

# The South African Institute of Computer Scientists and Information Technologists

Constitution and By-Laws

17 July 2010

## **Mission**

The Institute focusses on research and development in computing and information technology (IT) in South Africa.

## **Strategic objectives**

The objectives of SAICSIT are

- To enhance the communication amongst members and all interested parties regarding research and development projects by means of services and links with other professional bodies;
- To support education and training;
- To monitor the availability of human resources for research and development;
- To seek solutions to technical and socio-economic problems in South Africa by means of research and development projects;
- To strive for professionalism and excellence amongst members.

## **Interpretation and definitions**

In this Constitution, except where the context forbids, words importing males shall include females and words implying the singular shall include the plural and vice versa.

The term “Institute” shall refer to the South African Institute of Computer Scientists and Information Technologists.

The term “Council” shall mean the Council of the Institute as defined in Chapter 4 of the Constitution.

“ExCo” shall mean the Executive Committee constituted under section of the Constitution.

The terms “approved”, “recognised” and “acceptable” shall mean approved by, recognised by, and acceptable to the Council unless the context denotes otherwise.

The term “member” shall mean any person whose name is recorded on the membership register of the Institute irrespective of the grade under which he is registered, but when written “Member is” shall mean a person who has been elected to the grade of Member in terms of Clause B of the Constitution.

The term “quorum” shall mean that number of voting members who must be present when any resolution is taken in order that such resolution shall be binding on the Institute.

The term “secretaries” shall mean the person or persons or organisation appointed as such by the Institute in general meeting, whereas “Secretary” refers to the Honorary Secretary elected under Clause 4.2.

## **Constitution**

### **1 Name and attributes**

#### **1.1 Name**

The name of the institute shall be:

The South African Institute of Computer Scientists and Information Technologists

#### **1.2 Mission**

The institute focusses on research and development in computing and information technology (IT) in South Africa.

#### **1.3 Strategic Objectives**

The strategic objectives of SAICSIT are to:–

- Support education, training and research;
- Support the dissemination of research through vehicles such as the *South African Computer Journal* and conference proceedings.
- Enhance the communication amongst members and all interested parties regarding research and development projects by means of services and links with other professional bodies;
- Monitor the availability of human resources for research and development;
- Seek solutions to technical and socio-economic problems in South Africa by means of research and development projects;
- Strive for professionalism and excellence amongst members.

## **2 Membership**

### **2.1 The Membership**

The Institute shall consist of members and fellows that meet the criteria as specified by the By-Laws.

## **2.2 Fellow**

All Fellows who were appointed within the Institute since its inception will retain their status as Fellows of the SAICSIT. No new Fellows will be elected.

## **3 Membership Register**

The Secretary shall create a register of all members, together with their dates of joining the institution, postal address and electronic-mail address to be kept.

### **3.1 Letters of Designation**

A Member of the Institute shall be entitled to use the following letters to designate his/her grade of membership of the Institute:

- Fellow: FICSIT
- MICSIT

A member of the Institute may use the following applicable descriptions to specify his/her association with the Institute:

- Fellow of The South African Institute of Computer Scientists and Information Technologists
- Member of The South African Institute of Computer Scientists and Information Technologists

### **3.2 Professional Conduct**

Every member is required so to order his conduct as to uphold the dignity of the profession of computer science and information technology; and in whatever capacity he may be engaged, to act towards his clients, employers, others with whom his work is connected, and his fellow-members, in a manner consistent with the mission and objectives of the Institute.

### **3.3 Termination of membership**

- A member may resign from the Institute by sending his written resignation to the Secretary together with the payment of any monies due. A person who has so resigned may be re-admitted to membership at the discretion of the Council on payment of such fees as the Council may decide.
- The Council may, in terms of the by-laws, terminate the membership of inactive members of the Institute.

### **3.4 Disciplinary Power**

The Council shall have power in terms of the by-laws to censure, suspend or expel members of SAICSIT.

### **3.5 Forfeiture of Rights**

Cessation of membership of the Institute shall entail forfeiture of all right, title, and/or interest in funds, property and assets of the Institute, and of right to participate in the Institute's affairs.

## **4 The Council**

### **4.1 Management**

Subject to the constitution and in conformity with the By-laws the management of the affairs of the Institute shall be vested in the Council whose members shall serve on the Council until their successors have been elected and have taken office.

### **4.2 Composition of the Council**

1. The Council shall consist of:
  - The Office Bearers:
    - the President;
    - two (2) Vice-Presidents;
    - the Honorary Secretary;
    - the Immediate Past President;
    - the Honorary Treasurer.
  - The SACJ Editor shall act as the publications coordinator of SAICSIT and will serve on the Council.
  - further eight (8) ordinary Council members.
2. No member of the Institute other than the six (6) designated in this clause nor any paid or honorary employee of the Institute shall be termed an office bearer of the Institute.
3. The Council may co-opt members as they feel fit to conduct or be responsible for specific duties.
4. Coopted members for such period determined by the Council or until the next Annual General Meeting, whichever is the shorter period.
5. Eight (8) Council Members shall form a quorum.

### **4.3 Right of Attendance**

1. Fellows have the right to attend all Council meetings, but unless also Council Members, shall not have the right to vote at Council meetings.
2. Members of Council have the right to attend any and all meetings and committee meetings of any Specialist Section, group or body, associated with, or sponsored by, the Institute.

### **4.4 Forfeiture of Council Membership**

Should any member of Council be absent from three consecutive Council meetings, without leave of absence having been granted to him by Council, he shall, at the discretion of Council, be deemed to have resigned from the Council.

#### **4.5 Election of Office Bearers**

The Office Bearers for the ensuing two (2) years shall be elected at the Annual General Meeting, in accordance with the By-laws .

#### **4.6 Vacancies among Office Bearers**

The Council shall have the power to fill any vacancy occurring among Office Bearers.

#### **4.7 Term of Office**

The normal term of office of Council members shall be four years, from Annual General Meeting to Annual General Meeting.

#### **4.8 Eligibility of Council Members**

Members of Council shall be Members of the Institute in good standing.

#### **4.9 Election of Council Members**

Members of Council shall be elected at the Annual General Meeting, in accordance with the By-Laws.

#### **4.10 Vacancies among Council Members**

The Council shall have the power to fill the vacancy by co-option.

#### **4.11 Executive Committee**

1. The Executive Committee of the Council shall consist of the Office Bearers together with such additional Council members as may be appointed to the Committee by the Council.
2. The quorum at meetings of the Executive Committee shall be four (4) members.
3. The Executive Committee shall act on behalf of the Council in cases of emergency and in all matters delegated to it by Council.
4. Any action taken by the Executive Committee shall be reported to the next Council meeting.

#### **4.12 Secretariat**

The Council shall have the power to appoint a secretary and other officers and servants, and to remunerate them. Such secretary, officers and servants shall hold office during the pleasure of the Council and they shall perform such duties as the Council shall require.

#### **4.13 Minutes**

The Council shall cause minutes to be kept of the proceedings of all meetings of the Council, the Institute and the various Committees.

#### **4.14 Examinations**

The Council shall have the power to institute and regulate examinations for admission to membership and for such other purposes as may be determined by Council.

#### **4.15 Publications**

The Council shall have the power to publish journals and other matter as may be determined by Council.

#### **4.16 Fees and Subscriptions**

1. The Council shall have the power to levy, fix and amend entrance fees and annual subscriptions.
2. Non-members may subscribe to any of the services provided by the Institute at a fee determined by Council.
3. The liability of members for the debts and engagements of the Institute is limited to the amount of any unpaid subscriptions.

#### **4.17 Assets and Accounts**

1. All assets, property and funds of the Institute shall be held and registered in the name of the Institute.
2. The Council shall have the power to buy, sell, improve, manage, lease, mortgage or dispose of all or any property, movable or immovable: to raise, borrow and secure payment of money, and to accept donations, in furtherance of the Institute's objects.
3. True accounts shall be kept of all monies received and expended by the Institute and of the assets and liabilities of the Institute.
4. The Council shall have the power to open such banking accounts as it deems fit for the purposes of the Institute.
5. The Honorary Treasurer, or treasurer engaged by the Council, shall administer the funds of the Institute in accordance with the directions of the Council to whom he shall be responsible.
6. The funds of the Institute shall be applied solely to the promotion of the objectives of the Institute.

#### **4.18 Auditing and Accounts**

The accounts of the Institute shall be audited at least once a year by an auditor who shall be appointed by the Council for the ensuing year. No member or officer of the Institute shall be eligible for the position of auditor.

#### **4.19 Signatories**

All documents and instruments required to be signed on behalf of the Institute shall be signed by persons duly authorised by a resolution of the Council.

#### **4.20 Annual Reports and Accounts**

The Council shall submit at each Annual General Meeting an Annual Report on the affairs of the Institute, together with an audited Statement of Revenue and Expenditure and a Balance Sheet.

#### **4.21 Indemnity**

Each member of Council shall be accountable only in respect of his own acts and shall not be accountable for any acts done or authorised to which he shall not have expressly assented, and no member of the Council shall incur any personal liability in respect of any loss or damage incurred through any act, matter or thing done, authorised or suffered by him, being done in good faith for the benefit of the Institute, although in excess of his legal power.

#### **4.22 Incorporation of, Association with, Kindred Institutions**

1. The Council may, upon receipt of a request for incorporation from any organisation with objects kindred to those of the Institute, arrange for the incorporation of such an organisation in the Institute on such terms and conditions as may be agreed upon, provided that any such incorporation shall be subject to sanction by a Special General Meeting of the Institute convened for the purpose.
2. The Council may decide, with no dissenting vote, to associate the Institute with any institution, provided that such association
  - furthers the objectives of the Institute; and
  - is not detrimental to the autonomy of the Institute or Council.
3. The Council may decide to disassociate from any such institution, provided that such disassociation be subject to approval by a Special General Meeting convened for this purpose.

#### **4.23 Specialist Sections**

Council may form Sections within the Institute to promote subjects of specific professional interest to certain members of the Institute. The affairs of Sections shall be conducted in accordance with the By-laws.

#### **4.24 By-Laws**

1. The Council shall frame By-laws, which shall be consistent with the provisions of the Constitution, for the conduct of the business and the management of the affairs of the Institute: such By-laws may at any time be added to, repealed or amended by the Council.
2. All members shall be notified of such alterations and additions in a manner to be decided by the Council.
3. However, amendments to the by-laws on the election of Council members and office bearers, and the by-laws on disciplinary procedures requires ratification by a simple majority of votes cast either (a) of members in a postal ballot or (b) a general meeting.

#### **4.25 Interpretation**

In any case of doubt as to the meaning of any portion of the Constitution and By-laws, the Interpretation of the Council shall be binding upon the members.

### **5 Meeting of the institute**

#### **5.1 Ordinary General Meetings**

1. Ordinary General Meetings of the Institute shall be held at such time and place as the Council may decide.
2. Nothing related to the management of the Institute shall be introduced or discussed at Ordinary General Meetings.

#### **5.2 Annual General Meetings**

Annual General Meetings of the Institute shall be held on a date in the following year to be decided by the Council each year, to receive and consider the Annual Report of the Council, the audited Revenue and Expenditure Account and Balance Sheet, an announcement of the membership of the Council where applicable, and to conduct such other business as Council may decide.

#### **5.3 Special General Meetings**

1. All meetings of the Institute other than those detailed in 5.1 and 5.2 shall be designated Special General Meetings and only such business as is specified in the notice convening these meetings shall be transacted.
2. The Council may at any time convene a Special General Meeting.
3. The Council shall convene a Special General Meeting within thirty (30) days of the receipt of a written application from no less than ten (10) Members in good standing, provided such application specifies the objects for which the meeting is required.

#### **5.4 Notice of Meetings**

Notices convening Annual General and Special General Meetings shall be dispatched to members at their registered email addresses no less than fourteen (14) days prior to the date decided for such meetings.

#### **5.5 Omission of Notice of Meetings**

The accidental omission to give notice of any meeting of the Institute to any Corporate Member shall not invalidate any resolution passed at such meeting.

#### **5.6 Voting**

The Corporate Members in good standing present at a meeting of the Institute shall form a quorum, and only these members are entitled to vote, provided that members may authorise a vote in proxy.

## **5.7 Amendments to the Constitution**

Should the Council consider it expedient to propose any change to the Constitution in the way of addition, alteration or repeal, or should not less than twenty (20) Members express in writing a desire for such a change, the same shall:

1. Either be considered at a Special General Meeting convened for that purpose, when it shall be necessary for the adoption of any amendment to the Constitution that not less than two-thirds of the votes cast shall be in the affirmative;
2. If deemed desirable by the Council, be submitted to all Members in good standing for decision by email ballot. For the adoption of a proposed amendment, it shall be necessary that not less than twenty-five per cent of the members entitled to vote cast their votes, and that not less than two-thirds of the votes cast be in favour of the amendment.

## **5.8 Liquidation**

1. The Institute may be liquidated and its affairs wound up, or it may be amalgamated with any similar body, by a resolution submitted to and adopted at a Special General Meeting convened for the purpose, at which not less than seventy-five percent (75%) of the votes cast are in favour of the dissolution or amalgamation, subject to confirmation by a postal ballot, in which not less than twenty-five percent (25%) of members entitled to vote cast their votes, and not less than two-thirds of the votes cast are in favour of dissolution or amalgamation.
2. In submitting the resolution to members, it shall be necessary to decide the manner in which any surplus assets of the Institute, after satisfaction of its debts, shall be applied, with the proviso that no surplus assets will be distributed among any members of the Institute but will be made over to a society not for gain, such society to have objects that are in accordance with the objects of the Institute.

## **6 Communication among members of the institute**

Communication will be by postal service, facsimile or electronic mail.

# **By-laws**

## **A Definitions and interpretation**

1. The definitions given in the preamble to the Constitution apply to these by-laws.
2. In any conflict between the provisions of the by-laws and the Constitution, the provisions of the Constitution shall apply.

## **B Admission to membership**

### **B.1 Eligibility for membership**

A member shall have a relevant 3-year qualification plus two years of relevant experience, or a relevant four year degree plus one year of relevant experience, or relevant masters or doctoral degree.

### **B.2 New members**

1. The Council may admit any person who meets the criteria for membership set out below.
2. Admission only takes effect on all fees being paid.
3. The Council may delegate authority to admit members to the Honorary Secretary.

### **B.3 Readmission**

1. Any person who was previously a member and whose previous membership was terminated by the Council acting under its disciplinary powers may reapply to be a member of SAICSIT, following the procedures in Clause J.8
2. The procedure of sub-clause 1 applies to any person who resigned from SAICSIT with disciplinary procedure pending.
3. Any other person who was previously a member of SAICSIT may reapply to be a member of SAICSIT using the procedure described in Clause B.2. The Council may require that fees outstanding from previous periods of membership be paid up.

## **C Membership Conditions**

### **C.1 Entrance Fees and Subscriptions**

1. All members shall pay entrance fees and subscriptions as prescribed by Council from time to time.
2. Membership of SAICSIT is from 1 January to 31 December.
3. The mode of payment of fees shall be determined by Council.
4. The Council may prescribe different fees for bona fide full-time students, for retired persons or for unemployed persons. This clause is permissive and does not obligate Council to do so.
5. Council may, in exceptional circumstances, reduce or omit the annual or arrears subscriptions due by any member.

### **C.2 Termination of membership**

1. The membership of an inactive member of the Institute may be terminated by the Council.
2. An active member of the Institute is a member who:
  - (a) was admitted as a member of SAICSIT in the previous 18 months; or

- (b) attended the annual research conference in the current or previous year; or
  - (c) notified the Honorary Secretary by email in the current calendar year that they wish to continue as a member of SAICSIT; or
  - (d) paid any fees to SAICSIT in the current year.
3. An inactive member of the Institute is a member who has owed any subscription fees for more than 12 months, *or* who is not active in terms of sub-clause 2.
  4. The Honorary Secretary will send an email circular to all members by 28 February each year asking any member who wishes to remain active to notify her/him.

## **D Meetings of the Institute and Administration**

### **D.1 Quorum**

The number of members forming a quorum at a Special General Meeting, Annual General Meeting or Ordinary General Meeting, as per section 4.6 of the Constitution shall not be less than 5% (five per cent) of the members of the Institute in good standing.

### **D.2 Voting**

1. Every proposal submitted to any meeting, except as otherwise provided, shall in the first instance be decided by a show of hands of the members entitled to vote but a ballot may be demanded by any member present. This ballot shall be taken forthwith and be supervised by the scrutineers appointed by the meeting.
2. The Chairman of any meeting shall have a deliberative vote and if necessary, a casting vote.

### **D.3 Chairperson**

The President shall preside at all Ordinary, Annual and Special General Meetings and Council and ExCo meetings of the Institute at which s/he is present. Should the President not be present, the order of precedence for taking the chair shall be:

- One of the Vice-Presidents (chosen by lot if two are present);
- The Immediate Past President;
- The Honorary Secretary;
- The Honorary Treasurer; or
- failing any of the above, a person elected by the members.

### **D.4 Adjournment**

The Chairman of any meeting may, with the consent of a majority of the members present, adjourn the proceedings from time to time and from place to place.

## **D.5 Financial Year**

1. The financial year of the Institute shall run from 1st March to the end of February.

## **E Publications**

### **E.1 South African Computer Journal**

SAICSIT shall publish the *South African Computer Journal* (SACJ) as a research journal.

### **E.2 SACJ Editorship**

1. The Council shall appoint the editor of the South African Computer Journal.
2. The Editor is granted the rights and obligations of the editor of a scientific journal.
3. The Editor is responsible for determining the contents of the journal. Research papers shall only be accepted after peer-review, on the basis of quality, relevance and novelty.
4. The Editor may appoint Deputy and Associate Editors.
5. Editorial procedures shall be determined by the Editor after consulting any Deputy or Associate Editors

### **E.3 Appointment of the SACJ editor**

1. One year before the term of office of the Editor completes, the Council shall appoint a screening committee to appoint a new editor.
2. The Screening Committee shall advertise for the position of editor and may on its own initiative approach candidates for the position.
3. The Screening Committee shall determine its own procedures and shall consider all material submitted by candidates for editor. It may also interview shortlisted applicants.
4. The Screening Committee shall make a recommendation to the Council.
5. The Council must confirm or reject any recommendation of the Screening Committee.
6. If the Council rejects the recommendation, the Screening Committee shall propose another candidate.
7. The term of office of the editor is five years.
8. An editor may serve more than one term.

#### **E.4 Publication of SACJ**

1. The Editor, in consultation with the Honorary Treasurer, shall determine the number and size of issues published each year.
2. Normally, there shall be at least two issues published each year.
3. The Council shall determine the mode of publication in consultation with the Editor.
4. The Council shall determine the copyright policy of SACJ in consultation with the Editor.
5. All paid-up members of SAICSIT shall receive a copy of the SACJ without additional charge.

#### **E.5 SAICSIT Research Symposium**

1. SAICSIT will hold an annual research conference. The Proceedings of the conference will be published and comprise chiefly of reviewed publications.
2. The SAICSIT AGM, or failing the AGM, the Council will appoint a General Chair for the conference. The General Chair will appoint the programme committee and organising committee (including the chairs thereof).
3. The final decision of which papers are accepted in the conference shall be made by the programme committee chair or chairs on the basis of peer reviews.
4. The Council shall determine the copyright policy of national research conference in consultation with the programme committee chair(s).

#### **E.6 Other publications and workshops**

The SAICSIT Council may approve the issuing of any publication or the holding of any workshop under the name of SAICSIT on such conditions as the Council deems appropriate.

### **F Election of members of council and office-bearers**

#### **F.1 Nominations**

1. Before each AGM, the Honorary Secretary shall determine the opening and closing dates for nominations for any vacancies and issue a call for nominations.
2. Nominations shall be open for at least 21 days.
3. Nominations shall normally close at least 48 hours before the AGM.
4. Nominations for any position shall be reopened at the AGM, before any election for that position, should
  - (a) no or insufficient nominations have been received; or
  - (b) a vacancy have occurred for a position between the initial call for nominations and the AGM, or as a result of a member of the Council being elected to a different position on the Council.

## **F.2 Election of office-bearers**

1. The election of office bearers shall take place at the AGM.
2. Any vacancies in office bearers shall be filled in descending order of seniority.
3. Should a newly elected office bearer already be a member of the Council, their previous position terminates and becomes vacant.
4. No-one is eligible for a position which they have held for three or more years in the last five years.

## **F.3 Election of ordinary Council members**

1. Elections for Council members shall be held at the Annual General Meeting.
2. Each paid up member of SAICSIT attending the AGM shall have as many votes as there are vacancies.
3. If there are  $n$  vacancies, the  $n$  candidates who obtained the highest votes shall be declared members of Council and hold office as ordinary Council members for four years, or until they are elected as an office bearer.

## **G Meetings and duties of council**

### **G.1 Council Meetings**

Council shall meet as often as the business of the Institute requires. At meetings of the Council all matters shall be decided by a majority, except as otherwise provided for in the Constitution or By-laws. The Chairperson shall have a deliberative and, if necessary, a casting vote.

### **G.2 Absence from Council Meetings**

Any member of Council who is absent from three (3) meetings of Council without the approval of Council shall be deemed to have resigned from the Council.

### **G.3 Appointment of Committees and Representatives**

1. Council shall have power to appoint committees and/or representatives for such purposes and with such powers as it may decide. Such appointments and/or representations may be made from members of the Institute or from such other persons as Council may select in order to further the interests and work of the Institute.
2. The President shall be *ex officio* a member of all committees.
3. Chairpersons of committees and representatives appointed by Council shall report regularly to Council either in person or in writing the progress and eventually the result of the work of the committees or representation.

## **H Specialist sections**

Any Centre or Section established by the Institute shall be constituted and its affairs conducted in accordance with the Constitution and By-laws.

## **I Meetings and duties of EXCO**

### **I.1 ExCo Meetings**

ExCo shall meet not less than four times annually, and more often should the business of the Institute so require. At meetings of the ExCo the Chairman shall have a deliberative and, if necessary, a casting vote.

### **I.2 Duties and Powers**

ExCo shall attend to all matters referred to it by Council, and all matters delegated to it by Council, and shall report to each Council meeting on matters completed and in hand.

### **I.3 Powers**

ExCo is responsible for the day-to-day running of the Institute, and may initiate proceedings otherwise reserved for Council should the orderly running of the Institute so require. Any such matters will be reported at the next available Council meeting.

### **I.4 Rights of Attendance**

1. Council members have the right to attend ExCo meetings, but if they wish to receive the agenda and minutes of ExCo meetings they must inform the Secretary in writing at least 3 (three) weeks prior to a meeting.
2. Council members attending an ExCo meeting do not, unless they are also members of ExCo, have the right to vote at an ExCo meeting.

## **J Disciplinary By-laws**

### **J.1 Powers of the Council**

1. The powers of the Council to discipline members is regulated by the constitution and these by-laws.
2. The Council may not delegate its disciplinary powers.

### **J.2 Competent charges**

Competent disciplinary charges against a member are

1. Wilful or reckless breaking of the constitution or by-laws;
2. Failure to observe Clause 3.2.

### **J.3 Initiation of disciplinary procedures**

1. The Council may on its own initiative, or on receipt of a complaint from a member or a third party, appoint an *ad hoc* disciplinary committee to decide any disciplinary charges against a member.
2. Subject to J.5(5), the Council shall appoint a SAICSIT member to lead evidence.
3. The person leading evidence shall consider any complaints and perform any preliminary investigations s/he thinks desirable.
4. The person leading evidence shall, based on the complaints and any preliminary investigations, shall either:
  - (a) recommend to the Council that the complaint should not be pursued, in which case the Council shall either terminate proceedings or consider the matter *de novo*;
  - (b) formulate charges which shall be presented to the member and the disciplinary committee.

### **J.4 Disciplinary committee**

A disciplinary committee shall consist of at least three members.

1. A majority of the committee must be members of SAICSIT.
2. Members of the committee do not have to be Council members.
3. Subject to sub-clause 1, the Council may appoint as members of the committee people who are not SAICSIT members.

### **J.5 Procedures**

1. Subject to the provisions of these by-laws, the disciplinary committee may establish its own procedures, which may be informal.
2. The principles of natural justice must be observed;
3. Without limiting the above, a charged member must have the right to make representations to the committee, in person or in writing or both;
4. Subject to sub-clause 5, a charged member may ask another member of SAICSIT to act as a friend at any hearing of the disciplinary committee;
5. No party has a right to legal representation at any meeting of the disciplinary committee. It is the intention of these procedures that any cases be heard collegially with due regard to the size and nature of SAICSIT so legal representation shall not normally be allowed. However, the disciplinary committee may, at its discretion, allow legal representation by parties should the complexity of the case require it, but may only do so in most exceptional circumstances after consulting the President.
6. If the charged member is granted legal representation, the disciplinary committee may authorise legal representation for the person leading evidence.

7. “Legal representation” means any one who is an attorney or advocate in South Africa, or holds a similar position in another jurisdiction, as well as anyone who has completed an LLB or BProc or similar degree.
8. The disciplinary committee may at its discretion meet using video conference or internet technology.
9. The committee may at any stage before giving a verdict suspend its work and recommend to the Council that the matter should be reconsidered *de novo*.

## **J.6 Decisions of the disciplinary committee**

1. At the conclusion of its hearing, the disciplinary committee shall on each charge
  - (a) Acquit or find the member guilty;
  - (b) If the member is found guilty, make a recommendation to the SAICSIT Council that the member be (a) warned, (b) reprimanded (c) suspended for some period of time not exceeding two years, or (c) expelled.
  - (c) Any punishment recommended may itself be suspended on whichever conditions the committee believes is appropriate.
2. The Disciplinary Committee shall send its report, which shall include its findings and recommendations and its reasons therefor, to the SAICSIT Council and to the member.
  - (a) The member may make written representations to the Council and/or make an appearance before the Council (which may be by video or internet technology).
  - (b) There is no other appeal process.

## **J.7 Decision of the Council**

The Council shall consider the report and any representations made by the member, and the person who led evidence.

1. With respect to a guilty verdict, the Council may confirm the verdict, or deal with the matter *de novo*.
2. With respect to any sanction recommended by a disciplinary committee, the Council may confirm the decision of the committee, or set it aside or replace it with a lesser sanction.
3. Any member of Council who is a member of the disciplinary committee, or who led evidence, or who has a significant conflict of interest shall recuse themselves from the Council meeting.
4. At its discretion, the Council may invite the chair of the disciplinary committee and/or the person who led evidence and/or the member to attend the SAICSIT Council to make representations and to answer any questions of Council members. This is subject to
  - (a) The charged member also being invited to attend;
  - (b) Any such person invited in terms of this clause must withdraw from the meeting before the Council starts deliberations.

5. At least 60% of Council members present must agree to expel a member.
6. The Council may meet using video or internet conferencing technology.

## **J.8 Miscellaneous**

1. If a member is suspended for a period of time, all membership dues will remain due.
2. If a member is expelled, s/he shall be refunded membership charges for the year.
3. A member expelled or who resigns from SAICSIT between (i) the point a disciplinary charge is laid with the Council or the Council initiating disciplinary procedures, and (ii) the final decision of Council may only be readmitted to SAICSIT as follows
  - (a) The candidate member must disclose the relevant facts on application.
  - (b) Readmission will be at the discretion of the Council and requires the support of at least 60% of Council members voting.
  - (c) The Council may terminate the membership of any person who does not disclose their previous status when applying to be a member.