



## Conflict of Interest/Duality Tool V

### **Legal Definition of Conflict of Interest:**

Iowa Code 68B, Conflict of Interest of Public Officers and Employees

The Iowa Code defines conflict of interest as a board member as intentional personal benefit for the member and/or their spouse. A conviction on a charge of conflict of interest is a serious misdemeanor.

### **Quote from the Iowa Local Board of Health Guidebook issued 2002:**

“Because of the public service mission of public health, it is important that the community have confidence in their local board of health. In order to deal with the issue of conflict of interest and to encourage disclosure, it is recommended that the board of health consult with the local county attorney.

Guidelines for avoiding conflict include:

- Serve public health as a whole rather than any special interest group or constituency.
- Avoid the appearance of a conflict of interest and disclose any potential conflicts to the board in a timely fashion.
- Maintain independence and objectivity with a sense of fairness, ethics, and personal integrity.
- Never accept (or offer) favors or gifts from (or to) anyone who does business with the organization.”

### **Conflict of Interest Issues for Early Childhood Iowa Area Boards:**

1. A potential, perceived, or real conflict of interest is a normal and frequent occurrence with governing boards.
  - a. Public boards have “legislated” members, for example, the Board of Health requires a licensed physician member. Early Childhood Iowa Area (ECIA) board requires health, human services, education, faith, business and consumer member representatives. Required representation brings local expertise to the community board.
  - b. The membership of any “community board” establishes an arena for actual or perceived conflict of interest to occur.
  - c. A clear policy and practice helps board members to be comfortable with disclosure.
2. Questions and considerations for policy and practice of an ECIA board when a member discloses a conflict of interest.
  - a. Does the member abstain from voting?
    - 1) Shall vote be by voice, show of hands, roll call, or ballot?
    - 2) Is the member involved in discussion on issue?
    - 3) Does the member disclose any known significant reason(s) why the transaction(s) may not be in the best interest of Early Childhood Iowa?
  - b. Document clear and accurate conflict of interest activity in the minutes.
  - c. A member abstaining from a vote does not affect the quorum. A majority of eligible remaining members determines the vote.

3. A concern about conflict of interest is expressed by another board member or an individual in the community.
  - a. How are comments or concerns dealt with when received?
    - 1) Respond to comment or concerns heard – written or verbal
      - a) Who responds? The board chair, coordinator?
  - b. Is it appropriate to involve the county attorney or board’s legal representative?
  - c. Is corrective action on the decision of board merited?
  - d. An appeal to the board is received regarding conflict of interest.
    - 1) Follow the board’s established policy for appeal.
  
4. Be aware and considerate of “public perception”.
  - a. Focus on vision, mission, community plan, priorities and work toward collaboration.
  - b. Apply data from the community assessment to making decisions.
  - c. Keep the “message” at board meetings about community support for children ages 0 – 5 years.
  - d. Follow a documented and consistent process for funding requests from potential service providers.

**SAMPLE Conflict of Interest Policy**

**Organization:** *Early Childhood Iowa Area Board*  
**Policy:** *Conflict of Interest and/or Duality*  
**Date Adopted by Board:** *10/20/2002*  
**Date Revisions:** *9/18/2011*

***DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST***

1. A possible/potential conflict of interest on the part of a board member or their spouse will be disclosed to the other members and made a matter of record, through an annual procedure and/or when the interest becomes a matter of board action.
  
2. A board member or their spouse with a possible/potential conflict of interest on any matter will not vote or use personal influence on the matter. The minutes of the meeting will reflect a disclosure and the abstention from voting.
  
3. The “Disclosure of Potential Conflicts of Interest” policy will be reviewed by members at the first board meeting each fiscal year. The board member will agree each year as evidenced by signature on the “Conflict of Interest Statement”.
  
4. A new board member will be advised of the policy upon becoming a member of the Early Childhood Iowa Area board and agree as evidenced by signature on the “Conflict of Interest Statement”.

**SAMPLE By-Laws Statement Regarding Conflict of Interest**

A member (or the spouse/family) of the Early Childhood Iowa Area board, who may derive any intentional personal benefit, profit or gain, directly or indirectly, by reason of membership on the board or for services contracted from the board, shall disclose such interest to the board. The member’s abstention from the vote and the reason for it will be recorded in the meeting minutes.

**SAMPLE Conflict of Interest Form**

*Organization:* Early Childhood Iowa Area Board  
*Policy:* Conflict of Interest and/or Duality  
*Date Adopted by Board:* 10/20/2002  
*Date Revisions:* 9/18/2011

I have read and am familiar with the Early Childhood Iowa Area board policy concerning conflict of interest, and I concur by my signature agreement to abide by the policy.

During my service on the Early Childhood Iowa Area board, neither I, or to the best of my knowledge, any member of my family will take any action to contravene the conflict of interest policy of this board.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_