

# GEORGIA BALANCE OF STATE CONTINUUM OF CARE

## Membership and Rule Committee Approved May 21, 2015

### Conflict of Interest and Recusal Policy

It is the intent of the Georgia Balance of State Continuum of Care Board Members (the “Board” or “Member”), to uphold the highest ethical standards by complying with all applicable legal requirements relating to conflicts of interest and by avoiding any situation which might create the appearance of a conflict of interest. Accordingly, the Membership and Rules Committee hereby adopts the following Code of Conduct and Conflict of Interest.

The purpose of the conflict of interest policy is to protect the interests of the Georgia Balance of State Continuum of Care (BoS CoC) when it is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer of the Georgia BoS CoC. This Policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest for the Georgia BoS CoC.

The BoS CoC shall indemnify, when permissible under Georgia law, an individual made a party to any legal proceeding because such individual is or was a Board member of the BoS CoC against liability incurred in the proceeding, if it can be established that such individual acted within the scope of his or her duties, in a reasonably prudent and lawful manner, in good faith, and in the best interest of the BoS CoC.

#### ***Conflict of Interest and Recusal Policy***

The Georgia Balance of State CoC Board will conduct decision-making in accordance with 24 CFR parts 84 or 85 for non-profit organizations and state, local, and government agencies that receive federal funds. The Conflict of Interest Policy for the CoC Board must also meet the conditions set forth in the Interim Rule, section 578.95(b).

#### **§ 578.95 Conflicts of interest.**

*(b) Continuum of Care board members. No Continuum of Care board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.*

#### ***Conflict of Interest – Contracts, Awards and Other Benefits to Recipient***

No BoS CoC Board Member or member of a committee may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to that individual or the organization that the Member represents.

An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the Member of the Board or Committee is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under Part 578, or when an individual's objectivity in performing work with respect to any activity assisted under Part 578 is or might be otherwise compromised.

Organizational conflicts arise when a Georgia BoS CoC Board Member, or committee member, is specifically associated with an applicant organization participates in a decision concerning the award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when an employee, a former employee who was employed within the last 6 months, BoS CoC Member, or family member affiliated with a recipient or sub-recipient organization participates in contract monitoring or rate setting tasks that directly impacts said organization. Examples of ongoing conflicts of interest include the determination of rent reasonableness under § 578.49(b)(2) and § 578.51(g); housing quality inspections of property under § 578.75(b) that the recipient, sub-recipient, or related entity owns; participation in ongoing business ventures /partnerships, or participation in evaluation or determination of awards.

1. **Conflicts of Interest – Financial Interest of Member** The solicitation and acceptance of gifts by an individual who is in a position to participate in a decision making process or gain inside information regarding the activities of the CoC (or by the organization(s) that he or she represents) that would provide a benefit in excess of the minimal value from persons, organizations, or corporations with a vested interest in the outcomes of decisions made by the Board or a committee on behalf of the CoC or its member agencies is strictly prohibited.
2. BoS CoC Board Members or committee members shall not participate in the selection, award, or evaluation of a contract supported by CoC funds if a real conflict of interest exists. A conflict would arise when the Board Member, Committee Member, employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ, or employed during the prior 6 months, has a financial or other interest in the organization under consideration for an award, or evaluation.
3. BoS CoC Board Members or committee members shall not solicit monetary value from CoC-funded recipients, sub-recipients, contractors, or vendors.
4. BoS CoC Board Members or committee members will not accept gratuities from CoC-funded recipients, sub-recipients, contractors, or vendors except for unsolicited gifts of nominal value as provided in item 5 below.
5. It is determined that a conflict of interest does not exist when the value of the gift is an unsolicited item of nominal value (less than \$25) and such gifts are not repeated more than twice annually. The BoS CoC Board Member or committee member must maintain a record of gifts received, including source, date, value, and type of gift.
6. Any other actions or inactions which when reviewed could reasonably create a conflict of interest or a perception that a conflict of interest exists.

A Financial Interest is not necessarily a conflict of interest. A person who has a Financial Interest is only deemed to have a conflict of interest if the Ethics Officer, or Board majority/Committee/Subcommittee in the absence of the Ethics Officer and after reviewing all the available facts and information determines that a conflict of interest exists.

### ***Recusal Policy***

BoS CoC Board Members and persons acting on behalf of the BoS CoC must remove themselves from the decision-making or evaluation process when a personal or organizational conflict exists. BoS CoC Board Members and members of other BoS CoC committees must recuse themselves during the decision-making or evaluation process, abstain from any voting related matters subject to the conflict, and leave the room, or meeting, while such matters are being discussed. Following the discussion, the Board Member or committee member should rejoin the meeting. Where possible, agenda items can be rearranged in order to move other items of business up on the agenda so that the discussion item in conflict can be discussed last.

### ***Duty to Disclose Potential Conflict of Interest***

To avoid apparent conflicts of interest, BoS CoC Board Members and members of other BoS CoC committees shall declare any real or potential conflicts of interest or the appearance of such conflicts. Upon determination that there is a potential conflict of interest in an agenda or discussion item for a meeting, the Board Member or committee member should notify the Collaborative Applicant in writing prior to the meeting, that a potential conflict exists and what the conflict is, when at all possible. Potential conflicts, or conflicts, disclosed at a Board or committee meeting, will be recorded in the meeting minutes.

The person must disclose this information before participating in the discussion and decision-making or evaluation process, including appointment to any sub-committee having influence over such decisions. This policy applies to both personal and organizational conflicts. Members of the public participating in BoS CoC committees shall also be screened for potential conflicts.

After disclosure of potential conflicts of interest and all material facts, and after any discussion with the individual with the potential conflict, the individual shall leave the Board of Directors or committee meeting while the determination of a conflict of interest is discussed and determined by the Ethics Officer, or a majority vote of the Board/Committee/Subcommittee present at the meeting.

The Conflict of Interest and Recusal Policy will be updated and approved by the Membership and Rules Committee no less than every two years.