



Maine Developmental Disabilities Council

Conflict of Interest Policy

Updated 9-14-16

The purpose of this policy is to address the issue of Conflict of Interest in ways that are fair to members of the Maine Developmental Disabilities Council (hereinafter called “Council”) and enable the Council to function effectively while protecting the integrity of the organization, its members and staff.

This Policy recognizes that both real and perceived conflicts of interest or dualities of interest sometimes occur in the course of conducting Council business.

Through this Policy the Council intends to ensure with reasonable prudence that no Council member realizes, or creates the appearance of realizing, personal or financial gain, either directly or indirectly, of any nature or amount from Council actions or programs.

Definitions

Conflict of Interest: exists when a Council member benefits directly or indirectly, from any grant, contract, decision, or other action of the Council made with the involvement of that Council member. A conflict of interest also exists when a Council member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person who could benefit from the actions of that member.

Family Member: includes, but is not limited to, a Council member’s spouse or partner, parents (including in-laws) or guardians, siblings and their spouses/partners, and children and their spouses/partners.

Individuals and Organizations Covered:

Conflicts of Interest apply to all of the following:

- (1) The Council member him or herself.
- (2) A family member of the Council member.
- (3) Partners or business associates of the Council member.
- (4) Any organization in which any of the above is an officer, director, member, employee, or consultant.
- (5) A person or organization with which any of the above is negotiating or has any arrangement concerning prospective employment.

Actions Prohibited

No Council member shall:

- (1) Participate in the discussion, selection or award, or influence a decision or vote, regarding a grant/contract in which the Council member has a perceived, potential or substantial conflict of interest.
- (2) Solicit or accept, directly or indirectly, anything of value (e.g. money, service, gift, travel, entertainment, etc.) from a grantee or prospective grantee.

- (3) Apply for any Council project, regardless of current membership status, when he/she was involved in recommending the project or designing or developing the Request for Proposal.
- (4) With the exception of reimbursement for approved travel and business related expenses, directly receive funds from any grant or contract funded by the Council or have his/her salary used as match related to any grant or contract funded by the Council.
- (5) Use the Council to sell goods or services.
- (6) Hire family members for Council work.
- (7) Represent his/her personal opinion as that of the Council.
- (8) Use the Council for purposes related to election to public office for himself/herself or family members.
- (9) Use his/her position to secure special privileges or exemptions for himself/herself or family members.
- (10) Divulge any information acquired in the course of official Council duties if that information would be exempt from State and Federal Freedom of Access laws except where that information has been discussed or disclosed during a meeting subject to State and Federal open meeting laws.

Any Council member who has a conflict of interest must not, in relation to that conflict of interest:

- (1) Participate on the Council or committee while the details and specifications of Requests for Proposals are being developed.
- (2) Participate in the discussion, screening, or selection process for grants/contracts.
- (3) Vote on funding decisions.
- (4) Participate in contract negotiations, administration or evaluation of grants/contracts.

Exceptions

- (1) Agencies with which Council members are associated are not prohibited from presenting to the Council, or receiving grants from the Council, so long as Council members do not share in the profits or receive compensation from those agencies.
- (2) If a Council member discloses a conflict of interest, but the Council believes the services rendered are of such a benefit to, and in the general interest of, the public, an exception may be granted by a majority vote of the Council.
- (3) A Council member who has a developmental disability or who has a relationship or association with someone with a developmental disability shall not be construed as having a conflict of interest solely because of that disability, relationship, or association.

Disclosure

- (1) Each Council member shall disclose publicly all conflicts of interest, both potential and substantial, and shall specify how the individual or organization might benefit from the activities and decisions of the Council.
- (2) Each Council member upon membership appointment, and thereafter annually, shall review the conflict of interest statement, and complete, sign, and submit to the Executive Committee a Conflict of Interest Disclosure Form.

Determination of Conflicts

The Executive Committee shall determine whether or not a conflict of interest exists after reviewing all documentation submitted by a Council member. The findings of the Executive Committee are subject to ratification by the full Council.

Intentional Violations and Penalties

In addition to any penalties defined by state or federal law, Council members found to have intentionally violated these Conflict of Interest Policies shall have their membership terminated.