

Pajarito Environmental Education Center

Conflict of Interest Policy

Purpose

As a nonprofit, charitable organization, The Pajarito Environmental Education Center (PEEC) is accountable both to government agencies and members of the public for responsible and proper use of its resources. As a 501(c)(3) organization, PEEC must ensure that the board of directors (directors) and employees have disclosed any potential conflicts of interest. The purpose of this policy is to protect PEEC's interests when taking an action or executing a transaction that might directly or indirectly benefit the private interests of a PEEC director or employee or any of their close personal associates. This policy summarizes responsibilities for all PEEC directors and employees with respect to potential or perceived conflicts of interest.

Conflicts of interest must be taken seriously since they can damage PEEC's reputation, threaten its nonprofit status and expose both PEEC and affiliated individuals to legal liability if not handled appropriately. Even the appearance of a conflict of interest should be avoided, as it could undermine public support for PEEC and its management.

Applicability

This policy applies to all PEEC directors, the Executive Director (ED), and PEEC employees.

Background information

A conflict of interest exists when the interests or concerns of any director or employee are, or may be seen as, conflicting or competing with the best interests or concerns of PEEC. This applies to situations where directors or employees may personally benefit, directly or indirectly, from a decision made by the ED or directors. This includes decisions where an individual, their family member or close associate (a) stands to gain personal or financial benefit from a PEEC action, transaction or contract; or (b) has another interest that impairs, or could be seen to impair, the independence or objectivity of the PEEC personnel in discharging their duties to PEEC. Examples of potential COI can be found in supporting material, Attachment 1.

Conflicts of interest, or the appearance of such, are often impossible to avoid in a small community. When these situations arise, directors and employees shall recuse themselves from participating in matters where an outside observer could reasonably question their impartiality.

Responsibilities

Directors and employees shall not engage in activities that might interfere with the discharge of their responsibilities to PEEC, nor in transactions or conduct that reasonably might affect the judgments they make on behalf of PEEC.

Directors and employees must review the Conflict of Interest policy and sign the Annual Disclosure form prior to the November board meeting or at the time their association with PEEC begins, see Attachment 2. Directors and employees should proactively update this form if new situations arise over the course of the year that might result in a conflict of interest. The Conflict of Interest policy will be shared with potential board candidates during the board member recruitment process.

All directors are responsible for reviewing the full set of director disclosure forms to ensure that they are aware of outside affiliations and potential conflicts of interest. The Executive Committee will determine if any disclosures merit additional review, and if so, will work in cooperation with each director to resolve or mitigate the conflict.

Conflict of Interest Review

After disclosure or discovery of a potential conflict of interest, the interested director or employee shall call it to the attention of the ED, directors, and any relevant committee. All Information relevant to the COI review should be summarized in the COI Review Form, Attachment 3. During this process, the Board or the ED shall consider whether the potential conflict of interest would compromise or be perceived to compromise PEEC's ability to perform its mission, impact PEEC's reputation, or advantage/disadvantage the individual's financial or personal interests. The interested person shall not vote on or participate in the solicitation, negotiation, formation, award, arbitration or settlement of the COI matter. For board-level matters, the minutes of the board meeting shall reflect that the potential COI was disclosed, discussed and that the interested person did not participate in the voting. The results of that vote shall be entered into the board minutes, along with a brief discussion of the reasons for the course of action and vote.

Attachment 1: Examples of Possible Conflicts of Interest:

Potential conflicts of interest include situations in which a PEEC personnel or that person's relative or business:

- has an ownership or investment interest in any third party that PEEC deals with
- serves on the board of, participates in the management of, or is otherwise employed by or volunteers with any third party that PEEC deals with
- receives or may receive compensation or other benefits in connection with a transaction into which PEEC enters;
- serves on the board of directors of another nonprofit organization that is competing with PEEC for a grant or contract;
- has a close personal or business relationship with a participant in a transaction being considered by PEEC;
- would like to pursue a transaction being considered by PEEC for their personal benefit.

Attachment 2: PEEC CONFLICT OF INTEREST STATEMENT

Name _____ Date _____ Position _____

I affirm the following (initial after each):

- I have received a copy of the PEEC Conflict of Interest Policy. _____
- I have read and understood the policy. _____
- I agree to comply with this policy. _____

Disclosures:

A. Do you or any of your immediate family members have a direct or indirect financial interest (current or potential), including a compensation arrangement, as defined in the Conflict of Interest Policy? Yes No

If yes, please list financial or personal interest and describe:

B. In the past year, have you had a financial interest, including a compensation arrangement, as defined in the Conflict of Interest policy? Yes No

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 Conflict of Interest Policy that is currently in effect. I understand that if I become aware of a fact or occurrence that is material after the date hereof, I will advise the Board in writing to supplement this response.

Signature

Date

For Board use only:

Received date: _____

Reviewed by: _____

Received by: _____

Attachment 3: CONFLICT OF INTEREST REVIEW FORM

This form is to be completed after the disclosure of a COI by the disclosing individual and the Board Chair or the PEEC Executive Director. This form documents the COI and the actions taken by the PEEC Board and leadership or the Executive Director to resolve the COI issue.

Date of COI disclosure:

Description of COI: In a few sentences describe the COI including the individual or individuals involved, and why there is a COI or perceived COI.

Relevant additional details on the PEEC action that contributes to the COI: Describe any contributing factors or additional information that is important to assess in reviewing and concluding the actions to address the COI

e.g., financial arrangement, decision making authority, family member engagement.

Describe how the individual/associated family member might benefit from the COI

Describe the benefit to PEEC if the action is related to the COI

What mitigation measures could be taken to mitigate the COI?

Key discussion points from the COI review:

Recommendation to the full board (board minutes record the vote):

Key Board discussion points:

Final resolution and mitigations if needed: