

Disabled People South Africa CODE OF ETHICS

***“Setting ethical standards for ourselves for a sustainable
self-disciplined organization”***



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***Nothing about us
without us***

1. **Constitutional Mandate**

The National Council of DPSA, acting in terms of section 17(3) of the DPSA Constitution, adopts this Code of Ethics that sets out the core values and ethical principles and standards that all DPSA members are required to adhere to.

2. **Core values, Ethical standards and principles**

The following are core values, ethical standards and principles governing the ethical conduct to which all of us, DPSA members, including the entire DPSA leadership, commit ourselves to uphold:

(a) Responsibility and Accountability

We hold ourselves responsible and accountable to our organization, our funders and to disabled people and society at large for our actions and will strive to:

- (i) maximize sustainable development of DPSA and the broader disability rights movement;
- (ii) lead and manage DPSA to be a responsible corporate Non-Governmental Organization and conducting DPSA's business in a professional manner that is in the best interest of disabled people in general, our members and to our funders.
- (iii) comply with all applicable legal requirements governing DPSA and the sector in which it operates, as a minimum;
- (iv) uphold and implement principles and standards of

corporate governance in the manner in which we conduct the affairs of DPSA;

- (v) honour agreements entered into by DPSA; and
- (vi) not misuse our positions in DPSA to obtain personal gain.

(a) Honesty

We are truthful and honest in what we do as an organization and we:

- (i) emphatically reject all forms of dishonesty and do not tolerate dishonest acts such as bribery, fraud, falsification and misrepresentation;
- (ii) avoid and declare conflict of interest with DPSA's interest;
- (iii) apply the assets and other resources of DPSA for official business purpose only and do not use such assets and other resources for personal benefit unless approved accordingly by the National Executive Committee, the Secretary-General, or any other structure or functionary duly authorized to grant such approval; and

(c) Fairness

We treat our stakeholders equitably and we:

- (i) treat others as we would like to be treated in similar circumstances; and
- (ii) base our business decisions on policy, strategy, facts and analysis, and not on irrational emotions, prejudices or similar considerations;

(d) Respect

- (i) We respect ourselves our members, employees, funders and partners and our stakeholders;
- (ii) We respect human rights and uphold the dignity of the person.
- (iii) We do not conduct our business under the influence of liquor illegal drugs or any other illegal substances;
- (iv) We do not discriminate on the basis of factors such as race, gender, religion, disability or sexual orientation.

3. Enforcement

Disciplinary proceedings may be brought in terms of the DPSA Disciplinary Code, against any member who fails to adhere to this Code of Ethics.

DPSA DISCIPLINARY CODE
PART I
GENERAL PROVISIONS

1. Constitutional Mandate

The National Council of DPSA, acting in terms of section 17(3) of the DPSA Constitution, adopts this Disciplinary Code that sets out the All members, without exception, must abide by the Constitution of DPSA, the Rules, the Standing Orders and the Code of Ethics as adopted or amended from time to time.

2. Offences

- (a) A serious offence shall be committed by any member who: Prejudices the integrity, repute of DPSA, its personnel or its operational capacity by:
- (i) impeding the activities of the organisation;
 - (ii) creating division within its ranks or membership;
 - (iii) doing any other act which undermines DPSA's effectiveness as an organisation.
 - (iv) acting on behalf of or in collaboration with any person or group who seriously interferes with the work of the organisation or prevents it from fulfilling its mission and objectives.

- (b) The following shall also be regarded as serious offences, without detracting from the generality of this provision and the right of the NEC to add to this category of offences:
- (i) Conviction in a court of law and sentenced to a term of imprisonment without the option of a fine, for any serious offence;
 - (ii) Misappropriation of the funds of the organisation or destruction of its properties;
 - (iii) Behaving corruptly in seeking or accepting any bribe for performing or for not performing any task;
 - (iv) Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;
 - (v) Abuse of authority to obtain any direct or indirect undue advantage or enrichment;
 - (vi) Fighting or behaving in a grossly disorderly or unruly way;
 - (vii) Deliberately disrupting meetings and interfering with the orderly functioning of the organisation.
 - (viii) Conducting DPSA official business being under the influence of liquor or any other illegal drug.
- (c) If, in the opinion of the NEC or the relevant body exercising its right to invoke disciplinary proceedings under this Disciplinary Code, a member is guilty of the following offences, disciplinary

proceedings may follow:

- (i) Any violation of the provisions of the Code of Ethics of DPSA
- (ii) Behaviour which brings the organisation into disrepute or which manifests into violation of the moral integrity expected of members or conduct unbecoming that of a member;
- (iii) Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
- (iv) Behaving in such a way as to provoke serious divisions or a break-down of unity in the organisation;
- (v) Undermining the respect for or impeding the functioning of the structures of the organisation;
- (vi) Participating in organised factional activity that goes beyond the recognised norms of free debate inside the organisation and threatens its unity.

3. Application

This Disciplinary Code applies to all individual members of DPSA. Disciplinary proceedings against a member shall be confined to violations of DPSA Constitution, Rules, Standing Orders, Code of Ethics and this Disciplinary Code and shall not:

- (a) Be used as a means of stifling debate or denying members their basic democratic rights;
- (b) Be instituted as a means of solving private problems or as a means of interfering in the private lives of members where the norms of the organisation are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organisation.
- (c) Disciplinary proceedings shall normally be conducted at the level where the alleged violation or offence took place, and by the disciplinary committee created by the governing structure of DPSA at that level namely the:
 - (i) Branch Disciplinary Committee at branch level;
 - (ii) Regional Disciplinary Committee at regional level;
 - (iii) Provincial Disciplinary Committee at provincial level; and
 - (iv) National Disciplinary Committee at national level,and may be heard by the relevant structure, unless the DPSA NEC directs otherwise;
- (d) Any person faced with disciplinary proceedings shall receive due written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defence.

- (e) The DPSA NEC shall draw up guidelines for the interpretation of this section on discipline and for the rules of procedure including time limits to be followed before, during and after a hearing.
- (f) Any person found guilty in a disciplinary proceeding, or the complainant, has the right, within a reasonable period, to appeal against the conviction or sentence, to the next higher body of DPSA. The NEC may direct that any appeal should be heard by a body higher than the one to which the appeal has been made. The PEC may direct that an appeal against the decision by a branch should be heard directly by the Provincial Disciplinary Committee.
- (g) Penalties for proven violations of the Constitution, principles, norms and decisions of DPSA shall include reprimand, payment of compensation and/or the performance of useful tasks, suspension and expulsion.

(h) Temporary Suspension

The Provincial and the National Disciplinary Committees having regard to the nature and seriousness of an alleged violation or offence by a member, may summarily suspend the membership of any member pending the preparation of a charge against the member and the finalisation of disciplinary proceedings against the member. The member shall be informed of such suspension. The temporary suspension shall lapse if no disciplinary proceedings are instituted against the member within 30 days of the date of the temporary

suspension. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

- (i) Decisions relating to disciplinary proceedings shall be publicly announced.
- (j) The NEC shall appoint a National Disciplinary Committee (NDC) from among its membership and from other structures of DPSA. The decisions of the NDC shall be final except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the NEC.
- (k) The National Disciplinary Committee shall hear and determine violations or offences on appeal from appropriate organs of DPSA. In addition, the National Officials or the NEC may refer such violations or offences directly to the NDC. In exceptional situations arising out of serious breaches of the Constitution, Rules or the Code of Ethics, the NDC itself may exercise jurisdiction to investigate and determine a complaint.

PART II

DISCIPLINARY PROCEDURE

We correct ill-discipline.

The above part deals with discipline. This disciplinary procedure prescribes how the disciplinary procedure is to be used and how disciplinary proceedings are to be conducted.

1. Objective of Disciplinary Procedure

The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:

- (a) there is a formal procedure.
- (b) there is a just and fair procedure.
- (c) a member is presumed innocent until proven guilty.
- (d) a member has a chance to represent herself or himself.
- (e) a member has the right to appeal.

2. Starting Disciplinary Procedure

Disciplinary Proceedings may be instituted:

- (a) Only for violations or offences of DPSA Constitution, the Rules, the Standing Orders, Code of Ethics and this Disciplinary Code;

- (b) By any organ or official of DPSA at Branch, Regional, Provincial or National level. However, the NEC may direct that the disciplinary proceedings should take place at a higher level than where a violation or offence was committed;
- (c) By the National Disciplinary Committee which can hear and decide cases:
 - (i) Referred to it by DPSA National Officials, the NEC or PEC;
 - (j) Of very serious violations or offences on its own initiative.

3. Holding Disciplinary Proceedings

- (a) A charge must be made within reasonable time of the violation or offence.
- (b) A charge must be prepared on behalf of the organ or officials of DPSA instituting the disciplinary proceedings. The charge must:
 - (i) Be in writing
 - (ii) Set out the information forming the reason for the charge and the alleged violation or offence in reasonable detail.
 - (iii) Identify the:
 - (a) Provision of DPSA Constitution, the Rules, the Standing Orders, or the Code of Ethics alleged to have been violated.

(b) Advise the charged member of her or his right to be represented by a member of DPSA in good standing, to have an interpreter present, to call witnesses for defence of the charge, and to recall and question witnesses called for prosecution of the charge.

(c) Specify the time and place of the disciplinary proceedings.

(d) Be delivered to the charged member seven days before the disciplinary proceedings or sooner if this is necessary in certain serious circumstances.

(c) The following persons must be present at a Disciplinary Proceeding:

- (a) The Chairperson and members of the Disciplinary Committee;
- (b) The presenter of the charge;
- (c) The charged member, who can be tried in her or his absence if she or he does not appear.
- (d) The charged member's representative and/ or interpreter who is a member of DPSA in good standing, except for Deaf members who can bring an Interpreter who may not be a DPSA member.
- (e) The witnesses.
- (f) A minute taker.

(d) The Chairperson of the Disciplinary Committee must ensure that:

- (i) The disciplinary proceedings are held in a fair manner. He or she will rule on all matters that may arise and ensure order is maintained.
- (ii) The charged member is informed of the charge, is informed of her or his rights and is asked to plead guilty or not guilty to the charge.
- (iii) The presenter of the charge explains in details the charged member's alleged violation or offence and may call witnesses in support of the charge and may produce relevant documentation in support of the charge.
- (iv) The charged member or her or his representative presents the defence to the charge and may call witnesses and may request the recall of and question witnesses called in support of the charge, and may produce relevant documentation.

4. ADJUDICATION

At the end of the disciplinary proceedings, the Chairperson of the Disciplinary Committee must ensure that:

- (a) The members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private and make a finding based on the facts and evidence of the case and make a ruling

- (b) The Chairperson and the members of the Disciplinary Committee decide a penalty. The penalties are:
 - (i) Reprimand
 - (ii) Payment of compensation and/or performance of useful tasks
 - (iii) Suspension
 - (iv) Demotion
 - (v) Expulsion from the organization.
- (c) The charged member is advised of the ruling and the penalty of the Disciplinary Committee with the reasons for these and is advised of her or his right to appeal.
- (d) The ruling and penalty are publicly announced.

5. Appeal

- (a) An appeal may be lodged by:
 - (i) The charged person against whom a finding has been made or a penalty imposed by the Disciplinary Committee.
 - (ii) The organ and/or officials who laid the charge against a finding or a penalty imposed by the Disciplinary Committee.
- (b) An Appeal Hearing must be held by the next higher level unless:
 - (i) The PEC directs that any appeal from a Branch Disciplinary Committee appeal should be heard by the Provincial Disciplinary Committee.

(ii) The NEC directs that any appeal should be heard by a higher level than the next higher level.

(c) The National Disciplinary Committee is the final structure for appeals to be heard. However, the NEC may at its discretion review a decision of the National Disciplinary Committee in accordance with standing orders adopted by the NEC.

6. Appeal Procedure

(a) The following procedure must be followed for appeals:

(b) The appeal must be made at the next higher level or the level which the NEC or the PEC directs to hear the appeal.

(c) The appeal must:

(i) Be made within fourteen days of the charged member being informed of the ruling and penalty with the reasons for these.

(ii) Be in writing

(iii) Set out the reason for the appeal in reasonable detail.

(iv) Set out the grounds for the appeal in reasonable detail.

- (d) Except in exceptional circumstances determined by the Chairperson of the Disciplinary Committee hearing the Appeal, no new evidence may be presented or considered at the appeal. No new charges may be brought at the appeal.
- (e) The Chairperson and the members of the Disciplinary Committee must discuss the issues raised at the appeal hearing, and come to a finding based on the facts and evidence of the appeal hearing and make a ruling which can confirm, vary or amend the original ruling and/or penalty.
- (f) The person who appeals must be advised of the ruling and the confirmation or variation of the original ruling and/or penalty.
- (g) Any further appeal will need the permission of the next higher level.
- (h) Any such further appeal must follow the above appeal procedure.

These two documents should be made two separate documents that must always be attached to each other. And every new member must be provided with a copy and be made to sign for it. The application form for membership which a member must sign must state that the member has read the DPSA Constitution, the Code of Ethics and Disciplinary Code and abides by the provisions thereof.