



**SOUTHERN AFRICAN POLYGRAPH FEDERATION
(SAPFED)**

THE CONSTITUTION
of the
SOUTHERN AFRICAN POLYGRAPH FEDERATION

DEFINITIONS

1.1 In the interpretation of this Constitution the following definitions shall apply:

accredited institution	Any institution accredited by APA or endorsed by SAPFED on the grounds of recognition that presents formal polygraph courses and training and meets internationally recognised polygraph standards.
Act	Non-profit Organisations Act, 71 of 1997
Annual General Meeting	Annual general meeting (AGM) of the Federation's members
auditors	Auditors appointed to deal with the Federation's matters
ballot	An audited voting process used by members to vote on an issue of the Federation. The ballot may be by electronic vote, physical vote or by proxy vote
Board	Board of Directors of the Federation
Code of Ethics	A code of ethical conduct (COE) that members of the Federation shall adhere to

Code of Practice	A code of standards of practice (COP) that members of the Federation shall adhere to
Constitution	The constitution of the Federation
Director	An elected member of the Board
elected term	The period between the date of a Director's election and the day on which he vacates that position
electronic vote	An audited electronic voting system used by the Federation to ballot its members
examinee	A person who voluntarily undergoes or has undergone a polygraph examination
Federation	The Southern African Polygraph Federation
internal enquiry	An enquiry conducted by the Federation to investigate an allegation of misconduct, poor service delivery or a breach of the Constitution or a Regulation by a member
internship	A specific and limited period of polygraph training that an Intern member under goes under the mentorship of an experienced polygraphist
majority vote	An audited voting result reflecting the choice of 50% plus-one of the members who voted in a ballot
may	Indicates an option
meeting	Any meeting of the members of the Federation or the Board, whether in person, by teleconference or by any other communication or electronic means
member	A paid-up member of the Federation

national ballot	A national voting process in which all members of the Federation may cast their votes on a matter brought before them in terms of this Constitution
person	A natural person
polygraph instrument	An instrument used to conduct polygraph examinations
polygraph examination	A complete pre-test, in-test and post-test polygraph procedure using a polygraph instrument and generating a finding
polygraphist	An experienced investigator who has undergone specific and recognised specialised training in the field of polygraphy, synonymous with the term 'polygrapher' or 'polygraph examiner'
polygraphy	The forensic detection of deception and truth verification as conducted by a qualified polygraphist using a polygraph instrument and recognised polygraph testing procedures.
President	The elected chairperson of the Board
quorum for an AGM and SGM	When 30% plus one of the members are present or represented by proxy then a motion shall be carried when 50% plus one of the votes cast support the motion
quorum for an electronic ballot	When 50% plus one of the members participate in the ballot then a motion shall be carried when 50% plus one of the votes cast support the motion.
Regulations	The rules and procedures established and adopted by the Board to administer the affairs of the Federation and include a Code of Ethics (COE) and a Code of Practice (COP).
shall	Indicates an obligation
Special General Meeting	An extra-ordinary special general meeting (SGM) of the Federation members convened for a specific purpose in terms of the Constitution

Vice-President The elected Vice-chairperson of the Board

vote A selection made by a member when balloted and may be by electronic vote, physical vote or by proxy vote

ARTICLE A

Name

1. This Federation shall be known as the **Southern African Polygraph Federation** and use the acronym **SAPFED**.

ARTICLE B

Mission

1. The mission of the Southern African Polygraph Federation (SAPFED) is to co-ordinate and consolidate the activities of the polygraph profession and the polygraph industry in Southern Africa by:
 - 1.1 Advancing the highest standards of professional, moral and ethical conduct of its members.
 - 1.2 Serving the cause of impartiality, truth, justice, fairness, respect for human dignity and fundamental human rights irrespective of race, culture, gender, sexual-orientation or social status as enshrined in the Constitution of the Republic of South Africa.
 - 1.3 Promoting professional standards of polygraph, founded on the Federation's Code of Ethics (COE) and Code of Practice (COP) and international best-practises in the field of polygraph.
 - 1.4 Promoting advanced levels of training, developing specialised skills and creating a forum where such knowledge and expertise can be exchanged between polygraphists in the industry.
 - 1.5 Promoting high standards of service delivery and professionalism amongst its members and advancing the interests of its members.
 - 1.6 Liaising with individuals and institutions, locally and abroad that can contribute to the professionalism of polygraphy and the polygraph industry in Southern Africa.

ARTICLE C

General Provisions

1. The following provisions shall govern the contents of this Constitution:

- 1.1 This Constitution shall apply to all members of the Federation.
- 1.2 All business, notices, reports, statements and records of the Federation shall be conducted in the English language.
- 1.3 Unless the context requires otherwise, any words referring to the singular shall also imply the plural and vice versa. Words referring to any one gender shall include the other gender.
- 1.4 The annual financial cycle of the Federation shall end on the last day of June.
- 1.5 The Federation shall maintain a bank account with a South African banking institution and conduct all financial transactions through the bank account.

ARTICLE D
Membership

- 1. A person may apply for membership of the Federation if he complies with the following minimum requirements:
 - 1.1 Has completed polygraph training at an accredited or SAPFED endorsed institution and graduated as a polygraphist;
 - 1.2 Has attained the age of twenty-three (23) years;
 - 1.3 Were not convicted of an offence, as listed in Schedules 5 and 6 of the Criminal Procedure Act, 51 of 1977, as amended, in the past ten years, and were sentenced to a period of one year or longer in prison without the option of a fine.
 - 1.4 Is of good moral and ethical standing;
 - 1.5 Has not previously been expelled from this or any other polygraphy federation or association for violating their Code of Ethics or Code of Practice, or bringing the polygraphy profession into disrepute.
- 2. There shall be two (2) classes of membership:
 - 2.1 Member
 - 2.1.1 Meets the minimum requirements
 - 2.1.2 Completed more than five hundred (500) polygraph examinations;
 - 2.1.3 Has at least five (5) years of verifiable investigative experience

- 2.1.4 Is eligible to hold any elective office in the Federation if he has been a member of the Federation for at least two years.
- 2.2 Intern
 - 2.2.1 Meets the minimum requirements
 - 2.2.2 Has not yet completed five hundred (500) polygraph examinations;
 - 2.2.3 Does not yet have at least five (5) years of verifiable investigative experience
 - 2.2.4 Is not eligible to hold any elective office in the Federation.
- 3. Changes or additions to the classes of membership or the requirements and rights of each class of membership shall be approved by a majority vote of the members at an AGM, SGM or during a national electronic ballot.
- 4. Membership of the Federation may be terminated in the following circumstances:
 - 4.1 Any repeated contraventions by a member of the Constitution, Regulations, Code of Ethics or the Code of Practice.
 - 4.2 Conduct that has brought the Federation or the polygraphy profession into serious disrepute.
 - 4.3 When a member is convicted of a serious crime that has or could bring the Federation, its members or the polygraphy profession into serious disrepute.
 - 4.4 Persistent failure of a member to meet his financial obligations to the Federation.
 - 4.5 Failure on the part of accused member to provide information requested by the Board and/or to co-operate fully with the DES or an investigating Director appointed to conduct an Internal Enquiry.
 - 4.6 Proven contraventions of the Constitution, the Code of Ethics and/or the Code of Practice.
- 5. A former-member of the Federation may re-apply for membership provided that he meets the requirements for membership above, has not previously been expelled from the Federation for bringing the it or the profession into disrepute and does not have any outstanding financial obligations to the Federation.
- 6. Membership fees shall be determined annually and approved by the Board.

ARTICLE E
The Board of Directors

- 1. Only members in the category Member may be elected as Directors of the Board.
- 2. Directors shall perform the duties and functions of their portfolios as stipulated below.

3. The President may establish ad-hoc committees for the purpose of achieving a specific objective. He shall appoint a Director or co-opt a Member to act as the convenor of the ad-hoc committee for its duration. The ad-hoc committee shall dissolve upon the completion of its stated purpose.
4. The Board shall compile and retain administrative and financial records, policies and procedures created during its term to administer the Federation. These archives and historical records shall be transferred to subsequent Boards for that intended purpose.
5. The Board may establish and present awards to recognise individuals who have made significant contributions to the development of polygraphy in Southern Africa or to recognise polygraphists who have displayed exceptional levels of excellence in the polygraphy profession.

ARTICLE F

Directors

1. The Board shall consist of seven Directors, namely:
 - 1.1 The President;
 - 1.2 The Vice-President;
 - 1.3 Director: Administration (DA);
 - 1.4 Director: Finance and Membership (DFM);
 - 1.5 Director: Policy and Legislation (DPL);
 - 1.6 Director: Ethics and Standards (DES);
 - 1.7 Director: Training and Development (DTD).
2. The following shall apply to the Board:
 - 2.1 The Board shall be the highest decision-making body of the Federation.
 - 2.2 The Board shall be elected by the members of the Federation by majority vote during an electronic vote or at a properly constituted AGM or SGM.
 - 2.3 The newly elected Board shall elect the President and the Vice-President immediately after the election.
 - 2.4 The various portfolios/Director positions shall be allocated by consensus or majority vote by the new Board immediately after the election and this shall be conveyed to the members within seven (7) days.
 - 2.5 The Board may from time to time formulate, amend and administer appropriate

Regulations that govern the day to day functioning of the Federation.

- 2.6 The Board shall convene prior to every AGM or SGM and whenever necessary. A meeting of the Board may be called at any time by the President or any Director.
- 2.7 The Board is responsible for the daily administration of the Federation and to protect the best interests of the Federation, its members and the polygraphy profession.
- 2.8 All decisions of the Board shall be made by a majority (4/7) vote of the Directors representing a quorum and only after inputs concerning the matter tabled have been received from all Directors of the Board.
- 2.9 Each director shall continue to hold office from the date of the appointment until the third annual general meeting following his appointment, at which meeting each director shall be deemed to have retired from office but will be eligible for re-election to the board of directors at such meeting.
- 2.10 Upon any vacancy occurring in the board of directors prior to the next annual general meeting, the vacancy in question shall be filled by a person nominated by the remaining directors for the time being in office.

ARTICLE G
Duties of Directors

- 1. Directors of the Federation shall perform the following duties as designated by the portfolios below and any other duties agreed upon by the Board:
 - 1.1 The President:
 - 1.1.1 Preside over all meetings of the Board or members or nominate the Vice President or a Director to preside when necessary.
 - 1.1.2 Supervise the expenditure of the Federation's funds and ensure that an certified financial statement is distributed before and tabled during the annual AGM for scrutiny by any member.
 - 1.1.3 Supervise the affairs and administration of the Federation and the duties of those appointed to office.
 - 1.1.4 Assist the Vice-President to deal with all complaints and internal enquiries of the Federation.
 - 1.1.5 With the assistance of the Director: Administration deal with all correspondence entering and leaving the Federation.
 - 1.1.6 Publish, distribute or compile, or cause to be published, distributed or compiled, any publication, newsletter, journal or document agreed upon by the Board.

- 1.1.7 Liaise with the media, namely radio, television, electronic and printed media and any relevant institutions, associations or federations with the aim of promoting the mission, role, functions and activities of the Federation, its members and the polygraphy profession in general.
- 1.1.8 Promote the Federation and its members whenever and wherever possible and to encourage the public to use polygraphists registered with the Federation.
- 1.1.9 Represent the Federation at official functions or delegate this function to another Director when appropriate.
- 1.1.10 Perform other duties as assigned by the Board.

1.2 The Vice-President (VP):

- 1.2.1 Represent the Federation in the President's absence.
- 1.2.2 Supervise all complaints and internal enquiries of the Federation and co-ordinate such matters with the DES or investigating Director as required in Section E of the Regulations.
- 1.2.3 Regularly report to the President and the Board on the progress of enquiries concerning complaints or other issues relating to the violation of the Constitution or any Regulations.
- 1.2.4 Perform other duties as assigned by the Board.

1.3 Director: Administration (DA):

- 1.3.1 Serve as the secretary of the Federation, receive all correspondence and channel it to the President and Directors where appropriate.
- 1.3.2 Be responsible for recording and retaining the official minutes, resolutions, and proceedings of the Federation, emanating from all business meetings of the members, of the Board or meetings convened for the effective and orderly administration of the Federation.
- 1.3.3 Distribute official notices, minutes and correspondence to all members when required.
- 1.3.4 Administer the Federation's internet website, e-mail address and other electronic and internet platforms.
- 1.3.5 Identify and utilise the services of an independent electronic voting service to independently collect and audit votes when a national electronic ballot is conducted.

- 1.3.6 Issue new membership certificates (electronic or hard-copy) in conjunction with the Director: Finance and Membership.
- 1.3.7 Perform other duties as assigned by the Board.
- 1.4 Director: Finance and Membership (DFM):
 - 1.4.1 Serve as the treasurer of the Federation and deal with all financial and membership matters of the Federation.
 - 1.4.2 Handle all funds and maintain complete and accurate records of all financial transactions over the financial cycle from 1 July to 30 June of the following year.
 - 1.4.3 Act in all financial matters wherein an authorised signature is required on behalf of the Federation, after receiving approval from the Board.
 - 1.4.4 Identify an independent and certified public Accountant for approval by the Board that will perform an annual certification of the Federation's financial accounts and report on the Federation's financial status.
 - 1.4.5 Distribute the annual certified financial report to all members at least seven (7) days prior to a forthcoming AGM or SGM and to present the annual financial report at such a meeting.
 - 1.4.6 Maintain a list of the Federation's physical assets, indicating where they are located and the member responsible for the asset, and to verify these matters annually prior to the AGM.
 - 1.4.7 Maintain a 'Statement of Income, Expenses and Liabilities' of the Federation and report on these matters in writing to the Board every six (6) months. Such statements shall be available to any member for inspection.
 - 1.4.8 Monitor and record the payment of membership fees into the Federation's bank account by new and existing members. Membership fees shall be payable annually on a date determined by the Board.
 - 1.4.9 New members joining the Federation during the first six (6) months of the financial cycle shall pay the full membership fee, whereas new members joining in the latter six (6) months of the financial year shall pay only 50% of the annual membership fee.
 - 1.4.10 Distribute reminders and final notices to all members concerning annual membership fees due that are due and follow up any outstanding membership fees.
 - 1.4.11 Report to the Board any member that repeatedly fails to meet his financial obligations to the Federation. Such a member may have their membership suspended until such time that the outstanding fees have been paid in full to the Federation or their membership may be cancelled if fees have not been paid after the prescribed reminders have been sent to them.

- 1.4.12 Seek the approval of the Board to pay any expenses, relevant taxes or levies due by the Federation or incurred by a Director or member acting on behalf of the Federation and to keep record of all such transactions.
 - 1.4.13 Together with the Board, compile a plan-of-action for the forthcoming twelve months and prepare a budget for approval by the Board, within thirty (30) days of being appointed to office.
 - 1.4.14 Administer an interest-earning bank account at an approved banking institution in which all Federation funds shall be deposited for the exclusive use of the Federation and its members.
 - 1.4.15 Receive applications for membership to the Federation, consider the category that the applicant qualifies for, circulate the application documentation to the Board for comment and approval or rejection by majority (4/7) vote.
 - 1.4.16 Issue new membership certificates (electronic or hard-copy) in conjunction with the Director: Administration, to update the membership register and to advise new members of the process they need to follow to be listed on the Federation website.
 - 1.4.17 Inform unsuccessful applicants accordingly, provide them with reasons for the rejection and state what requirements they may need to fulfil before their membership can be reconsidered.
 - 1.4.18 Perform other duties as assigned by the Board.
- 1.5 Director: Policy and Legislation (DPL):
- 1.5.1 Manage and administer all activities concerning policies and legislative matters pertaining to the Federation and to report on such activities to the Board.
 - 1.5.2 Advise and make recommendations to the Board on any legal matters relating to the Constitution, Regulations, Code of Ethics, Code of Practice or any other issue relevant to the activities of the Federation.
 - 1.5.3 Seek legal representation for the Federation when relevant.
 - 1.5.4 Access and distribute relevant research material that can be useful to members in terms of the Commission for Conciliation, Mediation and Arbitration (CCMA), Labour law and other legislation and statutes affecting the Federation's members in particular and the polygraph industry in general
 - 1.5.5 Co-ordinate the bestowing of awards established by the Board as envisaged in Article E5 above. This will include annually inviting nominations from the members, submitting nominations to the Board for consideration and approval and arranging the award ceremony at an appropriate meeting.
 - 1.5.6 Perform other duties as assigned by the Board.

- 1.6 Director: Training and Development (DTD):
- 1.6.1 Manage and administer all activities concerning polygraphy training and the internship programmes of the Federation and to report on such activities to the Board.
- 1.6.2 Identify the advanced training and development needs of the members.
- 1.6.3 Organise and facilitate advanced training and seminars for the members.
- 1.6.4 Collect and distribute relevant research material which can be useful to members and to advance the continued education of members.
- 1.6.5 Liaise with other polygraphy associations and training institutions in order to promote co-operation and the exchange of training material between such bodies and the Federation.
- 1.6.6 Identify mentors that can assist with the internship of Intern members.
- 1.6.7 Compile an internship programme and set measurable standards or targets that must be attained by Intern members during such an internship programme.
- 1.6.8 Monitor the progress of Intern members undergoing an internship programme in conjunction with the mentor supervising the Intern member.
- 1.6.9 Endorse the completion of internship programmes by Interns and recommend applications by Interns for appointment to the membership category, Member.
- 1.6.10 Perform other duties as assigned by the Board.
- 1.7 Director: Ethics and Standards (DES):
- 1.7.1 In conjunction with the Vice-President, manage and administer all activities concerning ethical matters, standards of practise, grievances and complaints made against members of the Federation or the Board, in terms of the '*Quality Control checklist*' and '*Quality Control Time-frame*' (see Regulations and Annexure C).
- 1.7.2 Mediate or assist the Vice-President to mediate between complainants and accused members when a mediation process is appropriate in terms of the '*Processing of a Complaint -Time-frame*' (see Regulations and Annexure A)
- 1.7.3 Conduct internal enquiries and quality control assessments in terms of section E of the Regulations '*Procedures for handling complaints and internal enquiries*' when instructed to by the President and/or Vice-President and submit reports for consideration in terms of the '*Internal Enquiry – Timeframe*' and '*Quality Control - Timeframe*' (see Regulations and Annexures B and C)

- 1.7.4 Regularly report to the Vice-President and the Board on the progress of enquiries concerning complaints or other issues relating to the violation of the Constitution or any Regulations.
- 1.7.5 Perform other duties as assigned by the Board.

Section H
Remuneration of expenses to members of the Board

1. Members of the Board or any other member co-opted by the Board may be remunerated for expenses incurred on behalf of the Federation, provided that a budget proposal has been presented to the Board before the expenses have been incurred and the expenses are reasonable and in the interests of the Federation.
2. The Board member or co-opted member shall be required to present a detailed claim with supporting documentation and receipts for expenses incurred, to the Board for consideration and approval.
3. Any extraordinary or fruitless expenses shall be presented to the Board for consideration and approval or rejection with remedial proposals.
4. Expenses may include any reasonable operational, travel or hotel expenses incurred in the interests of the Federation, provided that recognised accounting procedures are followed to record and justify such official expenses.
5. In cases where advanced training seminars, annual general meetings or annual conferences are being organised, a budget proposal shall be prepared by the relevant Director in conjunction with the DFM and presented to the Board for consideration and approval before the expenses are incurred.

Section J
Meetings, Elections and Ballots

1. Members of the Federation shall meet at least once every calendar year for the purpose of dealing with business brought before it or to elect new Directors.
2. Members may elect to meet at any other time for any other purpose after consulting with the Board to establish a suitable date, time and place for such a meeting.
3. When required members shall be balloted by national electronic ballot or at an AGM or SGM, as determined by the Board.
4. An AGM or SGM shall enjoy a quorum when 30% plus one of the members are present or represented by proxy. A motion brought before it by formal motion shall be carried when 50% plus one of the votes cast support the motion. Votes shall be taken by a

show and count of hands and any valid proxy votes submitted shall be included in the final count.

5. A national electronic ballot shall enjoy a quorum when 50% plus one of the members took part by casting a vote in the ballot. A motion voted upon shall be carried when 50% plus one of the votes cast support the motion.
6. Directors shall be nominated when required through a formal nomination procedure and a ballot shall be held by national electronic vote or during an AGM or SGM to elect Directors to the Board.
7. In the event of the incapacity, resignation or the inability of a Director to complete his elected term, the Board shall identify and appoint by majority vote a replacement to serve the unexpired term of the former-Director. The Vice-President shall complete any unexpired term of the President unless the Board agrees to elect a new President from its ranks.
8. A Director may be removed from office for good cause by an unanimous vote of the Board or by a 'vote of no confidence' by a majority of the members at an AGM or SGM if a written complaint has been received and an internal enquiry has been concluded in terms of the Constitution and Regulations.
9. Any member may make a submission or table a motion to an AGM, a SGM or the Board at any time. The submission or motion shall however be distributed to the members for comment at least twenty-one (21) days prior to the meeting.
10. All members shall have the right to vote on any motion, to participate in any ballot and contribute to any business brought before the members.
11. All members shall be entitled to receive copies of the annual financial statements and minutes of any general meeting of the members from the DA.

ARTICLE K **Regulations**

1. Regulations to this Constitution shall be established, maintained and enforced by the Board for the purpose of promoting the mission of the Federation and administering the goals and objectives thereof.
2. Regulations shall be amended by a majority vote (4/7) of the Board.
3. A copy of any proposed amendment or revision of a Regulation shall be circulated to all Board members at least thirty (30) days prior to the date upon which the amendment is to be discussed and voted on.
4. Any amendments to the Regulations shall be relayed to the members within fourteen (14) days of the amendments being adopted.

ARTICLE L
Constitutional Amendments

1. This Constitution may be amended through a national electronic ballot and shall deem to have been approved and adopted when 50% plus one of the total members participated in the national ballot and when a simple majority (50% plus one) of the members voted in favour of the matter or motion tabled.
2. Amendments to the Constitution shall be voted upon only after a copy of the proposed amendment or revision has been circulated to all members at least twenty-one (21) days prior to the date at which the amendment is to be voted upon.
3. Any member of the Federation may submit written proposals to amend the Constitution or the Regulations for consideration to the Board or may submit a petition signed by at least twenty (20) members for consideration by the Board.
4. Approved amendments shall take effect immediately unless otherwise stated and shall be conveyed to all members within fourteen (14) days of adoption.

ARTICLE M
Legislative Authority

1. In all instances the legislative authority of the Federation shall be that of the Republic of South Africa (RSA).
2. All meetings shall be conducted in accordance with the recognised procedures and rules of order in the RSA at the time.
3. The Board may by unanimous vote formally to register the Federation with the Registrar of Non-Profit Organisations in terms of the Act, should it be deemed necessary to do so in the interests of the Federation.

ARTICLE N Ratification

1. This Constitution shall take immediate effect and replace any previous Constitution of the Federation upon its adoption.
2. This Constitution was approved and adopted by the members of the Southern African Polygraph Federation at an AGM on 28 October 2017 at Pretoria.