



Appendix A-E: Enforcement Procedures for the AFP Code of Ethics

APPENDIX A

AFP Ethics Enforcement Powers and Procedures

Anyone may file an ethics query or complaint alleging violation of the AFP Code of Ethical Standards (Code) by an AFP member or person holding an AFP-sanctioned credential, whether or not the person lodging the complaint is a member of AFP. AFP considers all inquiries about actions of members to be strictly confidential. Before filing a complaint or ethics query, you may call and have a conversation with the Senior Executive Assistant to the President/CEO of the AFP Global Headquarters to see if you wish to proceed.

An ethics query is a means for inquiring whether or not a practice warrants filing a complaint alleging a violation of the Code, and to request assistance from the AFP Ethics Committee to resolve an issue or practice of concern without invoking the formal Code enforcement process. The goal is to bring about improvement in professional practice without having to resort to enforcement proceedings. An ethics query may be lodged via a confidential letter or memorandum to the office of the AFP President and CEO identifying the person against whom the ethics query is lodged and describing the incident or practice that is of concern.

A complaint is a formal allegation of violation of the AFP Code of Ethical Standards. Formal complaints must be made on the complaint form and signed. The filing of a complaint initiates the Code's enforcement procedure. If a complaint is filed, AFP requires complaining parties to agree that, upon request of the Ethics Committee, the complainant will give personal testimony in the presence of the member against whom the complaint is lodged.

Once a complaint is filed, it is reviewed by the Ethics Committee. If the Committee finds that the complaint alleges a violation of the Code and is supported by sufficient documentation, the Committee chair sends written notification of the complaint to the person against whom the complaint is lodged requesting the member to respond in writing to the complaint.

If the person against whom the complaint is lodged responds to the complaint, the Ethics Committee reviews the information presented in the response. If the Committee determines that there are grounds to support a charge of violation of the Code and that efforts to persuade the person to cease and desist have failed, the Committee may decide to hold a hearing to (1) determine whether a violation of the Code has occurred, and (2) decide what disciplinary action, if any, is appropriate.

Penalties for violation of the Code can include:

- **a letter of reprimand;**
- **a letter of censure and prohibition against holding Association and chapter office in AFP;**
- **suspension of membership in AFP for a stated period; and**
- **permanent expulsion from AFP membership, including withdrawal of any AFP-sanctioned credential.**

AFP considers all communications and records regarding questions of ethical misconduct to be strictly confidential.

APPENDIX B

Principles and Roles in the Ethics Enforcement Process

The fundamental goal of the procedures for enforcing the AFP Code of Ethical Standards is to eliminate unethical behavior, not to impose punishment.

The procedures for compliance adopted by the AFP Board of Directors on November 6, 1992, as amended, define the role of the chapters as educational and assign enforcement to the AFP Ethics Committee.

The procedures provide a process for receiving, investigating and adjudicating allegations of violation of the Code made against any AFP member or other person holding an AFP-sanctioned credential, and provide a process that is fair, responsible, confidential and consistent. The procedures are designed to protect AFP members from unfair allegations and to protect Association and chapter AFP officers and staff from personal liability in cases alleging unethical conduct.

The procedures reflect seven fundamental principles:

1. *To be considered, an allegation of violation of the Code must be made in writing and signed by an individual.*
2. *The written query or complaint must be filed with the office of the President and CEO, AFP Global Headquarters for consideration by the AFP Ethics Committee. The written complaint must be received on the complaint form available upon request from the office of the President and CEO, AFP Global Headquarters; a query can be in the form of a letter, a phone call or other means such as email.*
3. *Complaints and queries can be made/alleged only against AFP members or a person holding an AFP-sanctioned credential. AFP can take no action against persons, businesses, or organizations who are not either AFP members or holders of an AFP-sanctioned credential.*
4. *Laws takes precedence over ethical misconduct. If, in AFP's judgment, an allegation entails a violation of law or breach of contract, the AFP Ethics Committee may in its discretion refer the matter to the appropriate legal channels for resolution or remedy.*
5. *The role of AFP chapters in the ethics process is to educate members about ethical issues and standards, the Code and the AFP enforcement procedures in general. It is not the chapters' function to screen, adjudicate, review or advise in specific situations. Chapter boards should not be involved in specific discussions of possible or alleged Code violations. AFP does not want any chapter, chapter officer or individual to be sued.*
6. *Chapters have no formal or informal role in the processing or adjudication of complaints.*
7. *Chapters should focus their action on ethical issues, standards and education. It is suggested that chapters consider using the title "Ethics Education Committee" rather than "Ethics Committee" for their own committees. Education on legal or legislative issues is not the proper concern of a chapter's Ethics Education Committee. The AFP Ethics Committee seeks to vigorously reinforce a distinction between legal questions and ethical standards of professional practice.*

APPENDIX C

How to Register a Query about a Possible Violation of the Code

1. Write a letter explaining the concern; include identification of the AFP member involved.
2. Send signed query and a copy of any backup information corroborating your concern in a *sealed* envelope marked CONFIDENTIAL to:

President and CEO
Ethics Office
Association of Fundraising Professionals
4200 Wilson Blvd., Suite 480
Arlington, VA 22203

How to File a Formal Complaint Alleging Violation of the Code

1. Request a complaint form from the office of the President and CEO. Forms may be requested by telephone, fax or mail.
2. Fill out the complaint form completely and sign it. Be sure that the description of alleged unethical conduct is clear and complete. The complaint must be filed within three years of the alleged ethical misconduct.
3. Send the signed form and a copy of any backup information corroborating your allegation in a *sealed* envelope marked CONFIDENTIAL to:

President and CEO
Ethics Office
Association of Fundraising Professionals
4200 Wilson Blvd., Suite 480
Arlington, VA 22203

**APPENDIX D
CONFIDENTIAL**

AFP COMPLAINT FORM: ALLEGATION OF ETHICAL MISCONDUCT * * *

ALLEGED OFFENDER

Name: _____

Address: _____

AFP Chapter (if known): _____

ALLEGED OFFENSE

Please specify the alleged violation of the *AFP Code of Ethics* and, identify the specific *Standard* that is alleged to have been violated:

Date of alleged offense: _____

***** Any individual may file an allegation of ethical misconduct against an AFP member. To be considered, this form must be completed in full and signed by the person lodging the complaint. Complaints must be filled within three years of the alleged ethical misconduct. This form and the information contained herein will be considered strictly confidential by AFP, but may be disclosed to the alleged offender as part of the ethics review process.**

COMPLAINANT

Name: _____

Address: _____

Phone: _____

Fax: _____

Are you an AFP member? Yes _____ No _____

If yes, what is your member ID number? _____

Chapter affiliation? _____

PLEASE SIGN AND DATE THIS DOCUMENT

I affirm that, to the best of my knowledge, the information above is true, accurate and complete.

Signature of Complainant

Date

VERY IMPORTANT: Mark your envelope CONFIDENTIAL and return this form to:

President and CEO
Association of Fundraising Professionals
Attn: Ethics Office
4200 Wilson Boulevard, Suite 480
Arlington, VA 22203

APPENDIX E

THE ROLE OF THE AFP ETHICS COMMITTEE

The committee views itself as a vehicle through which AFP promotes responsible and ethical behavior by its members and those holding AFP certification. To that end, the committee undertakes to:

- Educate members and other professionals about the code.
- Educate members about ethical issues within the profession.
- Function as resource to AFP and its members and to the public in matters of ethical behavior.
- Develop and recommend standards that address evolving issues affecting ethics within the field.
- Refine the code and professional standards as necessary and appropriate.
- Act as role models for adherence to the code.
- Educate, in cooperation with appropriate AFP committees, the public about the code and ethical practice within the field.
- Encourage compliance with the code.
- Receive and respond to queries concerning ethics within the profession and the independent sector.
- Receive and respond to complaints alleging violation of the code.
- Effect resolution of queries and complaints through education and persuasion whenever possible.
- Sustain acute awareness of the implications of committee action on members, complainants, philanthropy, AFP, the profession and the public.
- Provide a fair and responsible hearing to both complainant and individual reported in violation of the code.
- Render judgment based on facts and supporting materials presented.
- Apply sanctions fairly and consistently based on board approved policy.
- Maintain confidentiality about queries, complaints, and hearings.
- Refrain from participation in cases that constitute personal conflict of interest.
- Act as complainant when necessary.
- Maintain as much independence within AFP as necessary for objectivity.

Committee members are expected to attend 75% of all committee meetings in person or by conference call. Members must also attend a required 90-minute New Member Orientation before starting their term of service.