

## HOW TO LODGE A COMPLAINT AGAINST AN ICAZ MEMBER: PROCEDURE AND DISCIPLINARY PROCESS

1. It shall be the right of every member or any person to bring to the attention of the Investigation Committee, any complaint indicating that a member, or a student accountant may have become liable to disciplinary action. Complaints can be lodged through the ICAZ secretariat at the following address: 2 Bath Road, Cnr. Sam Nujoma, Harare, Zimbabwe or contact the following email [registry@icaz.org.zw](mailto:registry@icaz.org.zw). The complaint is then forwarded to the Investigations Committee for consideration and investigation.
  2. Upon receipt of a complaint the Investigation Committee may, where it is of the opinion that a *prima facie* case has been made for improper conduct on the part of the accused, advise the accused in writing of the particulars of the complaint and call upon him to furnish his written explanation to the complaint within 21 days of such notice, and at the same time warn him that such explanation may be used in evidence against him.
  3. Upon receipt of a complaint the Investigation Committee may also, where it is of the opinion that the complaint does not disclose a *prima facie* case of improper conduct or where a complainant has neglected or refused to comply with the requirements of these Rules, may dismiss the complaint and inform the complainant accordingly.
1. If upon consideration of the complaint and the accused's explanation, the Investigation Committee is satisfied that-
    - a. the accused has given a reasonable explanation with regard to the conduct imputed to him; or
    - b. the conduct imputed to the accused does not constitute improper conduct; or
    - c. there is no reasonable prospect of proving that the accused has been guilty of the conduct imputed to him; it may decide not to proceed further in the matter and shall advise the complainant and the accused accordingly.
  2. If the Investigation Committee is of the opinion that a *prima facie case* has been made out against the accused, it shall refer the matter to the Disciplinary Committee and shall send to such Committee a summary of the facts together with a copy of any representations made to the Investigation Committee.
  3. The President, in his capacity as Chairman of the Disciplinary Committee, to decide in each individual case whether a disciplinary investigation is required.

- 3.1 Following any such decision by the President, the Disciplinary Committee comprising the President as Chairman and two vice presidents. The committee could co-opt two members of Council to deal with the disciplinary cases.
- 3.2 Any such Disciplinary committee shall be appointed with full delegated powers to investigate and finalise the case for which they have been appointed and the Legal Officer and a Senior Counsel from ICAZ Lawyers shall be co-opted to it as advisers. The quorum of a Disciplinary Committee shall be three not including the advisers.
- 3.3 The Disciplinary Committee to report to Council, Council may ask questions to seek clarification but it may not reverse any decisions made by the Disciplinary Committee.
4. On receipt of a referral from the Investigations Committee, the Disciplinary Committee shall as soon as practicable notify the accused of the nature of the complaint and the time and place fixed for the hearing.
  - 4.1 The Disciplinary Committee shall give such accused person a reasonable opportunity of being heard before it and shall, if he so desires, permit him to be represented before it by a legal practitioner or by a member of the Institute.
  - 4.2 If the accused does not attend the hearing, then provided that the Disciplinary Committee is satisfied that the notice of that hearing was served on the accused the Disciplinary Committee may proceed to hear the complaint in the absence of the accused.
  - 4.3 The Disciplinary Committee shall cause to be kept, in a form appropriate to the nature of any particular hearing or inquiry, a record of the proceedings at such hearing or inquiry
  - 4.4 Upon conclusion of the proceedings the Disciplinary Committee shall deliberate upon the case in camera, and the finding, and where applicable, the sentence, shall be communicated to the accused and complainant by the chairman forthwith.