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# *Appeal Process Procedure of SAPIK*

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## 1. **Appeal process**

Procedure for lodging an internal appeal:

1.1. The complainant (appellant) may appeal to the appeal committee against the findings or penalty of the ethical committee or both such finding and such penalty.

1.2 The appellant must, within 21 days from the date of the decision of the ethical committee, submit to the registrar a written notice of his or her intention to appeal: Provided that a notice of intention to appeal submitted after 21 days may be considered by the appeal committee if it is accompanied by an application for indulgence stating the reasons for the delay, and the appeal committee must, on the date set down for the appeal, consider such application before the appeal on merits.

1.3 The appeal committee must provide the appellant with a copy of the transcript of the proceedings of the inquiry within 60 days from the date on which the appeal committee received the written notice of intention to appeal referred to in sub regulation (1.2). Provided the appellant pays the reasonable costs of making such copy of the transcript.

1.4 The appellant must deliver a copy of his or her papers, setting out the grounds of appeal and containing a summary of arguments, via email or registered post to the appeal committee and one copy to the other party (ethical committee) within 30 days from the date on which he or she received the copy of the transcript referred to in sub regulation (1.3).

1.5 The other party must deliver a copy of his or her reply to the appellant's papers, containing his or her summary of arguments, via email or registered post to the appeal committee and one copy to the appellant within 30 days from the date on which the appellant delivered his or her papers to the appeal committee.

1.6 The appellant must, within 14 days from the date on which the other party submitted his or her reply, deliver a copy of his or her reply to that of the other party to the appeal committee and one copy to the other party.

\* All above documentation can either be sent via email or registered post (The Register office of SAPIK, P.O. Box 6001, internal box 616, North West University, Potchefstroom Campus, Potchefstroom).

1.7 The appeal committee set out by SAPIK will study the complaint separately and must consider all the above documentation by die appellant and the other party.

1.8 The appeal committee set out by SAPIK must allow representations and arguments from both parties or their legal representatives, deliberate on the matter on camera and thereafter advise the parties of its findings, which must be confirmed by the appeal committee in writing.

\* Each party is responsible for his or her own costs occasioned by the preparation for and finalization of the appeal.

1.9 The decision of the appeal committee will be of force and effect from the date determined by the committee and may be set aside by a High Court if approached.

The appeal committee may decide on any of the following procedures:

(a) Should the appeal committee find the appeal and explanation of the appellant sufficient the practitioner will be notified and the case will be seen as completed.

(b) Should the appeal committee decide that there were grounds for complaint and the practitioner was found guilty of misconduct, the decision is final.

(c) A practitioner found guilty of professional misconduct may be subject to the following penalties:

- A caution or a reprimand or both as seen fit by the appeal committee.
- A fine may be given according to the severity of the complaint or indiscretion.
- Removal of his/her name from the SAPIK register for a period of time or permanent removal
- Payment of the costs of the proceedings.