



Policy on Conflicts of Interest and Disclosure of Certain Interests

It is essential that the citizens of Delaware have confidence in the integrity of the work of the Delaware Workforce Investment Board (DWIB) and its Youth Council. The Board and Youth Council serve the Delaware community as a whole, and this responsibility requires both the board and council conduct its business in a fair and transparent manner. The appearance of an actual or apparent Conflict of Interest by a member of the DWIB or Youth Council can cause harm to the credibility of both the DWIB and the Council. It is in this context that the following policy is adopted as a Policy on Conflicts of Interest for both the Board and Council

This Policy on Conflicts of Interest is intended to help members of the Council and the DWIB identify situations that present potential conflicts of interest, and to provide procedures which will allow work to be deemed ethical and valid. (All italicized and capitalized terms are defined in Section 1 of this policy.)

1. Definitions.

- a. A "Conflict of Interest" is any circumstance described in Section 2 of this Policy.
- b. A "Responsible Person" is any person serving as a Member on the DWIB and Youth Council.
- c. A "Family Member" is a spouse, domestic partner, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister, of a *Responsible Person*.
- d. A "Material Financial Interest" in an entity is a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a *Responsible Person* or *Family Member's* judgment with respect to transactions to which the entity is a party. This includes all forms of compensation.
- e. A "Contract or Transaction" is any agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a loan or grant, or the establishment of any other type of pecuniary relationship. (The making of a gift to the DWIB or Youth Council is not a *Contract or Transaction*.)

2. Conflict of Interest Defined. For purposes of this policy, the following circumstances shall be deemed to create *Conflicts of Interest*:

a. Outside Interests.

- i. A *Contract or Transaction* between the DWIB or Youth Council and a *Responsible Person* or *Family Member*.
- ii. A *Contract or Transaction* between the DWIB or Youth Council and an entity in which a *Responsible Person* or *Family Member* has a *Material Financial Interest*.
- iii. A *Contract or Transaction* between the DWIB and Youth Council and an entity in which a *Responsible Person* or *Family Member* is a director, officer, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator or other legal representative, or has a relationship where any bias or appearance of bias in a decision-making process exists.

b. Gifts, Gratuities and Entertainment. A *Responsible Person* accepting gifts, entertainment or other favors from any individual or entity that:

- i. does, or is seeking to do, business with the DWIB or Youth Council; or
- ii. has received, is receiving or is seeking to receive a loan or grant, or to secure other financial commitments from the DWIB or Youth Council; or

iii. under circumstances where it might be inferred that such action was intended to influence or possibly would influence the *Responsible Person* in the performance of his or her duties. This does not preclude the acceptance of items of nominal or insignificant value or entertainment of nominal or insignificant value, which are not related to any particular transaction, or activity of the DWIB or its Youth Council.

3. Procedures.

a. Prior to any DWIB or Youth Council action on a *Contract or Transaction* involving a *Conflict of Interest*, a *Responsible Person* having a *Conflict of Interest* and who is in attendance at the meeting shall disclose all facts material to the *Conflict of Interest*. Such disclosure shall be reflected in the minutes of the meeting.

b. A *Responsible Person* who plans not to attend a meeting at which he or she has reason to believe Board or the Youth Council will act on a matter in which the *Responsible Person* has a *Conflict of Interest* shall disclose to the chair of the meeting all facts material to the *Conflict of Interest*. The Chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.

c. A *Responsible Person* who has a *Conflict of Interest* shall not participate in the DWIB's or Youth Council's discussion of the matter except to disclose material facts and to respond to questions. Such *Responsible Person's* shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting.

d. A *Responsible Person* who has a *Conflict of Interest* with respect to a *Contract or Transaction* that will be voted on at a meeting may not vote on the *Contract or Transaction*. Such person's ineligibility to vote shall be reflected in the minutes of the meeting.

e. In the event it is not entirely clear that a *Conflict of Interest* exists, the individual with the potential conflict shall disclose the circumstances to the Chair or the Chair's designee, who shall determine whether there exists a *Conflict of Interest* that is subject to this policy.

4. **Confidentiality.** Each *Responsible Person* shall exercise care not to disclose confidential information acquired in connection with such status or information, the disclosure of which might be adverse to the interests of the DWIB and its Youth Council. Furthermore, a *Responsible Person* shall not disclose or use information relating to the business of the DWIB or the DWIB's Youth Council for the personal profit or advantage of the *Responsible Person* or a *Family Member*.

5. Review of policy.

a. Each *Responsible Person* shall be required to review a copy of this policy and to acknowledge in writing that he or she has done so.

b. Each *Responsible Person* shall annually complete a disclosure form identifying any relationships, positions or circumstances in which the *Responsible Person* is involved that he or she believes could contribute to a *Conflict of Interest* arising. Such relationships, positions or circumstances might include service as a director of or consultant to a nonprofit organization, or ownership of a business that might provide goods or services to the DWIB and the DWIB's Youth Council. Any such information regarding business interests of a *Responsible Person* or a *Family Member* shall be treated as confidential and shall generally be made available only to the Chair, the Executive Director, and any committee appointed to address *Conflicts of Interest*, except to the extent additional disclosure is necessary in connection with the implementation of this Policy.

c. This policy shall be reviewed annually by each Member of the DWIB and Youth Council. Any changes to the policy shall be communicated immediately to all *Responsible Persons*.



DELAWARE WORKFORCE INVESTMENT BOARD AND YOUTH COUNCIL

Conflict of Interest Disclosure Form

Name: _____

I have no outside activities, nor have I accepted any gifts, gratuities or entertainment, that present an actual or apparent Conflict of Interest.

I have the following outside activities, or have accepted gifts, gratuities or entertainment, that present an actual or apparent Conflict of Interest.

Please describe in the space provided below any relationships, positions, or circumstances in which you are involved that you believe have contributed, or could contribute, to a Conflict of Interest arising (as defined in the Delaware Workforce Investment Board's Policy on Conflicts of Interest for the Board and its Youth Council).

I hereby certify that the information set forth above is true and complete to the best of my knowledge. I have reviewed, and agree to abide by, the Policy of Conflict of Interest of the DWIB Board and Youth Council that is currently in effect.

Signature: _____

Date: _____