

	<b>POLICY AND PROCEDURE - A</b> <b>DISCIPLINARY HEARING PROCEDURE</b>	20251204
		Status: APPROVED

Amendments made to Policy and Procedure	
December 2025	Approved at Special General Meeting of ECC
October 2025	Draft Constitution Circulated to affiliates for comments and changes.
September 2025	Template from CSA was used to create new constitution for ECC. The contents from the current ECC constitution was merged into new document where applicable

**1. PURPOSE**

1.1. The purpose of this disciplinary hearing procedure is to ensure that any member who is alleged to have violated the rules, policies, or code of conduct of this organization is afforded a fair, impartial, and transparent process to address the allegations.

**2. INITIATION OF PROCEEDINGS**

2.1. Disciplinary proceedings may be initiated when there is credible evidence suggesting that a member has engaged in behaviour that violates the rules, policies, or code of conduct of the organization. A written complaint must be submitted to ExCo outlining the alleged violation.

**3. DISCIPLINARY COMMITTEE**

3.1. A disciplinary committee shall be established by ExCo to review and adjudicate alleged violations.

3.2. The committee shall be composed of four (4) members who are not part of the organisation, who shall be selected based on qualifications, impartiality, and adherence to principles of fairness.

3.3. The members of the committee must not have any direct personal or financial interest in the outcome of the proceedings.

3.4. The four (4) member committee will function as follows:

3.4.1. One (1) member to act as the chairperson of the committee who will be the presiding officer for the hearing that will run and ensure the hearing operates according to the rules and procedures as stipulated in the procedure and to ensure fairness, impartiality, and transparency. He/she may ask any questions pertaining to the allegations and/or evidence brought before the committee. He/she will take no part in any of the deliberations and decisions to be made on conclusion of the evidence given by both parties.

3.4.2. Three (3) remaining members will do the deliberation and make the final decision and recommendation/s. They are allowed to ask questions to the complainant, respondent and/or any witnesses.

3.4.3. The provincial secretary is to be used as secretary of the meeting to capture minutes.

**4. NOTICE OF HEARING**

4.1. Once a disciplinary hearing is deemed necessary, the member in question (the "Respondent") shall be given written notice of the hearing. The notice must include:

4.1.1. The specific charges or allegations against the Respondent.

4.1.2. The date, time, and location of the hearing.

4.1.3. A summary of the evidence supporting the charges.

4.1.4. The Respondent's rights to attend the hearing, present evidence, and call witnesses on their behalf.

4.1.5. The notice must be delivered at least fourteen (14) days before the hearing date.

**5. RIGHT TO REPRESENTATION**

5.1. The Respondent has the right to be accompanied by a representative, but not of a legal nature, i.e., lawyer or advocate etc., during the hearing.

5.2. The Respondent must notify the disciplinary committee in advance, a minimum of seven (7) days before the hearing if they intend to be represented and by whom.

**6. HEARING PROCESS**

6.1. The hearing shall be conducted in a fair, orderly, and transparent manner. Both the complainant (if

applicable) and the Respondent will have an equal opportunity to present their case, submit evidence, and call witnesses. The disciplinary committee may question both parties and witnesses and shall assess the evidence objectively.

6.2. The hearing will be conducted as follows:

- 6.2.1. Opening of hearing by Chairperson of the Disciplinary Committee.
- 6.2.2. Opening statement by the Complainant (if applicable), if not made by the chairperson of the disciplinary committee.
- 6.2.3. Opening statement by the Respondent.
- 6.2.4. Presentation of evidence and testimony from witnesses by the Complainant.
- 6.2.5. Presentation of evidence and testimony from witnesses by the Respondent.
- 6.2.6. Closing statements by Complainant.
- 6.2.7. Closing statements by Respondent.
- 6.2.8. The disciplinary committee members must decide if deliberation and decision can and must be made at the hearing or must it be done separately outside the hearing. The decision will be based on the complexity of the matter at hand.
- 6.2.9. If the deliberation and decision is to be done outside the hearing, it must be done within seven (7) days of the formal hearing taking place.

## **7. DELIBERATION AND DECISION**

- 7.1. After the hearing, the disciplinary committee shall deliberate in private to determine whether the charges are substantiated. The decision shall be made based on the preponderance of the evidence presented during the hearing.
- 7.2. The committee shall issue a written decision, including:
  - 7.2.1. A summary of the findings.
  - 7.2.2. Any sanctions or penalties to be imposed, if applicable (e.g., suspension, expulsion, reprimand).
  - 7.2.3. The rationale for the decision.
- 7.3. The decision shall be communicated to the Respondent in writing within three (3) days of the decision being made.

## **8. APPEAL**

- 8.1. The Respondent has the right to appeal the decision of the disciplinary committee. The appeal must be submitted in writing within seven (7) days of receiving the decision. The appeal may be based on the following grounds:
  - 8.1.1. Procedural errors that affected the fairness of the hearing.
  - 8.1.2. New evidence that could substantially alter the outcome.
  - 8.1.3. Excessive or inappropriate sanctions.
- 8.2. The appeal will be dealt with as per section "Appeal Procedure" and "Appeal Board" as contained in the main section of the constitution.

## **9. CONFIDENTIALITY**

- 9.1. All proceedings, including the hearing and any associated deliberations, shall be confidential. Information related to the disciplinary hearing shall only be shared with individuals who have a direct role in the process unless the Respondent agrees to waive confidentiality or as required by law.

## **10. RECORD KEEPING**

- 10.1. The disciplinary committee shall maintain a record of the hearing, including the written notice given, evidence presented, the decision, and any appeal documents. These records shall be kept securely and made available for review by authorized parties only.