



Developmental Disabilities Planning Council

Governor Andrew M. Cuomo

Sheila M. Carey, Executive Director

NYS Developmental Disabilities Planning Council

Conflict of Interest Policy & Procedures

A photograph of asphalt pavement with a yellow dashed line. The words "CONFLICT OF INTEREST" are written in large, white, distressed letters across the pavement. The letter "C" of "CONFLICT" is partially obscured by the yellow line. The letter "O" of "OF" is also partially obscured by the yellow line. The letter "I" of "INTEREST" is also partially obscured by the yellow line.

CONFLICT
OF
INTEREST

Helping Individuals with Developmental Disabilities Live
Independently and Participate Fully in the Community

DDPC.NY.GOV

Introduction & Overview

The decisions and actions of the NYS DDPC must not only serve the intellectual and developmental disability community but must also appear to be fair. Thus any appearance that Council members and/or families and/or associates have an advantage in securing contracts must be avoided. Members are expected to safeguard their ability to make objective, fair and impartial decisions. To that end, all affected individuals shall disclose conflicts as outlined below in connection with Council activities and recuse themselves from deliberations and decisions in which the outcome bears on their interests.

When Does a Conflict of Interest Exist?

A conflict of interest exists when there exists any financial or personal interest, direct or indirect, that is incompatible with the discharge of the member's duties, or might reasonably be expected to impair a member's objectivity and independence of judgment in the exercise of his or her official duties.

- Employment or a debtor/creditor relationship
- A fiduciary relationship
- A Source of Income
- A matter pertaining to a known relative (i.e.. Spouse, domestic partner, or person who is a direct descendent of the individual's grandparents or the spouse of such descendent)
- A matter pertaining to a co-worker or collaborator
- A matter pertaining to a business investment or contractual relationship
- Investments, whereby a decision of the Council could reasonably be expected to result in any material impact upon the value of such investment, either positive or negative
- A leadership role or other substantial role in professional, trade, charitable or not-for-profit organization

An incompatible financial or personal interest may exist in other situations which are not clearly within the provisions above. A member is encouraged to contact the Council's ethics officer for guidance.

Disclosure

In order to deter and manage conflicts of interests, upon appointment and annually thereafter, each member should file a general disclosure form listing organizations with whom they are associated and a list of individuals to whom they are related, and/or associated with, who might benefit from the activities and decisions of the Council.

Additionally, a person who believes he or she has a conflict of interest shall disclose the matter on public record and in writing to the appropriate committee or work group chair.

Individuals must report conflicts or potential conflicts at the earliest opportunity. The disclosure of circumstances which present or could lead to a conflict of interest, does not create a presumption that any person has violated this policy.

If an issue regarding a potential conflict of interest arises or if a member believes another member

has a conflict of interest that has not been disclosed or if an undisclosed conflict of interest has occurred, any person on the Council shall advise the Council's ethics officer. The matter shall then be forwarded to the Executive Committee for review at a regular or specially called Executive Committee meeting and shall be placed on the agenda of the Executive Committee meeting by the chairperson after at least (10) days prior written notice is given to the member. The affected member(s) shall be given the opportunity to address the issue with the Executive Committee. After reviewing the matter, the Executive Committee will render a determination to ensure the impartiality of the Council's decision and the ability to fulfill its duty to the public. If after an Executive Committee ruling, the affected member has ongoing concerns regarding the issue; the matter may be brought to the full Council for consideration.

Recusal

At such time and in normal course of Council operations, a matter may require review by the Council for consideration, guidance, and possible action. Members will be apprised of the identity of all persons who may be the subject of the consideration or action, in advance of such discussion so as to afford an opportunity for appropriate recusal. All members that perceive a conflict of interest should immediately recuse themselves from the conversation, deliberations, and votes.

Recusal means the process by which a person is disqualified, or disqualifies him or herself, from a matter because of a conflict of interest. Recusal is not the same as abstaining, which may mean that the public official will not vote, but has participated in discussions on the matter. Recusal means that you are not participating in deliberations or debates, making recommendations, giving advice, considering findings, or in any other way assuming responsibility for, or participating in, any aspect of the work or decision-making related to the matter in which there are potential conflicts of interest.

If a member chooses to recuse him or herself, he/she shall so inform the Chair before the meeting or as soon as practical. The reason for such recusal should be given, but should not compromise or jeopardize the rights of any party related to the reason for recusal nor any rights, duties or privileges of the member or any party of interest.

If a member recuses him or herself, he/she will:

- Remove him/herself from that segment of the Council meeting wherein the matter is to be discussed and avoid discussion of the matter with other members.
- Receive no further information from the Council or staff regarding the matter.
- Receive redacted copies of minutes of the meeting so as to not disclose the matter to the member, except for those Council matters that are part of any public proceedings or meeting of the council.

In addition, the following shall apply upon recusal:

- A member of the Council shall not be eligible to vote on any action in which that member has a conflict of interest.
- A member of the Council shall not be eligible to participate in a discussion of a matter in when that member has a conflict of interest.
- No one with a disclosed conflict of interest may participate in the screening and/or selection of grants/contracts or vote on relevant funding decisions.
- No one with a conflict of interest should serve as a Chair of a work group or ad hoc

committee since the Chair cannot both abstain and function effectively. Therefore, anyone who accepts the position of Chair must be willing to refrain from applying for funds or responding to RFPs related to the outcomes of those workgroups.

- Members shall recuse themselves from any deliberation that includes a person or organization with whom the member or a relative or associate is negotiating or has any arrangement concerning prospective employment

How to Recuse

Complete a Project Statement of Conflict of Interest form, or write or sign a memo which includes the following information:

- Name
- Position and agency
- Description of the nature of the conflict
- Indication that you are recusing from participation
- Signature on the memo or form under penalty of perjury

Representatives from State agencies and University Centers

The Council may award grants to - or enter into contracts with - a member of the Council or an entity that the member represents, if the member has not taken part in any discussion or vote of the Council, related to awarding the grant or entering into the contract, including service as a member of a grant review panel, discussion related to the development of a set-aside, RFP, or grant, and or related to funding.

Employees of state agencies who serve in an official capacity as representatives of such agencies may recuse themselves to prevent conflicts with their agency policies.

Intentional Violations and Penalties

In addition to any penalty contained in any other provision of law, the Chairperson of the Council or the Executive Director shall recommend to the Governor the removal of any DDPC member who knowingly or intentionally violates the provisions of this policy.



New York State Developmental Disabilities Planning Council MEMBER CONFLICT OF INTEREST DECLARATION

Full Name _____

Date _____

Under which Council Member Category do you Serve?

- Council Member - Self-Advocate or Family-Member
- Council Member - Agency Representative
- Council Member - UCEDD Representative
- Council Member - Protection & Advocacy System Representative
- Council Member - Non-Government Agency Representative
- Other _____

Do you Hold any of the Following Leadership Positions?

- Council Chairperson
- Council Vice-Chairperson
- Committee Chairperson
- Committee Vice-Chairperson
- Caucus Chairperson
- Other _____

The following is a list of organizations that I serve on, places of employment that I work with or might contract with or receive funds from the Council, or a member of a board of directors. The following list also contains organizations or agencies that might contract with me or receive funds from the Council in which I have a financial, contractual, or personal interest:

Organization	Address	Phone

I certify that the above information is accurate and complete to the best of my knowledge. I have read, understood, and agree to adhere to the New York State Developmental Disabilities Planning Council (DDPC) Conflict of Interest Policy. I will immediately notify the Chair of my assigned committee or the Ethics Officer for the DDPC if any of the provisions of this policy apply to me. I further agree to notify the DDPC Ethics Officer in a timely manner when this form needs to be updated in order to reflect new relationships that are established during the above listed year.

Signature _____

Date _____

Want More Information?

If you have questions or would like more information about the New York State Developmental Disabilities Planning Council, please call or email us, 9:00am to 5:00pm, Monday through Friday.

You may also find more information by visiting our website at: www.ddpc.ny.gov.

Phone: (800) 395-3372

FAX: (518) 402-3505

Email: information@ddpc.ny.gov

Website: www.ddpc.ny.gov

Hours of Operation: 9:00am to 5:00pm, Monday - Friday



**Developmental
Disabilities
Planning Council**

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