

ANC YOUTH LEAGUE CONSTITUTION

As amended and adopted by the
24th National Congress **June 2011**



Table of Contents

4	ARTICLE A: PREAMBLE
4	ARTICLE B: NAME
4	ARTICLE C: COLOURS AND SYMBOLS
5	ARTICLE D: AIMS AND OBJECTIVES
5	ARTICLE E: STATUS
6	ARTICLE F: RELATIONSHIP WITH THE AFRICAN NATIONAL CONGRESS
6	ARTICLE G: MEMBERSHIP
8	ARTICLE H: RIGHTS AND OBLIGATION
9	ARTICLE I: GENDER AND AFFIRMATIVE ACTION
10	ARTICLE J: ORGANISATIONAL STRUCTURES OF THE YOUTH LEAGUE
11	Section 1: The National Congress
12	Section 2: Extra-Ordinary Congress
12	Section 3: National General Council
13	Section 4: National Executive Committee
16	Section 5: National Working Committee
16	Section 6: Provincial Congress
17	Section 7: Provincial Executive Committee
18	Section 8: Provincial Working Committee
19	Section 9: Provincial General Council
19	Section 10: Regional Congress
20	Section 11: Regional General Council
20	Section 12: Regional Executive Committee (REC)
21	Section 13: Regional Working Committee



22	Section 14: Zonal and Sub-regional Structures
23	Section 15: Branches
24	Section 16: Branch Congress
25	Section 17: Branch Executive Committee
25	Section 18: Branch General Meeting
25	ARTICLE K: DISCIPLINE
26	ARTICLE L RULES AND REGULATIONS
26	ARTICLE M: FINANCE POLICY
26	ARTICLE N: QUORUM
26	ARTICLE O: AMENDMENTS
27	ARTICLE P: DISSOLUTION
28	SCHEDULE A
28	CODE OF CONDUCT OF THE ANC YOUTH LEAGUE
28	A. INTRODUCTION
31	CLASSIFICATION OF OFFENSES
	3.1 Definition
	6.1 Guiding Principles
39	SCHEDULE B
39	RULES OF DISCIPLINARY PROCEDURE
39	Introduction
39	Objective of Rules of Disciplinary Procedure
39	Starting Disciplinary Procedure
40	Holding Disciplinary Proceedings
43	Adjudication
43	Appeal
44	Appeal Procedure



ARTICLE A: PREAMBLE

The African national Congress Youth League was founded in 1944 as an organization of the youth committed to the ideals of democracy, freedom and peace. It is governed by and adheres to the policies and programmes of the ANC, and its existence derives from the Constitution of the ANC.

The Youth league is a mass youth formation of the ANC, it is committed to the creation of a united, non-racial, non-sexist, democratic and prosperous South Africa. It shall rally all the youth of our country to play an active part in the struggles of the communities by building a defense of democracy. In doing so, the ANC Youth League shall strive to achieve fundamental social change for the benefit of all young people and the working class. It shall endeavor to unite the youth of our country to take their rightful place in the affairs of the country.

The Youth league has over the years organized young people to play a critical role in the struggle for liberation culminating in the democratic breakthrough of 1994, which opened up opportunities for the liberation movement to advance the National Democratic Revolution. The Freedom Charter remains the guiding programme of the Youth League.

ARTICLE B: NAME

The Name of the organization shall be the African National Congress Youth League; hereinafter referred to as the ANCYL.

ARTICLE C: COLOURS AND SYMBOLS

1. The colours of the ANCYL shall be those of the ANC, which are Black, Green and Gold.
2. The emblem of the ANCYL shall be three hands each holding a spear, a hammer and a book. In the same sequence, these will be in red, signifying the blood of our young martyrs split over years of resistance to oppression, against a gold background. The emblem shall be round in shape and shall be ringed with the green and black colour on the outer edge.
3. The name of the organization shall be printed in black and green strip.

ARTICLE D: AIMS AND OBJECTIVES

The ANCYL shall:

1. Strive to rally the youth of our country to support and unite behind the ANCYL and actively participate in the struggle to create a non-racial; non-sexist, united, democratic and prosperous society;
2. Support and reinforce the African National Congress in the attainment of the goals of the National Democratic revolution;
3. Ensure that the youth make a full and rich contribution to the work of the ANC and to the life of the nation;
4. Champion the general interest and rights of the South African Youth and the working class in the socio-economic and political life of the country;
5. Promote unity and patriotism among the youth;
6. Promote the creation of a broad, non-aligned pioneer movement and fight for the rights of children as enshrined in the Constitution of the Republic of South Africa;
7. Strive and work for the educational, moral and cultural upliftment of the youth;
8. Promote gender equality in all spheres of life, especially amongst the youth;
9. Promote among youth the spirit of international solidarity, peace and friendship with other nations:
10. To champion the cause of the African Renaissance.

ARTICLE E: STATUS

1. The ANCYL shall be a legal persona with perpetual succession of power, apart from its individual members, to acquire, hold and alienate property, enter into agreements, do all things necessary to carry out its aims and objects and defend its members, property and reputation.
2. The organizational control and programmes of the ANCYL shall rest in the ANCYL membership and structures in accordance with its Constitution.

3. The ANCYL shall operate on a national, provincial, regional and zonal and branch level. Other structures can be created for co-ordination and implementation purposes and will enjoy delegated powers.

ARTICLE F: RELATIONSHIP WITH THE AFRICAN NATIONAL CONGRESS

1. The ANCYL shall be a voluntary youth organization and a mass organ of the ANC.
2. The ANCYL shall function as an autonomous body within the overall structure of the ANC of which it shall be an integral part. It shall be based on the political and ideological objectives of the ANC.
3. The ANCYL shall liaise closely with the ANC at all levels (national, provincial, regional, zonal and branch levels).
4. Members of the Youth League over the age of eighteen (18) shall be obliged to join and participate fully in the general political life of the ANC.
5. A member of the Youth League shall not be eligible for any position as office-bearer of the ANC or attend ANC conferences or executive meetings of the ANC unless specially invited as a full member of the ANC.

ARTICLE G: MEMBERSHIP

1. Membership of the ACYL shall be open to all South African youth between the ages of fourteen (14) and thirty-five (35) who accepts its policy guidelines, aims and objectives as referred to above.
2. The applications for membership shall be received and considered by the ANCYL Branch Executive Committee, where such exist, or by the Regional Executive Committee if no Branch Executive Committee exists. The Branch Executive Committee and Regional Executive Committee have the power to accept or reject an application. In the event of a rejection the

applicant must be informed in writing and shall be made aware of his/her right to appeal to the Provincial Executive Committee within twenty one (21) working days. The appeal should be in writing. The provincial Executive Committee must finalize the appeal within sixty 60 working days.

3. Young people, who qualify for membership in accordance with rules of this section, shall be issued with a membership card upon payment of a Joining fee. Members shall be expected to pay annual subscription fees. Congress or the NEC shall determine the joining and Annual Subscription fees.
4. Members shall join the ANCYL only once, and membership shall lapse when a person turns 35 years, is expelled following disciplinary proceedings, loses South African citizenship, resigns from the Youth League in writing to the organization, passes away, and if after an annual membership audit or review, it is found that such a member has not paid her/his annual subscriptions for up to three (3) months
5. All members shall on acceptance into the ranks of the ANCYL solemnly declare their readiness and willingness to serve the organization and shall declare as follows: “I, solemnly declare that I will abide by the aims and objectives of the ANC Youth League as set out in the Constitution, the Freedom Charter and all other policies adopted from time to time, that I am joining the organization voluntarily, without expectation of material gain and I will participate in the life of the organization as a loyal, active and disciplined member.”
6. Dual or multiple memberships by individuals shall be welcome provided the policies and programmes of those organizations to which they belong or may wish to belong, are not hostile to those of the ANCYL.
7. Young women, who are members of the ANCYL and over the age of eighteen (18) years, shall be obliged to join and play a full and active part in the general political life of the ANC Women’s League.

ARTICLE H: RIGHTS AND OBLIGATION

Rights:

Every member of the ANCYL shall have the right to:-

1. Take part in the formulation and discussion of the ANCYL policy;
2. Be elected to any committee, commission or delegation of the youth. For an ANCYL member to qualify to stand for position in the NEC, PEC, REC, Zonal Committee and BEC, the member should be an active member of the ANCYL in good standing for at least three years, for the NEC and PEC; two years for the REC; one year for the Zonal Committee and the BEC
3. Any member shall, upon his/her election to the REC, PEC and NEC relinquish his/her position in lower constitutional structures.
4. Submit proposals or advise the branch and to the region and province on any matter that affects the youth and society in general;
5. Engage in constructive criticism and self- criticism, within the constitutional structures of the League;
6. Protection against any harassment, victimization and/ or discrimination based on race, ethnicity, sex or creed;
7. Actively participate in all ANCYL activities.

Obligations:

All ANCYL members are obliged to:

- (a) Pledge their unwavering loyalty to the ANCYL and subject themselves to its overall discipline;
- (b) Carry out decision, duties and directives with diligence from its Branch, Regional, Provincial and National structures;
- (c) Organize, participate and contribute positively to activities of the organization and contribute to the strengthening of its organic unity;
- (d) Rally all youth to support and unite behind the ANCYL and actively participate in the creation of a united, non-racial, non-sexist, democratic and prosperous South Africa;

- (e) Protect the ANCYL and its property at all times by exercising maximum vigilance;
- (f) Exercise discipline and exemplary behaviour at all times by maintaining harmonious relations with all members of the ANCYL and the community in general;
- (g) Combat all forms of tribalism, regionalism, nepotism, and other forms of discrimination based on race and sex as well as combating factionalism and malicious gossip within our ranks;
- (h) Initiate and participate in activities aimed at promoting international solidarity, peace and social justice;
- (i) Every member of the ANC Youth League above the age of eighteen (18) shall be obliged to join the ANC.

ARTICLE I: GENDER AND AFFIRMATIVE ACTION

1. In an endeavor to reach the objective of full representation of women in all decision- making structures, the ANCYL shall implement a programme of affirmative action, including the provision of a quota not less than fifty percent (50%) in all its structures to enable such effective participation.
2. The method of such implementation will be addressed immediately in all ANCYL structures and on a continuing basis.
3. Representation or delegations to ANCYL activities shall be based on the fifty/fifty (50/50) principle.

ARTICLE J: ORGANISATIONAL STRUCTURES OF THE YOUTH LEAGUE

The organization structure of the ANCYL consists of:-

1. National Congress
2. Extra-Ordinary Congress
3. National General Council
4. National Executive Committee
5. National Working Committee
6. Provincial Congress
7. Provincial General Council
8. Provincial Executive Committee
9. Provincial Working Committee
10. Regional Congress
11. Regional General Council
12. Regional Executive Committee
13. Regional Working Committee
14. Sub-Region and Zonal Committees
15. Branches
16. Branch Congress
17. Branch Executive Committee
18. Branch General Meeting.

Section 1: The National Congress:

The National Congress shall be the highest decision making body of ANCYL. National Congress shall convene after every three years.

1.1 Composition

- (a) Delegates shall be elected democratically by and from branches in good standing in proportion to their membership. Branch delegates shall constitute at least ninety percent (90%) of all voting delegates to Congress.
- (b) The NEC may consider special representation for areas where ANCYL structures are not fully developed,
- (c) Members of the NEC and PECs shall attend ex-officio as participants in the Congress, with full speaking and voting rights.
- (d) A quorum at National Congress shall be 2/3 of delegates.
- (e) All delegates to the National Congress shall be members in good standing.

1.2. Procedures at Congress

- (a) The Congress shall determine procedures in accordance with democratic principles.
- (b) Decisions at Congress are made on the basis of fifty percent (50%) plus a one majority in favour or against, subject to the provisions of Section N of the Constitution.
- (c) Election of office bearers shall be by secret ballot.

1.3. Duties and Powers of National Congress

- (a) Lay down policy platform, determine and decide programmes and the Constitution of the ANCYL;
- (b) Receive and consider reports of the NEC, which shall be presented by the President, the Secretary General and the Treasurer-General;
- (c) Have the right to review, ratify, amend or rescind any decision and/ or recommendation taken by any of the constituent structures and/or officials of the ANCYL;

- (d) Elect the President, the Deputy President, the Secretary General, the Deputy Secretary General, the Treasurer-General and thirty (30) other members of the NEC;
- (e) Have the power to elect or appoint any Commission or Committee and assign specific tasks and duties to such Commission, Committee or individual(s) as the case may be;
- (f) Have the power to confer honors, decorations and awards on members, organizations or individuals in appreciation or recognition of their role in the work of the ANCYL or the struggle for the birth and the creation of a united, non-racial, non-sexist, prosperous and democratic South Africa.

Section 2: Extra-Ordinary Congress

- (a) An Extra-ordinary Congress may be convened at any time to address major policy issues.
- (b) The Congress may be called by the NEC or at the insistence of a 2/3 majority of the provinces of the ANCYL.

Section 3: National General Council

- (a) A National General Council may be convened by the NEC from time to time, provided that the NEC shall convene a National General Council not later than Eighteen 18 months after National Congress.

The National General Council shall:

- (b) Subject to scrutiny, determine and review the policies and programmes of the ANCYL;
- (c) Receive and discuss reports of the NEC;
- (d) Have the power to discuss any issues it deems necessary taking into account policies and directives of the National Congress,
- (e) Subject to Clause 13.2.1(e) the National General Council may fill vacancies that have arisen in the NEC provided that such vacancies do not exceed fifty percent 50% of the NEC

Section 4: National Executive Committee

The National Executive Committee shall hold office for three years.

4.1 Composition

(a) The NEC shall be constituted as follows:

President

Deputy President

Secretary General

Deputy Secretary General

Treasurer General [insert]

Thirty (30) directly elected members with Provincial Chairpersons and Secretaries in an ex-officio capacity.

(b) In that event, the Deputy shall assume all the duties of the predecessor including the membership of the NEC pending a Provincial General Council.

(c) One shall cease to be a member of the NEC upon absenting oneself from two successive NEC meetings without a valid reason.

(d) Should a vacancy occur in the NEC for any reason, the NEC shall have the power to co-opt a replacement, provided such co-option is supported by two-thirds 2/3 majority of the members of the NEC.

(e) The NEC shall have the power to co-opt not more than five (5) additional members at any time during its term of office in order to provide for a broad representation that reflects the true character of the South African youth, provided such co-option enjoys the support of 2/3 of the NEC.

(f) The position of Secretary General shall be full-time and the NEC will decide which other positions shall be fulltime.

4.2. Duties and Functions of Officials

The President shall

(a) Be the Chief Executive Officer of the ANCYL;

(b) Preside over meetings of the NEC;

(c) Liaise with the NEC of the ANC;

- (d) Present a report on the state of the ANCYL and the political situation in general at National Congress;
- (e) Supervise all work of the ANCYL in conformity with the constitution and rules of procedure agreed upon by the NEC;
- (f) Report regularly to the NWC and the NEC;
- (g) Be an ex -officio member of the ANC National Executive Committee.

The Deputy President shall

- (a) Deputies for the President;
- (b) In the absence of the President, assume his/her duties and responsibilities.

The Secretary General shall

- (a) Be the chief Administrative Officer of the ANCYL.
- (b) Be responsible for minutes of the National Congress, the NEC, the National Working Committee and all other records of the ANCYL;
- (c) Prepare annual reports on the overall work of the ANCYL;
- (d) Liaise with other organizations and institutions nationally and internationally;
- (e) Be responsible for the overall functioning of the NEC as well as convening meetings thereof;
- (f) Report regularly to the NWC and the NEC; and
- (g) Be an ex -officio member of the ANC NEC

The Deputy Secretary General shall:

- (a) Deputize for the Secretary General;
- (b) In the absence of the Secretary General, carry out her/ his duties and responsibilities;
- (c) Serve as the Chief Personnel Officer of the ANCYL.

The Treasurer General shall:

- (a) Be responsible for the finances of the League and shall, with two appointed members of the NWC, operate a banking account on behalf of the ANCYL;
- (b) Keep books, accounts and other records necessary to clearly reflect the financial position of the ANCYL;
- (c) Head the National Finance and Fundraising Committee which shall be responsible for:
 - i. Working out and executing plans for fundraising
 - ii. Preparing annual and other budgets; and
 - iii. Making recommendations regarding funding of all structures of the ANCYL
- (d) Be the chief guardian of all property of the ANCYL;
- (e) Shall ensure the presentation of annual audited financial statements to the NEC;

4.3. Powers and procedures

The NEC shall

- (a) At its first meeting, meet and elect a National Working Committee.
- (b) Meet at least once in three months.

4.4. Duties

The NEC shall:

- (a) The NEC shall be the highest decision making body in between congresses. Its decisions, orders and or directives shall be final and binding on all lower structures and members of the ANCYL.
- (b) Carry out the decisions and instructions of the National Congress;
- (c) Issue and send directives to and receive reports from Provincial Executive Committees;
- (d) Supervise and direct the work of the ANCYL;
- (e) Ensure that the provincial, regional and branch structures of the ANCYL function democratically and effectively;

Section 5: National Working Committee

The NEC in its first meeting after the National Congress shall elect the National Working Committee from the ranks of directly elected members.

The National Working Committee shall

- (a) Carry out decisions and instructions of the NEC;
- (b) Ensure communication between provinces and the NEC;
- (c) Submit reports to each NEC meeting;
- (d) Co-ordinate and execute the day-to-day administrative tasks of the ANCYL.
- (e) One shall cease to be a member of the NWC upon absenting oneself from two successive meetings without a valid reason.

Section 6: Provincial Congress

The Provincial Congress shall be highest decision- making body of the ANCYL in the provinces.

6.1. Composition

- (a) Delegates shall be elected democratically by and from branches in good standing in proportion to their membership. Branch delegates shall constitute at least ninety percent (90%) of all voting delegates to Congress.
- (b) Members of the PEC, including Regional Chairpersons and Secretaries shall attend ex-officio as participants in the Congress, with full voting and speaking rights.
- (c) REC members may, as per decision of the PEC attend with full speaking, but no voting rights.

6.2. Procedures, Powers and Duties

The Provincial Congress shall:

- (a) Be held at least once in two years or more frequently if requested by two- thirds of all branches in the province.
- (b) Receive and consider reports by the Provincial Executive Committee; which shall be presented by the Chairperson, the Secretary and the Treasurer.
- (c) Elect the Provincial Executive Committee;

- (d) Develop and implement the policy and program of the ANCYL guided by the national
- (e) Program of action, within the context of each province

Section7: Provincial Executive Committee

7.1. Composition

- (a) The Provincial Executive Committee shall consist of elected members by the Provincial Congress which shall be the:
 - i. Provincial Chairperson
 - ii. Deputy Chairperson
 - iii. Provincial Secretary
 - iv. Deputy Secretary
 - v. Treasurer
 - vi. Twenty (20) additional members with Regional chairpersons and Secretaries in an ex-officio capacity
- (b) The position of Provincial Secretary shall be a full-time position.
- (c) One shall cease to be a member of the PEC should one absent oneself from two successive PEC meetings without a valid reason.
- (d) The PEC shall have the power to co- opt not more than three (3) additional members at anytime during its term of office in order to provide for a broad representation that reflects the true character of the South African youth, provided such co-option enjoys the support of 2/3 of the PEC.
- (e) Where vacancies on the PEC exceed more than fifty percent (50%) of members elected at Provincial Congress, a Special Provincial Congress shall be convened.

7.2. Functions of Provincial Executive Committee (PEC) Office Bearers

- (a) Provincial office bearers shall, with specific consideration of circumstances and scope, perform the same functions as the national office bearers of the ANCYL in the provinces.

7.3. Powers and Duties

The PEC shall:

- (a) Carry and be responsible for the implementation of decisions of the Provincial Congress, NEC and National Congress;
- (b) At its first meeting allocate portfolios to the additional members of the PEC and thereafter meet at least once a month;
- (c) Organize, establish and co-ordinate regions and branches of the ANCYL in the province;
- (d) Implement the policy and programmes of the ANCYL and strive to further the interests, aims and objectives of the ANCYL as a whole;
- (e) Manage and control the funds and property of the ANCYL in the province

Section 8: Provincial Working Committee

8.1. Composition

- (a) Provincial Working Committee shall be elected at the first PEC meeting from the ranks of directly elected members by Provincial Conference.

8.2. Powers and Duties

The Provincial Working Committee shall:

- (a) Be constituted by officials and three members of the Provincial Executive Committee.
- (b) Carry out decisions and instructions of the PEC.
- (c) Ensure communication between regions and the PEC.
- (d) Submit reports to each PEC meeting.
- (e) Co-ordinate and execute day to day administrative tasks of the ANCYL.
- (f) One shall cease to be a member of the PWC upon absenting oneself from two successive meetings without a valid reason.

Section 9: Provincial General Council

- (a) The provincial General Council shall be the highest decision-making body in the province between Provincial Congresses.
- (b) The Provincial General Council shall consist of all members of the PEC; RECs and delegates representing branches in proportion to membership.
- (c) It shall convene at least once a year to consider midterm report and other appropriate organizational matters.
- (d) It shall on good cause shown, be convened by the PEC upon the request of one third of the branches in the provinces.
- (e) Reports following meetings of Provinces General Council shall be submitted to the PEC and the branches.

Section 10: Regional Congress

- (a) Delineation of regions shall be undertaken by the PEC, with demarcations as far as possible in line with those of the ANC.

10.1. Composition

The Regional Congress shall:

- (a) Be attended by delegates elected democratically by and from branches in good standing in proportion to their membership. Branch delegates shall constitute at least ninety percent (90%) of all voting delegates to Congress.
- (b) Be attended by members of the Regional Executive Committee who shall have full speaking and voting rights in their ex-officio capacity.

10.2 Powers and Duties

- (a) Be held at least once in 18 months or more frequently if requested by two-thirds of all branches in the region.
- (b) Receive and consider reports by the Regional Executive Committee; which shall be presented by the Chairperson, the Secretary and the Treasurer.
- (c) Elect the REC that must be composed of the Chairperson,

Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and twelve (12) additional members.

- (d) Develop and implement the policy and program of the ANCYL guided by the National and Provincial resolutions and program of actions, within the context of each region

Section 11: Regional General Council

- (a) The Regional General Council (RGC) shall be the highest decision-making body of the ANCYL in the region between Regional Congresses.
- (b) The RGC shall consist of all members of the REC and delegates representing branches in proportion to their membership.
- (c) The RGC shall convene at least once during its term to consider midterm report and appropriate matters.
- (d) Special RGCs may be convened to deal with major issues.
- (e) Following sittings of the RGC, the reports thereof will be tabled with the REC and submitted to the PEC and branches.
- (f) The RGC shall ratify the filling of vacancies on the REC.

Section 12: Regional Executive Committee (REC)

12.1 Composition

- (a) REC shall comprise of the Regional Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer; and twelve (12) additional members.
- (b) One shall cease to be a member of the REC should one absent oneself from two successive REC meetings without a valid reason.
- (c) The REC shall have the power to co-opt not more than three additional members at anytime during its term of office in order to provide for a broad representation that reflects the true character of the South African youth, provided such co-option enjoys the support of 2/3 of the REC.
- (d) Where vacancies on the REC exceed more than fifty percent

(50%) of members elected at Regional Congress, a Special Regional Congress shall be convened

12.2 Powers and Duties

- (a) The REC shall convene at least once a month. Its duties shall be to:
- (b) At its first meeting after Regional Congress, elect the Regional Working Committee.
- (c) Be responsible for the implementation of decisions of the Regional, Provincial and National Congresses as well as decisions of the PEC, PGC and NEC;
- (d) Organize; establish, service and co- ordinate branches of the ANCYL in the region;
- (e) Implement the policy and programmes of the ANCYL and strive to further the interest, aims and objectives of the league as a whole;
- (f) Manage and control the funds and property of the league in the region;
- (g) Represent the ANCYL on the ANC REC in an ex-officio capacity through the Regional Chairperson and Secretary
- (h) Carry out other responsibilities delegated by the PEC and NEC.
- (i) The REC shall have the power to co- opt not more than three members, in order to ensure that all different sections of the youth are well represented
- (j) One shall cease to be a member of the REC upon absenting oneself from two successive meetings without a valid reason.

Section 13: Regional Working Committee

13.1. Composition

- (a) The REC shall elect from amongst the ranks of directly elected members from Congress, a Regional Working Committee (RWC).
- (b) The RWC shall be constituted by regional officials and three members of the Regional Executive Committee.
- (c) One shall cease to be a member of the RWC upon absenting oneself from two successive meetings without a valid reason.

13.2. Duties

The RWC shall:

- (a) Carry out decisions and instructions of the REC.
- (b) Submit reports to each REC meeting.
- (c) Co-ordinate and execute the day to day administrative tasks of the ANCYL

Section 14: Zonal and Sub-regional Structures

14.1. Sub-Regional Congress

- (a) All branches within the same municipal boundary (category C), for purpose of coordination of activities shall be formed into a Sub-Region.
- (b) Shall convene once a year.
- (c) Shall be composed of all branches in the local municipality or demarcated metro zonal area, in proportion to their membership.
- (d) The Sub-Regional Congress shall elect a Sub-Regional Chairperson, Secretary and Treasurer and five (5) additional members.

14.2. Sub-Regional Committee

- (a) The Sub-Region Committee shall be composed of the Chairperson, Secretary, Treasurer and five (5) additional members.
- (b) The Sub-Regional Committees shall be aligned with those of the ANC, Chairperson and Secretary will attend Sub-Regional Committees of the ANC as ex-officio members.
- (c) Coordinate work and activities of branches and submit reports to the REC
- (d) Be responsible for the implementation of decisions and instructions of the NEC, PEC and the REC.

14.3. Zonal Congress

- (a) All branches within the same municipal boundary, for the purpose of co-ordination of activities shall be formed into zones.
- (b) The Zonal Congress shall convene once a year.
- (c) Shall be composed of all branches in the local municipality or demarcated metro zonal area, in proportion to their membership.
- (d) The Zonal Congress shall elect a Zonal Chairperson, Secretary and Treasurer.

14.4. Zonal Committee

- (a) The Zonal Committee shall be composed of the Chairperson, Secretary, Treasurer and each branch shall be represented by the chairperson and Secretary;
- (b) The Zonal Committees shall be aligned with those of the ANC;
- (c) In addition to the powers delegated to it by higher structures of the organization, the Zonal Committee shall:
- (d) Coordinate work and activities of constituent branches and submit reports to the REC.
- (e) Be responsible for the implementation of decisions and instructions of the NEC, PEC and the REC.

Section 15: Branches

- (a) The basic unit of the ANCYL shall be the branch. Every member of the ANCYL shall belong to a branch.
Duties and Functions of a Branch.
- (b) The duties and functions of a branch shall be to:
- (c) Ensure that the youth in a particular village, area, and township, institution of learning, town or suburb are organized into the ANCYL;
- (d) Encourage the youth to take an active part in all activities of the ANCYL;
- (e) Mobilize all youth to participate in the general mass campaigns in the area;

- (f) Prepare members to participate effectively in the formulation of ANCYL policies and programs;
- (g) Elaborate and implement the political education programme of the ANCYL;
- (h) Encourage members to take an active interest in sports, arts, and cultural activities
- (i) Encourage all youth above eighteen (18) years to join the ANC;
- (j) Support and reinforce the local ANC branch.

Section 16: Branch Congress

16.1. Composition

- (a) The Branch Congress shall be composed of the Branch Executive Committee and the entire membership of the ANCYL Branch.
- (b) Not more than two (2) designated members of the REC shall preside upon the proceedings of the meeting, but shall have no voting rights.

16.2. Procedures, Powers and Duties

- (a) The Branch Congress shall convene once a year. It shall:
- (b) Consider and make proposals to the Regional and Provincial Congresses;
- (c) Receive, discuss and adopt the Branch Executive Committee report on the work of the Branch;
- (d) Discuss and adopt resolutions on local matters in keeping with the overall policy objectives of the ANCYL;
- (e) Elect the Branch Executive Committee that will consist of the Chairperson, Deputy Chairperson Secretary, Deputy Secretary, Treasurer and eight (8) additional members

Section 17: Branch Executive Committee

17.1. Powers and Duties

The Branch Executive shall:-

- (a) Co-ordinate the general activities of the ANCYL branch;
- (b) Carry out the organizational and publicity work in its area in furtherance of the policy programmes and decisions of the ANCYL;
- (c) Liaise closely with the ANC Branch Executive Committee;
- (d) Look after the funds and property of the ANCYL;
- (e) Submit progress and development reports to the REC;
- (f) Consider applications for membership of the ANCYL.
- (g) The branch Chairperson and Secretary shall serve ex-officio as members of the ANC BEC in the local area.
- (h) One shall cease to be a member of the BEC upon absencing oneself from two successive meetings without a valid reason.

Section 18: Branch General Meeting

- (a) The Branch General Meeting shall be held at least once a month.
The BGM shall:
 - (b) Discuss and adopt campaigns and programmes for the branch;
 - (c) Receive and consider progress reports from the branch leadership;
 - (d) Consider and implement directives from the regional leadership
 - (e) Consist of all members of the ANCYL in that Particular branch;
 - (f) Make comprehensive proposals to the REC and PEC.

ARTICLE K: DISCIPLINE

- (a) The conduct of members of the ANCYL shall be governed by the Code of Conduct of the YL, which shall be amended and adopted by the NEC, and shall be contained in schedule A of the Constitution.

ARTICLE L RULES AND REGULATIONS

- (a) The NEC shall have the power to adopt appropriate rules and regulations for the efficiency of the work of the ANCYL if and when the need arises.
- (b) The PECs shall have the power to govern and improve the work of the ANCYL in the provinces if and when the need arises.
- (c) All rules and regulations shall be founded upon the constitutional principles and policy platform of the ANCYL, such rules and regulations as may be formulated by the PECs shall be subject to the approval of the NEC or its NWC on a provisional basis endorsed by the NEC.

ARTICLE M: FINANCE POLICY

- (a) The NEC shall adopt “the ANCYL Finance Policy” which shall outline the methods of raising of funds, their utilization and general disbursement at branch, provincial, regional and national levels. This document shall underline that proper financial records be kept of all receipts and expenditures and regular evaluation made of all assets of the ANCYL.

ARTICLE N: QUORUM

- (a) A quorum for all ANCYL membership or committee gatherings or meetings, shall be fifty percent (50%) plus one of eligible participants.
- (b) A quorum for Congresses shall be two-thirds (2/3) of eligible branch delegates.
- (c) A quorum for a branch AGM shall be fifty percent (50%) plus one of branch members in good standing.

ARTICLE O: AMENDMENTS

- (a) Any proposed amendments to this Constitution shall be submitted to the National Congress for consideration and can only be passed by a two-thirds majority vote.

- (b) The NEC shall develop and distribute to structures guidelines for the submission of constitutional amendments, in advance of Congress.

ARTICLE P: DISSOLUTION

- (a) The National Congress of the ANCYL shall be entitled to decide on the dissolution of the ANCYL. Such decision shall be subject to adoption or rejection at the National Conference of the ANC in accordance with paragraph one (1) of the Preamble of this Constitution.
- (b) Upon dissolution or winding up, the assets of the ANCYL remaining after satisfaction of all its liabilities, shall be given or transferred to the ANC.

SCHEDULE A

CODE OF CONDUCT OF THE ANC YOUTH LEAGUE

NOTE: The NEC in amending and adopting the Code of Conduct should also include the details of the disciplinary hearing.

Table of Contents

- A. introduction
- B. Classification of Offences
 - 1. General Guiding Principles
 - 2. Grave Offences
 - 3. Serious Offences
 - 4. Violation of Discipline
 - 5. Abuse of Organizational Rules
 - 6. Disciplinary Procedures
 - 7. Disciplinary Structures
 - 8. The Right of Appeal
 - 9. Schedule of Penalties
 - 10. Articulation with the ANC Code of Discipline

A. INTRODUCTION

- 1. The ANC Youth League is organization of the youth of South Africa who out of the common desire to build a united, non-racial, non-sexist and democratic country, have voluntarily joined together and accepted common discipline.
- 2. The basic rights and duties of our members are therefore set out in the basic documents of the organization, namely the Constitution and other policy documents.
- 3. We seek to create our own standards based on the traditions of our struggle in line with our set political goals for national democracy and transformation,
- 4. This is a document with which by its nature needs to be studied and understood by the whole membership, for in the last resort, it is high political consciousness and the voluntary assumption of rights and duties by members, which lies at the heart of all discipline.

1. General Guiding Principles for Classifying Offenses and Violations of the Code of Conduct

1.1 The difference between a Grave Offence and a Serious Offence lie in the degree to which the offender's conduct is directed towards destroying, subverting or neutralizing the effectiveness of the organization. In considering whether an offence should be classified as grave, regard should be given both to the seriousness of the actual offence and the potential consequences of the conduct that led to the commission of the offence.

1.2 The difference between a serious offence and a Violation of Discipline shall lie in the degree of intent of the offender, the extent, of the actual repetition and what would normally be regarded as a breach of discipline.

2. Grave Offences Against the Organization and Members

2.1 Definition

Any offence aimed at damaging the integrity of the organization and destroying its personnel, members, property or its organizational capacity shall be considered a grave offence.

2.2 Offences

A person/s shall be charged with Grave offence against the organization if:

- 2.2.1 With intent to destroy the integrity of the organization, its personnel, property or its organizational capacity, s/he:
- (a) Sabotages the activities of the Youth League;
 - (b) Creates divisions within its ranks;
 - (c) Impedes its proper functioning;
 - (d) Destroy or threatens to destroy property of the organization;
 - (e) Cause grievous bodily harm including rape or attempting to rape;
 - (f) Engage in activities or the spread of misinformation with the objective of turning communities/ sectors against the movement;

- (g) Does any other act calculated to undermine the effectiveness of the organization.
 - (h) Conviction in a court of law and sentenced to a term of imprisonment without the option of a fine, for any serious non- political offence.
- 2.2.2 Sexual assault, sexual harassment whether verbal or physical or the physical abuse of women or children or in any other way seriously offending the dignity of all members;
- 2.2.3 Infiltrate the organization, acting on behalf of or in collaboration with:
- (a) Other organizations, parties or groups hostile to our policy and principles;
 - (b) Any person or group who wishes to destroy the organization or prevent it from fulfilling its set aims and objectives central to which is the transformation of South Africa.
 - (c) Intelligence or the security services of other countries.
 - (d) Counter-revolutionary forces.
- 2.2.4 Being already a member of the ANC Youth League, establishes or maintains contact with any of the above bodies.

2.3 Exceptions, Defence and Mitigating Circumstances

- 2.3.1 Paragraph 2.2.3 shall, not apply to any person who maintained such contact with the knowledge of responsible organs of the ANCYL with a view to securing the interest of the organization.
- 2.3.2 It shall be a defence for anyone mentioned in paragraph 2.2.4 to prove that s/he took the first opportunity to reveal the contact to the appropriate organs of the ANCYL and reduce any possible damage that may have been caused;
- 2.3.3 It shall be a mitigating factor, to be considered when weighing the appropriate penalty, for any accused to prove that s/he has taken steps in collaboration with such organization to reduce the damage caused by his/her collaboration with such organization or individuals and demonstrated his/ her patriotism even at a later stage

3. Serious Offenses

3.1 Definition

Any violation of the principles of the organization and standards of behaviour expected of members, which seriously threatens the safety, property or good name of the organization, or which substantially impedes its good functioning, which creates or is calculated to create disunity and demoralization amongst members, shall be considered a serious offence.

3.2 Offences

A person/s shall be charged with a Serious Offence against the organization if s/he:

- 3.2.1 Acts in a way that exposes members to serious physical harm or death;
- 3.2.2 Deliberately destroy or behave dishonestly in relation to the property of the organization, recklessly exposing it to danger or stealing from the organization or members;
- 3.2.3 Carelessly pass on information that might be of substantial use to opponents of the organization;
- 3.2.4 Behaving corruptly in seeking or accepting any kind of bribes for performing or not performing any task on behalf of the organization;
- 3.2.5 Engage in abuse of office to obtain any other undue advantage from members or others;
- 3.2.6 Dealing and/or abusing drugs or other illegal and illegal substances;
- 3.2.7 Persistently sowing racism, sexism, regionalism or tribalism in the organization;
- 3.2.8 Behaving in such a way as to provoke serious divisions and a breakdown of unity in the organization.
- 3.2.9 Persistently and without cause undermining the respect for or impending functionality of the structures of the organization;
- 3.2.10 Engaging in organized factional activity that goes outside the recognized norms of free debate inside the organization and therefore threaten its unity;

- 3.2.11 Without good cause, acts against a decision of the constitutional structures of the movement;
- 3.2.12 Goes against the established norms, unwritten conventions of the organization that are generally accepted as comradely and organizational practices.

4. Violations of Discipline

4.1 Definition

Any person who acts in an uncomradely way and breaches the standard of conduct normally expected of members, and whose behaviour is not so serious as to constitute a grave or serious offence, shall be guilty of a violation of discipline.

4.2 Offences

In addition to all the forms of misconduct mentioned in this Code of Conduct and other official documents of the organization, a person/s shall be charged with Violation of Discipline for:

1. Rowdy and aggressive behaviour and drinking during meetings, whilst on duty or during activities of the organization, unless of a social nature;
2. Abusive and disrespectful behaviour towards other comrades;
3. Gossiping maliciously so as to set comrade against comrade;
4. Carelessness in relation to property of the organization, including reckless or careless use of the organization's transport and unauthorized use of the organizations property for personal use;
5. Disrupting meetings and interfering with the orderly functioning of the organization;
6. Sexual harassment.
7. Any persistent negligent behaviour that harms or threatens to harm the organization and or its members;

5. Abuse of Organizational Rules

5.1 Abuse leading to Disciplinary Proceedings

The following acts will be regarded as an abuse of organizational rules, whether committed by individuals or groups and will be considered as behaviour likely to invoke disciplinary proceedings:

5.1.1 The offer of reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership;

5.1.2 The recruitment of members who do not reside at an address claimed, where this is done in order to manipulate branch meetings or the outcome of organizational votes.

5.1.3 Any member who supports a political organization or party other than an organization in alliance with the ANCYL in a manner contrary to the aims, objectives and policy of the ANC shall be liable for disciplinary action.

5.2 Abuses leading to Expulsion

The following acts will be regarded as an abuse of organizational rules, whether committed by individuals or groups and will be considered as behaviour likely to invoke expulsion:

5.2.1 Any member of the ANCYL who stands in an election for local government, provincial or national government elections or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the ANC shall be ineligible to be or remain a member

5.2.2 A member or members who institute(s) legal proceedings in a court of law within the Jurisdiction of the Republic of South Africa or outside or any such judicial bodies constituted for quasi-judicial proceedings or for arbitration purposes shall be guilty of an offence for which summary expulsion shall be applicable.

5.2.3 A member(s) shall be expelled summarily in line with 5.2.2 above and shall forfeit his/her membership (s) following the decision of

of the National Executive Committee or the National Working Committee having duly considered proof of such legal proceedings without the need of the National Disciplinary Committee having to hear such a matter.

5.3 Lapse of Membership

5.3.1 Members who fail to pay their subscriptions for three (3) months and having being reminded – in accordance with section G (4) of the Constitution – shall not be in good standing and their membership shall lapse until they pay their arrears.

5.3.2 A Member of the Executive at any level of the organization who fail to attend two consecutive meetings of that committee without an acceptable apology, his/her Membership shall lapse after due consideration and such determination by the relevant structure or a higher structure

6. Disciplinary Procedures

6.1 Guiding Principles

The disciplinary procedures at all levels of the organization shall be guided by the following principles:

6.1.1 Discipline should not be used as a means of stifling debate, or denying members their basic democratic rights;

6.1.2 It should not be used as a means of solving private problems or as interfering in the private lives of members where the norms of the organization are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organization.

6.1.3 Any person faced with disciplinary proceedings shall receive due written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defence.

6.1.4 All disciplinary proceedings shall be attended to as speedily as possible.

7. Disciplinary Structures, Rules and Procedures

7.1 Disciplinary structures

- 7.1.1 Disciplinary proceedings shall normally be conducted at the level where the alleged violation or offence took place, namely the branch, region, province or national, and may be heard by the relevant structure;
- 7.1.2 The NEC and NWC may direct that the disciplinary proceedings should be heard at a higher level from where the alleged violation or offence took place.
- 7.1.3 The NEC, PECs, RECs, and BECs shall appoint their Disciplinary Committees from amongst their ranks and from other members or former members of the ANC Youth League.
- 7.1.4 Disciplinary committees shall be appointed at provincial, regional and branch levels by the PEC, REC and BEC as and when the need arises.

7.2 Rules of Procedure

- 7.2.1 The National Disciplinary Committee (NDC) shall be responsible for the interpretation of the Code of Conduct and the rules of procedure including time limits to be followed before, during and after a hearing which shall be binding on disciplinary structures at all levels of the organization.

7.3 Notice of Disciplinary Hearing

- 7.3.1 A written notice referred to in 6.1.3 must be given at least 14 working days before the date of a hearing or within a shorter period if the NEC or NWC considers that the matters at hand warrants such a shorter period provided such period is not less than 3 days notice.
- 7.3.2 Recipient of the notice must sign an acknowledgement receipt; if he/ she refuse it must be given in the presence of at least two witnesses.
- 1.3.3 Where a member is unavailable or deliberately evades service, the notice shall be delivered at his/her last known address in which case it shall be presumed to have been received.
- 1.3.4 Electronic notices including Facsimile Transmission, E-mail and Short

- 1.3.4 Electronic notices including Facsimile Transmission, E-mail and Short Message Service (SMS) shall be considered sufficient notice and shall be presumed to have been received by the charged person

1.4 Conducting a Disciplinary Hearing

- 7.4.1 A disciplinary hearing must be held within 21 working days after notification, unless the disciplinary committee is granted, upon request, an extension by the relevant executive committee.
- 7.4.2 If necessary an interpreter's services might be utilized.
- 7.4.3 If a member fails to attend a hearing without any valid explanation given, the Disciplinary Committee may continue with the hearing in the member's absence.
- 7.4.4 Decision of the disciplinary committee must be communicated to the affected person within 21 working days after the conclusion of the hearing.

8 The Right to Appeal

- 8.1 Any person found guilty in a disciplinary proceeding, the complainant has the right, within twenty one (21) working days, to appeal against the conviction or sentence to the next higher body of the ANCYL.
- 8.2 The appeal must be concluded within 60 working days.

2. Schedules of Penalties

Should one be found guilty of a grave or serious offence, a violation of discipline or an abuse of organizational rules, one shall be liable to:

- 9.1 Reprimand
- 9.2 An act of compensation, performance of useful tasks or community service re-deployment or
- 9.3 Demotion
- 9.4 Imposition of corrective measures
- 9.5 Temporary forfeitures of membership rights
- 9.6 Temporary suspension; or
- 9.7 Expulsion.

- 9.8 . A combination of any of the above penalties may be deemed necessary by the Disciplinary Committee
- 10 Definitions of Penalties
- 10.1 Reprimand: A reprimand can be in a meeting of the structure to which the member belongs or the disciplinary committee may call in the person. The objective of the reprimand is not to humiliate the person concerned, but to remind him/her and the whole membership of the Standards expected of members, and to reinforce the sense of unity and shared values in the organization.
- 10.2 An act of compensation, performance of useful tasks or community service A member may be required to perform an act of compensation such as an apology to a victim, a fine or any act so prescribed or be required to perform useful organizational or community tasks, for a stipulated period.
- 10.3 Re-deployment A member shall be redeployed if, in the opinion of the disciplinary body, his/her misconduct is related to his/her responsibility or position. Re-deployment shall not always imply or mean demotion.
- 10.4 Demotion: A member who holds a position of responsibility in the organization will be demoted if his/her continued holding of the position is indefensible, inexplicable or embarrassing as a result of a particular transgression/s.
- 10.5 Imposition of corrective measures Corrective measures shall refer to any measure imposed mainly on humanitarian grounds or grounds occasioned by special circumstances of the offender. Such measures shall of course mainly be aimed at assisting the member to live by the expected norms of the organization.
- 10.6 Temporary forfeitures of membership rights: The penalty of the temporary forfeiture of membership rights shall be imposed if in the opinion of the adjudicating body, such measures shall achieve corrective results in the event of the commission for serious offence or violation of discipline.

10.7 Suspension: When a member is suspended, the organ suspending her/him shall state the period and conditions of such suspension. In respect of serious offences the period of suspension shall not exceed 6 months.

10.8 Expulsion: A recommendation for expulsion for an offence classified as grave lies within the powers of the PEC and REC and the power of expulsion rests with the NEC. A respondent shall be called upon to appear in person with an advisor, if any before the PEC or REC on a date to be fixed, to show cause, if any, why s/he shall not be expelled from the organization with forfeiture of membership rights.

11 Articulation with ANC Code of Discipline

11.1 A disciplinary proceeding of the ANC Youth League may not interfere with a person's rights and duties as a member of the ANC, unless such rights or duties are exercised in an ex-officio capacity on behalf of the Youth League.

11.2 A person, who has been found guilty by an ANC disciplinary proceeding resulting in the imposition of the penalties of suspension, temporary forfeiture of membership rights or expulsion, such penalties shall be subjected to the internal enquiry by the corresponding disciplinary structures of the ANC Youth League.

SCHEDULE B

RULES OF DISCIPLINARY PROCEDURE

Introduction

Rule 7.2 (in particular rule 7.2.1) of the Constitution declares as follows:

“The National Disciplinary Committee (NDC) shall be responsible for the interpretation of the Code of Conduct and the rules of procedure including time limits to be followed before, during and after a hearing which shall be binding on disciplinary structures at all levels of the organisation”.

These rules of procedure are part of the ANC Youth League Constitution and are integral to the disciplinary procedure.

Objective of Rules of Disciplinary Procedure

The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:

- There is a formal recorded procedure.
- There is a just and fair procedure.
- A member is afforded a chance to conduct a reasonable defence.
- A member has the right to appeal.

Starting Disciplinary Procedure

Disciplinary Proceedings may be instituted:

1. Only for violations or offences of the ANC Youth League Constitution, the Rules and Regulations, the Standing Orders, Codes of Conduct, all policies and decisions properly adopted or made in terms of the Constitution, or the violations and offences set out in the Code of Conduct as contained in the ANC Youth League Constitution.
2. By any organ, member or official of the ANC Youth League at Branch, Regional, Provincial or National level. However, the NWC may direct that the disciplinary proceedings should take place at a higher level than where a violation or offence was committed.
3. By the National Disciplinary Committee which can hear and decide cases:

- Referred to it by the ANC Youth League National Officials, NWC, or the NEC through the presenter.
4. At Branch, Regional, Provincial or National level by a Disciplinary Committee unless:
- The NWC directs that the disciplinary proceedings should take place at a higher level than where a violation or offence was allegedly committed.
 - The National Disciplinary Committee institutes disciplinary proceedings referred by the ANC Youth League National Officials, NWC, or the NEC
 - The National Disciplinary Committee institutes disciplinary proceedings itself for very serious violations or offences.

Holding Disciplinary Proceedings

1. A charge must be made within reasonable time of the violation or offence.
2. The presenter on behalf of the organ or officials of the ANC Youth League instituting the disciplinary proceedings must prepare a charge. The charge must:
 - Be in writing
 - Set out the information forming the reason for the charge and the alleged violation or offence in reasonable detail.
 - Identify the:
 - Provision of the ANC Youth League Constitution, the Rules, the Standing Orders, or Codes of Conduct alleged to have been violated.
 - Violations and offences alleged to have been committed.
 - Specify the time and place of the disciplinary proceedings.
 - Be delivered to the charged member fourteen working days (14) before the disciplinary proceedings or a shorter period may be considered by the relevant Disciplinary Committee for grave and serious offences provided that such a short period may not be less than 3 days

3. The following persons must be present at a Disciplinary Proceeding:
 - The Chairperson and members of the Disciplinary Committee.
 - The presenter of the charge.
 - The charged member, who can be tried in her or his absence if she or he does not appear or fails to be present during any session of such a hearing without permission of the relevant Disciplinary Committee
 - The charged member's representative and who is a member of the ANC Youth League in good standing. Valid original proof of such membership shall be tendered before the commencement of the hearing. If the representative fails to appear or does not avail him/her during the proceedings of the hearing, the hearing shall continue in his or her absence and the charged member shall be expected to conduct his or her own defence. It is the responsibility of the charged member to secure his or her representative at the hearing
 - The witnesses.
 - A minute taker.
 - NEC Observers who may be seconded for this purpose by the Secretary General.
 - Interpreter as and when necessary
4. The Chairperson of the Disciplinary Committee must ensure that:
 - The disciplinary proceedings are held in a fair manner. He or she will rule on all matters that may arise and ensure order is maintained. The rulings of the Chairperson of the Disciplinary Committee are final and are to be respected
 - The charged member shall be informed of the charge, his or her rights and asked to plead guilty or not guilty to the charge.
 - The presenter of the charge shall detail the charged member's alleged violation or offence and may call witnesses in support of the charge and may produce relevant documentation or any other material (audio visual, recordings or otherwise) deemed fit in support of the charge.

- The charged member or her or his representative may present the defence to the charge and may call witnesses and may request the recall of and question witnesses called in support of the charge, and may produce relevant documentation.

- 5. The disciplinary process is a political corrective process and not a legal or court process .It is not necessary for parties to meet the procedural requirements and standards applied in the courts of law such as detailed particulars of the alleged offences and/or discovery of documents and/or exchange of evidential materials prior to the commencement of the case

Adjudication

At the end of the disciplinary proceedings, the Chairperson of the Disciplinary Committee must ensure that:

1. The members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private and make a finding based on the facts and evidence of the case and make a ruling.
2. The Chairperson and the members of the Disciplinary Committee decide a penalty. The penalties are:
 - Reprimand;
 - An act of compensation, performance of useful tasks or community service redeployment;
 - Demotion;
 - Imposition of corrective measures;
 - Temporary forfeitures of membership rights;
 - Temporary suspension; or
 - Expulsion.
3. The charged member [insert][shall be] delete is advised of the ruling and the penalty of the Disciplinary Committee with the reasons for these and shall be advised of her or his right to appeal within twenty-one (21) working days after the conclusion of the hearing.

4. The ruling and penalty shall be publicly announced by the Disciplinary Committee. The findings shall be final and binding unless and until they are appealed.

Appeal

1. An appeal may be lodged by:
 - The charged person against whom a finding has been made or a penalty imposed by the Disciplinary Committee.
 - The organ and/or officials who laid the charge against a finding or a penalty imposed by the Disciplinary Committee.
2. An Appeal Hearing must be held by the next higher level unless:
 - The PEC directs that any appeal from a Branch Disciplinary Committee appeal should be heard by the Provincial Disciplinary Committee.
 - The NWC directs that any appeal should be heard by a higher level than the next higher level.
3. The National Disciplinary Committee is the final structure for appeals to be heard. However, the NEC may at its discretion review a decision of the National Disciplinary Committee. For this purpose the NEC will be the appeal structure for NDC decisions.
4. The Charged person may appeal the decision of the NEC to the National General Council or to the National Congress, whichever comes first. However, where the National Congress comes first it will be the final level of appeal. The National Congress may consider an appeal of the decision of the National General Council. The Secretary General's Report shall include the cases placed on appeal in this regard.
5. A member expelled on the basis of instituting legal proceedings against the organization or any of its organs shall forfeit and not have a right of appeal

Appeal Procedure

The following procedure must be followed for appeals:

1. The appeal must be made at the next higher level or the level that the NWC, PEC or the REC directs to hear the appeal.
2. The appeal must:
 - Be made within twenty-one (21) working days of the charged member being informed of the ruling and penalty with the reasons for these.
 - Be in writing.
 - Set out the reason for the appeal in reasonable detail.
 - Set out the grounds for the appeal in reasonable detail.
3. Except in exceptional circumstances determined by the Chairperson of the Disciplinary Committee hearing the Appeal, no new evidence may be presented or considered at the appeal. No new charges may be brought at the appeal.
4. The Chairperson and the members of the Disciplinary Committee must discuss the issues raised at the appeal hearing, and come to a finding based on the facts and evidence of the appeal hearing and make a ruling which can confirm, vary or amend the original ruling and/or penalty within sixty (60) working days of the date on which the appeal was lodged.
5. The person who appeals must be advised of the ruling and the confirmation or variation of the original ruling and/or penalty within twenty-one (21) working days after the confirmation or variation of the original ruling.
6. Any further appeal will need the permission of the next higher level until the NEC after which only the National Congress or National General Council could hear the final appeal whichever comes first.
7. Any such further appeal must follow the appeal procedure set out above.
8. Appeals on the decisions of the NDC, where the NDC acts as a committee of first instance, shall be referred to the NEC in accordance with the procedures set out above.



ANC YOUTH League President JULIUS MALEMA



ANCYL Secretary General Sindiso Magaqa