

**CONSTITUTION**

**OF THE**

**NATIONAL FREEDOM PARTY WOMEN'S**

**MOVEMENT**

**AS ADOPTED ON 26 AUGUST 2012 AT THE FIRST ELECTIVE NATIONAL  
CONFERENCE OF THE NATIONAL FREEDOM PARTY WOMEN'S MOVEMENT,  
HELD AT NEWCASTLE, KWAZULU-NATAL**

# TABLE OF CONTENTS

<b>1. PREAMBLE</b>	<b>1</b>
<b>2. FOUNDING PROVISIONS</b>	<b>1-4</b>
2.1 Statement of Autonomy	1
2.2 Vision	2
2.3 Aims & Objectives	2
2.4 Name, Emblem & Colours	3
2.5 Legal Status	3
2.6 Adoption of Constitution	4
2.7 Verification of Constitution	4
2.8 Amendment of Constitution	4
<b>3. MEMBERSHIP</b>	<b>5-7</b>
3.1 General	5
3.2 Rights	5
3.3 Duties	6
3.4 Suspension	6
3.5 Termination	6
<b>4. ORGANISATIONAL STRUCTURE</b>	<b>7-11</b>
4.1 General	7
4.2 National Structure	7
4.3 Provincial, District & Constituency Structures	9
4.4 Branch Structures	10
4.5 Participatory Rights	11
<b>5. POWERS AND FUNCTIONS OF STRUCTURES</b>	<b>12-17</b>
5.1 National	12
5.2 Provincial	15
5.3 District, Constituency & Branch	17
<b>6. POWERS AND FUNCTIONS OF OFFICE BEARERS</b>	<b>17-20</b>
6.1 National	17
6.2 Provincial, District, Constituency & Branch	20

<b>7. GENERAL</b>	<b>21-21</b>
7.1 Relationship with NFP	21
7.2 Minority Equity	21
7.3 Administration	21
7.4 Financial Management	21
7.5 Participation in Women’s Organisations	21
<b>8. DISCIPLINARY</b>	<b>22-28</b>
8.1 Disciplinary Policy	22
8.2 Disciplinary Proceedings	22
8.3 Disciplinary Committee	24
8.4 Appeals Proceedings	26
<b>9. CODE OF CONDUCT</b>	<b>28-30</b>
9.1 General	28
9.2 Standard of Conduct	28
9.3 Sanctions for Misconduct	29

## **1. PREAMBLE**

We, the Women of the National Freedom Party:-

Recognize the historical injustice leveled against both women and children of our land and beyond;

Acknowledge the sufferings which both women and children experienced in the past;

Note that opportunities have been created for women to participate in structures and positions of power, but aware that the vast majority of women in our country remain marginalized;

Believe that women and children must be given a fair opportunity to enjoy their rights to equality, human dignity and the full protection of the law;

Accept our responsibility to:-

be vigilant and vocal on issues pertaining to abuse and other injustices against women and children nationally and internationally;

continue in our quest to fight against fraud, corruption and crime in society;

Accept the inseparable ties binding the NFP Women's Movement and the National Freedom Party as a unit for the advancement of the lives of all South Africans.

## **2. FOUNDING PROVISIONS**

### **2.1 Statement of Autonomy**

2.1.1 The National Freedom Party Women's Movement (NFPWM) is an autonomous body within the overall structure of the NFP, of which it is an inalienable and integral part, and is hereby constituted in terms of sections 4.1.1.6(b) and 10.2 of the supreme Constitution of the NFP.

2.1.2 The NFPWM commits itself to respect, uphold and defend the supreme Constitution and Policies of the NFP, and accepts the mandate of sections 10.2.5-9 of the supreme Constitution of the NFP to:-

2.1.2.1 promote and advance the interest of women, both within and outside of the NFP, and to work towards identifying and eradicating social ills affecting women in society;

2.1.2.2 work tirelessly to promote the Aims, Objectives, Policies and general interest of the NFP, and to coordinate with the NFP in matters of mutual importance, including but not limited to mobilising women for national, provincial and local government elections, preparations for NFP Conferences, and other interests which is to the benefit of the NFP and the NFPWM members in general;

2.1.2.3 mobilise women to join the NFP;

2.1.2.4 design, arrange and present programs and workshops to deal with issues affecting women in general;

2.1.2.5 encourage women to fully participate in all appropriate spheres of Government and government Structures.

2.1.3 The NFPWM acknowledges the right of the NFP, through its National Executive Committee, to intervene in matters of the NFPWM where the best interest of the NFP is compromised by the action or actions of the NFPWM, its structures and/or its members.

2.1.4 This Constitution must at all times be read and interpreted in conjunction with the supreme Constitution of the NFP, and where this Constitution is silent on any given aspect, or where there is conflict between the interpretation of this Constitution and the supreme Constitution of the NFP, the provisions and interpretation of the supreme Constitution of the NFP must prevail.

## **2.2 Vision**

2.2.1 To be the voice of the voiceless whilst placing particular emphasis on the inclusion of minority groups in our organization.

2.2.2 To promote women's inclusion in all structures of the NFP and all levels of government in South Africa.

2.2.3 To contribute positively to a society where women's dignity and equality will be respected and upheld as a value for generations to come.

2.2.4 To encourage the moral growth of society based on women's networks.

2.2.5 To strive for the promotion of security in, and the motivation of our society, so that women and our children may be economically and socially empowered.

## **2.3 Aims & Objectives**

2.3.1 It is the ideal of the NFPWM to ensure that women's right as human rights are respected and adhered to by all our communities and our society.

2.3.2 It is the objective of the NFPWM to continue fighting against all forms of discrimination against women because of their gender, and to do so through implementation of proactive programs designed to eradicate past gender-based imbalances and inequalities.

2.3.3 It is a cornerstone of its mandate that the NFPWM undertakes, through its members and structures, to mobilize women to join and participate in all NFP activities tirelessly.

2.3.4 It is a fundamental goal of the NFPWM to encourage its members to develop themselves economically, academically and educationally, and to promote women empowerment throughout the country.

2.3.5 It is the aim of the NFPWM to promote transparency and accountability in the NFPWM, our party and society at large.

## **2.4 Name, Emblem & Colours**

2.4.1 The name of the organization is the National Freedom Party Women's Movement, hereinafter referred to as the NFPWM.

2.4.2 The name shall not be translated.

2.4.3 The abbreviation NFPWM shall be used in all official languages of the Republic of South Africa.

2.4.4 The emblem and colours of the NFPWM shall be the same that of the NFP as described and contained in Schedule "A" of the supreme Constitution of the NFP.

## **2.5 Legal Status**

2.5.1 The NFPWM is a body corporate with perpetual succession.

2.5.2 The NFPWM, as a juristic person, is capable of suing and being sued in its own name, may purchase, hire, lease, mortgage, pledge or in any other way acquire, own, alienate or deal with moveable and immoveable property, and may perform all legal and lawful activities as provided for by this Constitution and such legal activities ordinarily associated with a body corporate, provided that:-

2.5.2.1 where the NFPWM intends entering into legally binding agreements in terms of section 2.5.3 below, the NEC of the NFP must be consulted to discuss the possible legal implications of such an agreement for the NFP before such an agreement is concluded, and

2.5.2.3 an express term of such legally binding agreement must be inserted to exempt the NFP from any claims arising from a breach, if any, of such agreement.

2.5.3 Only the National Office Bearers of the NFPWM, as provided for in sections 4.2.3.1(a)-(f) of this Constitution shall have the authority to bind the NFPWM or to create any legally binding relationship. Any other person purporting to bind the NFPWM must provide a written authorization from two of the NFPWM National Office Bearers referred to above, one of which must be the NFPWM National Secretary, and which authorization must expressly indicate the extent of the prior authority granted.

## **2.6 Adoption of Constitution**

2.6.1 This Constitution shall become the Constitution of the NFPWM after adoption by two-thirds of the delegates attending and voting at the first Elective National Conference of the NFPWM, subject to the provision of section 26.2 below.

2.6.2 Once adopted, this Constitution will be submitted to the NFP for verification in accordance with section 10.2.4 of the supreme Constitution of the NFP.

## **2.7 Verification of Constitution**

2.7.1 Upon verification of this Constitution by the NFP, this Constitution shall come into effect and shall be the only Constitution, subject to the supreme Constitution of the NFP, which will be binding on the NFPWM and its members.

## **2.8 Amendment of Constitution**

2.8.1 This Constitution, once in force, may only be amended by approval of two-thirds of the delegates attending and voting at a General or Special National Conference of the NFPWM, provided that:-

2.8.1.1 written Notice of Intent to propose an amendment to the Constitution had been forwarded to the Office of the NFPWM National Secretary and the NEC of the NFP at least four months prior to the commencement of such a Conference;

2.8.1.2 such proposed amendment had been circulated in writing at all levels and structures within the NFPWM for discussion at least three months before the commencement of the said Conference;

2.8.1.3 delegates to the said Conference had been given sufficient opportunity to debate the proposed amendment at the Conference; and

2.8.1.4 such amendment does not:-

(a) have the effect of making the NFPWM dysfunctional;

(b) have the effect of dissolving the NFPWM, unless such a proposed amendment had been approved by the National Working Committee of the NFP.

2.8.2 Once an amendment had been approved and adopted, such amendment shall be submitted to the NFP in terms of section 10.2.4 of the supreme Constitution of the NFP for verification before such amendment becomes effective.

### **3. MEMBERSHIP:**

#### **3.1 General**

3.1.1 Prior existing membership of the NFP is a pre-requisite for full membership of the NFPWM in accordance with the provision of section 10.2.1 of the supreme Constitution of the NFP.

3.1.2 All female members of the NFP who are 18 and older are full members of the NFPWM.

3.1.3 All members shall affiliate with a Branch of the NFPWM, within the boundaries of the Municipal Ward where such member is registered, or eligible to register, as a voter and where such member has taken NFP membership.

3.1.4 NFPWM members shall exercise their rights and privileges as members of the NFPWM through their Branches and its elected leadership and representatives.

#### **3.2 Rights**

3.2.1 Full members are entitled to exercise all rights associated with NFPWM membership, which include:-

3.2.1.1 to fully and actively participate in the discussion, formulation and implementation of the programs of the NFPWM;

3.2.1.2 to receive and impart information on all aspects of NFPWM programs and activities, and to offer constructive criticism of any member, official, programme or activity of the NFPWM, provided that such constructive criticism is done with dignity and within the ordinary rules and custom of critical engagement within NFPWM structures;

3.2.1.3 to participate in elections and be elected or appointed to any committee, structure, commission or delegation of the NFPWM; provided that:-

(a) the member has been a member of the NFP for:-

(i) more than 1 year to qualify for an elected position at a Branch level;

(ii) more than 2 years to qualify for an elected position at a Constituency or District level;

(iii) more than 3 years to qualify for an elected position at a Provincial or National level.

(b) the provisions contained in section 3.1.1.3(a) shall only come into effect after the first Elective National Conference of the NFPWM.



3.2.1.4 to submit proposals or statements relevant to the proper functioning of the NFPWM or of a NFPWM Branch, Constituency, District, Province or National Executive Committee, provided such proposals or statements are submitted through the appropriate structures.

3.2.2 All members of the NFPWM have the inalienable right to be treated with respect and dignity in the exercising and enjoyment of their rights.

### **3.3 Duties**

3.3.1 Members of the NFPWM have an obligation to:-

3.3.1.1 abide by the Constitution of the NFPWM and the supreme Constitution of the NFP, its Policies and its Aims & Vision;

3.3.1.2 conduct themselves as NFPWM members in their political activities with dignity and a sense of tolerance toward opposing views, giving effect to the fundamental Human Right that everyone is allowed to associate freely in furtherance of the ideal of a free and democratic society;

3.3.1.3 actively take part in the activities of their NFPWM Branches;

3.3.1.4 promote unity, harmony and political cohesion within the NFPWM as well as between the NFP and its Autonomous auxiliary Structures.

### **3.4 Suspension**

3.4.1 Membership of the NFPWM shall only be suspended when:-

3.4.1.1 a member's NFP membership is suspended by the NFP in terms of section 3.5 of the supreme Constitution of the NFP, or

3.4.1.2 a Disciplinary Committee of the NFPWM has found a member guilty of misconduct and, upon recommendation from such Disciplinary Committee after all internal Appeals had been concluded, the National Disciplinary Committee of the NFP approves the suspension of the member's NFP membership subsequent to careful consideration of all the facts available to it.

3.4.2 Suspension of NFP membership of an NFPWM member will automatically apply to his or her membership of the NFPWM with immediate effect.

### **3.5 Termination**

3.5.1 Membership of the NFPWM shall be only be terminated when:-

3.5.1.1 a member's NFP membership is terminated in terms of section 3.6 of the supreme Constitution of the NFP, or

3.5.1.2 a Disciplinary Committee of the NFPWM has found a member guilty of misconduct and, and upon recommendation from such Disciplinary Committee after all internal Appeals had been concluded, the National Disciplinary Committee of the NFP approves the termination of the member's NFP membership subsequent to careful consideration of all the facts available to it.

3.5.2 Termination of NFP membership of an NFPWM member will automatically apply to his or her membership of the NFPWM with immediate effect.

## **4. ORGANISATIONAL STRUCTURE**

### **4.1 General**

4.1.1 The NFPWM shall have structures at National, Provincial, District, Constituency and Branch level corresponding to, and in accordance with, the provision of section 10.2.2 of the supreme Constitution of the NFP.

4.1.2 Geographical boundaries of Branch, Constituency, District, Provincial and the National structures shall be as provided for in the supreme Constitution of the NFP.

### **4.2 National Structure**

#### **4.2.1 National Conferences**

##### **4.2.1.1 Provision is made for:-**

(a) General National Conference (GNC) of the NFPWM which must be held annually;

(b) Elective National Conference (ENC) of the NFPWM which must be held every five years, and where National Office Bearers referred to in section 4.2.3.1(a)-(e) and members of the National Working Committee, as provided for in section 4.2.2.1(b), must be elected;

(c) Special National Conference (SNC) of the NFPWM which shall be held when:-

(i) The NEC of the NFPWM so requests in writing and such request had been approved by simple majority of the NWC of the NFPWM during a NWC meeting;

(ii) The NWC exercises its powers in terms of section 5.1.2.3(f), in which case the provisions of section 5.1.1.3 shall apply;

(iii) At least two-thirds of all Provincial Executive Committees of the NFPWM so requests in writing and such request had been approved by simple majority of the NWC of the NFPWM during a NWC meeting.

4.2.1.2 The rules and procedures for a General, Special and Elective National Conference shall be the same, and be contained in a Conference Protocol to be developed and drafted by the NEC of the NFPWM.

4.2.1.3 The Protocol referred to in section 4.2.1.2 above must provide, as non-derogable, that the election of all Office Bearers shall be by secret ballot.

4.2.1.4 Where the rules and procedures are silent, the General, Special or Elective National Conference shall determine its own procedures in accordance with recognised democratic principles.

4.2.1.5 The provision contained in sections 4.2.1.2-4 above shall equally apply to all Conferences at Provincial, District, Constituency and Branch levels with variations provided for in the Protocol.

#### 4.2.2 National Working Committee (NWC)

4.2.2.1 The National Working Committee shall comprise of:-

- (a) All members of the NEC as provided for in section 4.2.3.1(a)-(g) below;
- (b) Ten (10) members directly elected at a National Conference;
- (c) All elected Provincial Chairpersons and Provincial Secretaries.

#### 4.2.3 National Executive Committee

4.2.3.1 The National Executive Committee shall comprise of the following members:-

- (a) NFPWM President, directly elected at an Elective National Conference;
- (b) NFPWM Deputy-President, directly elected at an Elective National Conference;
- (c) NFPWM Secretary, directly elected at an Elective National Conference;
- (d) NFPWM Deputy Secretary, directly elected at an Elective National Conference;
- (e) NFPWM Treasurer, directly elected at an Elective National Conference;
- (f) NFPWM Projects Coordinator, directly elected at an Elective National Conference;
- (g) NFPWM Spokesperson, directly elected at an Elective National Conference;
- (h) A minimum of one and a maximum of four (4) additional members to be appointed by the national Office Bearers provided for in section 4.2.3.1(a)-(g), provided that:-
  - (i) One (1) of the additional members should represent minority interests, and must be appointed within 30 (thirty) working days from the date of the Elective National Conference; and

(ii) Three (3) of the additional members should possess particular skills to assist the NEC of the NFPWM in its proper functioning, and may be appointed at any time after an Elective National Conference.

### **4.3 Provincial, District and Constituency Structures**

4.3.1 The provisions for the National Conferences of the NFPWM, as contained in section 4.2.1 above, shall apply equally to all lower Structures, except Branches, with corresponding variations in the timeframes of the respective General and Elective Conferences as follows:-

4.3.1.1 A Provincial General Conference shall be held annually; and a Provincial Elective Conference shall be held every five (5) years;

4.3.1.2 A District General Conference shall be held annually; and a District Elective Conference shall be held every three (3) years;

4.3.1.3 A Constituency General Conference shall be held annually; and a Constituency Elective Conference shall be held every three (3) years.

4.3.2 The Working Committees of Provinces, Districts and Constituencies shall be constituted as follows:-

4.3.2.1 All members of an appropriate Executive Committee as provided for in section 4.3.3 and read together with section 4.3.4 of this Constitution;

4.3.2.2 One (1) member per District in the case of a PWC, one (1) member per Constituency in the case of a DWC, and one (1) member per Branch in the case of a CWC , all directly elected at a relevant Elective Conference;

4.3.2.3 All elected Secretaries of the preceding lower structures.

4.3.3 The Executive Committees of Provinces shall be as follows:-

(a) NFPWM Provincial Chairperson, directly elected at an Elective Provincial Conference;

(b) NFPWM Deputy Provincial Chairperson, directly elected at an Elective Provincial Conference;

(c) NFPWM Provincial Secretary, directly elected at an Elective Provincial Conference;

(d) NFPWM Deputy Provincial Secretary, directly elected at an Elective Provincial Conference;

(e) NFPWM Provincial Treasurer, directly elected at an Elective Provincial Conference;

(f) NFPWM Provincial Projects Coordinator, directly elected at an Elective Provincial Conference;

(g) NFPWM Provincial Publicity Officer, directly elected at an Elective Provincial Conference.

4.3.3.8 A minimum of one (1) and a maximum of three (3) additional members to be appointed by the Provincial Office Bearers as set out in section 4.3.3(a)-(g) above, provided that:-

(a) one (1) of the additional members should represent minority interests, and must be appointed within 30 (thirty) working days from the date of the Elective Provincial Conference; and

(b) if no appointment is made in terms of section 4.4.3.8.(a) above, such position on the PEC falls away; and

(c) two (2) of the additional members should possess particular skills to assist the PEC of the NFPWM in its proper functioning, and may be appointed at any time after an Elective Provincial Conference.

4.3.3.9 All elected NFPWM District Chairpersons.

4.3.4 The provisions for Executive Committees of Districts and Constituencies shall be similar to those as for Provincial Executive Committees in section 4.3.3 above, except that:-

4.3.4.1 the titles of Office Bearers shall correspond with the structure, and

4.3.4.2 all elected Constituency Chairpersons shall be included in the District Executive Committees, and all elected Branch Chairpersons shall be included in the Constituency Executive Committees.

## **4.4 Branch Structure**

4.4.1 Branch Conferences

4.4.1.1 Provision is made for:-

(a) General Branch Conference of the NFPWM which must be held annually;

(b) Elective Branch Conference of the NFPWM which must be held every two (2) years, and where Branch Office Bearers referred to in section 4.4.3.1(a)-(g) must be elected;

(c) Special Branch Conference of the NFPWM which shall be held when:-

(i) the Branch Executive Committee of the NFPWM deems it necessary, or

(ii) at least two-thirds of all duly registered Branch members of the NFPWM within the Branch so requests in writing and such request had been approved by simple majority of the Branch Executive Committee of the NFPWM during a Branch Executive Committee meeting.

#### 4.4.2 Branch Executive Committee (BEC)

4.4.2.1 The Branch Executive Committee shall comprise of:-

- (a) NFPWM Branch Chairperson, directly elected at an Elective Branch Conference;
- (b) NFPWM Deputy Branch Chairperson, directly elected at an Elective Branch Conference;
- (c) NFYM Branch Secretary, directly elected at an Elective Branch Conference;
- (d) NFYM Deputy Branch Secretary, directly elected at an Elective Branch Conference;
- (e) NFPWM Branch Treasurer, directly elected at an Elective Branch Conference;
- (f) NFPWM Branch Project Coordinator, directly elected at an Elective Branch Conference;
- (g) NFPWM Branch Publicity Officer, directly elected at an Elective Branch Conference;
- (h) A minimum of one (1) and a maximum of three (3) additional members to be appointed by the branch Office Bearers as set out in section 4.4.2.1(a)-(g) above, provided that:-
  - (i) one (1) of the additional members should represent minority interests, if applicable, and must be appointed within 30 (thirty) working days from the date of the Elective Branch Conference; and
  - (ii) if no appointment is made in terms of section 4.4.2.1.(h)(i) above, such position on the BEC falls away, and
  - (iii) two (2) of the additional members should possess particular skills to assist the BEC of the NFPWM in its proper functioning, and may be appointed at any time after an Elective Branch Conference.

#### 4.4.3 Sub-branches

4.4.3.1 Sub-branches must be formed to coincide with Voting District boundaries within a Municipal Ward, provided that such sub-branches will have no executive powers or status and will be regulated by the provisions contained in the ‘Inauguration of Structures’ Protocol of the NFP.

### 4.5 Participatory Rights

4.5.1 All members of all Executive and Working Committees provided for in this Constitution, unless otherwise stated, shall have full participatory and voting rights.

## **5. POWERS AND FUNCTIONS OF STRUCTURES**

### **5.1 National**

#### 5.1.1 National Conference

5.1.1.1 The General, Elective or Special National Conference in session, is the supreme decision making and governing body of the NFPWM.

5.1.1.2 National Conference will have the Functions and Powers to:-

(a) decide, adjust and determine the National Programs of the NFPWM by simple majority, and to amend the Constitution of the NFPWM in accordance with the provisions of section 2.8;

(b) receive and discuss the reports of the NEC which shall include the President's Address, the National Secretary's report, the National Treasurer's report and/or any other reports commissioned by, and for, General National Conference;

(c) review, ratify and/or overturn any decision made by any structure or Office Bearer within the NFPWM, including decisions made by the NEC and NWC, provided such overturned decision has a direct adverse effect on the NFPWM, its functioning and/or its public image;

(d) when in session as an Elective National Conference, to elect the National Office Bearers as provided for in section 4.2.3.1, and the elected members of the National Working Committee as provided for in section 4.2.2.1;

(e) appoint any committee and assign to such committee specific tasks and duties on terms as the General National Conference deems fit;

(f) confer, after consultation with the NFP, honours and awards to any member, individual or organization in recognition of their contribution to the growth of, and dedication to, the NFPWM.

5.1.1.3 All the provisions of section 5.1.1.1 and section 5.1.1.2 above shall equally apply to a National Elective and National Special Conference provided that:-

(a) no standard reports as required for a National General Conference provided for in section 5.1.1.2(b) will be submitted at a Special National Conference;

(b) a National Elective National Conference has the sole power to elect National Office Bearers and members of the National Working Committee as provided for in section 4.2.1.1(b), subject to the provision of section 5.1.1.4 below.

5.1.1.4 In the event that the NEC of the NFPWM has become dysfunctional for whatever reason, or has been disempowered through a Vote of No Confidence at a Special or General National Conference, then a Special or General National Conference may assume the powers of an Elective National Conference if so authorised by the NWC of the NFPWM in terms of section 5.1.2.3(f) below.

### 5.1.2 National Working Committee

5.1.2.1 The National Working Committee of the NFPWM shall act with the authority and power of the General National Conference of the NFPWM when such Conference is not in session, in accordance with provisions contained in this Constitution.

5.1.2.2 The National Working Committee may be convened at the discretion of the National Executive Committee of the NFPWM, provided that the NEC must convene the National Working Committee at least four times in every twelve months, or more often when necessary, or if one half of the members requests a meeting.

5.1.2.3 The National Working Committee will have the Functions and Powers to:-

- (a) develop, determine, evaluate and review the implementation of all Programs of the NFPWM;
- (b) receive and discuss reports of the NEC of the NFPWM as required from time to time;
- (c) ratify, change or rescind any decision taken by any of the structures or Office Bearers of the NFPWM, except decisions taken by the National Conferences, and provided such decision to be changed or rescinded has a direct adverse effect on the NFPWM, its functioning and/or its public image;
- (d) discuss any issue it deems necessary taking into account the Programmes and Directives of the General National Conference of the NFPWM;
- (e) fill vacancies that have arisen in the NEC NFPWM, provided that such vacancies do not exceed 50% of the NEC in which case a Special Conference must be called by the NWC;
- (f) authorise a General or Special National Conference to assume the power to elect office bearers as provided for in section 5.1.2.3(e) above read together with section 5.1.1.4;
- (g) ratify a decision taken by the NEC of the NFPWM to dissolve or suspend a Provincial Executive Committee or remove a Provincial Office Bearer from office;
- (h) be the final body of Appeal within the NFPWM in any disciplinary matter in terms of, and subject to, section 8.4.2.2, and which decision shall be final.

### 5.1.3 National Executive Committee

5.1.3.1 The NEC of the NFPWM will have the Functions and Powers to:-

- (a) facilitate the arrangements for a General, Elective and/or Special National Conferences, and may appoint an ad hoc committee to discharge this duty;



(b) operate as the highest organ of the NFPWM between General National Conferences with the authority to lead the organization, subject to the provisions of this Constitution;

(c) generally to:-

(i) give effect to the decisions and instructions from the NFP, the National Conference and the National Working Committee the of the NFPWM;

(ii) issue instructions and directives to NFPWM structures and receive reports from these structures as and when required;

(iii) oversee, implement and direct the work of the NFPWM and all its structures;

(iv) establish committees with specific tasks;

(v) manage and control the property, funds and assets of the NFPWM;

(vi) draft and issue documents and directives as and when necessary;

(vii) draft, develop and amend the Protocols of the NFPWM to provide guidelines for the general management of the NFPWM and its structures, provided that such Protocols are not in conflict with the Protocols of the NFP or with the provisions of the NFP and NFPWM Constitutions;

(viii) be able to suspend or dissolve a Provincial Executive Committee and remove a Provincial Office Bearer of the NFPWM from office after a recommendation to such effect by a Disciplinary Committee duly constituted in terms of section 8.3.3.2, and which suspension or dissolution shall only come into effect after verification by the NEC of the NFP;

(ix) subject to this Constitution, to take decisions and make regulations, binding on all NFPWM structures, concerning aspects of administration, organisation, finance, discipline and other matters affecting the welfare of the NFPWM;

(x) in consultation with the respective Province, District or Constituency, set and monitor performance targets for each such Province, District or Constituency;

(xi) in consultation with the National Working Committee, appoint and provide direction to an ad hoc committee to assist the NFP to prepare for National, Provincial and Local Government elections, including by-elections;

(xii) exercise the right to ratify, change or rescind any decision taken by any of the structures or Office Bearers of the NFPWM, except decisions taken by any National Conference or the National Working Committee of the NFPWM, and such decision of the NEC to be subject to ratification by the NWC or a National Conference, whichever is convened first.

(d) be responsible for guiding the formulation of programs of the NFPWM in fulfilment of its mandate to promote and advance the interest of women, and be responsible for the implementation thereof;

(e) liaise closely with the NFP to implement all plans of action and projects designed to further the aims and objectives of both the NFP and the NFPWM;

(f) research and investigate ways and means for the NFPWM to cooperate with government agencies, non-government organisations and institutions that promote the interests of women, and to facilitate participation in such structures.

5.1.3.2 The NEC shall meet regularly and whenever the President of the NFPWM so determines, or when at least one half of its members request a meeting.

5.1.3.3 A quorum on the NEC exists if a simple majority is in attendance and decisions taken are valid if 50% plus one of the members present voted in favour thereof.

5.1.3.4 The NEC may invite one or more persons to attend, but not to vote, at any of its meetings.

## **5.2 Provincial**

### **5.2.1 General Provincial Conference**

5.2.1.1 A General Provincial Conference in session shall be the primary decision making and governing body of the NFPWM in that province, subject to the directives and decisions of the national structures.

5.2.1.2 A General Provincial Conference shall have the powers and functions to:-

(a) develop, decide, adjust and implement the Provincial Programs of the NFPWM within that particular province in accordance with the directives from the national structures;

(b) receive and discuss reports of the PEC as the Provincial General Conference requires, including reports from the Provincial Chairperson, Provincial Secretary and the Provincial Treasurer;

(c) when in session as an Elective Provincial Conference, to elect the Provincial Office Bearers and members of the PWC as provided for in section 4.3.3.1-7 and 4.3.2.2;

(d) appoint ad hoc committees, and assign to them specific tasks;

(e) provide guidance to lower structures to ensure that national directives are implemented.

### **5.2.2 Provincial Working Committee (PWC)**

5.2.2.1 A Provincial Working Committee of the NFPWM shall act with the authority and power of the General Provincial Conference of the NFPWM in a province when such Conference is not in session in accordance with provisions contained in this Constitution.

5.2.2.2 A Provincial Working Committee may be convened at the discretion of the relevant Provincial Executive Committee of the NFPWM in a province, provided that such PEC must convene the Provincial Working Committee at least four times in every twelve months, or more often when necessary, or when half of the PWC requests to meet.

5.2.2.3 The Provincial Working Committee will have the Functions and Powers to:-

- (a) implement the Programs of the NFPWM in the province;
- (b) receive and discuss reports of the PEC of the NFPWM as required from time to time;
- (c) discuss any issue it deems necessary taking into account the Programmes and Directives of the General National Conference of the NFPWM;
- (d) fill vacancies that have arisen in the relevant PEC of the NFPWM, provided that such vacancies do not exceed 50% of the PEC in which case a Special Conference must be called by the PWC.

### 5.2.3 Provincial Executive Committee (PEC)

5.2.3.1 The PEC of the NFPWM will have the powers and functions to:-

- (a) facilitate the arrangements for a General, Elective and/or Special Provincial Conferences, and may appoint an ad hoc committee to discharge this duty;
- (b) generally to:-
  - (i) give effect to the decisions and instructions from the NEC, the National Conference and the NWC the of the NFPWM;
  - (ii) issue instructions and directives to NFPWM structures in the province; and receive reports from these structures as and when required;
  - (iii) oversee, implement and direct the work of the NFPWM and all its structures in the province;
  - (iv) establish committees with specific tasks when and as necessary;
  - (v) in consultation with the respective Districts or Constituencies in the province, set and monitor performance targets for each such District or Constituency;
  - (vi) in consultation with the Provincial Working Committee, provide direction to lower structures to ensure that the NFPWM functions in accordance with the provision of this Constitution.

## **5.3 District, Constituency and Branch**

### **5.3.1 General Conferences**

5.3.1.1 A General Conference of a District, Constituency or Branch in session shall be the primary decision making and governing body of the NFPWM in that District, Constituency or Branch, subject to the directives and decisions of the national and provincial structures.

5.3.1.2 The powers and functions of the General District, Constituency or Branch Conference shall be the same as for a General Provincial Conference provided for in section 5.2.1.2, appropriate to the structure.

### **5.3.2 Working Committees**

5.3.2.1 The provisions of section 5.2.2 shall apply *mutatis mutandis* to the Working Committees of Districts and Constituencies, in accordance with the provisions of the Office Bearers Protocol to be developed, drafted and amended from time to time by the NEC of the NFPWM.

### **5.3.3 Executive Committees**

5.3.3.1 The provisions of section 5.2.3 shall apply *mutatis mutandis* to the Executive Committees of Districts, Constituencies and Branches, in accordance with the provisions of the Office Bearers Protocol to be developed, drafted and amended from time to time by the NEC of the NFPWM.

## **6. POWERS AND FUNCTIONS OF OFFICE BEARERS**

### **6.1 National**

#### **6.1.1 President**

6.1.1.1 The NFPWM President shall:-

(a) be the leader of the NFPWM and shall preside over a General, Elective or Special National Conference of the NFPWM;

(b) present to the General or Elective National Conference and National Working Committee of the NFPWM a comprehensive statement of the state of the organisation;

(c) guide and direct the activities of the NFPWM in conjunction with the NFP and the National Executive Committee of the NFPWM;

(d) ensure proper management of the NFPWM and fidelity to the founding principles and philosophy of the NFP;

(e) be the custodian of the NFPWM programs adopted and decisions taken by the General National Conference and National Working Committee, and will ensure that all structures of the NFPWM implement decisions taken at the National level;

(f) call and chair meetings of the NEC of the NFPWM;

(g) have the powers to:-

(i) attend the meetings of the National and Provincial structures of the NFPWM so as to give political direction and guidance to such structures;

(ii) take decisions on behalf of the NFPWM when the NEC is unable to do so;

(iii) oversee the functioning of all NFPWM structures in conjunction with its NEC;

(iv) exercise a casting vote in matters where the NEC or NWC is in deadlock, and where such casting vote will translate into the power of a veto at the General National Conference of the NFPWM where it can only be overridden by a two-thirds majority vote in that General National Conference;

(v) represent the NFPWM and promote its interests in the NEC of the NFP, as provided for in section 5.2.1.3 of the supreme Constitution of the NFP.

## 6.1.2 Deputy President

6.1.2.1 The Deputy President of the NFPWM shall assist the President, deputise for her when necessary and carry out whatever functions are entrusted to her by the General National Conference, the National Working Committee, the President, or the NEC of the NFPWM.

## 6.1.3 National Secretary

6.1.3.1 The Secretary of the NFPWM shall:-

(a) be the Chief Executive Officer of the NFPWM, and all departments of the organisation shall report on their activities and be accountable to the Secretary;

(b) communicate the decisions of the NFPWM leadership to all structures;

(c) be responsible for conducting the correspondence of the NEC of the NFPWM, and send out notices of all Conferences and meetings at national level;

(d) prepare annual reports for General National Conference on the state of the organisation and administration of the NFPWM, and such other reports as may be required by the NEC and the National Working Committee of the NFPWM;

(e) enforce the provisions of the Constitution of the organisation;

(f) oversee the administration of all NFPWM structures;

(g) be responsible for guiding the NEC of the NFPWM in the development and drafting of the Administrative Protocol of the NFPWM.

#### 6.1.4 Deputy Secretary

6.1.4.1 The Deputy Secretary of the NFPWM shall assist the Secretary, deputise for her when necessary and carry out whatever functions are entrusted to her by the General National Conference, the National Working Committee, or the NEC of the NFPWM.

#### 6.1.5 Treasurer

6.1.5.1 The Treasurer of the NFPWM shall:-

(a) be the chief custodian of the funds and property of the NFPWM;

(b) receive, record and bank all monies on behalf of the NEC of the NFPWM;

(c) as mandatory signatory, together with any two members of the NEC NFPWM, operate a banking account;

(d) be responsible for the keeping of such books of account as is necessary to record clearly the financial position of the NFPWM;

(e) submit to the General National Conference of the NFPWM a report showing the Income and Expenditure Account and Balance Sheet of the NFPWM for the period since the previous General National Conference;

(f) present to the General National Conference and National Working Committee of the NFPWM a comprehensive statement of the state of the finances of the NFPWM when required;

(g) provide a monthly report to the NEC of the NFPWM reflecting the income and expenditure of the Party;

(h) be responsible for working out and executing plans for fund raising;

(i) prepare and submit such budgets to the NEC of the NFPWM as may be required;

(j) ensure that the NFPWM complies in all aspects with legislation applicable to the financial management of a political organization;

(k) be responsible for guiding the NEC of the NFPWM in the drafting and amendment of the Financial Management Protocol;

(l) consult and coordinate on a continuous basis with the National Treasurer of the NFP with regard to the financial activities of the NFPWM.

## 6.1.6 Projects Coordinator

6.1.6.1 The Projects Coordinator of the NFPWM shall:-

- (a) primarily be responsible for driving development programs of the NFPWM that serve to advance the interest of women and children;
- (b) build relationships with government institutions at all levels and to promote the interest of the NFPWM, the party and its members;
- (c) build relationships with NGO's and other stakeholders who have as their aim the promotion of women's interests.

## 6.1.7 Spokesperson

6.1.7.1 The Spokesperson of the NFPWM shall:-

- (a) be responsible for all media liaison of the NFPWM;
- (b) keep a database of media contact persons and institutions;
- (c) keep the NEC and NWC of both the NFPWM and NFP informed of any media articles and/or reports which are relevant for the NFPWM;
- (d) draft and distribute media invitations for NFPWM Media Briefings;
- (e) in consultation with the NEC of the NFPWM and the NFP, draft and disseminate Press releases and responses to media articles and items.

6.1.8 In the event of an elected or appointed office bearer of the NFPWM vacating an office or is incapable of continuing with the duties required for such office, then:-

6.1.8.1 the deputy, if provided for, shall assume such office until the end of term of the applicable office, or

6.1.8.2 where no deputy exists, the NWC shall as soon as reasonably possible appoint a member from within its caucus to such office until the end of term of that office.

## **6.2 Provincial, District, Constituency and Branches**

6.2.1 The functions and duties of Office Bearers of the Provincial, District, Constituency and Branch Executive Committees will be as provided for in the Office Bearers Protocol to be developed, drafted and amended from time to time by the NEC of the NFPWM.

## **7. GENERAL**

### **7.1 Relationship with NFP**

7.1.1 The leadership of the NFPWM shall have the right to communicate directly with the President of the NFP in matters of mutual concern, provided that correct channels of communication are followed as set out in the Autonomous Structures Protocol of the NFP.

7.1.2 The President of the NFP shall deliver the Key-Note Address at a General, Elective or Special National Conference of the NFPWM.

### **7.2 Minority equity**

Where possible, minority equity representation should be maintained when electing members to the different offices and structures of the NFPWM at Branch, Constituency, District, Provincial and National level, in keeping with the provision of section 4.8.1 of the supreme Constitution of the NFP.

### **7.3 Administration**

7.3.1 The NFPWM is responsible for the Administration of its affairs and shall:-

7.3.1.1 Ensure that its database is electronically secured, updated and synchronised with the database of the NFP regularly;

7.3.1.2 Keep a record of all its correspondence in accordance with the provisions of the Administrative Protocol to be developed, drafted and amended from time to time by the NEC of the NFPWM.

### **7.4 Financial Management**

7.4.1 The NFPWM is responsible for its financial affairs and shall:-

7.4.1.1 Ensure that financial records are kept in accordance with legislation governing the financial affairs of an organization;

7.4.1.2 Raise funds to meet its financial obligations;

7.4.1.3 Remain accountable to the NFP for its financial affairs in accordance with the Financial Protocol to be developed, drafted and amended from time to time by the NEC of the NFPWM.

### **7.5 Participation in Women's Organisations**

7.5.1 The NFPWM has a duty to ensure that, where possible, its members participate in appropriate external women's organisations, structures and other fora at International, National, Provincial and other levels, and to promote the interests of the NFP and the NFPWM with honour and dignity.



## **8. DISCIPLINARY**

### **8.1 Disciplinary Policy**

8.1.1 The philosophy underpinning the Disciplinary Policy of the NFPWM is to maintain a balance between the rights and duties of the member of the NFPWM, and the needs of the NFPWM to remain functional with its integrity intact.

8.1.2 The guiding principle and emphasis of disciplinary action will be on rehabilitation rather than retribution, without compromising the interests of the NFPWM.

8.1.3 Maintenance of discipline is the responsibility of the Executive Committees of the various structures of the NFPWM, and must be achieved fairly, consistently, progressively and promptly.

8.1.4 The principles of natural justice and fair procedure must be adhered to in all proceedings.

8.1.5 The Disciplinary requirements contained in this Constitution and in the relevant Protocol to be developed by the NEC must be made known to all NFPWM members, together with any amendments ancillary thereto.

### **8.2 Disciplinary Proceedings**

#### **8.2.1 General**

8.2.1.1 Disciplinary Proceedings shall be regulated by the provisions of this Constitution as expanded in the Protocol on Disciplinary Procedures to be developed, drafted and amended from time to time by the NEC of the NFPWM.

8.2.1.2 Disciplinary Proceedings shall ordinarily follow a two-stage format where:-

(a) the Disciplinary Committee will hear argument to determine guilt upon receipt of a complaint and pronounce thereon; where after

(b) the Disciplinary Committee will hear argument to determine the appropriate sanction in the event that guilt had been determined.

8.2.1.3 In the event that a two-stage Disciplinary Proceeding is not practically possible, a one stage Disciplinary Proceeding shall commence with the same provisions as for a two-stage enquiry, except that:-

(a) the determination of guilt and determination of sanction will take place as one process; and

(b) the assessors are not required to advise the Presiding Officer on the determination of guilt and/or sanction in writing.

\

## 8.2.2 Procedure

### 8.2.2.1 Complaint

(a) All complaints or allegations of misconduct against a member or structure of the NFPWM must be made in writing and submitted to the Chairperson of the relevant Executive Committee who has jurisdiction over the member or structure.

### 8.2.2.2 Determination of Guilt Proceedings

(a) Upon receipt of a complaint:-

(i) the Chairperson of the relevant structure must, within five (5) working days, inform the Prosecutor of the Disciplinary Committee of such complaint who will investigate the merits of the complaint, and make a decision to proceed with disciplinary proceedings or not within seven (7) working days from receipt of a complaint from the Chairperson,

(ii) in the event that a decision is taken to proceed with the Disciplinary measures, the person or structure accused of misconduct must be notified in accordance with the provisions of the Protocol on Disciplinary Procedures within five (5) working days from the decision to proceed.

(b) The Rules of Proceedings, as to be provided for in the Protocol on Disciplinary Procedures, must be adhered to during the determination of guilt proceedings.

(c) Once all the Disciplinary and Appeals proceedings have been concluded and finalised, a written verdict must be prepared and communicated to the accused person or structure in writing within seven (7) working days from the Disciplinary proceedings in accordance with the provisions of the Protocol on Disciplinary Procedures, and thereafter, the verdict must be made public within 24 hours of such verdict having been made known to the accused person or structure.

### 8.2.2.3 Determination of Sanction Proceedings

(a) In the event that a member or structure of the NFPWM has been found guilty of misconduct, the Disciplinary Committee that heard the matter must determine an appropriate sanction in accordance with the provisions of the Disciplinary Proceedings Protocol, taking into consideration:-

(i) the seriousness of the offence;

(ii) the needs of the NFPWM as an organisation;

(iii) any mitigating and/or aggravating circumstances;

(iv) the provisions of sections 8.1.1 and 8.1.2 of this Constitution.

## 8.3 Disciplinary Committee

### 8.3.1 General

8.3.1.1 Disciplinary Committees, consisting of suitably qualified or experienced members, shall be appointed by the respective Executive Committees in all structures of the NFPWM as provided for in this Constitution.

### 8.3.2 Structure

8.3.2.1 A Disciplinary Committee shall consist of:-

(a) A Presiding Officer, who will:-

(i) chair the Disciplinary Committee and be responsible for its functioning according to the rules of natural justice and the provisions contained in the Protocol regulating Disciplinary Proceedings;

(ii) preside over Disciplinary Hearings together with the Assessors;

(iii) consult with the Assessors in the deliberations of a finding of guilt and the appropriate sanction;

(iv) write, deliver and announce determinations of guilt and sanction and the reasons thereof in writing, and which writing shall form part of the record of the proceedings and must be made available at any Appeal.

(b) A Prosecutor; who shall:-

(i) receive complaints from the Chairperson of the relevant Executive Committee;

(ii) inform the Presiding Officer of the Disciplinary Committee that such complaint has been received;

(iii) do preliminary investigation to assess the need for disciplinary proceedings and report the findings and recommendations in writing to the Presiding Officer of the Disciplinary Committee;

(iv) make all necessary preparation for prosecution of the complaint, if applicable;

(v) interrogate the complaint at the Disciplinary Hearing and present evidence and argument to secure a determination of guilt;

(vi) prepare and present argument for the determination of a competent sanction.

(c) Assessors, who shall:-

(i) attend Disciplinary Hearings;

(ii) analyse and critically evaluate evidence presented;

(iii) advise the Presiding officer on the determination of guilt and sanction and the reasons thereof in writing, and which writing shall form part of the record of the proceedings and must be made available at any Appeal.

8.3.2.2 Branch, Constituency and District Disciplinary Committees shall have four Assessors, and Provincial and the National Disciplinary Committee shall have a minimum of four and a maximum of six Assessors.

### 8.3.3 Jurisdiction

8.3.3.1 If a complaint is lodged at:-

(a) Branch level, then:-

(i) a Branch Disciplinary Committee may hear the complaint if the competent sanction is a warning;

(ii) a Constituency Disciplinary Committee must hear the complaint if the competent sanction is a fine or any other sanction except a recommendation for suspension or expulsion;

(iii) the National Disciplinary Committee of the NFPWM must hear the complaint if the competent sanction is a recommendation for suspension or expulsion.

(b) Constituency level, then:-

(i) a Constituency Disciplinary Committee may hear the complaint if the competent sanction is a warning;

(ii) a District Disciplinary Committee must hear the complaint if the competent sanction is a fine or any other sanction except a recommendation for suspension or expulsion;

(iii) the National Disciplinary Committee of the NFPYM must hear the complaint if the competent sanction is a recommendation for suspension or expulsion.

(c) District level then:-

(i) a District Disciplinary Committee may hear the complaint if the competent sanction is a warning;

(ii) a Provincial Disciplinary Committee must hear the complaint if the competent sanction is a fine or a recommendation any other sanction except a recommendation for suspension or expulsion;

(iii) the National Disciplinary Committee of the NFPYM must hear the complaint if the competent sanction is a recommendation for suspension or expulsion.

(d) Provincial level then:-

(i) a Provincial Disciplinary Committee must hear the complaint if the competent sanction is a warning, a fine or any other sanction except a recommendation for suspension or expulsion;

(ii) the National Disciplinary Committee of the NFPYM must hear the complaint if the competent sanction is a recommendation for suspension or expulsion.

(e) National level, then the National Disciplinary Committee must hear the complaint.

8.3.3.2 Disciplinary Hearings for members who hold office at District, Provincial and National level must be conducted by the National Disciplinary Committee of the NFPWM.

8.3.3.3 In all instances, a recommendation of a sanction of suspension or expulsion, after all internal processes of appeal had been concluded, must be approved NEC of the NFPWM and then referred to the National Disciplinary Committee of the NFP for recommendation and verification by the NEC of the NFP.

## **8.4 Appeals Proceedings**

### 8.4.1 General

8.4.1.1 Any member or structure of the NFPWM against whom a determination of guilt and a sanction had been made at a Disciplinary Hearing is entitled to make application for Appeal as provided for in this Constitution, and such application must be submitted in writing to the relevant Appeals Committee within seven (7) working days from the date of sanction.

8.4.1.2 Upon application, the Appeals Committee will determine whether to allow the Appeal to proceed or not, and will inform the applicant of its decision in writing within seven (7) working days from the date on which the decision is made.

8.4.1.3 The procedures and requirements for Appeals shall be contained in the Appeals Protocol and which provisions, together with subsequent amendments and the provisions of this Constitution, must be made known to every member who has been charged and found guilty of misconduct, at the time a determination of sanction is made and announced.

### 8.4.2 Jurisdiction

8.4.2.1 If an appeal is based on disciplinary proceedings at:-

(a) Branch level, then an application for Appeal should be made to the Constituency Appeals Committee;

(b) Constituency level, then an application for Appeal should be made to the District Appeals Committee;

(c) District level, then an application for Appeal should be made to the Provincial Appeals Committee;

(d) Provincial level, then an application for Appeal should be made to the National Appeals Committee;

(e) National level, then an application for Appeal should be made to the National Appeals Committee.

8.4.2.2 In all instances, a final Appeal can be made to the NWC in terms of section 5.1.2.3(h) provided that:-

(a) the NWC is not the first instance of Appeal; and

(b) an Appeals Committee had given leave to Appeal to the NWC, or

(c) where an application for Appeal was lodged with the National Appeals Committee against a finding and determination of the National Disciplinary Committee and where the National Disciplinary Committee hearing had been the first hearing of the matter, and such an Appeal was heard but was not successful, the member or structure against whom the determination was made has a right to appeal directly to the NWC without leave to Appeal from the National Appeals Committee.

### 8.4.3 Appeals Committees

8.4.3.1 Appeals Committees consisting of suitable qualified or experienced members shall be established at all level of the NFPWM by the respective Executive Committees in accordance with provisions contained in an Appeals Protocol to be developed and drafted by the NEC, and shall consist of:-

(a) A Presiding Officer who shall chair the Appeals Committee but who may not be:-

(i) The Chairperson of the Executive Committee of the structure who is appointing the Appeals Committee, or

(ii) a member of the Disciplinary Committee who made a finding of guilt against the member wishing to Appeal.

(b) four Assessors at Constituency and District level, and a minimum of four and a maximum of six Assessors at Provincial and National level with the same provisions as contained in section 8.4.3.1(a)(i) and (ii) above.

8.4.4 The Grounds for Appeal shall be:-

8.4.4.1 Procedural irregularity;

8.4.4.2 Substantive injustice.

8.4.5 Procedures for Appeals Hearings shall be in accordance with the provisions contained in the Appeals Protocol, provided that:-

8.4.5.1 no new evidence may be introduced during Appeal hearings;

8.4.5.2 the Appeals procedure be limited to written submissions;

8.4.5.3 the Presiding Officer may call for oral submissions to clarify aspects of the Appeal if necessary;

8.4.5.4 an Appeal Committee, or the NWC when it is sitting as an Appeal Committee in terms of section 5.1.2.3(h), shall have the power to confirm or set aside a determination of guilt and to reduce or adjust any sanction imposed as may be appropriate.

## **9. CODE OF CONDUCT**

### **9.1 General**

9.1.1 The Code of Conduct of the NFP, as contained in section 16.1 of the supreme Constitution of the NFP, shall apply *mutatis mutandis* to all members of the NFPWM and is hereby incorporated as follows:-

### **9.2 Standard of Conduct**

9.2.1 NFPWM members are expected to comply in every aspect with the Standard of Conduct so as to enhance the image of the organisation and to promote unity, peace and cooperation at all levels of the NFP and the NFPWM.

9.2.2 The kind of behaviour that shall result in Disciplinary Proceedings include:-

9.2.2.1 wilfully and wrongfully disclosing privileged NFP and/or NFPWM information;

9.2.2.2 participating whether alone or with others in action that brings about factionalism and serious divisions within NFP and/or NFPWM ranks;

9.2.2.3 undermining the authority and functioning of the NFP and/or NFPWM structures;

9.2.2.4 seeking to advance own interests by using the NFP and/or NFPWM or any of its organs in an underhand way or by manipulation;

9.2.2.5 rude, abusive, insolent, provocative, intimidatory or aggressive behaviour to fellow members or the NFP and/or NFPWM, it's office bearers and/or employees;

9.2.2.6 behaving in a manner that results in criminal action against the member; and the member ends up with a criminal conviction against him;

- 9.2.2.7 involvement in physical, mental and sexual abuse of men, women and children;
- 9.2.2.8 supporting a political party that is not in alliance with the NFP;
- 9.2.2.9 standing in national, provincial or local government elections against official NFP candidates, or standing without the consent of the National Executive Committee or the National General Conference of the NFP;
- 9.2.2.10 prejudice the actions of the legitimate structures of the NFP and/or NFPWM in any manner whatsoever;
- 9.2.2.11 promoting sexism, religious and political intolerance, regionalism/factionalism, hate speech or any other form of discrimination as set out in the Bill of Rights of the Constitution of the Republic of South Africa;
- 9.2.2.12 false representation or deception within the NFP and/or NFPWM with the intention of advancing one's selfish motives;
- 9.2.2.13 misappropriation of NFP and /or NFPWM funds for whatever reason;
- 9.2.2.14 deliberate failure by elected office bearers in their duties or obligations;
- 9.2.2.15 deliberate non-compliance in paying Party dues;
- 9.2.2.16 joining another political party;
- 9.2.2.17 behaving in a corrupt manner that includes the soliciting of bribes or other financial gain based on selfish motives;
- 9.2.2.18 deliberately disrupting of meetings and other activities of the NFP and/or NFPWM to sow internal confusion or dysfunction;
- 9.2.2.19 engaging in behaviour that is deemed to bring the NFP and/or NFPWM into disrepute;
- 9.2.2.20 recruitment of members who do not reside within the constitutional boundaries to influence the outcome of Branch, Constituency, District and Provincial and National elections of the NFP and/or NFPWM;
- 9.2.2.21 influencing, or attempting to influence, the outcomes of conferences or other official NFPWM decision making activities by offering inducements or any other forms of bribes.

### **9.3 Sanctions for Misconduct**

9.3.1 In accordance with the Disciplinary Policy, any sanction that is imposed for misconduct will be intended to deter repetition of that behaviour. The sanction imposed must be in accordance with the provisions of section 8.2.2.3(a)(i)-(iv).



9.3.2 The imposition of discipline is progressive in that sanctions are to be applied with increasing severity with the repetition of the offence.

9.3.3 All written warnings, written notifications of fines imposed and recommendations for suspension or expulsion are to be recorded by the relevant structure Secretary and copies thereof sent to the National Secretary of the NFPWM for record keeping.

9.3.4 As a guideline, a member may be expelled on the first occasion for, inter alia:-

9.3.4.1 intimidation, fighting and/or assault;

9.3.4.2 any act of gross dishonesty or corruption;

9.3.4.3 gross insubordination;

9.3.4.4 wilful and wrongful disclosure of privileged information;

9.3.4.5 any act of bribery or corruption;

9.3.4.6 any other act of misconduct which would constitute just cause for dismissal;

9.3.4.7 theft, unauthorised possession of the NFPWM property;

9.3.4.8 malicious damage to the NFPWM property.