

NC-500 Conflict of Interest Policy
Winston-Salem/ Forsyth County Continuum of Care Members

[24 CFR 578.95(c); 24 CFR 578.103(a)(11) or 24 CFR 578.103(a)(12) for funds awarded under the FY 2015 CoC Program Competition or later]

No member may participate in or influence discussions and/or decisions concerning the award of a grant or other financial benefits to the organization that the member represents or to themselves as individuals. Therefore, all members/persons must identify actual or perceived conflicts of interest as they arise and comply this policy. Disclosure should occur at the earliest possible time and, if possible, prior to the discussion of any such issue. Individuals with a conflict of interest should abstain from discussing and voting on any issue in which they may have a conflict.

A Conflict-of-Interest Policy will be approved by the Continuum of Care annually.

The Commission on Ending Homelessness shall determine whether a conflict or potential conflict of interest exists.

Purpose

1. The purpose of this CoC membership conflict of interest policy is to protect the Winston-Salem/Forsyth County Continuum of Care (CoC) and to emphasize the CoC's commitment to the highest standards of transparency, fairness and conduct to ensure the maximum public trust.
2. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.
3. The Winston-Salem/Forsyth County CoC Member Conflict of Interest Policy applies to all CoC Members (inclusive of Voting Members, CoC Board Members and Committee Members). In activities on behalf of and in dealings with the CoC it is the responsibility of each CoC Member to avoid any actual conflict of interest and the appearance of a conflict of interest. Each person to whom this policy applies must be free of any activity, association or investment which might influence, or give the appearance of interfering with, the independent exercise of his or her judgment in conducting the CoC's activities or in dealing with the CoC.

Definitions

1) Conflict of Interest - A conflict of interest may exist when the interests or activities of any member, director, or officer may be seen as competing with the interest and activities of the CoC; when the member, director or officer, derives a financial or other material gain as a result of a direct or indirect relationship. Such conflicts are presumed to exist in those circumstances in which a member or director's actions may have a preferential impact upon the agency or entity employing the member or director. Such actions are presumed to include, but are not limited to, the development of policies in which a self-serving bias may be present, as well as in decisions affecting the allocation of resources.

Members of the Winston-Salem/Forsyth County Continuum of Care (Voting Members, Committee Members, and/or Board Members) may not participate in decisions concerning awards of grants or provisions of financial benefits to members of the organization. They must recuse themselves from the decision-making process.

2) Financial interest – A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- (a) An ownership or investment interest in any entity with which the CoC has a transaction or arrangement;
- (b) A management position in any entity which has a financial interest, such as serving on the Board of an organization with a financial interest in the CoC;
- (c) A compensation arrangement with the CoC or with any entity or individual with which the CoC has a transaction or arrangement; or
- (d) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the CoC is negotiating a transaction or arrangement.

Compensation includes direct and indirect compensation as well as gifts or favors that are not insubstantial.

Procedures

1) Duty to Disclose – In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the conflict and/or financial interest and be given the opportunity to disclose all material facts to the Commission on Ending Homelessness Board.

2) Recusal of Self – Any CoC Member has a duty to recuse himself or herself at any time from involvement in any decision or discussion in which the member believes he or she has or may have a conflict of interest, without going through the process for determining whether a conflict of interest exists. Voting Members of the Continuum of Care shall recuse themselves from any decision. Committee Members and Commission on Ending Homelessness Board Members shall recuse themselves from any discussion and decision.

3) Determining Whether a Conflict of Interest Exists – The Commission on Ending Homelessness board shall review all Conflict of Interest complaints to determine whether a conflict of interest exists. Complaints should be submitted in writing to the Commission on Ending Homelessness with a copy given to the Collaborative Applicant. The Board shall notify each member of the CoC to review the conflict of interest policy on an annual basis.

Violations of the Conflicts of Interest Policy

a) If the Commission on Ending Homelessness board has reasonable cause to believe a CoC Member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis of the claim and afford the member an opportunity to explain the alleged failure to disclose.

b) If after hearing the member's response and after further investigation as warranted by the circumstances, if the Commission on Ending Homelessness board determines the member has failed to disclose a possible conflict of interest, it shall take appropriate disciplinary and corrective action, up to and including expulsion from the Board/COEH/CoC.

Records of Proceedings

The minutes of the Commission on Ending Homelessness board shall contain:

1) The names of the persons who disclosed or otherwise were found to have a financial interest or possible conflict of interest, the nature of the financial interest or conflict of interest, any action taken to determine whether a conflict of interest was present, and the Commission on Ending Homelessness board's decision as to whether a conflict of interest existed.

2) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Annual Statements

1) Each CoC Member (inclusive of Voting Members, CoC Board Members and Committee Members) shall annually sign a statement which affirms such person:

a) Has received a copy of the conflict of interest policy;

b) Has read and understands the policy; and

c) Has agreed to comply with the policy.

3) If at any time during the year, the information in the annual statement changes, the CoC Member shall disclose such changes and revise the annual disclosure form at the earliest opportunity.

4) The Board shall regularly and consistently monitor and enforce compliance with this policy by reviewing annual statements and taking such other actions as are necessary for effective oversight.

Exceptions and Changes to Policy

The CoC reserves the right to make an exception to this policy and procedures based on communication from HUD that impact the CoC's ability to carry out the policy and procedures as described above. The CoC also reserves the right to amend this policy on an annual basis.