

Subject	Idaho Commission on Aging Policy for Title III: Conflict of Interest		No.	Draft
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Acronyms:

AAA – Area Agency on Aging

COI – Conflict of Interest

ICOA – Idaho Commission on Aging

OAA – Older Americans Act

Purpose:

This policy outlines the conflict of interest (COI) requirements specified in 45 CFR 1321.47.

Scope:

This policy applies to Idaho Commission on Aging (ICOA), the Area Agencies on Aging (AAAs), and their respective governing boards, advisory councils, staff, and volunteers. It establishes safeguards to prevent actual or perceived COI across all roles involved in Title III programs.

Policy Statement:

The organization must implement conflict of interest policies and procedures that provide effective mechanisms to identify, prevent, address, and resolve COI at both the organizational and individual levels within Title III programs.

Definitions:

- **Conflict of Interest** – As used in this part, means: (1) one or more conflicts between the private interests and the official responsibilities of a person in a position of trust; (2) one or more conflicts between competing duties of an individual, or between the competing duties, services, or programs of an organization, and/or portion of an organization; and (3) other conflicts of interest identified in guidance issued by the Assistant Secretary for Aging and/or by State agency policies.
- **Immediate family** – as used in this part pertaining to COI, means a member of the household or a relative with whom there is a close personal or significant financial relationship.

Requirements:

Anyone who works on programs funded by or receives funding from the Older Americans Act (OAA) must establish mechanisms to identify, avoid, remove, and remedy COI in a Title III program at organizational and individual levels, including:

1. Ensure that ICOA and AAA employees and agents administering Title III programs do not have a financial interest in a Title III program;
2. Remove and remedy actual, perceived, or potential conflicts that arise due to an employee or agent's financial interest in a Title III program;
3. Establish robust monitoring and oversight, including periodic reviews, to identify COI in a Title III program;
4. Ensure that no individual, or member of the immediate family of an individual, is involved in administration or provision of a Title III program has a COI;
5. Requires that other agencies that operate a Title III program have policies in place to prohibit the employment or appointment of Title III program decision-makers, staff, or volunteers with a conflict that cannot be adequately removed or remedied;
6. Requires that a Title III program takes reasonable steps to suspend or remove Title III program responsibilities of an individual who has a COI, or who has an immediate family member with a COI, which cannot be adequately removed or remedied;
7. Ensure that no organization which provides a Title III service is subject to a COI; and
8. Prohibit the officers, employees, or agents of the Title III program from soliciting or accepting gratuities, favors, or anything of monetary value from grantees, contractors, and/or subrecipients, except where policies and procedures allow for situations where the financial interest is not substantial, or the gift is an unsolicited item of nominal value.

Individual conflicts include:

1. An employee, or immediate member of an employee's family, maintaining ownership, employment, consultancy, or fiduciary interest in a Title III program organization or awardee when that employee or immediate family member is in a position to derive personal benefit from actions or decisions made in their official capacity;
2. One or more conflicts between the private interests and the official responsibilities of a person in a position of trust;
3. One or more conflicts between competing duties; and
4. Other COI identified in guidance issued by the Assistant Secretary for Aging and/or by State agency policies.

Organizational conflicts include:

1. One or more conflicts between competing duties, programs, and/or services; and
2. Other COI identified in guidance issued by the Assistant Secretary for Aging and/or by State agency policies.

ICOA Procedures:

- ICOA will create tools and processes to uncover and mitigate COI within the agency and in monitoring of AAAs.
- Document COI mitigation strategies, as necessary and appropriate, when ICOA or AAA operates an Adult Protection Services program.
- ICOA will include assurances against COI in their State plan.
- If it is determined that a COI exists, as defined by this policy, appropriate steps must be taken to avoid, address or resolve the conflict. These steps may include:
 - Reassigning the duties related to the applicant, grant or grantee to another employee or reviewer.
 - Requiring the reviewer to recuse themselves from discussions or decisions involving an applicant or applications from organizations with which they disclose a COI.
 - At a minimum, ensuring all staff involved in the competitive review process are informed that a COI has been disclosed and evaluated, even if it is not significant enough to require removal or reassignment of the employee or reviewer.

Disciplinary Actions:

- Establish the actions ICOA will require a Title III program to take in order to remedy or remove such conflicts, as well as disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the Title program; and
- Failure to remedy a known COI will result in a corrective action.

AAAs Procedures:

- In addition to complying with all ICOA COI policies, AAAs must have their own internal policy and procedures outlining COI and include a process to mitigate real or perceived COI in their organization. These policies and procedures must include:
 - Ensure that the AAA employees and agents administering Title III programs do not have a financial interest in Title III programs.
 - Ensure that no individual, or member of the immediate family of an individual, involved in Title III programs has a COI.
 - Prohibit AAA staff from socializing or accepting gratuities, favors, or anything of monetary value from grantees, contractors, and/or subrecipients, except

where policies and procedures allow for situations where the financial interest is not substantial, or the gift is an unsolicited item of nominal value.

- AAAs must also be mindful of the potential for organizational COI with regard to their advocacy role. While advocacy is an integral and required responsibility for AAAs, federal funds may not be used for lobbying purposes. AAAs must also sign an assurance they will not use federal funds for lobbying purposes as part of the Performance Based Contract submittal.
- AAAs must ensure the COI policies and procedures are applied to contractors and subawards. The AAA is required to have a policy on how they will conduct monitoring of their contractors, to ensure compliance, which includes the following:
 - Adherence to contract language requiring contractors to have their own COI policy and procedures that cover their organization, staff, boards, councils, and volunteers; along with a review process in place.
 - That any identified conflicts have been removed or remedied by the contractor in a formal documentation process and available upon request by AAA.
 - AAAs should review a random sample of completed documentation for contractor staff who administer or work in program(s) funded with OAA funds.