

American Institute of Constructors

Constructor Certification Commission Policy and Procedures No. 5.5

Conflict of Interest

Policy – The Commission is to adhere to this policy which (1) defines conflicts of interest; (2) identifies classes of individuals within the Commission covered by this policy; (3) facilitates disclosure of information that may help identify conflicts of interest; and (4) specifies procedures to be followed in managing conflicts of interest.

Responsibility – Constructor Certification Commission

Reference Commission Document – Commission Document No. 19 - Conflict of Interest Form

Procedures – The Commission Conflict of Interest Policy will be carried out in accordance with the following procedures.

1. A conflict of interest arises when a person in a position of authority over the Commission may benefit either financially from a decision he or she could make in that capacity, including indirect financial benefits such as to family members or businesses with which the person is closely associated or non-financially from a decision that is not impartial to those involved.
2. Persons covered by this policy are all Commission members, volunteers and contractor staff employees who perform work for the Commission.
3. Persons covered by this policy will annually disclose or update to the Commission Chair on a form provided by the Commission (Commission Document 19) their interests or matters that could give rise to conflicts of interest, such as a list of family members, substantial business or investment holdings, and other transactions or affiliations with businesses of family members or other organizations and individuals and/or activities that may give rise to decisions that would not be impartial to the respective Commission constituents. Annually the Commission Chair will submit to the Commission members at the next regular scheduled Commission meeting his or her Document 19 listing any interest they may have.
4. For each interest disclosed to the Commission Chair, the Commission will determine whether to: (a) take no action; (b) assure full disclosure to the Commission and other decision-making bodies of such interest; (c) ask the person to recuse himself or herself from voting on related decisions by decision-making bodies within the Commission; or (d) ask the person to resign from his or her position on the Commission. The Commission Secretary will monitor proposed or ongoing transactions for conflicts of interest and disclose them to the Commission Chair or the Commission in order to deal with potential or actual conflicts, whether discovered before or after the transaction has occurred. The Commission Secretary shall maintain and annually update a file of disclosure statements signed by the individuals covered by the Policy.
5. If the conflict of interest arises in connection with the activities of any deliberative body (e.g., the Commission), a notation must be made in the minutes of any meeting at which deliberation, consideration or vote on the transaction or matter at issue is undertaken indicating that the individual with a conflict or potential conflict of interest was excused

from the meeting during the time that voting on the transaction or matter was undertaken, and did not vote on the transaction or matter.

6. In addition, in all cases in which the Commission considers a transaction or matter in which a person covered by this policy has a perceived or actual conflict of interest, the Commission shall obtain and rely upon appropriate data as to comparability (e.g. compensation levels paid by similarly situated organizations; or quotes or bids from at least three vendors who perform the same or similar services as those being proposed by the officer or director or the organization in which such individual has an interest). The Commission shall adequately document the basis for its determination (e.g., evaluation of the individual whose compensation is being determined and the basis for determining that the individual's compensation was reasonably based on comparability data; or evaluation of the services being proposed and documentation that the choice of a particular vendor was made based on objective factors).
7. Copies of all documents and related correspondence, generated in complying with this policy will be placed by the Certification Manager in the respective individual's secured Commission file.

Revision History

Last Revision: 12/11/2021