

CHESTER COUNTY
 INTERMEDIATE
 UNIT 24

SECTION: OPERATIONS

TITLE: CONFLICT OF INTEREST

ADOPTED: APRIL 27, 2011

READOPTED: JANUARY 20, 2016

819. CONFLICT OF INTEREST	
1. Purpose	The Intermediate Unit promotes cooperation with a wide and varied constituency. It is in the best interest of the Intermediate Unit to be aware of and properly manage apparent conflicts of interest and the appearance of conflict of interest. This policy is designed to help Board members, employees and volunteers of the Intermediate Unit to identify situations that could potentially present conflicts of interest and to provide the Intermediate Unit with a procedure to manage conflicts in accordance with legal requirements and Intermediate Unit goals.
2. Authority	<p>The Board establishes that, for purposes of this policy, a person with a conflict of interest shall be referred to as an interested person. Under the following circumstances, an interested person shall be deemed to have a conflict of interest if:</p> <ol style="list-style-type: none"> 1. The interested person, a volunteer, or a family member, as defined in this policy, is a party to a contract or involved in a transaction with the Intermediate Unit for goods or services. 2. The interested person, a volunteer, or a family member, as defined in this policy, has a material financial interest in a transaction between the Intermediate Unit and an entity in which the interested person, volunteer, or family member is a trustee, officer, agent, partner, associate, employee, personal representative, receiver, guardian, custodian or other legal representative of the entity. 3. The interested person, a volunteer, or a family member, as defined in this policy, is engaged in some capacity or has a material financial interest in a business or enterprise that competes with the Intermediate Unit.
Pol. 702	Gifts, donations and gratuities to the Intermediate Unit shall be accepted in accordance with Board policy.
3. Definitions	Conflict of interest - any circumstance as described in this policy.
Pol. 610, 818	Contract or transaction - any agreement or relationship involving the sale or purchase of goods or services, the providing or receipt of a loan or grant, the establishment of any other type of financial relationship, or the exercise of control

<p>4. Guidelines</p>	<p>over another organization. For purposes of this policy, the making of a gift to the Intermediate Unit is not a contract or transaction. Contracts must be awarded through an open and public competitive bidding process in accordance with applicable Board policy.</p> <p>Family member - a spouse, parent, child or spouse of a child, brother, sister or spouse of a brother or sister, of an interested person.</p> <p>Interested person - any person serving as an officer, employee or member of the Intermediate Unit Board, a major donor to the Intermediate Unit, or anyone else who is in a position of control with the Intermediate Unit who has a personal interest that may conflict with the interests of the Intermediate Unit.</p> <p>Material financial interest - a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could influence an interested person's or family member's judgment with respect to transactions to which the entity is a party.</p> <p>Prior to Board or Board committee action on a contract or transaction involving a conflict of interest, a Board member having a conflict of interest who is in attendance at the meeting shall disclose all facts material to the conflict of interest. Such disclosure shall be reflected in the minutes of the Board meeting. If Board members are aware that staff or other volunteers have a conflict of interest, relevant facts should be disclosed by the Board member or by the interested person.</p> <p>A Board member who plans not to attend a meeting at which s/he has reason to believe that the Board or Board committee will act on a matter in which the person has a conflict of interest shall disclose to the chairperson of the meeting all facts material to the conflict of interest. The chairperson shall report the disclosure at the Board meeting, and the disclosure shall be reflected in the minutes of the meeting.</p> <p>Any person who has a conflict of interest should not attempt to exercise his/her personal influence with respect to the matter either at or outside the meeting.</p> <p>A Board member who has a conflict of interest with respect to a contract or transaction that will be voted on at a meeting shall abstain from voting; however, if the Board would be unable to take any action on the matter before it because the number of Board members required to abstain from voting under this policy makes it impossible to obtain the number of votes legally required to approve an item, those Board members otherwise required to abstain shall be permitted to vote provided the appropriate disclosures are made.</p>
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<p>Pol. 011, 319.1</p>	<p>Interested persons who are not members of the Intermediate Unit Board, or who have a conflict of interest with respect to a contract or transaction that is not the subject of Board or Board committee action, shall disclose to their supervisor, or the chairperson or chairperson's designee, any conflict of interest that such interested person has with respect to a contract or transaction. Such disclosure shall be made as soon as the conflict of interest is known to the interested person. The interested person shall refrain from any action that may affect the Intermediate Unit's participation in such contract or transaction.</p> <p>In the event it is not entirely clear that a conflict of interest exists, the individual with the potential conflict shall disclose the circumstances to his/her supervisor or the chairperson or chairperson's designee, who shall determine whether full Board discussion is warranted or whether there exists a conflict of interest that is subject to this policy.</p> <p>Board members and Intermediate Unit employees shall also be responsible for complying with other applicable Board policies as they relate to conflicts of interest.</p> <p><u>Confidentiality</u></p> <p>Each Board member, employee and volunteer of the Intermediate Unit shall exercise care not to disclose confidential information acquired in connection with disclosures of conflicts of interest or potential conflicts which may be adverse to the interests of the Intermediate Unit. Furthermore, Board members, employees and volunteers shall not disclose or use information relating to the business of the Intermediate Unit for their own or their family member's personal profit or advantage.</p> <p><u>Review Of Policy</u></p> <p>Each Board member, employee and volunteer of the Intermediate Unit shall be provided with a copy of this policy for their review and shall acknowledge in writing their review of the policy.</p> <p>References:</p> <p>Public Officials and Employee Ethics Act – 65 Pa. C.S.A. Sec. 1101 et seq.</p> <p>Board Policy – 011, 319.1, 610, 702, 818</p>
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