

Palmetto Paralegal Association (PPA)
Conflict of Interest Policy

The purpose of the following policy and procedures is to prevent the personal interest of the Palmetto Paralegal Association's (PPA) primary representative, secondary representative, member of the Executive Board, coordinator, member of a committee, advisor, or others acting in a fiduciary position for PPA (collectively "Fiduciaries") from interfering with the performance of their duties to PPA, or result in personal gain, third-party gain or financial enrichment on the part of such persons at the expense of PPA or its Members.

Fiduciaries, shall, at all times, act in the best interest of PPA, When encountering conflicts of interest or potential conflicts of interest, Fiduciaries shall identify the conflict(s) or potential conflict(s) and shall excuse themselves from all discussion and voting on such matters.

DEFINITIONS

1. Executive Board – those persons elected by the PPA membership for the calendar year holding the positions of President, President-Elect, Secretary, Treasurer, Parliamentarian, NFPA Primary and Secondary Representatives, and Committee Chairpersons.
2. Ethics Board – persons on the Executive Board or any committee/group of the Executive Board appointed by the President.
3. Members – PPA membership.
4. Charging Party – member of the PPA membership who brings an issue/complaint before the Executive Board/Ethics Board to be addressed under this policy.
5. Responding Party – Fiduciary against whom an allegation of a violation of the Conflict of Interest Policy is made by a Charging Party.

POLICY AND PRACTICES

1. Fiduciaries shall not:
 - a. Place or give the appearance of placing their own interests or any third-party interests above that of PPA. While the receipt of incidental personal or third-party benefit necessarily flow from certain PPA activities, such benefit must be merely incidental to the primary benefit to PPA and its purposes.
 - b. Improperly use their PPA position by utilizing (i) the management company's staff; or (ii) PPA's services, equipment, materials, resources, or property, for their personal or third-party gain or pleasure.
 - c. Represent to third parties that their authority extends farther than their authority as delineated in PPA's Articles, Bylaws, Policy Manual and/or Procedure Manual.

- d. Engage in any outside business, professional or other activities that would directly or indirectly adversely affect PPA.
- e. Solicit or accept gifts, gratuities, free trips, honoraria, personal property or any other item of value from any person or entity as a direct or indirect inducement to provide special treatment to such donor with respect to matters pertaining to PPA, without fully disclosing such items to PPA's Executive Board.
- f. Provide goods or services to PPA as a paid vendor of PPA unless full disclosure by the vendor and advanced approval is received by the PPA Executive Board.
- g. Persuade or attempt to persuade Members, or any exhibitor, advertiser, sponsor, subscriber, supplier, contractor, or vendor, or any other person or entity with an actual or potential relationship with PPA, or in any way to reduce the monetary or other benefits to PPA because of such relationships.

2. Full disclosure, by notice in writing, shall be made by the Fiduciary to the Executive Board regarding conflict of interest. For purposes of this Policy, a conflict of interest is defined as a transaction between PPA and (1) any Fiduciary; (2) a family member of a Fiduciary, which includes a spouse, child, grandchild, parent, or sibling, or spouses of such individuals, and any individual who is a part of the Fiduciary's household; or (3) any corporation, partnership, association or other entity of which the Fiduciary is also an officer or director, or has a financial interest.

3. Following full disclosure of a possible conflict of interest, the Executive Board shall determine whether a conflict of interest exists and if so, the Executive Board shall vote to authorize or reject the transaction or take any other action deemed necessary to address the conflict and protect PPA's best interests. In order to approve any transaction that may constitute a conflict of interest, the Executive Board must find that the transaction is fair and reasonable to PPA, that it is in the best interest of PPA and furthers its mission, and that it is for no more than fair market value for the goods and services provided. Votes shall be by majority vote without counting the vote of any interested Fiduciary; however such individual may be counted toward a quorum of the meeting.

4. An interested Fiduciary shall not participate in any discussions or debate of the Executive Board, or of any committee or subcommittee thereof in which the subject of discussion is a contract, transaction, or situation in which there may be a perceived or actual conflict of interest. However, they may be present to provide clarifying information in such a discussion or debate unless objected to by any present board or committee member.

5. Anyone in a position to make decisions about spending PPA's resources (*i.e.*, transactions such as purchases contracts) --- who also stands to benefit from those decisions --- has a duty to disclose that conflict as soon as it arises (or becomes apparent); s/he should not participate in any final decision.

6. Any allegation of violation of this Conflict of Interest policy shall be handled in the following manner:

a. An individual or entity in possession of non-confidential knowledge or information concerning possible instances of misconduct (the "Charging Party") shall make a confidential written report to the Ethics Board (President/Executive Board) as promptly as possible after obtaining the same. If the Charging Party's written report is not made within thirty (30) days of obtaining the non-confidential knowledge or information, the Ethics Board (President/Executive Board) may, in its discretion, choose not to proceed with investigating the same. The written report shall include all of the details of alleged misconduct.

b. The Ethics Board (President/Executive Board) so notified shall inform the Responding Party of the allegation(s) of misconduct no later than ten (10) business days after receiving the confidential written report from the Charging Party.

c. Notification to the Responding Party shall include the identity of the Charging Party, unless, for good cause shown, the Charging Party requests anonymity.

d. The Responding Party shall reply to the allegations within ten (10) business days of notification.

7. An investigation into an allegation of an alleged violation of the Conflict of Interest Policy shall be undertaken in the following fashion:

a. Upon receipt of a Charge of Misconduct ("Charge"), or on its own initiative, the Ethics Board shall initiate an investigation.

b. If, upon initial or preliminary review, the Ethics Board makes a determination that the charges are either without basis in fact or, if proven, would not constitute professional misconduct, the Ethics Board shall dismiss the Charge. If such determination of dismissal cannot be made, a formal investigation shall be initiated.

c. Upon the decision to conduct a formal investigation, the Ethics Board shall:

- (1) mail to the Charging and Responding Parties notice of the commencement of a formal investigation within three (3) business days of the decision. Such notification shall be in writing and shall contain a complete explanation of all Charge(s), as well as the reasons for a formal investigation and shall cite the applicable codes and rules;
- (2) allow the Responding Party thirty days to prepare and submit a confidential response to the Committee, which response shall address each Charge specifically and shall be in writing; and
- (3) upon receipt of the response to the notification, have thirty (30) days to investigate the Charge(s). If an extension of time is deemed necessary, that extension shall not exceed ninety (90) days.

- d. Upon conclusion of the investigation, the Ethics Board may:
 - (1) dismiss the Charge upon the finding that it has no basis in fact;
 - (2) dismiss the Charge upon the findings that , if proven, the Charge would not constitute Misconduct;
 - (3) uphold the Charge and determine sanctions; or
 - (4) in the case of criminal activity, refer the Charge(s) and all investigation results to the appropriate authority.

8. Upon a finding by the Ethics Board that misconduct has occurred, any of the following sanctions, or others as may be deemed appropriate, may be imposed upon the Responding Party, either singularly or in combination:

- a. Letter of reprimand to the Responding Party;
- b. Counseling;
- c. Attendance at an ethics course approved by the Ethics Board;
- d. Assessment of costs;
- e. Removal from PPA fiduciary position;
- f. Rescission of PPA membership;
- g. Referral to the appropriate authority, in the instance of criminal activity.

9. A copy of this policy shall be given to all Fiduciaries upon commencement of such person's relationship with PPA at the official adoption of stated policy. Each Fiduciary shall sign and date the policy at the beginning of her/his term of service and each year thereafter. Failure to sign does not nullify the policy.

The undersigned, by their affixed signature, note their understanding of the implications of this policy.

Signature

Printed Name

Date _____