

3. CONFLICT OF INTEREST

Background:

Potential conflicts of interest are a source of increasing concern for all governing bodies of the Presbyterian Church USA; whether in governing, program, personnel or judicial areas of our common life. In response to this concern, the Personnel Committee of the PTCA proposed a policy on conflict of interest to guide all PTCA board, council, committee, task force team and work group members; officers; employees and regular volunteers; as well as family members/employers, legal representatives, contractors and organizational partners; specifically in relation to the Presbytery's own membership, the congregations and specialized ministries within its bounds, and to the higher governing bodies to which it has certain accountabilities and responsibilities. The Presbytery adopted a policy at its regular meeting on July 8, 2003. This policy is intended to assure that all persons place the welfare of the PTCA above personal interest, the interest of family members, or special groups who may be involved in substantial affairs affecting the PTCA.

In formulating this statement of policy, the initial impulse of the Personnel Committee has been to identify all possible danger zones and specific circumstances in which the appearance and reality of conflict of interest has been known to arise. That impulse is resisted, because of the deep conviction by the Personnel Committee that there can be no substitute for human sensitivity, intelligence and good judgment by all persons affected in the disposition of conflict of interest matters which may, from time to time, arise. The PTCA Personnel Committee shall review this policy every three years and recommend updates as needed to the Presbytery Council.

POLICY ON CONFLICT OF INTEREST

Scope: This statement of policy is applicable to all PTCA board, council, committee, task force team members; officers; employees and regular volunteers; as well as family members/employers, legal representatives, contractors and organizational partners.

Definition: This statement of policy defines conflict of interest as follows:

1. Accept any gift, gratuity, service or special favor from any person or persons, agents, or businesses which provide or receive goods and services or which seek to provide or receive goods and services to or from PTCA entities, however, minor courtesies such as luncheons, dinners or similar arrangements in connection with business discussions may be received;
2. Participate in a decision in which the interests of the PTCA conflict with a persons or entity's personal interests.
3. Hold a paid or regular volunteer position with another judicatory or outside

organization where performance of those duties are in conflict with the duties carried out by the person or entity in the PTCA; and

4. Become an employee of or otherwise render compensable services to PTCA entities during the term of election or appointment, even if the person resigns from the elected or appointed position.

Disclosure: This statement of policy requires that the person or persons disclose in writing all material facts and relationships pertaining to transactions with or by PTCA entities when there is or appears to be a conflict of interest.

Implementation: All disclosures required under this policy must be made in writing at the time of hiring, appointment, election or approval and annually thereafter by the end of January. Written disclosures from staff and regular volunteers are to be directed to the Executive Presbyter. Written disclosures from all other persons are to be directed to the Moderator of Presbytery Council. All written disclosures shall be retained on file in the PTCA office.

The Nominating Committee will circulate copies of the Conflict of Interest Policy as a part of the materials sent to nominees to elected Councils and Committees. The Stated Clerk will distribute the policy annually to continuing appropriate persons for signature. Newly elected persons should return signed copies of Conflict of Interest Policies by July 1st annually. A signed copy of the Conflict of Interest Policy must be on file within six weeks of beginning service with an applicable entity. The Stated Clerk will monitor the files of appropriate persons to be sure they contain the necessary signed Disclosure Forms. The Moderator of the Presbytery and of Council shall appoint a committee of five people to review the signed Conflict of Interest Policies. They should look first at members and former members of Permanent Judicial Commissions of Presbytery, Synod and General Assembly.

Role of Interested Person (s): A person, persons, or entities that have declared or been found to have possible conflict of interest in any matter related to PTCA entities shall refrain from participating in consideration of the proposed transaction involving such conflict of interest, unless specifically requested to provide information. The person, persons, or entities involved should not vote or be present at the time of vote on such matters.

Resolution: A person, persons, or entities with uncertainty about possible conflict of interest in any matter may request the Presbytery Council to review and offer advice on whether a possible conflict prevails. Unresolved issues shall be decided by a special committee named by the Presbytery Council. When possible, the question of potential conflict of interest shall be referred to a Stated Clerk for an opinion prior to a decision by the special committee and Presbytery Council.

