



**Procedures at the NBAA disciplinary hearing**

(The purpose of this document is to ensure procedural and substantive fairness)

Additional paper should be used where necessary.

**To be read out by the chairman.**

Good morning / afternoon / evening to all present.

I am \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

and chairman of this disciplinary hearing. The purpose of this disciplinary hearing is to investigate the allegation / s against:

Name: \_\_\_\_\_  
Position: \_\_\_\_\_

Which took place on: \_\_\_\_\_ (date) at  
\_\_\_\_\_ (place)

**1. I would like to introduce everyone present.**

The charging officer: \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

The member: \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

The member representative: \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

The interpreter (if applicable) \_\_\_\_\_ (name)  
\_\_\_\_\_ (position)

**2. The charging officer's witness / s (when applicable)**

\_\_\_\_\_(name)  
\_\_\_\_\_(position)

\_\_\_\_\_(name)  
\_\_\_\_\_(position)

\_\_\_\_\_(name)  
\_\_\_\_\_(position)

**3. The member's witness / s (when applicable)**

\_\_\_\_\_(name)  
\_\_\_\_\_(position)

\_\_\_\_\_(name)  
\_\_\_\_\_(position)

\_\_\_\_\_(name)  
\_\_\_\_\_(position)

**4. Note:** If a representative is present, proceed to no 5,  
If the member does not have a representative, the chairman must ask  
the following questions.

<b>Question:</b>	<b>answer:</b>
4.1 do you have a representative	yes / no
4.2 were you aware that you have the right to be represented, and That " it is your responsibility to make this arrangement "?	yes / no
4.3 do you want to be represented at this hearing by a member, or a Representative of your choice ?	yes / no

A) If yes: I will call for a recess to allow you a further opportunity to find a representative, and i wish to emphasise hat you should make every effort to find one so that this hearing can be finalised at our next meeting.  
If you fail to have a representative available at the next hearing, without an acceptable reason, we will continue with the hearing without you being represented.

B) If no: Since you have stated that you do not want to be represented at the hearing, I take it that you are satisfied that this hearing can continue without you being represented.

**5.** My role of chairman of this hearing is to conduct the hearing according to the association's disciplinary procedures.

**6.** The role of the member's representative is to represent and assist the member, and also act as spokesman on behalf of the member. Of course the representative may also act as interpreter.

**7.** I would like to stress a few points that are applicable at all times to everybody present at this hearing.

7.1. I wish to assure everyone that no person will be victimised during or after this hearing.

7.2. I request everybody to adhere to the purpose of this hearing.

7.3. I will not tolerate any misbehaviour or disruptions to disorganise this hearing.

7.4. It is important that each person speaks clearly, and only when it is his turn, through me, the chairperson.

**8.** I will now read out the alleged offence / s complaint / s as stated in the notification of this hearing.

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**9.** Are there any questions on what has been said up to now? (no statement / s, questions only )

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**10.** Chairman to member: How do you plead on the allegation / s

Guilty / Not guilty

**11. Chairman to charging officer:** Will you please state the case?

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**12. Chairman to member:** Do you wish to ask the person laying this charge questions ?

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**13. Chairman to member representative:** Do you wish to ask any questions ?

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**14. Chairman to member:** Will you please state your case.

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**15. Chairman to charging officer:** Do you wish to ask the member any questions ?

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**16. Chairman to member representative:** do you wish to ask the member any questions ?

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**17. (If applicable)** I will now call the witnesses one at a time. The member, his representative, and the charging officer may ask the witnesses questions individually after each witness has testified.

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*Note: after having heard all evidence – proceed to 18.*

**18.** I will now give the member, his representative, and the charging officer the opportunity to emphasise or re-emphasise individually any important facts that were presented during the proceedings. (Make closing statements)

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**19. The chairman:** I will now \_\_\_\_\_ (time) adjourn this hearing to determine whether the member is guilty, or not guilty, of the allegation / s lodged against him / her. We shall reconvene again at \_\_\_\_\_ (time)

Reconvened at: \_\_\_\_\_ (time)

**20. Chairman to member:** on the balance of probabilities I find you guilty / not guilty of the allegations as charged. Before i consider the appropriate actions:

\* Do you have anything to say in mitigation?

\* Are there any extenuating circumstances that need to be taken into account?  
(External factors i.e. Family)

**21. Chairman to charging officer:** are there any aggravating circumstances that I should take into account?

**22.** Now that I have heard mitigating, extenuating, and (if appropriate) aggravating circumstances, I have to consider the appropriate sanctions (if any) in terms of the association's disciplinary code.

We will now \_\_\_\_\_ ( time ) adjourn until \_\_\_\_\_ (time , when I will give my decision on the sanction and my reasons.

**23.** During the adjournment:

- Consult the disciplinary code.
- Consider mitigating, extenuating and aggravating circumstances.
- Consider the members \* membership \* disciplinary record
- Consider
- Condonation.
- Seniority.
- Likelihood of prejudice to the association etc
- Prepare your sanction statement with reasons, to be read once re-convened.

**24. Chairman:** I have listened very carefully to all the evidence and facts submitted.

It is my considered opinion, after evaluating all the facts and considering disciplinary action against the member:

*(Read your prepared statement):*

**25.** Chairman to member: I wish to inform you, that you have the right to appeal against the action taken against you at this hearing today.  
It is important that you exercise your right to appeal, within ~~twenty one days~~ (21) of the closure of this hearing. Your basis to appeal can be on the following grounds.

- Procedural unfairness.
- Substantive unfairness, (e.g. Penalty too severe)
- New evidence / evidence not properly considered.
- Mitigation / extenuating circumstances.

**26.** I now declare this disciplinary hearing closed at:

\_\_\_\_\_ (time) \_\_\_\_\_ (date)

\_\_\_\_\_  
Signature of Chairman.