

SAMPLE CONFLICT OF INTEREST POLICY

CASA Program, Inc. prohibits improper or unlawful discrimination of race, religions, sex (including pregnancy), age, national origin, disability, or other legally protected characteristics in conducting business by or as a director, staff, volunteer, board member or paid consultant.

No director, staff, volunteer, board member or paid consultant may participate in any decision making process when said person or members of her or his immediate family, or any party, group or organization to which said person has allegiance, may have an interest or direct or indirect financial interest in the assets, leases, business transactions or professional services of the program that may be seen as competing with the interests or concerns of the CASA program.

Directors, staff, volunteers, board members or paid consultants must weigh carefully all circumstances in which there exists the possibility of accusations of competing interest. It is required that the individual involved must make a timely disclosure with any possible conflict of interest of any and all relevant information pertaining to the possible conflict and may not participate in any decision-making process related to the matter in which there may be a conflict of interest. Any individual that fails to disclose the conflict of interest prior to becoming involved to a transaction or decision affected by the conflict shall be dismissed or given appropriate discipline. Further, directors, staff, volunteers, board members, or paid consultants shall excuse themselves from the room when there is any deliberation and decision on the matter of interest.

Board of Directors

When a person with a possible conflict of interest discloses their interest to the Board, the minutes of the board and/or committee meetings shall reflect that the conflict of interest was disclosed and that the interested person was not present during the deliberation and decision on the matter of interest. In the event of possible conflict of interest in a decision, making process at the level of management, the Executive Director shall report to the board in writing that the conflict of interest was disclosed and that the interested person was not in the room and did not participate in the final deliberation and decision on the matter of interest. Notwithstanding the above, the Board of Directors may waive the foregoing restrictions and allow a director or staff member with a conflict of interest to join in such portion of the discussion on the matter of interest as the board deems appropriate.

When there is doubt as to whether a conflict of interest exists, the matter shall be resolved by a vote of the executive committee, excluding the person(s) who may have the possible conflict.

So as not to create any conflict of interest, CASA Program, Inc. does not purchase items of value or contract for services with any member of the Board of Directors.

Members of the Board of Directors may serve as volunteers with the exception of the Board President; however such volunteers serving as board members must recuse themselves from voting on personnel matters that come before the Board.

Staff and Paid Consultants

A CASA Program, Inc. staff member shall not be a voting member of the Board of Directors, nor be related within the third degree of consanguinity or affinity to any parties or litigants involved in cases

Credits: Brush Country CASA, Hill Country CASA

assigned by the Courts. Employees should not engage in outside employment incompatible with his/her employment duties and shall have no interest arising by contract or other relationship with service providers that creates a conflict of interest with their duties. An employee should report, in writing, to the Executive Director, any situation which he/she feels may become a conflict of interest.

Volunteers

Volunteer advocates may serve as members of the Board of Directors; however, such board members must recuse themselves from voting on personnel matters that come before the Board.

Assigned CASA/GAL Volunteers are prohibited from being related to any parties involved in the case or being employed in a position and/or affiliated with an agency that might result in a conflict of interest with their CASA duties.

No CASA Program, Inc. volunteer or employee shall provide direct services to a child or his/her family that could lead to a conflict of interest or potential liability or cause a child or family to become dependent on the CASA volunteer for services that should be provided by other agencies or organizations. Volunteers shall not accept appointment to a case in which there is a pre-existing relationship of any sort with the families involved with the exception of being assigned as a volunteer in a prior case involving a family. A volunteer should report to their Case Supervisor any situation which he/she feels may become a conflict of interest.

Neptism Definitions

Except as provided in this policy, a director, staff, volunteer, board member or paid consultant may not appoint a person to a position that is to be directly or indirectly compensated if: a) the person is related to the director, staff, volunteer, board member or paid consultant by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree [see below]; or b) the director, staff, volunteer, board member or paid consultant holds the appointment or confirmation authority as a member of the board and the person is related to another member of the board by blood or marriage within a prohibited degree.

The nepotism provisions apply to relationships within the third degree by consanguinity (related by blood). Two persons are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor. An adopted child is considered to be a child of the adoptive parents. *Gov't Code 573.002, 573.022* The degree of relationship by consanguinity between a person and his or her descendant is determined by the number of generations that separate them. An individual's relatives within the third degree by consanguinity are the individual's: a) parent or child (first degree); b) brother, sister, grandparent, or grandchild (second degree); and c) great-grandparent, great-grandchild, aunt or uncle (who is a sibling of a parent of the person), nephew or niece (who is a child of a brother or sister of the person) (third degree). *Gov't Code 573.023* There is no distinction under the nepotism statute between half-blood and full-blood relations. Thus, half-blood relationships fall within the same degree as those of the full-blood. *Atty. Gen. Op. LO-90-30 (1990)*

A person's relative within the second degree by affinity are: a) anyone related by consanguinity to the person's spouse within the first or second degree; or b) the spouse of anyone related to the person by consanguinity within the first or second degree. *Gov't Code 573.024(b)*

A husband and wife are related to each other in the first degree by affinity. For other relationships, the degree of relationship by affinity is the same as the degree of the underlying relationship by consanguinity. For example, if two persons are related to each other in the second degree by consanguinity, the spouse of one of the persons is related to the other person in the second degree by affinity. *Gov't. Code 573.025*

The nepotism provisions apply to relationships within the second degree by affinity (related by marriage). The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of the marriage is living, in which case the marriage is considered to continue as long as the a child of that marriage lives. *Gov't. Code 573.002, 573.024*

Criminal Charges

All CASA Program, Inc. program staff, volunteers and governing body members shall immediately notify CASA Program of any criminal charges filed against them.

CASA Program, Inc. shall promptly refer to National CASA and Texas CASA any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has committed a criminal or civil violation of laws pertinent to fraud, conflict of interest, bribery, gratuity or similar misconduct involving program funds.

Discipline

Failure to comply with CASA Program, Inc.'s policy governing conflict of interest will result in disciplinary action up to and including dismissal from the program's board, staff or volunteer force.

Policy Review

The policy shall be reviewed at the first meeting of duly elected directors and with all staff, volunteers and with each new member of the staff at the time of his or her hire and with each new volunteer sworn-in. Copies of this policy shall be given to each board member, staff member, volunteer or paid consultant. This policy shall be reviewed and signed annually by the board members, staff members, volunteers and paid consultants.

Signature

Title

Printed Name

Date