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# AND REGULATIONS GOVERNING CONDUCT

## INTRODUCTION

These regulations are meant to act as a tool to regulate the conduct of all participants in Majorettes and Cheerleading. The primary objective of Majorettes and Cheerleading as a sport is to allow enjoyable participation in a group activity. Through this participation, emotional, social, physical and cognitive development (which will ultimately contribute towards a balanced development of the participant's personality) should be experienced.

Educationally, Majorettes and Cheerleading have the same objectives as any other sporting activity: the promotion of group development and a competitive spirit, the improvement of skills and recognition of the principles of winning and losing.

Through participation, individuals learn self-discipline, consideration for others, self-confidence, determination, independence and responsibility and good posture.

The successful presentation of the sport demands a sense of discernment in the choice of uniforms, music, choreography and venues. It also calls for qualified trainers and adjudicators, affiliation to a regional and national association, regular practice to maintain standards, and proper control and example by trainers when at competitions and on tour. SAMCA cannot tolerate unethical behaviour by any majorettes, cheerleaders, teams, trainers adjudicators, officials or spectators.

Although the vast majority of those involved in the sport receive no financial compensation, this cannot be allowed to detract from the fact that once any participant agrees to act in accordance with the prescribed Rules and Regulations they are bound by the same. If standards are to be maintained, failure to comply will result in disciplinary action being taken.

## **PURPOSE**

- To clarify the types and nature of offences;
- To provide appropriate penalties for offences;
- To ensure consistency and fairness in the application of penalties;
- To prescribe the levels of authority to take disciplinary action.

## **OBJECTIVES**

- To promote the interests of all parties;
- To initiate corrective (not retributive) action against minor offences to prevent these becoming major;
- To recognise the right of all to be given fair treatment and a chance to appeal against a penalty.

## **GENERAL**

- Schedules A, B, C and D set out examples of offences that will lead to action being taken. Each case will however, be assessed on its merits.

## **SCHEDULE A**

### **ADJUDICATORS, ADMINISTRATORS, AND OFFICIALS**

#### **1. Minor offences: Recorded verbal warning or written warning**

- Failure to be punctual;
- Absence from designated position without permission;
- Petty or minor insubordination - refusal to perform duties;
- Unsuitable dress
- All other offences that could be deemed minor by the SAMCA Executive as and when committed.

#### **2. Serious Offences: Recorded written or final warning.**

- Leaving the competition without informing / requesting the permission of the Chief Adjudicator;
- Under the discernible influence of alcohol during the competition;
- Denouncement of results (adjudicators are not permitted to enter into discussion with trainers, spectators and other adjudicators on adjudication matters on the days of the competitions).

3. **Offences for which membership may be suspended or terminated.**  
(Behaviour that may bring SAMCA, or its members, into disrepute).

- Defying legitimate instructions;
- Dishonesty, fraud or forgery;
- Directing impertinent or insulting behaviour towards SAMCA members;
- Physical violence or assault;
- Making unauthorised statements to the media.
- All other offences that the SAMCA Executive may deem to be serious as and when committed.

## **SCHEDULE B**

### **COACHES**

1. **Minor Offences: Recorded verbal warning.**

- These will be disputes of a fairly innocuous nature which simply require mediation;
- Blatant prompting or coaching from the sidelines.

2. **Serious Offences: Recorded written or final warning.**

- Under the discernible influence of alcohol during the competition;
- Coaches are not permitted to enter into discussion with adjudicators on adjudication matters on the days of the competition.

3. **Offences for which membership may be suspended or terminated.**  
(Behaviour that may bring SAMCA, or its members, into disrepute).

- No teams, or individuals associated with teams, may make comments to the media on matters related to, or the internal policies of, other teams.

- Inappropriate and unbecoming conduct in the association of the coach and team members.

## **SCHEDULE C**

### **TEAMS**

1. **Minor offences: Recorded verbal warning.**
  - Offences that breach the code of common polite conduct.
2. **Serious Offences: Recorded written or final warning.**
  - Abusing members of other teams;
  - Under the discernable influence of alcohol during a competition.
3. **Offences for which membership may be suspended or terminated / disqualified.**

(Behaviour that may bring SAMCA, or its members, into disrepute).

  - Unsuitable dress;
  - No teams, or individuals associated with teams, may make comments to the media on matters related to, or the internal policies of, other teams.
  - Inappropriate and unbecoming conduct in the association of the trainer and team members.

## **SECTION D**

### **SPECTATORS**

At all competitions the enthusiastic participation of all spectators and supporters is welcomed. However, in order to give all the participants an equal opportunity to perform to the best of their capability well, there are certain basic rules to which supporters and spectators must adhere.

1. **Minor offences: Recorded verbal warning**
  - The orderly control and security of the venue and its environs falls under the auspices of the Chief Marshal and assistants. These officials have been appointed for the safety and comfort of all spectators. Disregard of these officials will not be tolerated.
2. **Serious offences: offences for which the spectator may be asked to**

## **leave the stadium**

- Abuse (verbal or physical) of officials;
- Consumption of alcohol at the venue;
- Smoking in a non-smoking area
- Trespassing in any official area, including:
  - the dressing rooms;
  - the area cordoned off for the participants;
  - the main tunnel;
  - the competition area;
  - other areas so marked.

## **PROCEDURE**

A copy of the document that details the steps and procedures most commonly followed in dispute resolution and disciplinary hearings is available from the SAMCA office. These details include the “Guidelines for an Investigation” and “The Format of Correspondence”.

The South African Sports Commission model constitution (Section 26 on Dispute Resolution) is to be referred to, to ensure procedural correctness. These details are available from the SAMCA office.

1. This (simplified) procedure is designed to provide a means of ensuring that SAMCA’s standards of conduct and performance are adhered to and that where they are not, all are assured a fair, consistent and considered treatment with proper protection against unfair, unjustified or hasty action. This procedure emphasises and prioritises corrective rather than punitive action.

The following principles should be adhered to in every case:

- There must be a complete and thorough investigation into every incident;
  - Clear evidence of a breach must be reported (to the President of SAMCA in writing) within 24 hours;
  - Disciplinary action must be prompt, fair and reasonable;
  - The accused must always be given the opportunity to state his/her case;
  - In any formal proceedings, the accused has the right to be represented and accompanied by a person of his choice;
  - The accused has the right to a single appeal, which is made to the President.
2. Depending on the nature of the incident requiring action, any of the stages below can be invoked without any of the preceding stages being invoked.

- **Verbal warning / minor offences** - The person or team will be made aware that further non-compliance can lead to further action, and will again be made aware of regulations by the President through the Chief Adjudicator / the President through the Provincial Chairman or School Principal. The latter action will be by letter. A record of this interaction will be retained in the control file housed with the President.
- **Serious offences** - If performance or behaviour falls into this category, a formal written warning will be issued by the President through the Chief Adjudicator / the President through the Provincial Chairman or School Principal. A copy of this warning will be retained in the control file housed with the President.
- **Suspension or termination of membership** - Unethical behaviour on the part of an adjudicator may result in immediate suspension from the panel at the discretion of the SAMCA Executive.  
Where the accused is found guilty of any offence meriting the termination of membership, or where after previous written warnings, failure to comply is proven, membership can be terminated by the SAMCA Executive Committee.

**Note:** It must be emphasised that the schedule is a guide and places a burden of conscience on those imposing penalties. There may be instances where the circumstances of a termination of membership offence warrant a written warning. Similarly, a serious offence may have circumstances warranting the termination of membership.

3. On completion of the disciplinary hearings, the Chairman must adjourn the proceedings and consult with the nominated members to consider the following:
  - Whether or not the person is guilty, based on the evidence presented;
  - The seriousness of the offence;
  - Extenuating circumstances;
  - Intent;
  - Personal record;
  - Third party reaction;
  - Overall consequences.
4. Once the Chairman and nominated members have reached a decision, the outcome will be conveyed to the person/s/ team/s involved. Acceptance, or otherwise, must be recorded. A further record must be made in the event of an appeal against the decision.

5. **Appeal:** Persons found guilty of an offence shall have the right of appeal on the following grounds:
- The hearing did not follow approved procedure;
  - New facts that were not taken into account have become available;
  - The penalty handed down for the offence is unprecedented and is not procedurally and substantively fair.
  - The Chairman was biased or had an interest in the case itself.

6. **Complaints / Disciplinary Committee**

This body will consist of the Vice-President of SAMCA (who will act as the chairman), The National Chief Adjudicator, The National Chief Coach and the Chairman of the Province/s involved in the dispute.

**THE PHYSICAL PROCESS OF CARRYING OUT A DISCIPLINARY HEARING.**

07/02/05

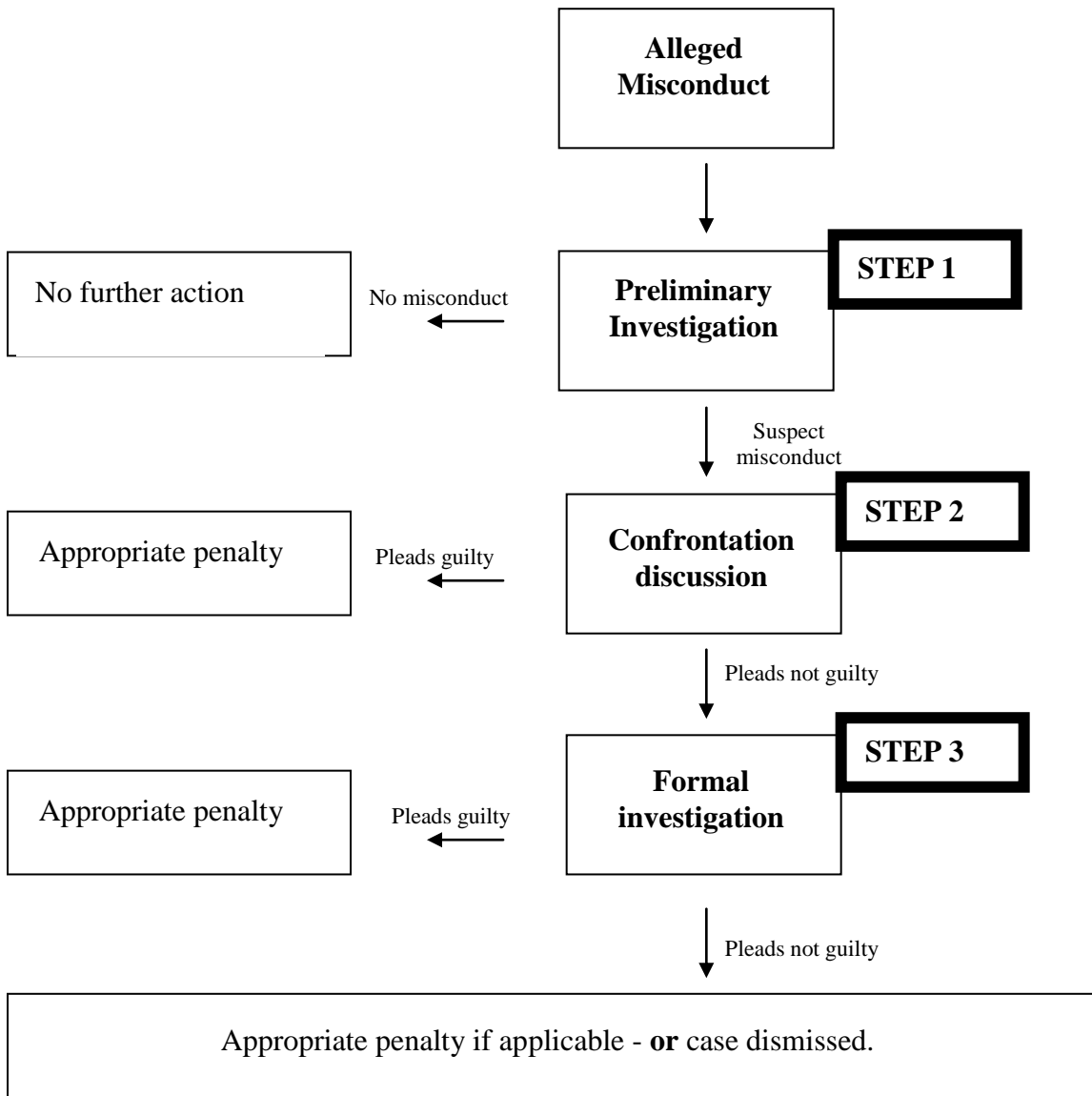
**DISCIPLINARY PROCEDURES**

The following steps need to be followed in the case of an alleged misconduct

1. Preliminary Investigation
2. Confrontation discussion
3. Formal Investigation

These steps are discussed in detail and serve as a guideline to ensure that consistent and fair discipline is adhered to throughout SAMCA.

The diagram below is to be read in conjunction with the detailed information.







# **PRELIMINARY INVESTIGATION**

## **STEP No. 1**

A Preliminary Investigation is held **prior** to a Confrontation Discussion

### **1. Listen**

Listen carefully to the details of the possible contravention/suspected misconduct as given by the person alleging it, and consider all documents/evidence provided.

### **2. Gather information**

Decide whether sufficient information has been gathered to be able to decide whether possible contravention/specific misconduct may have occurred. If not, request additional information, or obtain it.

### **3. Evaluate Information**

Assess the value and strength of all information, in terms of its acceptability and reliability as evidence which tends to indicate that a possible contravention/specific misconduct may or may not have taken place. This is done by differentiating between factual, opinion and hearsay evidence as follows:

- **Factual evidence** is first-hand observation by an eye-witness of what was seen and heard. This is the most frequent and reliable form of evidence.
- **Opinion evidence** is expressing a viewpoint (interpreting) which may be correct or incorrect, the validity of which may depend upon the motive and experience of the person giving the opinion. This is less frequent and a less reliable source of evidence.
- **Hearsay evidence** is a statement by a non-eyewitness of what had been told, without knowing whether what was told was true or false or whether it was told with an improper motive or whether it may have been a distortion of what actually took place. This is the least frequent and reliable form of evidence.

### **4. Assess the merits**

Decide whether there appears to be a possible contravention/specific misconduct which needs to be investigated. Are there any concrete and substantial facts with which to confront the “accused” and for the “accused” to respond to? A specific misconduct need not be identified at this stage, as this may only become apparent during a confrontation.

### **5. Where no indication of Misconduct was apparent**

Where the preliminary investigation findings indicate that a possible contravention/specific misconduct probably did not take place, no further steps need to be taken. Where the “accused / responsible person” had been made aware of the preliminary investigation being conducted, inform the person that the investigation found nothing substantial and that no further steps will be proceeded with.

### **6. Proceeding further**

Where the preliminary investigation findings indicate that a possible contravention/specific misconduct probably did occur, the “accused” should be confronted in a Confrontation Discussion. (Form: [SAD01](#)) Disciplinary procedures should only be instituted where **sufficient** reasons and **substantial** evidence exists.

# **CONFRONTATION DISCUSSION**

## **STEP No. 2**

### **1. Nature**

A confrontation is an informal discussion held between an Official of SAMCA and a person “accused” of suspected misconduct once the preliminary investigation has gathered and assessed all the relevant facts about the alleged misconduct. (See [Form: SAD01](#))

### **2. Purpose**

The purpose is to confront the “accused” personally with the relevant facts and to afford the “accused” an opportunity to respond to them.

### **3 Recorded in writing**

The confrontation proceedings and details should be briefly minuted in writing.

### **4. Specifying the Contravention/Misconduct**

It is important to appreciate that a person “accused” need not always be confronted with a particular allegation that the person has contravened a specific act of misconduct and that in appropriate cases a broad confrontation discussion about the facts which have been gathered is sufficient.

Where the “accused” denies the broad facts, the specific misconduct to be alleged may be identified and formulated after the confrontation.

Where the “accused” admits the broad facts, an appropriate admission of guilt, ([Form No. SAD03](#)) can be drawn up in the “accused’s” presence for signature, or drafted later for signing.

### **5. Representation**

A person “accused” of a misconduct is entitled to be assisted by a representative at a confrontation discussion, and is therefore granted sufficient time to obtain one. A person not requiring representation may be confronted immediately.

### **6. Confrontation discussion process**

A confrontation discussion is held on an informal, unstructured basis, in a relaxed fashion and atmosphere. An appropriate confrontation method is as follows:

- Notify the “accused” preferably in writing ([Form: SAD01](#)) that a confrontation discussion is to be held regarding a possible contravention/specific misconduct, and ask whether the person “accused” wishes to be represented.
- Where the “accused” wishes to be represented, arrange a time which will be convenient to the confronting official, the “accused” and the representative.
- At the confrontation discussion, discuss the facts gathered.
- Explain that the facts appear to indicate that a contravention has occurred or that a specific act of misconduct has allegedly been contravened.
- Ask the “accused” for reasons for the behaviour involved.
- Request and allow the “accused” an opportunity to properly state a case and to respond to the facts gathered.
- Decide whether the behaviour involves “less serious” or serious misconduct; and then

- Indicate whether the “accused’s” misconduct/specific act of misconduct is regarded as a “serious” or “not serious” offence, and explain the consequences of this to the “accused”.

## **7. Less serious Misconduct**

“Less serious misconduct” is regarded as a misconduct which would not normally lead to serious action being taken on the first offence.

### **Where the “accused” decides to admit guilt**

In these circumstances, the “accused” should be given an opportunity to provide mitigating circumstances and to state views on an appropriate penalty which could be imposed. Thereafter a disciplinary penalty may be imposed, namely a written reprimand (warning) (Form: [SAD05](#)), which shall also be recorded.

### **Where the “accused” decides to deny guilt**

In these circumstances, the “accused” should be given an opportunity to state a case at the confrontation before a decision is taken as to whether the “accused” is responsible or not. Thereafter a decision may be taken and where it is one of guilty, the “accused” must be given an opportunity to provide mitigating circumstances and to state views on an appropriate penalty which could be imposed.

Details must be obtained of the “accused’s” record of previous valid disciplinary misconducts, if any, as well as the “accused’s” personal and service particulars. Then a disciplinary penalty may be imposed, namely a written reprimand (warning) which is also recorded.

The right of appeal to a specific SAMCA Official, should also be explained to the “accused”, and is normally reflected in the written disciplinary warning letter.

A first written reprimand (warning) is valid for six months. If in this period the “accused” receives a subsequent reprimand which is related to the first reprimand, the second written reprimand imposed is valid for twelve months.

## **8. Serious misconduct**

“Serious misconduct” is regarded as misconduct which could lead to suspension or dismissal from the organisation on the first offence.

### **Where the “accused” admits guilt**

In these circumstances, the admission must be made in writing, and the admissions to all elements of the misconduct concerned. (Form [SAD03](#)) An opportunity must then be granted to the “accused” to submit mitigating circumstances and to give views on the penalty to be imposed. Details must be known of the “accused’s” record of previous valid disciplinary misconducts, if any, as well as personal, service details etc. Thereafter a disciplinary penalty may be imposed as per the SAMCA Manual (Chapter 2) Rules and Regulations governing Conduct.

### **Where the “accused” denies guilt**

Where the “accused” decides to deny guilt, a Formal Investigation (Form [SAD02](#)) should be instituted.

# **CONDUCTING THE FORMAL INVESTIGATION**

## **Step No. 3**

### **1.1 Conducting the formal investigation**

The SAMCA Senior Official may conduct the investigation him/herself or may appoint another person in writing to conduct the investigation on his/her behalf.

### **1.2 Tape Recording facilities**

Recording of the proceedings on magnetic tape is an optional arrangement, at the discretion of the person conducting the Formal investigation.

**Note:** Where tape recording facilities are not used, the Chairperson would need to take comprehensive notes of the proceedings. Where recording facilities are used, the Chairperson confirms that the person responsible for all administrative arrangements has ensured that the necessary equipment for the tape recording of the proceedings is present, that the equipment has been tested to ensure that it functions, that sufficient tapes are available and that the person responsible for this is able to operate the equipment.

### **1.3 Introduction of parties**

The Chairperson requests each party's participants to introduce themselves to each other by name, each giving their position/capacity at the investigation.

### **1.4 Interpreter**

The Chairperson enquires whether the "accused"/representative will require the services of an interpreter, and if so, attends to summoning an interpreter, competent in the accused's own language. (It is advisable to have an interpreter organised prior to the investigation to prevent the investigation from going ahead)

### **1.5 Confirming receipt of Notification of Formal Investigation**

The Chairperson establishes whether the "accused" received timely notice and has a copy of the Notification of Formal Investigation ([Form. SAD02](#)) and confirms whether the "accused" has had sufficient time to:

- obtain a suitable representative
- prepare a case
- consult witnesses and obtain them; and
- be in a position to proceed with the investigation

**1.6 Confirming “accused’s” representation**

The Chairperson confirms that the representative has been appointed by the “accused”.

**1.7 Confirming SAMCA representation**

The Chairperson confirms the identity of the SAMCA official presenting the evidence on behalf of the organisation.

**1.8 Outlining the Procedure to be followed**

The Chairperson briefly outlines his/her personal role and functions to be fulfilled at the investigation (and those of the advising persons, where they are used), the purpose of the formal investigation (to establish whether or not the “accused” has contravened certain disciplinary conducts) and the process to be followed.

**1.9 Submission of Notice of Formal Investigation**

The presenter of SAMCA’s evidence provides a copy of the Notice of Formal Investigation ([Form: SAD02](#)) to the Chairperson and to the “accused”/representative.

**1.10 Statement of “accused’s” rights**

The Chairperson may re-state the rights granted to and available to the “accused” by reading them from the Notice of Form Investigation ([Form: SAD02](#)):

- you are entitled to be present at the investigation;
- you are entitled to be assisted at the investigation by a representative; who may be a colleague, and/or office bearer or an official from a recognised trade union;
- you are entitled to request and use the service of an interpreter if you require one;
- you are entitled to see all documents handed in as evidence;
- you are entitled to personally cross-question all SAMCA’s witnesses, or do so through your representative;
- you are entitled to give evidence or call witnesses, which may result in cross-questioning of your witness on any evidence given;
- you are entitled to properly state your case to indicate that you did not misconduct yourself as alleged and to submit any documents or statements;
- you are entitled to submit mitigating circumstances and to give your views concerning the disciplinary penalty which should be imposed, if you are found “responsible” for the alleged misconduct;
- you are entitled to receive reasons for the finding, should you be found responsible for the misconduct;

**1.11 Statement of allegations of misconduct**

The Chairperson invites the presenter of SAMCA’s evidence to read the allegation/s of misconduct, as stated in the Notice of Formal Investigation ([Form: SAD02](#)).

## 1.12 “Accused’s” response to the allegation of misconduct

### **Invitation to accept or reject the allegation**

The Chairperson then invites the “accused”/representative to respond and to indicate whether the “accused” accepts the allegations as valid, in which case the employee may “admit guilt”, or whether the validity is denied, in which case the investigation will continue. If the “accused” pleads “guilty” ensure that the Letter of Guilt ([Form: SAD03](#)) is obtained immediately.

### **Noting the “accused’s” response**

The Chairperson notes the “accused’s”/representative’s response as part of the minutes of the investigation taken for the purpose of compiling the investigation findings and final decision.

**NOTE:** a. Where the “accused” admits guilt/responsibility he/she may immediately be found “guilty”/responsible without any further evidence to prove guilt, after the “accused”/representative has been granted the opportunity to submit mitigating circumstances and has also given his/her view regarding the penalty to be imposed. Thereafter an appropriate penalty may be imposed. The person presenting the evidence on behalf of SAMCA should also first be granted the opportunity to submit any valid previous disciplinary misconducts, if any, as well as all relevant personal and service particulars to the Chairperson.

b. Where the “accused” pleads not guilty/not responsible, the Formal Investigation continues, as below.

## 1.13 Presenting SAMCA’s evidence

It is imperative that SAMCA’s case and witnesses proceed first, since this follows the legal principle that “he who alleges must prove” and, in making the allegation, “the onus to begin”, remains with SAMCA.

### **A recommended process**

The Chairperson invites the official presenting SAMCA’s case and evidence to do so. A useful method is as follows:

- Give a broad summary of the alleged behaviour involved
- State which witnesses will be called
- Summarise what each witness will say
- Indicate that this will be used to prove the validity of the allegations
- The Chairperson calls the first witness, and cautions the witness to give only a truthful account of the facts witnessed
- Ask the witness to describe the necessary issues and then ask questions to clarify or emphasise
- Hand documentary evidence or exhibit/s to the Chairperson at the appropriate time and give copies to the “accused”/representative or grant an opportunity to inspect an exhibit
- Conclude the witnesses evidence when the relevant facts have been given
- Invite the “accused”/representative to question the SAMCA witness about the evidence which was given, and
- Once the “accused”/representative completes the questioning, thank and excuse the witness

**NOTES:**

**a. Cautioning witnesses**

Witnesses are not “sworn in” in the manner used in civil courts. The Chairperson should merely caution every witness about to give evidence, to give only a truthful account of what was witnessed.

**b. Opportunity to question a party’s witness**

The Chairperson should ensure that, in respect of every witness, the other party is always granted an opportunity to question the evidence given. Failure to afford this opportunity may lead to a procedural defect.

**c. Questioning by Chairperson**

The Chairperson is entitled at any stage to ask any questions, call, or recall witnesses or hear such evidence or see such documentation as may be required to properly deal with the matter.

**d. Presence of witnesses still to give evidence**

Any witness is not to be allowed to hear the evidence of any other witness. A witness who has given evidence should not confer with a witness still to give evidence.

**e. Recalling a witness**

Either party is entitled to request recalling a witness who has completed giving evidence. The attitude of the other party will, however, be relevant. The Chairperson makes a ruling, based on the objective of obtaining all facts which are necessary.

**1.14 Presenting the “accused’s” evidence**

Once all SAMCA’s witnesses have given evidence and have been questioned by the “accused”/representative, the Chairperson invites the “accused”/representative to present their case. A useful method is the same as for the presentation of SAMCA’s case with appropriate substitution of the parties referred to.

**NOTE:** a. The “accused” usually gives his/her own evidence first (but is not obliged to give evidence at all) and thereafter his witnesses are granted the opportunity to give their evidence one after the other.

b. See Notes: Paragraph 1.13 a - e – they also apply here.



### **1.15 Closing statements by both parties**

Where the formal investigation was lengthy, considerable evidence was probably presented by both parties, or many aspects were placed at issue, the Chairperson may request both parties to summarise their cases by making a closing statement. This follows the order in which evidence was given and SAMCA is invited to do so first, followed by the “accused”/representative.

### **1.16 Making a finding**

The Chairperson may make a decision as to guilt/”responsible” or innocence/not responsible immediately, or adjourn the proceedings in order to consider a decision.

**NOTE:** a. The Chairperson (advised by any SAMCA Officials assisting, if any) is required to make a finding on whether or not the “accused” was responsible for the alleged misconduct in the Notice of Formal Investigation (Form: SAD02), and must give reasons for the finding. (Decisions using terms such as “guilty/not guilty” are permissible, but should be avoided, since they are more suited to criminal proceedings in formal courts. The finding “responsible” would be preferable and more appropriate.

b. The Chairperson is entitled to give a verbal finding, with the reasons for it, immediately after the conclusion of the evidence of SAMCA and the “accused” at the formal investigation. The Chairperson may alternatively postpone making the finding (if the facts require further consideration) for any period of time, not exceeding five working days, in which case the finding as well as the reasons for it, must be communicated to the “accused” in writing.

c. The finding must be based upon facts only with which the “accused” was confronted during the Formal Investigation and in respect of which the “accused” has been given the opportunity to state a case upon.

d. Where the Chairperson’s finding is one of “not guilty”/”not responsible”, the Formal Investigation is concluded. This finding may be given verbally at the Formal Investigation or postponed for any period not exceeding five working days. This finding need not be communicated in writing and no reasons need to be given. The “accused” may be reassured that nothing was found and that no further steps will be considered.

### **1.17 Determining a disciplinary penalty**

Within five working days of notifying the “accused” of the decision as to “guilty/responsible” the Chairperson must:

- Have afforded the “accused”/representative an opportunity to submit mitigating circumstances and to state his/her view on the penalty to be imposed.
- Have afforded the official of SAMCA’s evidence an opportunity to submit all the “accused’s” relevant information such as length of membership, quality of service etc. as well as any previous valid disciplinary misconduct.
- Determine the appropriate disciplinary penalty; and
- Provide written reasons for the findings to the “accused”.

**NOTE:** a. The Chairperson is again entitled to give a verbal finding, with reasons for it, immediately after the conclusion of the relevant evidence, or postpone making the decision (if the facts

require further consideration) for any period not exceeding five days, in which event the finding as well as the reasons for it, must be communicated in writing.

- b. The Chairperson may determine any one appropriate and substantively fair disciplinary penalty from the permissible alternatives contained in the SAMCA Manual (Chapter 2) Rules and Regulations governing Conduct which may be any one of the following:
- Recorded verbal warning
  - Recorded written or final warning
  - Suspension of membership
  - Termination of membership

### **1.18 Notification of right of appeal**

Where the Chairperson gives the finding of “guilty”/”responsible” and penalty verbally at the Formal Investigation, or postpones doing so and later gives the finding and reasons in writing, the appeal against the finding (of guilt), or the decision on the disciplinary penalty must be explained at the same time. The “accused” should be notified:

- Of the name and capacity of the Official to whom the appeal should be directed;
- That the appeal should be lodged within 14 days of being advised of the outcome; and
- That the grounds of appeal should be properly stated and motivated.

#### **FORMAL INVESTIGATION SUMMARY/GUIDELINES FOR THE CHAIRMAN**

1. Thank everyone for their attendance
2. Confirm whether an interpreter is required
3. Confirm whether tape-recording facilities may be used
4. Explain to the “accused” his/her rights:
  - Right to be present
  - Right to be represented
  - Right to cross-question SAMCA’s witnesses
  - Right to give evidence him/herself
  - Right to submit exhibits
  - Right to call his/her own witnesses
5. Allow parties to introduce themselves
6. Request person presenting SAMCA’s case to read the charge sheet
7. Explain the purpose of the investigation
8. Ensure “accused” understands the charge
9. Ask the “accused” to plead

#### **If the “accused” pleads guilty, proceed as follows:**

- Request “accused” to present mitigating circumstances
- Ask the “accused” what he/she believes the penalty should be

- Adjourn and consider mitigating circumstances as well as appropriate penalty
- Inform “accused” of penalty immediately OR that he/she will be informed within 5 working days
- Convey appeal procedure to “accused”

**OR**

**If “accused” pleads not guilty, proceed with the investigation as follows:**

- Request the person representing SAMCA to present evidence
- Allow cross-questioning of witnesses
- Request “accused” to present evidence
- Allow cross-questioning of witnesses
- Grant “accused” the opportunity of a closing address as well as what the finding should be
- Adjourn for a period (not more than 5 working days) to consider the facts
- Inform the “accused” of the finding (responsible/not responsible terminology)

	<h1>Notification of Confrontation</h1>	<b>Form: SAD01</b>
		Issue: 1
		Rev 1
		Date: 01/02/2005
		Page 1 of 2

...../...../20.....

**Enquiries:** .....

**Tel.:** .....

..... (Name and Address)

.....

.....

**DISCIPLINARY CONFRONTATION**

In terms of the SAMCA Manual (Chapter 2), Rules and Regulations governing conduct, it is alleged that you have contravened the following acts of misconduct:

1. Misconduct: .....

Type of misconduct

“in that you.....

.....

.....(state the actual incident).

2. A Confrontation Discussion will be held to afford you the opportunity to state your case.

The Confrontation will take place as follows:

**DATE:** .....

**TIME:** .....

**VENUE:** .....

The following are your rights concerning the Disciplinary Confrontation:

- The right to be assisted by your representative or fellow colleague at the confrontation.
- To state your side of the alleged misconduct.
- To confer with your representative at reasonable times before, during and after the confrontation.
- To request the services of an interpreter if required.

- To plead guilty/responsible or not guilty/not responsible.

SAMCA considers the alleged misconduct as serious. If you require a copy of the Rules and Regulations governing conduct, please contact ..... at Tel.: ..... to provide you with one.

Yours sincerely

.....  
**PRESIDENT/PROVINCIAL CHAIRPERSON**

I hereby confirm receipt of the original of this letter.

.....  
**Signature**

.....  
**Date**

Please return to ..... (name) once signed, by .....(date).

	<h1>Notification of a Formal Investigation</h1>	<b>Form: SAD02</b>
		Issue: 1
		Rev 1
		Date: 01/12/2005
		Page 1 of 2

...../...../20...

Enquiries: .....

Tel.: .....

.....

.....

**FORMAL INVESTIGATION**

In terms of the SAMCA Manual, Rules and Regulations (Chapter 2), governing conduct, , Misconduct: ..... it is alleged that you have contravened the following misconducts:

“ .....

.....

in that you:

(Charge) .....

.....

.....

A Formal Investigation is to be held. .... has been appointed as the Chairperson for the Investigation and .....will be presenting the case on behalf of SAMCA.

The Investigation will take place as follows:

**Date:** .....

**Time:** .....

**Venue:** .....

The following are your rights concerning the Investigation:

- The right to be assisted by your representative or fellow colleague
- To state your side of the alleged misconduct
- To confer with your representative at reasonable times before, during and after the Investigation.
- To request the services of an interpreter if required
-

SOUTH AFRICAN MAJORETTE & CHEERLEADING ASSOCIATION

- To plead guilty or not guilty
- To furnish evidence and argue in mitigation

The alleged misconduct is regarding as serious by SAMCA. If you require a copy of SAMCA's Rules and Regulations governing Conduct (Chapter 2), please contact ..... at Telephone: ..... who will supply you with one.


Yours sincerely

.....  
PRESIDENT/PROVINCIAL CHAIRPERSON

I hereby confirm receipt of the original of this letter.

..... /...../20.....  
**Signature** **Date**

Please return to ..... (name) once signed., before .....(date). The original letter remains in your possession.

	<h1 style="margin: 0;"><u>Letter of Guilt</u></h1>	<b>Form: SAD03</b>
		Issue 1
		Rev 1
		Date: 01/02/2005
		Page 1 of 1

## Admission of guilt

I, ..... (full names), confirm that I was confronted on ...../...../20...in terms of SAMCA’s Rules and Regulations, in respect of alleged disciplinary misconduct by me.

I confirm that the particulars concerning the alleged disciplinary misconduct were explained to me, and that I know and understand the details involved.

I have considered the allegation of misconduct and my own position, and have decided to admit guilt/responsibility to the below mentioned act of misconduct specified in Schedule A of SAMCA’s Rules and Regulations. I do so freely and voluntarily, and have not been forced, threatened, intimidated or unduly influenced to admit guilt.

Misconduct: .....

I admit that I am responsible for the ..... which relates to my duties, because:

on ..... (date) at .....(place) I

.....  
.....  
.....  
.....

..... (details).

.....  
**Signature**

...../...../20.....  
**Date**

Name: ..... (Printed)



	<h2 style="margin: 0;">Appointment of Chairperson for a Formal Investigation</h2>	<b>Form: SAD04</b>
		Issue: 1
		Rev 1
		Date: 01/02//2005
		Page 1 of 2

**CONFIDENTIAL**

The Chairperson

Attention: .....

...../...../20....

**Enquiries:** .....

Tel.: .....

**CHAIRPERSON FOR FORMAL INVESTIGATION: .....**

It has been decided to institute a Formal Investigation in terms of the SAMCA Manual, Rules and Regulations (Chapter 2), governing conduct, to investigate misconduct by:

.....

In terms of SAMCA’s Manual, Chapter 2, it is alleged that he/she has contravened the following Misconducts, namely:

1. Paragraph: (.....)

“ ..... ” in that  
.....

2. Paragraph: (.....)

“ ..... ”  
in that .....  
.....

You are hereby requested to act as Chairperson of the Formal Investigation.

.....(name) will be attending the Investigation in an advisory capacity and with the view to making administrative and other arrangements.

..... (Name) has been appointed to present and explain SAMCA’s case and to submit any relevant documentation.

The Formal Investigation will take place as follows:

**Date:** .....

**Time:** .....

**Venue:** .....

The procedures to be followed are stipulated in the SAMCA Manual.

Yours faithfully

.....  
**PRESIDENT/ CHAIRPERSON**

FEBRUARY 2016

 <p><b>SAMCA</b> South African Majorette &amp; Cheerleading Association</p>	<h1>Written warning</h1>	<b>FORM: SAD05</b>
		Issue: 1
		Rev 1
		Date: 01/12/2005
		Page 1 of 1

...../...../2005

Enquiries: .....

Tel.: .....

**CONFIDENTIAL**

.....  
.....

**DISCIPLINE: Written warning valid for ..... months**  
As from ..... until .....

It has been found that you have contravened the following Misconduct:

in that you .....

.....

In terms of the said Misconduct(s) of the SAMCA Manual, Rules and Regulations governing Conduct (Chapter 2) you are found responsible and are given a penalty of ..... months written warning.

You are hereby warned in writing that such behaviour cannot be tolerated and any repeat of such Misconduct could result in more serious disciplinary action being taken against you.

You have the right to submit an appeal against the above-mentioned warning, if you so wish, to the relevant President/Regional Chairperson within 14 working days of the date of this letter.

Yours faithfully

.....  
**PRESIDENT/ CHAIRPERSON**

\_\_\_\_\_

I, ..... (name) hereby acknowledge receipt of this letter and understand the contents thereof.

Signature: .....

Date: ...../...../20..

Witness signature: .....

Date: ...../...../20..