

Updated August 14, 2018

CONFLICT OF INTEREST POLICY

GUAM DEVELOPMENTAL DISABILITIES COUNCIL
130 UNIVERSITY DRIVE, SUITE 17
MANGILAO, GUAM 96913

I. Purpose

The purpose of this Policy is to reasonably ensure that no Council member, committee member or employee of the Guam Developmental Disabilities Council obtains or makes it look as though they are obtaining money or any other type of financial gain from the Council actions.

II. Policy

Council members, committee members and employees of the Developmental Disabilities Planning Council shall not do anything that would negatively affect, or might reasonably be interpreted by the general public as negatively affecting, the performance of their official duties.

III. Procedures

A. Individuals and Organizations Covered:

1. Council Members;
2. Committee Members;
3. Council Employees
4. Family members of the above
5. Partners of business associates of the above
6. An organization with whom any of the above is an officer, director, employee or consultant; or,
7. A person or organization with whom any of the above is about to become employed.

B. Actions Not Allowed by Council Members, Committee Members and Employees

1. No Council member, committee member or Council employee shall participate in the selection, award or administration of a grant or contract where he or she will financially, materially or significantly benefit from the grant or contract.
2. No Council Member, committee member or Council employee shall advise or influence a decision or vote on a grant or contract to a recipient where he or she will financially, materially or significantly benefit from the grant or contract.
3. No Council member, committee member or Council employee shall ask for, receive or accept anything of value (such as money, service, gift, gratuity, benefit, loan, travel, entertainment, hospitality or promise) in which gift was intended.
 - a) to influence him or her in a decision or vote regarding a grant or contract to a recipient; or
 - b) as a reward for any official action on his or her past
4. The Council shall not sell or purchase anything from a Council member or Council employee.
5. No Council member, committee member, or Council employees shall release privileged information prior to the time the Council has decided it should be released to the public.
6. No Council member, committee member or Council employee shall state that his or her personal opinion is the opinion of the Council.

C. Actions Not Allowed by Council Members and/or Committee Members

1. Except as reimbursement for approved out-of-pocket expenses, no Council Member:
 - (a) may directly receive funds, including any portion of his/her salary, from any grant or contract funded by the Council; nor,
 - (b) may use his/her salary as a match required for any grant or contract funded by the Council
2. Council members or committee members who are paid employees of national or state organizations shall not participate in the discussion, selection, award or administration of a grant or contract for which any part of that organization is the applicant or recipient. (For example, a State Rehabilitation Agency representative on the Council shall not participate in the selection of a grant if a local rehabilitation office is applying for the grant).
3. Council members or committee members who are paid employees of national, state or local organizations shall not attempt to advise or influence a decision or vote regarding a grant or contract for which any part of that organization is an applicant or recipient. (For example, the State Education Agency representative on the Council shall not participate in the discussion to change terms of a contract with a local school district).
4. Council members or committee members shall not use their official positions on the Council for the purposes related to their election, re-election, appointment or re-appointment to elected or appointed office. This does not apply to any Council member's re-appointment to the Council.

D. Actions Not Allowed by Council Employees

1. No Council employee shall serve as director, officer or employee of any agency or organization which the Council has, is or is likely in the future to enter into a contract or award a grant. Council employees may occupy unpaid offices or positions in other non-profit organizations provided there in no adverse effect on the employee's performance of his or her official duties.
2. Council employees cannot be paid or receive honoraria for extra services performed for the Territory of Guam, except as expressly authorized by law.

E. Exceptions to Actions Not Allowed

1. This policy is not meant to prohibit any firm, agency or organization with which any Council member, committee member or Council employee is associated from providing services to or doing business with the Council, provided he or she does not share in the profits or receive compensation as a result of that service to or business with the Council.
 2. If, after disclosure of a conflict of interest by a Council member, committee member, or employee, it is determined that the services provided are of such value and in the general public interest, an exception may be granted upon a vote of the majority of the Council. A record of the vote shall be recorded and on file in the Council office.

F. Letting It Be Known That There is a Conflict of Interest

1. Each council member, committee member or Council employee shall make known all conflicts of interest, even if they are not sure whether a situation is a conflict of interest. This need to happen as soon as he or she feels there may be a conflict of interest.
2. The Council member, committee member or Council employee who has a conflict of interest, shall identify where the conflict exists. In other words,

he or she needs to identify which individuals or organizations might benefit from his or activities and decisions.

3. As soon as the Council member, committee member, or the Council employee believes he or she may have a conflict of interest, he or she shall immediately withdraw from the conflict situation until the matter is reported and resolved.

4. Who must a Council member, committee member or Council let know that there is a possible conflict of interest.

(a) If the council member or committee feels there may be a conflict of interest he or she must report it to the Council Chairperson or to the Executive Committee.

(b) If a Council member or committee members feel there may be a conflict of interest, he or she must report it to the Council Chairperson to the Executive Committee.

(c) If the Council Executive Director feels there may be a conflict of interest, he or she must report it to the Council chairperson; or

(d) If a Council employee feels there may a conflict of interest, he or she must report it to the Executive Director. The Executive Director shall not report it to the Council chairperson.

5. Each Council member, committee member and Council employee lets it be known that they are aware of this policy on conflict of interest. The signed statement will keep on file in the Council office. A copy of the statement is attached to this policy.

6. Any time a Council member, committee member or Council employee lets it is known that there may be a conflict of interest; the discussion of that situation shall be recorded in the form of minutes of a meeting. The minutes of that meeting shall be a matter of public record. It shall be kept on the file in the Council Office.

G. Determination of Conflicts of Interest.

1. After reviewing all information that is available about the reported conflict of interest, the Executive Committee shall determine whether or not a conflict of interest exists.
2. When a Council member, committee member or Council employee reports that there may be a conflict of interest, the Executive Committee shall decide what needs to be done. This decision will be made promptly. The Executive Committee will notify in writing the Council member, committee member or Council employee of what needs to be done.
3. If the Executive Committee decides that there is no conflict of interests, the matter is closed.
4. The Executive Committee shall notify the full Council of the reported conflict, the determination and the actions taken.

H. Steps to be taken when it is decided that a Conflict of Interest Does Exist

1. Any Council member, committee member or Council Employee who has a conflict of interest must not, in relation to a matter in conflict
 - (a) attend or participate on the Council or committee while details and specification of Requests for Proposals or Quotations are being developed;
 - (b) attend or participate in screening or selection process for grants or contracts;
 - (c) vote on the funding decision
 - (d) use his or her influence to affect a decision on the matter; or
 - (e) participate in contract negotiations, administrator evaluation of

Grants or Contracts

2. Any Council member or committee member who has a conflict of interest because some portion of his or her stipend will be saved by or used as a match for a grant or contract, must do one of two things.

(a) he or she may resign from the Council; or,

(b) he or she may be granted a temporary leave of absence from the Council pending completion of the grant of contract.

3. Any Council employee who has conflict of interest must not participate in any Council.

1. Violations and Penalties

In addition to any penalties defined by state or federal law, the following penalties shall apply to members and employees of these policies.

1. If it is determined that there has been an intentional violation of these policies by a Council member or committee member, the Executive Committee shall forward a recommendation to the full council for immediate action.

2. If it is determined that there has been an intentional violation of these policies by a Council member other than the Executive Director, the Executive Committee shall forward a recommendation to the Executive Director for his/her actions in accordance with state law and regulations. The Executive Director shall report to the full council on the resolution of the conflict and on the actions taken.

3. If it is determined there has been an intentional violation of these policies by the Executive Director of the Council, the full Council shall forward a recommendation to the Executive Director of Human Services for his or her actions in accordance with state law and regulations.

4. If it is determined that there has been an intentional violation on the part of a grantee or contractor, it shall be sufficient cause for the full Council to

re-evaluate the grant or contract for possible termination and possible elimination of the grantee or contractor from future grant or contract considerations.

5. If a violation may be subject to legal or administrative action against the Council member, committee member or Council employee, the matter shall be referred to the legal counsel for the Department of Human Services.

6. If it is determined that there has been an unintentional violation on the part of a Council member, committee member or Council employee, grantee or contractor of the Council, an exception may be granted upon a vote of the majority of the full Council. A record of the vote shall be recorded and on file in the Council office.

7. Nothing in these policies is meant to replace existing or future state or federal civil or criminal penalties.

J. Appeals

1. An individual, agency or organization found to be in violation of these policies may appeal these finding to the full Council for reconsideration.

2. An individual, agency or organization who does not obtain satisfaction on appeal to the full Council may further appeal to the executive Director of Department of Human Services.

IV. Authority

A. GUAM CODE ANNOTATED (GCA) –Government Service

B. GUAM DOA Rules and Regulations

V. Additional References

A. National Association of Developmental Disabilities Councils

B. Colorado Developmental Disabilities Council

Guam Developmental Disabilities Council

Annual Conflict of Interest Statement

I, _____, a member of the Guam Developmental Disabilities Council, hereby attest and subscribe to the following:

(1) I have read and understand the Conflict of Interest Policy of the Guam Developmental Disabilities Council as developed by the National Association of Developmental Disabilities Councils (NACDD).

(2) I have not been for the preceding calendar year in violation of any of the provision of the Conflict of Interest Policy; *

(3) I am not currently in violation of any of the provisions of the Conflict of Interest policy; and

(4) I will immediately notify the Executive Committee of the Council (or other appropriate authority) during the following calendar year, if I find that any of the provisions of the Conflict of Interest Policy apply to me. I further agree to specify the circumstances surrounding any conflict of potential conflict, as it arises, to the Executive committee of the Council (or other appropriate authority)

Member Name (print): _____

Signature: _____

Date: _____

*****Note: Not applicable to individuals who have been a Council member for less than one (1) year.***