

1 **Rule 11-703. Disclosure, Recusal, and Disqualification.**

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3 *Effective: xx/xx/xx*

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5 (a) **Intent.** To establish procedures for the disclosure, recusal, or disqualification of a
6 Committee member's participation in any Committee action where a qualifying conflict
7 of interest exists.

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9 (b) **Disclosure.**

10 (1) A committee member must disclose any conflict of interest before the
11 Committee takes action on an item in which the member has a conflict of interest.

12 (2) Each Committee member must disclose to the Committee the member's
13 professional or personal relationship or other conflict of interest with a subject
14 party.

15 (3) Relationships that may affect an evaluation of the subject party include any
16 contact or association that might influence a Committee member's ability to
17 fairly and reasonably evaluate a subject party without bias or prejudice,
18 including but not limited to:

19 (A) a familial relationship with to a subject party within the third degree
20 of relationship;

21 (B) any business or personal relationship between the Committee member
22 and a subject party; and

23 (C) any personal litigation directly or indirectly involving a subject party
24 and the Committee member, the Committee member's family, or the
25 Committee member's business.

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27 (c) **Recusal.**

28 (1) As used in this rule, recusal is a voluntary act of self-disqualification from an
29 action item by a Committee member.

30 (2) After making a disclosure under paragraph (b), a Committee member may
31 recuse if the Committee member believes the relationship with the subject party
32 or other parties will affect the member's evaluation of the subject party.

33 (3) A Committee member need not recuse if the member believes the member
34 can be fair and unbiased.

35 (4) The Committee chair may order a Committee member be disqualified for
36 either a disclosed or undisclosed apparent conflict of interest.

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38 (d) **Disqualification procedures.**

39 (1) A subject party may move to disqualify a Committee member if such
40 member:

41 (A) makes a disclosure and does not voluntarily recuse, and that
42 member's impartiality might reasonably be questioned; or

43 (B) does not make a disclosure, but known circumstances suggest the
44 Committee member's impartiality might reasonably be questioned.

45 (2) A motion to disqualify a Committee member must be submitted to the
46 Committee staff member for review by the chair or vice chair before the
47 applicable Committee meeting.

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