



**SOUTHERN AFRICAN POLYGRAPH FEDERATION
(SAPFED)
REGULATIONS**

**Section A
Name**

1. This document shall be known as the 'Regulations' of the Southern African Polygraph Federation.

**Section B
General Provisions**

1. The Regulations shall not have any retrospective effect.

**Section C
Code of Ethics**

1. Members of the Federation shall at all times and in all circumstances;
 - 1.1 Support and promote the aims and objectives of the Federation.
 - 1.2 Maintain the highest standards of professional, moral and ethical conduct by serving the cause of impartiality, truth, justice, fairness, respect for human dignity and the fundamental human rights entrenched in the Constitution of the Republic of South Africa.
 - 1.3 Comply with all the Laws of the Republic of South Africa.
 - 1.4 Abide by the Constitution and Regulations of the Federation.

**Section D
Code of Practice**

1. The Code of Practice aims to ensure that the Federation and its members enjoy a unity of purpose in providing an ethical and professional polygraph service to the public and

to ensure that neither members of the public coming into contact with the polygraph industry nor members of the Federation are abused or exploited in any way.

2. A member shall at all times respect the fundamental rights and human dignity of the examinee.
3. A member shall only conduct a polygraph examination with the examinee's informed consent and voluntary participation.
4. A member shall utilise a polygraph instrument that records separate, permanent and simultaneous reactions of the respiratory, cardiovascular, and electro-dermal activity of the examinee.
5. A member shall utilise a motion sensor system or cushion to record all physical movements of the examinee, in order to identify possible physical counter-measures taken by the examinee attempting to manipulate the polygraph examination outcome.
6. A member shall utilise an Audio/Video (AV) recording system to record the entire polygraph examination.
7. A member shall not conduct an examination using a faulty polygraph instrument or dysfunctional attachments.
8. A member shall only conduct an examination on an examinee when he is deemed to be mentally, physically and emotionally suitable to be tested.
9. A member shall only use a validated polygraph examination technique and a recognised question format
10. A member shall always hand-score all charts collected, provide a written report to the client and maintain a copy for record purposes.
11. A member shall only render a finding after evaluating at least three (3) charts of sufficient quality and clarity.
12. A member shall afford the examinee a reasonable opportunity to explain his or her physiological responses to the relevant questions or findings at the conclusion of an examination.
13. A member shall only provide diagnosis concerning the examinee's medical and/or psychological condition if professionally qualified to do so, but the member may describe the appearance and/or behaviour of the examinee when relevant.
14. The polygraph report produced by a member at the conclusion of an examination shall be factual, impartial and objective and convey all relevant information concerning his or her findings.
15. A member shall not conduct an examination when there is good reason to believe that he or she is committing a crime or furthering an unlawful act.
16. A member shall not accept any payment or benefit that is intended to influence his or her finding on an examination or solicit a payment contingent upon the findings of an examination.

17. To protect the privacy of an examinee, a member shall not disclose any information obtained during a polygraph examination to any unauthorised person, except where the disclosure is required by Law.
18. A members shall retain all documentation, charts and results of every examinee for a period of one year before they are disposed of or destroyed in an appropriate manner.
19. A member shall not conduct more than five (5) polygraph examinations within a period of twenty-four (24) hours, however it is acknowledged that operational circumstances may sometimes arise that force a member to deviate from this limit.
20. A member shall not utter or publish any false statements relating to this Federation, any member, the polygraph profession or make false representations concerning his or her membership status.
21. A member who administers a polygraph examination in violation of any clause of this Code of Practice may be subject to an investigation and expulsion from the Federation.

Section E
Procedures for handling complaints and internal enquiries

1. The following procedures shall be followed when receiving a complaint or allegation of misconduct against a member:

(See Attachment A: Processing a Complaint - Time-frame)
- 1.1 Complaints or allegations of misconduct made against a member shall be handled and investigated in a fair and impartial manner.
- 1.2 Complaints or allegations shall be requested in writing or converted to writing as soon as possible by the recipient, if received telephonically or anonymously and immediately brought to the attention of the President and Vice-President.
- 1.3 The President and Vice-President shall within three (3) days scrutinise the complaint/allegation and if the matter warrants further investigation or attention the Vice-President shall be delegated to deal with the matter and give further attention.
- 1.4 The Vice-President shall within three (3) days acknowledge receipt of the allegation in writing, if the complainant is known and the complainant shall be informed that the matter is receiving further attention.
- 1.5 The Vice-President shall within ten (10) days attempt to mediate between the complainant and the accused member with the aim of bringing the matter to a satisfactory conclusion without the Federation having to conduct a lengthy and time-consuming investigation.
 - 1.5.1 This may require the accused member to engage directly with the complainant until the complaint, problem or matter in dispute has been resolved to the satisfaction of the complainant and the Federation.
 - 1.5.2 If the complaint relates to unsatisfactory or sub-standard polygraph practises by the accused member then he or she may be required to refund the complainant, to re-do

the polygraph examinations concerned or to take all reasonable actions to remedy the problem to the satisfaction of the complainant and the Federation.

- 1.6 The Vice-President shall on the tenth (10th) day report to the President on what remedial actions have been taken to resolve the matter and what measures have been put into place to monitor or verify that the matter is concluded to the satisfaction of the complainant and the Federation.
- 1.7 If the complaint or issue in dispute has been amicably mediated and resolved then the matter is deemed to be concluded in as far as the complainant is concerned.
- 1.8 The Vice-President shall within fourteen (14) days submit a final report to the President and the Board concerning the matter and if appropriate recommend remedial action, a quality control assessment of the polygraph procedures used by the accused member or a written warning from the President against the accused member, if a majority of the Board deem it appropriate.
- 1.9 If the problem or issue in dispute cannot be resolved by mediation and an internal enquiry is unavoidable then the Vice-President will proceed to instruct the DES or another Director, if deemed appropriate, to institute an investigation within seven (7) days and to report back as required by the Internal Enquiry time-frames.
- 1.10 All available documentation concerning the matter shall immediately be despatched to the DES/ Investigating Director and will form the basis of the Internal Enquiry (IE) file.

2. The following process shall be followed when conducting an Internal Enquiry:

(See Attachment B: Internal Enquiry - Time-frame)

- 2.1 When a problem or issue in dispute cannot be resolved by mediation and an internal enquiry is unavoidable then the Vice-President shall within seven (7) days proceed to instruct the DES or another Director, if deemed appropriate, to institute an investigation and to report back as required by these time-frames.
- 2.2 All available documentation concerning the matter shall immediately be despatched to the DES/ investigating Director and will form the basis of the Internal Enquiry file.
- 2.3 The accused member shall be informed by the Investigating Director that the Internal Enquiry has commenced and the allegations against him or her shall be spelt out in detail, referring to the sections of the Constitution and/or Regulations that deem to have been violated by the accused member. He or she will be requested to respond to the accusations in writing within fourteen (14) days. If the accused member repeatedly fails to comply then clause 3 below may come into effect.
- 2.4 On receipt of the written response/feedback from the accused member the investigating Director shall make recommendations to the Vice-President within seven (7) days as to whether the matter is deemed to have been concluded or whether further investigation is required.
- 2.5 If the matter is deemed to have been satisfactorily concluded the Vice-President shall convey the finding to the President for comment within five (5) days.
- 2.6 The President may endorse the findings or request the Vice-President to instruct the investigating Director to proceed with further investigation where appropriate, within five (5) days.
- 2.7 If the matter is concluded the Vice-President shall relay the findings in writing to the complainant and to the accused within seven (7) days.

- 2.8 If the matter is deemed to require further investigation the Vice-President shall relay the decision of the President with an explanation in writing to the investigating Director and inform him or her to proceed with the internal enquiry as recommended.
- 2.9 The investigating Director shall proceed urgently with the matter and provide the Vice-President with a weekly report on the progress of the investigation until it is concluded;
- 2.10 If the matter has not been concluded within twenty-eight (28) days, then the investigating Director and the Vice-President shall make a recommendation to the President on the feasibility of proceeding with the internal enquiry and the prospects of achieving a satisfactory conclusion.
- 2.11 If the investigating Director has by this time concluded the internal enquiry then he or she shall submit a final report to the Vice-President within seven (7) days after the matter is deemed to have been concluded.
- 2.12 The Vice-President shall within seven (7) days submit the findings and appropriate recommendations to the President when the matter is deemed to have been concluded.
- 2.13 The final report may if appropriate also be circulated to the other members of the Board by the President for comment and endorsement. The feedback from the various Directors shall reach the President within seven (7) days.
- 2.14 On receipt of all inputs and comments the President and Vice-President shall within seven (7) days make a finding and bring the matter to a conclusion.
- 2.15 Remedial action may be recommended, a quality control assessment of the polygraph procedures used by the accused member may be instituted or a written warning from the President against the accused member may be issued, if the Board deem it appropriate.
- 2.16 The President shall relay the finding/decision in writing to the complainant and the accused within seven (7) days.

3. The following criteria shall be considered when conducting a review of polygraph examination findings or investigating a complaint that a member has failed to adhere to recognised standards of polygraphy:

(See Attachment C: Processing a Quality Control Review - Time-frame and Appendix 1: Quality-Control Check-list)

- 3.1 On receipt of a request to review a polygraph examination finding the President or Vice-President shall within three (3) days scrutinise the request and if the matter warrants further investigation or attention, instruct the Director: Ethics and Standards (DES) or another Director if required to deal with the matter.
- 3.2 The Vice-President shall within two (2) days acknowledge receipt of the request in writing to the requesting party. If the request is a complaint the complainant shall be informed that the matter is receiving further attention.
- 3.3 The DES or investigating Director tasked with the review will contact the polygraphist(s) in question telephonically and in writing. They may be requested to submit all charts, audio-video (AV) recordings, reports and other relevant documents or information relating to the examination under review via email, by hand or courier within five (5) days.
- 3.4 The DES shall then remain in contact with all parties and conclude the review within (5) days or as soon as possible thereafter.

- 3.5 Once the review has been completed with the aid of the 'Quality-Control Check-list (see Appendix 1)', the DES shall submit a written review report to the President and Vice-President for consideration and approval within three (3) days. If the DES identifies serious discrepancies in the charts, reports, documentation or examination results that bring the credibility of the polygraph examination and accuracy of the findings into question, this shall be brought to the attention of the President and Vice-President.
- 3.6 The polygraphist in question shall be provided with a copy of the review report and invited to give an explanation within five (5) days.
- 3.7 Once feedback has been received from the polygraphist in question the President and Vice-President will review the matter and recommend remedial action within five (5) days.
- 3.8 The President or Vice-President shall within three (3) days submit a final report to the complainant, all interested parties and the polygraphist(s) in question spelling out the remedial action taken.
4. Failure on the part of any member to provide information requested by the Board or to co-operate fully with the DES/ investigating Director may be grounds for termination of membership from the Federation.
5. All information obtained during any internal enquiry, hearing or quality control review shall be considered confidential and shall not be released to any unauthorised person outside the Board or the Federation.

Section F

Non-payment of membership fees or other financial obligations

1. The following procedures shall be followed when dealing with members who fail to pay their membership fees within the prescribed time:
- 1.1 The DFM shall send an electronic 'invoice for annual membership fees' to every member on 1 December, to advise them that membership fees are due on 1 January for the forthcoming year.
- 1.2 If a member fails to renew his membership by 31 January, then an electronic reminder (copy of invoice) shall be re-submitted to the member informing him or her that his or her membership shall lapse if not renewed within seven (7) days.
- 1.3 If by 28 February the member has still not renewed his or her membership, then it shall be presumed that he or she has chosen not to renew his membership of the Federation and his membership shall lapse.
- 1.4 The DFM shall instruct the website editor to remove the member's details from the website and keep record of the matter for record purposes or should any dispute arise in this regard.
- 1.5 The DFM shall send correspondence to the member informing him of this fact.
2. The following procedures shall be followed when dealing with a member who fails to pay or to settle other financial obligations payable to the Federation within sixty (60) days of incurring such a debt with the Federation:

- 2.1 The DFM shall send an electronic 'invoice to the member to advise him or her that a financial obligation is due to the Federation and indicate the nature of the service rendered to the member by the Federation.
- 2.2 If a member fails to settle the outstanding financial obligation within thirty (30) days then an electronic reminder (copy of invoice) shall be re-submitted to the member informing him or her that the sum is now overdue and must be settled immediately or his or her details shall be removed from the website.
- 2.3 If after sixty (60) days the member has still not settled his or her outstanding financial obligation then it shall be presumed that he or she has chosen not to do so.
- 2.4 The DFM shall instruct the website editor to remove the member's details from the website and keep record of the matter for record purposes or should any dispute arise in this regard.
- 2.5 The DFM shall send correspondence to the member informing him or her of this fact.

Section G **Annual standards assessment**

- 1. All members may be required to submit one (1) complete Non-Deceptive (NDI) polygraph examination to the Director: Ethics and Standards (DES) for an annual standards assessment (ASA) every year.
- 2. The process shall take the form of a standard quality control review and be assessed in terms of the Quality Control check-list (see Appendix 1).
- 3. The DES shall co-ordinate the process and annually request members to submit their selected polygraph examination for assessment.
- 4. The charts, audio-video (AV) recording, report and all relevant documents relating to the examination selected by the member for assessment shall be supplied to the DES or a member nominated by the DES for this purpose, for assessment.
- 5. The ASA is intended to promote compliance with best practises amongst SAPFED members. The ASA is not intended to have punitive consequences for members that display small deviations from best practises but rather to cultivate a mentoring culture within the Association.
- 6. A written 'Annual Standards Assessment Report' shall be compiled at the conclusion of the ASA and submitted by the DES to each member assessed.

Section H **Ratification**

- 1. This Regulation shall take immediate effect and replace any previous Regulation of the Federation upon its adoption.
- 2. This Regulation has been approved and is adopted by the President of the Southern African Polygraph Federation on 12 November 2017