



## **Enforcement Procedures For the AFP Code of Ethics**

**Approved as Board Policy by the Board of Directors November 6, 1992,  
with amendments adopted by the AFP Board of Directors through April 2025.**

Through the AFP *Code of Ethics and Standards of Professional Practice (the Code)*, the Association of Fundraising Professionals (AFP) promotes responsible, professional and ethical behavior by its members engaged in fundraising, by its members engaged in businesses that support or assist fundraising, and by non-members who agree to be bound by the AFP *Code of Ethics* as a condition of professional certification sponsored by AFP. These *AFP Enforcement Procedures* (“Enforcement Procedures”) are integral to the *Code of Ethics and Standards of Professional Practice*.

For purposes of these Enforcement Procedures, the terms “member” refers to AFP fundraising members, business members, organizational members and certificants (excluding certificants who are members of the Association for Health Care Philanthropy) unless otherwise specified. These Enforcement Procedures apply to the individual in the case of a fundraising member. However, the Enforcement Procedures apply to a business member and organizational member as an entity. More specifically, if any individual who is an employee, independent contractor, or other agent of a business or organizational member – acting on behalf of that business or organizational member – violates the Code, that business or organizational member as an entity could be subject to these Enforcement Procedures, not just the individual in question.

AFP holds its members accountable to the *Code* and is intolerant of practices that threaten the integrity and reputation of the fundraising profession or the strength and fabric of the philanthropic sector. These Enforcement Procedures contain the implicit expectation that the most desirable outcomes of the process are education and the elimination of the unethical behavior, not punishment.

These Enforcement Procedures are designed to provide appropriate notice and an opportunity to be heard to all members who may be the subject of an inquiry or a complaint, whether or not they have counsel. Members are encouraged to contact the AFP Global Headquarters if they have any questions regarding the *Code* or these, and matters related thereto Enforcement Procedures.

AFP will take reasonable measures to ensure that any proceedings, hearings, deliberations and/or files resulting from implementation of these Enforcement Procedures shall be and remain confidential except as required by law or as otherwise provided in these Enforcement Procedures.

AFP will provide all materials and conduct the relevant proceedings in English. On a case-by-case basis, AFP will consider providing translation services upon request.

## I. COMPLAINT

### A. Ethics Queries

1. Any individual may contact the AFP Global Headquarters with an ethics query regarding interpretation or application of the *Code*), whether or not the individual or entity is a member of AFP. An ethics query is a means for inquiring whether or not a transaction, practice or course of behavior warrants filing a complaint alleging a violation of the Code, for requesting guidance regarding a proposed transaction or, practice or course of behavior and for requesting assistance from the AFP Ethics Committee (the “Committee”) without resorting to enforcement proceedings. Ethics queries may be handled by (a disinterested member of the Committee or by) appropriate staff at the AFP Global Headquarters who are authorized to address issues arising under the Code and the Enforcement Procedures.

### B. Standing to Lodge a Complaint

1. Any individual may lodge a complaint concerning possible violation of the Code, whether or not the individual or entity is a member of AFP. A complaint must be in writing, preferably on AFP’s form, “Complaint of Ethics Violation.” A complaint must include the name, position, address, telephone number and signature of the author of the complaint, a statement of the standards alleged to have been violated, and a description of the relevant facts. Complaints must also state whether the complainant has reported the alleged violation to any other investigative or adjudicative entity. Complaints will be logged by the AFP Global Headquarters and forwarded to the Chair of the Ethics Committee. Complaints may not be submitted on an anonymous basis. AFP may dismiss complaints that do not include the required information or that do not allege facts that would constitute a violation of the Code.
2. An AFP member who has engaged in activity that is a violation of the Code, whether through negligence, or inadvertence, or by intention, is obligated to self-report such activity to the Committee.
3. The Ethics Committee itself may lodge a complaint.
4. The AFP Ethics Committee is not a substitute for a court of law and does not have the authority to issue subpoenas. AFP may, in its discretion, defer any action on a complaint if a legal proceeding (e.g., civil action, licensure proceeding, or law enforcement action) has commenced or is pending with regard to the subject matter of a complaint, or if the AFP Ethics Committee determines the matter would be more amenable to legal or regulatory review (e.g., a court, mediator, employer, or licensing

board), of in order to await the outcome of any third-party investigation. AFP is not obligated, however, to withhold action on a complaint relating to matters that are the subject of other legal or third-party proceedings. AFP may also, in its discretion, refer matters to federal, provincial, state or local government agencies in appropriate situations.

5. By submitting a complaint, a complaining party agrees that, upon request of the AFP Ethics Committee, the complainant(s) will cooperate in the Code enforcement process and, upon request, will give personal testimony in the (virtual) presence of the member against whom the complaint is lodged.

C. Initiation of Proceedings Pursuant to a Complaint

1. Proceedings pursuant to these Enforcement Procedures may be initiated by AFP upon receipt of appropriate information not in the form of a formal complaint by an individual. In such cases, the complaint is initiated by the Committee.
2. In all other cases, proceedings are initiated in response to a formal complaint by an individual.
  - a. A complaint must be directed to the office of the President & CEO of AFP and filed with the AFP Global Headquarters.
  - b. A complaint must be postmarked or delivered to the AFP Global Headquarters no later than three (3) years following the time when the alleged violation was discovered or could have been discovered. Complaints may be brought at any time if they allege:
    - i. criminal activity, or
    - ii. false or misleading representations in connection with an application for, or maintenance of, membership in AFP or certification sponsored by AFP.
3. If a filed complaint is withdrawn before a hearing is held or other action is taken by the Committee, AFP may proceed with a hearing or take other steps necessary to resolve the complaint. In such a case, AFP will become the complainant. All material related to the complaint (including material previously submitted by the parties) may be used in the proceedings.

- D. The status of an individual's or entity's AFP membership at the time of a complaint is not necessarily controlling for purposes of Committee jurisdiction. If the individual or entity against whom a complaint is filed was or is a member of

AFP at the time of the alleged violation of the Code, the Committee may invoke jurisdiction to proceed under these Enforcement Procedures. If an AFP member is the subject of a formal government legal proceeding and/or AFP enforcement proceeding, AFP will retain jurisdiction over the member and/or certificant until the AFP enforcement proceeding has been completed, whether or not the member voluntarily resigns or terminates membership by declining to renew and/or apply for recertification.

- E. Failure to respond to, or otherwise cooperate with, an investigation by the Committee may itself be grounds for disciplinary action.
- F. The Committee and/or subcommittees may conduct their activities at in-person meetings, via telephone conference call or through other secure and confidential means designed to ensure participation and deliberation by appropriate or designated Committee members.

## II. INVESTIGATION OF COMPLAINT

- A. Upon receipt of a complaint, the AFP President & CEO or designee must determine whether the complaint against the member:
  - 1. Contains factual allegations that may constitute a violation of the Code, and
  - 2. Contains sufficient and reliable information, is not patently frivolous or inconsequential, and warrants initiation of steps to determine factual sufficiency for a hearing.
- B. The AFP President & CEO or designee may request additional information, consult with Committee members, take notice of publicly available information, and take other actions consistent with the AFP President & CEO's obligation to determine if a complaint meets these criteria and warrants further investigation.
  - 1. If the AFP President & CEO or designee determines that a complaint satisfies the criteria, the AFP President & CEO will refer the matter to the Committee for consideration.
  - 2. If the AFP President & CEO or designee determines that a complaint does not satisfy the criteria, the AFP President & CEO may reject the complaint and notify the complainant of this decision. All such decisions by the AFP President & CEO shall be reported to the Committee.
- C. Within thirty (30) calendar days of receiving the complaint from the President & CEO, the Committee shall determine whether the complaint warrants: (a) Committee investigation, or (b) Committee summary finding of violation.

1. If the Committee determines that a complaint warrants Committee investigation, the Committee shall promptly:
  - a. Provide the member against whom the complaint was filed copies of the AFP *Code of Ethics and Standards of Professional Practice*, these Enforcement Procedures, written notification stating that an investigation is to be conducted and an Admission Statement that the member can sign should the member choose to do so; summarize the issues raised in the complaint and notify the member that the member may submit a response and supporting documentation to the Committee or, in the alternative, the member can admit the allegations set forth in the complaint and sign and submit the Admission Statement to expedite the process, and that any response should be submitted within twenty (20) calendar days of the date of the notification letter (with the complainant's identity kept confidential as practical and possible<sup>1</sup> at this stage as provided in these Enforcement Procedures);
  - b. Notify, in writing, the complainant that the complaint has been received and indicating the status of the complaint;
  - c. Direct the President & CEO or designee to investigate the complaint, and
  - d. Designate the Committee member who shall serve as Judge Advocate *pro tempore* if necessary.
  - e. Notices to the member against whom the complaint was filed shall be transmitted via certified mail or by traceable courier, deliverable to addressee only, return receipt requested, with notice by email to the member that an important communication has been transmitted to the member by the AFP Ethics Committee that requires a response. At the member's request, further communications from AFP may be transmitted by email to an email address identified by the member.
  
2. If the Committee determines that a complaint does not warrant Committee investigation, the matter will be closed and notice of this decision will be promptly forwarded to:

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<sup>1</sup> Under exceptional circumstances, the Committee reserves the right in its sole discretion to keep the complainant's identity confidential throughout the entire process, including the hearing process (if one is commenced), upon a clear showing of risk to the complainant if the complainant's identity were revealed to the member against whom the complaint was filed, unless doing so would deprive the member of a meaningful ability to respond to the allegations in the complaint.

- a. The complainant;
  - b. The Committee, and
  - c. The President & CEO of AFP Global.
- D. The Committee may determine, by simple majority vote that a complaint warrants Committee summary finding of violation of the Code if either of these circumstances exist:
1. The complaint includes clear documented evidence that the member has been found guilty, or has pled guilty, or has pled *nolo contendere* and has been sentenced by a court with appropriate jurisdiction in a criminal law matter in which the member was accused of fraud, embezzlement, theft, or other similar crimes against a charity or against one or more charitable donors; or
  2. The complaint includes clear documented evidence that the member has had an adverse judgment entered against the member personally by a court or licensure or regulatory body with appropriate jurisdiction in a civil law matter in which the member was accused of fraud, embezzlement, theft, or other similar violations against a charity or against one or more charitable donors.

The Committee may rely on the factual findings in criminal conviction records, civil judgments, and licensing or regulatory board actions and may also rely on findings from other third-party investigations. The Committee will not reach a contrary factual determination to the factual findings in a judicial, licensure, or regulatory action record but may independently assess whether the factual findings constitute a violation of the Code and what disciplinary action may be appropriate. The Committee may also impose disciplinary action based on evidence produced in investigations by adjudicative bodies in cases in which discipline is imposed by stipulated agreement in lieu of a disciplinary hearing.

If there is a Committee summary finding of violation of the Code, the Determination to Conduct a Hearing section of these Enforcement Procedures is not applicable; the Committee shall impose the disciplinary action of Revocation of Membership. The member may either accept the decision and sanction or appeal the decision and recommended sanction to the Executive Committee of the Board in accordance with Section VII of these procedures by submitting a written notice of appeal within 15 days of the decision notification date.

- E. If the member against whom the complaint was filed signs and submits an Admission Statement admitting the allegations set forth in the complaint, the Determination to Conduct a Hearing section of these Enforcement Procedures is not applicable; the Committee shall instead consider disciplinary action.

- F. If the member against whom the complaint was filed fails to respond to the Committee, the Determination to Conduct a Hearing section of these Enforcement Procedures is not applicable; the Committee may instead consider disciplinary action based on the information before it.
- G. Notice of the Committee's decision and the hearing panel's disciplinary action will be made pursuant to the applicable provisions of Sections V, VI, and VII of these Enforcement Procedures.
- H. All material gathered by AFP in the course of any of its investigations, including but not limited to information submitted by a complainant and the member against whom a complaint has been lodged, will be the property of AFP.
- I. Both the complainant and the member against whom the complaint was filed are required to uphold the strict confidentiality of the ethics complaint and proceedings during the pendency of the proceedings except as required by law during. Consultation is nevertheless permitted with family members, potential witnesses, legal counsel, consultants relevant to the complaint and similar persons who themselves commit to confidentiality. Sharing information about the complaint with unrelated third parties shall be deemed a breach of confidentiality. Should the complainant breach the confidentiality of the complaint, the Committee will determine whether the breach warrants dismissal of the complaint. Should the member against whom the complaint was filed breach the confidentiality of the complaint, the Committee will determine whether the breach is eligible for consideration of a separate violation with attendant findings and sanctions.

### III. DETERMINATION TO CONDUCT HEARING

- A. The President & CEO and disinterested Committee member(s) designated by the Committee Chair to investigate the complaint, with the support of AFP staff, shall examine all relevant matters in the submitted record, including any written response submitted by the member against whom the complaint was filed. The staff and the Committee members designated to investigate the complaint may communicate directly with the member responding to the complaint (and complainant, if applicable) to resolve the matter without resorting to a formal hearing. The member may be asked to agree to take certain corrective or preventive actions, to cease and desist from certain activities, or to otherwise meet certain conditions in order to resolve the complaint.
- B. If efforts to resolve the complaint pursuant to the procedures in this Section are unsuccessful, or if the staff and Committee member(s) designated to investigate the complaint determine(s) that the ethical misconduct on the part of the member is habitual or of such magnitude to warrant a hearing, the matter shall be presented to the full Committee for vote as to whether a hearing should be held. Based on an affirmative vote by a simple majority of the Committee, the Committee shall proceed with a hearing. Participation in this determination shall not, in any of itself, disqualify a member of the Committee from serving on the hearing panel.
- C. If any member of the Committee has or has had a business, financial, personal or familial relationship with any party to the matter or otherwise has a conflict that may influence the Committee member's impartial review of the matter, that Committee member shall disclose the actual or potential conflict to the Committee and may recuse from further review and decisions on the matter. If a Committee member does not voluntarily recuse, recusal may be mandated by a majority vote of the balance of the full Committee.
- D. The Ethics Committee Chair shall establish the time and place of the virtual hearing and shall determine which member(s) of the Committee shall present the case against the member and act as Judge Advocate *pro tempore*.
- E. The Ethics Committee Chair shall also select an Ethics Hearing Panel. The Ethics Hearing Panel:
  - 1. Shall consist of disinterested members of the Committee, unless conflicts of interest or other circumstances disqualify a majority of the Committee from serving; in such cases, the Chair may appoint members of the AFP Board of Directors, former Ethics Committee members and/or other disinterested persons to the panel as necessary;

2. Shall consist of no less than one (1) and optimally three (3) unbiased individuals, although the number may be altered at the discretion of the Chair of the Committee;
  3. Shall not include the Chair of the Ethics Committee and shall not include any Committee member who has participated in the investigation of the complaint or who is appointed to serve as Judge Advocate *pro tempore*;
  4. Shall not include any individual who has a past or present material business, financial, personal or familial relationship with any party in the matter and;
  5. Shall act in this matter with the same authority as the Committee, with its decision having the same weight and effect as a decision of the Committee.
- F. The purposes of the hearing are to:
1. Determine if the member has violated the Code and
  2. If the member has violated the Code, decide upon appropriate disciplinary action.

#### IV. NOTIFICATION OF HEARING

- A. The President & CEO or the Chair of the AFP Ethics Committee shall serve notice, in writing, of the pending hearing. The notice:
1. Shall be signed by the Chair of the Committee or the President & CEO;
  2. Shall be sent to the member via certified mail or by traceable courier, deliverable to addressee only, return receipt requested (unless the member has previously requested communication solely by email), with notice by email to the member that an important communication has been transmitted to the member by the AFP Ethics Committee that requires a response;
  3. Shall state that the hearing will be conducted telephonically or by videoconference and offer a choice of a minimum of two dates and times;
  4. Shall advise the member that the member may submit written response and supporting documentation;
  5. Shall provide the names and brief professional backgrounds of the members of the Ethics Hearing Panel and Judge Advocate *pro tempore* and

6. Shall be transmitted a minimum of thirty (30) calendar days in advance of the earliest choice of hearing dates so that the member may:
  - a. Schedule an appearance<sup>2</sup>;
  - b. Obtain counsel, if desired, and
  - c. Prepare a presentation in defense.
- B. The notification of hearing to the member shall be accompanied by a copy of the original complaint and shall state that:
  1. The Committee has examined the complaint(s) brought against the member concerning alleged violation of the Code and that, as a result of investigation, the Committee has determined that a hearing be held;
  2. The member is accused of alleged violation of a specified element or elements within the Code as a result of specified act(s) or conduct, which are disclosed within the complaint or notice;
  3. The hearing will be conducted by an Ethics Hearing Panel, which is empowered to:
    - a. Ascertain all material facts;
    - b. Decide the merits of the complaint and,
    - c. If the complaint is sustained, impose disciplinary measures, subject to the member's right to appeal the Executive Committee of the AFP Board of Directors.
  4. The member may be represented by counsel or may appear on the member's own behalf, may confront the complainant(s) if the complainant is a necessary witness to the matter, and may present and examine other witnesses in accordance with hearing procedures adopted by the Committee;
  5. The member must respond within 15 days from the date of the notification of hearing indicating the member's availability on and preference for the proposed hearing dates, whether the member plans to participate, whether the member will be represented by an attorney, and whether the member plans to ask any witnesses to participate (and, if so, their names, contact information, and a brief statement of the topic of the witness's testimony).

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<sup>2</sup> In the case of a business member or an organizational member, that member's President and CEO (or any other officer who has the authority to represent the member in a legal proceeding) can appear on behalf of the member.

The member may also waive the option to appear by submitting a waiver in writing and addressed to the Chair of the Committee;

6. Should the member decline to appear, the Committee reserves the right to conduct the hearing and resolve the issues in the member's absence and
7. Should the member not respond within fifteen (15) calendar days of the date of the notification of hearing, the Committee may proceed under these Enforcement Procedures without the member's participation.

C. Copies of the notification of hearing shall be sent to:

1. The complainant(s) and
2. The President & CEO of AFP.

## **V. CONDUCT OF HEARING**

A. Nature of the hearing

1. The Committee may adopt specific procedures for the hearing to preserve proper decorum and provide for a fair and adequate hearing;
2. The member may be represented by counsel;
3. Testifying parties are to be sworn or affirmed;
4. The member will not be required to testify against the member's own self-interest;
5. A transcript or recording is to be made;
6. Specific charges against the member, including Code standards alleged to have been violated, are to be read into the record;
7. The case against the member is to be presented first with the member given the opportunity to examine any witnesses;
8. The member is to be given ample opportunity to present a defense, including presenting witnesses with first-hand knowledge of relevant evidence;
9. Written evidence is to be made part of the record;

10. Formal rules of evidence will not apply to these proceedings, and relevant reliable information may be presented and considered;
11. The hearing will be confidential and will be closed to all individuals who are not participating in the proceedings pursuant to these Enforcement Procedures, and
12. A member of the Ethics Hearing Panel shall be appointed by the Chair as Chief Hearing Officer to preside over the hearing proceedings.

B. Roles of the Parties

1. The Chief Hearing Officer will preside over the Hearing procedures.
2. The Judge Advocate *pro tempore* designated by the Committee is responsible for presenting and moving the case against the member, but shall not participate in the Ethics Hearing Panel's decision as to whether a violation of the Code has occurred. The Judge Advocate *pro tempore*, with, if AFP so designates, the assistance of counsel, shall:
  - a. State the specific violation(s) of which the member is accused;
  - b. Summarize the Committee's investigation into the complaint and present the results of the investigation;
  - c. Introduce into the record any nonverbal (i.e., written, taped, visual, etc.) testimony/evidence against the member, including written affidavits of witnesses unavailable to testify at the hearing;
  - d. Present and examine any witness(es) against the member with first-hand knowledge of relevant evidence, and
  - e. Examine any witness(es) testifying on behalf of the member.
3. The member or the member's counsel may:
  - a. Present the case on the member's behalf;
  - b. Introduce into the record any nonverbal (i.e., written, taped, visual, etc.) testimony/evidence on behalf of the member, including written affidavits of witnesses unavailable to testify at the hearing;
  - c. Present and examine any witness(es) with first-hand knowledge of relevant evidence on the member's behalf, and

- d. Confront and examine any complainant(s) or witness(es) testifying against the member.
  4. The Ethics Hearing Panel is responsible for determining whether, on the facts presented, the member violated the Code as charged. Members of the Panel may ask questions of anyone testifying at the hearing. The Panel shall base its decision solely upon matters introduced in the course of the hearing.
- C. Hearing Decision
1. After deliberation, the Ethics Hearing Panel shall render a decision based on majority vote as soon as practicable (generally, within thirty (30) calendar days) or and shall promptly notify the member of the decision. If the decision is that the member did violate the Code, the panel must, at the same time and place, render a decision as to recommended sanction.
  2. If the decision is that the member did violate the Code, notification of the decision, the attendant recommended sanction and the member's right to an appeal shall be forwarded in writing to the member, the Committee, the Chair of the AFP Board of Directors, the Chair-Elect of the Board of Directors of AFP (in the discretion of the Chair of the Ethics Committee) and the President & CEO of AFP. The notification of decision shall set for the basis for the decision.
  3. If the decision is that the member did not violate the Code, the member and the complainant(s) shall be informed in writing of the decision, as will any other person requested by the member. This decision is final.
  4. A copy of the record, along with all material considered by the Hearing Panel and a copy of the notification of decision, shall be filed confidentially at the AFP Global Headquarters.
  5. If the decision is that the member violated the Code and that a sanction is recommended, the member may either accept the decision and sanction or appeal the decision and recommended sanction to the Executive Committee of the Board by submitting a written notice of appeal within 15 days of the decision notification date. No information about the proceedings shall be otherwise disseminated or published until after an appeal has been finally decided or until the time within which a member may appeal has expired. At that time, notification and publication shall follow the procedures set forth in Section VII.G.

## VI. DISCIPLINARY ACTIONS

- A. The following disciplinary actions may be imposed upon a member found to be in violation of the Code:
1. *Reprimand.* A reprimand is a formal rebuke by the Committee in writing addressed to the member. AFP does not publicize issuance of a reprimand except by notifying the member, the Ethics Committee, the Board, and the complainant, or to cooperate with inquiries from governmental bodies or in response to a subpoena or other legal process or requirement, and as set forth in Section VII.G.
  2. *Censure.* Censure is a more serious rebuke in writing, and carries a prohibition on holding any Association or chapter office, and sponsoring, exhibiting, advertising or otherwise participating in any AFP sanctioned activity at any level within the Association. Effective on the date of the final decision to censure a member, a member shall be barred from participation as set forth herein, for one (1) year. AFP may publicize a censure, including (without limitation) by listing the censure on its website or providing information about the censure and the basis for the censure to any interested party, and as set forth in Section VII.G.
  3. *Suspension.* Suspension excludes an individual or entity from membership in AFP for a stated period of time and/or under stated conditions and includes a prohibition on holding any Association or chapter office, and sponsoring, exhibiting, advertising, purchasing a mailing list, receiving AFP awards, or otherwise participating in any AFP sanctioned activity at any level within the Association, which includes forfeiting any payments made related to any AFP sanctioned activity, for the stated period. Failure to adhere to the stipulated terms of the suspension during the stated period will result in further disciplinary action by the Ethics Committee, as well as a report to the Better Business Bureau. Upon expiration of the suspension period, the member shall be eligible to reapply for membership. AFP may publicize a suspension, including (without limitation) by listing the suspension on its website or providing information about the suspension and the basis for the censure to any interested party, and as set forth in Section VII.G.

4. *Revocation of Membership.* Revocation bars an individual or entity from membership in AFP, is permanent and includes a permanent prohibition on sponsoring, exhibiting, advertising or otherwise participating in any AFP sanctioned activity at any level within the Association. Revocation of membership automatically includes a recommendation to revoke certification or endorsement sponsored by AFP, if applicable. AFP may publicize a revocation, including (without limitation) by listing the revocation on its website or providing information about revocation and the basis for the revocation to any interested party, and as set forth in Section VII.G.
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- B. In imposing disciplinary actions, the Ethics Hearing Panel (following a hearing), or the Executive Committee (following an appeal) or the Ethics Committee (following a summary finding of violation of the Code), as applicable, will consider the severity of the violation, the intent of the member, the extent of injury to other persons or the profession and whether the violation was willful or negligent. The Ethics Hearing Panel, Executive Committee, or Ethics Committee, as applicable, may in its discretion impose any disciplinary action, as warranted, in specific cases.

## **VII. APPEAL**

- A. The Executive Committee of the AFP Board of Directors shall decide appeals from decisions of the Ethics Hearing Panel (following a hearing) or of the Ethics Committee (following a summary finding of violation of the Code). If any Executive Committee member participated on the Ethics Hearing Panel in a hearing or on the Ethics Committee in a summary finding of violation of the Code, or has or has had a material business, financial, personal or familial relationship with any party to the matter or witness at the hearing, that person shall recuse from participation in the appeal. The Hearing Officer who served on the Hearing Panel will serve as a non-voting adviser during the appeal hearing.
- B. Appeals must be submitted by the member within fifteen (15) days of the date of the decision notification letter from the Hearing Panel or the Ethics Committee. Appeals must be submitted in writing to the Chair of the AFP Ethics Committee. The appeal should include a statement of why the adverse decision was improper or the sanction was disproportionate to the violation and should outline the basis for the appeal, which is limited to:
  1. Failure of the Ethics Hearing Panel or Ethics Committee to follow these Enforcement Procedures, or

2. Material errors of fact, unsupported by the evidence.  
A member appealing from a summary finding of the Ethics Committee may submit supporting documentation relating to alleged material errors of fact and may request up to an additional fifteen (15) calendar days to do so. A member appealing from a decision of a Hearing Panel must base the appeal on the evidence before the Hearing Panel.
- C. If the Executive Committee, by simple majority vote, determines that the request for appeal has an appropriate basis, the Executive Committee shall serve notice, in writing, within thirty (30) days after receipt of the appeal that the appeal has been accepted. The letter of notification shall be sent to the member via the same method as AFP's notification of the adverse decision and shall state that:
1. The appeal shall be limited to a review of the written record, and shall not include a hearing or any similar trial-type proceeding;
  2. Only facts and conditions up to and including the time of the Hearing Panel's determination as represented by facts known to the Hearing Panel are considered during an appeal, except in appeals from summary decisions, and;
  3. The decision of the Executive Committee is final.
- D. The Executive Committee will review the written record and take one of the following actions, by majority vote:
1. Affirm the hearing decision or summary finding of violation in full;
  2. Modify the hearing decision or summary finding of violation, or
  3. Reverse the hearing decision or summary finding of violation, in which case any sanction shall be rescinded.
- E. The Executive Committee shall reach a decision within thirty (30) calendar days of receipt of the appeal (or, in the member submits additional written evidence in appealing a summary decision, within 30 calendar days of receipt of that additional evidence) or as soon as practicable and notify the member promptly. In all cases, a letter stating the determination and signed by the Chair of the Ethics Committee shall be sent the same method as AFP's notification of the adverse decision. Notification shall also be disseminated to:
1. The complainant(s);
  2. The Committee;
  3. The President & CEO of AFP;

4. The Chair of the AFP Board of Directors and
  5. The Chair-Elect of the Board of Directors of AFP, in the discretion of the Chair of the Ethics Committee.
- F. A copy of the record, along with all material considered by the Executive Committee, plus a copy of the notification of decision, shall be filed at the AFP Global Headquarters and maintained there in confidence, subject to disclosure in accordance with these Procedures.
- G. After an appeal has been decided or after the time within which a member may appeal has expired, information regarding disciplinary action may be disseminated, as follows:
1. From time to time there will be AFP-wide publication of final actions taken by the Committee via Association newsletters, web sites and other means. This is done for educational purposes only and will not identify any member who has been reprimanded, censured or suspended.
  2. In the case of censure or suspension, notification will also be disseminated to the president of the member's chapter(s). In the case of a business member or organizational member, the name of the business or organization will be provided in the notification.
  3. In the case of revocation, notification will also be disseminated to the president of the member's chapter(s) (in the case of a business member, only that member's individual Associate Memberships, as members of the chapter(s) are subject to this notification requirement; the business member as an entity is excluded from this notification requirement) Notification will also be disseminated to all members of AFP. In the case of a business or organizational member, the all-member notification applies to both the business member or organizational member as an entity and its Associate Memberships. The revocation will be reported to the members in Association newsletters, web site material and other means, with such report limited to one of the two following statements:

For individual fundraising members or business members' Associate Memberships:  
( ), a member of the ( ) Chapter, has been permanently expelled from AFP by action of the AFP Ethics Committee, as authorized by the AFP Board of Directors, for violation of the Code of Ethical Standards; a letter of revocation has been sent to the member and notification of this action has been given to the complaining parties and to the AFP Global Headquarters. AFP reserves the right to provide information to interested parties about the basis for the revocation.

For business or organizational memberships as entities (for dissemination to all members of AFP):

*( ) has been permanently expelled from AFP by action of the AFP Ethics Committee, as authorized by the AFP Board of Directors, for violation of the Code of Ethical Standards; a letter of revocation has been sent to the member and notification of this action has been given to the complaining parties and to the AFP Global Headquarters. AFP reserves the right to provide information to interested parties about the basis for the revocation.*

## **VIII. MEMBERS AND NONMEMBERS WITH CERTIFICATION**

- A. Individuals who hold certification sponsored by AFP, and who agree to be bound by the AFP Code of Ethics as a condition of professional certification, are bound by the Code whether or not they are members of AFP. For purposes of this Code and this Section VIII, the term “certified nonmember” refers to any individual who holds certification sponsored by AFP, except for members of the Association for Healthcare Philanthropy (“AHP”) who agree to be bound by AHP’s procedures and disciplinary codes in all matters related to certification.
- B. The AFP Ethics Committee will accept complaints of possible violations of the Code against certified nonmembers as well as against certified members. All matters concerning certified members and nonmembers regarding potential violations of the Code will be administered in accordance with these Enforcement Procedures, with determinations and recommendations forwarded to the appropriate professional certification board(s).
- C. A professional certification board will be responsible for certification and decertification of AFP members and nonmembers. However, all matters concerning accusations of violations of the Code by certified members and nonmembers will be determined by the AFP Ethics Committee under these Enforcement Procedures, subject to appeal to the Executive Committee of the AFP Board of Directors.
- D. Should a certified nonmember be found in violation of the Code, publication of disciplinary action by the professional certification board (including revocation of the certified status) may follow the procedures set forth in Section VII.G.