



**DSS Boards
Code of Conduct and
Conflict of Interest**

December 7, 2018

Code of Conduct and Conflict of Interest Policy for DSS Boards & Commissions



Adopted by State Board of Internal Control in June 2018.

To
establish
a set of
minimum
ethical
principles
and
guidelines

Board
may add
provisions
to, or
modify
the
provisions
of the
Code.

Any change
that
constitutes a
substantive
omission
must be
approved by
State Board
of Internal
Control.

It is DSS'
expectation
that all DSS
Boards
adopt and
implement
the policy
as written.

General Restrictions on Participation in Board Actions

A conflict of interest exists when a Board member has an interest in a matter that is different from the interest of members of the general public.

Whether or not a conflict of interest requires a Board member to abstain from participation in official action of the Board depends upon the type of action involved.

General Restrictions on Participation in Board Actions



A quasi-judicial official action (e.g. review of an application for a license or permit)

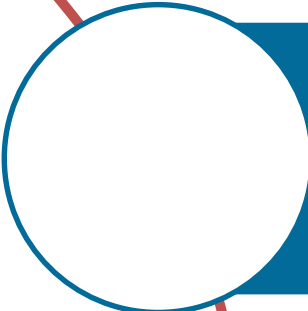


A quasi-legislative official action, also referred to as a regulatory action (e.g. rule-making)

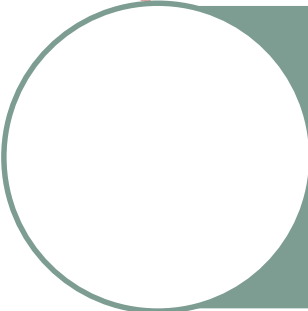


Administrative actions (e.g. personnel, financing, contracting and other management actions)

Contract Restrictions



A Board member may not solicit or accept any gift, favor, reward, or promise of reward.

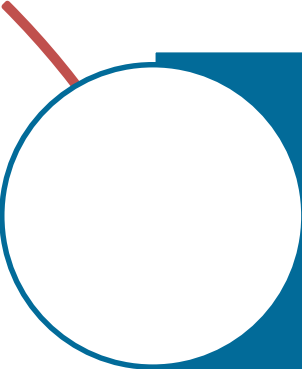


Absent a waiver, certain Board members are prohibited from deriving a direct benefit from a contract with an outside entity.



The prohibition does not apply to Board members who serve without compensation or who are only paid a per diem.

Consequences of Violations of Conflict of Interest Laws



Contract, if any, is voidable and any benefit received by the Board member is subject to disgorgement.



Member may be removed from the Board.



Member may be subject to criminal prosecution.

Inappropriate Conduct

Examples of harassment or discriminatory or offensive behavior:

Unwelcome physical contact such as kissing, fondling, hugging, or touching.

Demands for sexual favors, sexual innuendoes, suggestive comments, jokes or a sexual nature, sexist put-downs.

Swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age, or disability.

Slurs, jokes, derogatory remarks, email, or other communications related to race, color, religion, national origin, sex, age, or disability.

Retaliation for Reporting

Members will not retaliate when an individual reports harassment.

Members will not engage in harassment or discriminatory or offensive behavior.

Members will not take retaliatory action against an employee who reports, in good faith, a suspected violation of law or rule.

Board members shall not disclose confidential information acquired during the course of their official duties.

Members are prohibited from the use of confidential information for personal gain.

Reporting of Violations

Any violation should be reported to the appointing authority for the Board member who is alleged to have violated the Code.

**Suspected violations should be reported to Lynne Valenti,
DSS Cabinet Secretary**

“Code of Conduct Adopted June 2018” document found on the State Board of Internal Control’s webpage on the Boards and Commissions portal.

<https://boardsandcommissions.sd.gov/publicdocuments.aspx?BoardID=164>



Strong Families - South Dakota's Foundation and Our Future



**Thank you for
your participation.**