
APPENDIX 11
AS PROMULGATED BY THE MARCH 2020 NLF
AND APPLICABLE FROM 1 JUNE 2020.

ADMINISTRATION OF JUSTICE:
REGULATIONS AND PROCEDURES FOR THE MANAGEMENT OF MISCONDUCT
RULES APPLICABLE
TO PASTORS, PASTOR'S SPOUSES, ASSEMBLY LEADERS, OFFICIALS AND MEMBERS
OF THE A.F.M OF S.A. AND ADMINISTRATIVE REVIEWS

PROMULGATED IN TERMS OF SECTION 11.3
OF THE CONSTITUTION OF THE A.F.M. OF SOUTH AFRICA



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BACKGROUND

The A.F.M of S.A. is managed as a church to which Pastors, upon conclusion of their studies and fulfilment of the prescribed requirements, may apply to become a licensed Pastor of the Church. The A.F.M of S.A. also may enter into association agreements with Pastors (ministers) who meet specific requirements set for those purposes by the Church. In order to administer and regulate the conduct of its pastors, officials and members, the A.F.M. of S.A developed these Conduct Rules in terms of Chapter 11.3 of the Constitution of the A.F.M. of S.A.

The A.F.M. of S.A. sets various professional membership requirements which need to be satisfied, before the Church will ordain an applicant as a Pastor of the Church or enter into association with a Pastor, and thereafter bestow Pastoral Status upon him/her.

Once these professional membership requirements have been met and is maintained to the satisfaction of the Church, any local Assembly of the Church is free to then enter into a contract of employment, with such a Pastor, in terms of South African Labour Law. In this instance, the local Assembly of the A.F.M of S.A. becomes the employer of that Pastor. The Pastor will, for employment purposes function subject to his/her local employer's job description whilst still being bound to the A.F.M of S.A's Conduct Rules, which regulate its members' professional conduct.

Affiliation to and the continued professional membership, which includes awarding of Pastoral Status within the A.F.M of S.A, once awarded by the Church, remains subject to the Pastor's continuous compliance with these Conduct Rules.

1. BASIS AND PURPOSE

The **basis** of all Church discipline, is that God is a God of order and right doing, as shown through the Bible.

Pastors, officials and members of the A.F.M are called to serve the Church in line with God's good order and with the same mindset of doing what is right, in Gods sight.

The **purpose** of these **Conduct Rules** are to-

- a. maintain the honor of God;
- b. promote the wellbeing and effective functioning of God's Church;
- c. remove sin and unethical conduct from the ranks of the Church;

- d. where necessary, to assist Pastors, officials and members to maintain acceptable biblical conduct and regain a biblical relationship with God and the community of believers.
- e. to ensure that the A.F.M protects its good name, witness and reputation as a church.
- f. to ensure that all stake holders understand what types of misconduct may impact the status of pastors spouses, assembly leaders, officials and members.

2. PRINCIPLES

The A.F.M subscribes to, maintains and will use the following principles in the management of the conduct of its pastors, pastor's spouses, assembly leaders, officials and members:

- a) Biblical values;
- b) the approved doctrinal, ethical and liturgical pronouncements of the Church;
- c) the basis of status, such as the Pledge of Office, Code of Conduct and membership agreements.
- d) that it must be done promptly, fairly and consistently.
- e) mediation is a preferred process to litigation where possible.
- f) the Church will act transparently and without fear or favor.
- g) Respondents will be timeously informed of allegations of misconduct levelled against them;
- h) Respondents and implicated parties will be properly informed of their rights and responsibilities.
- i) Respondents will be informed in writing of the outcome of the processes; using the PROFORMAS of these Conduct Rules, and have the right to make representations in respect of such decisions, including Review Applications, should they wish to do so.

- j) Natural justice which is expressed by two principles, namely:
 - a) the **Audi Alteram Partem** rule, that is, that a decision maker should always hear the other side; and
 - b) **Nemo Iudex in Causa Sua**, that is, that no one should be a judge in his/her own cause; or, in other words, that the decision-maker should be free of any bias.

3. SET UP AND JURISDICTION

Appendix 11 will consist of three sections as indicated below:

- 11.1 Managing misconduct of Pastors (Pastoral Status) and Reviews.
- 11.2 Managing misconduct of Employees (Labour)
- 11.3 Managing misconduct of Pastors spouses, Assembly leaders, Officials and members.

Section 11.1 manages misconduct of ordained Pastors where such misconduct will have an effect on a Pastor's status as an ordained pastor of the AFM of SA. Matters pertaining to such misconduct fall under the Jurisdiction of the National Leadership Forum of the AFM of SA and the standing committees as appointed by the NLF. Administrative decisions or matters taken on review by any party at any level of the church, will be lodged with and dealt with by the National Appeals Committee as appointed by the NLF.

Section 11.2 Matters pertaining to labour disputes between employer and employee is governed by the relevant Labour legislation of the Republic of South Africa. Jurisdiction in such matters resort under the CCMA or Labour Courts.

Appendix 11.3 manages misconduct of MIL Candidates, Pastor's spouses, Assembly Leaders, Church Governing Body members and Ordinary Members. With regard to MIL Candidates, Pastor's spouses, Assembly leaders and Church Governing Body members, misconduct and disciplinary matters fall under the jurisdiction of the Regional Committee under which the assembly resorts. With regard to ordinary members in an assembly, misconduct and disciplinary matters resort under the jurisdiction of the local Assembly Governing Body.

[Please take note that only section 11:1 is currently completed and promulgated by the NLF. Sections 11.2 and 11.3 will be added in as soon as it is completed. Until then the clauses relevant to 11.2 and 11.3 in the previous Annexure 11 will be applicable.]

11.1 MANAGING MISCONDUCT OF PASTORS

11.1.1 JURISDICTION OVER PASTORS

The National Leadership Forum [NLF] shall have jurisdiction over:

- a) All Pastors of the A.F.M. of S.A, (whether ordained or licenced)
- b) All Emeriti Pastors and
- c) All Pastors in terms of association agreements.

11.1.2 TYPES OF MISCONDUCT

The list below, reflects the various types of professional misconduct with which a Pastor may be charged. However, this list is not exhaustive, and a Pastor may be disciplined for any conduct which he/she reasonably should have known, that such conduct would be deemed to be unacceptable, to the Church.

Depending on the facts and findings of the Disciplinary Panel, any professional misconduct mentioned above, may in the essence thereof be of a more, or a less serious nature.

11.1.3 ZERO TOLERANCE POLICY TOWARDS CERTAIN MISCONDUCT

As a beacon of morality, ethical conduct and integrity, God expects the Church and its Pastors to mirror a lifestyle and conduct, which is beyond reproach and wholly acceptable to Him.

To achieve these Godly standards and to ensure that the Church takes cognizance of society's similar expectations of the Church, the A.F.M of S.A. has adopted a ZERO TOLERANCE POLICY in respect of certain extra-grievous misconduct.

Where a Pastor is found guilty of a zero tolerance misconduct, the Church may seek to terminate its professional relationship with that Pastor, in order to build a future Church, which-

- will act and remain fully accountable to God; and
- to remove from its midst, those Pastors whose conduct damage the good name of the Church and what the Church represents.

The Church may periodically augment and amend the list of zero tolerance professional misconduct, in order to address the operational challenges it faces, at that particular point in time. In such an event, the Director: Administration of Justice will prepare the necessary amending circular to all assemblies, under signature of the President of the church.

11.1. 4 POSSIBLE MISCONDUCT CHARGES

A Pastor may be charged for misconduct if he/she:

- a) committed an act of misconduct for which the Church has a **Zero Tolerance Policy** namely:
 - i. is found guilty by a court of law of human trafficking;
 - ii. is found guilty by a court of law of child abuse as defined in the Children's Act, Act, 38 of 2005;
 - iii. is found guilty of sexual harassment.
 - iv. Is found guilty of sexual misconduct;
 - v. gave a false statement in the execution of his/her duties or during any investigation; or falsifies records or documents;
 - vi. is registered by a Court of Law as a sex offender;
- b) Intentionally delays or obstructs any investigation or Board of Inquiry launched by the Church; or
- c) follows a line of conduct which is undermining, or which may create unrest, strife or division within the Church;
- d) acts contrary to the Church laws, Code of Conduct, doctrine, liturgy or accepted practice of the Church;
- e) performs an act which-
 - i. harms or prejudices the interest of the Church; or
 - ii. brings the Church into disrepute;
- f) mismanages, misappropriates or steals the funds of the Church;
- g) without permission possesses, uses, sells, misappropriates or intentionally or negligently causes damage to, or loses property of the Church;
- h) unfairly discriminates against another person on grounds of race, age, gender or disability;
- i) refuses to comply with a lawful instruction issued by any elected official of the Church, any constituted Committee or constituted Panel of the Church;
- j) if the marriage relationship between the Pastor and his/her spouse brakes down as a result of, or partial result of his/her doing; (a Declaratory note from both parties should state such.)
- k) fails to attend a meeting, enquiry; investigation or misconduct hearing, scheduled by the Church or a person authorized to call for his/her attendance.
- l) obstructs officers and/or representatives of the Church or its Standing Committees on Administration of Justice in the carrying out of their functions or entrusted responsibilities;
- m) fails to timeously respond to an inquiry and/or instruction by the relevant Regional, National or NOB structures/office.

11.1.5 OFFICE OF ADMINISTRATION OF JUSTICE, APPOINTMENTS OF COMMITTEES AND FUNCTIONARIES

- a) In order to perform the function of Administration of Justice, an Office of Administration of Justice is herewith created. In accordance with the Church Laws, the National Leadership Forum (NLF) shall during the election year of the A.F.M, appoint:
 - i. An Investigation Committee;
 - ii. A Disciplinary Committee; and
 - iii. An Appeals Committee.
- b) The Investigation Committee, Disciplinary Committee and Appeals Committee will collectively be referred to as the Standing Committees on Administrative Justice.
- c) The Standing Committees as established in terms of Regulation 11.1.5(a), may co-opt from outside the Committees individuals to deal with specific cases of misconduct and or render administrative support in respect of such matters.
- d) These co-opted persons will function with the authority and in the name of the Standing Committee which appointed them.
- e) Any co-opted person as provided for in Regulation 11.1.5(c) above, shall have the necessary qualities and skill attributed to the functions of the Administration of Justice Standing Committee concerned.

11.1.6 THE DIRECTOR: ADMINISTRATION OF JUSTICE

- a) The NLF will appoint a Director: Administration of Justice [DAJ], for a term of five (5) years, to oversee the overall administration of justice in the Church in liaison with the General Secretary.
- b) To be appointed as the DAJ, the appointee must hold-
 - i. a legal qualification
 - ii. or at least 5 years' practical experience in a legal environment and knowledge of the Constitution of the Apostolic Faith Mission of the AFM.
 - iii. or at least 5 years' knowledge and institutional experience in the Church's Administration of Justice;
 - iv. Experience in Case Management
 - v. have proven and verifiable managerial experience.
- c) The DAJ will report to the NLF of the A.F.M of SA. The DAJ will however not serve as a member of the NLF on an ex officio basis.
- d) All complaints of alleged professional misconduct will be submitted to the office of the DAJ.
- e) The DAJ will be responsible for amongst others:
 - i. the overall administration of justice of the Church (oversight);
 - ii. registering complaints of professional misconduct and be tasked with the overall administration thereof;

- iii. providing strategic advice to the Church where necessary;
- iv. liaising with role-players and Complainants, as well as providing feedback in respect of such matters;
- v. assigning and disseminating matters between Standing Committees (co-ordinating);
- vi. identifying and providing strategic advice in instances where evidence remains outstanding, to ensure that the Investigation Panel collects all needed evidence in respect of a specific professional misconduct charge;
- vii. tracking progress of administration of justice matters and assisting with expediting these where possible;
- viii. maintaining an administration of justice database which include-
 - o recording the outcomes of professional misconduct investigations;
 - o recording the outcomes of professional misconduct hearings;
 - o recording the lodging and outcomes of appeals; and
 - o recording the lodging and outcome of review applications; and
 - o recording the lodging and outcome of litigation.
 - o recording the lodging and outcomes of mediations;
- ix. planning and managing all training requirements in respect of the administration of justice within the Church, in cooperation with the NOB.
- x. The development of case law for purposes of standardization.

11.1.7 INVESTIGATION COMMITTEE

- a) During the election year the National Leadership Forum shall appoint members of the Investigating Committee for a four-year term.
- b) The Investigating Committee shall consist of seven members, one of which shall be an NLF member.
- c) All members of the Investigation Committee must have knowledge on one or more of the following:
 - i. Church law;
 - ii. Common law; labour law and/or
 - iii. Knowledge and institutional experience within the Church.
- d) The Chairperson of the Investigating Committee who should be a person with a legal qualification will be appointed by the NLF, from amongst the seven members of the Investigation Committee.
- e) Four members (a quorum) of the Investigation Committee may in their discretion and where circumstances dictate as such, decide to make use of the services of any topical specialist.
- f) Upon receipt of any complaint from the DAJ, the Investigating Committee shall, appoint an Investigator/ Investigation Panel of no more than two members, to investigate a complaint. This prescript may be deviated from, where the complexity of a matter so dictates.

- g) Once the Investigator/Investigation Panel completed its investigation, an Investigation Report must be compiled.
- h) The Investigation Panel must forward its Investigation Report to the Chairperson of the investigation Committee, who will then consider the recommendations therein and make a prosecutorial decision in respect of the allegation(s) of professional misconduct.
- i) Once the Investigating Committee decided that a Pastor should be charged for misconduct, the Investigation Committee should appoint an Evidence Leader and inform the DAJ accordingly.

11.1.8 DISCIPLINARY COMMITTEE

- a) During the election year, the National Leadership Forum shall appoint members of the Disciplinary Committee for a four-year term.
- b) The Disciplinary Committee shall consist of seven members, one of which shall be an NLF member.
- c) All members of the Disciplinary Committee must have knowledge on one or more of the following:
 - i. Church law;
 - ii. Common law; labour law and or
 - iii. Knowledge and institutional experience within the Church.
- d) The Chairperson of the Disciplinary Committee who should be a person with a legal qualification will be appointed by the NLF, from amongst the seven members of the Disciplinary Committee
- e) Four members of the Disciplinary Committee (a quorum) may in their discretion and where circumstances dictate as such, decide to make use of the services of any topical specialist.
- f) The Disciplinary Committee will appoint upon the request of the DAJ, a Disciplinary Panel of three members, inclusive of the Chairperson and the secretary, to preside over the misconduct hearing.
- g) All three members will be fully participating members of the Disciplinary Panel.
- h) The Disciplinary Panel making use of Proforma 8.3, is to preside over the misconduct hearing, make findings and impose an appropriate sanction, if the Pastor is found guilty of misconduct and inform the DAJ accordingly.
- i) The DAJ will receive the outcome of a misconduct hearing and disseminate such outcome to all parties without delay.

11.1.9 APPEALS COMMITTEE

- a) During the election year, the National Leadership Forum shall appoint the members of an Appeals Committee who shall be appointed for a four-year term.

- b) The Appeals Committee shall consist of seven members, one of which shall be an NLF member.
- c) All members of the Appeals Committee must have knowledge on one or more of the following:
 - i. Church law;
 - ii. Common law; labour law and/or
 - iii. Knowledge and institutional experience within the Church.
- d) The Chairperson of the Appeals Committee who should be a person with a legal qualification will be appointed by the NLF, from amongst the seven members of the Appeals Committee.
- e) The Appeals Committee will be tasked to deal with all Appeals as well as any Review Applications lodged within the Church.
- f) Four members (a quorum) of the Appeals Committee may in their discretion and where circumstances dictate as such, decide to make use of the services of any topical specialist.
- g) All Notices of Appeal or Review Applications must be filed with the DAJ.
- h) The Appeals Committee will appoint upon the request of the DAJ, an Appeals Panel of three members, inclusive of the Chairperson and the secretary, to hear matters taken on appeal or review.
- i) All three members will be fully participating members of the Appeals Panel.
- j) Upon conclusion of any Appeal or Review, the Appeals Panel must submit the outcome of the Appeal or Review to the DAJ accordingly.
- k) The DAJ will receive the outcome of an Appeal or Review and disseminate such outcome to all parties without delay.

11.1.10 RECUSAL

- a) The DAJ, any member of a Standing Committee, an appointed Panel member or the Evidence Leader shall recuse himself/herself from a matter if:
 - i. he/she is aware of any reason that would disqualify him/her from hearing a specific matter;
 - ii. has an interest in the matter;
 - iii. he/she is related by blood to the Respondent, or Complainant; **or**
 - iv. is married to; or an in-law of the Respondent, or Complainant.
- b) In an instance where the DAJ recuses himself/herself from a matter in writing, the functions of the DAJ in respect of that particular matter, will revert to the General Secretary (GS) of the Church and the GS will finalise such matter in terms of the powers of the DAJ.

- c) If a complainant or respondent applies for the recusal of any member of a Standing Committee or appointed Panel, such application should be made in writing to the relevant Standing Committee. The implicated person has the right to give reasons why he/she should not be recused. If a person chooses not to recuse him-/herself, the party requesting the recusal may take the matter on appeal.
- d) An NLF member who serve as a member of any Standing Committee, should recuse himself/herself if a professional misconduct case originates from within the Region or Network they represent at the NLF.

11.1.11 PROCESS FOR LODGING MISCONDUCT COMPLAINTS

- a) All complaints of alleged misconduct against a Pastor must be submitted via the Regional Chairperson to the DAJ, using **Proforma 1**.
- b) Where the DAJ discerns that a Complainant may need assistance to formalize a complaint, the DAJ must provide such assistance, to ensure that the complaint meets all the prescribed technical requirements, as required by these Conduct Rules. This step will minimize the outright dismissing of complaints based on technicalities which so often defeats the spirit of good administration of justice.
- c) The solemn declaration of complaint as provided in **Proforma 1** must be completed and signed by the Complainant, in the presence of two competent witnesses, who must also sign the declaration in each other's presence.
- d) The Complainant must clearly explain the acts/failures of the Pastor, which gave rise to the complaint of misconduct.
- e) If there is more than one statement concerning a charge of misconduct, the remainder of statements must be marked as supporting statements to the main declaration of complaint as provided in **Proforma 1**.
- f) If more than one allegation of misconduct is raised, care must be taken to ensure that each of the allegations are properly set out and explained.
- g) The DAJ will, inform the relevant Regional Leader/ Network Leader via e-mail of the complaint lodged against any Pastor who resorts in his/her Region or Network.
- h) Once the DAJ is satisfied that a complaint meets the technical requirements set for it, he/she will refer the complaint to the Investigation Committee for investigation.
- i) A complaint against a Regional Leader must be submitted to the DAJ, who will:
 - i. acknowledge receipt of the complaint in writing;
 - ii. inform the NOB of the Church of the receipt of the complaint without delay; and
 - iii. thereafter process it in the same way as any other complaint would be processed in terms of these Conduct Rules.
- j) A complaint against a National Office Bearer other than the President, shall be submitted to the President, who will acknowledge receipt thereof in writing and

then refer the matter to the DAJ for further handling in terms of these Conduct Rules.

- k) A complaint against the President shall be submitted to the Deputy President, who will acknowledge receipt thereof in writing and then refer the matter to the DAJ for further handling in terms of these Conduct Rules.
- l) Where a Pastor, (irrespective of his position within the Church) is accused of misconduct, and immediately voluntarily confesses such misconduct, all processes in terms of these Conduct Rules must still be followed as normal, in order to prevent procedural irregularities.
- m) Where a Pastor confesses to a misconduct to the governing body of a local Assembly where he/she is employed or to a functionary of the A.F.M. of S.A who has oversight over him/her, that local Assembly or functionary with oversight must report such professional misconduct to the DAJ via the Regional Leader, by completing Proforma 1. The DAJ will forward such confession to the Chairperson of the Investigating Committee who will convene a quorate meeting of the Investigating Committee to make a prosecutorial decision in respect of the allegations.

11.1.12 SAFEKEEPING AND DISSEMINATION OF DOCUMENTATION AND EXHIBITS

- a) The Office of Administration of Justice will be responsible for the safekeeping of all documentation or other exhibits connected with any complaint, investigation, hearing, appeal or mediation submitted to that office, while such documentation or exhibits are in its possession and care.
- b) The DAJ will deliver such documentation or exhibits per signature or per electronic mail to the Secretaries of the various Standing Committees on Administration of Justice, to enable those Committees to perform their assigned functions. Committees and Panels will be held accountable for the safeguarding of such documents and or exhibits whilst in their custody.
- c) Once Standing Committees or Panels have concluded their duties in respect of documentation and exhibits, these documents and exhibits shall be returned to the Office of Administration of Justice, for the safekeeping thereof.

11.1.13 PROCESS FOR THE INVESTIGATION OF A COMPLAINT OF MISCONDUCT

- a) The DAJ will, using Proforma 2, refer a complaint to the Investigating Committee for investigation.
- b) The Investigation Committee must appointment an Investigator or Investigation Panel consisting of up to two members, to investigate the alleged professional misconduct of a Pastor.

- c) The Chairperson of the Investigation Committee, using **Proforma 3**, will inform the DAJ in writing of the name(s) of the appointed Investigator(s).
- d) Once the DAJ receives the name(s) of the appointed investigator(s) who will investigate the alleged professional misconduct, the DAJ must, using **Proforma 4**:
 - i. inform the Respondent in writing that an allegation(s) of professional misconduct, (with description), was lodged with the Church;
 - ii. inform the Respondent who has been appointed to investigate the allegations;
 - iii. provide the Respondent with a copy of the complaint;
 - iv. provide the Respondent with a copy of his/her rights as per **Proforma 5**;
 - v. inform the Respondent that he/she will be interviewed by the Investigator(s) to answer to the allegations(s) or provide any additional information which the Investigator(s) may require, to allow them to determine whether the matter should be brought before a Disciplinary Panel;
 - vi. should the Respondent wish to bring any information to the attention of the Investigator(s), he/she may do so by means of written representation to be handed to the Investigators;
 - vii. instruct the Respondent to cooperate with the investigation and not delay or obstruct it;
 - viii. instruct the Respondent not to contact the Complainant or any witness in any manner; and
 - ix. inform the Respondent that any statement made by him/her, may be used as evidence.
- e) The Investigator(s) must during the investigation process, firstly conduct an interview with the Complainant and then with any other witness or expert, before proceeding to interview the Respondent.
- f) The Investigator(s) must gather the available evidence and exhibits, in order to compile a comprehensive Investigation Report containing their factual findings and recommendations.
- g) Investigators may use voice recordings to accurately capture interviews with Complainants, witnesses and Respondents. Although, the current legal position holds that a person is not required to obtain the permission from a person with whom he/she is having a direct, in person discussion, best practice would dictate that the person be advised of the intention to record the conversation.
- h) Where a Respondent elects to provide an explanation in respect of the allegations, the Investigator(s) may seek further clarification on any facts raised or statements made by the Respondent in reply to the allegation(s). To allow for such a clarification, the Investigator(s) may ask that the Respondent clarify any factual statement or comments made in an interview, by way of deposing an affidavit in respect of it.

- i) The Investigator(s) must take in consideration instances where a Respondent voluntarily admits guilt and shows remorse during the investigation. Such admissions of guilt and show of remorse must be specifically noted in the investigation report.
- j) Upon conclusion of the investigation, the Investigator(s) must consider all the evidence gathered against any information or explanation provided by the Respondent and then, determine whether enough evidence and reason exist to bring the matter to a professional misconduct hearing or not. The investigative findings and recommendations should be contained in an Investigation Report, as at **Proforma 6**.
- k) The Investigation Report must thereafter be submitted to the Chairperson of the Investigating Committee, for a prosecutorial decision in respect of the matter.
- l) Complainants must be advised by the Investigator/s that all documentary evidence or exhibits must be availed to the Investigator/s immediately. Should any evidence or documents not be available immediately, for any reason, the Investigator/s should request the Complainant in writing, to provide such documents/evidence within 14 calendar days.
- m) In instances where a Complainant fails or neglects to comply with Regulation 11.1.13(l), the Investigator(s) may in writing recommend that the Investigation Committee dismiss the complaint due to a lack of evidence and/or co-operation from the Complainant.
- n) Where a complaint was dismissed by the Investigation Committee in terms of Regulation 11.1.13(m), the Chairperson of the Investigation Committee must advise the DAJ of the decision and the reason/s for such decision in writing.
- o) Where a complaint was dismissed by the Investigation Committee in terms of Regulation 11.1.13(m), the DAJ must advise the Complainant of the decision and the reason for such decision by letter to their last known physical address, or electronic mail address.
- p) Where a complaint was dismissed in terms of Regulation 11.1.13(m), it will not be investigated again, irrespective of the seriousness of the complaint. Investigators must therefore caution Complainants at the outset of any investigation, to provide their full cooperation in the investigation of their complaints.
- q) An Investigator may request access to information, documentation or exhibits from any Church structure or member of the A.F.M of S.A, in whose custody such items are to be found, or is reasonably suspected to be found.
- r) Despite Regulation 11.1.13.(q), the NOB may instruct that documentation, evidence or exhibits which in their sole discretion are designated to be too confidential or sensitive, only be inspected in the presence of the General Secretary of the A.F.M of S.A, at a date, time and place designated for such inspection.

11.1.14 ACTIONING OUTCOMES OF INVESTIGATIONS

The Investigation Committee using **Proforma 7**, will make a prosecutorial decision and action the recommendations of any professional misconduct investigation by either:

- a) issuing an appropriate warning in appropriate instances to curb hearing costs; or
- b) having the matter mediated; should the Investigation Report indicate parties to be open to such mediation and it be appropriate.
- c) forwarding the matter to the Disciplinary Committee to have the Respondent formally charged with professional misconduct, or
- d) not bring formal charges against the Respondent and close the matter; or
- e) have a criminal investigation opened by the Complainant; **and further**
- f) suspend the Pastoral Status of the Respondent *with full pay* or not do so; and
- g) in consultation with the NOB, take any other recourse, such as preventing reputational damage or issuing media statements etc.

11.1.15 PRECAUTIONARY SUSPENSION OF PASTORAL STATUS (NOT EMPLOYMENT)

- a) All precautionary suspensions of Pastoral Status and Notices of Suspension of a Respondent's Pastoral Status, are effected by the DAJ, using **Proforma 7**.
- b) A Respondent's Pastoral Status may be suspended by the Investigating Committee pending the outcome of a professional misconduct investigation, professional misconduct hearing, or appeal, in instances where:
 - i. the presence of the Respondent might jeopardize an investigation into the alleged professional misconduct; and/or
 - ii. the presence of the Respondent might endanger the well-being or safety of a person or Church property; and/or
 - iii. the presence of the Respondent might be to the detriment of the continued, stable and effective functioning of the Assembly or the office where he is stationed.
- c) When a misconduct is alleged for which the Church have adopted a Zero Tolerance Policy, such pastor will be requested to submit reasons why he/she should not immediately be suspended. The submission must be made to the Chairperson of the Investigating Committee within 7 working days from receipt of such request from the Chairperson. The Investigating Committee will consider the allegations and submission made and determine whether the pastor would be suspended within 5 working days.
- d) The suspension of the Pastoral Status in terms of Regulation 11.1.15 is a precautionary measure and the Chairperson of the Investigation Committee will inform the Regional Leader and the Assembly Governing Body of the suspension and give guidance about the practical implementation thereof.

- e) In instances where allegations of misconduct are made against a Pastor, but insufficient reason exist to outright suspend his/her Pastoral Status, the Investigation Committee may require the investigation into alleged misconduct to be completed first, before deciding whether to suspend a Pastor's Pastoral Status, or not.

11.1.16 SPECIAL LEAVE & TIME FRAMES FOR MISCONDUCT HEARINGS

- a) The Chairperson of the Investigation Committee may, upon having consulted with the Regional Leader and the Governing Board of the employing Assembly, request the Respondent to take special leave with full pay, pending the outcome of a misconduct investigation and/or -hearing proceedings.
- b) Where a Respondent is placed on special leave, any investigation of the allegations must, as far as possible, be concluded within 15 working days, to not derail the effective functioning of the employing Assembly or office.
- c) All misconduct matters must be concluded within 60 calendar days. This includes the finalization of the investigation, any prosecutorial decisions, as well as the professional misconduct hearing.
- d) In complex matters, the timeframe of Regulation 11.1.16(c) may be extended by the Chairperson of the relevant Standing Committee.
- e) The DAJ, its functionaries, Standing Committees and all appointed Panel Members are duty bound to expedite administration of justice matters, wherever possible.

11.1.17 FORMULATION AND NOTICE OF CHARGE

- a) The Investigation Committee will appoint a member of the Investigation Committee to represent the Church as its Evidence Leader in the professional misconduct hearing.
- b) The DAJ will thereafter complete the Disciplinary Administrative Package as per **Proforma 8** and serve the Respondent with a Notice to Appear at a Misconduct Hearing, after the DAJ has confirmed the date, time and venue of such hearing.
- c) The Evidence Leader must request the Office of Administration of Justice to:
 - i. set the date, time and venue for the hearing; and
 - ii. make travel, accommodation, transport and meal arrangements for the hearing.
- d) The Evidence Leader shall cause the Disciplinary Administrative Package to be served on the Respondent.
- e) Service of the Disciplinary Administrative Package will as far as possible be effected in person, by either the Secretary of the Regional/Network Leadership Forum or by the Evidence Leader himself/herself, depending on which option is more practical and cost effective. Electronic Mail is an accepted option if served in terms of the Telecoms Act.

- f) In instances where it is not practical, or possible to give effect to Regulation 18(e), or where a Respondent cannot be located, for any reason, service of the Disciplinary Administrative Package may as an alternative, be forwarded via either registered mail or by electronic mail to the last known addresses of the Respondent.
- g) Service of a Disciplinary Administrative Package to be served on a NLF Member will be effected by the Chairperson of the Investigation Committee.
- h) Service of a Disciplinary Administrative Package to be served on a NOB Member will be effected by the President or in the event of a charge against the President, by the Vice-President and DAJ.
- i) If a Respondent fails to appear at a scheduled professional misconduct hearing and the Evidence Leader can show proof that the Respondent was properly notified of the date, time and venue of the professional misconduct hearing, the Disciplinary Panel may proceed with the hearing in the Respondent's absence.

11.1.18 WITNESSES

- a) During the investigation of misconduct allegations and during the conducting of misconduct hearings, witnesses will be identified and required to give testimony in respect of their personal knowledge and experiences of the alleged misconduct of Pastors.
- b) The Evidence Leader may identify and call any member of the A.F.M of S.A, as witness to testify at the misconduct hearing of a Respondent, using **Proforma 9**.
- c) Members of the A.F.M of S.A. are compelled to give evidence before a misconduct hearing where they have been served with a Notice to Appear as a Witness. Failing to appear at a misconduct hearing without reason, constitutes a misconduct and the DAJ may recommend to a local Assembly that it charges a member for such misconduct in terms of Appendix 11, Regulation 11.27.4 of the Constitution of the A.F.M of S.A.
- d) The Evidence Leader may, also invite by letter of invitation as per **Proforma 10**, any expert witnesses or any other relevant witness not affiliated to the Church to testify at the misconduct hearing of a Respondent.
- e) **TWO TYPES OF WITNESSES**
For the purpose of these Conduct Rules, the A.F.M of S.A. provides for two types of witnesses namely:

i. **Witnesses to a solemn declaration**

This is a person who observes the signing of a document (E.g. like a will or a contract) and signs as a witness on the document, attesting that the document was signed in his/her presence.

Regulation 12(c) stipulates that a declaration of complaint must be drawn up and signed by the Complainant in the presence of two competent witnesses who must also sign in the presence of each other, as well as the Complainant.

The implication hereof, is that a declaration of complaint is invalid, unless it bears signatures of two competent witnesses who are confirming that the Complainant has indeed signed the declaration in their presence.

ii. Witnesses called to give evidence during a misconduct hearing

This is an ordinary person or expert witness who testifies under oath in a misconduct hearing against a Respondent. A party to the misconduct hearing, whether it is the Complainant or the Respondent, also falls in this category. This category of witnesses also includes-

- **Eye-witnesses**

A person may be called as an "eye-witness" if he/she personally witnessed something which is relevant to the alleged misconduct of a Respondent.

- **Expert witnesses**

A person may be called as an "expert witness" by either the Evidence Leader or Respondent in a misconduct hearing, about a matter that is outside the ordinary knowledge of the body hearing the case. Any opinion expressed by such an expert witness, is accepted as evidence because such a person is an expert on the subject and because the Disciplinary Panel does not have the knowledge or expertise itself, to form a reliable opinion on the topic of expertise. Any party that calls an expert witness will do so at their own cost.

The testimony of any expert witness may be challenged by an opposing party, by bringing an expert witness of their own.

11.1.19 SCHEDULING OF DATES AND POSTPONEMENTS OF PROCEEDINGS

- a) The Director of Administration of Justice will, once the Evidence Leader has finalized the drafting of a charge sheet against the Respondent, schedule the date, time and venue of the first sitting of the Disciplinary Panel.
- b) Once a misconduct hearing has commenced with its first sitting, any requests for postponement of those proceedings, must be facilitated through the Chairperson

- of the Disciplinary Panel and must be properly motivated by whoever brings such a request.
- c) The Disciplinary Panel must carefully consider any request for postponement against the need to expedite the finalization of the hearing as required by Regulations 17(c), before ruling on it. The Disciplinary Panel should also consider the cost efficiency of any requests for postponements.
 - d) In complex matters, the Disciplinary Panel, in its own discretion may temporarily **or** for the day, adjourn a sitting -
 - i. where a large volume of testimony or evidence was placed before it, in order to consider such testimony or evidence; **or**
 - ii. the sitting of the hearing has been so long, that all parties need a break or rest; **or**
 - iii. in an instance where a witness needs to compose himself/herself for any reason; **and/or**
 - iv. to take on advice or legal advice.

11.1.20 PROFESSIONAL MISCONDUCT HEARING PROCESS

- a) The Disciplinary Panel must hear all evidence placed before it and consider documentary evidence and exhibits, in order to arrive at a finding, on each charge.
- b) It remains the responsibility of the Secretary of the Disciplinary Panel to ensure that the best possible record of proceedings exist. Consequently, the Secretary of the Disciplinary Panel must compile accurate minutes of the hearing and where possible, record proceedings electronically to ensure this.
- c) The Secretary of the Disciplinary Panel will record all documentary evidence and or exhibits placed, before the Disciplinary Panel and keep such evidence safe and at conclusion submit it to the DAJ.

GUIDELINES FOR CONDUCTING PROCEEDINGS IN A MISCONDUCT HEARING (See Proforma 8.3)

- d) The guidelines for conducting proceedings are as follows:
 - i. The Chairperson welcomes all parties present and request parties to introduce themselves;
 - ii. The Chairperson enquires from all parties if they are ready to proceed;
 - iii. The Disciplinary Panel deals with any preliminary issues raised by the parties and rules on those issues;
 - iv. The Evidence Leader will read out the charge sheet and the Chairperson will ask the Respondent to plead on each charge, minuting each plea.
 - v. Should a Respondent plead guilty (whether by plea-bargain or otherwise), the Chairperson must explain the seriousness and impact of such a plea

and if satisfied that the Respondent understands the seriousness and impact of the plea, find him/her guilty.

- vi. Where the Respondent is found guilty of misconduct, the Chairperson will require from the Evidence Leader and Respondent whether they are ready to address the Panel in respect of aggravating and mitigating factors. If both parties are ready to present oral arguments, the Disciplinary Panel may hear such mitigating and aggravating arguments immediately. The Panel will consider these oral arguments and then deliberate on an appropriate sanction
- vii. Should either the Evidence Leader or Respondent's Representative not be ready to orally argue aggravation or mitigation, the Disciplinary Panel may instruct the Evidence Leader and Respondent's Representative to prepare written submissions. The Panel will consider these written arguments and then deliberate on an appropriate sanction.
- viii. Where a Respondent refuses to plead on a charge recorded in the charge sheet, the Chairperson must record a plea of not guilty.
- ix. Where a Respondent pleads not guilty or a plea of not guilty is entered by the Chairperson on behalf of the Respondent, the Evidence Leader must proceed to bring evidence before the Disciplinary Panel by leading the testimony of the Complainant.
- x. All witnesses must be solemnly affirmed by the Chairperson before giving their testimony. The affirmation is as follows:

AFFIRMATION

Mr./Mrs./Ms./Pastor.....; do you solemnly affirm to your own conscience, that the testimony you are about to give before this professional misconduct hearing is the whole truth?

- xi. The Chairperson will upon completion of the testimony of the Complainant, allow the Respondent an opportunity to cross-examine the Complainant. The Chairperson must allow the Respondent's representative reasonable latitude in cross-examination without a loss of decorum.
- xii. Upon completion of cross-examination, the Evidence Leader may re-examine his Complainant to clarify any testimony provided under cross-examination.
- xiii. The members of the Disciplinary Panel may ask questions to any witness, in order to obtain clarity on the evidence of that witness.
- xiv. The Evidence Leader will subsequently call his witnesses one by one to testify. Each witness will be cross-examined by the Respondent's representative and re-examined by the Evidence Leader.

- xv. Once all witnesses of the Evidence Leader have testified, the Evidence leader must close his case.
- xvi. The Chairperson will now afford the Respondent an opportunity to defend himself in respect of the professional misconduct charges.
- xvii. Should the Respondent wish to testify, he must do so first, before other witnesses for the defense is called to testify on his/her behalf.
- xviii. The Chairperson will upon completion of the testimony of the Respondent, allow the Evidence Leader an opportunity to cross-examine the Respondent. The Chairperson must allow the Evidence Leader reasonable latitude in cross-examination without a loss of decorum.
- xix. Upon completion of cross-examination, the Respondent's Representative may re-examine the Respondent to clarify any testimony provided under cross-examination.
- xx. The Respondent's Representative will subsequently call his witnesses one by one to testify, each witness will be cross-examined by the Evidence Leader and re-examined by the Respondent's Representative.
- xxi. Once all witnesses of the Respondent have testified, the Respondent's Representative must close his case.
- xxii. The Evidence Leader will be granted the opportunity to present closing arguments after which the Respondent will be afforded the same opportunity.

e) **BURDEN OF PROOF AND FINDINGS**

The Disciplinary Panel must consider all evidence placed before them on a balance of probabilities and then prepare their written findings using **Proforma 11**. The findings must be submitted to the parties within 10 working days after conclusion of all parties' testimonies.

f) **A FINDING OF NOT GUILTY or INSUFFICIENT EVIDENCE**

If the Respondent is found not guilty on all charges, or insufficient evidence exists to find the Respondent guilty, the Disciplinary Panel will issue a Declaratory Statement reflecting either of those positions, using **Proforma 12**.

g) The Disciplinary Panel must forward a copy of their Declaratory Statement to the DAJ, who will forward it to the respondent and the relevant Regional Leader.

h) Where a Declaratory Statement is issued by the Disciplinary Panel, the effect will be that such a case is closed; and the Respondent's Pastoral Status reinstated, if it was suspended.

i) **A GUILTY FINDING**

If the Respondent is found guilty of misconduct, the Evidence Leader will request the Respondent's personnel file to ascertain whether there were any other valid warnings for misconduct, which needs to be taken into consideration by the Disciplinary Panel, when they consider an appropriate sanction. The Evidence Leader must present copies of any current warning(s) on the file of the Respondent, to the Respondent's Representative as well as the Disciplinary Panel.

j) The Disciplinary Panel will request the Evidence Leader and the Respondent to prepare written submissions in respect of aggravating circumstances and mitigating circumstances in the matter. The Disciplinary Panel may however consider requests from the Evidence Leader or the Respondent to present oral testimony in mitigation or aggravation to the Disciplinary Panel, where the seriousness of a matter dictates to do so. The decision to allow or disallow oral testimony rests in the sole discretion of the Disciplinary Panel. The decision of the Disciplinary Panel herein is final.

k) If witnesses in aggravation are to be called to testify before the Disciplinary Panel, they are to testify before any summation of aggravating circumstances by the Evidence Leader.

l) If witnesses in mitigation are to be called to testify before the Disciplinary Panel, they are to testify before any summation of mitigating circumstances by the Respondent's Representative.

m) In **Zero Tolerance Misconduct Hearings**, when aggravating and mitigating circumstances are to be considered by the Disciplinary Panel, provision is made for the introduction of Witness Impact Statements and oral witness impact testimony by the Evidence Leader or the Respondent if they so choose.

n) Once the Disciplinary Panel considered all evidence together with any aggravating and mitigating evidence and witness impact statements and or testimony, the Disciplinary Panel must issue an appropriate sanction using **Proforma 13**.

o) The Disciplinary Panel must submit their findings, impose an appropriate sanction and forward it to the DAJ within 10 working days of hearing the last oral evidence or receipt of the last written arguments.

p) The DAJ shall inform the Respondent of the sanction decision of the Disciplinary Committee without delay.

- q) The Disciplinary Panel must submit, the written minutes, documentation, evidence and exhibits together with its findings and sanction decision relating to the professional misconduct hearing to the DAJ for safekeeping, via the Chairperson of the Disciplinary Committee.
- r) *Where a Pastor's Pastoral Status is terminated, the DAJ will be responsible to mitigate the operational consequences of the termination of Pastoral Status, whether it is at the Local Assembly of the A.F.M of S.A where the Pastor is employed or any other external organization or ministry platform.*

11.1.21 INFORMAL PLEA-BARGAINING

- a) These Conduct Rules allow for informal plea-bargaining between parties, making use of **Proforma 14**, in order to ensure that misconduct matters are expedited, wherever possible.
- b) The principles for an informal plea-bargain are that:
 - i. the Respondent must plead guilty, in order to qualify for a suspended or a lesser sentence to be recommended by the Evidence Leader to the Disciplinary Panel; and
 - ii. no plea-bargain may be entered into, where a Respondent is charged with a misconduct for which the Church adopted a Zero Tolerance Policy (See 11.1.4a);
 - iii. if the panel rejects the plea bargain, they cannot hear the matter again. A new panel must be appointed.
 - iv. a plea-bargain should not be reached at the expense or purported detriment of the Complainant(s).
- c) Despite Regulation 11.1.21(b)(iv) above, where the Evidence Leader and Respondent contemplate entering into a plea-bargain arrangement, and such plea-bargain agreement is in the best interest of the Administration of Justice:
 - i. the Evidence Leader must inform the Complainant of such decision in writing; and
 - ii. the Disciplinary Panel may accept such plea-bargain arrangement, even in instances where the Complainant may feel that such plea-bargain arrangement is to his/her detriment and do not support the plea-bargain.
- d) In a situation as provided in Regulation 11.1.21(c) above, the Complainant may ask to address the Disciplinary Panel in respect of the contemplated plea-bargain arrangement, before the plea-bargain arrangement is considered and ruled on by the Disciplinary Panel.

- e) The Disciplinary Panel must hear the Regulation 11.1.21(d) address of the Complainant and then weigh up such comments against the interest of good administration of justice, before making a ruling in respect of the acceptance/rejection of the proposed plea-bargain.
- f) Informal plea-bargains must be reached prior to the start of the first sitting of any misconduct hearing.
- g) The Evidence Leader must address and confirm to the Disciplinary Panel that a plea-bargain is proposed and that it complies with all the requirements of Regulation 11.1.21 of these Conduct Rules.
- h) The Evidence Leader must also provide documentary proof that he/she informed the Complainant of the proposed plea-bargain agreement. Such proof must be submitted to the Disciplinary Panel together with the proposed plea-bargain as required by Regulation 11.1.21(c)i of these Conduct Rules.
- i) The Disciplinary Panel may in its own discretion, consider the proposed plea-bargain and then decide to either accept **or** reject the proposed plea-bargain.
- j) The Disciplinary Panel must record their reasons for any decision reached in respect of the accepting or rejecting of a plea-bargain. In the event that the disciplinary Panel rejects the plea, the matter must be adjourned, and a new Disciplinary panel be appointed.
- k) The decision of a Disciplinary Panel to accept or reject a proposed plea-bargain is final.

11.1.22 SANCTIONS, MENTORING AND COST ORDERS

- a) Where the Disciplinary Committee finds a Respondent guilty of misconduct, it must issue an appropriate sanction, after it has properly considered the seriousness of the misconduct, the aggravating, as well as mitigating circumstances placed before it.
- b) The Disciplinary Committee must in determining any sanction, give due recognition to instances where Respondents voluntarily confessed to misconduct, showed true remorse and gave their co-operation in bringing proceedings to finality.

- c) The Disciplinary Committee may issue the following sanctions:
- i. after confession and restitution, any written reprimand as thought proper in the discretion of the Disciplinary Committee, which reprimand will be valid for 12 months;
 - ii. depending on the seriousness of a matter; a written warning valid for 6 months (**Proforma 15**)
 - iii. depending on the seriousness of a matter; a final written warning valid for 12 months (**Proforma 16**);
 - iv. suspension of Pastoral Status for a period as determined by the Disciplinary Committee;
 - v. termination of Pastoral Status;
 - vi. terminate the Pastoral Status of a Pastor should it have been found by the Disciplinary Panel that he/she has contributed to the breakdown of his/her marriage, which resulted in a final order of divorce either as plaintiff or defendant having been handed down in a competent Court of Law;
 - vii. where a Pastor was found guilty of misconduct, but his/her Pastoral Status does not warrant suspension, a fine as determined by the Disciplinary Committee in respect of each separate misconduct charge may be charged.
 - viii. any other sanction which the Disciplinary Committee in their sole discretion deems to be an appropriate remedy and sanction for the misconduct **and** which will also serve as a deterrent for similar future misconduct by other Respondents.
 - ix. **MENTORING:**
referral for the mentoring process in terms of Regulation 7.5 (Appendix 7) to the National Office Bearers.
 - x. Any combination of the above.
- d) **COST ORDERS**
- The Disciplinary Committee or Appeals Committee (also in cases of a Review) may issue a Cost Order in instances where either of the parties:
- i. frustrated the finalization of the misconduct hearing; and/or
 - ii. caused unnecessary expenditure in the finalization of a misconduct hearing.
 - iii. In the event that it be found that the charge was laid with malicious intent.
- e) A Cost Order issued against any party must give a clear breakdown of how the amount of the Cost Order was arrived at by the Committee.
- f) All Cost orders must be paid within 15 workdays after receipt of such order.

11.1.23 APPEALS PROCEDURE

- a) The highest level of appeal within the Church is an Appeals Panel appointed by the Appeals Committee of the A.F.M of S.A.
- b) All parties that can prove interest in the outcome of a misconduct hearing, may within 14 working days of receipt of the outcome of that hearing by the Respondent, lodge an appeal with the Appeals Committee of the Church, in respect of that matter, by submitting such to the DAJ, using **proforma 17**.
- c) Given that all Appellants may not be conversant with legal prescripts, any Appellant may request the DAJ to ensure that his/her Notice of Appeal complies with the prescribed format.
- d) If an appeal is not received by the DAJ in the prescribed format, within the required fourteen working days, the decisions, finding and sanction of the Disciplinary Committee will be binding. The DAJ may help the parties by giving guidelines on the process of applying for condonation.
- e) The Appeals Committee may consider applications for condonation for late lodging of an appeal, balancing the reasons for such late application against the interest of fair administration of justice, before ruling on the application.
- f) The receipt of an Appeal by the DAJ shall automatically suspend the implementation of the decisions, findings and sanctions of the Disciplinary Panel.
- g) The decision of the Appeals Committee shall be final.

11.1.24 GROUNDS FOR APPEAL

- a) All appeals shall clearly set out the grounds of appeal. An appeal may only be lodged on one or more of the following grounds:
 - I. the Disciplinary Panel/ Committee did not comply with the Church laws or misinterpreted them; in which case the notice of appeal must stipulate:
 - which Church laws were not complied with; and
 - in which manner the Church laws were interpreted incorrectly;
 - II. interest in the course, bias, malice or corruption on the part of the Chairperson or Disciplinary Panel/ Committee Members;
 - III. gross irregularity in the proceedings;

- IV. inadmissible or incompetent evidence was allowed by the Disciplinary Panel;
- V. admissible or competent evidence was rejected/ignored by the Disciplinary Panel;
- VI. the Disciplinary Panel/ Committee acted maliciously; in which case the notice of appeal must stipulate:
 - how the Disciplinary Panel/Committee acted maliciously; and
 - the effect of such alleged maliciousness.
- VII. The Disciplinary Panel interpreted the evidence led at the misconduct hearing incorrectly, in which case, the notice of appeal must stipulate:
 - which evidence was incorrectly interpreted; and
 - in which manner the evidence was incorrectly interpreted.

11.1.25 WRITTEN SUBMISSIONS

- (a) In every appeal against a ruling, verdict, or sanction of the Disciplinary Panel, or in any Review Applications brought by any party:
 - I. The Written Submissions shall be clear, concise and without unnecessary elaboration.
 - II. The Written Submissions shall not contain lengthy quotations from the record or authorities.
 - III. References to authorities and the record shall not be general but to specific pages and paragraphs.
 - IV. The Written Submissions of the appellant shall, if appropriate to the appeal, be accompanied by a timetable, duly cross-referenced, without argument.
 - V. If the Respondent disputes the correctness of the timetable in a material respect, the Respondent's Written Submissions shall be accompanied by the Respondent's version of the chronology table.
 - VI. If a party relies on subordinate legislation, a copy of that legislation must be attached to the Written Submissions.
- (b) Timeframes for Written Submissions
 - i. The Appeals Panel will set the dates to hear an Appeal/Review Application and inform the DAJ accordingly.

- ii. The DAJ will inform all role-players of the date of the Appeal Panel's sitting.
 - iii. The Appellant's written submissions must reach the DAJ, no later than 15 workdays before the date on which the Appeal/Review is to be conducted.
 - iv. The DAJ will forward the Appellant's Heads of Argument to the Respondent, to allow the Respondent to, within 5 workdays, reply to the Appellant's Written submissions
 - v. The Respondent's written submissions must be submitted to the DAJ, no later than 10 workdays before the Appeal/Review is to be conducted.
 - vi. The DAJ will thereafter forward the Appellant's and Respondent's Heads of Argument to the Appeals Panel no later than 10 workdays before the Appeal/Review is to be conducted.
- (c) The opposing party (whether it be the Evidence Leader on behalf of the Church or the Respondent, where an appeal is brought by the Evidence Leader) shall be entitled to present written counter arguments concerning the grounds of appeal within 14 working days of receipt of the appeal notice from the DAJ.
- (d) The appointed Appeals Panel may request the Disciplinary Panel to submit a written response concerning the grounds of appeal. The requested written response must be submitted to the Appeals Panel within 14 working days of the request being received by the Disciplinary Panel.
- (e) The Disciplinary Panel/Committee and its members will not form part of; or be a party to the Appeal proceedings, given that the Disciplinary Panel delivered their verdict and sanction, together with the reasoning for such verdict and sanction in writing. The parties involved in such an appeal shall only be the Appeals panel, the Appellant, the Respondent and where applicable, the Evidence Leader.
- (f) The Appeals Panel must firstly decide whether the grounds submitted by the applicant are valid.
- (g) Where the grounds of appeal are found to be invalid, the Appeals Panel must-
- i. rule so;
 - ii. close the matter;
 - iii. direct that the finding(s) and the sanction(s) of the Disciplinary Committee take immediate effect; and
 - iv. inform the DAJ in writing accordingly, who will then in turn advise the parties accordingly, in writing.

- (h) Where an Appeals Panel find valid grounds for an appeal to have been lodged, it must proceed and consider the merits of the appeal arguments raised.
- (i) The Appeals Panel has the discretion to decide whether it can adjudicate an appeal solely on the papers presented to it **or** whether there is a need to hear oral arguments by the parties involved.
- (j) If the Appeals Panel decides that oral arguments must be presented, it will liaise with the DAJ via electronic mail, who will then arrange a date, time and venue for such oral arguments to be presented and heard.
- (k) During oral appeal arguments, the Appeals Applicant will first be afforded an opportunity to state his/her case to the Appeals Panel.
- (l) The Appeals Respondent will thereafter be afforded an opportunity to respond to the appeal arguments raised by the appeals applicant.
- (m) The Appeals Panel must ensure that both parties are afforded an opportunity to be heard in full.
- (n) The Appeals Panel must release the outcome of an Appeal Application, using **Proforma 18** within 10 working days after having heard all parties **or** from the date it received the last representations from all parties. Depending on the complexity of the matter and the nature of the issues involved, the Appeals Panel may request more time from the DAJ, to allow it to consider the Appeal.
- (o) Upon conclusion of any Appeal, the Appeals Panel must submit the outcome of the Appeal to the the DAJ.

11.1.26 APPEAL OUTCOMES

- a) The Appeals Committee may:
 - i. confirm the finding and/or sanction of the Disciplinary Committee;
 - ii. vary the finding and/or sanction of the Disciplinary Committee; or
 - iii. set aside completely the finding and/or sanction of the Disciplinary Committee; and/or
 - iv. declare that the hearing must be conducted anew under a new Evidence Leader and Disciplinary Panel.

- b) The written minutes, documentation, findings and sanction relating to the Appeal must be submitted by the secretary of the Appeals Panel to the DAJ for safekeeping.

11.1.27 REVIEW APPLICATIONS

- a) Any person that can prove interest may bring a Review Application in respect of any decision taken by a Department of the Church, Standing Committee, any Panel as contemplated in these Conduct Rules, or office holder, in order to determine whether that decision taken, has been arrived at correctly and fittingly.
- b) On receiving an Application for Review, the DAJ will refer the matter to the Appeals Committee to appoint a Review Panel of three to five members who will hear the Review Application.
- c) The Review Panel must conduct the review and finalise its work within 10 working days after appointment. Upon conclusion of the review, the Review Panel must submit the outcome of the Review to the DAJ.
- d) The DAJ, as the custodian of administrative justice, must note the outcome and subsequent recommendations of the Review Panel for statistical purposes.
- e) The differences between Appeals and Reviews are set out below:

Appeals		Reviews
Full rehearing on the merits of a misconduct matter. Was the decision correct?	1	Limited rehearing as to whether the [1] correct procedure was followed; and/or [2] the correct decision was arrived at.
Limited to the material before a Misconduct Hearing Panel which made a decision (<i>a quo</i>).	2	Extraneous material may be placed before the body hearing the Review.
Strict time limits for noting and processing the Appeal.	3	Review must be brought within a reasonable period of time. No specific time limit is set.
Appeal procedure followed in terms of the Conduct Rules, as explicated in Appendix 11 of the Constitution of the A.F.M. of S.A.	4	Action and the procedures in terms of the Conduct Rules, as explicated in Appendix 11 of the Constitution of the A.F.M. of S.A.(same)
Suspends the verdict and implementation of the sanction handed down by a Disciplinary Panel.	5	Does not suspend the rulings made in respect of any decision, unless the

Appeals		Reviews
		Review Panel, expressly orders otherwise.
Generally limited to the decisions of Disciplinary Panels.	6	Used to scrutinize decisions of all structures and offices in the Church responsible for making decisions in whatsoever manner required by the Constitution, and/or Regulations and Policies of the A.F.M of S.A.
Any person or body affected by the ruling, verdict or sanction of a misconduct hearing would be eligible to lodge an Appeal in terms of the Appeal Procedures in Appendix 11 of the Constitution of the A.F.M. of S.A.	7	Any person or body affected by an administrative decision would be eligible to lodge review proceedings in terms of the procedures as laid down in Appendix 11 of the Constitution of the A.F.M. of S.A.
Everyone whose rights have been adversely affected by a misconduct disciplinary process, has the right to receive written reasons for such decision.	8	Every South African has a Constitutional right to administrative decisions which are lawful, reasonable and procedurally fair. Everyone whose rights have been adversely affected by an administrative decision has the right to be given reasons for such decision.
The body hearing the Appeal will be the final body in the hierarchy of the Church.	9	The body hearing the Review Application will be the highest and final in the hierarchy of the Church.(same)

11.1.28 ARBITRATION PROCESS

- a. Any member or Pastor or Structure which is formal or informal may refer a matter for Arbitration of which such referral shall be made to the Administration of Justice Officer or the General Secretary.
- b. Such Arbitration shall be held at a place determined by the Arbitrator unless otherwise agreed to and shall be held in a summary manner with a view to it being completed as soon as possible.
- c. There shall be one Arbitrator, who shall be practicing Counsel or an Attorney of not less than ten years standing.
- d. The appointment of the Arbitrator shall be agreed upon between the parties, but failing agreement between them within a period of fourteen days after the Arbitration has been demanded, either of the parties shall be entitled to request the Chairperson for the time being, of the Arbitration Foundation of South Africa to make appointment shall have regard to the nature of the dispute.

- e. The Arbitrator shall be entitled to appoint an independent assessor who, in his or her discretion is duly qualified to render assistance in determining the dispute.
- f. The terms of reference of the Arbitration shall be determined and recorded by the parties. If there is a dispute in this regard the Arbitrator will also determine that dispute.
- g. The Arbitrator shall be obliged to give in writing the reasons for any decision made by him or her in the course of the Arbitration.
- h. The parties agree that the Arbitration shall include the right of appeal in terms of the rules of the Arbitration Foundation of South Africa.
- i. Subject to the preceding clause, the decision of the Arbitrator shall be final and binding on the parties and may be made an order of Court of competent jurisdiction. Each of the parties hereby submit itself to the jurisdiction of the High Court of South Africa, should the party wish to make such a decision or the appeal an order of that Court.
- j. The Arbitration process referred to herein shall not be confused with the Arbitration in terms of employment relationship, which shall at all times be regulated in terms of the Labour Relations Act or any related Legislation.
- k. The costs of such Arbitration shall be borne by the parties to the Arbitration in pro rata.
- l. No civil legal proceedings outside the AFM shall be instituted by any formal or informal structure or grouping of the Church or any Pastor or any member of the Church, acting in their personal name or official capacity, against the Church (Legal persona) or any formal or informal structure or grouping of the Church, Pastor or member thereof, for any matter which arises from the Church laws or governance of the Church except employment matters which must be resolved in terms of the Labour Relations Act or other related Legislation. If a matter is referred to Arbitration, the ruling of the Arbitrator shall be final and binding on all Pastors, members and structures of the Church.

11.1.29 CONFIDENTIALITY

All functionaries shall in the execution of their duties treat the investigation of alleged misconduct, the misconduct itself, any misconduct hearing or appeals process, and the outcome thereof, as strictly confidential.

11.1.30 REPRESENTATION

- a. For the purposes of administering these Conduct Rules, the Church, Respondents, Appellants and Review Applicants may be represented by a fellow Pastor or another member of the AFM Church.
- b. No office bearer appointed to a national leadership structure, or leaders of a regional structure, including Departments of the Church, may represent a Respondent in a misconduct investigation, Hearing, Appeal or Review procedure, as it constitutes a conflict of interest.
- c. This also extends to the members of Administration of Justice Committees.
- d. Deputy Regional/Network/Department Leaders, Secretaries and treasurers may represent a Respondent but not if such a respondent is from the same Region/Network/Department.

11.1.31 INDEMNITY

All functionaries as provided for in these Conduct Rules shall be indemnified in terms of Sections 12.3 to 12.5 of the Constitution of the A.F.M of SA.

11.1.32 FINES & COST ORDERS

- a) All fines and Cost Orders issued to Respondents by a Disciplinary Panel must be paid into the bank account of the A.F.M of S.A within 15 workdays after receipt of such order.
- b) The onus of proof of payment of a fine or Cost Order rests on the party to which such fine or Cost Order was issued.
- b) Failure to provide proof of payment for a fine or Cost Order within the prescribed 15 workdays will automatically terminate the Pastoral Status of that party.
- c) Funds received from fines and Cost Orders issued, will be used by the A.F.M of S.A to offset administration of justice expenditure, training projects and awareness campaigns.

11.1.33 MENTORING PROCESS (REGULATION 7.5 OF APPENDIX 7)

Where a Disciplinary Panel imposes a mentoring process as a sanction where a Pastor was found guilty of misconduct, the DAJ shall in consultation with the NOB, using **Proforma 19**:

- a) appoint a counsellor/mentor for the Pastor subject to his/her written acceptance thereof within 15 calendar days of such appointment (failure to confirm acceptance may be interpreted as an act of non-compliance with the outcome of a professional misconduct hearing and jeopardize any possible reinstatement of Pastoral Status, had it been suspended);
- b) determine the timeframe and desired outcome for such counselling/mentoring process;
- c) obtain a Regulation 7.5.2 report (Appendix 7) from the counsellor/mentor;
- d) make recommendations to the National Leadership Forum for the possible reinstatement of Pastoral Status subject to Regulation 7.5.3 of Appendix 7; and
- e) make recommendations to the Regional Leadership Forum and the affected Assembly regarding the counselling/ mentoring of the victims and affected parties, e.g. spouse, children, Assembly members and others.

11.1.34 RESIGNATION AS ESCAPE FROM JUSTICE

- a) Where a Respondent is investigated for or charged with misconduct and then resigns from the A.F.M of S.A, to escape answering charges of professional misconduct-
 - i. the investigation into the allegations of professional misconduct, if not yet completed, must be completed and the Investigation Report referred to the DAJ;
 - ii. the DAJ must proceed in term of in Regulation 11.1.7(h) of these Conduct Rules; and
 - iii. the misconduct hearing must be finalized by the Disciplinary Panel to the point of making findings and recommendations to the Disciplinary Committee who will impose an appropriate sanction, if the Pastor is found guilty of misconduct and inform the DAJ accordingly for record purposes, irrespective of the attendance or absence of the Respondent.
- b) Where a respondent resigns from the A.F.M of S.A, to escape answering charges of misconduct as contemplated in Regulation 11.1.34(a) and subsequently is found guilty of professional misconduct by a Disciplinary Panel, he/she may ONLY be considered to be granted professional membership of the A.F.M. of S.A again, after he/she shows remorse and is willing to except the sanction issued by the Disciplinary Committee as per Regulaton 11.1.22 (c).

11.1.35 REVIEW OF PROFESSIONAL CONDUCT RULES

- a) The DAJ must annually compile a report on operational challenges experienced in respect of the application of these Conduct Rules, as well as misconduct trends amongst its Pastors and submit this report to the NLF.
- d) The DAJ may make recommendations in respect of the operational challenges being experienced and misconduct trends to the NLF.
- e) The NLF may, upon having considered the report in Regulation 11.1.35(a), instruct that the NOB, DAJ and/or Chairpersons of Standing Committees institute any remedial action to address operational challenges being faced by the Church or to curb any sharp rise of misconduct amongst its Pastors and report back to it, on progress made in respect thereof.
- f) In addition to Regulation 11.1.35(a), the DAJ will once every 4 years conduct a complete review of Appendix 11 to ensure that it remains user friendly, up to date with legislative prescripts and case law, as well as developing legal practice.

11.1.36 SEPARATION

Each regulation and proforma of these Professional Misconduct Rules, is individually separable from the remainder of these rules and proformas. If a Court finds that any regulation or proforma is unenforceable or unlawful, the remainder of these Professional Misconduct Rules, including the remaining Proformas will remain valid and enforceable.

DEFINITIONS

“Appeals Committee”

refers to a Committee of persons appointed by the NLF in terms of Regulation 11.1.9(a) of the Professional Conduct Rules, who are proficient in Church Law, Labour Laws, Administrative Laws and or substantive background in the functioning of the Church, designated to deal with appeal matters of the Church;

“Appeals Panel”

refers to the three to five members of the Appeals Committee, selected by the Chairperson of the Appeals Committee, to hear any appeal, consider evidence and make appropriate appeal findings, as provided in Regulation 11.1.9(h) of these Professional Conduct Rules;

“Competency”

refers to a witness who is of sound mind [not deprived of the proper use of reason as a result of any affliction or disability] called to give evidence at a professional misconduct hearing;

“Compellability”

A witness is compellable if he/she may be required to give evidence in terms of the Constitution of the A.F.M of S.A. Regulation 11.1.18(c) of these Professional Conduct Rules stipulates that a member of the Church shall give evidence before the Disciplinary Panel if notified to do so, by the Evidence Leader.

“Credibility”

refers to a witness’s:

- i. general perceived level of truthfulness, believability, acceptability, trustworthiness, dependability, honesty and integrity when asked to provide information; or*
- ii. specifically, when giving evidence during a professional misconduct hearing;*

“criminal activity”

refers to any action of a criminal nature as may be defined in the laws of The Republic of South Africa

“Criminal misdemeanor”

refers to any criminal offence of low seriousness and which has limited impact on society; in instances where persons are found guilty of such criminal transgressions, Courts would ordinarily hand down a fine, rather than a period of incarceration as punishment, e.g. a traffic violation for which a fine is issued;

“Office of Administration of Justice”

refers to the Office of Administration of Justice established in terms of Regulation 11.1.6(a) of these Professional Conduct Rules; this includes the Director: Administration of Justice, as well as any support staff allocated to that office to assist with the management of the administration of justice for the A.F.M. of S.A;

“Director: Administration of Justice”

refers to an employee or service provider appointed in terms of Regulation 11.1.6 of these Professional Conduct Rules by the NLF, to oversee the general administration of justice function for the A.F.M. of S.A;

“Employer”

refers to a local Assembly or any structure of the A.F.M. of S.A, who contracted the employment of any licensed Pastor of the A.F.M Church;

“Disciplinary Committee”

refers to a Committee of persons appoint by the NLF in terms of Regulation 11.1.8(a) of these Professional Conduct Rules; who are proficient in Church Law, Labour Laws, Administrative Laws and or substantive background in the functioning of the Church, designated to deal with professional misconduct matters of Pastors of the Church;

“Disciplinary Panel”

refers to three members of the Disciplinary Committee, selected by the Chairperson of the Disciplinary Committee, to preside over, consider evidence and make appropriate findings in a professional misconduct hearing, as provided for in Regulation 11.1.8(f) of the Professional Conduct Rules;

“Evidence Leader”

refers to a person, appointed by the Chairperson of the Investigation Committee in terms of Regulation 11.1.7(i) of these Professional Conduct Rules, to bring formal charges of professional misconduct against a Pastor and who will represent the Church in such a hearing.

“Interest”

refers to any Person who has an interest in a professional misconduct investigation and professional misconduct hearing, by nature of their positioning as:

- the Respondent;*
- the Complainant or group of Complainants;*
- the Victim/s;*
- the Evidence Leader on behalf of the Church;*
- the Governing Body of the Local Assembly or Instance of the Church by whom the Respondent is employed;*
- the relevant Regional/Network Committee, collectively or individually;*
- the National Leadership Forum, collectively or individually; and*
- the National Office Bearers, collectively or individually.*

“Investigations Committee”

refers to a Committee of persons, appointed by the NLF in terms of Regulation 11.1.7(a) of these Professional Conduct Rules, who are proficient in Church Law, Labour Laws, Administrative Laws and or substantive background in the functioning of the Church, designated to investigate professional misconduct by Pastors of the Church;

“Investigation Panel”

refers to a specifically appointed member, or members of the Investigation Committee selected by the Chairperson of the Investigation Committee in terms of Regulation 11.1.7(f) of these Professional Conduct Rules, to investigate a particular complaint of professional misconduct by a Pastor of the A.F.M. of S.A;

“judicial notice”

refers to a rule in the law of evidence which allows a fact to be introduced into evidence, if the truth of that fact is so notorious or well known, or so authoritatively attested, that it cannot

reasonably be doubted; also refers to the authority of a judge to accept as facts certain matters which are of common knowledge from sources which guarantee accuracy, or are a matter of official record, without the need for evidence establishing the fact. Examples of matters given judicial notice are public and court records, tides, times of sunset and sunrise etc.

“Pastor”

refers to:

- a) All Pastors of the A.F.M. of S.A, (whether ordained or licenced)
- b) All Emeriti Pastors and
- c) All Pastors in terms of association agreements.

“Pastoral Status”

refers to the designation as a Pastor by the A.F.M of S.A. which flows from the professional affiliation and professional membership, awarded by the A.F.M of S.A. to its Pastors; which affiliation and membership remains subject to the Pastor’s continuous compliance with the Professional Conduct Rules of the Church, as set out in Appendix 11 of the Constitution of the A.F.M of S.A.

“Precautionary suspension of Pastoral Status”

Refers to the temporary revoking of a Pastor’s Status during the Disciplinary Process as Pastor of the AFM

“Suspension of Pastoral Status”

refers to the temporary revoking of a Pastor’s status of the A.F.M of S.A.

Effect of suspension of Pastoral Status

The effect of the suspension of a Pastor’s Pastoral Status is that:

- i. *he/she may for the period of suspension not perform any Pastoral or related services within the broader A.F.M of S.A;*
- ii. *he/she may for the period of suspension not perform any Pastoral or related services within the local Assembly of the A.F.M of S.A, by whom he/she is employed; and*
- iii. *he/she may for the period of suspension not perform any Pastoral or related services inside or outside the AFM of SA*
- iv. *it suspends as a whole, any association agreement which may exist between the A.F.M of S.A. and another Pastor for the period of suspension.*

“Termination of Pastoral Status”

means that the NLF, as the professional oversight body of its Pastors, has terminated a Pastor’s professional status of the Church.

Effect of termination of Pastoral Status

The effect of the termination of a Pastor’s Pastoral Status is that:

- i. *he/she may no longer perform any Pastoral or related services within the broader A.F.M of S.A;*

- ii. *he/she may no longer perform any Pastoral or related services within a local Assembly of the A.F.M of S.A, by whom he/she is employed or any other A.F.M of S.A. assembly; and*
- iii. *he/she may no longer perform any Pastoral or related services on behalf of the A.F.M of S.A at an organization or another ministry platform to which he/she was seconded by the A.F.M of S.A.*
- iv. *Termination of a Pastor's Pastoral Status completely ends, any association agreement which may exist between the A.F.M of S.A and a Pastor.*
- v. *The appointment as marriage officer on behalf of The A.F.M of S.A. is also revoked with immediate effect on the termination of a pastor's status.*

"Pastoral Code of Conduct"

refers to the Pastoral Code of Conduct of the A.F.M of S.A, as found in Appendix 11, Addendum B of the Constitution of the A.F.M of S.A;

"Pledge of Office"

refers to the Pledge of Office of the A.F.M of S.A, as found in Appendix 11 Addendum A of the Constitution of the A.F.M of S.A;

"Professional Misconduct"

refers to a Pastor's transgression of Regulation 11.1.4 of these Professional Conduct Rules of the A.F.M. of S.A, which may affect the suspension or termination of that Pastor's Pastoral Status, which status is administered and regulated by the A.F.M. of S.A, as the overseeing professional body;

"professional membership"

refers to being admitted as a Pastor of the A.F.M. of S.A by the A.F.M of S.A and awarded Pastoral Status once all requirements have so been met;

“Sexual harassment”

refers to any unwanted attention of a sexual nature. This includes any kind of sexual behaviour that makes a person feel uncomfortable, including:

- i. touching;*
- ii. unwelcome sexual jokes;*
- iii. unwanted questions about someone’s sex life;*
- iv. whistling;*
- v. rude gestures;*
- vi. requests for sex; and*
- vii. staring at a person’s body in an offensive way.*

“sexual misconduct”

Sexual misconduct is a broad term which includes any unwanted behavior of a sexual nature committed without consent or by force, intimidation, coercion or manipulation by a Pastor of the A.F.M of S.A. towards another person.

“witness”

refers to:

- i. any witnesses to a solemn declaration; and*
- ii. any witness called to give evidence during a professional misconduct hearing which may include the Complainant, the Respondent, an eye-witness or expert witnesses; as provided for in Regulation 19 of these Professional Conduct Rules;*

In these Professional Misconduct Rules, the singular of a term also refers to the plural.

ADMINISTRATION OF JUSTICE:

PROFORMA DOCUMENTATION

FOR THE MANAGEMENT OF MISCONDUCT OF PASTORS

OF THE A.F.M OF S.A,

[AS PROVIDED FOR IN APPENDIX 11.1 OF THE CONSTITUTION OF THE A.F.M OF S.A.]





A.G.S VAN S.A./ A.F.M OF S.A.

DECLARATION OF COMPLAINT

in respect of allegations of professional misconduct of Pastors

As provided for by Regulation 11.1.11 (a) of the Conduct Rules of the A.F.M of S.A

Details of Complainant

Initials and Surname									
Cellular phone number									
Telephone number (w)	Area Code			—	/Number				
Physical address									
E-mail address									
Postal Address									

Details of alleged transgressor

Initials and Surname									
Name of Assembly/ position									
Physical address of Assembly									
Name of Region/Network									

FOR OFFICIAL USE

Date received		Time received		Complaint No.:	
Registered by		Signature			

[illegible]

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A.G.S VAN S.A./ A.F.M OF S.A.

**REQUEST FOR INVESTIGATION INTO
ALLEGED PROFESSIONAL MISCONDUCT**

As provided for by Regulation 11.1.13 (a) of the Conduct Rules of the A.F.M of S.A

TO	THE CHAIRPERSON: INVESTIGATION COMMITTEE
FROM	THE DIRECTOR: ADMINISTRATIVE JUSTICE
DATE	

TOPIC	ALLEGED MISCONDUCT OF PASTOR STATIONED AT.....ASSEMBLY INREGION.
COMPLAINT NUMBER	

1	Please find attached hereto the complaint received from....., Dated.....in respect of the alleged misconduct committed by Pastor.....
2	Please appoint an Investigator/ Investigation Panel to investigate the allegations and upon conclusion of your investigation, provide this office with an investigation report containing findings and recommendations in respect of the allegations.

SIGNATURE: DIRECTOR: ADMINISTRATIVE JUSTICE
--



A.G.S VAN S.A./ A.F.M OF S.A.

APPOINTMENT OF INVESTIGATOR/ INVESTIGATION PANEL

As provided for in Regulation 11.1.13(c) of the Conduct Rules of the A.F.M of S.A.

AAN/TO	THE DIRECTOR: ADMINISTRATIVE JUSTICE
VAN/FROM	THE CHAIRPERSON: INVESTIGATION COMMITTEE
DATUM/DATE	

ONDERWERP TOPIC	ALLEGED MISCONDUCT OF PASTOR STATIONED AT..... ASSEMBLY INREGION.
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COMPLAINT NUMBER	
-------------------------	--

1	Please be advised of the appointments of the following persons in the capacities reflected, for the abovementioned matter:
----------	--

NAME OF CHIEF INVESTIGATOR	
CELLPHONE NUMBER	
E-MAIL ADDRESS	

[Complete only if applicable]

NAME OF ASSISTANT INVESTIGATOR	
CELLPHONE NUMBER	
E-MAIL ADDRESS	

NAME OF ASSISTANT INVESTIGATOR	
CELLPHONE NUMBER	
E-MAIL ADDRESS	

_____ SIGNATURE: CHAIRPERSON: INVESTIGATION COMMITTEE DATE:



A.G.S VAN S.A./ A.F.M OF S.A.

NOTIFICATION OF ALLEGATION(S) OF PROFESSIONAL MISCONDUCT

As provided for in Regulation 11.1.13(d)(i) of the Conduct Rules of the A.F.M of S.A.

TO	Pastor/Mr./Mrs./Ms..... (Address:).....
FROM	THE DIRECTOR: ADMINISTRATIVE JUSTICE
DATE	

TOPIC	ALLEGED MISCONDUCT: OF YOURSELF, BEING IN ASSEMBLY IN REGION.
COMPLAINT NUMBER	

1. This Office received allegations of misconduct against you.
The allegations are as follows:

Allegation(s)

.....

.....

.....

.....

.....

.....

.....

.....

.....

OR: A copy of the allegation(s) is attached for ease of reference.

2. The Standing Committee on Investigations has appointed the following investigator(s) to investigate the allegations:
 - 2.1
 - 2.2
3. A copy of your rights as per Proforma 5 of the *Conduct Rules, Appendix 11.1 to the Constitution of the A.F.M of S.A* is attached for ease of reference.
4. You need not contact the investigators or this office. In due course, you will be contacted by the investigator/s and required to answer to the allegation(s) or provide any additional information which the Investigation Panel may require, to assist them to determine whether this matter should be brought before a Disciplinary Panel.
5. You are required to give your full cooperation with the investigation.
6. Should you so choose, you may prepare a written representation in response to the allegations, which must be handed to the investigator(s) when you are interviewed during the investigation of the allegations.
7. Should the investigation team conclude that on a balance of probabilities you committed the alleged professional misconduct, you will be notified to appear before a Disciplinary Panel at a date, time and venue to be confirmed. A charge sheet will then be provided to you, to allow you to prepare your defense of the matter.
8. **You are explicitly instructed not to liaise with the complainant or any witness in any way; and not to obstruct or delay this investigation in any way. Failing to adhere to this instruction constitutes a misconduct.**
9. **Please note that any statement you make in respect of the allegations may be used as evidence.**

SIGNATURE: DIRECTOR: ADMINISTRATIVE JUSTICE
DATE:

PROFORMA 5



A.G.S VAN S.A./ A.F.M OF S.A.

RIGHTS OF RESPONDENTS IN PROFESSIONAL MISCONDUCT INVESTIGATIONS, HEARINGS AND APPEALS

As provided for in Regulation 11.1.13(d)(iv) of the Conduct Rules of the A.F.M of S.A.

1	Discipline is applied primarily as a correctional measure and in appropriate circumstances as a punitive measure.
2	Discipline must be applied prompt, fair, consistent, and in a progressive manner.
3	A Respondent has the right to fair treatment, which includes the fact that they: a. be informed timeously of allegations of misconduct made against them; b. are properly informed about their rights and responsibilities during the formal disciplinary processes; c. have access to evidence in order to prepare themselves for the disciplinary hearing; d. have a fair disciplinary interview, administrative procedure and disciplinary hearing; and e. may request reasons for any decision of the employer; and f. the right to appeal decisions of the employer and the Appeals Authority.
4	Disciplinary proceedings must take place in the workplace as far as reasonably possible, unless it is essential to continue proceedings elsewhere for the purposes of conducting an inspection in loco, or to obtain evidence from a person by conducting an interview, where the person is unable to travel to the disciplinary proceedings, for whatever reason.
5	Disciplinary proceedings must always be understandable for the Respondent.
6	The Respondent has the right to representation when he/she is charged with misconduct.
7	A Respondent has the right to enter into a plea- bargain with the Evidence Leader, unless the misconduct constitutes a criminal offence or where it relates to Zero Tolerance Misconduct as found in the Disciplinary Code and Regulations.
8	Where a Respondent is suspected to have committed serious misconduct, that Respondent has the right to a disciplinary investigation which meets the minimum requirements set out in Proforma 6.
9	The Respondent has the right to make use of an Interpreter to translate between languages. (Administrative arrangement: Please note that requests for the provision of an Interpreter should be made in writing to the Evidence Leader, at least 5 working days prior to the commencement of the hearing.)
10	The Respondent or his representative may cross-examine any witness introduced by the Evidence Leader.
11	The Respondent will be given an opportunity to testify in his/her defense should he/she wish to do so and then to lead other witnesses or evidence in his/her defense.
12	If the Respondent is found guilty of any misconduct charge, he/she may address the Disciplinary Panel in respect of mitigating circumstances.
13	The Respondent is entitled to lodge an Appeal against the procedure, finding and or sanction of the Disciplinary Committee.
14	Respondents may apply for a review of an administrative decision by any Church official.



A.G.S VAN S.A./ A.F.M OF S.A.

PROFESSIONAL MISCONDUCT INVESTIGATION REPORT

As provided for in Regulation 11.1.13(j) of the Conduct Rules of the A.F.M of S.A.

COMPLAINT NUMBER		
Date		
Name of Investigating Officers	a.	
	b.	
	c.	
Contact Detail of the Investigating Officers	a.	
	b.	
	c.	
Initials and surname of Respondent		
Contact Detail of the Respondent	E-mail	
	Cell No.	
	Address	

1. On [date:]....., I/we received instruction from the DAJ to investigate the alleged serious misconduct of the abovementioned Respondent.
2. The alleged misconduct is a contravention of Regulation/s (insert alphabetical letter) in that the Respondent, on(date),(time) in(place), committed serious misconduct by (insert description or attach)
.....
3. We conducted interviews with, and deposed statements from the following persons:

a. Complainant:	d.
b.	e.
c.	f.

4. We collected the following pieces of evidence/documentary evidence:

- a. d.
b. e.
c. f.

5. Our findings, on a balance of probabilities are as follows:

Allegation is substantiated

Allegation is not substantiated

Motivation for finding:

6. Our recommendations considering our findings are as follows:

a. The Respondent must receive a suitable warning.		d. Suspension of the Pastoral status of the Respondent should NOT be considered.	
b. The Respondent must be brought to a professional misconduct hearing given the nature and seriousness of the charge and the facts at our disposal.		e. The matter must be abandoned due to a lack of facts/evidence.	
c. Suspension of the Respondent's Pastoral status is recommended.		f. A criminal case docket should be opened at the SA Police Service.	

SIGNATURE: INVESTIGATOR/INVESTIGATION PANEL

DATE:



A.G.S VAN S.A./ A.F.M OF S.A.

**PROSECUTORIAL DECISION
OF THE INVESTIGATION COMMITTEE:
ADMINISTRATION OF JUSTICE**

As provided for in Regulation 11.1.14 of the Conduct Rules of the A.F.M of S.A.

TO	A. THE CHAIRPERSON: THE DISCIPLINARY COMMITTEE <i>and</i> B. (The Respondent) of A.F.M of SA,Assembly.
FROM	THE CHAIRPERSON OF THE INVESTIGATION COMMITTEE
DATE	
TOPIC	ALLEGED MISCONDUCT OF PASTOR STATIONED AT.....ASSEMBLY INREGION.
COMPLAINT NUMBER	

TO ADDRESSEE A: THE CHAIRPERSON OF THE DISCIPLINARY COMMITTEE.

1. This Office has, upon having considered the Investigation Report in respect of the abovementioned matter taken the following prosecutorial decision(s):			
a) The Investigation Committee issued the Respondent with a suitable warning in terms of Regulation 11.1.14(a), namely awarning. No further action is required from your Committees herein. b) The Respondent must be brought to a misconduct hearing given the nature and seriousness of the allegations and the facts as contained in the Investigation Report. In terms of your powers, please make the necessary appointments of a Disciplinary Panel in terms of Regulation 11.1.8(f) in accordance with the prosecutorial decision, in paragraph 1 above.		c) The matter is abandoned due to a lack of evidence and closed herewith. d) The Complainant must be advised to open a criminal case docket at the S.A. Police Service. e) Mediation appears to be the best way in resolving the complaint. A date, time and place suitable to all role-players will be communicated with you in due course. f) An administrative review was requested in respect of the decision of(party) to(action under review). The Outcome of the review will be communicated with you as soon as it becomes available. g) The Pastor's Pastoral Status is herewith SUSPENDED . h) The Pastor's Pastoral Status remains IN TACT .	

TO ADDRESSEE B: THE RESPONDENT

1.	This Office received an allegation(s) of misconduct against you, for which the A.F.M of S.A. adopted a <u>Zero Tolerance Policy</u> in the Conduct Rules of the A.F.M of S.A. Your Pastoral status is consequently automatically suspended in terms of Regulation 11.1.15(c) of the Conduct Rules of the A.F.M of S.A, with effect from the date of this letter.	
2.	This Office received an allegation(s) of misconduct against you. This Office liaised with your employing Assembly and is considering suspending your Pastoral Status as a result thereof. See copy of complaint attached hereto, for ease of reference. In terms of the <i>Audi Alteram Partem Rule</i> , you are hereby afforded 5 workdays to submit to this Office, reasons why your Pastoral Status should not be suspended. Your representation should reach this office by[date].	
3.	This Office received an allegation(s) of misconduct against you. This Office liaised with your employing Assembly and suspended your Pastoral Status with effect from the date of this letter, pending the outcome of an investigation, professional misconduct hearing, appeal or mediation -for the reason/s indicated below. In terms of the <i>Audi Alteram Partem Rule</i> , you are hereby afforded 5 workdays to submit to this Office, reasons why your Pastoral Status should be reinstated, if any. Your representation should reach this office by[date]. The Reason/s for the suspension of your Pastoral status is indicated below:	
	i. Your presence might jeopardize any investigation into the alleged professional misconduct; <i>and/or</i>	
	ii. Your presence might endanger the well-being or safety of any person or Church property; <i>and/or</i>	
	iii. Your presence might be to the detriment of the continued, stable and effective functioning of the Assembly or the office where you are stationed.	
4.	Please note that allegations of misconduct are made against you, but currently insufficient reason exist to outright suspend your Pastoral Status. This Office have requested an investigation into the alleged misconduct to be completed, before deciding whether or not to suspend your Pastoral Status. We will keep you abreast of developments herein.	


g) COMMENTS	
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<p>_____ SIGNATURE: CHAIRPERSON OF THE INVESTIGATING COMMITTEE DATE:</p> <p>_____ SIGNATURE: DIRECTOR:ADMINISTRATIVE JUSTICE DATE:</p>
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A.G.S VAN S.A./ A.F.M OF S.A.

Contact detail of the Evidence leader

Name:	Ref.:		E-mail:
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Dr/Past(Name)

The Chairperson of the Regional Leadership Forum

.....(Region)

.....(Address)

.....

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DISCIPLINARY ADMINISTRATIVE PACKAGE IN TERMS OF REGULATION 11.1.17(b) OF THE CONDUCT RULES FOR PASTORS OF THE A.F.M OF S.A, AS PROVIDED FOR IN APPENDIX 11 OF THE CONSTITUTION OF THE A.F.M OF S.A, TO BE SERVED ON(NAME) FROM ASSEMBLY

1. Attached hereto, please find documentation for service on the Respondent.
2. Your kind assistance herein is appreciated.

DIRECTOR ADMINISTRATION OF JUSTICE

DATE:



**NOTICE TO APPEAR IN A
MISCONDUCT HEARING**

TO:

INITIALS & SURNAME OF RESPONDENT	
POSITION AT ASSEMBLY (NAME) AND REGION (NAME)	

- 1** In terms of the provisions of Regulation 11.1.17(b) of the Conduct Rules of the A.F.M. of S.A., you are hereby given notice to appear before a Disciplinary Panel on the date time and place mentioned below:

DATE: TIME:

PLACE:

- 2** The alleged misconduct charge(s) are set out as per Proforma 8.2. (Annexure 1).
- 3** Attached hereto, please find copies of the complete "Inventory of Documentary Evidence" marked as Annexure 2, to be used by the Evidence Leader in the professional misconduct hearing.
- 4.** Your rights in respect of this matter was properly explained and a copy thereof, has already been handed to you.
- 5.** Please note that the Chairperson may instruct that the hearing proceed in your absence, should you fail to heed this Notice to Appear. Unauthorized absence at a professional misconduct hearing constitutes a serious misconduct, which will invoke further punitive action against you.

SIGNATURE: DIRECTOR ADMINISTRATION OF JUSTICE

OFFICIAL DATE STAMP



CHARGE SHEET FOR MISCONDUCT

Complaint Number			
	Serial Number	Month	Year

INITIALS & SURNAME OF RESPONDENT
POSITION AT ASSEMBLY (NAME) AND REGION (NAME)

Charge nr.	Charge nr.
In terms of Regulation 11.1.4(.....) of the Conduct Rules, you are hereby charged for serious misconduct in that on(date) at about(time) you 	In terms of Regulation 11.1.4(.....) of the Conduct Rules, you are hereby charged for serious misconduct in that on(date) at about(time) you

SIGNATURE: EVIDENCE LEADER

(Use more forms if there are more than two charges and number charges accordingly.)

OFFICIAL DATE STAMP



GUIDELINES FOR CONDUCTING PROCEEDINGS IN A MISCONDUCT HEARING

The guidelines for conducting proceedings are as follows:

- i. The Chairperson welcomes all parties present and request parties to introduce themselves;
- ii. The Chairperson enquires from all parties if they are ready to proceed;
- iii. The Disciplinary Panel deals with any preliminary issues raised by the parties and rules on those issues;
- iv. The Evidence Leader will read out the charge sheet and the Chairperson will ask the Respondent to plead on each charge, minuting each plea.
- v. Should a Respondent plead guilty (whether by plea-bargain or otherwise), the Chairperson must explain the seriousness and impact of such a plea and if satisfied that the Respondent understands the seriousness and impact of the plea, find him/her guilty.
- vi. Where the Respondent is found guilty of misconduct, the Chairperson will require from the Evidence Leader and Respondent whether they are ready to address the Panel in respect of aggravating and mitigating factors. If both parties are ready to present oral arguments, the Disciplinary Panel may hear such mitigating and aggravating arguments immediately. The Panel will consider these oral arguments and then deliberate on an appropriate sanction
- vii. Should either the Evidence Leader or Respondent's Representative not be ready to orally argue aggravation or mitigation, the Disciplinary Panel may instruct the Evidence Leader and Respondent's Representative to prepare written submissions. The Panel will consider these written arguments and then deliberate on an appropriate sanction.
- viii. Where a Respondent refuses to plead on a charge recorded in the charge sheet, the Chairperson must record a plea of not guilty.
- ix. Where a Respondent pleads not guilty or a plea of not guilty is entered by the Chairperson on behalf of the Respondent, the Evidence Leader must proceed to bring evidence before the Disciplinary Panel by leading the testimony of the Complainant.
- x. All witnesses must be solemnly affirmed by the Chairperson before giving their testimony. The affirmation is as follows:

AFFIRMATION

Mr./Mrs./Ms./Pastor.....(Name); do you solemnly affirm to your own conscience, that the testimony you are about to give before this professional misconduct hearing is the whole truth?

- xi. The Chairperson will upon completion of the testimony of the Complainant, allow the Respondent an opportunity to cross-examine the Complainant. The Chairperson must allow the Respondent's representative reasonable latitude in cross-examination without a loss of decorum.
- xii. Upon completion of cross-examination, the Evidence Leader may re-examine the Complainant to clarify any testimony provided under cross-examination.
- xiii. The members of the Disciplinary Panel may ask questions to any witness, in order to obtain clarity on the evidence of that witness.
- xiv. The Evidence Leader will subsequently call his witnesses one by one to testify. Each witness will be cross-examined by the Respondent's representative and re-examined by the Evidence Leader.
- xv. Once all witnesses of the Evidence Leader have testified, the Evidence leader must close his case.
- xvi. The Chairperson will now afford the Respondent an opportunity to defend himself in respect of the professional misconduct charges.
- xvii. Should the Respondent wish to testify, he must do so first, before other witnesses for the defense is called to testify on his/her behalf.
- xviii. The Chairperson will upon completion of the testimony of the Respondent, allow the Evidence Leader an opportunity to cross-examine the Respondent. The Chairperson must allow the Evidence Leader reasonable latitude in cross-examination without a loss of decorum.
- xix. Upon completion of cross-examination, the Respondent's Representative may re-examine the Respondent to clarify any testimony provided under cross-examination.
- xx. The Respondent's Representative will subsequently call his witnesses one by one to testify, each witness will be cross-examined by the Evidence Leader and re-examined by the Respondent's Representative.
- xxi. Once all witnesses of the Respondent have testified, the Respondent's Representative must close his case.
- xxii. The Evidence Leader will be granted the opportunity to present closing arguments after which the Respondent will be afforded the same opportunity.



**INVENTORY OF EVIDENCE
TO BE USED IN A MISCONDUCT HEARING**

Contents

1. Witness Statement:(Name): Annexure "A"
2. Witness Statement:(Name): Annexure "B"
3. Witness Statement:(Name): Annexure "C"
4. Expert Witness Statement:(Name & Expertize):Annexure "D"
5. Witness Statement in respect of Video Footage:(Name):Annexure "E"
6. Copy of Video Footage extract:(Date & length in minutes)

(Extend the list according to the number of witnesses)



**NOTICE TO APPEAR AS A WITNESS
IN A MISCONDUCT HEARING**

As provided for in Regulation 11.1.18 of the Conduct Rules of the A.F.M of S.A.

TO:

INITIALS & SURNAME	
POSITION	

1. You are hereby instructed by the A.F.M. of S.A. to appear as a witness in terms of Regulation 11.1.18 of the Conduct Rules of the A.F.M. of S.A and to answer questions and testify at the misconduct hearing convened against:

RESPONDENT NAME
POSITION AT ASSEMBLY (NAME) AND REGION (NAME)

2. The hearing will be held at the date time and venue, as indicated below:

Date:

Time:

Place:

3. You are instructed to bring along documentary or other evidence which can be regarded as applicable to the matter before the hearing.
4. Failure to comply with the provisions of this Notice shall constitute serious misconduct in terms of Regulation 11.1.18(c) of the Conduct Rules of the A.F.M of S.A. and give rise to disciplinary action against you.


SIGNATURE: EVIDENCE LEADER

OFFICIAL DATE STAMP



A.G.S VAN S.A./ A.F.M OF S.A.

Details of Evidence leader:

Name:	Ref.:		E-mail:
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..... (Title and Name witness or expert witness)

..... (Address)

.....

.....

REQUEST TO TESTIFY AT A MISCONDUCT HEARING OF AN RESPONDENT OF THE APOSTOLIC FAITH MISSION OF SOUTH AFRICA IN TERMS OF REGULATION 11.1.18(d) OF THE PROFESSIONAL CONDUCT RULES OF THE APOSTOLIC FAITH MISSION OF SOUTH AFRICA, IN THE ALLEGED MISCONDUCT OF PASTOR

STATIONED AT (Assembly name) IN REGION.

Dear Prof/Dr/Mr./Mrs./Ms/Pastor.....

- As you are aware, the A.F.M. of S.A. recently investigated allegations of misconduct levelled against Pastor..... as mentioned above and you were interviewed by the Investigation Panel in respect of such allegations on(date) at(place).
- You are hereby invited to give testimony at a disciplinary hearing of the above mentioned Pastor. The date, time and venue of the disciplinary hearing is as follows:

Date	
Time	
Venue	

3. Your testimony will assist the Disciplinary Panel to come to an informed decision in respect of the allegations levelled against the above mentioned Pastor and further serve the interest of the administration of justice of our Church in the broader sense.
4. Please bring along all documentation or evidence which may relate to your testimony.
5. Please confirm your availability to testify at the hearing to my e-mail or phone as indicated above, by no later than (Time) on (Date).
6. Your kind assistance herein is appreciated.

Yours in Christ

EVIDENCE LEADER



A.G.S VAN S.A./ A.F.M OF S.A.

FINDING IN A MISCONDUCT HEARING

As provided for in Regulation 11.1.20(e) of the Conduct Rules of the A.F.M of S.A.

Case number:

Date: **Time:**

Place:

1. The Respondent below has been charged with serious misconduct:

CHARGED RESPONDENT

Initials & Surname:

.....

Assembly & Region:

.....

Position:

.....

2. Our finding in respect of each of the charges of misconduct and the reasoning for such findings are set out below:

Charge nr. :

Reasoning:

.....

.....

Charge nr. :

Reasoning:

.....

.....

Yours faithfully

SIGNATURE: CHAIRPERSON OF DISCIPLINARY PANEL

DATE:



A.G.S VAN S.A./ A.F.M OF S.A.

DECLARATORY STATEMENT IN A MISCONDUCT HEARING

As provided for in Regulation 11.1.20(f) of the Conduct Rules of the A.F.M of S.A.

Case number:

Date:

Time:

Place:

1. The Respondent below has been charged with serious misconduct:

CHARGED RESPONDENT

Initials & Surname

.....

Assembly

.....

Position

.....

2. The Respondent has been found wholly innocent of all charges of professional misconduct.
3. The Respondent's Pastoral status (if suspended) is herewith reactivated.

Yours faithfully

SIGNATURE: CHAIRPERSON OF THE DISCIPLINARY COMMITTEE

DATE:



A.G.S VAN S.A./ A.F.M OF S.A.

**ANNOUNCEMENT OF
SANCTION IN A MISCONDUCT HEARING**

As provided for in Regulation 11.1.20(n) of the Conduct Rules of the A.F.M of S.A.

CASE NUMBER:

Date: **Time:**

Place:

1. The Respondent below has been charged with misconduct:

CHARGED RESPONDENT

Initials & Surname

.....

Assembly & Region

.....

Position

.....

2. After careful consideration you were **found guilty** on the charge(s) below:
3. We have taken the following aggravating circumstances into consideration when we deliberated an appropriate sanction:
-
-
-
4. We have taken the following mitigating circumstances into consideration when we deliberated an appropriate sanction:
-
-
-

5. We have handed down the following sanctions for the misconduct charge(s) as indicated:

Charge Nr:	Detail of charge:	Sanction:
.....
.....
.....

(Add more pages if there are more than three charges and number charges accordingly.)

Yours faithfully

SIGNATURE: CHAIRPERSON OF THE DISCIPLINARY COMMITTEE
DATE:



A.G.S VAN S.A./ A.F.M OF S.A.

PLEA-BARGAIN IN A MISCONDUCT HEARING

As provided for in Regulation 11.1.21(a) of the Conduct Rules of the A.F.M of S.A.

CASE NUMBER:

Date: **Time:**

Place:

1. The Respondent below has been charged with serious misconduct:

CHARGED RESPONDENT

Initials & Surname

.....

Assembly & Region

.....

Position

.....

2. The Respondent pleads **guilty unconditionally** to all the charges contained in the charge sheet.
3. The Evidence Leader and Respondent certify that this plea-bargain does not transgress the requirements of Regulation 11.1.21 of the Conduct Rules of the A.F.M. of S.A.
4. Documentary proof that the complainant was informed of the proposed plea-bargain agreement as required by Regulation 11.1.21(h) of the Conduct Rules of the A.F.M. of S.A, is attached hereto as Annexure 1.

Name & Signature:
Respondent

Name & Signature:
Evidence Leader



A.G.S VAN S.A./ A.F.M OF S.A.

WRITTEN WARNING

As provided for by Regulation 22(c)(ii) of the Conduct Rules of the A.F.M of S.A

1	This is a written warning for misconduct issued to:
	Initials & surname:
	Assembly & Region:
	Position:
	Telephone number:
2	The misconduct charge is as follows:
3	This warning is valid for a period of 6 months and may be considered in additional instances of misconduct against the Respondent.
4	This warning was issued by:
	Initials & surname:
	Position:
	Telephone number:

Name & Signature of Issuer	Name & Signature of Respondent	Name & Signature of witness	Date stamp
.....	
.....	



A.G.S VAN S.A./ A.F.M OF S.A.

FINAL WRITTEN WARNING

As provided for by Regulation 22(c)(iii) of the Conduct Rules of the A.F.M of S.A

1	This is a final written warning for misconduct issued to:
	Initials & surname:
	Assembly:
	Position:
	Telephone number:
2	The misconduct charge is as follows:
3	This final written warning is valid for a period of 6 months and may be considered in additional instances of misconduct against the Respondent.
4	This final written warning was issued by:
	Initials & surname:
	Position:
	Telephone number:

Name & Signature of Issuer	Name & Signature of Respondent	Name & Signature of witness	Date stamp
.....	
.....	



A.G.S VAN S.A./ A.F.M OF S.A.

INTENTION AND NOTICE OF APPEAL

As provided for by Regulation 11.1.23(b) of the Conduct Rules of the A.F.M of S.A

TO: THE OPPOSING PARTY

Case number:

Date: **Time:**

Place:

1. The Respondent below was charged with serious misconduct:

CHARGED RESPONDENT

Initials & Surname

.....

Assembly & Region

.....

Position

.....

2. After careful consideration of all the facts, a decision was taken to appeal the matter.
3. The explicated, motivated grounds for the Appeal as required by Regulation 11.1.24(a) of the Conduct Rules of the A.F.M of S.A., are set out in **ANNEXURE 1** to this Intention and Notice of Appeal.

Yours faithfully

SIGNATURE: APPELLANT

DATE:



A.G.S VAN S.A./ A.F.M OF S.A.

OUTCOME OF AN APPEAL IN A DISCIPLINARY HEARING

As provided for by Regulation 11.1.25(n) of the Conduct Rules of the A.F.M of S.A

Case number:

Date: **Time:**

Place:

TO THE APPELLANT

Initials & Surname

.....

Assembly & Region

.....

Position

.....

- 1 Your Intention and Notice of Appeal in a disciplinary hearing, dated.....refers.
- 2 The Appeals Panel carefully considered your Appeal documents as well as the reply of the opposing party herein.
- 3 Your Appeal succeeded / partially succeeded / failed. [Delete which is not applicable.]
- 4 The reasons for the Appeal decision, are explained as per attached page/s:
[Motive comprehensively on separate page/s.]

Yours faithfully

NAME & SIGNATURE: CHAIRPERSON OF APPEALS PANEL

DATE:

NAME & SIGNATURE: CHAIRPERSON OF APPEALS COMMITTEE

DATE:



A.G.S VAN S.A./ A.F.M OF S.A.

MENTORING PROCESS AS PART OF SANCTION FOR MISCONDUCT

As provided for by Regulation 11.1.33 of the Conduct Rules of the A.F.M of S.A

To:(Title & Name of Mentor)(Address)
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CASE NUMBER:	
INITIALS & SURNAME OF RESPONDANT	
ASSEMBLY & REGION	
POSITION	

- The abovementioned Pastor was charged for and found guilty of misconduct by a Disciplinary Panel, which handed down its sanction on [date].
- This Office consulted with the Respondent, and he/she agreed to be placed under your mentorship in terms of Regulation 11.1.33(b) of the Conduct Rules of the A.F.M of S.A.
- You are hereby appointed as mentor for the above mentioned Pastor with effect from [date] for a maximum of months, ensuring the required outcomes of the mentoring process listed in paragraph 4 below.

4.	The desired outcome of the mentoring process is as follows: [Please tick the appropriate number[s]]	
4.1	Ensure that the Pastor's knowledge of the Conduct Rules is refreshed to your satisfaction and certification.,	
4.2	Ensure that the Pastor's knowledge of the pronouncement of the A.F.M on the topic of is refreshed to your satisfaction and certification.	
4.3	Ensure that the Pastor's knowledge of the Statement of Faith of the A.F.M is refreshed to your satisfaction and certification.	

4.4	Ensure that the Pastor's knowledge in respect of the statutory requirements in respect of [topic] is refreshed to your satisfaction and certification.	
4.5	Ensure that the Pastor is mentored in respect of..... [topic].	
4.6	Provide the Pastor with spiritual guidance in respect of [topic].	
4.7	Provide the Pastor with broad based professional support in order to allow him/her to overcome [state nature of personal challenge]	
4.8	Provide the Pastor with professional support in order to allow him/her to overcome substance abuse of [state nature]	

5. Please provide this office with a monthly progress report and upon conclusion of your mentorship with a Report as prescribed by Regulation 7.5.2 of Appendix 7 of the Constitution of the A.F.M of S.A.
6. Please also make recommendations to the National Leadership Forum for the possible reinstatement of the Pastor's Pastoral Status, subject to Regulation 7.5.3 of Appendix 7.
7. You are further requested to make recommendations to the Regional Leadership Forum and the affected assembly about the counselling/ mentoring of the victims, e.g. spouse, children, assembly members and others who were affected by the professional misconduct of the Pastor.
8. Should you need any clarity or assistance in respect of this mentoring process, please contact this office at your convenience.

Yours in Christ

NAME & SIGNATURE: DIRECTOR ADMINISTRATION OF JUSTICE



Code of Conduct

*On occasion of Ordaining and Appointment in the
Apostolic Faith Mission of South Africa*

I, the undersigned

.....
(Full Names, Surname and ID number)

Acknowledge

- a. My personal calling as a living servant of God the Father, Jesus Christ and the Holy Spirit;
- b. That God guided my life to this point where I accept service within the Apostolic Faith Mission of South Africa;
- c. My own shortcomings and that I need God's guidance and help together with the support of people in order to live out my God-given calling.

Therefore, I solemnly pledge to -

- 1. Consecrate and humble myself regularly before God, seeking his guidance, in all I may endeavor to undertake;
- 2. Accept the Word of God, namely the Bible as the highest authority, and to submit to the Doctrine of the Apostolic Faith Mission of South Africa as it finds expression in the Confession of Faith;
- 3. Be obedient to the prescription of the Bible by subjecting myself to the authorities appointed over me mindful that all authority comes from God Himself;
- 4. Comply with the Constitution of the A.F.M of S.A, its approved doctrinal, ethical, liturgical pronouncements and policy documents to the best of my ability and to set an example to others by word and deed to do the same;
- 5. Give my full support for the extension of the Church, by contributing to the official funds and to take care that others do the same;
- 6. Be loyal to the of the A.F.M of S.A;
- 7. Comply with and submit myself voluntarily to the Conduct Rules for Pastors of the A.F.M of S.A, as provided for in the Constitution of the A.F.M of S.A; and
- 8. Perform my duties and responsibilities diligently and conscientiously.

To achieve this pledge, I hereby solemnly pledge to conduct myself in a manner that brings glory to God and which is befitting a minister of the gospel of Jesus Christ. By accepting the pastoral calling as my earthly profession, I pledge to order my life in accordance with the following principles:

1. IN MY RELATIONSHIP TO GOD

- 1.1 To love the Lord my God with all my heart, with all my soul and with all my mind;
(Matthew 22:37).
- 1.2 To do my best to serve to God as an approved worker who correctly handles the word of truth; (2 Timothy 2:15).
- 1.3 To pursue a lifestyle of holiness in all I do since God who called me is holy.
(1 Peter 1:15).

2. IN RELATION TO MY PERSONAL LIFE

- 2.1 To lead a life which is characterized by daily prayer (1Thessaloniana 5:17).
- 2.2 To continuously study and read the Bible (2 Timothy 3:16-17).
- 2.3 To follow a lifestyle of personal discipline, which is characterized by trustworthiness, temperance (self-control) in all things, respect, hospitality, sobriety, obedience, integrity, love, joy, peace, patience and faithfulness (1 Timothy 3:1-3; Titus 1:7-9; Galatians 5:22-23).
- 2.4 To responsibly manage my personal financial matters and avoid irresponsible financial behaviour that may lead to insolvency or prosecution which is punishable.

3. IN RELATION TO FELLOW HUMAN BEINGS

3.1 To my marriage partner and family members:

- 3.1.1 To love, care, protect and set aside time for my marriage partner
(Ephesians 5:25).
- 3.1.2 Not to seek separation (divorce) on non-Biblical grounds (Malachi 2:16).
- 3.1.3 To express my sexuality within the boundaries and precepts of marriage and not to indulge in sexual malpractice such as extra-marital sexual relations, homosexual relations, incest, pedophilia, pornography and transvestitism (Hebrew 13:4).
- 3.1.4 To take care, love, set aside time for and bring up my children in the training and instruction of the Lord (Ephesians 6:4; Proverbs 22:6).

3.2 To my colleagues in the ministry:

- 3.2.1 To promote brotherly and sisterly love.
- 3.2.2 To refrain from damaging in any way the reputation or integrity of any colleague through slander, arousing suspicion, craving for power and disloyalty.
- 3.2.3 To diligently apply Matthew 18:15-17 to resolve any disagreements or disputes that may arise between myself and any of my colleagues.
- 3.2.4 To courteously inform my colleague should I receive an invitation to minister at a local church from another denomination which is in my colleague's geographic area.

- 3.2.5 To refrain from soliciting or encouraging members from another assembly to resign and join my assembly. Should members from another assembly apply for membership to my assembly I will ensure that all outstanding issues, if any, between the applicant and the applicant's assembly are dealt with in an honorable fashion.
- 3.3 **To members of my denomination:**
 - 3.3.1 To recognize the different areas of ministry (1 Corinthians 12:18).
 - 3.3.2 To recognize the priesthood of believers (1 Peter 2:5,9).
 - 3.3.3 To avail myself to the equipping, edification, motivation and caring of all members (Ephesians 4:11-16).
- 3.4 **To Christian believers of other denominations:**
 - 3.4.1 To always acknowledge and maintain the view that the body of Christ is bigger than my denomination.
 - 3.4.2 To refrain from denigrating other Christian denominations.
- 3.5 **To those outside the Christian Family:**
 - 3.5.1 My conduct and responsibility shall be governed by the commission of the Lord in Matthew 28:19.
 - 3.5.2 The motivation of my conduct shall be love (John 3:16).
 - 3.5.3 The strategy of my conduct shall be a good testimony (1 Timothy 3:7).

4. **IN RELATION TO OTHER THINGS:**

- 4.1 **To the church**
 - 4.1.1 To submit to the church's confession of faith and decisions taken by the church on doctrinal, ethical and liturgical matters.
 - 4.1.2 To attend all church meetings to which I am a member and to tender apologies for all absenteeism.
 - 4.1.3 To show respect support and loyalty to the church's leadership at local, regional and national levels.
 - 4.1.4 To diligently perform the duties which the church's constitution and regulations require of me.
 - 4.1.5 To utilize the church's Disciplinary and Grievance Procedures to air any disagreements which I may have with any structures, church's officials or other persons working for the church.
 - 4.1.6 To Maintain in strict confidence any confidential information which people and structures of the church commit to me as a minister of the gospel.
 - 4.1.7 That I will not perform any work for which I may receive compensation, while in the employ of the church, unless this is approved of by the appropriate body.
 - 4.1.8 To ensure that adequate administrative and financial control measures are in place so that proper accountability can be given.

- 4.1.9 To ensure that records relating to my annual leave, sick leave, special leave or any other absences from the body of my employ are kept up to date and duly authorized.
- 4.1.10 To perform the ministry to which I have been called within the church with vigor, commitment, diligence, excellence, devotion and justice without showing favor to some people while neglecting others.
- 4.1.11 Not to promote myself or my ministry in the media or to the public in a way that brings the church into disrepute.

4.2 Enslaving and sinful strongholds:

To refrain from addictive strongholds such as drugs, strong liquor, smoking, pornography, gambling, homosexual behaviour, covetousness and craving for power (1 John 2:16).

4.3 Restraint of Trade

That as part of my contractual agreement with a local assembly of the A.F.M of S.A, I accept the following 'Restraint of Trade' clause:

In the event of withdrawal from an assembly for whatever reason, loss of status as a result of disciplinary action or resignation, I pledge not to establish nor engage in the establishment of an independent church or an assembly of the AFM of SA (unless established in terms of the constitutional prescripts of the AFM of SA) within a minimum radius of five (5) kilometers from the last assembly of employment, after such withdrawal, loss of status as a result of disciplinary action or resignation; such agreement being subject to a time limit of five (5) years. The abovementioned shall mutatis mutandis apply regarding employment in any department/theological training institution/instance of the church.

DATE: _____

PLEDGOR SIGNATURE

NLF MEMBER SIGNATURE

NAME OF PLEDGOR

NAME OF NLF MEMBER

SIGNATURE OF WITNESS 1

SIGNATURE WITNESS 2