

GEORGIA BALANCE OF STATE CONTINUUM OF CARE

Membership and Rule Committee May 15, 2023

Conflict of Interest and Recusal Policy

It is the intent of the Georgia Balance of State Continuum of Care to uphold the highest ethical standards by complying with all applicable legal requirements relating to conflicts of interest and by avoiding any situation which might create the appearance of a conflict of interest. Accordingly, the Membership and Rules Committee hereby adopts the following Conflict of Interest and Recusal Policy.

The purpose of the conflict of interest policy is to protect the interests of the Georgia Balance of State Continuum of Care (BoS CoC) when it is contemplating entering into a transaction or arrangement that might benefit the private interests of a Board Member or Committee Member of the Georgia BoS CoC. This Policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest for the Georgia BoS CoC.

Conflict of Interest and Recusal Policy

The BoS CoC Board will conduct decision-making in accordance with the Uniform Standards at 2 CFR 200.317 and 200.318. The Conflict of Interest Policy for the BoS CoC Board must also meet the conditions set forth in 24 CFR 578.95(b).

§ 578.95 Conflicts of interest.

(b) Continuum of Care board members. No Continuum of Care board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.

Conflict of Interest – Contracts, Awards and Other Benefits to Recipient

No BoS CoC Board Member or member of a committee may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to that individual or the organization that the Member represents.

An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the Member of the Board or Committee is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under 24 CFR Part 578, or when an individual's objectivity in performing work with respect to any activity assisted under Part 578 is or might be otherwise compromised.

Organizational conflicts arise when a BoS CoC Board Member or committee member who is specifically associated with an applicant organization participates in a decision concerning the

award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when an employee, a former employee (employed within the last 6 months), a BoS CoC Member, or a family member affiliated with a recipient or sub-recipient organization participates in contract monitoring or rate setting tasks that directly impacts said organization. Examples of ongoing conflicts of interest include the determination of rent reasonableness under § 578.49(b)(2) and § 578.51(g); housing quality inspections of property under § 578.75(b) that the recipient, sub-recipient, or related entity owns; participation in ongoing business ventures /partnerships, or participation in evaluation or determination of awards.

Conflicts of Interest – Financial Interest of Member

1. Solicitation of gifts or the acceptance of a gift valued at \$25 or more by an individual who is in a position to participate in a decision making process or gain inside information regarding the activities of the BoS CoC (or by the organization(s) that he or she represents) from persons, organizations, vendors, or corporations with a vested interest in the outcomes of decisions made by the BoS CoC Board of Committee or member agency is strictly prohibited.
2. A conflict of interest does not exist when the value of the gift is an unsolicited item of nominal value (less than \$25) and such gifts are not repeated more than twice annually. The BoS CoC Board Member or committee member must maintain a record of gifts received, including source, date, value, and type of gift.
3. BoS CoC Board Members or Committee Members shall not participate in the selection, award or evaluation of a contract supported by BoS CoC funds if a conflict of interest exists. A conflict of interest arises when one of the following individuals has a financial or other interest in the organization under consideration for an award or evaluation:
 - a. Board Member,
 - b. Committee Member,
 - c. An employee, officer or agent of the Board Member or Committee Member's agency,
 - d. A member's immediate family member,
 - e. A member's partner, or
 - f. An organization that said member was employed by with the past six months, is currently employed by, or is about to be employed by."
4. BoS CoC Board Members or committee members will not accept gratuities from BoS CoC-funded recipients, sub-recipients, contractors, or vendors except for unsolicited gifts of nominal value as provided in item 2 above.
5. A prohibited conflict of interest also includes any other actions or inactions which could reasonably be viewed to create a conflict of interest or a perception of a conflict of interest.

A Financial Interest is not necessarily a conflict of interest. A person who has a Financial Interest is only deemed to have a conflict of interest if the Ethics Officer, or BoS CoC Board majority/Committee/Subcommittee, after reviewing all the available facts and information, determines that a conflict of interest exists.

Recusal Policy

BoS CoC Board Members and persons acting on behalf of the BoS CoC must remove themselves from the decision-making or evaluation process when a conflict of interest exists,

including but not limited to, abstaining from any voting related matters subject to the conflict and leaving the room or meeting during the time such matters are being discussed. Where possible, agenda items can be rearranged in order to move other items of business up on the agenda so that the discussion item in conflict can be discussed last.

Duty to Disclose Potential Conflict of Interest

BoS CoC Board Members and members of committees shall declare any real or potential conflicts of interest or the appearance of such conflicts before participating in the decision-making or evaluation process, including upon appointment to a sub-committee with influence over decisions. Board members or committee members who identify a potential conflict of interest in an agenda or discussion item for a meeting should notify the Collaborative Applicant of the conflict, preferably in writing, prior to the meeting that a potential conflict exists and what the conflict is. Real or potential conflicts of interest disclosed at a Board or committee meeting will be recorded in the meeting minutes. Members of the public participating in BoS CoC committees shall also be screened for potential conflicts.

After disclosure of potential conflicts of interest and all material facts, and after any discussion with the individual with the potential conflict, the individual shall leave the Board of Directors or committee meeting while the determination of a conflict of interest is discussed and determined by the Ethics Officer, or a majority vote of the Board/Committee/Subcommittee present at the meeting.

The Conflict of Interest and Recusal Policy will be updated and approved by the Membership and Rules Committee no less than every two years.