prescribed periods without reasonable cause constitutes misconduct.

20.7. Consequence Management

An office bearer may be held accountable for—

(a) failure to prevent misconduct;

(b) failure to act upon reports of wrongdoing;

(c) failure to implement corrective measures;

(d) failure to exercise oversight;

(e) permitting irregular conduct through negligence or inaction.

20.8. Abuse of Office

An office bearer commits serious misconduct by—

(a) using office for personal gain;

(b) improperly influencing Party processes;

(c) intimidating members;

(d) victimizing whistle-blowers;

(e) interfering with disciplinary proceedings.

20.9. Failure to Carry Out Lawful and Reasonable Instructions

An office bearer commits misconduct by refusing or failing to carry out lawful and reasonable instructions issued by a competent Party structure or superior authority.

20.10. Gross Insubordination

Gross insubordination includes—

(a) deliberate defiance of lawful authority;

(b) persistent refusal to comply with directives;

(c) conduct undermining organizational discipline;

(d) encouraging others to disregard lawful instructions.

20.11. Poor Work Performance

Where office bearers are entrusted with specific functions, persistent poor work performance may constitute misconduct where—

(a) performance standards were known or reasonably ascertainable;

(b) appropriate guidance or training was provided;

(c) reasonable opportunities to improve were afforded;

(d) performance remained unsatisfactory without justifiable cause.

20.12. Failure to Attend Meetings

Repeated absence from meetings without valid reason constitutes misconduct.

20.13. Falsification of Records

An office bearer commits serious misconduct by—

(a) falsifying reports;

(b) altering official records;

(c) fabricating attendance registers;

(d) creating false documentation;

(e) submitting inaccurate information knowingly.

20.14. Unauthorized Public Communication

An office bearer commits misconduct by issuing unauthorized statements or representing personal views as official Party policy.

20.15. Breach of Fiduciary Duties

Breach of fiduciary obligations includes—

(a) acting in bad faith;

(b) placing personal interests above Party interests;

(c) misuse of confidential information;

(d) undisclosed conflicts of interest.

20.16. Abuse of Party Resources

Improper use of Party property, finances or resources for personal or factional purposes constitutes misconduct.

20.17. Obstruction of Investigations

Interfering with investigations, intimidating witnesses or concealing evidence constitutes serious misconduct.

20.18. Misleading Party Structures

Knowingly providing false or misleading information to any Party structure constitutes misconduct.

20.19. Collective Responsibility

Where collective leadership is recognized by the Constitution, office bearers may bear responsibility for collective failures unless they demonstrably objected or took reasonable steps to prevent the misconduct.

20.20. Removal from Office

A finding of serious misconduct may constitute grounds for removal from office in accordance with the Constitution and applicable procedures.

SECTION 21

21. AGGRAVATING AND MITIGATING FACTORS

21.1. Purpose

The purpose of this section is to guide disciplinary bodies in determining fair, consistent and proportionate sanctions.

21.2. General Principle

Sanctions shall be individualized and determined with due regard to all relevant circumstances.

21.3. Aggravating Factors

The following may constitute aggravating factors:

(a) abuse of trust or authority;
(b) premeditation;
(c) dishonesty;
(d) corruption or fraud;
(e) concealment of misconduct;
(f) lack of remorse;
(g) repeat offending;
(h) obstruction of investigations;
(i) intimidation of witnesses;
(j) significant financial or reputational harm;

(k) misconduct committed during elections;

(l) abuse of vulnerable persons;

(m)acting for personal gain;

(n) incitement of others to commit misconduct.

21.4. Additional Aggravating Circumstances for Office Bearers

Where misconduct is committed by an office bearer or public representative, the holding of office shall ordinarily be regarded as an aggravating factor.

21.5. Mitigating Factors

The following may constitute mitigating factors:

(a) length of service;

(b) clean disciplinary record;

(c) cooperation with investigations;

(d) genuine remorse;

(e) voluntary disclosure of misconduct;

(f) restitution or corrective action;

(g) personal circumstances;

(h) minor nature of the misconduct;

(i) provocation or misunderstanding;

(j) demonstrated rehabilitation.

21.6. Balance of Factors

No single aggravating or mitigating factor shall be decisive. The disciplinary body shall consider all relevant circumstances cumulatively.

21.7. Consistency

Disciplinary bodies shall strive for consistency while recognizing that each matter must be decided on its own facts.

21.8. Proportionality

The sanction imposed shall be proportionate to—

(a) the seriousness of the misconduct;

(b) the interests of the Party;

(c) the rights of the respondent;

(d) the public interest.

21.9. Progressive Discipline

Where appropriate, corrective and rehabilitative measures should be considered before imposing severe sanctions.

21.10. Reasons for Sanction

A disciplinary body shall provide written reasons explaining the basis for the sanction imposed.

21.11. Exceptional Circumstances

In exceptional circumstances, a disciplinary body may depart from established sanction guidelines provided that reasons are recorded.