

URBAN DESIGN INSTITUTE OF SOUTH AFRICA UDISA

(Western Cape Branch)

Secretariat: CIA, 71 Hout Street Cape Town 8001 South Africa
PO Box 3952 Cape Town 8000 Tel:+27-21-424 7128 Fax:+27-21-424 3620
udisa@cifa.org.za

CODE OF CONDUCT: UDISA CODE OF ETHICS

PART B: Procedures for Enquiry into Allegations of Breach of the Code of Conduct

The Urban Design Institute of South Africa (UDISA) is committed to maintaining the highest standards of professionalism, integrity and competence.

Members who voluntarily enrol with the UDISA are required to uphold and subscribe to these objectives and, within the built environment, to strive to improve the standards of health and safety for the protection and welfare of all members of society and to enhance with their professional skills, the natural environment to the benefit of all.

Members of UDISA, are educated and trained to provide leadership, critical judgement, specialist knowledge, skills and aptitude, for the design and development of the built environment.

The *UDISA Code of Ethics* establishes principles for the conduct of Members in pursuance of these goals.

The *UDISA Code of Ethics* consists of two sections:

PART A: The Code of Conduct

PART B: Procedures for Enquiry into Allegations of Breach of the Code of Conduct

The Code of Conduct is arranged in three sections:

Principles are broad principles of ethical conduct.

Rules are mandatory: violation of a rule is grounds for disciplinary action by UDISA

Notes serve as commentary to assist members in complying with the Code and those charged with the enforcement of the Rules. (The Notes do not form part of the Rules.)

The Code addresses the responsibilities of all Members in following their professional duties to:

- The public which the profession serves and the environment which the profession strives to enrich;
- The clients and users of architecture;
- Other members of the urban design profession;
- The promotion of the art and science of urban design - that continuum of knowledge and creation which is the heritage and legacy of the profession; and
- Contractors, consultants, members of the public and other third parties affected by their work.

PART B: PROCEDURE FOR ENQUIRY INTO ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT

- 1 Any allegation that a member of UDISA is in breach of the Code of Conduct shall be made in writing to UDISA and the Management Committee shall consider the allegation.
- 2 The Management Committee may require the person who made the allegation to confirm the allegations of fact by way of an affidavit.
- 3 If it appears to the Management Committee that the allegation supports a prima facie case of improper conduct, a copy of the allegation shall be sent to the member against whom the allegation has been made who shall be required to submit his written reply to the allegation within twenty-one days. The factual elements in the reply may be required to be confirmed by affidavit, at the discretion of the Management Committee.
- 4 On receipt of the reply, the Management Committee may:
 - 4.1 require the complainant or the member or both to submit further particulars in writing, which particulars may also be confirmed by affidavit, OR
 - 4.2 Resolve to dismiss the allegation or to take no further action in the matter, whereupon it shall forthwith advise the complainant and the member concerned of its decision and thereafter the matter shall be considered closed, OR
 - 4.3 resolve to accept the member's admission of guilt, whereupon it shall record the admission and impose such sanction provided in paragraph 9 hereunder as it deems appropriate, OR
 - 4.4 resolve to enquire into the conduct of the member concerned, whereupon it shall:
 - 4.4.1 Appoint no more than two persons to investigate the complaint, one of whom shall also be appointed to lead evidence to the Management Committee at a hearing.
 - 4.4.2 The person(s) appointed in terms of clause 4.4.1 shall further investigate the complaint and in writing formally charge the member concerned with a breach of one or more of the Rules of the Code of Ethics and shall specify the conduct of the member which it alleges constitutes a breach of one or more of the Rules of the Code of Ethics and which of the Rules it alleges have thereby been breached,
- 5 The Executive Officer of UDISA shall in writing inform the member concerned of the date when and the place where the hearing is to be held.
- 6 The person who made the originating allegation may be requested to give evidence but cannot be compelled to do so.
- 7 Save as aforesaid, the Management Committee shall decide its procedure provided that the rules of natural justice are duly observed.
- 8 The Management Committee shall hold a hearing at the conclusion of which it shall either:
 - 8.1 find that the member is guilty as charged, or
 - 8.2 find that all or some of the charges have not been proved and shall dismiss such charges. Charges that have once been dismissed in respect of a particular set of circumstances may not be made again against the member in respect of the same circumstances.
- 9 Where the Management Committee find a member guilty as charged of a breach of one or more Rules of the *Code of Conduct*, it may impose one or more of the following sanctions:
 - 9.1 a reprimand with a warning
 - 9.2 temporary suspension of membership of UDISA for one year
 - 9.3 cancellation of membership of UDISA

- 10** The Management Committee, having considered recommendation of sanction may
 - 10.1 impose the sanction recommended, OR
 - 10.2 impose a lesser sanction
- 11** A member of UDISA who is aggrieved by a finding and a sanction may appeal to the UDISA Management Committee.
- 12** A request for such appeal shall be made in writing within thirty days of notification of the finding and sanction, stating briefly the grounds on which such appeal is made. On receiving the appeal the UDISA Management Committee shall request a report on the hearing and finding. On receipt of the report the UDISA Management Committee shall appoint an appeal committee consisting of not more than three members of UDISA at least one of whom shall be a member of the UDISA Management Committee, to consider the request for an appeal.
- 13** Having considered the evidence, the appeal committee shall recommend to the UDISA Management Committee either:
 - 13.1 that the previous finding be confirmed, OR
 - 13.2 that the previous finding be confirmed but that the sanction be reduced, OR
 - 13.3 that the previous finding and sanction be set aside.
- 14** On receipt of the appeal committee's recommendation, the UDISA Management Committee shall either:
 - 14.1 confirm the original finding and sanction, OR
 - 14.2 confirm the original finding but reduce the sanction, OR
 - 14.3 dismiss the original finding and sanction.
- 15** The UDISA Management Committee shall convey its decision to the appellant.
- 16** The power of the UDISA Management Committee and any appeal committee it may appoint shall be limited to a consideration of the written representation of the appellant and the original report of the Management Committee and it shall not be empowered to hear further evidence.
- 17** The Management Committee may in appropriate circumstances recover from the member, if found guilty as charged, any costs reasonably incurred by the Institute in respect of the enquiry.
- 18** The Management Committee may publish its finding against a member for breach of a Rule of the Code of Conduct and the sanction imposed in such manner as it deems appropriate. Save as aforesaid, the proceedings in connection with any enquiry into an allegation of breach of the Rules of the Code of Conduct shall be confidential.
- 19** Where the allegation of a breach of any Rule of the Code of Conduct is made against a juristic body registered as an urban design practice, the charge shall be made against all the directors or members of the juristic body who are members of UDISA and any finding and any sanction shall be made jointly and severally against those of its directors or members who are members of the UDISA.