



DISCIPLINARY POLICY AND PROCEDURE



INDEX

1.	GLOSSARY AND TERMS OF REFERENCE.....	3
2.	INTRODUCTION	6
4.	PURPOSE AND OBJECTIVES OF THIS PROCEDURE	9
5.	APPLICATION	9
6.	THE CORPORATE COUNSEL ASSOCIATION DISCIPLINARY COMMITTEE MEMBERS AND MEETINGS	9
7.	THE CORPORATE COUNSEL ASSOCIATION DISCIPLINARY COMMITTEE POWERS, DUTIES AND RESPONSIBILITIES.....	11
8	APPEALS COMMITTEE AND PROCEDURE	15



1. GLOSSARY AND TERMS OF REFERENCE

- 1.1. This document must be read in conjunction with the Corporate Counsel Association Memorandum of Incorporation and the Corporate Counsel Association Code of Ethics and Professional Conduct.
- 1.2. Unless otherwise stated, or the context indicates to the contrary, terms, words and expressions defined and used under the Corporate Counsel Association MOI and Code and used in this document shall have the same meanings and descriptions when used in this document as have been ascribed to them under the Corporate Counsel Association MOI and the Code.
- 1.3. **Appeal Committee** – means a committee which will consist of at least 5 (five) Members of the Corporate Counsel Association Board, and an independent Chairman convened in accordance with clause 7 of the Corporate Counsel Association Disciplinary Procedure.
- 1.4. **Board** – means the Board of directors of the Corporate Counsel Association of South Africa NPC.
- 1.5. **Corporate Counsel Association** – means the Corporate Counsel Association of South Africa NPC, a Company which was incorporated on 12 September 2019 as a Non-Profit Company as defined in the Companies Act, 2008 and which represents Corporate Counsel and the Corporate Counsel profession in South Africa.
- 1.6. **Corporate Counsel Association Disciplinary Committee** – means the disciplinary committee convened in accordance with Clause 5 of the Corporate Counsel Association Disciplinary Policy and Procedure.
- 1.7. **Certified Corporate Counsel professional** – means a member of the Corporate Counsel Association who has undertaken the Corporate Counsel Association assessment process and has met the Corporate Counsel Association standards and requirements which have been set for the Corporate Counsel profession in South Africa and who are permitted to refer to themselves as certified 'Corporate Legal Support Practitioner' or 'Corporate Legal Counsel' or 'Corporate Senior Legal Counsel' or 'Corporate General Counsel', as the case may be, and use the designations: 'Corporate Legal Support Practitioner' or 'Corporate Legal Counsel' or 'Corporate Senior Legal Counsel' or 'Corporate General Counsel', as the case may be.
- 1.8. **Client** – means the person, entity or employee who makes use of the expertise and skill of Corporate Counsel and/or a Corporate Legal Support Practitioner.
- 1.9. **Code** – means the Corporate Counsel Association Code of Ethics and Standards of Professional Conduct.



- 1.10. **Conflict of interest** – means a situation occurring when an individual or organisation, and in particular, Corporate Counsel or Corporate Legal Support Practitioners, are involved in multiple interests which are in conflict with each other and/or those of the Client or the Employer who they represent, one of which could possibly corrupt their decision-making powers or ability to make an honest and ethical decision.
- 1.11. **Corporate Counsel** – means qualified legal practitioners who are employed by a Client or Employer for the purpose of providing that Client or Employer with a dedicated source of Legal Services and Advice in exchange for a salary or remuneration, and phrases and names such as “legal advisor”, “general counsel”, “in-house counsel” and “legal counsel” attract the same meaning.
- 1.12. **Corporate Counsel profession** – means the profession made up of Corporate Counsel and Corporate Legal Support Practitioners who are employed by a Client or Employer for the purposes of providing that Client or Employer with a dedicated source of Legal Services and Advice.
- 1.13. **Disciplinary hearing** - means the Corporate Counsel Association Disciplinary hearing held in accordance with the Corporate Counsel Association Disciplinary Policy and Procedure.
- 1.14. **Disciplinary procedure** - means the Corporate Counsel Association Disciplinary procedure set out under the Corporate Counsel Association Disciplinary Policy and Procedure.
- 1.15. **Employer** – means the person or entity who/which employs and makes use of the expertise and skill of Corporate Counsel and Corporate Legal Support Practitioners.
- 1.16. **Ethical conduct** – means acting in an honest, fair and circumspect manner which is transparent, analytical and essentially free of conflict and which complies with the general rule of law.
- 1.17. **Financial Interest** – means an interest of a pecuniary nature including an interest in, or rights and obligations to acquire such an interest in, equity or other security or debenture, loan or other debt instrument of an entity, which Corporate Counsel or Corporate Legal Support Practitioners may have in a matter in respect of which he/she is advising on.
- 1.18. **Independence** – means: a) independence of mind - the state of mind that permits the expression of a conclusion without being affected by influences that compromise professional judgement, thereby allowing an individual to act with integrity and exercise objectivity; and b) independence in appearance - the avoidance of facts and circumstances that are so significant that a reasonable and informed third party would be likely to conclude, weighing all the specific facts and circumstances, that an entity or a Member of that entity has not been compromised.
- 1.19. **Integrity** – is an attitude of mind whereby one commits to certain standards of conduct and moral behaviour in a consistent manner and following this means taking an honest, fair, ethical and transparent approach to everything one does. It is essentially about doing the right thing, with due regard for the avoidance of conflicts between any personal Financial Interest and one’s responsibilities to one’s employer or client.



- 1.20. **Investigation Panel** – means a panel of experts approved by the Board, based on their relevant expertise, in order to establish whether the alleged misconduct and/or breach of the Code has *prima facie* been committed, as per the Corporate Counsel Association Disciplinary Policy and Procedure.
- 1.21. **Legal profession** – means the profession made up of persons holding specific legal skills, qualifications and expertise, including, without detracting from the generality thereof: Corporate Legal Support Practitioner, legally qualified legal practitioners, admitted legal practitioners, Corporate Counsel, state advocates, public prosecutors, magistrates, judges and/or legal advisors who provide Legal Services and Advice to the public and/or the private sector.
- 1.22. **Legal Services and Advice** – means the services provided to a Client or Employer by Corporate Counsel and/or Corporate Legal Support Practitioners.
- 1.23. **Legal Support Practitioner** – means paralegals, risk managers, assistant company secretaries / company secretaries, compliance officers, internal audit, HR legal advisors, legal interns and legal secretaries and assistants who are employed by a Client or Employer for the purposes of providing that Client or Employer with a dedicated source of Legal Services and Advice.
- 1.24. **Member / Corporate Counsel Association Member** – means a registered member of the Corporate Counsel Association.
- 1.25. **Misconduct** - means conduct (whether by act or omission) constituting:
- professional misconduct, and/or
 - breach of the Corporate Counsel Association Code of Ethics and/or
 - conduct likely to discredit the Corporate Counsel Association or the Corporate Counsel profession, and/or
 - being involved in, or a party to, conduct described above.
- 1.26. **MOI** – means the Memorandum of Incorporation of the Corporate Counsel Association.
- 1.27. **Objectivity** – means the quality of being able to maintain an impartial attitude and requires one to be fair and not allow prejudice or bias to influence one’s judgement or override one’s impartiality and objectivity.
- 1.28. **Professional misconduct** – means, without detracting from the generality thereof:
- conduct occurring in connection with the provision of Legal Services and Advice that involves a substantial or persistent failure to reach or maintain a reasonable standard of competence or diligence;
 - conduct that would justify a finding that a Member is not a fit and proper person to engage in the provision of Legal Services and Advice and includes, but is not limited to, dishonesty or misleading or deceptive Legal Services and Advice; and



- the wilful breaching, subversion or avoidance of a mandatory requirement of the Corporate Counsel Association Mol and/or Codes, and/or any applicable law, directive or relevant requirements imposed under legislation, including subordinate standards and rules, by those making up the Corporate Counsel profession.

2. INTRODUCTION

- 2.1. The Corporate Counsel Association of South Africa is the SAQA-recognised professional body representing the Corporate Counsel profession across South Africa. This profession encompasses a wide range of roles including Corporate Counsel, paralegals, risk managers, company secretaries, compliance officers, internal auditors, HR legal advisors, legal interns, legal secretaries, and assistants, operating in both the public and private sectors.
- 2.2. The Corporate Counsel Association's vision is to elevate the standing and value of Corporate Counsel nationally and internationally and to be the association of choice for all Corporate Counsel professionals in South Africa.
- 2.3. The Corporate Counsel Association is committed to upholding the highest standards of legal and business integrity, ethics, and professionalism, which underpin the profession and are expected of all practitioners, including Corporate Counsel Association Members. Ethical and professional conduct is a cornerstone of the legal profession, requiring members to act with integrity, impartiality, and in full compliance with the law, free from conflicts of interest or undue influence.
- 2.4. To support this mission, the Corporate Counsel Association is dedicated to the continuous development and improvement of the profession through research, education, advocacy, recognition of prior learning, and professional upliftment. The Corporate Counsel Association ensures its Members are equipped with the necessary ethical foundations, legal knowledge, and practical skills to effectively meet their professional responsibilities. Prior learning and professional experience are formally recognised to enable members to apply their competencies in the workplace.
- 2.5. A comprehensive Code of Ethical Standards and Behavioural Guidelines, aligned with the Corporate Counsel Association's Memorandum of Incorporation (Mol), reinforces a culture of ethical conduct and accountability.

3. OBJECTIVES

3.1. Overarching Purpose

The Corporate Counsel Association exists to promote the collective interests and professional value of Corporate Counsel and to highlight the diverse and evolving roles they fulfill. Its key goals include:

- Acting as the recognised voice and public representative of the Corporate Counsel profession in South Africa.
- Providing leadership and support to in-house legal practitioners.



- Empowering members with resources, networking, and tools to enhance service to their organisations.
- Establishing, upholding, and developing common professional and ethical standards.
- Promoting proficiency, credibility, and professional recognition of Corporate Counsel in both public and private sectors.
- Regulating qualifications and standards for professional designation.
- Monitoring and responding to national and international trends in in-house legal services delivery.

3.2. Strategic Objectives

Aligned with its Mol, the Corporate Counsel Association pursues the following strategic objectives:

3.2.1. Establish a Unified National Framework

Develop a single, integrated national framework for qualifications, learning achievements, prior learnings, skills, and professional expertise within the Corporate Counsel profession.

3.2.2. Promote Access, Mobility, and Progression

Facilitate access to, mobility within, and progression through education, training, and career pathways, including the recognition and integration of workplace-based prior learning into formal qualifications.

3.2.3. Enhance Quality of Education and Training

Continuously improve the quality, relevance, and recognition of education and training for Corporate Counsel professionals.

3.2.4. Advance Transformation and Redress

Actively support the redress of historical inequities in education, training, and employment, with particular focus on previously disadvantaged groups.

3.2.5. Support Personal and Economic Development

Contribute to the holistic personal development of Corporate Counsel Association Members and foster the social and economic growth of the Corporate Counsel profession at large.

3.3. Recognition and Development of the Profession

The Corporate Counsel Association voluntarily undertakes responsibility for:

- Recognising and enhancing the credibility of the Corporate Counsel profession.
- Acknowledging and crediting prior workplace learning, irrespective of formal qualifications.



- Driving continuous professional development through a structured, progressive system integrating:
 - Legal-related educational outcomes;
 - Formal qualifications;
 - Workplace experience and learning;
 - Training curricula, workshops, informal courses, development programmes, on-the-job training, and best practice guidelines.

These initiatives are delivered collaboratively with select legal education and service providers and are rolled out nationally for the benefit of Corporate Counsel professionals, particularly Corporate Counsel Association Members.

3.4. Professional Designation Framework

The Corporate Counsel Association oversees four coordinated and integrated sub-frameworks, each corresponding to a specific professional designation or level within the Corporate Counsel profession. These frameworks include qualification standards, experiential criteria, assessment requirements, and development pathways, and are governed by the Corporate Counsel Association Board and Secretariat.

3.5. Ethical, Social, and Global Commitments

To strengthen public trust and professional accountability, the Corporate Counsel Association aims to:

- Promote public confidence through regulated recognition systems and thorough assessment procedures for professional designation.
- Encourage ethical conduct, professional responsibility, and social accountability within the profession.
- Ensure Members provide ethical, reliable legal services to organisations, communities, and individuals.
- Uphold standards protecting the public from substandard legal services and professional malpractice.
- Foster respect for the Corporate Counsel profession nationally and internationally.
- Encourage adoption of international best practices.
- Support the development of a national career guidance system for Corporate Counsel professionals.
- Facilitate legitimate access to profession-related data while safeguarding confidentiality and privacy.
- Promote Continuing Professional Development (CPD) as a core professional obligation.



3.6. Commitment to Transformation and Justice

The Corporate Counsel Association embraces and promotes transformation within the legal sector, with commitments to:

- Diversity and inclusivity;
- Recognition of prior learning;
- Environmental sustainability;
- Broader social justice.

4. PURPOSE AND OBJECTIVES OF THIS PROCEDURE

4.1 This document sets out the procedure which the Corporate Counsel Association will follow should:

4.1.1 the Corporate Counsel Association receives a complaint that one of its Members is failing to comply with the Code;

4.1.2 the Corporate Counsel Association becomes aware that one of its Members may not be complying with the Code.

4.2 These procedures are intended to be corrective and not punitive where this is possible and desirable, taking into account the interests of the Corporate Counsel Association, the Member and the Corporate Counsel profession in South Africa.

4.3 Where the Corporate Counsel Association is of the view that any reported behaviour of a Corporate Counsel Association Member should rather be addressed by the Client and/or Employer, then the Corporate Counsel Association will have the right to refer the matter to the Client and/or Employer for further attention.

5. APPLICATION

5.1 This Procedure will apply without exception to:

5.1.1 the Corporate Counsel Association; and

5.1.2 each Corporate Counsel Association Member.

6. THE CORPORATE COUNSEL ASSOCIATION DISCIPLINARY COMMITTEE MEMBERS AND MEETINGS

6.1 The Corporate Counsel Association Disciplinary Committee will consist of not less than 3 (three) appointees, 1 (one) of which must be a Corporate Counsel Association Board Member and 2 (two) or more of which must be Corporate Counsel Association Members, which Disciplinary Committee will be responsible for ensuring timeous attendance to complaints and/or investigations into alleged and actual transgressions and/or contraventions of the Code by a Corporate Counsel Association Member and the convening where necessary of the required Disciplinary Procedures.



- 6.2 The Members of the Corporate Counsel Association Disciplinary Committee shall be elected at each annual general meeting of the Corporate Counsel Association, as follows:
- 6.2.1 Election shall be by secret ballot, unless a secret ballot is dispensed with by unanimous vote.
- 6.2.2 Any Corporate Counsel Association Member shall be eligible for election to the Corporate Counsel Association Disciplinary Committee provided he/she has consented, orally at the meeting during which the election is to take place or previously in writing, to serve in such office if elected.
- 6.2.3 Nominations for the Corporate Counsel Association Disciplinary Committee shall be:
- 6.2.3.1 submitted in writing by any Corporate Counsel Association Member to the Corporate Counsel Association CEO not more than 30 (thirty) days before the annual general meeting; or
- 6.2.3.2 made by any Corporate Counsel Association Member from the floor at the annual general meeting.
- 6.3 The incoming Corporate Counsel Association Disciplinary Committee shall take office immediately after the closure of the annual general meeting and shall serve until the next annual general meeting is closed, or until its successor takes office.
- 6.4 The occurrence of vacancies on the Corporate Counsel Association Disciplinary Committee caused by departure of any member of the Disciplinary Committee member elected in terms of 5.2 above, shall be dealt with as follows:
- 6.4.1 should a Board Member leave for whatever reason, the Board shall elect a replacement to such office from among its own Board Members;
- 6.4.2 should a Corporate Counsel Association Member leave for whatever reason, the Board shall co-opt a Corporate Counsel Association Member to the Committee.
- 6.5 The Board may remove any member from the Corporate Counsel Association Disciplinary Committee whom the Board unanimously resolve has become unfit for office which may be done at a properly constituted Corporate Counsel Association Board meeting.
- 6.6 The Corporate Counsel Association Disciplinary Committee will meet as often as is necessary and will provide formal, written feedback to the Corporate Counsel Association Board at least once a year.
- 6.7 All Corporate Counsel Association Disciplinary Committee Members must receive a formal, written notice of a proposed meeting, at least 5 (five) working days before such meeting.
- 6.8 When a Member of the Corporate Counsel Association Disciplinary Committee cannot attend a meeting, they must give at least 2 (two) days' notice of his/her inability to attend.
- 6.9 A quorum of the Corporate Counsel Association Disciplinary Committee will consist of 2 (two) Corporate Counsel Association Disciplinary Committee Members.



- 6.10 In the case of a conflict of interest, a Member of the Corporate Counsel Association Disciplinary Committee must recuse him/herself from the entire disciplinary proceeding.
- 6.11 All meetings must be recorded and formal minutes must be taken, which must be made available to the Corporate Counsel Association Board at any time.

7. THE CORPORATE COUNSEL ASSOCIATION DISCIPLINARY COMMITTEE POWERS, DUTIES AND RESPONSIBILITIES

7.1 The powers and duties of the Corporate Counsel Association Disciplinary Committee

- 7.1.1 The powers and duties of the Corporate Counsel Association Disciplinary Committee shall be to:
- 7.1.1.1 receive any formal and valid reports concerning any non-compliance and/or breach of the Code by a Member;
 - 7.1.1.2 appoint an Investigation Panel and cause investigations to be made into any formal and valid report concerning any non-compliance and/or breach of the Code by a Member;
 - 7.1.1.3 consider the results or outcome of any investigation referred to under Clause 6.1.1.2 and following this, decide whether:
 - 7.1.1.3.1 the matter should be investigated further;
 - 7.1.1.3.2 the Member involved in the matter should be counselled;
 - 7.1.1.3.3 disciplinary action should be taken against the Member involved in the matter; or
 - 7.1.1.3.4 the matter should be withdrawn.
 - 7.1.2 It should always be the Disciplinary Committee's priority to retain the Member and rather focus on corrective measures and counselling and only, as a last resort, recommend disciplinary action.
 - 7.1.3 Disciplinary action against any Member must be procedurally and substantively fair.
 - 7.1.4 Procedural fairness requires a fair procedure to be followed and the opportunity for the Member to state his/her case.
 - 7.1.5 In determining substantive fairness, the following should be considered:
 - 7.1.5.1 whether or not the Member contravened the Code or any rule or a standard set out under the Code;
 - 7.1.5.2 if the Code or any rule or a standard set out under the Code was contravened:
 - 7.1.5.2.1 was the rule or standard a valid or reasonable rule or standard?
 - 7.1.5.2.2 was the Member aware of, or could reasonably be expected to have been aware of, the rule or standard?
 - 7.1.5.2.3 was the rule or standard consistently applied by the Corporate Counsel Association?



- 7.1.5.2.4 what is the severity of the contravention, and what is the impact on the Member, the public, its Employer or Client and on the Corporate Counsel Association?
- 7.1.5.2.5 is the disciplinary sanction the appropriate sanction for the contravention of the rule or standard?
- 7.1.5.2.6 could the contravention or breach of the Code be better handled via a one-on-one counselling session?

7.2 Complaints procedure

- 7.2.1 The Corporate Counsel Association Disciplinary Committee will only deal with a complaint in relation to a transgression and/or contravention of the Code, should a complaint be received in writing from:
 - 7.2.1.1 a Member of the public;
 - 7.2.1.2 a statutory body;
 - 7.2.1.3 any of the legal governing bodies in South Africa;
 - 7.2.1.4 a Member;
 - 7.2.1.5 a Member's Client and/or Employer; and/or
 - 7.2.1.6 the Corporate Counsel Association.
- 7.2.2 The Corporate Counsel Association Disciplinary Committee will formally acknowledge receipt of the complaint within 3 (three) days of receipt of the complaint.
- 7.2.3 Where the Corporate Counsel Association Disciplinary Committee is of the view that any reported behaviour of a Corporate Counsel Association Member should rather be addressed by the Client and/or Employer, then the Corporate Counsel Association Disciplinary Committee will have the right to refer the matter to the Client and/or Employer for further attention.
- 7.2.4 Following receipt and acknowledgement of the complaint, the Corporate Counsel Association Disciplinary Committee will forward the complaint to the relevant Member accused of such transgression, which will be done within 10 (ten) days of receipt of the complaint.
- 7.2.5 The Member will be requested to respond in writing to the complaint and shall be entitled to submit any documentary evidence and/or any other evidence deemed relevant. Such response must be submitted within 10 (ten) days of receipt of the request for a response.
- 7.2.6 Where a complaint is against a member of the Corporate Counsel Association Disciplinary Committee, such member must recuse him/herself from the entire proceeding.



7.3 Preliminary investigation

- 7.3.1 When a complaint against a Member is received and a response from the Member has been received as per clause 7.2.5 above, it will thereafter be evaluated by an Investigation Panel appointed by the Corporate Counsel Association Disciplinary Committee from a panel of experts approved by the Board, based on their relevant expertise, in order to establish whether the alleged misconduct and/or breach of the Code has *prima facie* been committed.
- 7.3.2 The Investigating Panel has the power to pose questions to the complainant and the Member in writing as part of the investigation procedure.
- 7.3.3 Where the Investigating Panel is of the view that any reported behaviour of a Corporate Counsel Association Member should rather be addressed by the Client and/or Employer, then the Investigating Panel will have the right to refer the matter to the Client and/or Employer for further attention.
- 7.3.4 All correspondence and interactions related to the investigation must be recorded in writing by the Investigating Panel.
- 7.3.5 The Investigating Panel must communicate the finding to the Corporate Counsel Association Disciplinary Committee within 10 (ten) days of it concluding its investigation.
- 7.3.6 If there is insufficient evidence following the preliminary investigation to support the allegation that the Code was breached by the Member under investigation, then the Member and the complainant will be informed and the matter will be closed. A written report regarding the investigation must be compiled by the Corporate Counsel Association Disciplinary Committee and such report and all evidence must be kept for at least 3 (three) years.
- 7.3.7 If there is sufficient evidence following the preliminary investigation to support the allegation that the Code was breached by the Member under investigation, then the Corporate Counsel Association Disciplinary Committee must elect whether to counsel the Member or to proceed with disciplinary action.

7.4 Counselling

- 7.4.1 Where the Corporate Counsel Association Disciplinary Committee is of the view that the breach of the Code by the Member is of a minor nature and that it does not warrant a Disciplinary Hearing, and that a counselling session will be a more appropriate way of dealing with the matter, then the Corporate Counsel Association Disciplinary Committee must give the Member at least 10 (ten) days written notice of the fact that the Member is to be counselled and in such notice, provide such Member with the time and date when such counselling will occur.



7.5 Disciplinary Procedure

- 7.5.1 Where the Corporate Counsel Association Disciplinary Committee is of the view that the breach of the Code by the Member is sufficiently severe and warrants a Disciplinary Hearing, then it shall cause Disciplinary Procedures to be instituted against the Member who is under investigation.
- 7.5.2 Where a Disciplinary Procedure is to be instituted, the Corporate Counsel Association Disciplinary Committee must:
 - 7.5.2.1 determine a time and place for the Disciplinary Hearing;
 - 7.5.2.2 serve notice upon the Member under investigation of the Disciplinary Hearing which notice must be served at least 10 (ten) business days prior to the actual date of the Disciplinary Hearing;
 - 7.5.2.3 the member under investigation will be allowed to be represented at the Disciplinary Hearing by a fellow Corporate Counsel Association member. No legal representation will be allowed;
 - 7.5.2.4 require any person who has reported or complained of the breach, including any Member or witness, to attend and give evidence at the Disciplinary Hearing, which notice to appear must be given at least 10 (ten) business days prior to the actual date of the Disciplinary Hearing;
 - 7.5.2.5 ensure that the Disciplinary Hearing is carried out without delay and in accordance with the procedure detailed under clause 6.6 below.

7.6 The Disciplinary Hearing

- 7.6.1 The Corporate Counsel Association Disciplinary Committee shall appoint a Chairman who once elected, shall serve as the certified Chairman for the year.
- 7.6.2 The Corporate Counsel Association Disciplinary Committee shall convene on the day of the Disciplinary Hearing and in conjunction with the Chairman, hear the evidence presented by the complainant.
- 7.6.3 The Corporate Counsel Association Disciplinary Committee will determine the procedure to be followed but must hear evidence against the Member who has been accused of the misconduct first, followed by the evidence from the Member who has been accused of the misconduct. Cross examination and re-examination from both sides shall be allowed.
- 7.6.4 The Corporate Counsel Association Disciplinary Committee may ask the accused Member and witnesses any question, at any time during the Disciplinary Hearing and may recall any witness to clarify any fact or point.
- 7.6.5 A full record of the proceedings shall be kept in an appropriate format and will be held by the Corporate Counsel Association for a period of 3 (three) years after the Disciplinary Hearing, including any appeal, has been finalised.



- 7.6.6 The Disciplinary Committee has the right to adjourn the Disciplinary Hearing at any time or place which is acceptable to both sides and failing agreement, may take a decision that is reasonable in the circumstances and fair to both sides.
- 7.6.7 After hearing all evidence and arguments from both sides, the Corporate Counsel Association Disciplinary Committee shall deliberate on the matter and thereafter hand down its finding on the matter not more than 3 (three) business days after hearing all evidence and arguments from both sides. Copies of the aforementioned findings will be provided to the complainant, the Member who has been accused of misconduct, and the Corporate Counsel Association Board.
- 7.6.8 The standard of proof required for a finding shall be on a balance of probabilities.
- 7.6.9 The Corporate Counsel Association Disciplinary Committee shall in the case of a finding of 'guilty', hear evidence and arguments on sanction and impose the appropriate sanction after due deliberation.
- 7.6.10 The sanction shall be one, or a combination of the following:
 - 7.6.10.1 an admonishment;
 - 7.6.10.2 a suspension of Membership for a period determined by the Corporate Counsel Association Disciplinary Committee;
 - 7.6.10.3 in the case where the Member is a certified Corporate Counsel Association professional, the withdrawal of the designation;
 - 7.6.10.4 termination of Membership for a period not exceeding 1 (one) year;
 - 7.6.10.5 a lifetime ban on Membership.
- 7.6.11 The Corporate Counsel Association Disciplinary Committee may suspend all or any part of a sanction or sentence for any period up to 12 (twelve) months on any condition it deems fit in the circumstances.
- 7.6.12 The Corporate Counsel Association Disciplinary Committee must notify the Member and the complainant of the outcome of the Disciplinary Hearing and the reasons supporting such outcome.
- 7.6.13 The Corporate Counsel Association Disciplinary Committee must ensure that Disciplinary Hearings are fair and comply with the procedures set out in this document and that in addition to this procedure, any specific legislative or regulatory requirements are complied with.

8 APPEALS COMMITTEE AND PROCEDURE

- 8.1 Any Member who is not happy with a decision that has been reached by the Corporate Counsel Association Disciplinary Committee, may lodge a written appeal against the finding or sanction within 10 (ten) business days of the conclusion of the Disciplinary Hearing, by submitting a notice of appeal to the Chairman which sets out the grounds for the appeal.



- 8.2 The Chairman will provide a copy of the notice, grounds of appeal and the record of the Disciplinary Hearing within 5 (five) business days of receipt of the notice of appeal to the Corporate Counsel Association Disciplinary Committee who will study the documents and allow or disallow the appeal within 10 (ten) business days of receipt of the aforementioned documents.
- 8.3 Where the appeal is disallowed, the Chairman will advise the Member within 3 (three) business days of receipt of the notice and the matter will further be dealt with as if no appeal has been lodged.
- 8.4 Where the appeal is allowed, the Chairman will advise the Member within 3 (three) business days of receipt of the notice and proceed within 5 (five) business days from such date to appoint an Appeal Committee, which will be done jointly with the Corporate Counsel Association Board and which will consist of at least 4 (four) Members of the Corporate Counsel Association Board and an independent Chairman who will be appointed by the aforementioned 4 (four) members of the Appeal Committee.
- 8.5 The Appeal will be heard within 10 (ten) business days of the appointment of the Appeal Committee at a time and place determined by Chairman of the Appeal Committee.
- 8.6 Arguments will be heard from the convicted Member and from the Corporate Counsel Association Disciplinary Committee.
- 8.7 No evidence will be heard.
- 8.8 The Appeal Committee shall, at its sole discretion, have the right to:
 - 8.8.1 substitute the findings of the Corporate Counsel Association Disciplinary Committee with a new finding;
 - 8.8.2 impose any new appropriate sanction from that previously imposed;
 - 8.8.3 confirm the original findings of the Corporate Counsel Association Disciplinary Committee;
 - 8.8.4 refer the matter back to the Corporate Counsel Association Disciplinary Committee for a rehearing on some or all of the original charges.
- 8.9 The Chairman of the Appeal Committee will advise the Member, the Corporate Counsel Association Board and the Chairman of the Corporate Counsel Association Disciplinary Committee within 3 (three) business days of the conclusion of the appeal, of the outcome which decision will be final.
- 8.10 A full record of the appeal proceedings shall be kept in an appropriate format and will be held by the Corporate Counsel Association for a period of 3 (three) years from the date of the appeal.