



A. Principles of the Code of Practice Complaints Process

The fundamental goal of this Complaints Process is to promote best practice and encourage ethical behaviour by members of the Fundraising Institute Australia.

The Principles that the Complaints Process seeks to apply are:

- **Fairness:** the process should be fair to all parties
- **Accountable:** the process should report outcomes of hearings and gives reasons for its decisions
- **Accessible:** the process should be available to members and donors, in plain language, at no cost
- **Efficient:** the process should be conducted in a timely manner with adequate assistance provided to complainants to help them prepare a complaint
- **Effective :** the process should provide sanctions appropriate to an offence committed and provide an opportunity to monitor
- **Maintain professional integrity:** the process should be adequately resourced and ensure sanctions are seen to be effective and enforceable
- **Data collection:** the process should provide for collection and analysis of complaint data
- **Process review:** the process should be reviewed periodically to ensure Codes are effective and Complaints are handled efficiently.



1. To Whom does this Complaints Process apply?

- 1.1 Any person may file a complaint under this Complaints Process alleging a breach of a Code by a Fundraiser. The person filing the complaint need not be a member of FIA.
- 1.2 This Complaints Process applies to Professional Fundraisers. The FIA Ethics Committee can only investigate and enforce a breach of a Code if necessary against Fundraisers who are members of FIA.
- 1.3 Only the Ethics Committee of FIA may hear and rule on a complaint under this Complaints Process.
- 1.4 Only a member of the FIA Ethics Committee and the CEO or their delegated representative may process a complaint by a person under this Complaints Process.
- 1.5 Where a member of the Ethics Committee, the CEO of FIA or their delegated representative is, or becomes aware that they have an interest that will make it difficult for them to discharge their duties under this Complaints Process or that may bring this Complaints process into disrepute they must declare that interest and stand aside from this Complaint Process.
- 1.6 A person who has stood aside under s1.5 may act as a witness.
- 1.7 This Complaints Process does not replace nor override any rights available to a person at law.



2. Definitions used you need to be aware of

- 2.1 **Appeals Officer** means a person appointed by the Board of FIA to hear an appeal under s4 of this Complaints Process.
- 2.2 **Code** means any current FIA Code of Practice endorsed by the Board of the FIA.
- 2.3 **Complaint** means a complaint alleging a breach of a Code, supported by fact.
- 2.4 **Complainant** means an individual that has made a Complaint to FIA.
- 2.5 **Donor** means an individual or other entity that makes a contribution of value to an Organisation to further the Organisation's purpose. A Donor does not include an individual or entity that engages with an Organisation for the purpose of trade.
- 2.6 **Donation** means a material contribution of value made by a Donor to an Organisation to further the Organisation's purpose. For the purposes of this Bill of Rights 'Donation' includes any money, goods or time, sponsorship or community-business partnerships where that money, goods or time, sponsorship or community-business partnership is made by a Donor to further an Organisation's purpose.
- 2.7 **Ethics Committee** means the Ethics Committee having the power to decide on matters related to a Code under s20(c) of the FIA Constitution
- 2.8 **Professional Fundraiser** means an individual registered with the Fundraising Institute of Australia as a member.
- 2.9 **FIA** means the Fundraising Institute-Australia Ltd.
- 2.10 **Organisation** means the recipient of a Donation from a Donor.
- 2.11 **Professional Misconduct** means conduct by a Fundraiser that is a violation of a Code that has serious consequences to a Complainant or was committed intentionally by the Fundraiser or both.
- 2.12 **Unsatisfactory Conduct** means conduct by a Fundraiser that is neglectful of a Code or that has minor consequences to a Complainant or both.



3. Code of Practice Complaints Process

- 3.1 Where a Complainant has a Complaint related to a Fundraiser under a Code, a Complainant must use this Complaints Process.
- 3.2 A Complaint must be in writing on an authorised 'Code of Practice Complaint Form' in the form described in Schedule 1.
- 3.3 FIA must provide the Complainant with a Code of Practice Complaint Form and where requested, a copy of a Code of Practice at no charge.
- 3.4 To be accepted by the Ethics Committee the Code of Practice Complaint Form must include:
 - (a) the Complainant's name, position (if any), address, phone number and be signed by the Complainant;
 - (b) a statement of the Code section alleged to have been breached; and
 - (c) facts to support that claim.
- 3.5 The Code of Practice Complaint Form must be submitted in writing by the Complainant to the CEO of FIA at the address specified on the Complaint Form.
- 3.6 The CEO of FIA must examine the Complaint to determine if the complaint:
 - (a) meets the criteria specified under s3.4;
 - (b) has factual information that is sufficient and reliable; and
 - (c) is not patently frivolous or vexatious in nature.
- 3.7 The CEO of FIA must acknowledge receipt of a Code of Practice Complaint Form within 14 days of receipt, together with their determination under s3.6. In addition to acknowledgement of receipt, the CEO may also request further information from the Complainant to establish a fact or a section of a Code alleged to have been breached and, if the Complaints Process is to be continued, must give an estimate of the time when the Ethics Committee will contact the Complainant.
- 3.8 When the CEO of FIA determines that a Complaint warrants continuing the Complaints Process the CEO must notify the FIA Ethics Committee.
- 3.9 The FIA Ethics Committee must examine the Complaint within 1 month of receipt of the Code of Practice Complaint Form from the CEO of FIA.



- 3.10 If the Ethics Committee determines that there are facts to support an allegation of a breach of a Code, the Ethics Committee must:
- (a) provide the Fundraiser with details of the allegation and supporting facts and request the Fundraiser to respond within 30 days;
 - (b) notify the Complainant of the status of the Complaint;
 - (c) hold a hearing to determine whether a breach of a Code has occurred; and
 - (d) decide what penalty, if any, is appropriate.
- 3.11 A Fundraiser who has received a request by the Ethics Committee under s3.10(a) must co-operate with the request. Failure of a Fundraiser to co-operate may be taken into account by the Ethics Committee in any determination it makes.
- 3.12 Despite s3.10(c) the Ethics Committee may waive or suspend a hearing where:
- (a) a Fundraiser responds to a request under s3.10(a) by accepting that they have violated a Code or that they were unaware that they have violated a Code; and
 - (b) the Fundraiser undertakes to the Ethics Committee in writing to take corrective action including compulsory attendance at an FIA seminar, counselling or some other undertaking as determined by the Ethics Committee to resolve the Complaint.
- 3.13 Prior to a hearing the Ethics Committee must provide each party with copies of the other party's Complaint and response to the Complaint respectively.
- 3.14 The Ethics Committee may decide to call witnesses or rely on statements or both at a hearing.
- 3.15 The Ethics Committee may conduct a hearing in any way that it sees fit but must remain impartial until all parties to the Complaint have had the opportunity to make full representation to the Ethics Committee.
- 3.16 In relation to a Complaint against a Fundraiser the Ethics Committee has the power to make a finding of:
- (a) No case to answer; or
 - (b) Unsatisfactory Conduct; or
 - (c) Professional Misconduct.



- 3.17 Where the Ethics Committee makes a finding of Unsatisfactory Conduct against a Fundraiser it may impose as it sees fit:
- (a) a Letter of reprimand;
 - (b) compulsory attendance at an FIA seminar, counselling or some other undertaking as determined by the Ethics Committee sufficient to resolve the Complaint; or
 - (c) a Letter of censure and prohibition against holding office in FIA
- 3.18 Where the Ethics Committee makes a finding of Professional Misconduct against a Fundraiser it may impose as it sees fit:
- (a) compulsory attendance at an FIA seminar, counselling or some other undertaking as determined by the Ethics Committee sufficient to prevent the Complaint from re-occurring;
 - (b) suspension of FIA membership for a stated period; or
 - (c) permanent expulsion from FIA membership, including revocation of credentialing if applicable.
- 3.19 The Ethics Committee must provide the Complainant and the Fundraiser with a written notice of determination within 10 working days of making a finding giving its decision and reasons for its decision.
- 3.20 The Ethics Committee must publish the decision and reasons for the decision, but may do so in a manner to prevent identification of a Fundraiser.
- 3.21 The Ethics Committee must monitor compliance by a Fundraiser with any penalty imposed against them under s3.16 and s3.17.
- 3.22 The Ethics Committee must undertake a periodic review of complaints received under this Complaints Process every 3 years to determine if amendments need to be made to a Code of Practice or to this Complaints Process.
- 3.23 The Ethics Committee may make recommendations to the Board of FIA to amend a Code at any time.
- 3.23 The Ethics Committee must keep records of all correspondence with a Complainant and Fundraiser and must keep that correspondence secure.



4. Code of Practice Complaint Appeals Process

- 4.1 An appeal against a determination made by the Ethics Committee under s3.17 or s3.18 of this Complaints Process must be:
- (a) in writing;
 - (b) sent to the FIA Ethics Committee Appeals Officer;
 - (c) received within 30 days of notice of the determination by the Ethics Committee; and
 - (d) include the grounds on which the appeal is made.
- 4.2 Grounds for an appeal is limited to failure by the Ethics Committee to follow this Complaint Process, its Terms of Reference or criteria, policies or procedures published by the Ethics Committee. A material error or omission of fact is also ground for an appeal.
- 4.3 The Appeals Officer must consider an appeal and make a determination to either:
- (a) dismiss the appeal; or
 - (b) uphold the appeal.
- 4.4 Where the Appeals Officer determines to uphold an appeal they may direct the Ethics Committee to make further action as required.
- 4.5 The Fundraiser and Complainant must be informed of the determination of the Appeals Officer in writing.



Schedule 1 Complaints Form

CONFIDENTIAL

COMPLAINT FORM – ALLEGED BREACH OF A CODE OF PRACTICE

Any individual may file a complaint alleging a breach of an FIA Code of Practice by a Professional Fundraiser who is member of Fundraising Institute - Australia Inc. This form must be completed in full and signed by the person lodging the complaint. Complaints must be filed within 12 months of the alleged breach of a Code of Practice. A copy of the FIA Code of Practice can be obtained from FIA.

Complainant's Details

Name:

_____ [Please Print Your Name]

Address:

Contact Number:

[] _____

Fundraiser's Details

Name:

_____ [Please Print Your Name]

Organisation Address:

Organisation Contact Number:

[] _____

Date of alleged Offence:



Details of alleged offence

Please specify the facts which you think constitute a violation of an FIA Code of Practice. If possible, please also cite the specific section of a Code alleged to have been violated.

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

 SIGNATURE OF COMPLAINANT

 DATE

Return marked "**Confidential**" to:
 Att: Ethics Committee
 The CEO
 Fundraising Institute - Australia Inc
 P O Box 642
 CHATSWOOD, NSW, 2057