



ADULT MEMBER DISCIPLINARY CODE AND PROCEDURES

1. General Principles

- 1.1. Discipline, for this Code of Conduct, shall be defined as the effort applied by SSA's leadership to direct Member's conduct by the correction of their actions towards acceptable conduct within a system of established SSA rules. This is to prevent the spread and recurrence of misconduct, acting outside of one's level of authority, the infringement of Constitutional rights and serious malpractices which are contrary to the interests of SSA, its good name, its volunteers and Members.
- 1.2. The authority and responsibility for the maintenance of discipline is vested in the Manco and shall be implemented in accordance with the Organisational Rules (OR) the Member Code of Conduct and this Code.
- 1.3. The underlying aim of this Code and Procedures is to correct rather than to punish unacceptable behaviour and for discipline to be carried out in a fair, consistent, humane and prompt manner.
- 1.4. Any Member may initiate a disciplinary procedure against another Member as soon as they become aware of a Member's behaviour which breaches or potentially breaches the Constitution, OR or any Policy of SSA.
- 1.5. An appeal procedure is available to Members dissatisfied with the outcome of a disciplinary hearing.
- 1.6. The procedures contained in this document have been prepared for the guidance of Members. The sanctions given for any offence are not mandatory, but a guide and the circumstances of each incident must be carefully considered.

2. The Disciplinary Action

- 2.1. The severity of disciplinary action is the prerogative of SSA's leadership, appointed for each case, within the boundaries of laid down policy and procedures. This procedure is SSA's best practice at this time and is not a rigid standard. See the Member Code of Conduct and Disciplinary Policy for more information. The procedures provided in this practice note are not mandatory and the Chairman of the Hearing may deviate from the guidelines depending upon the circumstances of each case. Any deviations and the reasons shall be recorded in the record of the hearing.
- 2.2. SSA may exercise disciplinary action against a Member even if the cause is not referred to or described in the Member Code of Conduct and Disciplinary Policy or this Practice Note.
- 2.3. Whenever an offence is sufficiently serious to merit the termination of Membership nothing prevents the CS and CC from giving a warning instead. Conversely, whenever an offence would normally result in a warning being given, the CS and CC are not precluded from terminating Membership, having followed the disciplinary process.
- 2.4. It is to be clearly understood that the offences and sanctions listed:
 - 2.4.1. shall in no way limit SSA to take only the steps set out; and

- 2.4.2. whenever a Member has been given a final written warning, SSA may terminate Membership of the Member if a further offence is committed.
- 2.5. Whenever any allegation is made against a Member it must be investigated before any disciplinary action is taken. However, SSA may suspend a Member during the investigation if the Member is viewed to be potentially harmful to SSA's objectives; reputation; relationships or operations, or an obstruction to the investigation.
- 2.6. SSA is entitled to amend or otherwise vary the list of the offences or the corresponding penalties referred to in this Practice Note, and revisions will be posted on the SSA website
- 2.7. Disciplinary action will usually be a step by step process, starting with a Notice to attend Disciplinary Hearing and working through the procedures.
- 2.8. A witness should be present when official warnings are issued. All parties present should sign the documentation. If the volunteer/Member refuses to sign, then the witness should sign that the notice and or documentation has been issued to the Member.
- 2.9. Disciplinary Sanctions
- 2.10. Types of Disciplinary Sanction and records
 - 2.10.1. The major types of disciplinary sanctions are:
 - 2.10.1.1 Verbal Warning.
 - 2.10.1.2 Written Warning, either first or a second written warning at the discretion of the Chairman.
 - 2.10.1.3 Final Written Warning.
 - 2.10.1.4 Suspension of a Warrant or Licence for a fixed period.
 - 2.10.1.5 Suspension of Membership for a fixed period.
 - 2.10.1.6 Termination of Membership.
 - 2.10.2. All disciplinary sanctions remain on the Member's personal record file but remain valid only for the prescribed time periods set out below.
 - 2.10.3. Previous warnings shall be disregarded by the panel considering a new disciplinary matter, if their validity has lapsed.
- 2.11. Verbal Warning
 - 2.11.1. Verbal warning will be issued for:
 - 2.11.1.1 Misconduct of a nature where a disciplinary hearing (see below) has recommended a verbal warning in the first instance.
 - 2.11.1.2 The Member must be advised that this is the first step in the disciplinary procedure.
 - 2.11.1.3 The verbal warning is valid for a maximum of 3 months, but the validity may be less, at the discretion of the Disciplinary Hearing. The duration shall be recorded in the findings.
The verbal warning should be recorded in writing and kept on file.

2.12. Written Warning

2.12.1. A Written Warning will be issued for:

2.12.1.1 A repeat offence for which a Verbal Warning has been issued.

OR

2.12.1.2 Misconduct of a serious nature where a disciplinary hearing recommends a Written Warning.

2.12.1.3 A Written Warning is valid for a minimum of 3 months or a maximum of 6 months, at the discretion of the Disciplinary Hearing and the duration shall be recorded in the findings.

The Written Warning must be recorded in writing and kept on file

2.13. Final Written Warning

2.13.1. A Final Written warning will be issued for:

2.13.1.1 A repeat offence for which a Written Warning has been issued.

OR

2.13.1.2 Misconduct of a serious nature where a disciplinary hearing has recommended a Final Written Warning.

2.13.1.3 A Final Written Warning is valid for a minimum of 6 months and a maximum of 12 months, at the discretion of the Disciplinary Hearing. The duration shall be recorded in the findings.

2.13.1.4 The Final Written Warning may be accompanied by the suspension of a Warrant, Licence, or Membership, for a specified period.

The Final Written Warning and any notice of suspension for a fixed period, must be recorded in writing and kept on file.

2.13.2. Warning Forms

2.13.2.1 Warning forms need to be signed by the Member to acknowledge the warning and signify that its meaning is understood. Should the Member refuse to sign the form, the issuer must record the refusal and the reason, if any. The witness shall sign and date the form to confirm that the Warning was issued.

2.13.2.2 Such refusal shall not invalidate the effect of the warning or preclude the Member from lodging an appeal.

2.14. Suspension of Warrant or Licence

2.14.1. A Warrant or Licence may be suspended when it is determined that the Member should not, for a fixed period, be responsible for either:

2.14.1.1 any youth meetings or activities, or

2.14.1.2 for certain activities, requiring a Licence.

2.14.2. The suspension should be accompanied by the requirements to be completed before re-instatement of the Warrant or Licence will be considered. This is likely to include completing additional training or attending specified courses.

- 2.14.3. There must be an expectation that, following the training or other activities undertaken during the suspension, the Member will be fit to hold a Warrant or Licence.
- 2.14.4. Where a Member's Warrant or Licence has been suspended for a defined period, as a sanction of the hearing, such Member may not engage in any scouting activity for which that Warrant, or Licence is required by SSA. The Member is required to return to SSA any Warrant or Licence issued to the Member, for the time prescribed. On expiry of the time, the Warrant or Licence may be returned to the Member, if deemed appropriate by the Committee that imposed the Sanction.
- 2.14.5. Members whose Warrant or Licence has been suspended, who are also Parents of youth Member(s) are not prohibited from involvement in SSA activities in their capacity as parent of a youth Member.

2.15. Suspension of Membership

- 2.15.1. A Member may be suspended from SSA where it is determined that they should not have any involvement for a specified period, after which the reinstatement of their Membership will be considered. The notice of suspension should be accompanied by the requirements to be completed before re-instatement of Membership will be considered. This is likely to include completing additional training or attending specified courses or others specified activities.
- 2.15.2. Where a Member is suspended from SSA for a defined period, as sanction for misconduct, the Member is required to return any Warrant issued to the Member for the time prescribed. On expiry of the time the Warrant is returned to the Member if deemed appropriate by the Committee that imposed the Sanction.
- 2.15.3. During any suspension, the Member is prohibited from engaging in any SSA activity as a Member/Scouter. Suspended Members of SSA, who are the Parents of youth Members, are not prohibited from involvement in SSA activities in their capacity as a Parent of a youth Member.

2.16. Termination of Membership

- 2.16.1. Where a final written warning has been issued, and a similar offence is committed, notice to attend a Disciplinary Hearing will be issued and a recommendation for the termination of Membership of the Member may be made.

OR

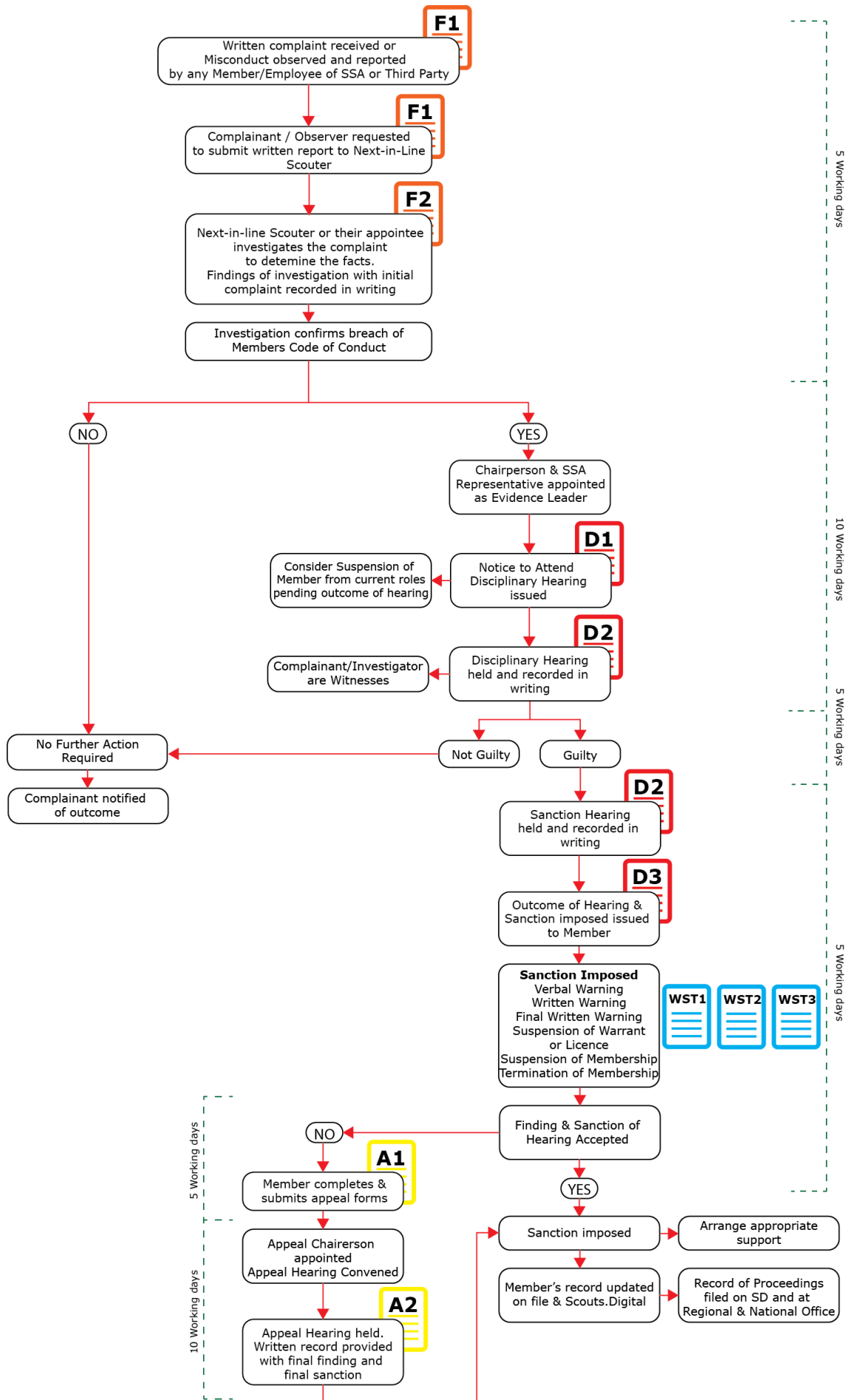
- 2.16.2. Where Misconduct of a very serious nature has been committed and where a Disciplinary Hearing has recommended Termination of Membership.

3. Disciplinary Procedure

3.1. The Disciplinary Process

- 3.1.1. The disciplinary Process is set out below and illustrated in the Disciplinary flow diagram below.
- 3.1.2. When a written Complaint is received, or Misconduct is observed and reported by any Member or Employee of SSA, or by a third party, they will be asked to submit a written report, using Form F1 - Statement Form, to the next in line Scouter of the person against whom the complaint is made.
- 3.1.3. If they are not prepared to submit a written report the next in line Scouter will record the complaint on form F1, by interviewing the complainant.
- 3.1.4. If more information is required, the next in Line Scouter, or their appointee, shall investigate the complaint to determine the facts, and record their findings, in writing, on Form F2 -Investigation Form. The investigator must be a Member of SSA but need not be a Warranted Member.
- 3.1.5. If the investigation determines that there was no breach of the Member Code of Conduct, no further action is required. The complainant is notified of the outcome.
- 3.1.6. Where the next in line Scouter, on the basis of the statements received, or on the basis of the Investigation Report, believes that the complaint may result in a disciplinary action then a Chairperson is appointed to Chair a Disciplinary Hearing.
- 3.1.7. The next in Line Scouter will normally become the SSA Representative who will issue the Notice to Attend a Disciplinary Hearing, Form D1, and lead the evidence.
- 3.1.8. It is required that the Chairperson of the hearing be independent and unfamiliar with parties involved and the details of the charge. Thus, they cannot be the Member that carried out the investigation or the SSA Representative.
- 3.1.9. Where a Member in a Group is to be notified of a disciplinary hearing, the hearing will be chaired by the Scout Group Leader. If the Disciplinary relates to the Scout Group Leader the hearing shall be chaired by the District Commissioner of that District.
- 3.1.10. In the case of a District Commissioner being charged, the hearing will be chaired by a Member of the Regional Team or the Regional Commissioner and in the case of a Regional Commissioner, the hearing will be chaired by a Manco Member.

Member Code of Conduct and Disciplinary Policy: Practice Note 2



3.2. Disciplinary Hearing

- 3.2.1. Form D1, Notice to Attend a Disciplinary Hearing, as well as details of the charges/complaints must be given to the Member in writing prior to the hearing-taking place. The Member should be given at least ten (10) working days to prepare. This notice should include a copy of all documentation that it is intended will be presented at the hearing.
- 3.2.2. The Chairman may appoint another Scouter in a role at a similar level in SSA, to assist them.
- 3.2.3. Where appropriate, the Member who is subject to the disciplinary hearing must be informed that the outcome of the hearing may lead to the termination of their Membership and / or any future association with SSA.
- 3.2.4. SSA shall appoint a Member as "The SCOUTS South Africa Representative" to present the complaint and all related evidence to the hearing and present all arguments in relation to the complaint. Such Member will be required to lead all witnesses before the Chairman of the hearing, but the Chairman shall be entitled to question any witnesses directly for clarity purposes.
- 3.2.5. The Member, who is charged, must be present at the hearing.
- 3.2.6. However, if the Member is not present and has not given an acceptable reason for their inability to attend, the hearing will be held in absentia with the decision being binding issued in their absence.
- 3.2.7. The Chairperson must enquire whether the Member wishes an interpreter to be made available. If so, then one should be supplied by SSA.
- 3.2.8. All participants at all hearings will be Members of SSA subject to the proviso that witnesses do not have to be Members of SSA.
- 3.2.9. The Member who is subject to the hearing will make their own defence and may be supported by another Member of SSA. The Member shall be entitled to call witnesses; cross examine any witness called before the hearing and may present documentation in their defence. The Member must be furnished with copies of all documents presented at the hearing.
- 3.2.10. Witnesses may be called, and questions put to them by both parties. Each party shall be responsible to secure attendance of their own witnesses.
- 3.2.11. The hearing must be recorded in writing on Form D2- Record of Disciplinary Hearing. A copy of the form, together with all supporting documentation must be forwarded to the Regional Commissioner and the Chair National Adult Resources, who will arrange filing.
- 3.2.12. The proceedings of the hearing may be recorded electronically at the discretion of the Chairman and with the agreement of the parties.
- 3.2.13. The Member should be notified, in writing, of the findings of the disciplinary hearing within five (5) working days after the hearing has taken place, although a finding may be issued immediately at the close of proceedings, if appropriate.

- 3.2.14. If a Member is found guilty the Chairman shall, within 5 working days of notifying the member of the findings, proceed with a sanction hearing at which both mitigating evidence by the Member and aggravating evidence by the appointed SSA Representative will be presented prior to the determination and recommendation of an appropriate sanction against the Member.
- 3.2.15. With the agreement of the Parties, the Sanction hearing can proceed immediately after issuing the finding and does not need to be on a separate occasion.
- 3.2.16. The Member should be notified, in writing, of the sanction imposed by the disciplinary hearing within five (5) working days after the hearing has taken place.
- 3.2.17. The Member must be advised in writing of their right of appeal.
- 3.2.18. In the event of being found guilty or if the Member disputes the sanction imposed by the hearing the Member has the right to appeal. An appeal must be lodged with the Chairperson of the hearing, in writing on Form A1 - Notice of Appeal, within five (5) working days of the Member being notified of the decision. The results of the appeal will be communicated to the Regional Commissioner and the Chair: National Adult Resources.
- 3.2.19. If the Member chooses not to appeal the finding or the sanction, the sanction will be implemented.
- 3.2.20. All appeals must be directed through the correct channels, which is normally the next in line Scouter of the Chairman.
- 3.2.21. The Chief Commissioner in conjunction with the Deputy Chief Scout or Chief Scout will be the last line of appeal and their decision is final.

4. Disciplinary Hearing: Forms and Records

The Notices, Records and the SSA Guidelines for Sanction of Adult Members shall be utilised in the Disciplinary Hearing Process. The latest versions of the Forms can be found on the SSA website, with the Policy and this Practice Note.

- F1 Statement Form
- F2 Investigation Form
- D1 Notice to attend a Disciplinary Hearing
- D2 Record of Disciplinary Sanction Hearing
- D3 Notice of the Outcome of a Disciplinary Hearing
- WST 1 Notice of a Warning
- WST 2 Notice of Suspension
- WST 3 Notice of Termination
- A1 Notice of Appeal
- A2 Record of Appeal Hearing

The records shall be retained on file at the Regional and National offices.

Only the Finding of the Hearing and the Notice of Sanction imposed will be considered public documents which may be accessed by Members of SSA.

The balance of the record of the hearing shall remain confidential at all times.

SSA GUIDELINES FOR SANCTION OF ADULT MEMBERS

Key:				
VW	= Verbal Warning			
WW	= Written Warning			
FWW	= Final Written Warning			
TOM	= Termination of Membership			
CLASS A OFFENCES				
Offence Number				
OFFENCE	1ST	2ND	3RD	4TH
1. Defamatory language Use of language that could be considered insulting to a fellow Member's dignity	VW	WW	FWW	TOM
2. Negligence (minor) Any act or omission that could cause harm or potentially cause harm to a Member or equipment of SSA and/or a failure to exercise reasonable care	VW	WW	FWW	TOM
3. Rowdy, uncouth and aggressive behaviour, use of foul or derogatory or insolent language. Any excessive horseplay or conduct that could be considered unacceptable, use of derogatory language to a fellow Member and excessive foul language	VW	WW	FWW	TOM
4. Swearing in front of youth Members Use of expletives in the presence of a youth Member.	VW	WW	FWW	TOM
5. Excessive shouting constituting verbal abuse Shouting at Members which could be considered verbal abuse that could undermine a Member's dignity and sense of security	VW	WW	FWW	TOM
6. Intentionally depriving youth Members of sleep Disrupting the sleep of youth Members at an event for no valid reason	VW	WW	FWW	TOM
7. Inconsistent discipline. Failing to apply consistent discipline against Members of SSA	VW	WW	FWW	TOM
8. Arranging/carrying out an activity in private that involves one leader and one youth Member Any activity with an adult and youth Member, in private, where the proper ratio of 2 or more adult Members to 1 youth Member is not maintained	VW	WW	FWW	TOM
9. Failing to maintain the appropriate ratio of leaders to youth Members. Failing to maintain the ratio of 1:6 adults / youth Members for Cub events and 1:12 adult /youth Members for Scout events	VW	WW	FWW	TOM
10. Material Failure to Comply with SSA Policy Material failure to follow one or more SSA policies	VW	WW	FWW	Warrant Cancelled
11. Failing to ensure that SSA Policies are adhered to Failing to ensure that one or more policies, under which a Member had responsibility, were substantially adhered to	VW	WW	FWW	TOM

CLASS B OFFENCES			
OFFENCE	Offence Number		
	1ST	2ND	3RD
1. Enforcing physical forfeits/punishments (such as press-ups) that are beyond the physical ability of the individual Enforcing a physical punishment beyond the ability of a youth Member which may cause distress or excessive exhaustion to a youth Member	WW	FWW	TOM
2. Not providing appropriate toilet and/or changing facilities resulting in compromising the privacy of a mixed group Failing to ensure that Male and Female bathroom and/or changing facilities are always available to SSA Members	WW	FWW	TOM
3. Failing to provide separate sleeping areas for youth and adult males and females on any overnight activity or event Failing to ensure that separate male and female sleeping areas for both youth and adult Members are designated and enforced on any overnight activity or event	WW	FWW	TOM
4. Failing to act after discovering a Scout who acquired cigarettes Failing to act appropriately when discovering a youth Member has obtained or possesses cigarettes	WW	FWW	TOM
5. Failure to observe safety rules Failing to observe and apply safety rules for an event that are prescribed by the Safe Scouting Policy	WW	FWW	TOM
6. Damage, wastage of SSA Equipment or the unauthorised use or possession thereof Causing damages to equipment of SSA or alternatively unreasonable wastage or unauthorised use or possession of SSA Equipment	WW	FWW	TOM
7. Lying and acts of dishonesty. Intentionally lying or acting dishonestly to a fellow Member, scouter or designated authority	WW	FWW	TOM
8. Discussion of a sexual nature with other adults where youth Members may hear Any discussion of a sexual nature between adults that could be overheard by youth Members	WW	FWW	TOM
9. Failing to act after discovering a youth Member or Adult Leader who acquired pornography Any adult Member failing to remove any pornographic material discovered in the possession of a youth Member	WW	FWW	TOM
10. Failing to act after discovering a youth or adult Member who has acquired and consumed alcohol at a Scouting event Failure by an adult Member to remove alcohol from the youth Members and implement appropriate discipline against youth and/or adult Members found in possession of any alcohol at a Scouting event	WW	FWW	TOM

CLASS C OFFENCES		
OFFENCE	Offence Number	
	1ST	2ND
1. Assault and /or attempted assault or threatening assault Any physical assault or attempted assault or the threat of assault against any Member of SSA	FWW	TOM
2. Engaging in sexual activity with another adult at a Scout event where youth Members are present Any conduct by adult Members that could be considered as engaging in sexual activities that could be potentially overheard by a youth Member and/or seen by a youth Member	FWW	TOM
3. Failing to act after discovering a youth Member or Adult Member who have acquired illegal substances Any failure by an adult to immediately remove the illegal substance from the Member and report the incident for further disciplinary action	FWW	TOM
4. Forcing a youth Member to do things that go against their religion, for e.g. forcing a youth Member to eat something forbidden by their religion or denying a youth Member reasonable opportunity for religious observance Any conduct that could force a Member to act contrary to their established religious or cultural beliefs and/or any act or intentional omission that would prohibit a Member from practicing their religious observances	FWW	TOM
5. Failing to stop peer initiation practices if discovered Failing to stop any peer initiation practices	FWW	TOM
6. Sharing sleeping quarters with a youth Member It is prohibited for any adult Member to share sleeping quarters with a youth Member	FWW	TOM
7. Discussion of a sexual nature with any youth Member Any discussion of a sexual nature with a youth Member	FWW	TOM
8. Bullying or allowing bullying to continue Failure by a Member to immediately stop any observed bullying activity or engaging in bullying activities against another Member	FWW	TOM
9. Failure to comply with SSA Finance or Property Policy Failure to follow either Policy, or failure to ensure compliance with either Policy which a Member had responsibility for, with the potential to cause financial loss for SSA.	FWW	TOM
10. Threatening, humiliating or belittling a youth Member Failure to immediately stop any threatening, humiliating or belittling activity by any Members. Engaging in threatening humiliating or belittling activities against another Member	FWW	TOM
11. Possession of Dangerous weapons Possession of any object, other than a licensed firearm, which is likely to cause serious bodily injury if it were used to commit an assault	FWW	TOM
12. Endangering the safety of others Any conduct that could endanger the health or safety of any Member that should have been reasonably foreseen and/or allowing such activity	FWW	TOM
13. Consumption of alcohol (and beverage which appear to be alcoholic) at a scout event where youth Members are present The consumption of alcoholic beverages (and beverage which appear to be alcoholic) is strictly prohibited by any Member where youth Members are present	FWW	TOM
14. Possession of pornography at a Scout event Possession of any pornographic material by an adult Member on an SSA event is strictly prohibited	FWW	TOM

CLASS D OFFENCE	
Offence Number	
OFFENCE	1ST
<p>1. Encouraging nudity including any mixed Male and Female nudity All Members are prohibited from encouraging or engaging in any nude activities at any SSA event.</p>	TOM
<p>2. Malicious or deliberate damage to SSA or third-party property. Any Malicious or deliberate damages of SSA property and or the property of any third party.</p>	TOM
<p>3. Any Act of sexual harassment SSA has a no tolerance policy regarding sexual harassment and any acts of sexual harassment is strictly prohibited.</p>	TOM
<p>4. Found guilty of a serious criminal offence by a court of law. Members found guilty by a competent court of law of a serious criminal offence as defined by the criminal laws of the state. Any offence involving youth is automatically considered a serious offence.</p>	TOM
<p>5. Fraudulent Activity Member is found guilty of being party to, or responsible for any fraudulent activity, financial mismanagement, or the falsification of financial or accounting records, which leads or could lead to financial losses for SSA.</p>	TOM
<p>6. Use or possession of drugs or illegal substances other than alcohol for non-medicinal purposes at a scout event. Possession and/or the use of, and/or being under the influence of, any illegal substances or drugs at a scout event is prohibited</p>	TOM
<p>7. Racial verbal abuse SSA has a no tolerance policy to any racially motivated conduct by a Member and racial hatred or abuse is strictly prohibited.</p>	TOM
<p>8. Sexual intercourse or other sexual relations with a youth Member. Any sexual interaction by an adult with a youth Member is strictly prohibited and contrary to the Child Protection Policy of SSA.</p>	TOM
<p>9. Being under the influence of alcohol at a Scout event. Possession of, or the use of, and or being under the influence of alcohol at a Scout event is prohibited.</p>	TOM
<p>10. Gross Negligence Any conduct that is a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable injury or harm to persons, property, or both.</p>	TOM