



THE REPUBLIC OF UGANDA

UGANDA COUNTRY COORDINATING MECHANISM **CONFLICT OF INTEREST POLICY**

NOVEMBER 2015



THE UGANDA COUNTRY
COORDINATING MECHANISM
FOR THE GLOBAL FUND

To Fight AIDS, Tuberculosis & Malaria



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COORDINATING MECHANISM
FOR THE GLOBAL FUND**

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Accronyms



UCCM	Uganda Global Fund Country Coordinating Mechanisms
PPDA	Public Procurement and Disposal Authority
UAC	Uganda AIDS Commission
GF	Global Fund
ADP	AIDS Development Partners
HDP	Health Development Partners
Ug.Shs	Uganda Shillings
CCM F&P	CCM Finance and Procurement
TOR	Terms of Reference
RFP	Request for Proposals
LOI	List of Instructions

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1. Background & Purpose



The concept of conflict of interest (COI) universally recognizes that the judgment of even the most well-meaning persons may be impaired when their own interests or those of family members, close associates, or those of an institution with which they are affiliated are affected by their work. The Uganda Country Coordinating Mechanism (UCCM) recognizes that addressing COI is not only required by the Global Fund, but that having instituted a COI policy is in the best interest of key stakeholders. The UCCM, its members, Global Fund principal recipients and subrecipients, and program implementers benefit from being aware of actual and perceived conflicts of interest. By establishing a comprehensive COI policy, the UCCM can transparently manage all conflicts of interest.

This conflict of interest policy is designed to help UCCM members, employees, consultants and other parties that interact with the UCCM to identify situations that present potential conflicts of interest. It is intended to provide the UCCM with procedures to appropriately manage these conflicts in accordance with the requirements of the Global Fund and operative laws of Uganda the country. The COI policy is intended to promote the goals of fairness, accountability and transparency while ensuring high standards of ethical conduct and public confidence in the UCCM's activities.

2. Guiding Principles



The UCCM shall be guided by the following core principles:

- The UCCM's paramount goal is to serve the public interest.
- UCCM activities should promote transparency, efficiency, effectiveness, accountability and the integrity of the UCCM.
- Building public trust is a keystone of good governance.
- Promoting organizational and individual UCCM member responsibility should occur through example.
- Engendering a culture that is intolerant of actual or perceived conflicts of interest should guide the UCCM in its activities.
- Conflict of interest should be managed through formal policies and procedures.
- COI Sshould be declared prior to or at the beginning of the meeting, or at any other time a the person concerned perceives COI.

3. Definitions



- 3.1. Within the context of the UCCM, a conflict of interest occurs when a substantive or alternate member of the UCCM or the UCCM Secretariat uses his or her position to advance personal ambitions or interests, the interests of an institution with which he or she is affiliated, those of a family member, or close associate, or in a way that disadvantages or excludes others.
- 3.2. “Conflict of interest” includes potential conflicts of interest and perceived conflicts of interest.
- 3.3. A potential conflict of interest occurs when a member of the UCCM or the UCCM Secretariat is placed in a position in which they have the capacity to use their position or status in such a way that a conflict of interest, as defined above, may occur.
- 3.4. A perceived conflict of interest occurs when a person believes or suspects that a conflict of interest, as defined above, exists on the part of a member of the UCCM, including him/herself or its Secretariat.
- 3.5. A close associate of a person includes a family member (spouse, child, sibling, parent, cousin, and in-law), friend, business partner, or professional associate.
- 3.6. A person is affiliated with an institution when he or she is an employee, a former employee, has had a formal affiliation (i.e. Board member of the institution) or volunteer, or has a financial interest or a technical or governance role with that institution.

- 3.7. Recusal occurs when a person removes him or herself from participation in deliberations and decision-making when a conflict of interest would arise through their involvement.
- 3.8. The conflict of interest may arise in association with gifts, which are defined as including favors, gratuities, or sponsorships whether of a monetary, material or intangible nature.
- 3.9A. UCCM body refers to any of the organizational or governance structures a UCCM establishes, including committees, subcommittees including ad hoc ones, working groups, task teams, and the UCCM Secretariat.
- 3.10 Conflicts of interest can occur but are not limited to the following:
- Selection of principal recipients and subrecipients
 - Issues relating to assessment, monitoring, and oversight of principal recipients and subrecipients
 - Renewal requests for a forthcoming phase of a grant
 - A substantial reprogramming of grant funds
 - Discussions of matters for which UCCM members or their institutions have a financial interest, such as procurement, contracting, recruitment of staff, etc.
 - Selection of members to UCCM offices

4. *Application of the COI Policy*



- 4.1. The COI policy applies to UCCM substantive members, alternates, Secretariat staff, ex-officio members, and any other person linked to the UCCM timely or on regular basis (i.e. resource persons, co-opted experts, consultants, etc.).
- 4.2. The UCCM shall ensure that on taking a seat and at least once each year, the members of the UCCM, and others described above in 4.1, undergo training on their responsibilities regarding management of conflicts of interest and the requirements of this policy.
- 4.3. The UCCM shall identify the appropriate body within its structure to address ethics and conflict of interest issues, such identification noted in the minutes of the UCCM meeting during which the decision is made.
- 4.4. The UCCM should consider the consequences of conflicts of interest on its composition when considering membership renewal.

5. Protocol to Manage and Mitigate Conflict of Interest

5.1. Statutory Declaration.

All UCCM members and alternates shall complete an Acceptance of COI Policy & Declaration of Interest Statement (Appendix 1) at the time of being seated on the UCCM and disclose any actual or perceived conflict of interest at that time. The statement will be completed on an annual basis thereafter and updated as needed, whenever a material change occurs in the information. Statements shall be archived by the Secretariat and made available for inspection by the delegated UCCM body charged with ethics and conflict of interest responsibilities. These statements shall form part of the public record of the UCCM, and be submitted to the Global Fund annually, along with the COI Policy and any changes made to the COI Policy.

5.2. Role of Chair & vice-Chair.

The UCCM shall ensure that neither its chairperson nor its vice-chairperson is from an organization that serves as a principal recipient or sub recipient for a UCCM-initiated project financed by the Global Fund. In the event that this is the case, or that the UCCM chairperson

or vice-chairperson represent organizations that are candidates for selection as a principal recipient or sub recipient, then Section 5.4 and Section 5.5 shall apply.

5.3 Committee Membership

- 5.3.1. UCCM members and resource persons representing institutions that are principal recipients or sub recipients shall be discouraged from being elected to the UCCM Program Oversight Committee. If this situation is inevitably not possible, then section 5.4 and section 5.5 shall be invoked during executing the committee business.
- 5.3.2. In the spirit of promoting transparency and accountability, UCCM members representing institutions that are candidates to serve as a principal recipient or sub recipient or sub-sub recipient may be allowed to participate as observers in deliberations (committee or general meetings) during which selection takes place. In this situation section 5.4 and section 5.5 shall strictly be applied.

5.4. Notice of Agenda Items, Declaration of Potential or Perceived Conflict of Interest

- 5.4.1. Each member of the UCCM will receive an agenda of the meeting at least five working days in advance. Members of the UCCM must decide whether a potential conflict of interest exists and prepare to recuse themselves from UCCM discussions. These members must disclose the nature of such interests to the UCCM. The member must recuse himself or herself from any and all deliberations and voting on the conflict of interest topic as outlined in Section 5.5.1, Recusal.
- 5.4.2. UCCM substantive members or alternates must declare whether a conflict of interest exists prior to or at the beginning of the UCCM meeting, at the time when all agenda items are read or reviewed.
- 5.4.3. Any member of the UCCM may raise the question of a potential conflict of interest prior to or during a meeting. Members may present, in writing, an allegation of conflict of interest to the chairperson or other UCCM body charged with responsibility for conflict of interest, which must investigate each question raised and submit a report to the UCCM Board within 5 days after completing the investigation, which shall be undertaken at the earliest feasible time following receipt of an allegation of COI.

5.5 Recusal

- 5.5.1. At the moment in the meeting when the relevant agenda item is to be discussed for which there exists a conflict of interest for a UCCM member or alternate, members and alternates shall recuse themselves, immediately leave the room, and wait elsewhere. UCCM members and alternates having a conflict of interest may not vote on the issue at hand and shall not be present in the meeting room when the vote is taken. Once the discussion and any necessary votes or decision making have been completed, the UCCM member or alternate shall be recalled into the meeting room. Such events shall be documented in the UCCM minutes.
- 5.5.2. UCCM members and alternates having a conflict of interest may be called into the meeting room in their capacity as a representative of their organization/institution to provide needed information to the UCCM members. Once they have finished providing this information, they will again leave the room until recalled.
- 5.5.3. Whether in the meeting room, outside, or at any other time, the UCCM members and alternates shall not attempt to exert their personal influence with respect to the discussion topic.
- 5.5.4. If the chairperson has a conflict of interest, he or she must delegate meeting responsibilities to the vice-chairperson for the period of the deliberation and recuse him or herself. If the vice-chairperson also has a conflict of interest, the vice-chair shall also recuse him or herself and the UCCM must elect an acting chairperson for the period of deliberation and thoroughly document the process that was followed.

5.6 Gifts and Favors


- 5.6.1. UCCM members are prohibited from accepting gifts under circumstances in which it could reasonably be construed that the gift is motivated by the position as a UCCM member or alternate and could substantially affect decisions of the UCCM.
- 5.6.2. UCCM members and alternates are prohibited from giving gifts if such giving it could be reasonably construed that the gift(s) is/are intended to affect the policies or practices of the UCCM, a principal recipient, or any of the programs it funds.

- 5.6.3 UCCM members and alternates who represent governments, corporations, or organizations, and who are subject to a code of ethics or standards of conduct as a result of their position, may accept complimentary invitations to widely attended gatherings otherwise prohibited by this policy where such attendance is permitted under the code of ethics or standards of conduct to which the individual is subject.

5.7 Suspected Conflict of Interest

- 5.7.1 If a suspected conflict of interest is reported by any party, the UCCM chairperson and the appropriate UCCM body responsible for conflict of interest issues will review the matter immediately to determine whether the UCCM member or alternate has failed to declare an interest and if the breach is his or her responsibility. The issue must be reported to all UCCM members. Any substantive issues must be brought to the entire UCCM to decide.
- 5.7.2 If the matter is brought before the UCCM for deliberation, the member or alternate shall be requested to withdraw while the matter is being deliberated. Any UCCM member or alternate can bring allegations of conflict to the UCCM, and such allegations must be discussed.

6. Failure to Disclose an Interest

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- 6.1. If the UCCM learns that a UCCM member or alternate has wittingly failed to disclose an interest, the UCCM shall take all reasonable measures to revoke any benefit gained. Before taking such action, the UCCM shall inform the member or alternate in writing of the conflict of interest issue and provide the member or alternate with the opportunity to explain the alleged failure to disclose.
 - 6.1.1. The UCCM chairperson shall refer all available information in relation to the conflict of interest to the appropriate UCCM body charged with conflict of interest matters (i.e., program oversight committee, executive committee, full UCCM), which shall make a determination on whether a conflict of interest exists. If a conflict of interest does exist, the UCCM body shall make a recommendation to the full UCCM regarding appropriate action to be taken with respect to the person who has failed to declare the conflict of interest.
 - 6.1.2. The full UCCM shall consider and vote on the recommendation of the UCCM body at the first meeting following receipt of the determination and recommendation.
 - 6.1.3. Following the UCCM's vote on the recommendation, the circumstances and UCCM member or alternate shall be reported to the member's constituency by the UCCM Chair. The constituency shall be requested to immediately replace the member or alternate who serves on the UCCM.
 - 6.1.4. The Chair of the UCCM shall report all instances of conflict of interest situations that are in apparent violation of any operative laws to the appropriate official government body responsible for enforcement.

7. Documentation of Conflict of Interest



All decisions associated with conflict of interest will be recorded confidentially by the UCCM at the Secretariat's office. The record will state:

- The nature and extent of the conflict
- A summary of the discussion
- The actions taken to manage the conflict.

8. Periodic Review of COI Policy

The COI policy shall be reviewed on a periodic basis at least consistent with the UCCM's review of other governance documents or earlier as needed.

Appendix 1:

Acceptance of COI Policy and Declaration of Interest Statement

Upon appointment to the Uganda Country Coordinating Mechanism, please complete this Declaration and submit it to the Chairperson and Secretariat of the UCCM prior to attending your first meeting of the UCCM. You will be asked to update this annually throughout your term of office.

Section 1: Acceptance of COI Policy

Name of UCCM Member/Alternate:

.....

Institution:

.....

Title:

.....

Constituency:

.....

I, the undersigned, hereby pledge to comply with the attached Conflict of Interest Policy of the Uganda CCM.

As a UCCM member or alternate, I shall not participate in deliberations, the making of recommendations or decisions, or other processes in which I have a conflict of interest, or a potential conflict of interest, as defined in the attached Conflict of Interest Policy.

I will complete Section 2 of this document concerning my professional and personal affiliations. I promise to declare my conflict of interest to the general assembly of the UCCM prior to or at the commencement of any UCCM meeting at which a relevant matter will be considered. I will state the nature of the conflict of interest and all relevant facts pertaining to my interest. I will then recuse myself from participating in any proceedings concerning the matter.

If another person alleges that I have a conflict of interest, I will respond to this charge and will abide by the decision taken by the UCCM.

If I have reason to believe that a person has a conflict of interest in relation to any matter arising from his or her role or responsibilities in the UCCM, I will report in writing my belief and the information on which it is based to the chairperson, and will provide such further information as is requested from me by the chairperson to the best of my abilities. I undertake not to make allegations of conflict of interest except in good faith, and on the basis of a genuine belief that such conflict or conflicts could compromise the transparency, accountability, inclusiveness of or public confidence in the UCCM.

If I have any questions or need any assistance understanding or complying with the Conflict of Interest Policy, I will contact the chairperson of the UCCM or the UCCM Secretariat who will assist me.

I hereby certify that I have received a copy of, and read the Uganda UCCM Conflict of Interest Policy.

Signed:.....

Date:.....

Section 2: Declaration of Interest Statement

Please answer the following questions completely. When done, initial the page.

No.	QUESTION	RESPONSE
1a.	Where do you work?	
1b.	What position do you hold?	
2.	Are you a member of a Board of Directors of an organization? If so, please list the organization(s).	
3.	Are you the owner, co-owner, or stockholder of a private business? If so, please list.	
4.	Do any of your affiliated organizations listed above, serve as a principal or sub-recipient of a Global Fund grant? If so, please list the organization and grant.	
5.	Does a close family member work for or hold an ownership interest in an organization serving as a principal or sub-recipient of a Global Fund grant? If so, please list the person, organization, and disease program.	
6.	Do you serve on a UCCM committee? If so, please list and identify if you have a leadership role on the committee (Chair, co-Chair, etc.)	
7.	Do the mission or policies of the organization you work for conflict or have the potential to conflict with that of the national disease strategy? If so, for which disease and how?	
8.	Please list any other affiliation or situation you believe may cause a conflict of interest for you.	

Initialed By:.....



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