

Montana Council on Developmental Disabilities  
Policy # 2.3  
Adopted January 19, 2008  
Amended June 19, 2008

**CONFLICT OF INTEREST POLICY**

This policy attempts to deal with the issue of Conflict of Interest in ways that are fair to members and employees of the Montana Council on Developmental Disabilities and that enable the Council to function while protecting the integrity of the Council.

**Principles:**

Montana Council on Developmental Disabilities (MCDD) members and employees, must enter into participation with the Council intending to further the mission of the Council.

This policy recognizes that both real and apparent conflicts of interest or dualities of interest sometimes occur in the course of conducting the Council's daily affairs. A conflict refers only to personal, established interest of the persons covered by this policy and their immediate families, and not to philosophical or professional differences of opinion.

Through this policy, the Council intends to ensure with reasonable prudence that no member or employee creates the appearance of realizing financial gain of any nature or amount from Council actions.

Members and employees shall not engage in any conduct or activity that might reasonably be interpreted by the general public as tending to adversely affect the performance of their duties.

Each member and employee of the Council shall follow the procedures of this policy.

**Definitions:**

Definitions are intended to be illustrative rather than exhaustive

- i. Potential Conflict: A Council member/employee has a potential conflict of interest if he or she is required to take official action which would affect a financial interest of (a) the Council

- member/employee as a member of a profession or agency, or (b) the Council member/employee's immediate family or business.
- ii. Family member of employee is the spouse or a dependent of the employee.
  - iii. Family member of a council member is the spouse, a dependent, an adult child and his/her spouse, a parent, a spouse's parents, a sibling and his/her spouse of the Council member.
  - iv. Substantial Conflict: A Council member/employee has a substantial conflict of interest if there is reason to believe that Council member will derive monetary gain by his or her official action.
  - v. Undue influence: The misuse of a position of confidence to change improperly the actions or decisions of an individual or group for the purpose of obtaining an unfair advantage.

### **Individuals and Organizations Covered**

Conflicts of Interest should be avoided with the following:

1. Council members and employees;
2. Immediate family members of Council members and employees;
3. Partners or business associates of Council members and employees;
4. Organizations in which Council members and employees are officers, directors, employees, or consultants; and
5. Person's or organizations with whom Council members and employees have any arrangement concerning prospective employment.

### **Actions Prohibited**

- A. No Council member or employee shall:
  1. participate in the discussion, selection or award or influence a decision or vote, regarding a grant/contract in which the Council member/employee of the Council is known to have a conflict of interest;
  2. accept anything of value (e.g. money, service, gift, travel, entertainment, promise) from a grantee or a prospective grantee;
  3. advise a contractor or participate in an application for Council funding for a project if the Council member participated in designing or developing the Call for Investment;
  4. use the Council to sell goods or services;
  5. hire family members;
  6. represent his or her personal opinion as that of the Council;
  7. use the Council for purposes related to their election to public office;

8. appear before the Council to seek funding for a period of one year after termination of employment or expiration or termination of Council membership.
- B. Any Council member or employee of the Council who has a conflict of interest must not,
  1. participate on the Council or committee while the details and specifications of Calls for Investments are being developed;
  2. participate in the discussion, screening, or selection process for grants/contracts;
  3. vote on funding decisions;
  4. participate in the evaluation of grants/contracts.

### **Exceptions**

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.

- A. A member or employee 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 because of that disability, relationship or association.

### **Disclosure**

- A. Each Council member or employee of the Council shall disclose publicly all conflicts of interest, potential and substantial, and shall specify how the individual or organization might benefit from activities and decisions of the Council.
- B. Each member and employee shall annually sign the Conflict of Interest Statement attached to this policy. Refusal to sign the Conflict of Interest Statement will be interpreted as an intentional violation of this Policy and will be subject to the applicable penalties stated below.

### **Determination of Conflicts**

The Council's Governance Committee shall determine whether or not a conflict of interest exists after reviewing all documentation submitted by the member or employee. The findings of the Governance Committee are final.

### **Intentional Violations and Penalties**

In addition to any penalties defined by state or federal law, the following penalties shall apply to Council members and employees of the Council for intentional violations of these policies:

1. In the case of a Council member, the Executive Director shall initiate termination of Council membership with the Governor's office.
2. In the case of an employee of the Council, the Executive Director shall initiate disciplinary action in accordance with state law and regulations.
3. In the case of the Council Executive Director, the Chair shall contact the Council's attorney who shall initiate disciplinary action in accordance with state law and regulations.
4. In the case of a grantee/contractor, it shall be sufficient cause for termination of the contract and elimination of the grantee or contractor from future grant or contract considerations.
5. In the case of the Chair, the Vice-Chair, in collaboration with the Council's Governance Committee, shall request that the Executive Director initiate termination of council membership with the Governor's office.

**CONFLICT OF INTEREST STATEMENT**

**I \_\_\_\_\_ have read, understand, agree to adhere to and freely sign the Montana Council on Developmental Disabilities Conflict of Interest Policy attached to this Statement.**

\_\_\_\_\_  
**Council Member/Employee Name**

\_\_\_\_\_

**Date**