

**THE BUCKS COUNTY ASSOCIATION  
FOR THE  
EDUCATION OF YOUNG CHILDREN  
POLICY: CONFLICT OF INTEREST AND COMMITMENT POLICY**

**Policy Number: COI-1**

**Effective Date: April 15, 2009**

**Responsible Officer: President**

**PURPOSE:**

Bucks County Association for the Education of Young Children ("BCAEYC") occupies a position of trust and responsibility in the community. It has obligations to external organizations, government, and the community to use its resources responsibly and, where required, for designated purposes. In meeting its obligations, and consistent with its mission, BCAEYC expects all Members of the BCAEYC community to carry out their responsibilities with the highest level of integrity and ethical behavior.

In conducting its affairs, BCAEYC is subject to many and often complex laws, regulations, and contractual obligations. For Management and Faculty, whose broad activities are essential to the success of BCAEYC, it is important that there is cognizance of all legal and regulatory requirements associated with activities undertaken.

*In its endeavors to advance knowledge through research, it is BCAEYC's policy to follow policies and practice that will ensure the integrity of the research conducted at the BCAEYC. In addition, the Foundation or Institute has a related obligation to the sponsors of research, including the U.S. Public Health Service and other Federal agencies, to meet published requirements for recipient institutions, including "Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding is Sought" (42 C.F.R. § 50). At the same time, the Foundation or Institute recognizes its obligation to provide appropriate ways to meet investigators' desires to be recognized for and to benefit financially from scientific advances to which they have made a major contribution.*

BCAEYC's policy is to comply with all Applicable Rules affecting its activities. This Conflict of Interest and Commitment Policy (the "Policy") is intended to satisfy compliance requirements and to guide BCAEYC personnel in avoiding those situations that can result in a conflict of interest or commitment. The key to avoiding these situations is awareness of what constitutes such conflicts, disclosure of potential situations before activity is undertaken, and a review of the situation. After review, a determination may be made in certain cases to permit an activity, which may otherwise be considered a conflict, if it is beneficial to the Foundation or Institute and can be effectively controlled to ensure compliance with all legal, regulatory and other requirements.

**I. POLICY STATUS**

This is the first version of a policy presented to the BCAEYC Board.

**II. POLICY**

It is the policy of BCAEYC that all Applicable Members must discharge their duties in the best interests of BCAEYC. (See Section 5 Notes) Therefore, each Applicable Member must:

A. Refrain from putting the interests of any individual, agency, organization, above the best interests of BCAEYC.

B. Refrain from any activity or transaction that could influence or cause an employee/member not to act in the best interests of BCAEYC, including, without limitation, any personal business transaction or private arrangement, whether direct or indirect, for personal profit which accrues from or is based upon a position of authority with BCAEYC or upon confidential information which is obtained by reason of such position of authority. For purposes of this policy, "personal" means the employee, any member of his or her immediate family (spouse, parents, children, siblings) and any entity with which he or she may be associated.

C. Disclose any financial, ownership, or management interest in any entity engaged in the delivery of services or in the delivery of goods or services to BCAEYC.

D. Refrain from participation in a transaction with BCAEYC for personal profit except upon the written approval of the President. Such approval shall be disclosed in the Conflict of Interest Statement.

E. Disclose any personal activity or business opportunity, which is within the scope of the activities of BCAEYC and refrain from exploiting such opportunity except upon written approval of the President.

F. Refrain from accepting any gift, favor or service from any person who can influence the exercise of the employee/member's professional judgment on behalf of BCAEYC. This includes any person with whom the Applicable Member may transact business on behalf of BCAEYC, or whom the Applicable Member knows to be transacting business with BCAEYC.

G. Refrain from making or tendering payments, gifts or services to or for the benefit of any government or accrediting agency official, employee or designee who is in a position to influence directly or indirectly, any government or accrediting agency action or decision.

H. Refrain from making or soliciting contributions, in the name or on behalf of the BCAEYC or with BCAEYC funds or facilities in any form to, or in aid of any political party, group or candidate.

I. Refrain from participating in any employment, salary, or other important decision regarding an immediate family member. Members of the same family may not be employed in a situation where one member of the family works under the administrative supervision of another. Any exceptions shall go through the appeals process and be resolved at the Executive Level or above. Violation of this policy will result in appropriate disciplinary action up to and including termination of employment, cessation of business with a vendor, and other appropriate remedies. If there is any doubt about a situation, employees shall discuss it with their supervisors to determine what action, if any, needs to be taken. Applicable Members may contact the appropriate Executive regarding a question in this area.

### III. PROCEDURES

The President of BCAEYC, or her designees(s), will administer the Conflict Policy. The President may, at her discretion, refer selected issues or matters to the appropriate Committee of the Board

A. The Conflict Policy is to be communicated at least annually to all Members of BCAEYC. This communication shall be documented. New employees/Board members are to be provided a copy of this Conflict Policy by their supervisors.

B. A Conflict of Interest Statement in the form set forth as attached hereto and made a part of this policy will be sent annually, prior to June 30, to Applicable Members, per attached definitions. The President is to assure that all Applicable Members receive the statements.. The Board may require an Applicable Member to complete these statements whenever a situation arises that may potentially involve this Conflict of Interest Policy.

C. A disclosure of conflict of interest or potential conflict requires that the supervisor review the situation and document a suggested resolution. The disclosure statement and suggested resolution shall be forwarded to applicable management for approval. Usually, the minimum level of such approval is the Executive level. The Executive Committee of the Board of Directors must also approve any resolutions. The Applicable Member making the disclosure will be notified of the resolution in writing and signed to acknowledge the resolution. All resolutions must be in the best interests of the Foundation or Institute.

D. Applicable Members may appeal a resolution regarding their situation. The normal channel for appeals is the next higher administrative level. Each level of appeal shall arrive at a resolution within thirty (30) days from the date received by the reviewer. All appeals must be made in writing.

E. Immediate supervisors will provide the President with copies of statements that include disclosures, and Human Resources will maintain a complete copy of all documentation resulting from statements with disclosures.

F. All disclosure statements and related documentation are to be retained by the Foundation or Institute for four (4) years. Departments and applicable management will maintain original documentation of documents resulting from disclosures in statements. All disclosures and related actions for grants must be maintained at least three (3) years beyond the termination of the related grant or resolution of any action with the granting organization, whichever is longer.

G. All disclosure statements shall be available for review by appropriate Foundation or Institute personnel and external legal advisors and auditors.

H. Research related disclosures of a potential or actual conflict of interest and suggested resolutions are to go to the President for disposition. The President shall consult with the Board in reaching resolutions about research-related disclosures. If the President deems it

appropriate, then others, including an ad hoc committee composed of Board Members and Management, may be included in reaching a resolution.

I. Conflicts involving senior management are to be resolved by the President in consultation with the Board if deemed necessary.

J. Conflicts involving the President are to be resolved by the full Board of Directors whose recommendation shall be approved or modified.

K. An Applicable Member who is aware of a potential or perceived conflict of interest involving another Applicable Member(s) shall report the situation by filing a written notice with the supervisor of the person(s) potentially involved in the conflict of interest. The supervisor shall send a copy to the President. Reasonable supporting information or materials shall accompany the Disclosure Statement. It is a violation of Foundation or Institute policy to retaliate against an Applicable Member who files such a statement raising a potential or perceived conflict of interest. It is also a violation for an Applicable Member knowingly to file a false statement. If such actions shall occur, they shall be brought immediately to the attention of the President.

#### **IV. DISCLOSURES**

A conflict of interest situation or potential conflict of interest could arise at any time. It is therefore required that such a situation be disclosed before occurrence or as soon thereafter as possible. If any Applicable Member is in doubt about a situation it shall be fully disclosed so that a determination can be made. If management determines that the situation disclosed is not a conflict of interest, the determination, with appropriate explanation, shall still be forwarded to General Counsel.

#### **V. NOTES**

A. This policy applies to wherever activities are conducted, both in the United States and abroad.

B. Applicable Members Include:

1. Board Directors;
2. The President, officers, and those individuals classified as Senior Management Staff;
3. All Members of the Foundation or Institute community who are in a position to influence or place orders with vendors;
4. Management and Faculty;
5. Any other Members of BCAEYC Community for whom disclosure is required by legal, contractual, Foundation or Institute policy or other requirements, who have been notified by their immediate supervisor that disclosure is required.

C. Applicable Members accepting grants or contracts must be knowledgeable of the granting and contracting organization's conflict of interest policy and agree to abide by it. *For example, the National Science Foundation (NSF) and the Public Health Service (PHS) have published very specific policies regarding conflict of interest in research.* Sub-awardees must also agree to abide by the organization's policy. A statement to this effect must be provided to the President.

D. If the granting or contracting organization's Conflict of Interest Policy requires less than BCAEYC, then the BCAEYC 's Conflict of Interest Policy must still be followed.

E. The President will assure BCAEYC's compliance with the granting and contracting organization's policy and will certify, where required, that the Foundation or Institute meet the requirements of the granting or contracting organization's conflict of interest policy. The President is responsible for notifying the granting or contracting organization if the Foundation or Institute cannot comply with its Conflict of Interest Policy, and for resolving the situation with the organization.

F. In order for a determination to be made as to whether a particular relationship gives rise to a conflict of interest, Applicable Members must first disclose all Financial and Ownership Interests (including such significant positions as employee, consultant, executive officer, or director) in or with any entity engaged in the delivery of goods and services to the Foundation or Institute, or in any entity which is engaged in activities which could be construed to be in competition with the Foundation or Institute.

G. Financial Interest means a relationship with any person or entity from which an Applicable Member, or any Immediate Family Member, derives anything of monetary value, including:

1. An interest in a Business consisting of any stock, stock Business, but excluding any interest arising solely by reason of investment in such Business by a mutual, pension, or other institutional investment fund over which neither the Applicable Member nor any Immediate Family Member exercises control; and
2. Receipt of, or the right or expectation to receive, any income from such Business in one or more of the following forms: a consulting fee, honoraria, salary, allowance, forbearance, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, or any other form of compensation.

H. Ownership means either (i) title to or control of at least 5% of the stock, partnership interest, or similar equity interest of a Business, or (ii) any equity interest of \$10,000 or more in a Business.

#### **VI. Examples:**

The following are common situations (although these are not to be construed as a comprehensive list) involving a conflict of interest or commitment and as such must be disclosed and a determination made as to their permissibility:

A. Providing consulting or managerial services to any organization doing business with the Foundation or Institute, seeking to do business with BCAEYC, or which is a competitor of BCAEYC. BCAEYC related activities. Any such activities would require written approval from the President.

C. Participating in any activities or transactions that would cause the relationship with a vendor to be other than "arm's length."

D. Accepting gifts for an Applicable Member's own use, entertainment, money, services, or other favors from any organization or individual doing business with the Foundation or Institute, seeking to do business with the Foundation or Institute, or which is a competitor of the Foundation or Institute. This does not include acceptance of items of a nominal value intended as a good will gesture and not to influence decisions or actions affecting the Foundation or Institute. Examples are calendars, paperweights, and pens used in advertisements by an organization. The purpose is to avoid accepting anything offered with the appearance, intent, or effect of influencing the exercise of the employee's professional judgment on behalf of the Foundation or Institute. For example, under the proper

circumstances, a business lunch would not be a conflict of interest.

E. It is the policy of the Foundation or Institute to have gifts arranged through the Development Office. Any Applicable Member who becomes aware that an organization or individual desires to make a gift to the Foundation or Institute shall contact the Development Office to make the necessary arrangements.



**THE BUCKS COUNTY ASSOCIATION  
FOR THE  
EDUCATION OF YOUNG CHILDREN**

**CONFLICT OF INTEREST STATEMENT**

**{Print:}**  
**NAME** \_\_\_\_\_ **POSITION** \_\_\_\_\_ **ORGANIZATION** \_\_\_\_\_

I have read BCAEYC's **Conflict of Interest and Commitment Policy** and recognize that as an Officer or Employee of BCAEYC, I occupy a position of trust with respect to the organization, and have an obligation to discharge my duties with good faith, diligence, fidelity and loyalty, including the duty to disclose any actual or potential conflict of interest or commitment.

As required by BCAEYC, I hereby aver that, to my knowledge, there does not now exist any conflict between my own interests and those of BCAEYC; that I shall report to the Foundation or Institute any instance of a conflict or apparent conflict that may arise between my own interests and those of BCAEYC; and that I will never knowingly harm the interests of BCAEYC, given my good faith understanding of those interests.

\_\_\_\_\_ **{Check if applicable}** I have attached a Disclosure Statement, in which I am providing information regarding an existing or potential conflict of interest not previously disclosed to my supervisor in a Disclosure Statement.

I will notify the Foundation or Institute in writing of any changes in or additions to the information disclosed above.

Further, I HEREBY CERTIFY that I have read BCAEYC's Policies and understand my obligations to comply with it.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

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**Received by:**

Signature \_\_\_\_\_ Date \_\_\_\_\_  
President, BCAEYC

**THE BUCKS COUNTY ASSOCIATION  
FOR THE  
EDUCATION OF YOUNG CHILDREN  
  
CONFLICT OF INTEREST AND COMMITMENT  
DISCLOSURE STATEMENT**

**{Print:}**  
**NAME** \_\_\_\_\_ **POSITION** \_\_\_\_\_ **ORGANIZATION** \_\_\_\_\_

I have read BCAEYC's Conflict of Interest and Commitment Policy and recognize that as an Officer or Employee of BCAEYC, I occupy a position of trust with respect to the institution and have an obligation to discharge my duties with good faith, diligence, fidelity and loyalty.

**In accordance with that Policy, I wish to disclose the following situation which may constitute an actual or potential conflict of interest or commitment not previously disclosed to my supervisor in a Disclosure Statement {state all relevant information}:**

I have attached any materials related to this situation that I think will assist in the evaluation of whether or not it does present a conflict of interest or commitment.

Signature \_\_\_\_\_

Date \_\_\_\_\_

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**Received by:**

Signature \_\_\_\_\_ Date \_\_\_\_\_

President, BCAEYC