



# Conflict of Interest Policy – revised February 2024

## Introduction & Overview

The NYS Council on Developmental Disabilities (CDD) is a policymaking body. The CDD must make decisions that help people with disabilities and their families. The CDD must also make decisions that are fair. A Conflict of Interest Policy is important to make sure decisions are fair. This is the CDD's Conflict of Interest Policy. Member of the Council, their families, or associates cannot get special treatment when it comes to CDD funding decisions. Members need to make sure they're making fair and impartial decisions. A conflict of interest is when a member, their families or associates might benefit personally from a CDD funding decision. If there is a conflict of interest, members should disclose and step back from discussions and decisions about that topic.

### What is a Conflict of Interest?

A conflict of interest happens when a Council member's personal or financial interests get in the way of doing their job fairly. This could be their own interests or someone they're connected to. Here are some situations where a conflict might come up:

1. If the decision involves the member's employer.
2. If the decision involves someone the member owes money to, or someone who owes them money.
3. If the member has a special role (like a lawyer, guardian, board member or financial advisor) that involves acting for someone else.
4. If the decision affects how the member earns money.
5. If it involves the member's family, like a spouse or relative's employer.
6. If it involves a colleague or someone they work with.
7. If it relates to the member's business investments or contracts.
8. If it involves the member's personal investments, especially if the Council's decision could affect these investments.
9. If the member holds a leadership role in a professional, trade, charitable, or non-profit organization.



There might be other situations not mentioned here. Members should ask the Council's Ethics Officer for help when in doubt.

## What is a disclosure?

To make sure conflicts of interest are avoided and monitored, every Council member must fill out a form when they start and then annually. This form includes a list of organizations they're connected with and any relatives or associates who might benefit from the Council's decisions. If a member thinks they have a conflict, they need to mention it in the form and inform a Council committee or staff member right away. It's important to report conflicts as soon as they come up. Just because someone reports a conflict doesn't mean they broke any rules.

If there's a problem with a conflict of interest or if a member thinks another member has a hidden conflict, they should tell the Council's ethics officer. The Executive Committee will then put it on their agenda and review it during their regular or specifically scheduled meeting. The affected member will be told, in writing, about the issue at least 10 days before the meeting, and can speak about it to the Executive Committee at their meeting if they would like. After looking into everything, the Executive Committee will make a decision that keeps the Council's decisions fair and in the public's interest. If the member still has concerns after the decision, it can be brought up with the full Council.

If a conflict of interest matter needs to be reviewed by the full Council, all members will be told in advance about everyone involved in the potential conflict. This gives members a chance to step back if needed. Anyone who senses a conflict of interest should avoid being part of the discussion and voting.

Recusal is when someone stays out of a talk or decision because they have a conflict of interest. It's different from abstaining, where a Council member doesn't vote but can still join discussions. Recusal means you're not taking part in discussions, suggesting things, giving input, thinking about findings, voting on money decisions, or being involved in any part of the work connected to the possible conflict. If you have to recuse, tell the Chair before the meeting as soon as you can.



When a Council member decides to recuse, here's what happens:

1. **Leave the Discussion:** They step away from the part of the Council meeting where the topic is being talked about and avoid discussing it with other members.
2. **Limited Information:** Beyond information that is available to the public, they won't get extra details about the matter from the council or staff.

When a Council member recuses, they:

1. **Can't Vote:** They're not allowed to vote on any action linked to their conflict of interest.
2. **No Discussion Participation:** They can't join discussions about matters connected to their conflict of interest.
3. **Out of Funding Decisions:** They can't be part of the review or selection of grants/contracts or vote on related funding choices.
4. **Workgroup Exclusion:** They're not allowed to serve on a workgroup or special committee related to the conflict's source. If they join, they must be ready to skip applying for funds or putting in a proposal to receive those funds.
5. **No Involvement in Employment Talks:** They can't be part of any discussion or vote involving a person or organization they or a relative or associate are negotiating with or have any arrangement concerning potential employment.

## Council Members Serving in Management Positions

Council members who hold management roles in non-governmental agencies and non-profit organizations should not join any talks or votes about awarding money to their organization or making the deal.

## Representatives from State Agencies

The Council can give money or make agreements with an agency that one of its members represents, but only if that member didn't join any talks or votes about awarding the money or making the deal. State agency workers who officially represent their agencies should also step back as needed to avoid clashes with their agency's rules.