

West Virginia
Developmental Disabilities Council

Policy on Conflict of Interest

(Adopted 4/16/96)
(Amended 01/22/02)

I. Purpose

- A. It is assumed that all Developmental Disabilities Council members and employees (hereinafter referred to as Members and Employees) enter into participation with the Council intending to serve the public and to further the independence, productivity, integration and inclusion of people with developmental disabilities.
- B. Members and Employees are expected to be objective and fair and not in pursuit of private gain.
- C. This policy intends to assure that no Member or Employee realizes or creates the appearance of realizing private gain of any character, nature or amount from Council actions.

II. Individuals and Organizations Covered

- A. Private gain to Members and Employees of the Developmental Disabilities Council are prohibited. Conflicts of interest involving any of the following organizations or individuals shall be avoided:
 - (1) The individual Member or Employee of the Council
 - (2) Any member of the individual's immediate family
 - (3) Any business with which the individual is associated

III. Actions Prohibited

- A. No Member or Employee shall participate in any Council decision regarding a grant or contract in which he/she has a direct or indirect financial interest.
- B. No Member or Employee shall solicit, receive or accept anything of value in the form of money, service, gift, gratuity, benefit, loan, travel, entertainment, hospitality, employment or political activity from anyone who is or could be affected by Council actions. The following exceptions shall be allowed: meals provided at authorized meetings, unsolicited gifts of nominal value, (but gifts of tickets or admissions are prohibited to: (1) sporting events where the gifts are not incidental to the conduct of official or ceremonial duties; or (2) charitable, cultural or political events where the gifts are not customarily extended to the office), reasonable expenses incurred when attending meetings for the purpose of

participating in panel or speaking engagements; free admissions to privately sponsored conferences of benefit to the Council; purely private and personal gifts.

- C. Except for reimbursement of expenses, no Member shall (1) directly receive funds, including any portion of his/her salary, from any grant or contract funded by the Council, or (2) use his/her salary as a match related to any grant or contract funded by the Council.
- D. Except for reimbursement of expenses, no Employee shall accept payment or honoraria from other organizations for any service performed as a Council employee.
- E. No Member or Employee, during or after his/her service to the Council, shall improperly disclose confidential information acquired in the course of official duties or use it to further his/her private gain or that of another.
- F. No Member or Employee shall represent his/her personal opinion as being that of the Council.
- G. No Employee shall serve as an officer or employee of any profit-making entity without disclosure to and approval of the Executive Committee. Employees may occupy unpaid offices or positions in nonprofit organizations provided there is no adverse effect on the Employees' performance of Council duties.
- H. No Member or Employee shall, within a period of one year after termination of such service, represent before the Council any person or organization on any matter in which he/she participated during the period of Council service, unless the Council consents to such representation.
- I. No one who participates in the development of a request for proposals shall be allowed to compete for that award.

IV. Disclosure and Determination of Conflicts

- A. Each Council member and the Council Director shall submit a financial disclosure form annually as required by the West Virginia Ethics Commission.
- B. Each Council member and employee shall disclose all conflicts of interest, actual or potential, to:
 - (1) in the case of the Council Chairperson, the Executive Committee;
 - (2) in the case of other Council members, the Council Chairperson or the Executive Committee;

- (3) in the case of the Council Director, the Council Chairperson;
 - (4) in the case of other Council staff, the Executive Director who shall report it to the Council Chairperson.
- C. Any Council member may request an opinion regarding conflict of interest from the Ethics Commission. The Executive Committee may also request an advisory opinion from the West Virginia Ethics Commission regarding the applicability of the WV Government Ethics Act to the particular situation.
- D. Any Member or Employee who believes or has been found to have a conflict of interest shall not:
- (1) attend or participate in meetings when the details and specifications of requests for proposals are being developed;
 - (2) attend or participate in the discussion, screening or selection of grants or contracts;
 - (3) vote on funding or policy decisions related to the conflict;
 - (4) use his/her influence to affect a decision on the matter; nor
 - (5) participate in contract negotiations, administration or evaluation of grants or contracts.