



## **THE INSTITUTE OF CHARTERED SECRETARIES AND ADMINISTRATORS IN ZIMBABWE**

### **1.1 The Complaints & Disciplinary Process**

The following is a summary of the IC SAZ Complaints and Disciplinary Processes. This encompasses the information required for lodging a complaint against a member of the Institute of Chartered Secretaries and Administrators in Zimbabwe (IC SAZ) and the steps followed until the matter is concluded.

### **1.2 General Information**

All members of IC SAZ shall observe strictly the IC SAZ Code of Professional conduct and ethics (The Code) and also the pronouncements on professional matters and professional ethics issued by the Institute from time to time. The Code provides that every member shall conduct himself in a manner consistent with the good reputation of the Chartered Secretaryship profession and refrain from any act or default, which is likely to bring discredit to the profession or to himself.

IC SAZ takes any breach of its code, rules and professional standards seriously and has in place an Investigation and Disciplinary process to deal with complaints against its members.

## 2. Lodging a Complaint

Anyone, be it a member of the public, clients or other IC SA Z members or even the Institute itself can lodge a complaint against any member of the Institute.

### 2.1 All complaints against any member must:

1. Be in writing;
2. Be supported by relevant documentary evidence;
3. Provide the full name of the member complained against ; confirm that attempt has been made to resolve the matter with the member concerned but was not successfully resolved;
4. State clearly what the complaint is about;
5. Provide the name, address and contact details of the complainant;
6. Be signed by the complainant.

### 2.2 Issues that IC SA Z will not deal with:

1. Anonymous complaints;
2. Complaints relating to fee disputes between a member and his client;
3. Complaints involving commercial or personal disputes or employer/employee disputes
4. Complaints whereby the matter is before a court of law .

### 2.3 Before lodging a Complaint:

Check that the individual is a member of IC SA Z. You can visit the Institute's website: [www.icsaz.co.zw](http://www.icsaz.co.zw) or contact our Membership & Students Services department at Tel: 04 - 700553-4/08644124596-9 or email to: [tmushonga@icsaz.co.zw](mailto:tmushonga@icsaz.co.zw)

Attempt should be made to resolve the matter directly with the member concerned. If the matter cannot be resolved satisfactorily, please complete the Complaint Form and send it to the attention of the Chief Executive and Secretary, IC SA Z, at 22 - 32 McChlery Avenue, Eastlea, Harare.

3. **The Complaints Process**

Upon receipt of a written complaint with supporting documentary evidence, the following steps of the complaint process take place:

- i. Acknowledgement of the complaint in writing.
- ii. Review of the complaint and supporting evidence to determine the following course of action :

The Chief Executive & Secretary may try to resolve the complaint by mutual conciliation if this arises as a result of misunderstanding or lack of communication. Upon successful resolution, the case will be considered as closed. If such complaint cannot be resolved by mutual conciliation, it will be treated as a formal complaint and By law 23 (2) Council shall refer the matter to the Institute's Investigations Committee.

- iii. The Investigations Committee will investigate the compliant for the purpose of determining if there is a prima facie case for it to be referred to the Disciplinary Tribunal
- iv. The Investigations Committee may require the member concerned or the complainant to answer any question in writing or furnish any document or information that it considers relevant to the investigation within 14 days of the date of request.
- v. If the Investigations Committee makes a finding that there is a prima facie case against the member concerned, it will lay the case before the Disciplinary Tribunal.
- vi. The member concerned will be given 14 days' notice of the date, time and place of the formal hearing of his case by the Disciplinary Tribunal. The member concerned shall be entitled to be heard before the Disciplinary Tribunal, to be represented by an Advocate and Solicitor or anyone of his choice.
- vii. If a member fails to furnish a sufficient and satisfactory reply in writing or fails, if requested, to attend and/or provide such explanation and or produce material as required, such failure shall be deemed to be professional misconduct and the member shall be liable to be dealt with by the Disciplinary Tribunal.

#### 4. Sanctions against a Member

Upon conclusion of the Formal Hearing, the Disciplinary Tribunal may make one or more of the following orders:

1. That the member's name be removed from the register and that he shall cease to be a member;
2. That the member's registration be suspended for such a period as the Disciplinary Tribunal may decide;
3. That the member be fined a sum determined by the Tribunal;
4. That the member be censured;
5. That the member shall complete any professional development course at his own expense;
6. That the member obtain advice or professional assistance from such source as the Disciplinary Tribunal thinks appropriate;
7. That no further action be taken on the case;
8. In the case of a member who is registered with the Public Accountants and Auditors Board (P A A B), the finding be referred to P A A B with the appropriate recommendation;
9. Make such other order as the Disciplinary Tribunal considers appropriate.

The Disciplinary Tribunal may order the member concerned to pay to the Institute such sums as it thinks fit in respect of costs and expenses of and incidental to any investigation and inquiry.

The Disciplinary Tribunal's decision may be published in the Institute's official journal or any other form of publication of the Institute as the Disciplinary Tribunal may direct.

No person is entitled, as of right, to a copy of the record of proceedings of any investigation or inquiry by any Investigations Committee, Disciplinary Tribunal or Appeals Tribunal.

**5. Outcome of Complaint**

5.1 The Order of the Disciplinary Tribunal setting out the outcome of the inquiry and the penalty meted out (where applicable) will be forwarded to the Member concerned. The Complainant will be notified in writing of the outcome of his complaint.

**5.2 Appeal**

Any Member may lodge a By law 27(1) notice of appeal against the decision of a Disciplinary Tribunal with the Appeals Tribunal within 28 days of the date of the written notice of the Disciplinary Tribunal's decision on the following grounds:

- a. The Disciplinary Tribunal erred in law or in the interpretation of the rules or applicable regulations; or
- b. Significant fresh evidence is available that was not available to the Member concerned at the time of the hearing and which he could not at that time have been expected with reasonable diligence to have obtained; or
- c. There has been a failure on the part of the Disciplinary Tribunal to follow the prescribed procedures for the hearing in accordance with the rules and the Disciplinary Tribunal's decision has been prejudiced by this failure; or
- d. An order of exclusion or suspension was manifestly excessive in all the circumstances.

