

# Staff Conflict of Interest Policy

**Revision or Issue Date:** February 5, 2019

**Effective Date:** November 1, 2016

**Policy Authority:** James McMillan

**Applicable Jurisdictions:** Global (except France, French Polynesia, and New Caledonia)

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## **Purpose of the Policy:**

This document is intended to inform staff of Pew's policy regarding conflicts of interest and provide them with consistent guidance for identifying and handling potential and actual conflicts of interest. Pew firmly believes in the professional development of all staff and recognizes that affiliations are an effective opportunity for developing specialized skills, abilities and leadership traits. The staff conflict of interest policy and procedure works in conjunction with the organization's commitment to staff development by requiring each staff member to communicate fully with management regarding any relationship that could affect the impartial fulfillment of the staff member's role in Pew's affairs.

## **Details of the Policy Statement:**

### **1. POLICY**

Pew is committed to the highest levels of integrity. Staff are expected to conduct their duties to Pew and affiliations with outside organizations with objectivity and honesty. It is Pew's policy that staff are to avoid impropriety or the appearance of impropriety and disclose potential legal, financial, or other conflicts of interest involving Pew. A staff member is required to recuse her/himself from any decision as to which there is any conflict of interest between Pew and an organization with whom the staff member or a family member has an affiliation. Lastly, staff must not reference their employment with Pew in any publicly disclosed materials (including websites) regarding their activities outside of work, even if they are involved with an organization in a purely

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volunteer capacity that does not require pre-approval under this policy. This prohibition does not apply to board biographies for approved affiliations or to affiliations undertaken on behalf of Pew.

## 2. DEFINITIONS

**(a) Affiliation:** A paid, or unpaid position held as an employee, teacher, writer, consultant, officer, trustee, director, board member, or other official position with an organization, governmental entity (including government transition teams), or company other than Pew. This includes any affiliations undertaken on behalf of Pew. The following are not considered affiliations under this policy and need not be reported: (1) advisory committee positions (other than publicly appointed advisory positions affiliated with a government body or entity); (2) strictly volunteer positions without decision-making authority or remuneration; (3) teaching assistant positions undertaken as part of a degree program; (4) one-time speaking engagements with no remuneration other than reasonable travel expenses; and (5) positions with family-owned trusts. Staff who accept speaking engagements on behalf of Pew should refer to the Reimbursement of Expenses and Personal Benefit sections of this policy for further information.

**NOTE:** Affiliations relating to political activities, including running for public office or working on a campaign for public office, are not covered by this policy; staff should consult the Campaign and Government Office Policy.

**(b) Conflict of Interest:** A situation where a staff member has competing interests or loyalties and either the staff member or their immediate family member may derive personal benefit from actions or decisions made in their professional capacity at Pew. The perception/appearance of a conflict is considered a conflict of interest for purposes of this policy.

**(c) Immediate Family Member:** A staff member's parents, spouse, domestic partner, and children **ONLY** when they reside in the same household with the staff member.

**(d) Non-profit Organization:** All non-profit organizations, including government

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entities, *except*: religious houses of worship, social clubs (e.g., alumni associations, athletic or recreational clubs), and residential organizations (e.g., homeowners' associations). Accordingly, staff need not report affiliations with those excepted types of organizations.

(e) **Remuneration:** Compensation of any type for work performed, including salary or wages; retirement benefits; fringe benefits (e.g., payment for, or reimbursement of meals, lodging, travel, educational benefits, or low-interest loans), honoraria or bonuses. Remuneration does not include in-kind benefits valued at \$500 or USD equivalent or less per year customarily given in return for work performed on a part-time basis (e.g., discounted or free athletic or country club memberships or other similar non-cash benefits). Questions regarding this provision should be directed to [COI@pewtrusts.org](mailto:COI@pewtrusts.org).

(f) **Signature Authority:** Authority to enter into contracts or approve expenses at Pew.

(g) **Staff:** All employees of Pew.

### 3. REPORTING AFFILIATIONS

(a) **Non-profit Affiliations (All Staff):** Each staff member shall disclose all affiliations that the staff member or the staff member's immediate family members maintain with non-profit organizations.

(b) **For-profit Affiliations (Staff *with* Signature Authority):** Each staff member who has been granted signature authority by Pew must disclose the names of any for-profit entities with which the staff member or the staff member's immediate family member has an affiliation.

(c) **For-profit Affiliations (Staff *without* Signature Authority):** Each staff member who has not been granted signature authority by Pew must disclose the names of any for-profit entities with which the staff member has an affiliation. Staff members without signature authority need not disclose any such affiliations of their immediate family members.

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## 4. DISCLOSURE

(a) **Disclosure Prior to Commencing Employment:** Prior to commencing employment, each staff member shall submit a Conflict of Interest Disclosure Statement with a list of all affiliations that the staff member or the staff member's immediate family members maintained during the preceding year. Newly hired staff need not list current or former employers unless they expect to maintain an ongoing affiliation with any such employer.

(b) **Annual Disclosure Statements:** Staff will be prompted to complete their annual Conflict of Interest Disclosure Statement each December. Affiliations with outside organizations held by staff at the level of Senior Director and above will be reported to the Pew board each March.

(c) **Updating Disclosure Statements:** Staff are required to immediately report any change in the staff member's or their immediate family members' existing affiliations by sending an e-mail to [COI@pewtrusts.org](mailto:COI@pewtrusts.org). Any staff member seeking to undertake a new affiliation is required to follow the procedure set out in this policy for obtaining prior approval.

## 5. AFFILIATION LIMITATIONS

(a) **Number of Affiliations:** Except as provided below, staff are permitted to have two approved affiliations with outside organizations at any given time. This limitation on the number of permitted affiliations is intended to balance the time required to fulfill staff's obligations to Pew with the demands of these external responsibilities.

Exception (1): An affiliation with a non-profit organization that is undertaken on Pew's behalf shall not count toward a staff member's two permitted affiliations.

Exception (2): The president may approve additional affiliations that the president deems to be in Pew's best interests.

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Exception (3): Notwithstanding the foregoing limit on the number of permitted affiliations, any affiliations undertaken before employment with Pew may continue for one year following the hire date. After one year of employment, staff members are limited to two affiliations.

**(b) Other Limitations:** Staff may not accept remuneration from any organization, except for approved affiliations (including, for example, part-time employment, consultancies, publication contracts, or teaching assignments) and those positions that are specifically excluded from the definition of affiliations, as itemized in Paragraph 2(a) above. All activities relating to any approved affiliation must be performed during the staff member's personal time. Pew resources (e.g., computers, fax machines, telephones, copiers, printers, stationery, or other staff members' time) may not be used in connection with any affiliation not undertaken on behalf of Pew. The affiliation may be with an organization that is currently a Pew grantee, vendor, or other provider (or has the potential to become such), but only if the staff member obtains prior written approval as set forth in the following section.

**(c) Prior Approval Required:** Prior to accepting an affiliation with any outside organization (other than enlistment with any regular or reserve arm of any branch of the military, including, but not limited to, the U.S. Army, Navy, Air Force, Marines, Coast Guard, National Guard or any country, state or local equivalent)<sup>1</sup>, the staff member will prepare a memo for submission to the staff member's executive/senior vice president and, if approved, then to Pew's president for final approval. The memo should include the following information:

- staff member's name and title and name and title of manager;
- the staff member's history with the organization and intended role going forward;
- a brief description of the organization's work;
- whether the staff member is undertaking the affiliation on Pew's behalf;
- whether the organization is a government entity, or the staff member is being appointed to the position by an elected official;

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<sup>1</sup> Staff who elect to enlist in a branch of the armed forces are not required to obtain prior approval but must disclose the new affiliation at the time of enlistment by following the procedure set forth in paragraph 5(c).

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- when applicable to the staff member's affiliation, a statement indicating that the staff member is aware that the staff member is obligated to follow any and all conflict of interest procedures required by the organization or government entity;
- a statement that acknowledges that the staff member has read and agreed to Pew's conflict of interest policy;
- whether the organization will provide remuneration to the staff member and/or to Pew;
- whether the organization will provide reimbursement to the staff member and/or to Pew for travel or other expenses;
- the number of hours per week the staff member anticipates spending on the affiliation;
- a description of any relationship the organization may have with Pew (e.g., vendor, grantee, etc.); and
- any other reportable affiliations the staff member may currently have.

After approval by the executive/senior vice president, the staff member should send the memo via e-mail to [COI@pewtrusts.org](mailto:COI@pewtrusts.org) (with a copy to the staff member's executive/senior vice president) for review by legal affairs. Legal affairs will then submit the memo to the executive office and the president will approve or disapprove the requested affiliation in writing.

If the staff member seeking approval is a(n) executive/senior vice president, the memo will be addressed only to the president and sent via e-mail to [COI@pewtrusts.org](mailto:COI@pewtrusts.org) for review by legal affairs and submission to the executive office for approval by the president. The president will approve or disapprove the requested affiliation in writing.

Affiliations will likely be approved if: (i) they will not interfere with the timely fulfillment of the staff member's responsibilities to Pew, taking into account all the staff member's duties, such as travel that extend beyond normal working hours; (ii) the staff member is not on a formal performance improvement plan; (iii) the arrangement will not affect, or appear to affect, the staff member's judgment on Pew's behalf; and (iv) the outside organization is not engaged in any activity that may reasonably harm Pew's reputation.

Once an affiliation is approved, the memo and written response will be sent to human resources for placement in the staff member's personnel file and copies will be sent to legal affairs, the staff member and the staff member's executive/senior vice president. If the affiliation is not

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approved, the staff member and the staff member's executive/senior vice president will be notified.

Affiliations undertaken before employment with Pew are disclosed prior to the time of hire and are reviewed by legal affairs at that time for potential conflicts of interest. Pew may ask that staff members discontinue any affiliation(s) that create a real or perceived conflict of interest or might reasonably harm Pew's reputation.

**(d) Campaign and Government Office Policy:** Staff who wish to accept a formal position (paid or unpaid) with any campaign for public office, or run for, or serve in, a public office must consult the Campaign and Government Office Policy.

## 6. RECUSAL

Staff may not participate in reviews, deliberations, actions or decisions taken by Pew with respect to an outside organization with which the staff member or a staff member's immediate family member: (i) has any affiliation; (ii) has begun any discussions about future job possibilities; or (iii) has any other personal financial interest.

Staff may not participate in deliberations, actions, decisions, or the selection process that results in the employment of a candidate or the purchase of goods or services from any organization in which the staff member or an immediate family member of that staff member has a direct financial interest or with which one of them is affiliated.

When a staff member and/or the staff member's immediate family member undertakes an affiliation with an outside organization (other than on behalf of Pew – see the exception below), the staff member must make the organization aware that: (i) the staff member must have no involvement in the drafting or review of any proposals by the organization to Pew or any other activities undertaken by the organization related to Pew, and (ii) the staff member may not participate in any reviews, deliberations, actions, or decisions taken by Pew in connection with the organization.

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Exception: If the affiliation is with a non-profit organization and approved as undertaken on Pew's behalf, the staff member may participate in deliberations in connection with a grant to, or other transaction with, the organization and need not recuse herself/himself. However, in such case, a different staff member must serve as the primary grant/transaction officer for monitoring purposes.

## 7. REIMBURSEMENT OF EXPENSES

In general, staff are responsible for any expenses related to an affiliation. However, if an affiliation with a non-profit organization is approved as undertaken on Pew's behalf (meaning that the staff member is representing Pew), Pew will pay for reasonable travel expenses (including transportation, lodging, and meals) incurred in connection with such affiliation. Reimbursement of such expenses requires approval by the staff member's executive/senior vice president. Upon approval, this reimbursement will be deducted from the staff member's departmental administrative budget.

Similarly, if a staff member is asked to speak at a conference or to a non-profit organization about the staff member's work at Pew, Pew may pay for reasonable related expenses. Reimbursement of such expenses requires approval by the staff member's executive/senior vice president. Upon approval, this reimbursement will be deducted from the staff member's departmental administrative budget. If offered, Pew will accept reimbursement or payment of reasonable travel and out-of-pocket expenses from outside organizations on behalf of its staff members when those staff members perform non-contracted work, including a speech, appearance, or similar activity in connection with the staff member's official role.

Pew will not pay for any staff expenses connected with for-profit affiliations.

## 8. QUESTIONS

Staff members who have questions regarding the application, interpretation or compliance with this policy should send an e-mail to [COI@pewtrusts.org](mailto:COI@pewtrusts.org) for review and response by legal



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affairs.

## 9. PERSONAL BENEFIT

(a) **Gifts and meals:** Except as otherwise set forth in this Conflict of Interest Policy, staff may not accept cash, gift cards or other cash equivalents in any amount from any person or entity with which the staff member interacts as a result of, or in conjunction with, the staff member's employment at Pew, including but not limited to, current or potential vendors, grantees, or other providers. Staff may accept nominal hospitality (reasonably expected to be worth \$100 or USD equivalent or less), which includes meals at a conference or seminar and fruit baskets or other holiday gifts that can be shared within the staff member's department. Whenever possible, Pew staff should pay for their own meals when dining with a representative of an outside organization. Pew staff are prohibited from providing any item of value (including food) to a government official or employee except upon the express, advance written approval of legal affairs and government relations. Reimbursement of costs for purchasing or sending flowers or gifts for non-staff, including grantees and vendors, is prohibited.

(b) **Business-Related Functions:** From time to time, a staff member may be asked to attend certain business-related functions (such as professional organization dinners, receptions, or other events) in the staff member's professional capacity. *Except as set forth below*, staff may not accept any such invitation to attend a function paid for by an outside organization or its representative.

(i) Staff may attend a business-related function if the value of the ticket or cost of attendance is reasonably expected to be \$100 or USD equivalent or less per person and attendance serves an important Pew business purpose or is related to Pew's key role in an initiative.

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(ii) When the cost of attendance or value of the ticket is reasonably expected to exceed \$100 or USD equivalent per person, staff may accept the invitation only if both of the following conditions are met:

(1) attendance serves an important Pew business purpose or is related to Pew's key role in an initiative; *and*

(2) attendance is approved in advance by the staff member's executive/senior vice president with concurrent notice to the senior vice president, legal affairs. In the case of executive/senior vice presidents, attendance must be approved by Pew's president, with concurrent notice to the senior vice president, legal affairs.

(c) **Honoraria:** Staff may not accept honoraria from outside organizations for work undertaken on behalf of Pew. In such cases, outside organizations may instead choose to make unrestricted, unsolicited, donations to Pew.

(d) **Pew Fellowships/Awards:** Staff and their immediate family members may not compete for Pew-supported individual fellowships or awards.

(e) **Personal Donations:** Staff who make personal donations to charities that may also be Pew grantees may accept such ancillary membership benefits as are generally available to other individual contributors (e.g., museum admissions).

**Designated Policy Contact:** The following individual should be contacted for interpretations, resolution of problems, and special situations.

**Department:** Legal Affairs

**Title:** Melanie Lyon, Director, Legal Affairs and Associate General Counsel