



CSHP

COUNCIL FOR SEXUAL HEALTH PROFESSIONS NPC

Reg. No. 2016/199573/08

www.cshp.online OR www.cshp.co.za

Email: exco@cshp.online OR ceo@cshp.co.za

CONSTITUTION OF THE COUNCIL FOR SEXUAL HEALTH PROFESSIONS

1. NAME OF PROFESSIONAL BODY

- 1.1.** This is the Constitution of the voluntary membership, not for profit company, existing under the common law to be known as the COUNCIL FOR SEXUAL HEALTH PROFESSIONS.
- 1.2.** The COUNCIL is a legal registered entity, COUNCIL FOR SEXUAL HEALTH PROFESSIONS NPC, Reg No 2016/199573/08 in South Africa.
- 1.3.** The COUNCIL FOR SEXUAL HEALTH PROFESSIONS (Previously: Professional council for Sexual Health Practitioners - 2003 to 2015 of Sexology SA CC), is a legal, constituted, non-statutory, professional body in South Africa promoting and regulating sexual health and - well-being professions in the RSA since 2005 up to 2020 onwards.

2. DEFINITIONS

- 2.1.** "By-laws" means the By-laws, inclusive of the appendices thereto, of the COUNCIL in force from time to time under this Constitution;
- 2.2.** "Category A member" means a sexologist or a therapist of sexuality, or a counsellor of sexuality who is registered with the COUNCIL, and who has been granted the specific Category A designation (sexologist, or therapist of sexuality, or counsellor of sexuality) by the COUNCIL;
- 2.3.** "Category B member" means a professional specialist or expert in sexuality, practicing in a professional career related to sexology, and who is registered and in good standing with its own related professional body, as well as registered and in good standing with the COUNCIL, and who has been granted the specific Category B designation (expert of sexuality) by the COUNCIL;
- 2.4.** "Category C member" means a postgraduate (PG) or undergraduate (UG) student in sexology, registered at the Academy of Sexology International, (or at any other Higher Education Institution which is approved by COUNCIL to do sexology training) and who is in good standing as a student with the Academy and with the COUNCIL, and who has been granted Category C student (UG or PG) membership by the COUNCIL;
- 2.5.** "Category D member" means any Associate (person, body, institute, organization, stakeholder, partner, company or business) who wants to associate with the COUNCIL, who can add value to the Constitution, Policies and/or By-laws, who is in good standing with the COUNCIL and who has been granted associateship of the COUNCIL;
- 2.6.** "CEO" means the Chief Executive Officer, Chairperson or President of the COUNCIL;
- 2.7.** "COUNCIL" means COUNCIL FOR SEXUAL HEALTH PROFESSIONS NPC, Reg No 2016/199573/08;

- 2.8.** “CSHP” means “COUNCIL” as in COUNCIL FOR SEXUAL HEALTH PROFESSIONS NPC, Reg No 2016/199573/08 ;
- 2.9.** “Code of Conduct” means the professional ethical code of conduct for members;
- 2.10.** “Constituency” means the Members resident in a region or forming part of an interest group, as the case may be;
- 2.11.** “Counsellor of Sexuality” means a professional specialist in Sexology who is practicing as a counsellor of sexuality and who is registered as such with the COUNCIL FOR SEXUAL HEALTH PROFESSIONS;
- 2.12.** “COUNCIL” means the COUNCIL FOR SEXUAL HEALTH PROFESSIONS NPC;
- 2.13.** “CPD” means Continuous Professional Development (SAQA 2019);
- 2.14.** “Director” means a director of the COUNCIL FOR SEXUAL HEALTH PROFESSIONS;
- 2.15.** “EXCO” means the Executive Committee of the COUNCIL;
- 2.16.** “Executive Committee Member” means a member of EXCO (Executive Committee);
- 2.17.** “Expert” means a professional specialist or expert in sexuality, practicing in a professional career related to sexology, and who is registered with its own related professional body, as well as being registered with the COUNCIL FOR SEXUAL HEALTH PROFESSIONS as a Category B Member;
- 2.18.** “General Meeting” means a general meeting of Members (“AGM”) or a special general meeting of Members (“SGM”);
- 2.19.** “Good Standing” as defined in the various Policies and/or By-laws of the COUNCIL, within the specific context.
- 2.20.** “Interest group” means an interest group identified and recognised as such by the Executive Committee from time to time; the interest groups identified and recognised by the Executive Committee at the date of adoption of this Constitution are more fully defined in the Policies and/or By-laws;
- 2.21.** “Internship” means the practical professional training process of a person or learner, who has already successfully completed at least 50% sexology modules, and who provisionally practice under the supervision and/or mentorship of a professional practitioner, accredited by the COUNCIL;
- 2.22.** 'LGBTIQA+' is an evolving acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and many other terms (such as non-binary and pansexual) that people use to describe their experiences of their gender, sexuality, and physiological sex characteristics;
- 2.23.** “Member” means a person who has satisfied the requirements for membership pursuant to the Policies and/or By-laws and who has been admitted to membership of the COUNCIL in a category defined in paragraph 7 of this Constitution and in the definition of "member" in the Policies and/or By-Laws;
- 2.24.** “Policy” is a basis for making decisions, a plan of action that has been agreed to, and it can be enforced by Policies and/or By-laws;
- 2.25.** “President” means the person who holds the office of CEO or chairperson of the COUNCIL (by whatever title he or she may be known) and whose functioning, duties, powers and limitations are clearly described in the Policies and/or By-laws of the COUNCIL;

- 2.26.** “Professionals” means persons who are registered as sexologists, therapists of sexuality, counsellors of sexuality, persons who are training to achieve those designations and related professional experts or specialists in sexuality;
- 2.27.** “Professional Body” means *“any body of expert practitioners that is constituted as such, in an occupational field, and includes an occupational body and statutory council.”* (As defined by SAQA 2019);
- 2.28.** “RPL” means Recognition of Prior Learning *“RPL can include any type of prior learning (non-formal, informal and formal) across all ten levels of the NQF. There are two main forms of RPL, that reflect the different purposes and processes within which RPL takes place: a. RPL for access: To provide an alternative access route into a programme of learning, professional designation, employment and career progression; and b. RPL for credit: To provide for the awarding of credits for, or towards, a qualification or part-qualification registered on the NQF.”* (SAQA 2019);
- 2.29.** “Republic” means the Republic of South Africa;
- 2.30.** “Sexologist” means a professional specialist in Sexology who is practicing as a sexologist and who is registered as such with the COUNCIL FOR SEXUAL HEALTH PROFESSIONS;
- 2.31.** “Sexology” means the Scientific Studies of Sexuality;
- 2.32.** “Special Resolution” means a resolution of Members at a meeting at which a quorum is present in person or by proxy, and which requires more than 75% (seventy five percent) of the votes cast to be in favour of the resolution;
- 2.33.** “Sub-Committee” means any sub-committee of EXCO;
- 2.34.** “Therapist of Sexuality” means a professional specialist in Sexology who is practicing as a therapist of sexuality and who is registered as such with the COUNCIL FOR SEXUAL HEALTH PROFESSIONS;
- 2.35.** “UNESCO” is the United Nations’ specialized agency for education (including sexuality education)
- 2.36.** “WHO” means World Health Organization;
- 2.37.** “Year” means a year commencing on 1 January.

3. LEGAL PERSONA

- 3.1.** The COUNCIL is a legally constituted professional body and entity, with the necessary human and financial resources to undertake its functions, governed by a constitution and compliant with and adhere to good corporate governance practices.
- 3.2.** The COUNCIL is capable of suing and being sued in its own name and of performing such acts as are necessary for or incidental to the achievement of its objectives, the exercise of its powers and the performance of its functions and duties under this Constitution or under any statute of the Republic.
- 3.3.** The COUNCIL has continuous succession independent of its office bearers, capable of entering contractual and other relations, liable for its debts and assets, and not formed for the personal financial gain of any individual.
- 3.4.** The COUNCIL is mandated by the World Health Organization and UNESCO:
- 3.4.1.** WHO reports on sexuality in 1975 & 2000 / 2001:

“Human sexuality should be encouraged to develop as an autonomous discipline. Country and regional resource centres should be established to provide consultation and assistance in programs of training, production of educational materials, research, and *therapy related to sexuality*”... “Sexuality is a *central aspect* of being human *throughout life* and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical and religious and spiritual factors” (WHO, 2001).

3.4.2. The World Health Organisation (2000) on Sexual Health

“Sexual health is the *experience of the ongoing process of physical, psychological, and socio-cultural well-being related to sexuality*. Sexual health is evidenced in the free and responsible expressions of sexual capabilities that foster harmonious personal and social wellness, enriching individual and social life. It is not merely the absence of dysfunction, disease and/or infirmity. For Sexual Health to be attained and maintained it is necessary that the sexual rights of all people be recognized and upheld.” WHO 2000.

3.4.3. The World Health Organisation (2000) on Sexology

“As an interdisciplinary science, sexology is uniquely placed to bring together the knowledge and expertise of specialists, the diverse agendas of various advocacy groups, the health concerns of communities, and the methodologies and interests of diverse disciplines. For this reason, *it is critical that sexology is promoted as a discipline/profession. It is not sufficient for specialists from other disciplines to apply their fields of expertise to the study of Sexual Health*”. WHO 2000 p.28.

3.5. The COUNCIL FOR SEXUAL HEALTH PROFESSIONS replaced the Professional COUNCIL for Sexual Health Practitioners - 2005 to 2015 of Sexology SA CC non-statutory professional body of Sexology SA (founded in 2005). Sexology SA was invited in 2010 by SAQA regarding the regulation of professional bodies and appears on the list of professional bodies and related organisations involved in SAQA Project 2010. Sexology SA actively took part in this project.

3.6. “Sexologist” is *de facto* a professional career in South Africa for almost four decades and *de jure* since 2005 with the establishing of the Professional COUNCIL for Sexual Health Practitioners - 2005 to 2015 of Sexology SA CC as a non-statutory professional body regulating designations in sexology.

4. PURPOSE OF THE COUNCIL

4.1. The COUNCIL gives effect to:

4.1.1. The Constitution of the Republic of South Africa.

4.1.2. Promotion of Sexual Health policy document, May 2000 Guatemala, World Health Organisation (UNESCO) & World Association for Sexology.

4.1.3. International technical guidance on sexuality education UNESCO 2018.

4.1.4. Human Sexual Rights - World Health Organisation, World Association for Sexology and UNESCO.

4.1.5. SAQA’s relevant policies on professional bodies, RPL, CPD and other.

4.1.6. NATIONAL DEVELOPMENT PLAN – 2030 with significant CSHP input re: chapter 3 - Economy and Employment; chapter 7- South Africa in the Region and the World; chapter 9 - Improving Education, Training and innovation; chapter 10 -

Health Care for All; chapter 11 - Social Protection; chapter 12 - Building Safer Communities; chapter 14 - Fighting Corruption and chapter 15 - Nation Building and Social Cohesion.

- 4.2.** The **PRIMARY PURPOSE** of the COUNCIL is to enhance holistic integrative scientifically- based *physical (bio-medical), psychological, and socio-cultural* values, knowledge, skills and well-being, all related to sexuality, inclusive of love relationships and family life in the Republic of South Africa, Africa and the world. Sexual health is evidenced in the free and responsible expressions of sexual capabilities that foster harmonious personal and social wellness, enriching individual and social life. It is not merely the absence of dysfunction, disease and/or infirmity. For sexual health (including love relationship and family health) to be attained and maintained, it is necessary that the sexual rights of all people be recognized and upheld. (WHO 2000).
- 4.3.** The **SECONDARY PURPOSE** of the COUNCIL is to enhance the relevance, values, competence and influence of Members in South Africa and the world, and to contribute to holistic integrative scientifically- based *physical (bio-medical), psychological, and socio-cultural values, knowledge skills and well-being, related to sexuality, inclusive of love relationships and family life* in the Republic of South Africa, Africa and the world.

5. KEY OBJECTIVES OF THE COUNCIL

- 5.1.** To achieve the main goals (purposes) as in paragraph 4, the COUNCIL has the following fundamental, enduring and long-term ancillary objectives:
- 5.1.1.** "To act in the public interest" means for the COUNCIL:
- 5.1.1.1.** to *actively enhance* the relationships, sexual health, and physical and emotional well-being of all individuals, couples and families;
 - 5.1.1.2.** to be *reactive and proactive* against HIV & Aids, STD's, HPV's, rape, human trafficking, sexual abuse, violence against women and children, unplanned teenage pregnancies, sex- and gender discrimination in the RSA;
 - 5.1.1.3.** to hold Government Departments such as Education, Health, Justice and Social Development accountable where applicable;
 - 5.1.1.4.** to assist Government Departments such as Education, Health, Justice and Social Development with the continuous professional training of their professionals and senior officials where applicable;
 - 5.1.1.5.** to protect the public interest in relation to services provided by all members of COUNCIL and the associated risks.
- 5.1.2.** In order to serve the public interest and safeguard the values of the Profession, the COUNCIL must, inter alia –
- 5.1.2.1.** conduct activities in such a manner as to avoid conflicts with the public interest;
 - 5.1.2.2.** uphold, promote and enforce the highest ethical standards – including general ethics (as academic discipline), the ethics of sexuality (sexological perspective) and a professional code of ethics;
 - 5.1.2.3.** employ the necessary competencies to carry out its objectives and undertakings; and
 - 5.1.2.4.** deal speedily and fairly with complaints of unprofessional and incompetent behaviour, and pursuant thereto prescribe a code of professional conduct applicable to Members.

- 5.1.2.5.** To promote the common interests of Members nationally and internationally.
- 5.1.3.** The COUNCIL must understand the needs of Members in order to promote their common interests. As a consequence, the COUNCIL should implement interventions that, inter alia –
- 5.1.3.1.** identify stakeholders that affect and influence the Profession's interests;
 - 5.1.3.2.** engage with its key stakeholders in order to understand their needs;
 - 5.1.3.3.** provide operating structures to encourage and facilitate Member involvement on a regional and constituency basis;
 - 5.1.3.4.** promote the common interests of Members;
 - 5.1.3.5.** promote, market and protect the COUNCIL's brands and all designations relating to Members;
 - 5.1.3.6.** forge strong relationships with relevant international sexual health and sexology-related organisations and institutions, as well as sexual health professional bodies in other countries, to ensure that the voice of the Profession in South Africa is recognised internationally; and
 - 5.1.3.7.** negotiate appropriate reciprocal membership agreements with other aligned professional organisations.
- 5.1.4.** To support and encourage the advancement of skills and knowledge and ensure Members have the appropriate competencies. The COUNCIL must support lifelong learning in order that the Profession remains relevant in all services that its Members provide. For that purpose, it should, inter alia –
- 5.1.4.1.** advance the theory and practice of sexology, and professional and sexological skills, attitudes, values and knowledge;
 - 5.1.4.2.** monitor developments and changes in the professional and sexological environments both locally and internationally;
 - 5.1.4.3.** set high standards for the Profession;
 - 5.1.4.4.** balance the highest academic standards with the most effective professional skills in practice;
 - 5.1.4.5.** assist Members to adapt to changes in the professional and sexological environments and to exploit competitive advantages;
 - 5.1.4.6.** provide professional and sexological information to enable Members to remain competent and competitive; and
 - 5.1.4.7.** encourage Members to continuously enhance their professional and sexological knowledge and skills and provide training where appropriate.
- 5.1.5.** The COUNCIL's Members act in the public interest and in so doing, contribute to holistic integrative *physical (bio-medical), psychological, and socio-cultural well-being related to sexuality, inclusive of love relationships and family life* in the Republic. The COUNCIL should facilitate such activities and may, inter alia -
- 5.1.5.1.** design and implement programmes to assist in enhancing scientific-based sexual health knowledge, skills and ethical sexual health values in the public sector and for emerging sexologists and sexual health professionals;
 - 5.1.5.2.** provide input and advice (to the extent that it does not compete with its Members) to governmental and private sector industry on love-sex related issues such as sex education, sexual rights, sexual consent, gender-based violence, sexual abuse, teenage pregnancies, abortion, HIV & AIDS, HPV etc.
 - 5.1.5.3.** secure funding for the implementation of development programmes; and

- 5.1.5.4. uphold, safeguard and advance the rule of law, administration of justice, the Constitution and the laws of the Republic.
- 5.1.6. To grow and transform the Profession. In order to meet the needs of its Members both locally and internationally, the COUNCIL must, inter alia -
 - 5.1.6.1. strive to recruit highly ethical and competent trainees into the Profession;
 - 5.1.6.2. develop and implement competitive education and training programmes for new recruits which are in line with international standards and national needs;
 - 5.1.6.3. identify the requirements for the advancement and transformation of the Profession in the Republic and internationally; and
 - 5.1.6.4. develop and implement transformation programmes to ensure meaningful and lasting transformation of the COUNCIL and the Profession.
- 5.2. The COUNCIL develop, award, monitor and revoke its professional designations in terms of its own rules and international conventions.
- 5.3. The COUNCIL set criteria for, promote and monitor continuing professional development (CPD) for its category A members to meet the relevant professional designation requirements of “sexologist”, “therapist- of sexuality” and “counsellor of sexuality”.
- 5.4. The COUNCIL set criteria for, promote and monitor continuing professional development (CPD) for its category B members to meet the relevant professional requirements of “expert of sexuality”.
- 5.5. The COUNCIL continuously monitor the “Good Standing” of all its members as in the various Policies and/or By-laws of the COUNCIL;
- 5.6. The COUNCIL do have a published code of conduct and do operate a mechanism for investigating members who are alleged to have contravened the code. This code is based on the code of conduct drawn up by the World Health Organization Helsinki 6 June 2009.
- 5.7. The COUNCIL FOR SEXUAL HEALTH PROFESSIONS is committed to the development, promotion, implementation and where applicable also the enforcement of:
 - 5.7.1. Human rights for all;
 - 5.7.2. Autonomy, beneficence, non-maleficence and justice; non-discriminatory, sex-positive, pro-choice, accessible, open, scientific, responsible and confidential;
 - 5.7.3. Relationship- & Sexual Health & Well-Being Value System. Keywords: non-racism, non-sexism; non-judgemental; gender equality; respect for cultural diversity; respect for religious diversity; respect for sexual expression diversity; respect for gender diversity; respect for sexual orientation diversity; respect for sexual rights; respect for the human rights of others; informed consent between adults;
 - 5.7.4. Optimum sexual health, sexual well-being, sexual happiness as well as responsible sexual behaviour of all human beings on all aspects of sexuality (love relationships, family life and responsible individual sexual pleasure and recreation) in South Africa;
 - 5.7.5. Sexual well-being for each individual and quality relationships for all couples and families. Reactive and pro-active against HIV & Aids, STI’s, rape, violence against women and children, unplanned teenage pregnancies, date rape and sex abuse in the RSA;

- 5.7.6. Sexual advice & counselling to the poorest of the poor at grass roots level;
- 5.7.7. Sexological knowledge, -skills -attitudes and ethical values of individuals as well as of society as a whole;
- 5.7.8. Sexological knowledge, -skills -attitudes and ethical values of all professionals dealing with sexuality;
- 5.7.9. A better awareness and understanding of all the different cultural perceptions (specifically in the multi-cultural RSA) regarding sexuality. *Motho ke motho ka batho ba bangwe* – a human being is a human being through other human beings;
- 5.7.10. Sexual well-being and sexual well-functioning (including sexual happiness, -health and -wellness) is advocated from a medical, psychological, social, cultural and spiritual perspective for all individuals regardless of sexual orientation.
- 5.7.11. Sexuality education should be scientifically based; age-appropriate; holistic integration of the bio-medical, psycho-, socio- and cultural; sexual education to all - from the beginning of life until the end of life; enhancing sexual ethical values, knowledge, skills and attitudes;
- 5.7.12. A pro-active Sex Positive paradigm with the focus on *Sexual Health as the experience of the ongoing process of physical, psychological, and socio-cultural well-being related to sexuality. Sexual health is evidenced in the free and responsible expressions of sexual capabilities that foster harmonious personal and social wellness, individual- and social life...* It encompasses a healthy diversity of *sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. It is not merely the absence of dysfunction, disease and/or infirmity* (WHO);
- 5.7.13. Proportional holistic integration of the a) bio-medical, b) psychological, c) social and d) cultural dimensions of Sexual Health and Well-Being is integral to the effectiveness of all sexuality education programmes at all ages;
- 5.7.14. Sexuality education programmes to all at all ages which *primarily* focus on promoting and enhancing *proactive sex positive* paradigms and *secondarily* on *reacting effectively* on *sex negative* physical sexual diseases, social relationship-abuse, sex crimes and psychological disorders and sexual pathologies;
- 5.7.15. Proportional holistic integration of a) personal and shared values, individual and social-cultural norms b) reliable scientific knowledge c) practical skills and d) love-sex-positive attitudes which are integral to the effectiveness of all sexuality education programmes at all ages;
- 5.7.16. Proportional holistic integration (Universal Integralism) of the scientific epistemological paradigms of a) Africa, b) the West, and c) the East which is integral to the effectiveness of all sexuality education programmes at all ages;
- 5.7.17. Skills development on how to manage and deal with:
- 5.7.17.1. own personal sexuality, bodily integrity, sexual consent, sexual behaviour, love-relationships/marriage, family life and the living out of personal sexual human rights while respecting the respecting the rights of others;
- 5.7.17.2. sexual harassment, early and forced marriage (CEFM), female genital mutilation/cutting (FGM/C); sexual abuse, gender-based violence (GBV), rape, child sexual abuse, human trafficking, and other;

- 5.7.18. Gender equality:** The COUNCIL addresses the different ways that gender norms can influence inequality, and how these inequalities can affect the overall health and well-being of children and young people, while also impacting efforts to prevent issues such as HIV, STIs, early and unintended pregnancies, and gender-based violence. The COUNCIL contributes to gender equality by building awareness of the centrality and diversity of gender in people's lives; examining gender norms shaped by cultural, social and biological differences and similarities; and by encouraging the creation of respectful and equitable relationships based on empathy and understanding. The proportional holistic integration of the bio-medical, psycho, socio and cultural dimensions of Sexual Health and Well-Being education is integral to the effectiveness of all programmes at all ages;
- 5.7.19. Culturally relevant and context appropriate:** The COUNCIL encourages learners to respect cultural diversity as they examine, understand and challenge the ways in which cultural structures, norms and behaviours affect people's choices and relationships within a specific setting;
- 5.7.20. Transformative:** The formation of a fair and compassionate society by empowering both individuals and communities, promoting critical thinking skills and strengthening young people's citizenship. It provides learners with opportunities to explore and nurture positive values and attitudes towards Sexual Health, and to develop self-esteem and respect for human rights and gender equality. Additionally, the COUNCIL empowers young people to take responsibility for their own decisions and behaviours, and the ways in which they may affect others. It builds the skills and attitudes that enable young people to treat others with respect, acceptance, tolerance and empathy, regardless of their ethnicity, race, social, economic or immigration status, religion, disability, sexual orientation, gender identity, sexual expression or sex characteristics;
- 5.7.21. Lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual young people:** there are severe restrictions and penalties imposed on LGBTIQ+ people in many countries around the world. These restrictions take the form of both direct and indirect persecution, including: active prosecution of individuals (IPPF and Coram Children's Legal Centre, 2014); a failure to protect individuals from harassment, stigmatisation, discrimination and harm on the basis of their sexual orientation, gender identity or expression; or in the case of intersex children and young people, a failure to protect against unnecessary surgical and other procedures that can cause permanent infertility, pain, incontinence, loss of sexual sensation and lifelong mental suffering (OHCHR, 2016); and, a lack of access to redress mechanisms. Insufficient research exists on LGBTIQ+ young people's sexual and reproductive lives and needs. LGBTIQ+ young people enrolled in school are particularly affected by harm and discrimination. For example, homophobia and transphobia in school have been shown to hinder learning and lay the groundwork for more vindictive and violent forms of bullying. (UNESCO, 2015b);
- 5.7.22. Well-researched, effective reactions to heal sexual disorders / dysfunctions, broken relationships, sexual related diseases and specifically victims of gender-based violence, sexual abuse and rape;**

- 5.7.23.** To ensure that South Africa, and ALL its people, are no longer deprived of the healing of *holistic sexology* and of the *highest scientific quality* of sexuality education, from the highest (NQF 10 level) up to the most important grassroots level. For Sexual Health to be attained and maintained, it is necessary that the sexual rights of all people be recognized and upheld – especially the right to *sexuality education*;
- 5.7.24.** *Via the protective role of education in reducing vulnerability to poor sexual health outcomes, including those related to HIV, STIs, early and unintended pregnancy and gender-based violence; as well as the influence of and widespread access to the Internet and social media;*
- 5.7.25.** To give effect to Sexuality Education as *UNESCO's top priority because it is a basic human right and the foundation on which to build peace and drive sustainable development. UNESCO is the United Nations' specialized agency for education (including sexuality education) and the Education Sector provides global and regional leadership in education, strengthens national education systems and responds to contemporary global challenges through education with a special focus on gender equality and Africa. The 2030 UNESCO Agenda for sustainable development shows us that quality education, good health and well-being, gender equality and human rights are intrinsically intertwined: Over this period, more and more young people have joined together to call for their right to sexuality education, and to urge their leaders to deliver on political commitments for current and future generations. At the 2012 Global Youth Forum of the International Conference on Population and Development (ICPD), young people specifically called on governments to 'create enabling environments and policies to ensure that they have access to comprehensive sexuality education in formal and nonformal settings, through reducing barriers and allocating adequate budgets'. Young people have not stood alone in this effort – they have been joined by communities, parents, faith leaders and stakeholders in the education sector who increasingly champion sexuality education as an essential component of a good quality education that is comprehensive and life skills-based; and which supports young people to develop the knowledge, skills, ethical values and attitudes they need to make conscious, healthy and respectful choices about relationships, sex and reproduction. It reaffirms the position of sexuality education within a framework of human rights and gender equality. It promotes structured learning about sex and relationships in a manner that is positive, affirming, and centered on the best interest of the young person". International technical guidance on sexuality education UNESCO 2018;*
- 5.7.26.** The COUNCIL *provide guidance on how to develop relevant, evidence informed, age- and developmentally-appropriate curricula, teaching and learning materials and programmes that are culturally responsive; demonstrate how the COUNCIL can increase awareness about issues that may be considered sensitive in some cultural contexts, such as menstruation and gender equality. The COUNCIL also raise awareness of harmful practices such as child early and forced marriage (CEFM) and female genital mutilation/ cutting (FGM/C). New considerations have emerged, including an increased recognition of gender perspectives and social context in health promotion; the protective role of*

education in reducing vulnerability to poor sexual health outcomes, including those related to HIV, STIs, early and unintended pregnancy and gender-based violence; as well as the influence of and widespread access to the Internet and social media.

- 5.8.** The COUNCIL is committed to use ADVANCED TECHNOLOGY (Internet) in every possible way in order to achieve its objectives above. This inter alia means:
- 5.8.1.** *more effective distance education on the internet* available to all on all levels with many advantages, such as, cheaper, involve more people, easy to update quality curricula, less challenging for students and lecturers, students can study in peace from home and interact with lecturers and other students on the internet, lecturers working flexible hours from home, more sustainable, quick results, and many more;
 - 5.8.2.** *more effective way of communication* between COUNCIL, EXCO, and its Members, that can be used for informal daily communication, *formal meetings, AGM's* and other purposes;
 - 5.8.3.** *more effective way of the daily formal administration* of COUNCIL. A computer becomes the office of COUNCIL; Advanced Technology increases the number of offices of COUNCIL all over the RSA but decreases the cost; Effective checks and balances; More secure and much more effective than a physical office;
 - 5.8.4.** easy access for the public to lay complaints via cell phone;
 - 5.8.5.** easy and efficient electronic update of a member's record and list of members;
 - 5.8.6.** while COUNCIL will use Advanced Technology to the fullest, the opposite is not true; Humanity can never be replaced by technology; *Motho ke motho ka batho ba bangwe – a human being is a human being through other human beings;* nothing emphasises humanity more than sexuality; COUNCIL increases the quality of life of humanity and job opportunities on all levels.

6. CURRENT POLICIES AND / OR BY-LAWS OF THE COUNCIL

The COUNCIL FOR SEXUAL HEALTH PROFESSIONS has the following Policies and/or By-Laws to supplement the Constitution:

- 6.1.** MEMBERSHIP AND DESIGNATIONS Policy / By-Law
- 6.2.** EXCO Policy / By-Law
- 6.3.** CODES OF CONDUCT FOR SEXUAL HEALTH PROFESSIONALS Policy / By-Law
- 6.4.** DP (Disciplinary Policy Procedure) and Appeals Policy Process (AP) / By-Law
- 6.5.** QUALIFICATIONS (National and Foreign) Policy / By-Law
- 6.6.** RPL (Recognition of Prior Learning) Policy / By-Law
- 6.7.** CPD (Continuing Professional Development) Policy / By-Law

7. MEMBERSHIP AND DESIGNATIONS POLICY

- 7.1.** Any person, who according to the Constitution and the Policies and/or By-laws of COUNCIL, qualifies for membership in Category A (Sexologist, Therapist of Sexuality and Counsellor of Sexuality) Category B (Expert of Sexuality in a related discipline), Category C (Sexology Student) or Category D (Associate), who has provided proof of his/her membership status and paid the applicable membership fee for the year, is admitted as a Member of the COUNCIL FOR SEXUAL HEALTH PROFESSIONS in the specific category at the discretion of EXCO (Executive Committee).
- 7.2.** All Members must comply to the Constitution and all Policies & By-Laws including the Codes of Ethical Practice of the COUNCIL.

- 7.3. The annual membership fee will be established by EXCO (Executive Committee).
- 7.4. Membership can be terminated either way by giving one-month notice. EXCO (Executive Committee) may terminate a member's membership if a breach of the code of ethics has occurred.
- 7.5. All members (categories A, B, C or D) may attend an AGM of the COUNCIL in person, by proxy, telephonic or via the internet, but not all members have voting rights.
- 7.6. All Category A Members have voting rights during an AGM (in person, by proxy, telephonic or via the internet) regarding the approval or amendment of the Constitution which requires a 75% (seventy five percent) of the votes cast in favour.
- 7.7. All Category A Members, together with all EXCO Members (including all Directors and all Category B Members on EXCO), have voting rights during an EXCO meeting (in person, by proxy, telephonic or via the internet) regarding the approval or amendment of Policies and/or By-laws which requires a majority of 1 (one).
- 7.8. Only a Member who is a member in good standing is entitled to use the designations (Categories A and B) reserved for Members of the COUNCIL in terms of the Designation Policy / By-law / Act.
- 7.9. Nothing in this Constitution or in the Policies and/or By-laws shall be construed as conferring upon an Expert of Sexuality in a related discipline (Category B), Categories C or D, Student Member, Associate or any other person any rights to use any of the designations reserved for Sexologist, Therapist of Sexuality and Counsellor of Sexuality in terms of the Designation Policy / By-law / Act or to do the professional work reserved for these designations.

8. THE EXECUTIVE COMMITTEE (EXCO)

8.1. KEY OBJECTIVES OF THE EXECUTIVE COMMITTEE (EXCO)

8.2. KEY OBJECTIVES OF THE EXECUTIVE COMMITTEE (EXCO)

- 8.2.1. EXCO acts as the executives of the COUNCIL. All affairs of the COUNCIL shall be governed by EXCO; EXCO is responsible for the day to day objectives, responsibilities and activities of the COUNCIL;
- 8.2.2. It is a key *objective* of EXCO to:
 - 8.2.2.1. ensure that strategic objectives are set and achieved in line with the Purpose and objectives of the COUNCIL;
 - 8.2.2.2. establish a policy framework and funding model within which the organisation must operate;
 - 8.2.2.3. act as the custodian of corporate governance in the COUNCIL;
 - 8.2.2.4. ensure EXCO committees execute their functions appropriately in relation to meeting strategic plans and budgets;
 - 8.2.2.5. monitor the activities of trusts, non-profit organisations and social responsibility projects established by the COUNCIL;
 - 8.2.2.6. appoint, set performance criteria and evaluate the performance of committees, office bearers and/or employees;
 - 8.2.2.7. ensure that the COUNCIL and all its Directors and Members (all categories A, B, C and D), adhere to the highest standards of ethics and competence, that the relevant designations are protected, and that the Profession is trusted;
 - 8.2.2.8. oversee the disciplinary process regarding Directors and Members (all categories A, B, C and D);

- 8.2.2.9.ensuring that the COUNCIL has adequate resources for investigative and disciplinary processes;
- 8.2.2.10.ensuring that the impact of the approved disciplinary process, including the Policies and/or By-laws, meets, and continues to meet, the expectations of the Profession and stakeholders;
- 8.2.2.11.satisfying itself that the approved disciplinary process is followed by the Ethics, Membership and Disciplinary Committee;
- 8.2.2.12.accounting to Members on the outcomes of disciplinary proceedings.
- 8.2.2.13.promote and monitor transformation in the Profession;
- 8.2.2.14.review and approve appropriate Policies / By-laws; and
- 8.2.2.15.engage with stakeholders and Members.

8.3. ELECTION OF EXCO

- 8.3.1.** Executive Committee (EXCO), with the exception of the Directors of the COUNCIL, is elected by a simple majority of Members with voting rights (Category A and Category B Members), present, either in person, or by proxy or electronically (telephonically or via Internet), at an AGM of the COUNCIL;
- 8.3.2.**Category C (student Members) and Category D (associates) do not elect EXCO Members.
- 8.3.3.**The Executive Committee is elected for a 5-year term. Only individuals with sound ethical reputations and professional expertise, and who have sufficient time to effectively fulfil their role as EXCO Members, will be considered for election to EXCO;
- 8.3.4.**All Directors are ex officio full Members of EXCO unless they choose otherwise and obtain permission from EXCO not to be a Member of EXCO;
- 8.3.5.**Directors do not need to be elected on EXCO and they are ex officio full Members of EXCO like any other elected Member of EXCO;

8.4. COMPOSITION OF EXCO

- 8.4.1.**EXCO may determine the number of EXCO Members at any time, subject to the proviso that:
 - 8.4.1.1.the minimum number of EXCO Members shall be 7 (seven);
 - 8.4.1.2.the maximum number of EXCO Members shall be 15 (fifteen); and
 - 8.4.1.3.the composition of EXCO must be diverse and it must have a mix of race, gender and diversity;
 - 8.4.1.4.the majority of EXCO Members shall be Category A Members, while a maximum of 3 (three) and not less than 1 (one) shall be Category B Members;
- 8.4.2.**EXCO must include sufficient Members who understand the core skills of the Profession as well as the future training needs of the Profession.
- 8.4.3.**EXCO may fill casual vacancies on EXCO to be approved at the next AGM.
- 8.4.4.**Elected EXCO Members shall not serve for a period longer than 2 terms of 5 (five) years and can only be re-elected after 1 (one) year.
- 8.4.5.**The Executive Committee has the right of co-opting up to 3 non-Members, without voting rights, on the Executive Committee;
- 8.4.6.**The Executive Committee appoints the following office bearers:
 - 8.4.6.1. CEO or President of the COUNCIL FOR SEXUAL HEALTH PROFESSIONS;
 - 8.4.6.2. Secretary of the COUNCIL FOR SEXUAL HEALTH PROFESSIONS;

8.4.6.3. Members of the following sub-committees of the Executive Committee:

8.4.6.3.1. Ethics, Membership and Disciplinary Committee.

The Executive Committee has the final word regarding all Membership applications, suspensions, terminations and disciplinary appeals. The Executive Committee has the responsibility to protect all Clients/Patients/Persons and the Public/Society from any kind of abuse or unprofessional conduct by any member of the COUNCIL FOR SEXUAL HEALTH PROFESSIONS. (See Code of Conduct Policy / By-law) The Executive Committee (EXCO) has the power to enforce the code of conduct on all Members and to take applicable disciplinary action in all cases where the code of conduct is breached;

8.4.6.3.2. Finance, Marketing and Liaison Committee (with Government, NGO's, Institutes, Service Providers and related Professional Bodies).

8.4.6.3.3. RPL and CPD Committee;

8.4.7. The duties of the CEO or President will be:

8.4.7.1. leadership of EXCO;

8.4.7.2. overseeing EXCO in the effective execution of its objectives;

8.4.7.3. facilitating the effective contribution of all EXCO Members;

8.4.7.4. promoting constructive and respectful relations between EXCO Members and between EXCO, Committees of EXCO, the COUNCIL and Management;

8.4.7.5. committing the time necessary to execute effectively his or her role;

8.4.7.6. approving the agenda for EXCO meetings;

8.4.7.7. scheduling regular and effective evaluations of EXCO's performance;

8.4.7.8. ensuring effective communications and reporting between EXCO and COUNCIL;

8.4.7.9. speaking on behalf of the COUNCIL and/or EXCO as required; and

8.4.8. Secretary

EXCO should be assisted by a competent, suitably qualified and experienced Secretary. The decision to appoint or remove the Secretary is an EXCO decision.

8.4.9. Delegation & EXCO Committees

8.4.9.1. EXCO has the power to make any decision in respect of the COUNCIL which has not been specified or reserved for decision by the Members.

8.4.9.2. Without detracting in any way from the general powers of EXCO, EXCO may from time to time determine, in terms of the governance framework and delegated authorities, which matters:

8.4.9.2.1. are reserved for final decision-making by EXCO or EXCO committees;

8.4.9.2.2. or require EXCO's or EXCO committees' consent before a final decision is made.

8.4.9.2.3. In terms of the Constitution, EXCO is empowered to constitute EXCO and other committees and to delegate powers to such committees. EXCO may appoint such of its Members and such persons who are not Members of EXCO or the COUNCIL as it may deem fit, to be Members of any such a committee.

8.4.10. Directors

8.4.10.1. The Directors shall table with EXCO a list of names of EXCO Members that remain on EXCO and a list of proposed replacements to fill any vacancies. After acceptance by EXCO, the list will be tabled with the COUNCIL for input

and discussion. Thereafter EXCO will determine the final list of names to be put to the AGM for election.

8.4.10.2. The Directors may canvas Members for nominations and will take into account the requirements of this Constitution.

8.4.10.3. All Directors are ex officio full Members of EXCO unless they choose otherwise and obtain permission from EXCO not to be a Member of EXCO;

8.4.10.4. Directors do not need to be elected on EXCO and they are ex officio full Members of EXCO like any other elected Member of EXCO;

8.4.10.5. All Director (like all Members) must adhere to the highest standards of ethics and competence and can be removed as a Director by 75% (seventy five percent) of EXCO Members in favour of the removal;

8.4.11. Quorum and Voting

A majority of EXCO Members must be present at a meeting, either in person or electronically to form a quorum. Decisions must be approved by majority of EXCO Members present.

8.4.12. Written Resolutions

Decisions taken by written resolution are valid decisions of EXCO if signed by the majority of EXCO Members, provided all EXCO Members have given notice of the proposed resolution and have an opportunity of expressing their views on the resolution.

8.4.13. Removal of Members of EXCO

EXCO shall by a two-third majority vote, have the right to suspend or remove any EXCO Member, or require an EXCO Member to recuse himself or herself from the consideration of any matter, when it deems it appropriate to do so.

8.5. POWERS OF EXCO

8.5.1. In directing and governing the affairs of the COUNCIL, EXCO may exercise any or all powers of the COUNCIL except such powers as are expressly reserved by the provisions of this Constitution to the Members in a General Meeting.

8.5.2. Without in any way limiting the scope of its powers as generally described in paragraph 1 and in addition to powers given to it elsewhere in the Constitution or the Policies and/or By-laws, EXCO shall have power in the name of and on behalf of the COUNCIL:

8.5.2.1. to receive and accept donations, grants and other moneys;

8.5.2.2. to purchase or otherwise acquire, take on lease or hire, exchange, improve, sell, mortgage, pledge, let, dispose of or otherwise deal in property of any description whatsoever;

8.5.2.3. to raise or borrow or secure any sum of money or to secure the performance of any obligation in such manner and upon such terms and conditions as it deems fit and, in particular, by the execution of mortgage or notarial bonds or the issue of debentures or debenture stock charged upon all or any of the property of the COUNCIL;

8.5.2.4. to invest the funds of the COUNCIL or any portion thereof in such securities or investments and in such manner as EXCO may from time to time determine, and to vary or transpose such investments in its discretion;

8.5.2.5. to open and operate banking accounts and savings accounts with registered banking institutions;

- 8.5.2.6. to apply and use the funds and income of the COUNCIL to promote the purpose and objects of the COUNCIL;
 - 8.5.2.7. to pay reasonable travelling, subsistence and other expenses incurred in connection with the affairs of the COUNCIL by any Members of EXCO or its committees.
 - 8.5.2.8. to generate revenue through donations, membership fees, fees for services rendered, investment of funds, and by any other legitimate means.
 - 8.5.2.9. to oversee and monitor the Marketing and Finance Committee on a regular basis.
 - 8.5.2.10. to ensure the proper management and auditing of all the financial books and accounts of the COUNCIL.
 - 8.5.2.11. to approve the yearly financial report compiled by the Marketing and Finance Committee and to ensure that it is available to all members at the AGM.
 - 8.5.2.12. to determine the financial year-end of the COUNCIL.
 - 8.5.2.13. to council and defend legal proceedings;
 - 8.5.2.14. to appoint any person as the CEO and to determine his or her duties, remuneration and other terms of employment;
 - 8.5.2.15. to enter into contracts and to authorise the settling of the terms of and the signature of any contract or any other document;
 - 8.5.2.16. to interpret any clause of the Constitution or Policies and/or By-laws if any dispute arises amongst Members as to its meaning, such interpretation being binding on the Members, if accepted by EXCO;
 - 8.5.2.17. to prescribe the form of the instrument appointing a proxy; and
 - 8.5.2.18. generally to do whatever EXCO deems necessary to enable it to carry out the purpose and objects of the COUNCIL and to exercise the powers and to perform the functions and execute the duties given to or imposed upon it in terms of this Constitution.
- 8.5.3.** EXCO may develop a system of delegation of its powers in order to improve administrative and operational efficiency and to provide for adequate checks and balances. Pursuant thereto EXCO may in writing delegate appropriate powers (excluding the power to prescribe Policies and/or By-laws) to the CEO, to a committee of EXCO, to an employee of the COUNCIL or to any individual EXCO Member.
- 8.5.4.** Any delegation of its powers by EXCO in terms of paragraph 4.2 above:
- 8.5.4.1. will be subject to such limitations and conditions as EXCO may impose;
 - 8.5.4.2. may authorise sub-delegation; and
 - 8.5.4.3. does not divest EXCO of the delegated power and responsibility.
- 8.5.5.** EXCO may confirm, vary or revoke any decision taken by a committee, the CEO, an EXCO Member or an employee as a consequence of a delegation in terms of its powers of delegation. The COUNCIL consists all its Members and a fully updated list/record of all Members should be kept.

9. ETHICS, VALUES AND CODES OF CONDUCT

9.1. ETHICS OF SEXUALITY IN GENERAL FOR INDIVIDUALS AND SOCIETIES

9.1.1.An individual and collective ethical value system on how to live your sexual, love relationship and family life, in the best possible way, is what *ETHICS OF SEXUALITY IN GENERAL FOR INDIVIDUALS AND SOCIETIES* is all about.

9.1.2.There are ethical rules and there are legal rules and there are religious rules and there are political rules; but they are all different sorts of rules serving different sorts of purposes. (Chappell 2009:5). “Ethical” is not the same as political, religious, legal or personal-emotional rules of good conduct. Even those who give a religious answer to the question that life should be lived to the glory of God still have an ethical task on their hands. They need to explain in more detail in a practical way how life should be lived in the here and the now of the 21st century. (Chappell 2009:6).

9.1.3.It is a very important rule in ethics that we get a workable objectivism by allowing that there are both objectively true and objectively false ethical judgments. We have degrees of ethical subjectivism or objectivism depending on which ethical truths we say are objective or subjective. (Chappell 2009:42).

9.1.4. COUNCIL recommends *Virtue Ethics* as ETHICS OF SEXUALITY IN GENERAL FOR INDIVIDUALS AND SOCIETIES:

9.1.4.1.An action is right if it is what a virtuous agent would characteristically do in the circumstances. Virtuous agents characteristically act in accordance with the virtues and never act in accordance with the vices. “An action, emotion, response, choice, deliberation is right if it is an action, emotion, response, choice, deliberation that a virtuous agent would characteristically do in the circumstances”. (Chappell 2009:126).

9.1.4.2.Virtues and vices are both shaped by individual upbringing and collective culture and tradition and are not always necessarily the “best” ethical way. Yet we all (individually and collectively) need fundamental values and virtues as guidelines on how to live life. If values are the goal, virtues are the way to get there. A virtue is a characteristic of a person which supports individual moral excellence and collective well-being. Such characteristics are valued as a principle and recognized as a good way to be.

9.1.4.3. Virtues are innate good qualities or morals within people. These virtues may differ from individual to individual and from society to society.

9.1.4.4.A few examples of virtues are ethicalness, integrity, dignity, goodness, incorruptibility, honesty, nobleness, respectability, decency, pureness, blamelessness, trustworthiness etc.

9.1.4.5.A few examples of vices are bad, immoral, corrupt, wrong, wicked, evil etc.

9.2. PROFESSIONAL CODES OF CONDUCT FOR SEXUAL HEALTH PROFESSIONALS

9.2.1. COUNCIL upholds, promotes and enforces detailed PROFESSIONAL CODES OF CONDUCT FOR SEXUAL HEALTH PROFESSIONALS for Sexologists, Therapists of sexual health, Counsellors of sexual health (Category A Members) , Experts of Sexuality (Category B Members), Student Members (Category C) and Associate Members Category D) as stated in its Policies / By-laws on CODES OF CONDUCT FOR SEXUAL HEALTH PROFESSIONALS.

9.2.2. The PROFESSIONAL CODE OF CONDUCT FOR SEXUAL HEALTH PROFESSIONALS professionally practising as Sexologists, Therapists of sexual health, Counsellors of sexual health (Category A Members) are based on the World Health Organisation's code of conduct for sexual health professionals (Helsinki, 6 June 2009).

10. ANNUAL GENERAL MEETING

- 10.1.** The Annual General Meeting (AGM) takes place at least once every two years. The meeting is open to all Category A, B, C and D Members, and invited guests of EXCO.
- 10.2.** The Annual General Meeting (AGM) may be held at a specific location, or on Skype, or on the Internet in a variety of formats.
- 10.3.** All members (categories A, B, C or D) may attend an AGM of the COUNCIL in person, by proxy, telephonic or via the internet, but not all members have voting rights.
- 10.4.** The notice and agenda for the AGM must be sent out to Members, preferably 14 days, but at least 7 days, before the meeting.
- 10.5.** The quorum at the AGM shall be the number of Members with voting rights, present.
- 10.6.** All Category A Members have full voting rights (in person, by proxy, telephonic or via the internet) at the AGM. Only Category A Members can vote for the approval or amendment of the Constitution, which requires 75% (seventy-five) of votes.
- 10.7.** All Category A Members, together with all EXCO Members (including all Directors and all Category B Members on EXCO), have voting rights during an AGM meeting (in person, by proxy, telephonic or via the internet) regarding the approval or amendment of Policies and/or By-laws which requires a majority of 1 (one).
- 10.8.** The Executive Committee's report, including reports from all sub-committees, must be made available to all members at the AGM.

11. AMENDMENT OF CONSTITUTION

Amendments to the constitution may be made only at the recommendation of the DIRECTORS and EXCO, and with the approval of 75% (seventy-five) of Category A Members at an AGM, after propositions have been adequately announced in the AGM agenda.

12. WINDING UP

- 12.1.** The COUNCIL may be wound up in terms of the provisions of the By-laws by a resolution of not less than 75% (seventy five) of the Members who are present (in person, by proxy, telephonic or via the internet) at a AGM duly convened and constituted for that purpose.
- 12.2.** Upon its being wound up any funds or assets of the COUNCIL remaining (after the payment of the debts and expenses of the COUNCIL and the costs of winding up) shall be distributed to or amongst such kindred or related associations, bodies or institutions, with objects similar to those of the COUNCIL, as EXCO shall decide; provided that such associations, bodies or institutions are themselves exempt from liability to pay income tax as a result of being so approved by the Commissioner for SARS.
- 12.3.** Should the COUNCIL be wound up, its funds shall be dealt with in accordance with the provisions of this Constitution and the By-laws.