

CODE OF CONDUCT

1. General Principles

- (1) By virtue of joining the DUZ, every member agrees to be bound by the Code of Conduct set out below and all other constitutionally valid decisions of the organization.
- (2) Disciplinary proceedings may be initiated by any constitutional structure of the DUZ for alleged transgressions arising at its level or having been escalated to it by a resolution of the level immediately below it.
- (3) The standard of proof in all disciplinary proceedings shall be on a balance of probabilities.
- (4) All procedural rights of fairness and justice shall be observed by the Disciplinary Committee, including but not limited to those specific in the Procedural Rules forming part of this code. Any matter not specifically provided for shall be ruled upon at the discretion of the disciplinary panel, guided by common practice and the requirements of fairness to all.
- (5) The onus of proof shall rest upon the prosecution and the standard of proof shall be on a balance of probabilities.
- (6) The presumption of innocence shall operate in favour of every accused or charged member.
- (7) Disciplinary proceedings must be conducted and finalized expeditiously and within a reasonable time in the circumstances of each case.
- (8) While disciplinary proceedings are underway, every effort will be made to protect the confidentiality and integrity of the DUZ, the charged member and all persons involved in the process.
- (9) Discipline shall not be used as a tool to stifle internal debate and differences or to settle political scores.

2. Offences

- (1) No DUZ member shall commit or participate in conduct, including utterances, which amounts to:
- (a) bringing the organization into disrepute;
 - (b) a breach of the DUZ Constitution, its policies and principles;
 - (c) abuse of power or office;
 - (d) joining another political party or organization without resigning as a DUZ member first;
 - (e) sowing divisions within the DUZ;
 - (f) promoting discrimination based on race, sex, origin, ethnicity or any other form of unfair discrimination;
 - (g) corruption and self-enrichment;
 - (h) sexual harassment;
 - (i) deliberate gross misrepresentation and distortion of facts;
 - (j) discussing organizational difference in the public domain without the specific authorization of the National Executive Committee;
 - (k) defining himself or herself outside the organizational structures and discipline;
 - (l) meting out any form of physical violence against any member of the DUZ;
 - (m) promoting unrest and disorder at DUZ meetings or activities;
 - (n) factionalism;
 - (o) undermining the integrity and impeding the organizational programmes of the DUZ;
 - (p) failure or refusal to carry out officially mandated duties and/or deployments;
 - (q) misappropriation of organizational funds;
 - (r) spreading false rumours about another member;
 - (s) participating in violent political activities without a valid justification, such as self-defence, provocation, etc;
 - (t) conviction in a court of law of a serious criminal offence without instituting a pending appeal;
 - (u) stifling democratic debate;

- (v) wilfully defying any NEC and/or any other structural authority's decision and/or resolution;
- (w) undermining and disobeying decisions of higher structures and officials;
- (x) disclosing any confidential information of the Party;
- (y) collaborates in any manner with counter-democratic entities or agencies;
- (z) deals carelessly or negligently with the property of the DUZ;
- (aa) instituting legal proceedings in a court of law without first exhausting all internal remedies;
- (bb) steals any property belonging to the DUZ and/or another member or receives such property knowing it to be stolen;
- (cc) makes false accusations or statements against any other member or against the DUZ.

3. Establishment of Disciplinary Committees

- (1) Every branch, ward, district, province and national structural unit may, if the need arises, appoint a disciplinary committee and designate one of its elected members as the chairperson of it.
- (2) The members of the disciplinary committee must be submitted in writing for approval by a higher structure.
- (3) Ordinarily, disciplinary proceedings should be held at whatever level the alleged transgression occurred, provided that the National Executive Committee ("NEC") may, at its sole discretion, determine and inform all relevant parties and structures in writing that the hearings will take place at a higher level.
- (4) The National Disciplinary Committee ("NDC") shall be constituted by the NEC at its first sitting, and lower level disciplinary committees shall not function until approved to do so in writing by the chairperson of the NDC, which approval shall not be unreasonably withheld.
- (5) The NDC shall be the final authority for the interpretation of the Disciplinary Code and Procedures, subject only to the appeal powers of the NDC.
- (6) In respect of the proceedings of lower structures, the NDC shall be the first resort to hear an appeal or review.

- (7) The composition of the NDC shall be five members with a quorum of three.
- (8) The National Advisory Council shall be the highest authority of appeal and shall make the final determination on any matter referred to it.
- (9) The Provincial Disciplinary Committee (“PDC”) shall be made up of three members, chaired by a member of the Provincial Executive Committee (“PEC”) and may include non-PEC DUZ members appointed by the PEC.
- (10) The District Disciplinary Committees (“DDC”), Ward Disciplinary Committees (“WDC”) and Branch Disciplinary Committees (“BDC”) may be appointed from time to time and whenever necessary by the District Executive Committee, Ward Executive Committee or Branch Executive Committee respectively, along the same lines as the Provincial Disciplinary Committee.
- (11) The National Secretary-General shall appoint a suitably qualified DUZ member as the National Prosecutor. The National Prosecutor shall conduct and/or direct all prosecutions in the DUZ and no prosecution shall be conducted by a person not delegated by the National Prosecutor.
- (12) When appointing members of a disciplinary committee or prosecution, the appointing structure must ensure that each appointee:
 - (a) is not related to the accused or the complainant by affinity, marriage or blood in the first or second degree;
 - (b) has no such knowledge concerning the facts of the matter that her/his decision is likely to be prejudiced thereby;
 - (c) does not bear the accused such animosity that her/his decision is likely to be affected thereby;
 - (d) has no personal interest in the proceedings.

4. Disciplinary Procedure

- (1) All complaints must be lodged with the relevant structures (i.e. National Executive Committee, Provincial Executive Committee, District Executive Committee, Ward Executive Committee or Branch Executive Committee) within 60 days of the date on which the offence or transgression was allegedly committed by a DUZ member.

- (2) Upon receiving a disciplinary complaint from any member or structure and having considered it and decided to initiate disciplinary proceedings, the initiating structure, via its secretary, shall ensure that the accused member is notified within 10 days of the decision having been made, provided that no notice of disciplinary proceedings shall be validly served more than two months after the alleged transgression has been brought to the attention of the organization.
- (3) Disciplinary proceedings shall be initiated by the service of a written charge sheet upon an accused or charged member within 10 days of receipt of the complaint. The relevant disciplinary committee may, where appropriate and at its sole discretion, call upon a member to make representations as to why he or she should not be charged in the light of allegations of misconduct having been made against the member concerned.
- (4) The charge sheet must set out sufficient details as to the commission of the offence, including but not limited to the time, date, place and circumstances of the alleged transgression.
- (5) The nature of the offence must be clearly identified, giving as much particularity as possible to enable the charged member to plead and to prepare his or her defence, if any.
- (6) The member shall be entitled to be informed of the date and place where the disciplinary hearing is scheduled to take place, which shall, unless otherwise determined by the chairperson, be within the province where the transgression/s occurred.
- (7) The member shall be informed that he or she may be represented by any member of the DUZ in good standing or a legal practitioner.
- (8) The member shall be adequately warned of the consequences of his/her unauthorized failure to appear on the specified date, namely that the hearing may validly proceed without his or her participation.
- (9) Except for the participants in the hearing, including representatives, no person shall be present at a disciplinary hearing without the authorization of the Disciplinary Committee.

- (10) At the formal commencement of the disciplinary proceedings, the charged member shall be given an opportunity to indicate whether he/she wishes to enter a plea of "Guilty" or "Not Guilty" and/or whether any application to raise preliminary point(s) is to be made.
- (11) No witness shall testify without either taking the prescribed oath or an affirmation to the effect that his/her evidence shall be truthful.
- (12) In the event that the charged member has pleaded guilty and the chairperson has satisfied himself/herself that the charged member understands the charges, then a guilty conviction shall be returned. Thereafter, the charged member shall lead evidence in mitigation of sentence, if any, and the prosecution shall lead evidence in aggravation, if any.
- (13) In the event that the charged member pleads Not Guilty, then the chairperson shall enquire from him/her or his/her representative whether the member wishes to make any statement in explanation of the plea and, should he/she so wish, to disclose the basis of his/her defence.
- (14) Thereafter, the prosecution shall lead its evidence and call its witness(es), who shall be subjected to cross-examination. After the last witness has been called, the prosecution shall close its case.
- (15) Thereafter, the defence shall lead its evidence and call its witness(es), who shall be subjected to cross-examination. After the last witness has been called, the defence shall close its case.
- (16) The party calling any witness shall enjoy the right to lead evidence-in-chief, as well as re-examination.
- (17) Once the defence has closed its case, each party shall be given an opportunity to present closing argument - orally, in writing or both.
- (18) The Disciplinary Committee shall, after deliberations, pronounce on the guilt or otherwise of the charged member.
- (19) If a Guilty verdict is returned, then evidence in mitigation / aggravation of sentence, if any, shall be led respectively or as directed by the chairperson.
- (20) The verdict and/or sanction shall be publicly announced by the Provincial Secretary and/or Secretary-General, depending on the level at which the

proceedings took place, after having been formally advised thereof by the disciplinary committee.

- (21) Should he/she wish to do so, the charged member must lodge an appeal within 20 days of having been informed of the sanction.
- (22) Any disciplinary forum may impose, confirm or substitute any of the following sanctions or any combination thereof:
 - (a) a reprimand;
 - (b) community service;
 - (c) a suspension; and/or
 - (d) an expulsion from the Party.
- (23) In the case of serious offences and exceptional circumstances, a member may be temporarily suspended pending a disciplinary hearing. In this event, the member shall be given an urgent opportunity within 48 hours to show cause why such a temporary suspension should not be imposed. In this regard, the decision of the NDC shall be final and may only be reviewed by the National Advisory Council. The temporary suspension shall lapse if the member is not charged within one month of its imposition.
- (24) Sentences of suspension and expulsion from the DUZ shall not be executed until the finding has been confirmed by the National Executive Committee.
- (25) The decision of the National Executive Committee to confirm a suspension or expulsion may, on application by the offender, be placed before the National Advisory Council as a subject of final review / appeal.