

CONSTITUTION

ASSOCIATION OF SCHOOLS OF CONSTRUCTION OF SOUTHERN AFRICA (ASOCSA) (PTY) LTD

1. THE ASSOCIATION

- 1.1. The name of the Association shall be the Association of Schools of Construction of Southern Africa.

2. LEGAL STATUS

- 2.1. The Association shall be a Section 21 Company with an undertaking furnished in terms of Section 30 (4) of the Income Tax Act No 58 of 1962.

3. REGISTERED OFFICE AND AREAS OF OPERATION

- 3.1. The registered office of the Association shall be that of the appointed auditors. The Association will operate in Africa.

4. DEFINITIONS

- 4.1. In this Constitution the following words and expressions shall have the following meanings, namely:
- 4.2. "Association" and "ASOCSA" shall mean the Association of Schools of Construction of Southern Africa (Pty) Ltd as herein constituted.
- 4.3. "Council" shall mean the Management Committee elected in terms of Clause 13 hereof.
- 4.4. "Members" shall, where no specific category of member is mentioned, mean all the members of the Association.
- 4.5. "Secretary" shall mean any person elected or appointed by the Council to perform the duties of Secretary.

5. VISION

To be the custodian of construction related higher education

6. MISSION STATEMENT

To promote, facilitate, develop and monitor the relevance and quality of construction related curricula, research and graduates in conjunction with higher education institutions, industry and government.

7. STRATEGIC OBJECTIVES

The objectives of the Association shall be:

- 7.1. to promote and facilitate the development of curricula for construction related programmes
- 7.2. to facilitate accreditation of construction related programmes
- 7.3. to hold an annual conference that acts as a forum for multi-disciplinary interaction between academics and practitioners
- 7.4. to publish an accredited research-based journal and contribute to the built environment body of knowledge (BEBOK)
- 7.5. to disseminate information dealing with construction education and related matters
- 7.6. to develop and maintain closer links with industry and government
- 7.7. to represent the collective views of its members
- 7.8. to liaise with other organisations and persons to promote the interests of its members
- 7.9. to promote and support relevant postgraduate research
- 7.10. to provide bursaries to postgraduate students in accordance with set criteria

8. POWERS

The powers of the Association shall be:

- 8.1. generally to take such action and to do such things as may be required for the achievement of its objectives as laid down in the Constitution, to appoint and dismiss employees as it may deem fit, on such terms as it may from time to time consider expedient,
- 8.2. to receive enrolment fees, annual subscriptions and all other revenues of the Association; to open and operate an account or accounts with any registered financial institution and to draw, accept and endorse bills, cheques, promissory notes and other negotiable instruments; and to invest any moneys of the Association not immediately required for any of its objectives or commitments in such manner as may from time to time be determined, provided that the income or profits from any investment or any other source shall be applied to the furtherance of the objects of the Association and not to the payment of any dividend to its members,
- 8.3. to borrow, lend or raise money with or without security, and if secured, secured by any means, including mortgage of the Association's property or by overdraft from its bankers,
- 8.4. to acquire, purchase, lease or rent immovable property, buildings or premises for the conduct of the Association's business
- 8.5. to acquire, purchase, lease or rent furniture, office fittings, office equipment, stationery and any other movable property reasonably necessary for the furtherance of the Association's objectives, and to dispose of same by way of sale or otherwise,
- 8.6. to negotiate and obtain such insurances as may be necessary for the protection of the Association's property and insurable interests,
- 8.7. to determine, where not otherwise provided in this Constitution, the requirements for the admission of applicants to the various classes of membership, to receive, consider and decide upon such applications for membership.
- 8.8. to maintain a register of membership, and to design, print and issue such certificates of membership as may from time to time be prescribed,
- 8.9. to elect a Council, a President, Vice Presidents, Honorary Secretary and Honorary Treasurer and such other office bearers as may from time to time be prescribed,

- 8.10. to establish such subcommittees and regional committees as may be required or desired and to prescribe for the control, management, administration and regulation of such subcommittees and regional committees and their affairs in so far as these are not regulated for herein, and to delegate to them such powers as may be deemed necessary,
- 8.11. to appoint a Disciplinary Committee to investigate any allegation of improper conduct by any member whether individual or institutional and, if necessary, recommend steps to rectify such improper conduct.
- 8.12. to make and from time to time alter, amend or rescind rules and/or by-laws for the carrying out of the business of the Association and to provide for all other matters which in terms of this Constitution may be prescribed.

9. REVENUE

- 9.1. The revenue of the Association from whatever source derived, shall be applied solely towards the promotion of the objectives of the Association as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend or bonus or otherwise, or by way of profit to the persons who at any time may be or have been members of the Association, or to any person claiming through any of them, provided that nothing herein shall prevent the payment in good faith of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association.

10. MEMBERSHIP

- 10.1 Membership will be open to both individuals and organisations.
- 10.2 Individual membership is open to anyone who has achieved the necessary qualifications as set by the Council of the Association for such membership in Appendix A.
- 10.3 Organisational membership will be in the following categories:
 - 10.3.1 Institutional members shall be those institutions that offer construction related programmes that satisfy the requirements as set out by the Council of the Association in Appendix A
 - 10.3.2 Industry members shall be built environment organizations
 - 10.3.3 Government members shall be government agencies and departments
- 10.4 The application for membership shall be made on the prescribed application form and the applicant shall furnish such information as may be required by the Council, which shall have the right to require applicants to confirm by affidavit any information submitted in support of an application.
- 10.5 The name and address of every member shall be entered in the “Roll of Members” in which the various categories of members shall be listed separately.
- 10.6 Every member shall be entitled:
 - 10.6.1 to receive annually an appropriate certificate of membership.
 - 10.6.2 to receive all notices, circulars, balance sheets, agendas of general meetings and other documents issued to members.
 - 10.6.3 to take part in any discussion on any matter at any general meeting.

- 10.6.4 to attend and participate in all conferences, lectures, symposia, courses or other activity organized or sponsored by the Association subject to such limitations, and on such terms, and or payment of such fees as the Council shall determine.
- 10.7 Every member shall for duration of membership of ASOCSA at all times conduct himself in strict accordance with the Code of Conduct attached as Appendix B.
 - 10.7.1 Any member who fails to comply with the Code of Conduct will be subject to disciplinary action in terms of the Disciplinary Rules attached as Appendix C.

11. MEMBERSHIP FEES

- 11.1 Every application for membership shall be accompanied by the prescribed application fee, provided that where any application for membership is rejected, the application fee shall be refunded in full to the applicant.
- 11.2 The Council shall annually determine the membership fees payable by all members and shall inform each member.
- 11.3 Annual membership fees for any year shall be due on 1 January of that year.

12. DURATION AND TERMINATION OF MEMBERSHIP

- 12.1 An applicant shall become a member on the date on which the Council approves the application. On such date he shall become liable for payment of the annual subscription.
- 12.2 The membership of any member shall terminate if:
 - 12.2.1 an individual or organisation submits their resignation in writing to the Honorary Secretary, and their resignation is accepted by the Council; or
 - 12.2.2 fails to pay the annual membership fee within three months of the date upon which it becomes due, subject to the provision that the Council in its sole discretion, permit such additional time in which to pay membership fees; or
 - 12.2.3 the Council, at a special meeting called to consider the conduct of an individual or organisational member resolves in terms of the Disciplinary Rules as set out in Appendix C that such membership be terminated on the grounds of improper conduct.
- 12.3 No refund of any membership fee or part thereof shall be made to any individual or organisational member and they shall in any event remain liable to the Association for any subscription or other debts or obligations due by them.

13. COUNCIL

- 13.1 The management, control and administration of the Association shall be vested in the Council.
- 13.2 The Council shall consist of nine council members elected at the Annual General Meeting provided that they satisfy the criteria of clause 10.1 and not more than five committee members co-opted in terms of clause 13.6.
- 13.3 The period of office of council members shall be two years (except that, for the first year, four such positions shall be initially for a period of one year and thereafter for two

- years). The number of such members retiring annually shall be alternately four and five. All members retiring from the Council shall be eligible for re-election.
- 13.4. A council member shall cease to be a committee member if:
 - 13.4.1. he tenders his resignation in writing, or
 - 13.4.2. he fails to attend three consecutive meetings of the Council, or
 - 13.4.3. he or his employer ceases to be a member of the Association.
 - 13.5. The Council shall co-opt a full member to fill any vacancy left by an elected council member that may occur between one Annual General Meeting and the next. The term of office of such co-opted council member shall equal the unexpired term of office of the council member whose vacated seat he is co-opted to fill.
 - 13.6. The Council shall furthermore be empowered to co-opt not more than five council members, subject to the restrictions in clause 10.1, who shall have all the rights and powers of council members as herein provided, and their term of office shall expire on the date of the next Annual General Meeting.
 - 13.7. The Council shall, at its first meeting after the Annual General Meeting, elect from among its members a President, 2 Vice-Presidents, a Honorary Treasurer, a Honorary Secretary and any other office bearer deemed necessary, all of whom shall hold office until their successors are appointed at the first meeting of the Council after the Annual General Meeting in the next succeeding year. This clause is subject to the understanding that it is intended that any one of the Vice-Presidents should succeed the outgoing President who will become a Past President performing such functions as the Council may determine. However, the Council is not bound to elect, depending on prevailing circumstances, any Vice-President as President. Under extreme circumstances where no alternative candidate is available, the President may be required to serve a further consecutive term.
 - 13.8. No President except for the provisions of Clause 13.7 shall serve a consecutive term but may, if elected, serve for a maximum total of two terms which shall not be consecutive.
 - 13.9. Portfolios of Council members are as set out in, but not necessarily restricted to, Appendix C.
 - 13.10. The Council shall meet at least once in every three (3) months at such place and at such time as it may deem necessary from time to time.
 - 13.11. The quorum at meetings of the Council shall be not fewer than one-third of the number of its members, provided that one-third of the members elected at the previous AGM attend. In the event that a quorum of members is not personally present when any meeting of the Council is due to commence and for thirty minutes thereafter, the meeting shall be adjourned for seven days and the members present at such adjourned meeting shall constitute a quorum.
 - 13.12. The nine elected council members shall be elected by members of the Association as follows:
 - 13.12.1. Not less than thirty days before the date of the Annual General Meeting in terms of clause 11.1 the Honorary Secretary shall send a notice to all members inviting the nomination of candidates, subject to the restrictions in clause 10, for election to fill the vacancies in the Council that have occurred or are about to occur in terms of clause 13.3.
 - 13.12.2. All such nominations shall be on a form prescribed by the Council which shall be signed by the candidate and by two members of the Association who propose and second his candidature. Such forms shall be returned to the

Honorary Secretary not later than fifteen days before the date of the Annual General Meeting.

- 13.12.3. Not later than seven days before the date of the Annual General Meeting the Honorary Secretary shall send a ballot form to every member listing the names of all candidates for election. Completed ballot forms are to be returned to the Honorary Secretary not later than the commencement of the Annual General Meeting.
 - 13.12.4. A candidate for election may be disqualified by the Council if such candidate or their institution is in arrears with his/their annual membership fee.
 - 13.12.5. The Council may make rules, not inconsistent with these provisions, for the conduct of elections of members of the Executive Committee, namely the President, Vice-Presidents, Honorary Treasurer, and Honorary Secretary.
- 13.13. The Council has the power to appoint sub-committees to report to the Executive Committee on any issue as the Council deems fit.

14. SUB-COMMITTEES

- 14.3. The Council shall have the power to appoint such sub-committees as it, in its sole and absolute discretion, may deem necessary or advisable.
- 14.4. A Sub-Committee shall consist of such person or persons as are appointed in the sole discretion of the Council.
- 14.5. A Sub-Committee shall consist of at least three (3) members, which sub-committee shall appoint one (1) of its members to act as its convenor.
- 14.6. All sub-committees shall act in conformity with and apply this Constitution and Rules and Regulations of the Association.
- 14.7. A sub-committee shall have the power to co-opt any person to sit on such sub-committee.

15. GENERAL MEETINGS

- 15.1 The Council shall convene an Annual General Meeting of members not later than the last day of July each year at such place as it may from time to time determine, and shall give all members at least twenty-one days written notice of such meeting.
- 15.2 Within fourteen days of receipt of a written petition for the holding of a special meeting signed by not less than fifteen (15) percent of the total membership stating the purpose of such meeting, the Council shall convene such meeting and shall give all members not less than fourteen days written notice of such meeting.
- 15.3 The quorum at any general meeting shall be ten members. In the event that a quorum of members is not personally present when any general meeting is due to commence and for thirty minutes thereafter, the meeting shall be adjourned for seven days and the members present at such adjourned meeting shall constitute a quorum.
- 15.4 All members whether individual or organisational shall have one vote at a general meeting.
- 15.5 The ordinary business at any general meeting shall include the following:
 - 15.5.5 to receive and consider the report of the Council.
 - 15.5.6 to receive and consider the financial accounts of the Association.
 - 15.5.7 to appoint the auditors for the financial year.

15.5.8 to report on the election of committee members to the Council in terms of Clause 13.2.

- 15.6 to consider any matter, proposal or resolution raised or proposed by any member or by the Council, provided that at least five weeks written notice to the Council shall be given by the member concerned requesting that such matter, proposal or resolution be included on the agenda of such meeting.

16. FINANCE

- 16.1. All the funds, assets and properties of the Association, movable or immovable, shall be administered by the Council on behalf of the Association.
- 16.2. Unless otherwise determined by the Council all cheques drawn on behalf of the Association shall be signed by the Honorary Treasurer and any one of the following:
- 16.2.1. the President
 - 16.2.2. the Vice-Presidents
 - 16.2.3. the Honorary Secretary.
- 16.3. However, where it is unpractical for the provisions of 16.2 to be effected, the Honorary Treasurer or Honorary Secretary shall be empowered to sign cheques on behalf of the Association to a maximum amount of R10,000 (Ten thousand Rands).
- 16.4. The Honorary Treasurer as required open such accounts as the Council may instruct at an approved financial institution.
- 16.5. The Honorary Treasurer or, where circumstances dictate as provided for in 16.3, the Honorary Secretary may do payments and other banking transactions electronically.
- 16.6. The Council shall keep proper account of all monies received and expended and of all assets and liabilities of the Association, and a statement of such accounts, drawn up to the last day of each month shall be tabled at Council meetings and a statement of accounts tabled to members at the next ensuing Annual General Meeting.
- 16.7. All expenditure shall be in accordance with the Council approved annual portfolio budgets. Other special requests for expenditure by portfolio holders that require departure from the approved budgets shall be circulated to Council members for their approval before final approval by the Honorary Treasurer.
- 16.8. All income and expenditure shall be tabled, approved and minuted at a Council meeting and by electronic circulation to Council members between Council meetings.

17. ETHICS

- 17.1. Every member of the Association shall uphold the highest standards of integrity and shall conduct himself and his business of whatever nature in accordance with the accepted standards of behaviour. Every member of the Association shall comply with the Code of Conduct (Appendix B) which document shall be regarded to be incorporated into this Constitution.

18. LIMITATION OF LIABILITY OF MEMBERS

- 18.3. Members of the Council shall not be personally liable for any action they may take in such capacity; and the personal liability of any bona fide member of the Association shall be limited to the payment of his annual membership fee.

19. VALIDITY OF ACTS

- 19.1. All acts done in good faith by the Council or any Sub-Committee duly appointed by the Council, notwithstanding that it is discovered afterwards that there was some defect in the composition, election or appointment of such body, shall be valid as if such body had been properly constituted, elected or appointed in terms of this Constitution.

20. GENDER

- 20.1. Wherever in this Constitution, unless the context otherwise requires, the masculine is used with reference to persons it shall include the feminine and where the singular is used it shall include the plural and vice versa.

21. DISSOLUTION

- 21.1. The Association may be dissolved by a resolution of the Council submitted to the eligible voting members of the Association for decision by postal vote, provided that the Association may not be dissolved unless two-thirds of the eligible voting members were in favour of dissolution.
- 21.2. The terms of any such resolution shall provide for the manner in which any surplus assets of the Association after satisfaction of the debts of the Association shall be applied. All such assets shall be donated to an organisation having similar aims and objectives as the Association, and no member shall have any right or claim to such assets or any part thereof.

22. AMENDMENT OF THE CONSTITUTION

- 22.1. Any proposal to amend this constitution shall be submitted either to an Annual General Meeting of members or to a special meeting of members convened for this purpose as per 15.2. The quorum and period of notice for such special meeting shall be as laid down for an Annual General Meeting.
- 22.2. No proposal to amend this constitution shall be put to any general meeting of members unless notice of the resolution has been set out in the notice convening the meeting.
- 22.3. No proposal to amend this constitution shall be effective unless it receives the votes of two-thirds of the members present and voting at such general meeting.
- 22.4. When considering an amendment to the Constitution, it shall be competent to adopt variations to such amendment.
- 22.5. All amendments to the Constitution shall become effective from the time of adoption.

APPENDIX A

CRITERIA FOR VARIOUS MEMBERSHIP CATEGORIES

1. Individual membership
Any person who has completed a 4 year tertiary qualification in any Built Environment field of study and has completed a minimum of 2 years subsequent construction experience may apply on the prescribed form
2. Organisational membership
 - i. Institutional members
Any Department in any field of study in the Built Environment in a Higher Education/Tertiary Institution may apply for membership on the prescribed form. The Head of such Department must complete the form giving his details as well as the details of the department and the levels of study offered in the department.
 - i. Industry members
Any Built Environment consulting and/or contracting entity may apply for membership on the prescribed form The principal or owner must complete the form giving his details as well as the details of the entity and the field of speciality of the entity.
 - ii. Government members
Any government department or agency that reports to a government department may apply for membership on the prescribed form. The Head of the Department, Director General or Registrar must complete the form giving his details as well as the details of the department or agency.

APPENDIX B

CODE OF CONDUCT FOR THE ASSOCIATION OF SCHOOLS OF CONSTRUCTION OF SOUTHERN AFRICA (ASOCSA)

1. INTRODUCTION

- 1.1 All persons registered with the Association of Schools of Construction of Southern African shall uphold and advance professionalism in the disciplines represented by ASOCSA and the honour and dignity of these disciplines in keeping with high standards of ethical conduct and will :
 - 1.1.1 Be honest and impartial and will serve employer, clients and public with devotion;
 - 1.1.2 Strive to increase the competence and prestige of their professional disciplines; and
 - 1.1.3 Will apply skill and knowledge to advance human welfare

2. RELATIONS WITH THE PUBLIC

- 2.1 Registered persons shall in carrying out of their responsibilities have full regard to the public interest.
- 2.2 Registered persons undertaking work in a country other than their own shall observe these Rules and Regulations
- 2.3 Registered persons will be dignified and modest ever upholding the honour and dignity of their professional disciplines, including standing and reputation of ASOCSA.
- 2.4 Registered persons shall be objective and truthful in professional reports, statements, or testimonies. They shall include all relevant and pertinent information in such reports, statements and testimonies.
- 2.5 Registered persons shall hold paramount the safety, health and welfare of the public including that of the future generations.
- 2.6 Registered persons shall express an opinion on a project and construction management subject only when it is founded on adequate knowledge and honest conviction.
- 2.7 Registered persons shall approve only those documents prepared or reviewed by them which are determined to be safe for public health and welfare in conformity with acceptable project and construction management standards.

3. RELATIONS WITH EMPLOYERS AND CLIENTS

- 3.1 Registered persons shall discharge their duties to their employers or clients in an efficient and competent manner with complete fidelity and without undue delay.
- 3.2 Registered persons shall act in all matters as faithful agents or trustees of each employer or client

- 3.3 Registered persons shall not undertake work for which they knowingly lack sufficient professional or technical competence or adequate resources to meet their obligations.
- 3.4 Registered persons who are not competent to undertake part or all of a particular advisory service shall either decline to give advice or secure appropriate competent assistance.
- 3.5 Registered persons providing an advisory service are required to obtain professional indemnity insurance to cover the full liability of any advisory service offered.
- 3.6 Registered persons undertaking any other construction related activities are required to maintain insurances and indemnify their clients against the risks for which insurance is commonly effected arising out of the works in respect of workmen, third parties and adjoining properties.
- 3.7 Registered persons shall not divulge to any person, firm or company any information of confidential nature relating to the business activities or processes of their current or former employer or client or bidder under evaluation without consent, unless required by law.
- 3.8 Registered persons shall not reveal confidential information or findings of any commission or board of which they are members, unless required by law.
- 3.9 Registered persons shall not duplicate for others, without express permission of the client(s), designs, calculations, sketches, etc., supplied to them by clients.
- 3.10 Registered persons shall not accept compensation- financial or otherwise from more than one party for the same service, or for other services pertaining to the same work, without the consent of all interested parties.
- 3.11 Registered persons shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.
- 3.12 Registered persons shall admit and accept their own errors when proven wrong and must refrain from distorting or alerting the facts to justify their decisions.
- 3.13 Registered persons shall not attract an employee from another employer by false or misleading representation.

4. RELATIONS WITH OTHER PROFESSIONALS

- 4.1 Registered persons shall not maliciously or recklessly injure or attempt to injure, whether directly or indirectly, the professional reputation, prospects or businesses of others.
- 4.2 Registered persons shall not discriminate on the grounds of gender, race or ethnic origin, sexual orientation, marital status, creed, nationality, disability or age and shall seek to eliminate such discrimination by others to promote equal opportunities unless is the requirement by law. Registered persons will not compete unfairly with other professionals.
- 4.3 Registered persons will not request, propose, or accept professional commissions on a contingent basis under circumstances that compromise their professional judgements.

5. STANDARDS OF PROFESSIONAL PERFORMANCE

- 5.1 Registered persons will uphold the principle of appropriate and adequate compensation for those engaged in these professions and for those involved in subordinate capacities.
- 5.2 Registered persons shall provide prospective employees with complete information on working conditions and their proposed status of employment. After their employment, they will keep the employees informed of any changes in status and working conditions.
- 5.3 Registered persons shall not falsify or permit misrepresentation of their own or their associates, academic or professional qualifications. They shall not misrepresent or exaggerate their qualifications or responsibilities in or for the subject matter of prior assignment.
- 5.4 Registered persons shall endeavour to provide opportunities for professional development and advancement of individuals in their employ or under their supervision.
- 5.5 Registered persons should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.
- 5.6 Registered persons shall notify ASOCSA without delay of any change of their address or employment.
- 5.7 Registered persons may display on all letterheads of their practice(s) or firm(s) of which they are members the names of the principals and all other partners or directors or members thereof and may display on such letterhead the names of such persons : provided that the designations of such other persons relative to the practices, firms are identified.

6. DISCIPLINE

- 6.1 Failure to comply with this Code of Conduct will result in censure and disciplinary action as set out in the Disciplinary Rules (Appendix C) of ASOCSA as amended from time to time, which censure or disciplinary action may result in the temporary or permanent suspension of membership and the benefits of membership of ASOCSA.

APPENDIX C

DISCIPLINARY RULES

Investigation of charge of improper conduct

- 1** (1) The ASOCSA Council must refer any matter brought against a member to an investigating committee if—
- (a) The Council has reasonable grounds to suspect that a member has committed an act which may render him or her guilty of improper conduct; or
 - (b) A complaint, charge or allegation of improper conduct has been brought against a member by any person.
- (2) At the request of the Council, the investigating committee must—
- (a) Investigate the matter; and
 - (b) Obtain evidence to determine whether or not in its opinion the member should be disciplined and/or censured and, if so, recommend to the Council the form of discipline and/or censure preferred against that member.
- (3) An investigating committee may not question the member concerned unless the investigating committee informs that member that he or she—
- (a) Has the right to be assisted or represented by another person; and
 - (b) Is not obliged to make any statement and that any statement so made may be used in evidence against the member.
- (4) The investigating committee must, after the conclusion of the investigation, submit a report making its recommendations to the Council regarding any matter referred to it in terms of this section.

Improper conduct

- 2** (1) The Council must, after considering a report of the investigating committee in terms of section 2(2)(b) and (4), discipline and/or censure a member due to improper conduct if the Council is convinced that sufficient grounds exist for discipline and/or censure to be preferred against such a member.
- (2) The Council must inform the affected member concerned by hand or registered mail.
- (3) The written notice must inform the affected member —
- (a) Of the details and nature of the complaint, charge or allegation;
 - (b) That he or she must, in writing, admit or deny the complaint, charge or allegation;
 - (c) That he or she may, together with the admission or denial, submit a written explanation regarding the alleged improper conduct; and
 - (d) Of the period, which must be reasonable, within which his or her response in terms of paragraph (b) must be submitted to the Council.

(4) (a) If a member admits that he or she is guilty of the complaint, charge or allegation, he or she is considered to have been found guilty of improper conduct, after he or she has explained his or her conduct.

(b) The Council may, discipline and/or censure a member who has admitted guilt in terms of paragraph (a).

Appointment of investigating committee

3 (1) The Council must appoint an investigating committee that must consist of at least—

(a) A person who specialises in the professional field concerning the complaint, charge or allegation;

(b) A professional who has appropriate experience; and/or

(c) A person qualified in law and who has appropriate experience.

Proceedings after investigation

4 (1) After the conclusion of the investigation the Council after receiving the report of investigating committee must, within 30 days—

(a) Decide whether or not the member is guilty of improper conduct;

(b) If the investigating committee finds that the member is guilty of improper conduct, take cognisance of any aggravating or mitigating circumstances;

(c) Inform the member of the finding; and

(d) Inform the member of his or her right of appeal in terms of section 5

(2) A member found guilty of improper conduct in terms of this section may—

(i) Be cautioned or reprimanded by the Council in writing;

(ii) Suspend the member concerned for a period not exceeding one year; or

(iv) Cancel the registration of the member concerned and remove his or her name from the “Roll of Members” referred to in section 10.5 of the Constitution.

Appeal against decision

5. (1) (a) A member found guilty of improper conduct may appeal to the Council against a finding of the investigating committee or against the discipline and/or censure, or both.

(b) The appeal must be lodged, within 30 days after the Council has informed the member of its decision.

(2) The Council may—

(a) Dismiss the appeal and confirm the finding or discipline and/or censure or both; or

(b) Uphold the appeal against the decision wholly or in part and set aside or vary the finding or discipline and/or censure or both.

(3)) If a member found guilty of improper conduct lodges an appeal in terms of subsection

(1)—

(a) The discipline and/or censure under section 4(2); or

(b) The removal of the name of the member from the “Role of Members” referred to in Section 10.5 of the Constitution may not be put into effect before the Council has decided the appeal.