

## BGR ETHICS POLICY STATEMENT

### **Purpose**

The purpose of this policy is to:

- Preserve and ensure the credibility of the Bureau of Governmental Research as an objective, independent, nonpartisan research organization.
- Define and provide a process for responding to potential conflicts of interest, whether real or perceived, involving BGR board members or employees.

### **Definitions**

*Appropriate Officer* means the Chairman, or if the Chairman has a conflict of interest with respect to a topic, then the Vice-Chairman becomes the Appropriate Officer. If the Chairman and Vice-Chairman have a conflict of interest with respect to a topic, then the Secretary becomes the Appropriate Officer. If the Chairman, Vice-Chairman, and Secretary have a conflict of interest with respect to a topic, then the Treasurer becomes the Appropriate Officer. If the Chairman, Vice-Chairman, Secretary, and Treasurer have a conflict of interest with respect to a topic, then the Assistant Secretary becomes the Appropriate Officer. If the Chairman, Vice-Chairman, Secretary, Treasurer, and Assistant Secretary have a conflict of interest with respect to a topic, then the Assistant Treasurer becomes the Appropriate Officer. If the Chairman, Vice-Chairman, Secretary, Treasurer, Assistant Secretary, and Assistant Treasurer have a conflict of interest with respect to a topic, then the Past Chairman becomes the Appropriate Officer. If all of the officers are conflicted, a majority vote of the non-conflicted members of the Executive Committee shall select the Appropriate Officer.

*Board member* means a current or honorary board member.

*A conflict of interest* occurs when:

- A BGR report, position paper or public statement would cause a direct or indirect financial impact on a BGR board member or employee or a member of his immediate family. Excluded from this definition would be any action or financial impact that affects all citizens of a particular jurisdiction; or,
- A loss of objectivity could reasonably be perceived to occur because of a personal, financial, professional or other relationship involving a BGR board member or employee or member of his immediate family.

As a general guideline of ethical conduct, one could consider as "a litmus test" the potential impact on BGR if the action or relationship was made public.

*Employee* means a staff member or contract employee.

*Immediate family* includes a spouse, domestic partner, parent, sibling and child, and the

spouse of a parent, sibling or child.

### **Obligations and Required Actions**

It is the obligation of board members and employees to put the interest of BGR above their own and to avoid, to the maximum extent possible, even the appearance of a conflict of interest. A board member or employee with a real or perceived conflict of interest shall recuse himself from any participation in BGR's processes relating to the report, position or other matter creating the real or perceived conflict of interest. Without limiting the foregoing, the board member or employee shall not:

- Participate in the preparation of the report or formulation of the position.
- Be present at or participate in any discussion or vote relating to such report, position or matter.
- Communicate with board members or employees with respect to such report, position or matter.
- Receive drafts or other communications related to such report, position or matter.

Notwithstanding the foregoing, a recused board member or employee can provide factual information to the Appropriate Officer and President & CEO related to the issue under consideration.

In cases where the Chairman has a real or perceived conflict of interest, the recusal shall extend to the Chairman's responsibilities, such as calling and conducting meetings and making committee appointments. Those responsibilities shall fall to the Appropriate Officer.

In cases where the President & CEO has a real or perceived conflict of interest, the recusal shall extend to the President & CEO's related responsibilities, such as the production of reports and position papers, interface with the board, and public representation of BGR with respect to the report, position or matter. These responsibilities shall fall to the Director of Research. If he is also recused, the Appropriate Officer shall designate a non-conflicted staff member.

### **Reporting and Appeals Process**

If the Chairman has a real or perceived conflict of interest, he shall report it immediately to the Vice-Chairman and the President & CEO. If any other board member or the President & CEO has a real or perceived conflict of interest, he shall report it immediately to the Appropriate Officer. If a board member or the President & CEO is unsure whether a situation constitutes a conflict, he should discuss it with the Appropriate Officer for clarification.

If an employee other than the President & CEO has a real or perceived conflict of interest, he shall immediately report it to the President & CEO. Unless he has a related

conflict of interest, the President & CEO shall review the matter and report his findings to the Appropriate Officer, who shall determine whether a disqualifying conflict exists. In cases where the President & CEO has a conflict of interest, he shall refer the employee directly to the Appropriate Officer. An employee who is unsure whether a situation constitutes a conflict should discuss it immediately with either the President & CEO or, if the President & CEO has a conflict, the Appropriate Officer for clarification.

It is the responsibility of the Appropriate Officer to enforce the Ethics Policy. Without limiting the foregoing, it is the responsibility of the Appropriate Officer to consult with board members or employees regarding potential conflicts of interest that have not been raised by the parties involved. If the board member or employee questions or disagrees with the Appropriate Officer's determination regarding a conflict of interest, the matter shall be reviewed by a review panel consisting of the non-recused members of the Executive Committee. The review panel shall have the authority, by a majority vote, to require board members or employees to recuse themselves on a particular issue or staff assignment. If three or more members of the Executive Committee recuse themselves, the board shall serve as the review panel.

To encourage timely consideration of conflicts,

- Each board member and employee shall upon the adoption of BGR's annual work plan complete and send to the Chairman and the President & CEO a disclosure statement in the attached form. Real or potential conflicts disclosed on the form will be evaluated and handled in the manner set forth above.
- At the beginning of each board meeting, the Appropriate Officer shall request the assembled members to disclose any real or perceived conflicts of interest relating to items on the agenda. At the beginning of each committee meeting dealing with an actual or potential BGR release, report or position, the committee chair shall request the assembled members to disclose any real or perceived conflicts of interest.

The obligation to report a real or perceived conflict of interest remains ongoing. It includes, but is not limited to, identifying real or perceived conflicts of interest relating to projects on the annual work plan after that plan is adopted.

### **Confidentiality**

Board members and, subject to the exception set forth in the last sentence of this paragraph, employees shall not disclose Confidential Information gained by virtue of their role at BGR to anyone other than a nonrecused board or staff member or use such information to further the financial or other interests of themselves or third-parties. Confidential Information includes, but is not limited to, unpublished or pre-released versions of reports and other documents, internal-use-only or limited-circulation documents and information, and confidential information to which the organization is privy that involve an unrelated third-party. Confidential Information shall also include the content of written or oral communications between or among board members relating to BGR and its work, including without limitation the statements, opinions and votes of

individual board members on matters that come before the board or its committees. . Notwithstanding the foregoing, employees may share Confidential Information with others as needed in the conduct of BGR's work, including without limitation to help staff analyze issues and prepare and verify the accuracy of BGR's reports and other work product.

### **Political Activity**

Employees are prohibited from taking part in any partisan campaign, whether for a candidate, party or cause, on the local or state level, except for issue campaigns where the board has approved a position or where the issue will not be considered by the board.