

THE CONSTITUTION

OF THE

SOUTH AFRICAN NATIONAL CIVIC ORGANISATION

(SANCO)

AS AMENDED AND ADOPTED

BY THE 3RD NATIONAL CONFERENCE - APRIL 2001

PREAMBLE

- A. We, the South African National Civic Organization ("SANCO"), pledge our commitment to a unified, democratic, non-sexist, non-racist, non-exploitative South Africa based on the freedoms, rights and values enshrined in the Bill of rights of the Constitution of the Republic of South Africa. SANCO as a civic movement, is constituted by the residents of South Africa and is founded on the basic needs, aspirations and expectations of the masses of the people. The guiding motto is "People-Centered and People-driven".
- B. We believe that the commitment referred to above and the attainment of our aims and objectives can only be achieved in a united country with strong governance, an effective civic movement and a vibrant civic society. SANCO endeavours to promote nation building, truth and reconciliation, socio-economic and political development, reconstruction, transformation and peace and prosperity.
- C. SANCO therefore, commits itself to the attainment of the following goals:
- (i) improvement of the living conditions of all the residents of South Africa;
 - (ii) eradication of poverty, homelessness and insecurity;
 - (iii) building of a united community and a united South Africa;
 - (iv) promotion of socio-economic and political justice for all;
 - (v) creation of empowerment structures;

- (vi) job creation, wealth creation and distribution of resources;
- (vii) attainment of social security and comfort for all;
- (viii) contribution to the promotion and protection of the freedoms, rights and values enshrined in the Constitution of the Republic of South Africa;
- (ix) promotion the participation of youth and women in all its activities;
- (x) support and promotion of the struggle for the rights of children and people with special needs;
- (xi) contribution to the reconstruction and development in South Africa;
- (xii) elimination of all vestiges of apartheid; and
- (xiii) from time to time, collaborate with organisations and social formations that will help to attain the aims and objectives of SANCO.

DEFINITIONS

1. (1) "Branch" means an area falling within a specific local council the demarcation of which is determined by the PEC.
- (2) "Constitution" means this constitution.
- (3) "Departments" means Housing and Land Affairs and Agriculture; Human Resources and Education; Governance and Democratization, Health, Welfare and nutrition, Economy and Social Development; Environment and Tourism; Sports and Culture; Essential Services; Safety and security and others as may be determined by the NEC.
- (4) "Executive means a person who holds office within SANCO Committee either, Nationally, Provincially, Regionally or at Member" Branch level.

- (5) "Interim Structure" means any structure of a temporary nature.
- (6) "Leadership" means an Executive member at any level.
- (7) "Member" means a person who has fully paid his or her subscription fees.
- (8) "National Office Bearers" means the National President, Deputy National President, the General Secretary, the Deputy General Secretary, the Treasurer, and the National Organizing Secretary.
- (9) "Organ" means any functional structure of SANCO.
- (10) "Organisation" means SANCO or civic movement.
- (11) "Province" means a province as demarcated in the Constitution of the Republic of South Africa.
- (12) "Quorum" means fifty percent plus one (50% +1) of members present as determined by the composition stipulated in each structure and meetings and levels shall apply to all SANCO conferences at all levels.
- (13) "Region" means an area, which has been determined by the province with National Executive Committee ratification.
- (14) "SANCO" means organisation or civic movement.
- (15) "Structure" means a committee; subcommittee; commission; province; region; and a branch.

INTERPRETATION

2. In this Constitution and unless the context otherwise clearly requires:-
 - 1) words, including terms and definitions thereof referred to in clause 1 which import the singular number only shall include the plural and vice versa;
 - 2) words importing any one gender shall include the other genders;
 - 3) the head notes to the various clauses of this Constitution are inserted for reference purposes only and shall in no way govern the interpretation thereof.

NAME

3. The name of the organization shall be South African NATIONAL CIVIC ORGANISATION, herein after referred to as "SANCO".

COLOURS AND LOGO

4. (1) The colours of SANCO shall be black, green, and red with gold being the dominant colour.
(2)The slogan in the logo shall be "People Centered Development".

THE MISSION OF SANCO

5. Our mission is to build SANCO into a strong, independent and effective Organization through, among others, mobilizing, recruiting, organizing and concientising the people of South Africa with special regard to the needs of the poor and the previously disadvantaged;

AIMS AND OBJECTIVES OF SANCO SHALL BE:

6. (1) to achieve the goals set out in the preamble;
- (2) to promote and advance effect empowerment and capacity-building through projects, programmes, campaigns, education and training;
- (3) to represent and negotiate on behalf of its members with other parties, organizations, and authorities on any matter affecting their interests;
- (4) to lobby authorities to propose favourable legislation and to comment on any proposed law, action or policy of any authority affecting the interests of the residents;
- (5) to institute legal proceedings and any other action on behalf of its members, and to defend residents' legal interests, either individually or collectively;
- (6) to co-operate with those progressive organs of civil society, both locally and internationally which have similar aims and objectives;
- (7) to conduct, co-ordinate and publish research on developments pertaining to socio-economic and political issues and any other issues of public interest affecting members and residents;
- (8) to form a Trust on behalf of its members, which Trust shall be the only shareholder in SANCO investment projects;
- (9) to establish and promote community projects and co-operatives;
- (10) to do such things as may be in the interest of the organization, its members and communities which are not inconsistent with the objects or matters specifically provided for in this constitution;
- (11) SANCO shall use powers as necessary to implement all its aims and objectives as set above.

(12)The responsibilities set out above shall be carried out by the NWC on the mandate of the NEC. In return, the NWC shall delegate such responsibilities, as it deems necessary to the National President and General Secretary.

NATIONAL OFFICE

7. The National Office of SANCO shall be in Johannesburg or at any other city as may be determined by the National Conference from time to time. In deciding about the location of the National Office, the National Conference shall take into consideration all relevant factors including, but not limited to, the cost of relocation, centrality and easy access.

LEGAL STANDING AND COMPOSITION OF SANCO

LEGAL STANDING

8. (1) SANCO shall be a civic organization registered as a section 21 company. It shall be capable of acquiring rights, incurring obligations, in its own name, entering into legal transactions and suing and being sued in its own name.
- (2) SANCO shall operate bank accounts and acquire and own property in its own name.
- (3) SANCO is a non-racial, non-sexist, independent and unitary civic movement; its policies are determined by its membership and structures.
- (4) The leadership of SANCO shall be accountable to its membership.
- (5) Freedom of speech and free circulation of ideas and information shall be upheld within SANCO.

COMPOSITION OF SANCO

9. (1) The organizational structure of SANCO shall be subdivided into provinces, regions and branches/locals, which shall all be answerable to the National Executive Committee.

(2) SANCO consists of the following structures:

- (a) National Conference
- (b) National Executive Committee (NEC)
- (c) National Working Committee (NWC)
- (d) National Office Bearers (NOB)
- (e) Provincial Conference
- (f) Provincial Executive Committee (PEC)
- (g) Provincial Working Committee (PWC)
- (h) Provincial General Council
- (i) Provincial Office Bearers (POB)
- (j) Regional Conference
- (k) Regional Executive Committee (REC)
- (l) Regional Working Committee (RWC)
- (m) Regional General Council
- (n) Regional Office Bearers (ROB)
- (o) Annual Branch Meeting (AGM)
- (p) Branch Executive Committee (BEC)
- (q) Branch Office Bearers (BOB)

THE NATIONAL CONFERENCE

10. (1) The National Conference is the supreme ruling and controlling body of SANCO and it must be held every four- (4) years.

COMPOSITION

(2) The National Conference is composed of all provincial delegates. Each Provincial delegation shall be proportional to the membership of each province according to the formula determined by the NEC from time to time. This determination shall be binding on the provinces.

POWERS AND DUTIES

- (3) The National Conference shall:
 - a) elect the National Office Bearers and fifteen (15) National Working Committee members who, by virtue of their offices, shall be part of the National Executive Committee;
 - b) decide and determine the policy, programme and constitution of SANCO.
 - c) receive and discuss the reports of the NEC, including the Presidential address and the General Secretary's report. The latter report shall include a report on the work and activities of all other SANCO structures;
 - d) have powers to review, ratify, alter or rescind any decision taken by any of the constituent bodies, structures, units or officials of SANCO;
 - e) have the power to elect or appoint any commission or committee and assign special tasks and duties to such commission or committee, as the case may be.

NATIONAL EXECUTIVE COMMITTEE (NEC)

11. (1) The NEC shall be the national policy-making body of SANCO in between National Conferences and shall be vested with the power to decide on policy issues.
- (2) Term of office of the National Executive Committee shall be four (4) years.

COMPOSITION

- (3) The NEC shall be composed of the following:

- a) the National President, Deputy President, General Secretary, Deputy General Secretary, Treasurer, Organizing Secretary, the head of departments and the fifteen- (15) NWC members;
- b) the National office bearers;
- c) fifteen NWC members;
- d) the Chairperson and the Provincial Secretary of each province; and

MEETINGS

- (4) The NEC shall ordinarily meet at least once every three- (3) months on a date fixed by the National Working Committee. Special meetings of the NEC shall be called by the President upon resolution of the NWC or upon written requisition of not less than two thirds of the provinces.

POWERS AND DUTIES

- (5) The NEC shall:
 - a) appoint heads of departments;
 - b) carry out the decisions and instructions of the National Conference.
 - c) issue and send directives and instructions to and receive reports from provinces;
 - d) set up sub-committees and determine their nature, membership and scope;
 - e) enforce discipline in terms of relevant clauses in this constitution;
 - f) establish projects and activities in accordance with the aims and objectives of the organization;
 - g) endeavour to settle disputes within and between structures;
 - h) dissolve the leadership of the Province, Region or Branch where it deems it necessary;

- i) terminate, in consultation with the Branch the membership of an individual;
- j) open and operate a banking account in the name of SANCO into which monies raised shall be placed and administer such funds;
- k) acquire, either by purchase, lease, or otherwise, any movable or immovable property on behalf of SANCO;
- l) approve annual audited financial statements and balance sheets of the organization and approve the budget presented by the NOB'S;
- m) appoint any person or persons to fill vacancies within the NEC;
- n) appoint NEC members to respective departments for area of focus;
- o) co-opt three NEC members, provided names are approved by two-third majority of NEC members;
- p) deal with such matters as are specifically delegated to it by the national conference;
- q) facilitate and encourage co-operation between provinces and other SANCO structures;
- r) demand and receive reports from SANCO structures;
- s) manage and control all national property and funds for SANCO;
- t) convene meetings of the National Conference;
- u) issue and send directives and instructions to all other structures of SANCO;
- v) engage employees of the organization, and fix their conditions of employment and define their duties based on recommendations from the National Office Bearers;
- w) afford legal and other assistance to all SANCO structures and members in furtherance of the aims and objectives of SANCO;

- x) institute and/or defend legal proceedings against SANCO and to appoint a person to sign any documents with or on behalf of the organization;
- y) supervise and direct the work of SANCO generally;
- z) ensure that all the structures of SANCO function effectively and democratically.

NATIONAL WORKING COMMITTEE

12. (1) There shall be shall be a working committee at National, Provincial and Regional levels of SANCO.
- (2) Members of these committees shall be elected at relevant conferences of SANCO.

COMPOSITION

- (1) The NWC shall be composed as follows:
- a) the President, Deputy President, General Secretary, Deputy General Secretary, Treasurer, Organising Secretary, elected and co-opted departmental heads and 15 members elected by the relevant Conference;
- (2) The members of the National Working Committee shall not necessarily be full-time functionaries of SANCO. However, the NEC shall determine the extent to which the elected members shall be full-time functionaries who may be allocated specific responsibilities.
- (3) The structure of the working committee at Provincial and Regional levels shall mirror that of the National Working Committee in all respects, as far as circumstances permit, including composition, powers and duties.

POWERS AND DUTIES

- (4) The National Working Committee shall:
- a) carry out decisions and instructions of the National Conference and the NEC;
 - b) conduct the current work of SANCO;
 - c) submit a report at each NEC meeting;
 - d) delegate its powers in between the meetings of the National Executive Committee and the National Working Committee, to the National President and the General Secretary, who will take whatever decision appropriate for SANCO on behalf of the National Working Committee;
 - e) deal with such matters as are specifically delegated to it by the NEC and the National Conference;
 - f) carry out the duties as mandated by the National Executive Committee; and
 - g) assume all powers of the National Executive Committee in between National Executive Committee meetings as provided for in clause 11 (5).

MEETINGS

- (5) The NWC shall ordinarily meet at least once every six weeks on the date to be fixed by the National President.
- (6) Special meetings of the NWC shall be called by the President through the General Secretary upon written requisition of not less than two thirds of the NWC members.
- (7) The NWC shall have the powers to call a special meeting should it be necessary.
- (8) Seven (7) days written notice of the NEC shall be given to each Provincial representative provided that in the case of a special or

urgent meeting, shorter notice of not less than three (3) days may be given.

- (9) If an NWC member does not attend a committee meeting, there must be a written apology forwarded to the committee before the meeting, failing which such member shall be guilty of misconduct. Should a member fail to attend three (3) consecutive committee meetings, such member shall be deemed to have absconded her office.

NATIONAL OFFICE BEARERS

GENERAL DUTIES OF NATIONAL OFFICE BEARERS

13. (1) The National Office Bearers, as an organ of SANCO, shall:
- a) carry out duties as mandated by the National Executive Committee;
 - b) assume the powers of the National Working Committee in between National Working Committee meetings;
 - c) be responsible for the day-to-day executive functions of the organization;
 - d) be responsible to oversee all commercial investments of the organization;
 - e) appoint Trustees to the SANCO Development Trust and approve/ratify appointment of SANCO business ventures at all levels of SANCO structures;
 - f) submit a report to each NWC meeting;
 - g) prepare and submit a report to the NEC; and
 - h) be competent to take decisions and make recommendations to the NWC and the NEC.

SPECIFIC DUTIES OF NATIONAL OFFICE BEARERS

- (2) President shall be:
- 11 a) the head and chief directing officer of SANCO at all levels and in charge of all the structures of SANCO;
 - 12 b) accountable to the NEC for his activities and meetings;
 - c) entitled to preside over all meetings of SANCO at all levels;
 - d) the leader of SANCO delegations in meetings with all persons and organizations with whom SANCO meets;
 - e) one of the signatories of bank accounts of SANCO;
 - f) be responsible for presenting the National Conference with a comprehensive statement of the state of Nation and political situation generally at relevant levels;
 - g) be an ex officio member of all committees at all levels of the organization.
- (3) The Deputy President shall:
- a) deputise for the president.
- (4) The General Secretary shall:
- a) be a full time employee of the organization;
 - b) be responsible for all correspondence in the National Office;
 - c) generally administer the affairs of SANCO at National level and keep the president and deputy president posted with regard to relevant developments;
 - d) co-ordinate meetings of SANCO at National level and be responsible for the distribution of minutes and all other relevant documentation;
 - e) attend all meetings of SANCO and be responsible for the minute-taking at all meetings;

- f) head the administration, co-ordinate commercial ventures and receive reports from all departments, staff and all structures of SANCO;
- g) present and submit to the National Conference, NEC and NWC, an assessment and evaluating report on the performance and external impact. The report shall be prepared by an independent body;
- h) in consultation with the President Issue press statements and deal with the media to make SANCO's aims and objectives, policies and principles known to the public;
- i) liaise with the news agencies, newspaper and other media on behalf of SANCO; and
- j) be responsible for performance of departments.

(5) The Deputy General Secretary shall:

- 13 a) Deputise the Secretary General

(6) The Treasurer shall:

- a) be responsible for all aspects related to the financial affairs of SANCO;
- b) co-ordinate fund-raising activities and efforts;
- c) liaise with funders;
- d) maintain proper books of accounts and monitor bank accounts of SANCO;
- e) submit regular written reports to the NOB, NWC and NEC regarding the financial position of SANCO;
- f) be head of treasury and finance together with all treasurers of structures below;
- g) be chief custodian of the funds and property of SANCO;

h) submit to conference, an independently audited financial statements covering such period as may be determined by the Conference, or National Executive Committee, from time to time.

(7) Organising Secretary shall:

- a) be head of the recruitment drive of the organisation;
- b) ensure that membership systems are in place;
- c) ensure that renewal of memberships is up to date;
- d) oversee the distribution of membership cards;
- e) ensure safe keeping of SANCO merchandise and memorabilia;
- f) ensure that campaigns are undertaken and rallies and marches are conducted;
- g) keep and update membership statistics;
- h) ensure that structures of the organisation are properly launched.

PROVINCIAL CONFERENCE

14. (1) a) Every Province shall hold a Provincial Conference once every three years.
- b) All the affairs of SANCO pertaining to a Province shall be decided by the Provincial Conference in line with the national policies and principles of the National Conference (PWC);
- c) The Provincial Conference shall elect the Provincial Executive Committee (PEC) and members of the Provincial Committee.
- Working

PROVINCIAL EXECUTIVE COMMITTEES

COMPOSITION

- (2) (a) The PEC shall consist of the Provincial Chairperson, Deputy Chairperson, Provincial Secretary, Deputy Secretary, Treasurer and Provincial Organizing Secretary;
- (b) PWC members;
- (c) Regional Chairperson and Secretary
- (d) The chairperson and the secretary of each province shall, by virtue of their offices be part of the National Executive Committee;
- (e) Term of office of the Provincial Executive Committee shall be three (3) years.

POWERS AND DUTIES

- (3) The PEC shall:
 - a) be responsible for carrying out the decisions of the Provincial Conference;
 - b) organize, establish and service branches in the Province and supervise the work of the Regions in the Province;
 - c) carry out the policies and programmes of SANCO and do all things necessary to further the interests, aims and objectives of the organization;
 - d) consult with the NEC on issues relating to policy matters;
 - e) appoint heads of departments for the province; and
 - f) allocate PWC members to their respective departments or areas of focus.

GENERAL COUNCIL

15. (1) Each province shall have a structure called General Council, which shall be the highest provincial governing body in-between provincial conferences

COMPOSITION

- (2) A General Council shall be composed of:
- a) provincial Working Committee;
 - b) five (5) representatives from each Branch;
 - c) all Regional Working Committees.

MEETINGS OF THE GENERAL COUNCIL

- (3) The General Council shall ordinarily meet once every three (3) months.
- (4) Fifty percent (50%) plus one (1) of members present shall constitute a quorum.

POWERS AND DUTIES

- (5) The General Council is competent to accept motions on policy amendments, development programmes and projects, including performances of structures in the province, subject to the proviso that such motions must not be contrary to SANCO national policy.
- (6) It is within the powers of the General Council to accept a motion of no confidence of any structure in the province.
- (7) The General Council has a duty to receive reports from the Provincial Executive Committee.

DECISION MAKING IN THE GENERAL COUNCIL.

- (8) A decision or resolution of the General Council requires at least fifty percent (50%) plus one (1) votes in favour, for it to bind the Province
- (9) A motion of no confidence on any Provincial SANCO structure, requires two-thirds (2/3) majority of votes in favour, by the General Council to be binding on the Province.

REGIONAL COMMITTEES

- 16. (1) a) The PEC, in consultation with the NEC, shall divide the Province into Regions for the more efficient and democratic functioning of SANCO;
- b) The maximum number of Regions shall be determined by the PEC in consultation with the NEC.
- c) Criteria for Regional demarcation shall be reviewed by the National Executive Committee from time to time.

REGIONAL AUTONOMY

- (2) As South Africa is a vast area and regions are great distance from one another, it is agreed that the regions have that autonomy of organizationally performing some tasks, campaigning, fund-raising for financial consistency in order to fulfill the regional tasks, but all these must be reported to the NEC in advance, and if it is an urgent matter, a full report that can be accounted for should be tabled. But such autonomy shall not be contrary to the national policies and principles of SANCO.

REGIONAL CONFERENCE

- (3) a) Each Region shall hold a regional conference once a year which conference shall elect the chair person, deputy chairperson, regional secretary, regional treasurer, regional organizing secretary and nine additional members.
- b) Officials elected at regional conference shall constitute the Regional Executive committee, which shall have the powers to appoint heads of departments.

- c) Each Region shall hold bi-annual general meeting.
- 14 d) Each Regional Executive committee shall meet once a month.
- 15 e) Additional regional council meetings may be convened by the Regional Executive Committee or the PEC or on the request of at least one-third of the branches.
- f) The Regional chairperson and the secretary shall by virtue of their offices be part of the provincial executive committee.

REPRESENTATION AT ANNUAL GENERAL MEETING AND REGIONAL CONFERENCE

- (4) a) Each branch shall be entitled to send at least one delegate to the annual general meeting and/or Conference.
- b) Each branch within a region shall be entitled to send delegates to the annual regional meeting and/or Conference proportional to its membership.

REGIONAL GENERAL COUNCIL

- (5) Each Region is competent to convene a Regional General Council.
- (6) A Regional General Council shall be composed as follows:
 - a) Regional Working Committee;
 - b) Five representatives from each branch.
- (7) The provisions relative to Provincial General Councils shall apply to Regional Councils.

BRANCHES/LOCAL COMMITTEES

17. (1) Every member of SANCO shall belong to a branch, which shall be the basic unit of the organization.

COMPOSITION OF STRUCTURES AT LOCAL LEVEL

- (2) a) All SANCO structures at local level shall be the same as those at
b) Regional and provincial level and shall operate on the same principles as regions but at local level.
c) Each local structure shall be divided into branches as agreed to by the local conference. The structure of such branches shall replicate those of higher structures and operate on similar principles but at the level of a branch.
d) Each branch shall be further sub-divided into areas and such areas into street committees and shall operate on similar principles as other structures but shall look into the needs of their respective constituencies.
e) The area committee shall replicate the branch committee and shall operate on similar principles as other structures above.

POWERS AND DUTIES

- (3) The branch shall:
- 16 a) be registered with the National Office;
- 17 b) meet at least once a month;
- c) be the place where members exercise their basic democratic rights to discuss and formulate policy matters, which policy matters shall be recommended to the NEC;
- d) be the basic unit of activity for members;
- e) elect at an annual branch meeting, office bearers and the Branch Executive Committee (BEC).

- 18 f) term of office for Branch Executive Council shall be one (1) year.

SPECIAL COMMITTEES, SUB-COMMITTEES AND COMMITTEES

18. (1) The executive committee shall be empowered to appoint special Committees or commissions when necessary.
- (2) The executive committee shall be empowered to appoint or co-opt members should vacancies occur for special tasks of SANCO or for replacement of a member who has ceased to be functional at his respective level or sub-committee or department.

PROVINCES, REGIONS AND BRANCHES

19. (1) This constitution shall be binding on all structures of SANCO.
- (2) The policies, principles and of all such structures shall not be contrary to the National Policy of SANCO.
- (3) All such structures shall have one name, i.e. SANCO, and one common constitution as adopted by the National Conference of SANCO.
- (4) The powers and duties of structures and for leadership at any level shall be similar to those of the national structures.
- (5) The portfolios, powers and duties of the members shall be the same as those of the structures below.
- (6) The PEC shall be the policy interpretation body in the provinces.
- (7) Provincial departments shall be the same as those of the national departments and each provincial department shall have a head who shall be a member of the PEC. The same principle shall apply to regions, locals and branches and other structures of SANCO.

ELECTIONS AND VOTING

20. (1) Nomination procedures and conduct of elections shall be made by resolution of NEC, PEC, REC, and BEC preceding the conference where elections are to be held.
- (2) All SANCO structures shall vote by means of a secret ballot.
- (3) Independent electoral officers shall be appointed by the NEC to conduct national elections. Elections of all the structures below shall be conducted by the immediate higher structure.
- (4) Each member shall be entitled to one vote.
- (5) At a national, provincial and regional level, only mandated delegates and the executive committee of each relevant level shall be entitled to participate in the elections.
- (6) No interim structure shall have voting rights and no person from an interim structure shall be eligible to be voted for, at higher level.
- (7) The following period of membership applies before a member can qualify to be elected to hold an executive office in the organization:
 - a) 4 years for National Executive Committee;
 - b) 3 years for Provincial Executive Committee;
 - c) 2 years for Regional Executive Committee; and
 - d) 1 year for Branch Executive Committee.

MEMBERSHIP

21. (1) Membership shall be open to all South African residents irrespective of race, sex, political affiliation, class and geographical location above the age of 18.
- (2) All the members of SANCO shall be obliged to abide by its constitution and code of conduct.
- (3) All members of SANCO have to pay an annual subscription fee, which shall be determined by the National Conference from time to time.
- (4) The branch executive committee in consultation with the NWC shall have the power to accept or refuse any application for membership. If the BEC does not exist the REC or PEC shall assume responsibility

- (5) Membership cards shall be issued by the NEC to registered members of SANCO and to persons whose application for membership has been accepted, subject to payment of the prescribed subscription fee.
- (6) An individual shall cease to be a member of SANCO on the happening of any of the following:
 - a) if found guilty by a Court of law for any crime which the NEC in its discretion, regards as serious and warranting termination of membership and may include, but not limited to, crimes involving dishonesty or any violation of human rights;
 - b) if he fails to pay his subscriptions fee for six(6) months and after having been so advised in writing;
 - c) if he dies; and
 - d) if he is expelled from the Organization after a Disciplinary Hearing has been held.
- (7) Non-earning members or those with reduced incomes will pay such lower subscription fees as determined by the NEC from time to time.

RIGHTS AND DUTIES OF MEMBERS

22. (1) A member has a right to:
 - a) take full and active part in the discussion, formulation and implementation of the policies of SANCO;
 - b) receive and impart information on all aspects of SANCO policy and activities;
 - c) offer constructive criticism of any member, official, decision, policy, programme or activity of SANCO within the parameters of the code of conduct;
 - d) submit proposals or statements to relevant SANCO structure, or organ; and
 - e) take part in elections and be elected or appointed to any structure, organ or delegation of SANCO, unless such a member

has been suspended or is otherwise disqualified in terms of the provisions of this constitution.

- (2) A member shall have the duty to:
- a) belong to and participate in a branch;
 - b) inform his branch committee of a change of address and report to the street/yard secretary on arriving at new street/yard;
 - c) explain the aims, principles, policies and activities of SANCO to other residents;
 - d) combat propaganda detrimental to the interests of SANCO;
 - e) defend its aims, principles and policies, activities and programmes;
 - f) fight against any form of discrimination, racism, sexism and religious intolerance;
 - g) deepen his understanding of the social, cultural, political and economic problems of his city and country as a whole;
 - h) take all the necessary steps to understand and carry out the aims, policies, programmes and activities of SANCO; and
 - i) observe discipline, behave honestly and carry-out the decisions of the majority and those of higher structures within SANCO.

SANCO EMPLOYEES

23. (1) SANCO shall adopt an employment code, which will govern conduct of all staff employed by the organization.
- (2) The conduct of any SANCO employee shall be guided by the rules and regulations as laid down in the code of employment.

CODE OF CONDUCT

24. (1) All Conferences and Executive committees at various levels, including Branches/local committees, shall have powers to make rules and regulations, resolutions, policies, disciplinary guidance and so on, with regard to conduct of members, under a given structure, which shall be binding on members amenable to such structure. These shall be in line with this constitution.

(2) The relationship among Executive Committee Members at any level shall be as follows:

- a) when a committee member has erred, another committee member shall first attempt to effect a corrective before the issue is brought to the attention of the committee;
- b) no member of any committee of SANCO shall criticize another member outside of a meeting or in public;
- c) no member of SANCO shall be insulted or treated in a disrespectful manner by another member;
- d) character assassination, gossiping and destructive criticism is not allowed;
- e) all members shall comply with the SANCO aims and objectives, principles and policies as well as this constitution;
- f) all members shall be disciplined, obedient and loyal to SANCO at all times;
- g) any SANCO member who behaves himself contrary to the Code of Conduct shall be subjected to discipline.
- h) no member of SANCO may join another organisation with policies, aims and objectives different from that of SANCO;
- i) no member of SANCO may promote the interests of another organisation with policies, aims and objectives different from those of SANCO;
- j) no member of SANCO may put the organisation into disrepute; and
- k) a member of SANCO who contravenes any stipulation of this code of conduct or any provision of this constitution relative to

conduct shall be guilty of an offence and on a guilty finding by the Disciplinary tribunal, be given an appropriate sentence.

RULES AND REGULATIONS

25. (1) The following rules and regulations shall be observed by all SANCO members:
- a) the taking of drugs and related narcotic substances is not allowed, and excessive drinking is discouraged;
 - b) abusive and disrespectful behavior towards other people is prohibited;
 - c) gossiping shall constitute misconduct;
 - d) behaving in a manner calculated to bring the SANCO into disrepute shall constitute misconduct;
 - e) unauthorized use of SANCO's property is not allowed; and
 - f) disrupting meetings and interfering with the orderly functioning of SANCO shall constitute misconduct.

DISCIPLINARY CODE

26. (1) There shall be a disciplinary tribunal at each level of SANCO.
- (2) An appeal or a review from the decision of a disciplinary tribunal at any level will be heard by an immediate higher disciplinary structure.
- (3) For purposes of disciplinary hearings all executive committees at all levels including Branches/Local committees shall sit as disciplinary tribunals.

- (4) The highest disciplinary tribunal shall be the National Executive Committee.
- (5) Each disciplinary tribunal shall for the purposes of adjudicating on a matter, co-opt a person with a legal background to sit.
- (6) All disciplinary tribunals shall have powers to mete out reasonable penalty, including but not limited to, warning, a monetary fine and expulsion from SANCO.
- (7) Each disciplinary tribunal shall be composed of two members of the Executive Committee and where necessary a co-opted person with a legal background. The president or chairperson as the case may be, shall appoint people to sit in the disciplinary tribunal.
- (8) For each disciplinary tribunal, the president or chairperson, as the case may be, shall appoint a case presenter who will present the case for the complainant.

DISCIPLINARY PROCEDURE

27. (1) Any member who contravenes the provisions of this constitution shall be subjected to disciplinary proceedings.
- (2) All Executive Committees at each level including branch/Local Committees shall have powers to suspend a member on reasonable grounds presented to it in writing.
- (3) Depending on the seriousness of the allegations against a member such member may be suspended before the hearing, or be summarily expelled, which expulsion shall be carried out by the NWC and ratified by the NEC.
- (4) In the event of a suspension, the hearing shall take place within Sixty (60) days failing which it shall automatically fall away.

- (5) Any person facing disciplinary proceedings shall receive timeous written notice of the hearing containing the basic allegation against him. Such notice shall be given not less than Fourteen (14) days before the hearing.
- (6) A party to a disciplinary hearing who is aggrieved by the decision of that disciplinary structure has a right to note an appeal or review to an immediate higher structure within twenty one (21) days.

PROCEDURE BEFORE THE HOLDING OF A DISCIPLINARY INQUIRY

28. (1) The inquiry shall be led by a case presenter who shall perform the following necessary preliminary tasks:
- a) conduct an investigation regarding the offence;
 - b) interview potential witnesses and take statements from them;
 - c) formulate the charges to be preferred;
 - d) send a written notice to the accused informing him about the inquiry. This notice shall:
 - (i) inform the accused about the time and venue of the disciplinary inquiry;
 - (ii) inform the accused about the time frames, within which to submit a request for further particulars to the charges;
 - (iii) Contain information with respect to the rights of the accused. These rights of the accused shall include, among others the right to:
 - (aa) be assisted in the presentation of the case by another member of SANCO;

- 19 (bb) challenge the evidence of the witnesses of the
case presented by cross examination;
- 20 (cc) raise preliminary objections, either to the way
the charge has been formulated or to raise
an objection regarding the presiding
panel;
- 21 (dd) raise objections during the proceedings, which
objections may either be overruled or
sustained;
- 22 (ee) present her case if she chooses, either by
herself or through her witnesses;
- 23 (ff) have the inquiry conducted in the language she
understands, failing which, to request to be
provided with an interpreter;
- 24 (gg) be presumed innocent; and
- 25 (hh) remain silent and not to testify during the
proceedings.

CONDUCT OF THE DISCIPLINARY PROCEEDINGS

29. (1) The presiding officer shall first introduce the panel, call upon the case presenter to mention the case and to read the charges that are being preferred against the accused.
- (2) The presiding officer shall, thereafter, proceed to explain to the accused his rights in the same way that the case presenter did in his notice to the accused.
- (3) He shall inquire as to how the accused intends to plead.
- (4) After these preliminaries, the case presenter shall commence with his case, either by giving a summary of the case or proceeding to call his witnesses.

- (5) The accused may or may not challenge their evidence.
- 26 (6) The accused may raise points to be dealt with before the case begins.
- 27 (7) He is also free to raise objections during the proceedings, which objections will either be overruled or upheld.
- (8) The accused shall present his case as soon as the case presenter has closed his.
- 28 (9) He too may either give an outline of his case or proceed to call his witnesses.
- 29 (10) During the proceedings he shall be given ample opportunity to consult with the person assisting him.
- 30 (11) After the close of the accused's case, the case presenter will present his argument, followed by that of the accused.
- 31 (12) The presiding officer may either hand down his decision there and then, or may postpone it to a later date, if it will serve justice to do so.
- 32 (13) The presiding officer may also pronounce sentence there and then or postpone it to a later date, if doing so, will better serve justice.
- 33 (14) Both the case presenter and the accused may appeal the decision of a lower tribunal to the tribunal of a level immediately above that one.
- 34 (15) When the proceedings have finally concluded, the Disciplinary Tribunal shall forward a written report to the relevant Executive Committee case, for records purposes.

INDEMNITY

30. (1) An office-bearer of SANCO is indemnified and cannot be held legally liable if acted within the scope of his duties, unless acted deliberately and/or with gross negligence.
- (2) SANCO is a National Unitary Structure, but for the purposes of its financial transactions and contracts, its various structures are independent entities. However, all SANCO structures shall report and be accountable to the National Executive Committee, which in turn, shall report and be accountable to the National Conference.
- (3) All Office Bearers and employees of SANCO at all levels, shall be indemnified in their personal capacity from all debts and related financial obligations of SANCO, arising from contracts entered into by SANCO.
- (4) Each structure of SANCO shall be liable only for debts and related financial obligations arising out of contracts entered into by itself.
- (5) Any structure of SANCO shall be liable only for debts and related financial obligations arising out of contracts entered into by another structure of SANCO where it has given its prior written consent to that effect.

ASSETS OF SANCO

31. (1) SANCO is a legal person(juristic person), independent from its members with its own rights and duties.
- (2) Every structure of SANCO shall have a right to acquire assets in its own name and on its own account, at its own instance.
- (3) Every structure of SANCO shall have an office to operate from with all relevant equipment and employ people.

- (4) The assets of SANCO shall be used strictly to promote the interests of SANCO, its members as well as its aims and objectives.
- (5) The property of SANCO, or any of its structures, shall belong to it and be separate from that of its members.

AMENDMENT OF THE CONSTITUTION

32. The constitution shall be altered or amended by two-thirds of the votes of delegates of the National Conference.

DISSOLUTION

33. (1) SANCO may be dissolved by a resolution of two thirds of those present at a meeting of the National Conference called specifically for that purpose.
- (2) Not less than 21 (twenty-one) days notice shall be given of such meeting and the notice convening such meeting shall clearly state its purpose and shall be circulated to all SANCO structures.
- (3) Upon the dissolution of SANCO the NEC shall be empowered to distribute the net assets in any manner decided by the special national conference meeting, provided that such assets shall not be paid to or distributed among members of SANCO, staff members or to any person associated with the business of SANCO.
- (4) For the purposes of winding-up the affairs and dissolution of the assets of SANCO, the NEC may, by ordinary resolution, appoint

one or more liquidators and determine the powers to be vested in such liquidators.

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