

**State of Michigan
Independent Citizens Redistricting Commission (MICRC)
Conflict of Interest Policy**

Adopted and Effective May __, 2021

DRAFT 1 (dated May 4, 2021)

A. Purpose and Intent

The Michigan Independent Citizens Redistricting Commission (MICRC) adopts the following Conflict of Interest Policy (“Policy”) to protect the interests of the MICRC and to ensure individual members of the Commission, its staff, attorneys, consultants, and contractors are diligent in avoiding unethical conduct and/or conflicts of interest and act in a manner consistent with their duties to the MICRC and to the public. This Policy is intended to supplement existing state law and MICRC policies dealing with unethical conduct and/or conflicts of interest including but not limited to Art IV §6, and Art IV §10 of the Michigan Constitution, Conflict of Interest Act, MCL 15.301, *et seq.*, Incompatible Public Offices Act, MCL 15.181 *et seq.*, the [MICRC Rules of Procedure](#) and the [ICRC Code of Conduct](#) currently in effect, as well as applicable MICRC contractual terms and conditions. Conflict(s) shall be disclosed and managed or eliminated to the extent practicable.

B. Definitions

1. “Conflict of Interest” means personal, professional, political, commercial, or financial interests or activities outside of the MICRC that may, either in actuality or in appearance: 1) compromise judgment in the performance of duties to the MICRC; 2) bias the nature or direction of their actions related to the MICRC; 3) influence their decision or behavior with respect to appointments and promotions, uses of MICRC resources, contracting, or other matters of interest to the MICRC; or 4) result in a personal or Family Member’s gain or advancement arising out of MICRC business.
2. “Family Member” means a spouse, domestic partner, parent, stepparent, dependent child or stepchild, or anyone else with whom the individual has a close, continuing personal or business relationship. Siblings and non-dependent children (including step- and in-law variants of those relationships) are included in this definition in circumstances where the individual has actual knowledge that such relative is likely to, or will, benefit from a particular MICRC transaction. Relevant factors in determining the existence of a close, continuing personal or business relationship include the duration, strength and intimacy of the relationship.
3. “Loan” means a transfer of money, property, or anything of ascertainable value in exchange for an obligation, conditional or not, to repay in whole or in part.
4. “Person” means a business, individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting jointly, including a state agency or a political subdivision of the state.

C. Applicability

Any Person associated with the MICRC or performing duties on its behalf, including, but not limited to, individual Commissioners, staff, attorneys, consultants, and contractors.

D. Policy

1. Individual members of the MICRC, its staff, attorneys, consultants, and contractors, (“Agents”) stand in a relationship of trust and confidence to the MICRC and the residents of the State of Michigan. They shall act in good faith with due regard for the best interests of the MICRC and the public and shall comply with the principles set forth in this Policy and applicable law. They must not use their official MICRC positions or influence for further gain or advancement for themselves, Family Members, or other personal or business associates.
2. Conflicting interests can undermine the judgment or objectivity of Agents and compromise their primary obligation to the MICRC. Furthermore, bias or the appearance of bias may undermine public trust in the MICRC. Therefore, all direct or indirect potential or actual conflicts of interest must be disclosed, evaluated, and, if found to be substantial or material, eliminated or managed as described in this Policy.
3. Agents shall:
 - a. Consistently act in a manner that upholds and advances personal and professional honor, integrity, and the public’s trust in the Agents and the MICRC.
 - b. Refuse to provide, promise to provide, or offer any contract, work, payment, special attention, preferential treatment, priority or other thing or position of value in exchange for any gift, gratuity, favor, promise or other consideration.
 - c. Refrain from engaging in conduct that could be reasonably perceived to call into question the honesty, integrity, and professionalism of the Agent or the MICRC.
 - d. Faithfully and accurately account for all public funds.
 - e. Comply with all applicable laws and rules regarding conflicts of interest including but not limited to Art IV §6, and Art IV §10 of the Michigan Constitution, Conflict of Interest Act, MCL 15.301, *et seq.*, Incompatible Public Offices Act, MCL 15.181 *et seq.*, the MICRC Rules of Procedure and the ICRC Code of Conduct currently in effect, as well as applicable MICRC contractual terms and conditions.
 - f. Comply with all applicable laws providing for transparency in governmental affairs including but not limited to the provisions in Art IV §6 of the Michigan Constitution, Michigan’s Open Meetings Act, MCL 15.261, *et seq.*, and Freedom of Information Act, MCL 15.231, *et seq.*
4. Agents shall not:
 - a. Use of Confidential Information. Divulge confidential information acquired in the course of their duties or employment to an unauthorized Person.

- b. Solicitation. Directly or indirectly solicit or accept any gift or loan of money, goods, services, or other thing of value greater than \$20.00 for the benefit of any Person or organization, which may influence the manner in which the Agents performs their duties.
- c. Personal Opinion. Represent his or her personal opinion as that of the MICRC.
- d. Public Resources. Use personnel, resources, property, and funds under the care and control of the MICRC, imprudently or in conflict with prescribed constitutional, statutory, and regulatory procedures and not for direct or indirect gain or benefit of the Agent or their Family Members.
- e. Incompatibility and Conflicts of Interest. Except as otherwise provided in the Michigan Constitution or by statute, engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the Agent's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.
- f. Personal and financial interests. Participate in the negotiation or execution of contracts, or other regulation or supervision relating to a Person or business entity in which the Agent has a financial or personal interest.
- g. Nepotism. Show favoritism for Family Members or others. Actual favoritism, or an appearance of favoritism, reduces the authority of and the public's confidence in the MICRC.

E. Procedures

- 1. General Principles.
 - a. Fact-specific and nuanced inquiry on a case-by-case basis whether a conflict exists between personal interests and public duty.
 - b. Two key inquiries regarding conflicts of interest: is it incompatible with the discharge of official duties or does it impair independence of judgment in the performance of official duties.
 - c. Generally, a conflict exists when an individual's external interest provides an incentive to affect the individual's conduct of his or her MICRC activities or when the individual has the opportunity to affect a MICRC decision or other activity.
 - d. Conflicts of interest can arise naturally from an individual's engagement with the world outside the MICRC, and the mere existence of a conflict of interest does not necessarily imply wrongdoing on anyone's part, or the inability to perform duties related to the MICRC. When conflicts of interest do arise, however, they must be recognized, disclosed and either properly managed or eliminated.
- 2. Duty to Disclose.
 - a. To ensure effective identification and management of conflicts of interest, each Person or Agent subject to this Policy shall:
 - i. Receive a copy of the Conflict of Interest Policy and complete the Acknowledgement in writing that they understand and agree to the provisions herein.

- ii. Complete a *MICRC Disclosure of Potential Conflict of Interest* form:
 - 1) Upon receipt of this Policy; and
 - 2) For any new, previously unidentified or potential conflict of interest as soon as it arises or becomes known.
- iii. Direct disclosures required under this Policy shall be submitted in writing on the *MICRC Disclosure of Potential Conflict of Interest* form and submitted to the MICRC Executive Director.

3. Conflicts Management.

- a. Review after disclosure must take place promptly to help the Agent determine which interests are not in conflict, which conflicting interests may be permissible, and which conflicting interests must be eliminated or addressed.
- b. The Executive Director may consult with General Counsel as needed to:
 - i. Review and document the disclosure for apparent, potential, or actual conflicts;
 - ii. If necessary, to evaluate the presence or absence of a conflict, request and document additional details;
 - iii. Make a recommendation to the MICRC regarding the presence of an apparent, potential, or actual conflict and, if applicable, proposed actions to address it.
- c. The information compiled by the review and recommendation shall be presented to the MICRC for review and action. If the MICRC, by majority vote, determines that an actual or potential conflict exists, it shall set forth the steps to be taken to address the conflict. If the MICRC, by majority vote, determines that no conflict exists, the inquiry may be documented but no further action will be taken.
- d. Examples of management mechanisms include, but are not limited to, revising the reporting structure to place the decision-making capacity with a non-conflicted Agent; abstention in voting; divestiture of the interest; severing the relationship that creates the conflict.
- e. Violation of this Policy may result in the adoption of a Resolution of Censure by the MICRC, discipline or termination of staff, enforcement of contractual terms and conditions, or other appropriate action including, but not limited to, those remedies provided by relevant state laws.

4. **Confidentiality**

In order to encourage full disclosure of potential conflicts without unduly intruding on the privacy of individuals or their families, disclosures shall be treated confidentially to the extent permitted by law and disclosed only to the extent necessary for the MICRC to review and resolve conflicts.

MICRC Conflict of Interest Policy

Acknowledgement

The undersigned individual hereby acknowledges that they have received a copy of the MICRC Conflict of Interest Policy.

The undersigned also understands that they are bound by the policies and procedures described in this Policy.

Signature

Printed Name

Title

Dated: _____

Submit Form to: MICRC, P.O. Box 30318, Lansing, MI 48909

MICRC DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

Name: _____ Date: _____

Position or Title: _____

Work Telephone Number: _____

Nature of Authority Exercised: _____

I hereby disclose the following:

_____ Any financial interest, direct or indirect, in contracts or other procurement activity, and/or

_____ Any personal or Family Member’s gain or advancement arising out of MICRC business, and/or

_____ Any direct or indirect solicitation or acceptance of any gift or loan of money, goods, services, or other thing of value greater than \$20.00 for the benefit of any person or organization, and/or

_____ Other (please specify) _____

The interest is (check one or both): Personal _____ Family Member interest _____

Name of Family Member (if applicable): _____

Relationship: _____

Describe the particular facts and circumstances that constitute the interest being disclosed, including the authority, if any, being exercised and the decision that is relevant: **(attach separate sheet if needed)**.

Signature

Submit Form to: MICRC, P.O. Box 30318, Lansing, MI 48909