



SOUTH AFRICAN PROFESSIONAL POLYGRAPH ASSOCIATION (SAPPA)

CONSTITUTION

ARTICLE I – Identity and Existence

- A. The name of this organisation shall be the South African Professional Polygraph Association.
- B. This organisation shall be a body corporate and have an identity and existence distinct from its members or office-bearers. This organisation shall:
 - 1. Exist in its own right, separately from its members.
 - 2. Be able to own property and other possessions.
 - 3. Be able to sue and be sued in its own name.
- C. This organisation shall continue to exist even when its membership changes and there are different office bearers.
- D. This organisation may close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.
- E. When this organisation closes down it has to pay off all of its debts. After doing so, all remaining organisation property and money shall not be paid to or given to members of the organisation. All remaining property and money shall be given to another nonprofit organisation that has similar objectives; with this organisation general meeting deciding which organisation shall receive the donation.
- F. The organisation may not give any of its money or property to its members or office-bearers. The only time it can do this is when it pays for work that a member or office-bearer has done for the organisation. The payment must be a reasonable amount for the work that has been done.
- G. The organisations financial transactions shall be conducted by means of a banking account; maintained by the organisations Treasurer consistent with this Constitution, including its bi-laws.

ARTICLE II – Goal

The goal of the South African Professional Polygraph Association is to provide mankind with a valid and reliable means to verify the truth of the matter asserted by:

- A. Serving the cause of truth with integrity, objectivity and fairness to all persons.
- B. Encouraging and supporting research, training and education to benefit members of the Association as well as those who support its purpose and by providing a forum for the presentation and exchange of information derived from such research, training and education.
- C. Establishing and enforcing standards for admission to membership and continued membership in the Association.
- D. Governing the conduct of members of the Association by requiring adherence to a Code of Ethics and a set of Standards of Practice.

ARTICLE III - General Provisions

- A. This document shall be known as the Constitution of the South African Professional Polygraph Association, which includes the bi-laws of the South African Professional Polygraph Association.
- B. No action or proceeding commenced before this Constitution takes effect, and no right accrued, is affected by the provisions of this Constitution, but all provisions thereafter taken herein shall conform to the provisions of this Constitution.



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- C. Unless the context otherwise requires, the General Provisions hereinafter set forth shall govern the construction of this Constitution and By-Laws established by the Board of Directors.
- D. Writing shall include any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required by this Constitution or the By-Laws of this Association, it shall be made in writing in the English language. The mailing (**including emailing**) of any notice, report or record shall be sufficient compliance with any requirement of this Constitution or excerpt as established by Board policy in accordance with Articles VII and IX of this constitution.
- E. Whenever any reference is made to any portion of this Constitution, such reference shall apply to all amendments and additions thereto now or hereafter made.
- F. The present tense includes the past and future tense; and the future, the present. The singular includes the plural and the plural the singular. The masculine gender includes the feminine and neuter.
- G. "Shall" is mandatory and "may" is permissive.
- H. "Accredited school" shall mean any school of polygraphy or forensic psychophysiology as accredited by the American Polygraph Association and thereby accepted by SAPPA.
- I. APA is the American Polygraph Association.
- J. "Association" shall mean the South African Professional Polygraph Association or any successor thereto; an entity distinct from its individual and group membership. "Association" is "organisation" within this constitution.
- K. "Board" shall mean the Board of Directors of the Association.
- L. "By-Laws" shall mean any set of rules or other writings established by the Board of Directors for the purpose of the administration of the affairs of the Association. The Board of Directors shall establish and maintain By-Laws. The By-Laws shall include, but are not limited to, a Code of Ethics and a set of Standards of Practice.
- M. "Director" shall mean any natural person elected **or appointed** to hold office under the provisions of this Constitution.
- N. "Elective Year" shall mean the period between meetings of the General Membership held for the purpose of electing Directors and Officers of this Association.
- O. "Meeting" shall mean any meeting of the General Membership of this Association, any meeting of the Board of Directors of this Association or any meeting of any committee authorized by this Constitution or convened at the direction of the President or the Board of Directors. Meetings other than the annual General Membership meeting may be in person, teleconference, or communications by other means.
- P. "Member" shall mean any natural person, partnership or division as defined and or limited by the Constitution or By-Laws of this Association.
- Q. "Officer" shall mean any natural person elected or appointed to one of the following offices: President, Vice-Presidents (Private, Government and Law Enforcement), Secretary and Treasurer.
- R. "Person" shall mean a human being as opposed to a partnership or division.
- S. "Polygraph" may mean "forensic psychophysiology" when used in detection of deception.
- T. SAPPA herein means the South African Professional Polygraph Association; an organisation distinct from its individual and group membership.
- U. "Voting Member" shall mean any member of the Association as defined or limited by the By-Laws.
- V. "Year" shall mean the calendar year beginning on January 1 at 0001 hours and ending on December 31 at 2400



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hours of any year. The affairs of this Association shall operate on the basis of a calendar year. A fiscal year may be utilized for financial accounting.

- W. In the event this Constitution, or any part thereof, or any additions or amendments made subsequently thereto, or the application thereof to any person or circumstance, be found in conflict with any law, such conflict shall be resolved in favour of the law; provided, that if the provisions of law be less than the requirements of this Constitution, such conflict shall be resolved in favour of this Constitution, as long as this Constitution would not be in violation of law.

ARTICLE IV - Membership

- A. Membership in the South African Professional Polygraph Association is a privilege.
- B. There shall be seven (7) classes of membership:
1. Full Member
 2. Intern Member
 3. Member
 4. Science, Technology and Professional Member
 5. Honorary Member
 6. Retired Member
 7. Divisional Membership
- C. Changes or additions to classes of membership or qualifications, rights and privileges of each class of membership shall be recommended only by a two-thirds (2/3) majority vote of the Board of Directors as set forth in the By-Laws of the Association. These changes must be approved by a majority vote of all voting members present at any meeting of the General Membership. Nothing herein shall be construed to limit the ability of the General Membership to act in accordance with Article XI (c)
- D. Subject to the terms and conditions of this Article, membership in the Association may be refused, suspended or terminated by the Board of Directors for:
1. Any act contrary to the provisions of the Code of Ethics and/or the Standards of Practice.
 2. Conduct which brings, or may tend to bring, discredit to the Association or the polygraph profession.
 3. Failure of any member to meet his, her or its financial obligations to the Association when due and payable.
- E. In lieu of suspension or termination of membership, the Board of Directors may censure any member, publicly or privately, or take other appropriate action for any violation of Section D of this Article. The Board shall act upon the findings and recommendations of the Grievance Committee at the next scheduled meeting of the Board of Directors.
- F. Members have no rights in the property or other assets of the organisation solely by virtue of their being members. Members of this organisation do not have rights over things that belong to the organisation.

ARTICLE V - Directors and Officers

- A. Only Voting Members authorized by the By-Laws shall hold office as a Director or as an Officer, except for the Secretary and Treasurer when provided for in the By-Laws.
- B. Directors - Directors shall perform the duties and fulfil the obligations of their office as defined in the By-Laws of the Association.
1. There shall be four (4) Directors.
 2. Each Director shall be elected to and shall serve a term of two (2) years or until the next meeting of the General Membership thereafter and may be re-elected to consecutive terms. Two (2) Directors shall be elected to office in years ending in even numbers and two (2) Directors shall be elected to office in years ending in odd numbers.
- C. Officers - Officers shall perform the duties and fulfil the obligations of their office as defined in the By-Laws of the Association. The Officers shall be six (6) in number and shall be the:



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1. President - The President shall be elected to a term of one (1) elective year and may be re-elected to consecutive terms.
 2. Vice President, Private - This Vice President shall be elected to a term of one (1) elective year and may be re-elected to consecutive terms.
 3. Vice President, Government - This Vice President shall be elected to a term of one (1) elective year and may be re-elected to consecutive terms.
 4. Vice President, Law Enforcement - This Vice President shall be elected to a term of one (1) elective year and may be re-elected to consecutive terms.
 5. Secretary - The Secretary shall be elected to and serve a term of two (2) elective years and may be re-elected to consecutive terms.
 6. Treasurer - The Treasurer shall be elected to and serve a term of two (2) elective years and may be re-elected to consecutive terms.
 7. The election of the Secretary and Treasurer will occur in different election years.
- D. Office-bearers, including officers, the Board of Directors, and all office-bearers, have no rights in the property or other assets of the organisation solely by virtue of their being office-bearers. Office-bearers of this organisation do not have rights over things that belong to the organisation.

ARTICLE VI - Board of Directors

- A. The Board of Directors (BOD) shall consist of:
1. The four (4) Directors.
 2. The President
 3. The three (3) Vice Presidents
 4. The Secretary
 5. The Treasurer
 6. The Immediate Past President (Chairperson)
- B. There may be Ex-Officio members of the Board of Directors. They must be nominated by the President and confirmed by at least a two-thirds (2/3) majority vote of the Board of Directors. They may attend any and all meetings of the Board, but shall have no vote in matters before the Board, except when serving in a dual capacity as Secretary and National Office Manager. Ex-Officio members may include, but not be limited to:
1. General Counsel
 2. Editor in Chief
 3. National Office Manager
- C. The chairperson of the board, or the president when no chairperson exists) shall call and preside over all meetings of the board subject to the terms and conditions of the By-Laws. The Immediate Past President shall exercise his/her vote only in case of a tie vote of the Board of Directors.
- D. The Board of Directors shall convene within forty-eight (48) hours prior to every meeting of the General Membership of the Association and, at such other times and places as may be necessary. A special meeting may be called at anytime by the Chairperson of the Board of Directors, or the President when no Chairperson of the Board exists, or through petition of the majority of the Board members. The Board shall take no vote in the absence of a quorum.
- E. The Board of Directors is responsible for the administration of the affairs of the Association and is authorized to take any action necessary to protect the best interests of the Association. The Board of Directors is responsible for ensuring organisational assets are used to promote the goals of the organisation per Article II of this Constitution and that they are not distributable to members except as deemed reasonable compensation for services rendered.
- F. The Board of Directors is responsible to ensure the continued existence of the Association, notwithstanding membership changes, and to oversee the distribution of Association assets should the Association dissolve. If the Association dissolves, all assets following resolution of outstanding debt shall be transferred to another non-profit organisation having similar objectives.

ARTICLE VII - Meetings, Elections, Voting and Dues

- A. The General Membership of the Association shall meet once each calendar year for the purpose of electing Directors and Officers of the Association and to act upon any business brought before it. The General Membership may elect



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to meet at any other time for any other purpose. The Board of Directors shall establish the date, time and place of the annual General Membership Meeting.

- B. Voting Members as defined, present at any meeting of the General Membership, shall constitute a quorum to transact any and all business brought before the membership by proper motion. A simple majority vote, unless otherwise provided in the motion, shall be sufficient to carry any motion. All votes, other than those for elective office, shall be taken by voice vote unless the motion requires a vote by secret written ballot in which case the vote shall be taken by secret written ballot.
- C. The election of Officers and Directors shall be held by secret ballot; provided, the election of any unopposed candidate may be by voice vote. If there are two candidates for a specific office, the candidate with the largest number of votes will be elected. If there are three or more candidates and the first ballot does not achieve a majority vote, the two candidates with the most votes will participate in a run-off election with the larger number of votes electing the candidate.)

The candidate with the largest number of votes will be elected. Both director positions shall be filled in one vote with the two candidates receiving the greater number of votes). All Officers and Directors shall take office immediately upon taking the oath of office at the meeting during which they were voted into office.

- D. In the event of death, resignation or the inability to act of any Officer or Director, the Board of Directors shall immediately appoint any Voting Member to serve the unexpired term of the deceased, resigned or disabled Officer or Director. The immediate Past President, when available, will fill any unexpired term of the President. When neither an immediate Past President nor the elected President can perform the duties and responsibilities of the President, the Board will elect one of the current Vice Presidents to fill the position of the President and will elect from the voting members someone to fill the position of the Vice President elected to the President position. Members of the Board of Directors may be removed, for cause, by a majority vote of the General Membership.
- E. Any member shall be entitled to speak on the floor at any meeting of the General Membership. Only Voting Members as defined in the By-Laws shall have the right to vote upon motions, elections or any other business brought before the general membership.
- F. Dues, and the amount thereof, may be established by a majority vote of the Board of Directors. Dues shall be levied against all members as established in the by-laws; provided, no dues shall be levied against Honorary Members or Retirees, and the amount of dues levied against Divisional Members shall be determined by the Board of Directors. The Board of Directors, by unanimous vote, may waive the dues of a member if it is in the best interest of the South African Professional Polygraph Association.
- G. For the sole purpose of providing recruitment incentives, when deemed appropriate, the Board of Directors shall have the authority to waive, suspend, adjust, or modify the existing membership dues and/or fees for specified groups of applicants or potential applicants when such action is deemed to be in the best interest of the Association.
- H. Special Assessments, and the amount thereof, may be established and levied by the Board of Directors; provided, no single special assessment shall exceed the amount of dues levied in the year in which the special assessment is imposed. All members, except Honorary members, may be subject to any assessment.

ARTICLE VIII - Standing and Ad-Hoc Committees

- A. When needed, the President shall establish the following standing committees and shall appoint a chairperson from the membership of the Board of Directors for each committee:
 - 1. Ethics and Grievance Committee
 - 2. Legislative Committee
 - 3. Membership Committee
 - 4. Public Relations and Information Committee
 - 5. Education Accreditation and Quality Control Committee
 - 6. Research and Development Committee
- B. The Chairperson will nominate to the President appointment of eligible association members to serve on each committee.
- C. The Chairpersons report to the President and supervise the operation of the various committees.



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- D. The Chairperson is responsible for presenting the status of the committee actions to the President and the Board of Directors.
- E. The President may establish *ad hoc* committees for the purpose of administering the goals and objectives of the Association and may appoint any Voting Member to act as Chairperson of any such committee. *Ad hoc* committees shall dissolve upon the completion of their stated purpose, dissolution by the President or upon the expiration of the office of the appointing President.
- F. Policies and Procedures established by the Board of Directors in administering the Association shall be documented as historical record by the Secretary and retained at the National Office.

ARTICLE IX - By-Laws

- A. By-Laws within this Constitution shall be established and maintained by the Board of Directors for the purpose of promoting the mission of the Association and administering the goals and objectives thereof.
- B. Unless otherwise specified, By-Laws may be amended so by a two-thirds (2/3) majority vote of the voting members of the Board; provided, no amendment or other revision shall be voted upon unless a copy of the proposed amendment or revision has been mailed or otherwise provided to all members of the Board at least thirty (30) days prior to the meeting upon which the amendment is to be voted, unless all voting members of the Board agree to a shorter advanced notification time period.

ARTICLE X - Parliamentary Authority

- A. In all instances not covered by this Constitution, the parliamentary authority for the Association shall be Robert's Rules of Order, as amended.
- B. All meetings of the General Membership shall be conducted in accordance with Robert's Rules of Order, as amended.
- C. All meetings of the Board of Directors shall be conducted in accordance with Robert's Rules of Order, as amended.

ARTICLE XI – Amendments

- A. This Constitution may be amended by two-thirds (2/3) majority vote of all Voting Members, as designated:
 - 1. present and voting at any meeting of the General Membership, or
 - 2. by absentee mail ballot.
- B. No amendment or replacement shall be voted upon unless a copy of the proposed amendment or revision has been mailed or otherwise made readily available to all Voting Members at least thirty (30) days prior to the meeting at which the amendment is to be voted upon or the deadline set in the mail ballot.
- C. Amendments may be proposed by any member to the Board of Directors and shall be submitted to the General Membership either on order by the Board of Directors or by petition signed by five (5) members in good standing of the Association.
- D. Amendments shall take effect immediately upon approval unless otherwise stated in the amendment.

ARTICLE XII – Ratification

This Constitution shall take effect and supersede, so subject to the provisions of Article III of this Constitution, any other Constitution then in effect, immediately upon approval.

The effective date of this Constitution is: Updated 20 December 2005.

Charles E. Slupski

President South African Professional Polygraph Association



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Representing association membership.

BY-LAWS of the South African Professional Polygraph Association

1. Division I: Name

- 1.1 This document shall be known as the By-laws, a part of the Constitution of the South African Professional Polygraph Association.

2. Division II: General Provisions

- 2.1 No action or proceeding commenced before these By-laws take effect, and no right accrued, is affected by the provisions of these By-laws, but all provisions thereafter taken herein shall conform to the provisions of these By-laws.

3. Division III: South African Professional Polygraph Association Standards of Practice (Updated 12 June 2005)

- 3.1 Statement of Purpose: It is the position of the Association that a polygraph examination, properly administered by a well trained and competent polygraph examiner and using a validated testing technique, has a high degree of accuracy in detecting truthfulness or deception. In order to ensure this high degree of accuracy, the Association establishes for its membership the following Standards of Practice. All examinations shall be conducted in compliance with governing local, provincial, and national regulations and laws, when applicable.

3.2 Definitions

- 3.2.1 Evidentiary Examination: A polygraph examination, the written and stated purpose for which, agreed to by the parties involved, is to provide the diagnostic opinion of the examiner as evidence in a pending judiciary proceeding. This is not intended to prevent admission as evidence of a confession obtained during the examination.
- 3.2.1.2 Investigative Examination: A polygraph examination for which the examination is intended to supplement and assist an investigation and for which the examiner has not been informed and does not reasonably believe that the results of the examination will be tendered for admission as evidence in a court of record.

Types of investigative examinations can include applicant testing, counterintelligence screening, and post-conviction sex offender testing, as well as routine multiple-issue or multiple-facet criminal testing. Investigative examinations are required to be conducted with a testing and analysis technique that has been validated through published and replicated research.

- 3.2.1.3 Validated Testing Technique: A polygraph testing technique, for which exists a body of acceptable scientific studies. A polygraph testing technique both endorsed by the APA and SAPPA Research and Development Committee, and published in Polygraph, the journal of the APA, shall be presumed to be a validated testing technique.
- 3.2.1.4 specific issue polygraph examination: a single-issue or multi-facet examination, normally administered in conjunction with investigation of an incident.
- 3.2.1.5 Standards of Practice: The generally accepted principles for the best/most appropriate way to conduct a polygraph examination. These principles are required to be observed and followed in conducting, analyzing, documenting, and reporting polygraph examinations. Standards are mandatory and may be accompanied by enforcement sanctions.
- 3.2.1.6 Guidelines: Recommended practices for the conduct, analysis, documentation and reporting of polygraph examinations. They differ from standards in that standards are mandatory whereas guidelines convey better practices. Within the standards of practice, guidelines are explicitly set forth as recommendations.

3.3 Polygraph Examiner

- 3.3.1 A polygraph examiner shall meet the training and educational requirements of his/her category of membership as set forth in Division V of the By-Laws.



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- 3.3.2 Intern members shall conduct evidentiary examinations only by stipulation of the parties, or under the supervision of a FULL MEMBER or MEMBER.
- 3.3.3 Polygraph examinations for clinical polygraph examination of sex offenders shall be conducted by members who have completed specialized training for sex offender polygraphs consistent with guidelines issued by the APA.
- 3.3.4 A polygraph examiner shall, where applicable, be licensed (or certified) by the regulatory organisation of his/her jurisdiction.
- 3.3.5 A polygraph examiner shall, where applicable, comply with all law pertaining to continuing education requirements.
- 3.3.6 A polygraph examiner actively conducting polygraph examinations shall have completed a minimum of thirty (30) Continuing Education hours every two years and shall document that training with SAPPA.
- 3.4 Polygraph Examinee
 - 3.4.1 The examiner shall make reasonable efforts to determine that the examinee is a fit subject for testing, where allowed by law. Basic inquiries into the medical and psychological condition of the examinee as well as any recent drug use should be made where allowed by law. Mental, physical or medical conditions of the examinee that should be observable to, or that should be reasonably known by the examiner, should also be evaluated prior to testing. No test should be conducted where valid results could not be reasonably foreseen.
 - 3.4.2 During the pre-test interview, where allowed by law, the examiner will specifically inquire of the person to be examined whether or not he or she is currently receiving or has in the past received medical or psychiatric treatment or consultation.
 - 3.4.3 If an examiner has a reasonable doubt concerning the ability of an examinee to safely undergo an examination, a release from the examinee and his/her physician shall be obtained.
- 3.5 Instrumentation and Recording
 - 3.5.1 Polygraph examinations shall be conducted with APA approved instrumentation and shall record, at a minimum, the following channels or components:
 - 3.5.1.1 Respiration patterns recorded by pneumograph components. Thoracic and abdominal patterns shall be recorded separately, using two pneumograph components.
 - 3.5.1.2 Electro dermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue.
 - 3.5.1.3 Cardiograph to record relative changes in pulse rate, pulse amplitude, blood pressure and relative blood volume.
 - 3.5.1.4 A motion sensor is required for evidentiary examinations. This technology is recommended for investigative examinations.

Effective January 1, 2012, this section is replaced as follows (previous passage deleted January 1, 2012): A motion sensor is required for all examinations.
 - 3.5.1.5 Other physiological data may also be recorded during testing, but may not be used to formulate decisions of truthfulness or deception unless validated in replicated and published research.
 - 3.5.2 Physiological recordings during each test shall be continuous, and shall be of sufficient amplitude to be easily readable by the examiner and any reviewing examiner. Pneumograph and cardiograph tracings between one-half inch and one inch in amplitude will be considered of sufficient size to be easily readable.
 - 3.5.3 The polygraph shall be given a functionality or calibration test consistent with manufacturer recommendations. The functionality or calibration test shall be administered prior to all evidentiary examinations. At a minimum, the examiner shall maintain these tests for no less than one year. Compliance with the law shall be required.



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- 3.6 Test Location and Conditions
- 3.6.1 Conditions under which testing occurs shall be free from distractions that would interfere with the ability of the examinee to appropriately focus on the issues being addressed. The examination site should be relatively free from outside noise and distraction.
- 3.6.2 Examiners performing live polygraph examinations in public shall not render opinions regarding the truthfulness or deception of the examinees. Examiners shall attempt to ensure that re-enactments of polygraph examinations are clearly conveyed as such to viewers.
- 3.7 Preparation
- 3.7.1 An examiner shall, prior to the examination, dedicate sufficient time to identify the issues and any potential problems in any area of testing.
- 3.8 Pre-test Practices
- 3.8.1 The examiner shall obtain information sufficient to identify the examinee.
- 3.8.2 The examiner shall obtain the consent of the examinee prior to testing.
- 3.8.3 Sufficient time should be spent to ensure that the examinee has a reasonable understanding of the polygraph process and the requirement for co-operation.
- 3.8.4 Sufficient time shall be spent to discuss the issues to be tested and to allow the examinee to fully explain his/her answers.
- 3.8.5 Sufficient time shall be spent to ensure the examinee recognizes and understands each question. Attempts by the examinee to rationalize should be neutralized by a pre-test discussion in which the examinee demonstrates he or she understands the test questions to have the same meaning as does the examiner. Questions shall be asked in a form that would prevent a reasonable person, facing a significant issue, from successfully engaging in a rationalization process to avoid culpability.
- 3.8.6 The examiner shall not express bias in any manner regarding the truthfulness of the examinee prior to the completion of testing.
- 3.9 Testing
- 3.9.1 A member polygraph examiner shall use a validated testing technique. Evidentiary examinations shall not materially deviate from the protocol of a validated testing technique. Where investigative examinations deviate from the format or protocol of a validated testing technique, such deviation shall, where the test is subjected to quality control by a reviewing examiner, be noted and justified in writing. For the resolution of specific issues, each polygraph examination shall use a validated testing technique.
- 3.9.2 A stimulation test or acquaintance test shall be required for all evidentiary examinations. A stimulation or acquaintance test is recommended for all initial examinations for any specific issue or investigative examination.
- 3.9.3 Questions shall be asked with clarity and distinctiveness.
- 3.9.4 Questions shall be balanced in terms of length and impact for each category of questions utilized. Questions used in the assessment of truth and deception shall be preceded and followed by time intervals of not less than 20 seconds. When approved validated research supports the use of another time interval, that time span shall prevail.
- 3.9.5 Examiners shall collect a sufficient number of charts so as to acquire sufficient data for proper evaluation, in conformity with a validated testing technique.



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- 3.9.6 Nothing in these standards is intended to prevent the use of new or unvalidated testing techniques for purposes of research.
- 3.9.7 Standardized chart markings, recognized and utilized within the polygraph profession should be employed.
- 3.9.8 An audio or an audio/video recording of the pre-test and in-test phases shall be made and maintained for evidentiary examinations and if submitted for quality control purposes, post conviction sex offender examinations, in conformity with governing laws.
- 3.9.9 A member polygraph examiner is prohibited from conducting more than four investigative or three evidentiary examinations in one day, and no more than five examinations of any type in one day. On rare occasion, exigent circumstances may warrant a waiver of this requirement.
- 3.10 Scoring
 - 3.10.1 Examiners shall employ quantitative or numerical scoring for all evidentiary examinations and for all specific issue investigative examinations.
 - 3.10.2 Examiner notes of the test evaluation shall have sufficient clarity and precision so that another examiner could read them.
 - 3.10.3 Examiners shall not disclose the results of the examination until it has been adequately and sufficiently analysed.
 - 3.10.4 Examiners shall maintain the confidentiality of their work conducted under privilege until a release by the client is obtained.
 - 3.10.5 An examiner subject to a quality control evaluation of a case shall fully disclose all relevant information regarding the case under review. Any doubts as to relevancy shall be resolved through disclosure.
- 3.11 Polygraph Standards for Post Conviction Sex Offender Testing
 - 3.11.1 The practice of post conviction sex offender testing is a specialized sub-discipline in polygraphy, unique in its application. Practitioners are required to satisfy the provisions set forth in the Standards of Practice for investigative examinations, in addition to those standards below.
 - 3.11.2 Minimum Training
 - 3.11.2.1 A minimum of 40 hours of post conviction specialized instruction, beyond the basic polygraph examiner training course requirements, shall be requisite to those who practice sex offender testing.
 - 3.11.2.1.1 The specialized instruction shall be approved by the apa or sappa in advance of the instruction.
 - 3.11.3 Written Examination.
 - 3.11.3.1 A final written examination, approved by the American Polygraph Association (APA) or SAPPA, shall be given subsequent to the approved training. The student must pass this written examination to receive an APA or SAPPA certificate for the training.
 - 3.11.4 Quality Control Requirements.
 - 3.11.4.1 All polygraph examinations of sex offenders submitted for quality control shall be recorded in their entirety. Though video recording is the preferred medium, audio recording is sufficient to meet this standard.
 - 3.11.5 Testing Facilities.
 - 3.11.5.1 Testing facilities shall support recording equipment, either audiovisual or audio.



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- 3.11.6 In-test Specifications.
 - 3.11.6.1 All recorded physiological data shall be retained as part of the examination file as long as required by regulation or law, but for a minimum of one year.
 - 3.11.6.2 Each single-issue examination shall employ a technique and format that has been validated through research.
 - 3.11.6.3 Reasonable departures from validated formats are permissible, to the extent that an independent examiner/reviewer would concur that the employed method was not significantly dissimilar from the format validated in research. Any deviations from validated formats shall be fully explained and justified by the examiner in writing where this test is subjected to an independent quality control.
- 3.11.7 Conflict of Interest
 - 3.11.7.1 PCSOT examiners who are therapists/treatment providers shall not conduct polygraph examinations on an individual that they directly or indirectly treat or supervise.
 - 3.11.7.2 PCSOT examiners who are probation or parole officers shall not conduct a polygraph examination on any individual that they directly or indirectly supervise.
- 3.12 Quality Assurance
 - 3.12.1 Member examiners shall submit to a quality assurance review of their polygraph work product in accordance with Board issued policy.
- 4. Division IV: Code of Ethics (November 9, 2002)
 - 4.1 Rights of Examinees
 - 4.1.1 A member shall respect the rights and dignity of all persons to whom they administer polygraph examinations.
 - 4.2 Standards for Rendering Polygraph Decisions.
 - 4.2.1 A member shall not render a conclusive diagnosis when the physiological records lack sufficient quality and clarity. This may include, but is not limited to, excessively distorted recordings possibly due to manipulations by the examinee, recordings with insufficient responsiveness, or recordings with tracing amplitudes less than that generally accepted by the profession.
 - 4.3 Post-Test Notification of Results
 - 4.3.1 A member shall afford each examinee a reasonable opportunity to explain physiological reactions to relevant questions in the recordings. There are three exceptions:
 - 4.3.1.1 When the examinee is represented by an attorney who requests that no post-test interview be conducted, and that the results of the examination be released only to the attorney.
 - 4.3.1.2 When the examination is being conducted by court order, which stipulates that no post-test interview is to be conducted.
 - 4.3.1.3 Instances of operational necessity.
 - 4.4 Restrictions on Rendering Opinions
 - 4.4.1 A member shall not provide any report or opinion regarding the medical or psychological condition of the examinee for which the member is not professionally qualified. This shall not preclude the examiner from describing the appearance or behaviour of the examinee. Polygraph outcome decisions shall be restricted to only those based on polygraph test data.



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- 4.5 Restrictions on Examinations
 - 4.5.1 A member shall not conduct a polygraph examination when there is reason to believe the examination is intended to circumvent or defy the law.
- 4.6 Fees
 - 4.6.1 A member shall not solicit or accept fees, gratuities, or gifts that are intended to influence his/her opinion, decision, or report. No member shall set any fee for polygraph services which is contingent upon the findings or results of such services, nor shall any member change his/her fee as a direct result of his/her opinion or decision subsequent to a polygraph examination.
- 4.7 Standards of Reporting
 - 4.7.1 A member shall not knowingly submit, or permit employees to submit, a misleading or false polygraph examination report. Each polygraph report shall be a factual, impartial, and objective account of information developed during the examination, and the examiner's professional conclusion based on analysis of the polygraph data.
 - 4.7.2 Polygraph reports shall not reflect numerical scores for in-test presented relevant questions(s) or otherwise reflect "split decisions" (multiple decisions), e.g., truthful to one or more relevant question(s) from the same data (tests / charts) where deception indicated or significant response is reported to one or more relevant question(s); unless a research supported element of a validated testing technique per this constitution. To do so would be considered misleading.
- 4.8 Advertisements
 - 4.8.1 A member shall not knowingly make, publish, or cause to be published any false or misleading statements or advertisements relating to the Association or the polygraph profession. No member shall make any false representation as to category of membership in the Association. All advertisements making reference to membership in the Association shall also list the category of membership.
- 4.9 Release of Non-relevant Information
 - 4.9.1 A member shall not disclose to any person any irrelevant personal information gained during the course of a polygraph examination which has no connection to the relevant issue, and which may embarrass or tend to embarrass the examinee, except where such disclosure is required by law.
- 4.10 Restrictions on Examination Issues
 - 4.10.1 A member shall not include in any polygraph examination, questions intended to inquire into or develop information on activities, affiliation, or beliefs on religion, politics, or race except where there is relevancy to a specific investigation.
- 4.11 SAPPA Oversight Authority
 - 4.11.1 A member who administers or attempts to administer any polygraph examination in violation of the Code of Ethics or the Standards of Practice may be subject to investigation, censure, suspension or expulsion or other appropriate action from the Association, as provided by Article IV of the SAPPA Constitution.



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- 5. Division V: Membership
 - 5.1 Full Member
 - 5.1.1 Full Members of this Association are those persons who, upon application for membership in SAPPA and acceptance by the SAPPA Board of Directors, have:
 - 5.1.1.1 Graduated from an APA accredited school; and,
 - 5.1.1.2 Completed not less than two hundred (200) actual polygraph examinations using a standardized polygraph technique as taught at an APA accredited school; and,
 - 5.1.1.3 Received a Baccalaureate Degree OR SOUTH AFRICA NATIONAL DIPLOMA or equivalent from a college or university accredited by a regional accreditation board; and,
 - 5.1.1.4 A current and valid license to practice polygraphy when required and issued by a government entity requiring such license.
 - 5.1.2 The right to vote in all matters before the General Membership.
 - 5.1.2.1 Eligibility to hold any elective office in the Association.
 - 5.1.2.2 Eligibility to hold any appointed position in the Association or to serve as the Chair of any standing or Ad Hoc Committee.
 - 5.1.2.3 Met all financial obligations to the Association.
 - 5.2 Member
 - 5.2.1 Members of this Association are those persons who, upon application for membership in SAPPA and acceptance by the SAPPA Board of Directors, do not meet the requirements for Full Member and are persons who are practicing polygraph examiners that have:
 - 5.2.1.1 Graduated from an APA accredited school or in lieu thereof,
 - 5.2.1.1.1 Have graduated from a SAPPA accepted polygraph training program, have successfully completed a SAPPA administered qualifying examination attesting to their knowledge of and competence in the administration of polygraph procedures, with said examination consisting of an oral and written assessment of both academic and practical knowledge of polygraph detection of deception procedures and satisfactory review of five complete audio/video recorded polygraph examinations of which at least three resulted in an appropriate no deception indicated opinion, have successfully completed 32 hours of continuing education in topics directly related to polygraph testing during the two years immediately prior to applying for SAPPA membership, and are in attendance at a SAPPA Annual General Membership meeting at the time of consideration of their membership application; and,
 - 5.2.1.2 Completed not less than two hundred (200) actual polygraph examinations using a standardized polygraph technique as taught at an APA accredited school; and,
 - 5.2.1.3 Received a Baccalaureate Degree OR SOUTH AFRICAN NATIONAL DIPLOMA or equivalent from a college or university accredited by a regional accreditation board or in lieu thereof, have at least five years polygraph experience; and,
 - 5.2.1.4 A current and valid license to practice polygraphy when required and issued by a government entity requiring such license.
 - 5.2.2 The right to vote in all matters before the General Membership.



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- 5.2.2.1 Eligibility to hold any elective office in the Association if a graduate of an APA accredited school.
- 5.2.2.2 Eligibility to hold any appointed position in the Association or to serve as the Chair of any standing or Ad Hoc Committee.
- 5.2.2.3 Met all financial obligations to the Association.
- 5.3 Intern Member
 - 5.3.1 Intern Members are those persons who, upon application for membership in SAPPA and acceptance for membership by the SAPPA Board of Directors:
 - 5.3.1.1 Are in attendance at or graduates of an APA accredited school; and,
 - 5.3.1.2 Meet all requirements for membership as a Full Member or Member, except for the experience and educational requirements as set forth in 5.1 and 5.2 above; and, have:
 - 5.3.2 The right to vote in all matters before the General Membership.
 - 5.3.2.1 No eligibility to hold any elective office in the Association.
 - 5.3.2.2 Eligibility to hold any appointed position in the Association except to serve as an officer or to Chair any standing or Ad Hoc Committee.
 - 5.3.2.3 Met all financial obligations to the Association.
- 5.4 Science, Technology and Professional Membership
 - 5.4.1 Science, Technology and Professional members are, upon application and acceptance, those persons, organisations or corporations who have a professional or scientific interest in the polygraph profession through polygraph study, research, instrumentation or professional support.
 - 5.4.2 Science, Technology and Professional members shall:
 - 5.4.2.1 Not have the right to vote in matters before the General Membership, unless serving in a dual capacity of Science, Technology and Professional member and elected to the Board.
 - 5.4.2.2 Be eligible to serve on any Standing or Ad Hoc Committee.
 - 5.4.2.3 Meet all financial obligations to the Association.
- 5.5 Honorary Member
 - 5.5.1 Honorary Members are those accepting persons who:
 - 5.5.1.1 Have made an outstanding contribution to the Association and the polygraph profession, and;
 - 5.5.1.2 Have been nominated by any Member for Honorary Membership, and;
 - 5.5.1.3 Whose nomination has been approved by a two-thirds (2/3) majority vote of the Board, and
 - 5.5.1.4 Whose nomination has been confirmed by a majority vote of all Voting Members present at a meeting of the General Membership.
 - 5.5.2 Honorary Members shall:



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- 5.5.2.1 Not have the right to vote in matters before the General Membership.
- 5.5.2.2 Have the right to speak on any issue before the General Membership or the Board of Directors.
- 5.5.2.3 Not be eligible to hold any elective office in the Association.
- 5.5.2.4 Not be eligible to Chair any Standing or Ad Hoc Committee.
- 5.5.2.5 Be exempt from annual membership dues to the Association.
- 5.6 Retired Member
 - 5.6.1 Retired members are those persons who:
 - 5.6.1.1 Are at least 65 years of age.
 - 5.6.1.2 Are no longer engaged in profit-making polygraph employment.
 - 5.6.1.3 Have at least 15 years of membership in the SAPPA Association
 - 5.6.1.4 Have attended a minimum of five (5) APA Annual Seminars.
 - 5.6.1.5 Whose nomination has been approved by a two-thirds (2/3) majority vote of the Board, and;
 - 5.6.1.6 Whose nomination has been confirmed by a majority vote of all Voting Members present at a meeting of the General Membership.
 - 5.6.2 Retired members shall:
 - 5.6.2.1 Have the right to vote in all matters before the General Membership.
 - 5.6.2.2 Be eligible to hold any elective office in the Association.
 - 5.6.2.3 Be eligible to hold any appointed position in the Association and Chair any Standing or Ad Hoc Committee.
 - 5.6.2.4 Be eligible to serve on any Standing or Ad Hoc Committee.
 - 5.6.2.5 Be exempt from annual membership dues to the Association.
- 5.7 Divisional Member
 - 5.7.1 Divisional Members are those polygraph organisations or associations who upon application and acceptance desire a professional relationship with the South African Professional Polygraph Association and whose members agree to abide by the Code of Ethics and the Standards of Practice of the Association. An applicant for Divisional Membership shall:
 - 5.7.1.1 File a copy of its Constitution or By-laws with the Board and, if granted membership, notify the Board of any change in said documents.
 - 5.7.1.2 Be granted Divisional Membership upon a two-thirds (2/3) majority vote of the Board.
 - 5.7.2 Divisional Members shall:



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- 5.7.2.1 Be autonomous in all matters, but must be in compliance with the Code of Ethics and Standards of Practice of this Association.
- 5.7.2.2 Not represent themselves as other than a Divisional Member of this Association nor represent that by virtue of their Divisional Membership some or all of the members therein are members of SAPPA. This shall not preclude members of SAPPA from belonging to a Divisional Member and representing themselves to be members of the Association.
- 5.7.2.3 Maintain separate financial accounts and records from the SAPPA and not bind the Association to any financial commitment or responsibility.
- 5.7.3 The Board of Directors may upon a two-thirds (2/3) majority vote, revoke the Divisional Membership of any such member who:
 - 5.7.3.1 Fails to subscribe to or enforce upon its members the SAPPA Code of Ethics and Standards of Practice.
 - 5.7.3.2 Fails to hold a meeting of its General Membership within a twelve (12) month period.
- 5.8 General Provisions
 - 5.8.1 Subject to the terms and conditions of this Article, membership in the Association shall be terminated upon the conviction of any member, other than a Divisional Member, of any felony crime or any crime of moral turpitude. Conviction, for the purpose of this section, shall mean the judgment of any court of competent jurisdiction, local, provincial or national and shall include a plea of "no contest" to a crime amounting to a felony or when included as a lesser offence or when included as a condition of probation. Such termination of membership shall be automatic and without action by the Grievance Committee or the Board.
 - 5.8.2 Any Member, other than a Divisional Member, who has been formally charged in any court of competent jurisdiction on a charge amounting to a felony crime or any crime of moral turpitude shall, within thirty (30) days of such arraignment, notify the Chairperson of the Grievance Committee of such arraignment. Notification shall be in writing and shall include the nature of the charge, the name and address of the court where the member was arraigned, the date of the arraignment and the case or docket number assigned by the court.
 - 5.8.2.1 The membership of any Member who fails to comply with the provisions of this sub-section shall be suspended without action by the Grievance Committee or Board. Said suspension shall be effective on the thirty-first (31st) day after being formally charged and shall continue until the member complies with the requirements of this sub-section.
 - 5.8.3 The membership of any Member, other than a Divisional Member, who resigns from this Association shall be reinstated upon approval of the Membership Committee or the Board; provided, the member:
 - 5.8.3.1 Qualifies for the class of membership to which he or she qualified at the time of resignation.
 - 5.8.3.2 Meets all financial obligations to the Association for the year in which the reinstatement is sought.
 - 5.8.3.3 Was not the subject of investigation by the Grievance Committee or failed to meet his/her financial obligations to the Association at the time of his/her resignation.
 - 5.8.4 Any applicant pending Board approval of membership or Intern Member who is in the process of upgrading to Full Member will not be eligible for further membership processing unless their current grievance investigation is deemed unfounded and closed.
 - 5.8.5 Membership does not bestow a right to organisational income, property or other asset. Organisational assets are not distributable to members except as Board of Directors deemed reasonable compensation for services rendered.
 - 5.8.6 Membership, regardless of classification or position held, does not incur a personal liability beyond that expressly cited within this constitution.



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6. Division VI: Directors
 - 6.1 Directors of the Association shall perform such duties as assigned by the President or Board of Directors.
7. Division VII: Officers
 - 7.1 The President shall:
 - 7.1.1 Preside over all meetings of the General Membership.
 - 7.1.2 In the absence of the Chairperson of the Board, preside over all meetings of the Board of Directors.
 - 7.1.3 Have general supervision over the affairs and administration of the Association and of the duties of those appointed to office.
 - 7.1.4 Perform such duties as the Board may assign and represent this Association at official functions.
 - 7.1.5 Appoint the Chairpersons of all Standing or Ad Hoc Committees.
 - 7.1.6 Perform other duties as assigned by the Board.
 - 7.2 The Vice-Presidents shall:
 - 7.2.1 Represent the interest of all SAPPA members, especially focusing on the segment of their representation, Government, Private, Law Enforcement.
 - 7.2.2 Perform other duties as assigned by the Board.
 - 7.3 The Secretary shall:
 - 7.3.1 When not the National Office Manager, in conjunction with the National Office Manager, serving as appointed Assistant Secretary, be responsible for recording and retaining the official minutes, resolutions, and proceedings of the Association derived from business meetings of the general membership, the Board of Directors, or other meetings as may be required for the effective and orderly transaction of the Association's business.
 - 7.3.2 Distribute official notices, correspondence and other materials and record policy and procedures established during Board of Directors Meetings.
 - 7.3.3 Perform other duties as assigned by the President or the Board.
 - 7.4 The Treasurer shall:
 - 7.4.1 Ensure organisational financial transactions are conducted by means of a banking account and be the primary custodian of all funds and securities, of whatever nature, which are the property of the Association and shall provide copies thereof to the National Office Manager.
 - 7.4.2 Maintain complete and accurate records of all financial transactions and asset accountability related to the Association.
 - 7.4.3 Be authorized, and by virtue of these By-laws is authorized, to act in all financial matters wherein an authorized signature is required on behalf of this Association. In the absence or disability of the Treasurer, the President may act for him.
 - 7.4.4 Perform an annual audit of the Association's records and financial transactions and report the results to the membership at the Annual General meeting.



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- 7.4.5 Publish or cause to be published a Statement of Assets and Liabilities as well as a Statement of Income and Expenses of the Association semi-annually and make available to each member of the Board of Directors upon request. Such statements shall be available for review by any Voting Member upon demand. Such information is deemed proprietary to the SAPPA and shall be treated as confidential and any dissemination to anyone other than the requester is prohibited and unlawful.
- 7.4.6 Collect all dues authorized by the General Membership and all assessments levied by the Board. Dues are due upon becoming a member and annually thereafter. Any member who fails to meet financial obligations to the Association shall be suspended without action of the Board until the next meeting of the Board of Directors at which time they may continue the suspension or terminate the membership.
- 7.4.7 Assisted by the National Office Manager, be responsible for preparing or supervising such tax and other official documents as may be required by law; proposing or supplying such other budget or financial reports as the Board may direct.
- 7.4.8 Compile and present a budget to the incoming SAPPA Board of Directors subsequent to the General Membership meeting.
- 7.4.9 Accomplish applicable investment per guidance of the Board.
- 7.4.10 Perform other duties as assigned by the Board.
- 8. Division VIII: Ex-Officio Members of the Board of Directors
 - 8.1 The General Counsel shall:
 - 8.1.1 Advise the Board on all legal matters which may come before it and may represent the Association in all litigation.
 - 8.1.2 Provide advice to the Board of Directors on policies and decisions under consideration by the Board of Directors.
 - 8.1.3 Perform other duties as assigned by the President.
 - 8.2 The Editor In Chief shall:
 - 8.2.1 Publish or cause to be published any and all publications, newsletters, journals or other documents authorized and directed by the Board.
 - 8.2.2 Distribute or cause to be distributed any and all publications, newsletters, journals or other documents authorized and directed by the Board.
 - 8.2.3 Shall recommend to the President for approval and appointment, the names of other editorial and/or staff members. The Editor shall maintain financial and other records as may be required by the Board of Directors.
 - 8.2.4 Perform other duties as assigned by the President.
 - 8.3 The National Office Manager shall:
 - 8.3.1 Manage the National office in support of SAPPA members under the direct supervision of the President and the members of the Board of Directors.
 - 8.3.2 Be the primary custodian of all records, of whatever nature, which are the property of the South African Professional Polygraph Association.
 - 8.3.3 Perform other duties as assigned by the President and the Board of Directors.
- 9. Division IX: Standing Committees



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- 9.1 Standing Committees shall consist of a Chairperson appointed by the President and not fewer than two (2) nor more than seven (7) members of which at least two do not hold elected office in the Association. The Standing Committees are:
- 9.1.1 The Ethics and Grievance Committee
- 9.1.1.1 The Ethics and Grievance Committee receives and expeditiously, fairly, and impartially investigates all allegations of misconduct against members of the Association. An ethics or grievance investigation shall be initiated by filing a complaint. All complaints shall be in writing, signed by the complainant, and sent to the Chair of the Committee. The Committee shall not consider, investigate, nor act upon any allegation that does not meet these criteria.
- 9.1.1.2 Upon receipt of the complaint, the Chair of the Committee shall determine whether the complaint sets out an allegation of an ethical violation. If the Chair determines that the complaint does not set out an allegation of an ethical violation, the Chair will notify the Board and with concurrence will notify the complainant.
- 9.1.1.2.1 If the Chair determines that the complaint sets out an allegation of an ethical violation, the Chair shall forward the complaint to the accused member requesting a written response to the complaint along with a request for any other documentation deemed necessary for investigation of the complaint.
- 9.1.1.2.1.1 The accused member shall have thirty (30) days, or such longer time as granted by the Chair, from the receipt of the complaint to respond, in writing, to the Chair. Failure to provide requested information to the Grievance Committee shall be grounds for probation, suspension, termination of membership or other appropriate action.
- 9.1.1.3 Upon receipt of the written response, the Chair shall, along with any investigation deemed necessary, determine if the complaint is without merit and should be dismissed or whether disciplinary proceedings should be initiated. With Board concurrence that the complaint is without merit, the Committee Chair or his/her appointed Committee representative shall notify the complainant and accused member, in writing, of that decision.
- 9.1.1.3.1 If a disciplinary proceeding is initiated; the accused member shall have thirty (30) days from the date of notification by the Chair to request a hearing. Such request shall be in writing and addressed to the Chair. The Chair shall, after receipt of the accused member's request for a hearing, conduct or appoint a member of the Committee to conduct the hearing. The accused member shall have at least ten (10) days written notice of the time, place, and date of the hearing. The accused member shall have the right to legal counsel or other advocate and may call witnesses to provide evidence on his/her behalf. The Committee Chair or appointed Committee representative may examine witnesses called by the accused member and may call other witnesses as deemed necessary.
- 9.1.1.3.1.1 If the accused member fails to request a hearing or fails to appear at a hearing subsequent to a request for such, the Chair or appointed Committee representative shall proceed with an investigation as deemed necessary to make findings and recommendations.
- 9.1.1.4 Upon consideration of the evidence and testimony, the Chair or Committee representative shall submit this findings and recommendations to the full Committee for review and comment. The Committee shall determine whether to accept, reject or modify the finds and recommendations. The Chair shall be governed by a majority vote of the Committee and shall notify the accused member, in writing, of its findings and recommendations.
- 9.1.1.5 If disciplinary action is recommended, the Chair or his/her appointed Committee member representative, shall present the evidence, findings and recommendations to the Board of Directors who shall, by majority vote, determine whether disciplinary action is to be taken against the member, and the nature of the disciplinary action.
- 9.1.1.5.1 The Board of Directors may publicly or privately censure, suspend, terminate membership in the Association or take other appropriate action. The Board shall notify the accused member, in writing, of the Board's decision. The Board shall advise the complainant if disciplinary action was taken.
- 9.1.1.6 The accused member may appeal to the Board when that appeal is based on information previously submitted during the inquiry process. The accused member may not base an appeal on information previously withheld.



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- 9.1.1.7 Except as otherwise contemplated by the Constitution and By-laws; information obtained by the Grievance Committee is considered confidential and should not be released outside the Committee or Board of Directors.
- 9.1.1.8 If an ethics or grievance complaint is filed by or against a member of the Ethics and Grievance Committee or a member of the Board of Directors, that member shall recuse himself or herself from investigation or consideration of the complaint.
- 9.1.1.9 The Ethics and Grievance Committee performs other duties as assigned by the President of the Board of Directors.
- 10 Division X: Ratification
- 10.1 These By-laws shall take effect at the time the Constitution of the South African Professional Polygraph Association is ratified and shall supersede all other By-laws then in effect.