



**Rakai Health
Sciences Program**
Improved Health Through Research

Rakai Health Sciences Program (RHSP)

Conflict of interest Policy

Document review and approval.

This document has been reviewed by

Reviewer	Signature	Date reviewed
RHSP Senior Management Team		20 th Feb 2021
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1. Policy Statement.

1.1. We have a responsibility to make decisions strictly based on the interests of RHSP and her stakeholders, without regard to personal gain. As RHSP, our key Stakeholders may include, but not limited to Internal Customers (RHSP Employees); External Customers (RHSP Contracted Suppliers and Providers); other Third Parties such as Donors; Partners, Subgrantees, research participants, service recipients and any others with a direct or indirect interest in the RHSP profile.

1.2. Employees conducting business on behalf of Rakai Health Sciences Program have a responsibility to do so in a manner that is objective and ethical. The goal of all such business dealings must be to benefit RHSP.

2. Purpose of the Policy.

2.1. The purpose of this Policy is to ensure that all potential conflicts of interest are identified and addressed in an appropriate and timely manner. It is designed to help employees, consultants and other parties that interact with RHSP to identify situations that may present potential conflict of interest and how to manage the same in accordance with prevailing RHSP procedures and relevant laws of Uganda.

3. Application of the Policy.

This policy applies to all RHSP employees, consultants, service providers, subgrantees and other parties that may act on behalf of RHSP

Definition of conflict of interest.

3.1. A conflict of Interest is a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity. It involves a person or entity that has two relationships competing for the person's loyalty.

3.2. Conflict of interest may occur if an interest or activity influences or appears to influence the ability of an individual to exercise objectivity or impairs the individual's ability to perform his or her employment responsibilities in the best interest of RHSP.

3.3. An individual is considered to have a potential conflict of interest when: S/he or she or any member of his or her immediate family may receive a financial or other significant benefit as a result of the individual's position at RHSP. Immediate family includes but is not limited to one's parents, spouse, children, brothers, sisters, parents-in-law, brother-in-law and sister-in-law.

4. Guiding Principles.

4.1. Program employees are obligated to avoid and disclose ethical, legal, financial, or other conflicts of interest involving RHSP and to conduct their affairs in such a manner as to avoid any actual or potential conflict between the personal interests of a director or employee. Employees may be required to remove themselves from a position of decision-making authority with respect to any conflict situation involving RHSP

4.2. Corruption, extortion, and embezzlement in any form are strictly prohibited. Bribes or other means of obtaining undue or improper advantage are not to be accepted from the supplier. In no circumstances shall an employee of RHSP accept bribes or facilitation payments.

5. Relationships that may create conflict of interest.

5.1. A variety of situations, affiliations and relationships may create potential conflicts of interest which if not disclosed may result into Gross, serious, or minor transgressions. The following are some of the areas in which real or perceived conflicts of interest may arise:

a. **Gifts:** - Accepting gifts can cause a conflict, or the appearance of a conflict, between personal interests and professional responsibility. RHSP's culture is to never accept gifts or entertainment from any supplier, potential supplier, partner or other third party that RHSP staff has reason to believe may be seeking to influence business decisions or transactions. RHSP Staff also may not accept a gift or gratuity from a customer for work they perform. We recognize that we may encounter situations in which local practices will come into play and the employee will have no choice but to accept the gift so offered. When faced with such a situation, the following guidelines will apply,

- i. Offers of gifts should generally be refused.
- ii. While there may be occasion to accept such gifts (for example company promotional trinkets, e.g., pens or note pads), these or other gifts should never be accepted in return for a business favor.
- iii. Gifts of cash or monetary gifts of any kind or amount shall never be accepted by employees.
- iv. The cumulative value of gifts received from all suppliers in total should not exceed \$100 annually.
- v. Employees shall declare and review with their supervisors any offers of gifts upon receipt.

b. Business Entertainment.

Business Entertainment – In conducting RHSP business, employees may from time to time be invited by a partner, supplier or any other third party with which RHSP carries on its business to attend a sporting event, cultural activity, or other entertainment event. It may be appropriate for employees to accept such offers according to the following guidelines:

- i. The inviting party is in attendance and offers are given at the event in general
- ii. The entertainment offer is not made during a period where proposals or bids are being sought to establish a new contract.
- iii. Employees shall declare and review with their supervisors any offers of business entertainment.

c. **Financial conflict of interest.** A financial conflict of interest can arise when your judgment could be influenced, or might appear as being influenced, by the possibility of personal financial gain. Such instances include: -

- i. Approving grants or contracts with subgrantees, suppliers and other business partners in which you or your family have a significant financial or other interest or relationship, particularly if you are in a position to influence major decisions, are responsible for review, negotiation and approval of the grants or contracts, or otherwise direct the Program's business dealings with that organisation or entity.
- ii. Receiving personal compensation from a RHSP supplier as a result of direct or indirect business dealings with the provider, extended assistance beyond the norm or set procedure of engagement and interaction.

- iii. The purchase of goods or services from a business in which an employee or his family has a financial interest, or may directly benefit from such purchase, is a potential conflict of interest.
- d. **Simultaneous employment elsewhere:** - RHSP Staff should avoid outside employment or interests that may create, or give the appearance of creating, a conflict of interest. Factors for consideration include similarity of position and job responsibilities. Similarly, RHSP employees may not work for a supplier if they have any influence (either direct or indirect) over the supplier's product or the supplier's business with RHSP.
- e. **Personal relationships with vendors, supplier, subgrantees, partners or any other party with which RHSP deals.** - RHSP staff should not have personal, social, or other relationships with RHSP suppliers, vendors, partners or any other party which RHSP deals with if the relationship would give the perception that a business influence is being exerted. If you believe you may be perceived as having an inappropriately close relationship with a party that RHSP deals or is about to deal with or appear to be exerting a business influence on the supplier, inform your manager or contact your line Director.
- f. **Using Confidential information for personal gain:** Using confidential or privileged information gained in the course of employment at RHSP for personal benefit or gain for self, family or for organizations one is affiliated to in a personal capacity..
- g. **Influence peddling or soliciting benefits** in exchange for using your influence to advance the interests of another organization within RHSP, or for the personal gain or benefit of family members when dealing with partners, suppliers, subgrantees, vendors and any other party that RHSP deals with.
- h. Carrying on business with an organisation in which a former employee of RHSP has taken up a position with or acts on behalf of the party that RHSP deals or is about to deal with may create conflict of interest. RHSP will not do business of a financial nature with that party for a period of one year following his or her separation if the former RHSP staff is dealing with a business area in which he or she worked or had business influence and such former staff has reasonable influence in the transaction at hand.

NOTE: The Board may, in partnership with the Senior Management Team, determine if a different time period is reasonably warranted under the circumstances

- Use of RHSP's resources and time for personal gain.
- Using one's position at RHSP for personal gain in a way that compromises the interests of RHSP

5.2. Where an employee is unsure about the existence of a potential conflict of interest or the appropriateness of accepting gifts, they should engage their line manager, line Director or Legal Officer for guidance.

6. Disclosure and Management of Conflict of Interest.

- 6.1. Each RHSP Staff should declare a conflict of interest prior to commencement of any event, situation or transaction creating a conflict-of-interest situation and immediately inform his or her direct supervisor or Line Director.
- 6.2. Should an appearance of impropriety or actual conflict of interest exist, appropriate actions must be taken, which will vary depending upon the particular facts and gravity of the conflict. The employee involved in the conflict situation must work cooperatively with their manager to achieve a resolution of the conflict issues in the best interests of the Program.
- 6.3. Upon disclosure of a conflict of interest, the following actions may be taken to manage conflict of interest.
 - i. A staff member who finds him or herself in a situation of conflict of interest should recuse him or herself from the matter in consideration and should avoid discussing it with any person involved in the matter.
 - ii. Decline or return any Gifts or offers or anything else of significant value i.e. the value of such thing being more than \$50 received from vendors, suppliers, subgrantees or partners for the purpose of influencing the actions of the Program or recipient

7. Remedies to Violations of the Conflicts of Interest Policy

- 7.1. If there is reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- 7.2. If, after hearing the member's response and after making further investigation as warranted by the circumstances, Management determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action in line with the HR policy.

If an employee fails to declare a conflict of interest and a transaction is concluded without knowledge of such conflict but later realized it, management will take all necessary steps to mitigate the effects of conflict of interest on such a transaction including but not limited to cancelling the transaction or revoking the benefit gained by the employee in addition to other requisite actions.

8. Documentation of conflict of interest

- 8.1. All employees should fill in a declaration of conflict-of-interest form which will be kept on their personal file and it shall be updated as and when it is necessary. (copy of the form is attached as annexure "A")
- 8.2. All decisions relating to conflict of interest will be recorded confidentially and a record will be kept by management. The record will state.
 - i. The nature and extent of the conflict.
 - ii. Summary of the discussion
 - iii. The actions taken to manage the conflict.

9. Implementation of the policy.

This policy will be implemented by the Board of Directors and the senior management team of RHSP in consultation with other relevant departmental heads.

10. Periodic review of the policy.

The Conflict of Interest Policy will be reviewed on an annual basis or as and when need arises.

11. Distribution

This policy is to be distributed to all RHSP staff