

BMF

BLACK MANAGEMENT FORUM

THE BMF CODE OF CONDUCT

1. CODE OF CONDUCT

1 The Board may, from time to time, adopt a code of conduct to which all Members (including members of the Board) will adhere to, which will be capable of amendment from time to time by the Board, at such times and in such respects as the Board may, in its sole discretion deem fit; provided that the code of conduct (with or without any amendment thereto) will always incorporate the principles in this Schedule 1 and to the extent that no code of conduct has been adopted by the Board, the principles set out in this Schedule 1 shall apply and provided that until such time that the Board has adopted a Code of Conduct the principles set out in this Schedule 1 shall apply.

2 Members will at all times and in whatever capacity such Members may act:

2.1 maintain the honor and dignity of the Forum;

2.2 treat others with courtesy and fairness;

2.3 conduct their personal and public lives with care and diligence;

2.4 refrain from using, directly or indirectly, the Forum or anybody controlled or appointed by the Forum, to

advance their own political, religious beliefs, social or economic needs at the expense of the Forum;

2.5 refrain from committing any act that may conflict with the aims of the Forum or may prejudice the interests and good name of the Forum or other Members of the Forum; and

2.6 diligently and with due care carry out any obligations such Member may have towards the Forum.

3 Manco may suspend any Member of its Branch for the duration of any disciplinary proceedings.

4 The ProvComm may suspend any member in its Province for the duration of any disciplinary proceedings.

Disciplinary Procedure: Branch

5 A Disciplinary Committee ("DC") will be responsible for ensuring that Members abide by the Code of Conduct.

6 The DC, which will be appointed for a particular case only, will comprise of 3 (three) Members appointed by the Manco.

7 The DC will have, apart from any other powers the Manco may, by Ordinary Resolution, determine, the following powers:

7.1 to investigate any alleged or suspected breach of the code of conduct by a Member or any other conduct warranting the appointment of a DC;

7.2 to call upon any Member who is suspected of having breached the code of conduct and for witnesses, where applicable, to furnish the DC with such information as it may deem necessary to properly consider the alleged breach;

7.3 to hand down a verdict as to whether the breach of the said code of conduct was committed by the Member concerned or not;

7.4 to order the suspension for such period as it may, in its sole discretion, deem fit or expel of any Member who, in its opinion, has breached the code of conduct or whose conduct warrants suspension or expulsion.

8 All proceedings of the DC will be conducted in a summary manner; on the basis that it will not be necessary to observe or carry out the strict rules of evidence and the procedure to be followed will be set out by the DC; provided that such procedure is based on accepted principles of fairness and equity.

9 The DC will be entitled to consult any person it may deem necessary to reach a just and equitable conclusion and the Member concerned will have no right to be present during such consultations or to be made aware thereof; provided that the Member will be given an opportunity to rebut any evidence against him/her compiled in such consultation.

10 The DC will not be bound to follow strict principles of law, but may decide on the matter according to what it considers just and equitable in the circumstances.

11 Save for the appeal provisions hereunder, the DC's decision on matters dealt with in this clause will be final and binding upon the Member concerned.

-
- 12 The DC will from the date of its appointment endeavor to complete its investigations and to deliver its verdict within a period of 3 (three) months or so soon thereafter as is reasonably practicable.
 - 13 The Member whose conduct was investigated by the DC, will be informed by the Manco of the relevant Branch of the DC's decision and reasons thereof within 14 (fourteen) ordinary days of such decision taken.

Appeal Procedure: Branch

- 14 A Member may appeal to ProvComm with regards to his expulsion, suspension and/or any matter concerning his/her Membership as a result of disciplinary action taken against him.
- 15 Such an appeal must be lodged, in writing with the Provincial Chairperson or Deputy-Chairperson, by not later than 14 (fourteen) ordinary days after the Member was informed in writing by Manco of the DC's decision.
- 16 ProvComm will thereafter have 14 (fourteen) ordinary days to consider the appeal and apply its mind and must inform the Member of its decision within 14 (fourteen) ordinary days, in writing, stating the reasons therefore.

- 17 If the ProvComm upholds the decision of the DC, then the Member may, in writing, appeal to the Board within 14 (fourteen) ordinary days from the date on which ProvComm informs the Member of its decision and state his/her reasons for the appeal.
- 18 The decision of the Board must be in writing, stating the reasons therefore and will be final and binding. The Board shall endeavor to consider the matter and make its decision within 3 (three) months but in any event within a reasonable time.

Disciplinary Procedure: Branch

- 19 Any Member of the Forum who feels aggrieved by any act of the Forum and /or officials of the Forum and/or any other Member will be entitled to make his/her grievance known by lodging details thereof in writing ("the grievance notice") with the Manco.
- 20 Should Manco be of the view that the grievance is of a serious nature and merits investigation, it must within 14 (fourteen) ordinary days of receiving the Grievance Notice appoint a Grievance Committee which will comprise of 3 (three) Members to investigate
- 21 19. In carrying out its investigation, the Grievance Committee will have the rights and powers as the Disciplinary Committee, as

specified above (Disciplinary Procedure: Branch).

- 22 Should the decision reached by the Grievance Committee not be satisfactory to the aggrieved Member, s/he will have the right of appeal, as provided for above (Appeal Procedure: Branch) and the provisions thereof will apply *mutatis mutandis*.

Disciplinary Procedure: Provincial

- 23 A DC comprising of a minimum of 3 (three) members will be appointed by ProvComm to investigate a particular case deemed by ProvComm as warranting the appointment of a DC. Such DC will have the powers as stated in clause 7 above (Disciplinary Procedure: Branch) and the provisions thereof will apply *mutatis mutandis*.
- 24 The Member whose conduct was investigated may within 14 (fourteen) ordinary days of being informed in writing by the DC of its decision against the Member, appeal to the Board in writing, stating the reasons therefore.
- 25 The decision of the Board must be in writing, stating the reasons therefore and will be final and binding. The Board shall endeavor to consider the matter and make its decision within 3 (three) months but in any event within a reasonable time.

Grievance Procedure: Branch

- 26 Any Member of the Province who feels aggrieved by any act of the ProvComm and/or any other Member of the Province will be entitled to make his/her grievance known by lodging details thereof in writing ("the grievance notice") with the ProvComm.
- 27 Should ProvComm be of the view that the grievance is of a serious nature and merits investigation, it must within 14 ordinary days of receiving the grievance notice appoint a Grievance Committee which will comprise of 3 (three) members to investigate the grievance.
- 28 In carrying out its investigation, the Grievance Committee will have the same rights and powers as the DC as specified in clause 7 above.
- 29 Should the decision reached by the Grievance Committee not be satisfactory to the aggrieved Member, s/he will have the right to appeal to the Board in writing, stating the reasons therefore within 14 (fourteen) ordinary days of being informed in writing by the Grievance Committee of its decision.
- 30 The decision of the Board must be in writing, stating the reasons therefore and will be final and binding. The Board shall endeavor to consider the matter and make

its decision within 3 (three) months but in any event within a reasonable time.

Disciplinary Procedure: Board

- 31 Save as otherwise stated in this Schedule 1, in the event of there being a grievance or disciplinary issue relating to any of the Board members, a DC comprising of a minimum of 3 (three) Members must be appointed by the Board to investigate such grievance or disciplinary issue. Members of such DC may include Board members; provided the Director in question does not participate in the making of that decision.
- 32 The DC appointed in terms of clause 31 above shall have the same powers as referred to in clause 7 above (Disciplinary Procedure: Branch) and the provisions thereof will apply mutatis mutandis.

Appeal Procedure: Board

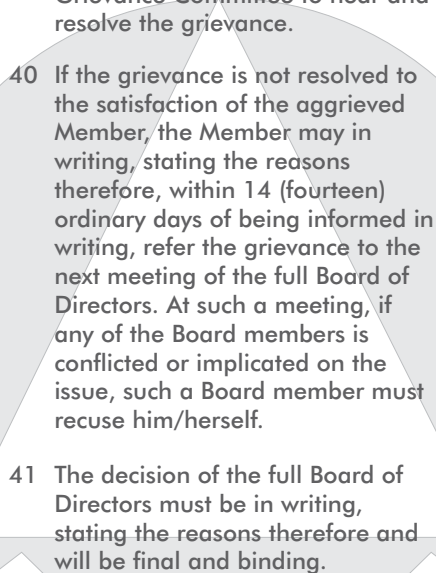
- 33 A Director whose conduct was investigated will have the right to appeal in writing, stating reasons therefore, to the full Board of Directors within 14 (fourteen) ordinary days.
- 34 The Board of Directors will endeavor to make its findings within a period of 3 (three) months from receipt of the appeal or so soon thereafter as is reasonably practicable.

- 35 The decision of the Board of Directors must be in writing, stating the reasons therefore and will be final and binding.

Grievance Procedure: Board

- 36 A grievance must be raised with the President or Deputy-President, who will within 30 (thirty) ordinary days of receiving the Grievance Notice, either resolve the grievance or appoint a Grievance Committee or refer the grievance to the Board. If the person being complained against is the President, the Grievance Notice must be sent to the Deputy President and vice versa. In the event of both Elected Directors being the subject of the same/similar complaint, the Grievance Notice must be forwarded to the Managing Director (or whoever is acting on their behalf) who must ensure that it is forwarded to the rest of the Board (excluding the implicated Board members) without delay.
- 37 If the President or Deputy-President resolve the grievance, they must inform the aggrieved Member within 14 (fourteen) ordinary days, in writing of the outcome.
- 38 If the President or Deputy-President appoints a Grievance Committee, the Committee must endeavor, within 30 (thirty) ordinary days, to resolve the grievance and inform the

aggrieved Member, in writing of the outcome within 7 (seven) ordinary days of its decision.

- 
- 39 If the President or Deputy-President refers the grievance to the Board of Directors, the Board of Directors will at its first meeting after referral of the grievance to it, resolve the grievance or appoint a Grievance Committee to hear and resolve the grievance.
- 40 If the grievance is not resolved to the satisfaction of the aggrieved Member, the Member may in writing, stating the reasons therefore, within 14 (fourteen) ordinary days of being informed in writing, refer the grievance to the next meeting of the full Board of Directors. At such a meeting, if any of the Board members is conflicted or implicated on the issue, such a Board member must recuse him/herself.
- 41 The decision of the full Board of Directors must be in writing, stating the reasons therefore and will be final and binding.



BMF

BLACK MANAGEMENT FORUM

Developing Managerial Leadership