CONFLICT OF INTEREST

Background
Conflict of interest is defined as an actual or perceived interest (bias) which results in (or has the appearance of resulting in) personal, organizational, or professional gain. Actual or perceived bias is based on a variety of possible affiliations with organizations or other entities.

Conflict of Interest may present a major concern to a group such as the IHIPC, which includes volunteer representatives from the community at-large, as it engages in conducting community assessment of PLWH and targeted at-risk groups, making recommendations on specific services and interventions, making decisions about recommendations for prevention priority setting, and reviewing the outcomes of activities funded by the Illinois Department of Public Health (IDPH). The IDPH funds and supports HIV care, prevention and risk reduction activities conducted by a broad range of sub-contractors, some of which may also be members of the IHIPC. This intertwined relationship is characteristic and often essential of planning groups who advise local and state agencies. To mitigate the occurrence of a conflict of interest and unfair use of influence in decisions regarding HIV prevention services and programs, the IHIPC utilizes a set of rules and guidance that increases the transparency of the process and fairly represents all HIV prevention and risk reduction service stakeholders working in Illinois.

In accordance with IHIPC By-laws, HRSA requirements for Part B planning, and CDC HIV Planning guidance, the IHIPC conducts numerous planning and decision-making recommendations annually to enhance the delivery of HIV prevention and care services, ultimately making recommendations and updates to the Illinois Integrated HIV Prevention and Care Plan. These activities may result in several opportunities for members to knowingly or unknowingly enter into different levels of conflict of interest. Therefore, this Conflict of Interest process provides a path for disclosure, authorization and grievance to guarantee the fairness and transparency of the group.

Examples of Conflict of Interest

Conflict of interest is present when an appointed voting member of the IHIPC who has a direct fiduciary interest (e.g. ownership, employment, membership, contractual, creditor, or consultative relationship) to a board, entity, or organization with which the IHIPC has a direct, financial and/or recognized relationship, fails to disclose that relationship.

Conflict of interest is present when the outcome of a vote could potentially directly result in financial benefit to an IHIPC member or the agency with which s/he is affiliated (as defined in the previous paragraph). IHIPC members affiliated with CBOs and LHDs funded for prevention activities do not have a conflict of interest when voting on the letter of concurrence or on prevention priority-setting recommendations, because the votes would not result in direct financial benefit to the individual or their agency and do not dictate allocation of funds, since allocation of funding is the responsibility of the Grantee (i.e., IDPH).

Conflict of interest is present when a member is advocating for a specific program or agency rather than for the “best” way to conduct HIV prevention or care planning activities in Illinois.

Therefore, an IHIPC member who works for Agency X and who advocates for increased funding for a prevention case management program at Agency X has a conflict of interest. However, an IHIPC member who works for Agency Y, which serves African American men who have sex with men, may advocate for prioritizing prevention case management for African American men who have sex with men without necessarily having a conflict of interest, unless the related vote could have a direct effect on Agency Y's funding.

Conflict of interest is present when a member of the IHIPC knowingly takes action or makes a statement intended to influence the conduct of the IHIPC in such a way as to confer any financial benefit on the member, family member(s), or any organization in which the member is an employee or has a significant interest.

Conflict of interest is present when an IHIPC member only advocates for a particular targeted risk group(s) or service and fails to take part in the objective and data-driven IHIPC process intended to meet the needs of all PLWH and targeted risk groups.

Procedure

The IHIPC acknowledges that there is an inherent but necessary element of conflict of interest built into the community planning process, particularly around the population prioritization process and the concurrence vote. It is important for IDPH, local health departments (LHDs), Community Based Organizations (CBOs), and other key stakeholders to participate in HIV prevention community planning because these are the groups that deliver HIV prevention and care services. Therefore~~,~~ despite the fact that their HIV care and prevention funding may come from IDPH, IHIPC voting members are permitted to vote on the prevention priority-setting recommendations and the letter of concurrence because these votes do not directly dictate allocation of funds. As long as the member discloses all affiliations as outlined in this Conflict of Interest procedure and agrees to abide by the IHIPC-Member Code of Ethics during the community planning processes, this type of conflict is exempt from the process outlined here.

In order to conform to the IHIPC procedures on conflict of interest, an IHIPC member shall not vote on any matter in which s/he has a direct financial interest, serves as a current (or former if within two years) board member, serves in a volunteer capacity, or serves as a current (or former if within two years) employee or paid consultant of the organization in question or a competing applicant agency.

In the event of an apparent (real or potential) conflict of interest, the IHIPC member shall state there is a conflict and identify the nature of that conflict prior to any vote on that item. Members may also point out real or potential conflicts of interest among other members before the roll call vote. The member with the conflict may participate in IHIPC discussion but must abstain from voting on that item. If a member disputes that s/he has a conflict of interest, the presiding Co-chair shall rule on whether the member may vote on the item. If it is one of the Co-chairs who has the apparent conflict, the IHIPC shall vote on whether the Co-chair gets to vote on that item.

To facilitate this process, prior to the prevention priority-setting recommendations and the letter of concurrence vote and votes on any issue deemed controversial, the presiding IHIPC Co-chairs shall ask if any voting member may have a possible conflict of interest.

Disclosure/Code of Ethics Form

The Conflict of Interest Procedure will be thoroughly reviewed with newly elected members during new member orientation. In accordance with the Conflict of Interest Procedure, prior to the first IHIPC meeting in the calendar year, the Conflict of Interest procedure, including the Disclosure/Code of Ethics Statement, will be reviewed with the full IHIPC. IHIPC members shall be required to complete and sign the Conflict of Interest Procedure Disclosure/Code of Ethics Statement, disclosing all affiliations which fall under the conflict of interest provisions outlined above. By signing this agreement, the member agrees to declare the nature of any conflict of interest prior to IHIPC discussion or vote on that matter and to abstain from voting on any matter which comes before the IHIPC directly regarding the organization or entity with which that member is affiliated as described above and agrees to abide by the IHIPC Member Code of Ethics during all IHIPC community planning processes. Signed statements shall be kept on file by the IDPH IHIPC Coordinator and shall be updated annually and more often as needed.

Illinois HIV Integrated Planning Council (IHIPC)

CONFLICT OF INTEREST PROCEDURE DISCLOSURE/CODE OF ETHICS STATEMENT

In the event that a member of the Illinois HIV Integrated Planning Council (IHIPC) is employed by, receives funds from as a service provider, serves in a volunteer capacity, or sits on the Board of Directors or equivalent of an organization or entity that receives HIV prevention, care, or treatment funds, grants, contracts, or other monetary benefits through the Illinois Department of Public Health (IDPH) or affiliated HIV Care Connect or HIV Prevention lead agencies, that member shall make full disclosure to the IHIPC by completing the Conflict of Interest Procedure Disclosure/Code of Ethics Form. This provision extends to any member of the IHIPC with a family member who receives funds from as a service provider, or sits on the Board of Directors or equivalent of an organization or entity that receives HIV prevention, care, or treatment funds, grants, contracts, or other monetary benefits through the IDPH or affiliated lead agencies.

The IHIPC acknowledges there is an inherent element of conflict built into the community planning process, particularly around prevention priority-setting recommendations and the letter of concurrence. Therefore, despite the fact their funding may come from IDPH, IHIPC members are permitted to vote on these as long as they have disclosed their potential conflict of interest affiliations.

IHIPC MEMBER DISCLOSURE

Name of Member:_____

Member's Organization:_____

Please disclose below any and all affiliations which fall under the conflict of interest provisions outlined above.

Organization:_____

Nature of Affiliation:_____

Organization:_____

Nature of Affiliation:_____

Organization:_____

Nature of Affiliation:_____

Organization:_____

Nature of Affiliation:_____

Illinois HIV Integrated Planning Council (IHIPC)

CONFLICT OF INTEREST PROCEDURE DISCLOSURE/CODE OF ETHICS STATEMENT

IHIPC MEMBER CODE OF ETHICS

While serving as an IHIPC member, I agree to:

- Represent the interests of all people served by the IHIPC
- Not use the IHIPC or my service on the IHIPC for the advantage of a specific agency or entity, for my own personal advantage, or for the individual advantage of my family, friends or supporters.
- Keep confidential information confidential.
- Approach all IHIPC issues and input from other IHIPC members with an open mind, prepared to make the best decision for the IHIPC and the HIV community as a whole.
- Do nothing to violate the trust of those who elected me to the IHIPC-or of those we serve.
- Focus my efforts on the mission of the IHIPC and not on my personal goals.
- Never exercise authority as an IHIPC member except when acting in a meeting with the full IHIPC or as delegated by the IHIPC.

By signing this agreement, the member agrees to declare the nature of any conflict of interest prior to IHIPC discussion or vote on that matter and to abstain from voting on any matter which comes before the IHIPC directly regarding the organization or entity with which that member is affiliated as described above and agrees to abide by the IHIPC member Code of Ethics during all IHIPC community planning processes.

This form will be kept on file by the IDPH IHIPC Coordinator and will be updated annually and more often as needed.

Signature of IHIPC Member _____ Date _____

Date Received by the IHIPC _____