

LAKE CHAMPLAIN BASIN PROGRAM
and
CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP

Policy and Guidelines on Conflicts of Interest

Revised September, 2017

The Guidelines below apply to all operations of the Lake Champlain Basin Program (LCBP) and Champlain Valley National Heritage Partnership (CVNHP), including the external review of funding proposals, and to members of the Committees of the LCBP and CVNHP who are involved in activities affecting funding decisions. These Guidelines are to be used when developing requests for proposals (RFPs), evaluating proposals, recommending funding awards, and developing budget priorities. Committee members who receive confidential information must take personal responsibility to avoid actual or potential conflicts of interest.

Introduction

The purpose of these Guidelines is to ensure that activities, particularly those related to the distribution of funds, are conducted in a fair manner and that there is neither a motivation, nor an appearance of a motivation, for private or personal gain.

This document addresses both actual and potential conflicts of interest. An actual conflict of interest could arise when an individual has a direct personal, familial, or financial relationship or connection with any of the activities, applicants, or proposals under review. The relationship shall not factor into the decision at hand, and if so, the individual shall not be part of the decision making process. While every effort has been made to characterize all potential conflicts of interest, it is incumbent on all those involved with LCBP/CVNHP to determine any conflicts of interest that may not be identified within this document using their best sound judgment and report them accordingly to the Director.

A member has a potential conflict of interest if s/he has a relationship with the activities, applicants or proposals being reviewed that could potentially cause the member's professional judgement or actions to be impaired, or could influence their objectivity or impartiality.

For the purposes of LCBP and CVNHP committee members, a conflict of interest occurs when an LCBP or CVNHP Committee or subcommittee member

- stands to receive a direct financial benefit from a matter under discussion,
- has a personal or familial interest that may be substantially affected by a matter under discussion by the committee,
- has any other personal or professional interest or obligation that may affect the member's judgment regarding a matter under discussion, or
- may benefit personally or privately from the outcome of a decision or discussion.

Guidelines

- 1. All LCBP and CVNHP Committee members (members)** are responsible for adhering to this Policy and Guidelines on Conflicts of Interest, and are encouraged to consult with the LCBP and CVNHP Director and the general procurement standards and competition requirements outlined in the Uniform Grant Guidance at [2 CFR 200.318 – General Procurement Standards](#) and [2 CFR 200.319 Competition](#). If the ability of a committee member to be impartial in a decision is impaired, this individual has a conflict of interest and must discuss this conflict with the LCBP and CVNHP Director.
- 2. Members of LCBP and CVNHP Advisory Committees.** Individuals who contribute to the development of an RFP shall not respond to that same request in any capacity, including the provision of letters of support or recommendation to any entity that submits or is included in a proposal. Employees from organizational entities that employ staff who assist in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for LCBP or CVNHP proposals must be excluded from competing for such procurements. See [2 CFR 200.319 Competition](#).

Individuals shall not participate in any review of an LCBP-funded task undertaken by their employer or from the same organizational entity, specifically a:

- Department within an Agency (Vermont State Government),
- Ministry (Quebec Government),
- Division within a Department (New York State Government),
- Department within a Municipal or County Government,
- Academic department within a College or University,
- Institution, such as a Conservation District or a formal Coalition, or
- Organization, such as a Commission, Non-profit or For-profit Corporation,

that has submitted a proposal which is under consideration. Recusal from participation requires absence from the discussion; presence is considered participation.

- 3. Members of the Lake Champlain Steering Committee and Executive Committee.** Lake Champlain Steering Committee and Executive Committee members who represent government entities may be responsible for decisions that may affect their government organization; the knowledge they share is important to the successful outcome of program activities and as such these members will not be required to recuse themselves from the decision-making process. These members must disclose the nature of their relationship to the decision with other committee members and the LCBP and CVNHP Director as described in item # 4 below. However, any Lake Champlain Steering Committee member who may stand to benefit or gain personally or privately from the outcome of a decision will have a legal conflict of interest and will be recused from participation in that decision. All Steering Committee members who are employed by for-profit private entities (e.g., engineering or consulting firm) will be recused from discussion of budget items that may affect their organization, regardless of whether they stand to benefit or gain personally from the outcome of the decision.

4. Any member of LCBP Advisory Committees or subcommittees, or a non-governmental employee who is a member of the Lake Champlain Steering Committee, will be recused from the relevant discussion and decision if they have a conflict of interest.

In addition, members must disclose a potential conflict of interest as soon as circumstances arise for it to become apparent. The individual shall contact the LCBP and CVNHP Director to discuss the issue; the Director may then choose to discuss the matter with the Chairs of the Steering Committee and Executive Committee. For example, a Committee member who is employed within an organization and involved in a decision regarding a different entity within the same organization shall notify the Director if s/he has an appearance or direct conflict of interest that could lead to bias in favor of the sister entity. LCBP and CVNHP staff will be responsible for maintaining all conflict of interest disclosures for each decision process and ensuring that the Steering or Executive Committee (whichever is tasked with the decision in the related process) is made aware of any disclosures associated with that process. The individual may be asked to recuse him or herself from the process if necessary, including for potential conflicts of interest. The Lake Champlain Steering Committee may also determine, by consensus, that a conflict of interest has occurred, and take appropriate steps to ensure that the issue is resolved appropriately.

5. Any Committee member whose organizational entity has submitted a workplan, report or other contractual deliverable to that Committee for review may participate in the discussion of the report, but shall abstain from voting on decisions related to the report.

6. All LCBP Committee members and external peer reviewers must treat all materials related to an RFP, proposal for LCBP funding, technical work plan review, or grant review process as strictly confidential to the extent allowed by law. Violation of that confidentiality constitutes a conflict of interest if it potentially gives an unfair advantage to any party *or* releases information pertaining to or the identities of applicants or confidential peer reviewers.

7. Statute of Limitations on Conflicts of Interest from previous places of employment.

Members of the Lake Champlain Steering Committee or LCBP advisory committees and subcommittees will have a conflict of interest if, within one year of a committee member's departure from a previous place of employment, a prior employee participates in a decision that affects the previous employer. If termination of employment occurred more than one-year prior, the committee member may choose to recuse him/herself if s/he feels his/her prior employment would cause them to be biased.

8. Conflict of Interest disclosure form. This guidance document shall be reviewed by each LCBP Committee and subcommittee member annually. The disclosure form (below) shall be signed by each individual who agrees to participate in each decision process for which they may have a potential conflict of interest.

Potential Conflict of Interest Disclosure (to be submitted on each occasion for which the member has a potential conflict of interest and believes it will not prevent their participation in a funding-related activity):

I, _____ have a potential conflict of interest in the following decision process: [describe decision]. The potential conflict of interest is: [describe the situation]. I feel that I should participate in the discussion of this matter and will not be influenced or biased by this potential conflict of interest. I have discussed this issue with the LCBP and CVNHP Director and the Chair of my LCBP Committee.