

# **Conflicts of Interest Policy of Independent Autism Advisory Committee**

## **Article I - Purpose**

The purpose of this conflicts-of-interest policy is to prevent the institutional or personal interests of committee members (“interested persons”) of the Independent Autism Advisory Committee (I-ACC) from interfering with the performance of their duties to I-ACC and to ensure that there is no personal, professional, or political gain at the expense of I-ACC. The intent of this policy is not to prohibit relationships and activities that may create a duality of interest (broadly referred to as “conflicts of interest” in this Policy). However, it does require disclosure of any conflicts and the recusal of any interested party in decisions where conflicts exist. This policy is intended to supplement but not replace any applicable state laws governing conflicts of interest for this advisory committee.

A conflict may exist when the interests or potential interests of any committee member or staff member, or that person’s close relative, or any individual, group, or organization to which the person associated with I-ACC has allegiance, may be seen as competing with the interests of I-ACC, or may impair such person’s independence or loyalty to I-ACC. A conflict of interest is defined as an interest that might affect, or might reasonably appear to affect, the judgment or conduct of any committee member in a manner that is adverse to the interests of I-ACC.

## **Article II – Descriptions of Possible Conflicts of Interest**

A conflict of interest may exist if a committee member or close relative:

- Has a business or financial interest in any third party dealing with I-ACC.
- Holds office, serves on a board, participates in management, or is employed by any third party dealing with I-ACC.
- Derives remuneration or other financial gain from a transaction involving I-ACC.
- Engages in outside employment or other activity that will materially impact such person’s obligations to I-ACC; compete with I-ACC’s activities; involve any use of I-ACC’s equipment, supplies, or facilities; or imply I-ACC’s sponsorship or support of the outside employment or activity.

A business or financial interest described above is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate committee decides that a conflict of interest exists.

## **Article III - Procedures**

1. ***Duty to Disclose*** – If an interested person has any actual or possible conflicts of interest, that interested person shall notify the Chair of such conflict in writing. The interested person must disclose the existence of their financial interest and be given the opportunity to disclose all material facts to the committee or any other body that is considering the proposed matter that presents the potential conflict.
2. ***Determining Whether a Conflict of Interest Exists***- After disclosure of the potential conflict and all material facts, and after any discussion with the interested person, they shall leave the committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining committee members shall decide if a conflict of interest exists.

At least annually, the committee shall review potential conflicts identified through a review of the Annual Disclosure Statements and make a determination on those issues, as needed.

3. ***If a Conflict Exists-*** If the committee decides a conflict of interest exists, the following procedures shall apply:
  - a. An interested person may make a presentation at the committee meeting, but after such presentation, they shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement that results in the conflict of interest.
  - b. If the conflict is not resolved by recusal of the interested person, the chairperson of the committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement, if applicable.
  - c. After exercising due diligence, the committee shall determine whether the committee can obtain a more advantageous with reasonable efforts from a person or entity that would not give rise to a conflict of interest.
  - d. If a more advantageous arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the committee shall determine by a majority vote of the disinterested members whether the arrangement is in I-ACC's best interest and for its own benefit and whether the transaction is fair and reasonable to I-ACC and shall make its decision as to whether to enter into the arrangement in conformity with such determination.
4. ***If a Conflict Does NOT Exist*** – If it is determined that a conflict of interest does not exist, the interested person shall participate in the affairs of I-ACC as if a conflict does not exist, unless otherwise directed by the committee.
5. ***Violations of the Conflicts of Interest Policy***
  - a. If the committee has reasonable cause to believe that a committee member has failed to disclose actual or possible conflicts of interest, it shall inform the committee member of the basis for such belief and afford them an opportunity to explain the alleged failure to disclose.
  - b. If, after hearing the response of the committee member and making such further investigation as may be warranted in the circumstances, the committee determines that they have in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate action, including possible removal from the committee.

#### **Article IV - Records of Proceedings**

The minutes of the board and all committees shall contain:

1. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the committee's decision as to whether a conflict of interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to the arrangement, the content of the discussion, including any alternatives to the proposed arrangement, and a record of any votes taken in connection therewith.

## **Article V - Dissemination and Certification**

A copy of this conflict-of-interest policy shall be furnished to each committee member.

The policy and its application shall be reviewed annually for the information and guidance of committee members, each of whom has a continuing responsibility to scrutinize their transactions and outside business interests and relationships for potential conflicts of interest, and make such disclosures as described in this policy.

As administered by the Chair, each committee member will be asked to complete a certification of agreement with the policy and disclosure of any known conflicts of interest upon their election or re-election to the committee and annually thereafter. All certifications shall be reviewed by the committee, or its designee, as appropriate.