



**NETWORK OF PEOPLE LIVING WITH HIV/AIDS IN NIGERIA
(NEPWHAN)
CONFLICT OF INTEREST POLICY MANUAL**

DEVELOPED JUNE 2013

GOAL

To advocate for the rights of PLHIV in Nigeria and seek to put in place comprehensive HIV and AIDS prevention, care and support services

VISION

A country where PLHIV are given equal rights and privileges like every other member of the society

MISSION STATEMENT

To empower, strengthen and coordinate all support groups, state networks, constituencies, associations and organizations of people living with HIV and AIDS in Nigeria to contribute meaningfully to the national response.



SPECIAL NOTICE

The provision of these policies, procedure and manual is to serve as guide in making decisions involving the operations of NEPWHAN Human resources management and for adaptation by Association of Positive Youth Living with HIV/AIDS in Nigeria (APYIN), Association of Positive Women Living with HIV and AIDS in Nigeria (ASWHAN), Association of Religious Leaders Living with HIV and AIDS in Nigeria (NINERELA+) and Support groups of People Living with HIV in Nigeria. The document is subject to review by Management Board as at when due. Efforts shall however be made by Administration Department to issue due notice when changes and revisions occur and such changes will duly be incorporated in the next issue.

ABOUT NEPWHAN

NEPWHAN refers to the central coordinating body of all support groups of people living with HIV/AIDS (PLHIV) who choose to register with the body throughout the country. Being a central coordinating body implies that it does not execute programs while it assists its member support groups to carry out its stated mission and activities leading to achievement of our goal and objectives. NEPWHAN however is actively involved in the mobilization and capacity development of PLHIV throughout the Federation and organizing them into new or existing support groups thereby broadening its own organizational base.

HIV was given official recognition in Nigeria when the first case was announced in 1986. As in other parts of the world the infection came into Nigeria with its full complement of attending fear, stigma, discrimination and rejection. It is therefore not surprising that PLHIV tended to hide their status. Even when terminally ill, the cause of their illness is rather ascribed to other infections such as Tuberculosis. At that time, government was still in denial and there was therefore no commitment of any sort to HIV response by government and its arms. Responses to the epidemic in the country were mainly by non-governmental organizations (NGOs) including faith-based ones and international agencies that were only operating half-heartedly due to the political climate at the time.

Lack of capacity and basic infrastructure however severely limited activities of NEPWHAN. In the year 2000, PLHIV from all over the nation were again called together to fashion a way to move the network forward and invigorate the executive. A new executive was put in place at this meeting. The mission of the network was set at –_To empower, strengthen and coordinate all support groups, state networks, constituencies, associations and organizations of people living with HIV and AIDS in Nigeria to contribute meaningfully to the national response. Its goal; “ To advocate for the rights of PLHIV in Nigeria and seek to put in place comprehensive HIV and AIDS prevention, care and support services.”

The vision of the network was; “_A country where PLHIV are given equal rights and privileges like every other member of the society”

In terms of directional thrust, the network set itself two main tasks:

- a. Mobilization of PLHIV all over the country, organizing them into support groups and empowering them to join in the national response with the aim of reducing and eventually eliminating further spread of the virus.
- b. Mitigating the impact of HIV and AIDS on the life of PLHIV, PABAs, orphans and other vulnerable children.

Values at NEPWHAN

- Empowering individuals and institutions to improve the health status of populations at risk as a positive contribution to social justice.
- Personal integrity, high moral standard, commitment to our shared mission, and excellence in our work are expected.
- Common courtesy in our personal interactions, a collaborative working style, and concern for the rights of others are the chief manifestations of, and basis for, building NEPWHAN's mission.
- Pursuit of public health goals at NEPWHAN is driven by their importance, by the possibility of positive impact, and by technical and financial feasibility, not by potential profitability. Hence, NEPWHAN is constituted as a nonprofit corporation to serve the public interest.
- The immensity of the tasks we face in public health management requires a high degree of humility. Our individual energy, intellect, sense of humor, and dedication can make a difference.
- Management support for development means long-term commitments to our clients and colleagues. It demands that we work for the success of others, promoting their capacity to work more effectively and independently and placing a higher value on facilitating their success than on personal or organizational recognition.

INTRODUCTION

This policy manual exists to promote unity through a common understanding of what is expected of NEPWHAN and her employees. This document shall be subject to a review annually, in order to reflect current practices.

- NEPWHAN will hire and retain employees, and provide those benefits and rights under the guidelines of Nigerian labour law and as provided by the project under which the staff is hired.

NEPWHAN will treat employees in a manner in keeping with the mission and ethical standards of the organization.

To support the mission, NEPWHAN is committed to:

- Employing staff who are recognized for technical excellence, integrity and dedication;
- Collaboration with colleagues on the basis of mutual respect and shared goals;
- Providing a workplace that is professionally stimulating and supportive;
- Ensuring the protection of the health, safety and welfare of men and women in NEPWHAN will take affirmative action to ensure that qualified applicants are employed and are treated without regard to their race, age, color, religion, sex, national or ethnic origin, social or marital status, physical disability or HIV status.

In accordance with the labour law of Nigeria, NEPWHAN will ensure equal opportunity for women, in relation to remuneration, employment security and provision of maternity and paternity leave.

NEPWHAN shall maintain ethical standards in the hiring and termination of all staff.

Office Operations Policy

NEPWHAN will set operation policies in collaboration with the management team,

- Following sound business practices and complying with any applicable Nigerian law and donor requirements where necessary;
- Providing a workplace that is secure, comfortable and efficient;
- Creating policies that treat employees equitably;

- Implementing procedure that safeguard assets and equipment from loss, fraud or misuse.

Standards of Ethical Conduct

Personal integrity is considered to be the most important contribution an individual may bring to NEPWHAN. NEPWHAN expects all employees to adhere to the highest standards of ethical conduct in their professional and private affairs. General standards of conduct include avoiding any action that might result in or create the appearance of:

- obtaining personal financial gain from one's position or activities with NEPWHAN;
- facilitating the financial gain of a competitive organization or individual through disclosure of confidential information about NEPWHAN;
- failure to properly account for NEPWHAN fund with which one is entrusted;
- failure to report personal use of NEPWHAN facilities (e.g. vehicles, furniture, and other equipments)
- All employees shall be loyal to the policies, procedure and activities of NEPWHAN above all other considerations.

Fees, honoraria, and gifts of nominal value may be accepted by a staff member. However, acceptance of any gift, meal, or social invitation which is not in keeping with good business ethics, or which obligates the staff member or the recipient, is in conflict with NEPWHAN interest is prohibited.

BACKGROUND TO CONFLICT OF INTEREST POLICY

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.

NEPWHAN recognizes that addressing Conflict of Interest Policy is not only required by the donor agencies, but that having instituted a Conflict of Interest policy is in the best interest of NEPWHAN and key stakeholders. NEPWHAN, its members, sub recipients, and program implementers benefit from being aware of actual and perceived conflicts of interest thereby establishing a comprehensive policy which will ensure the management of conflicts of interests.

This Policy is designed to help NEPWHAN members, employees, consultants and other parties that interact with NEPWHAN to identify situations that present potential conflicts of interest. It is intended to provide NEPWHAN with procedures to appropriately manage these conflicts of interest in accordance with the requirements of donors and operative laws of the country. The policy is intended to promote the goals of fairness, accountability and transparency while ensuring high standards of ethical conduct and public confidence in NEPWHANs activities. 'Conflict of Interest" includes potential conflicts of interest and perceived conflicts of interest.

Definitions

1.0 Within the context of NEPWHAN, a Conflict of Interest occurs when a management board member, staff of NEPWHAN or NEPWHAN constituent body (APYIN, ASHWAN or NINERELA+) uses his or her position to advance personal ambition or interest, the interest of an institution which he or she is affiliated, those of a family member, or close associate and or in a way that disadvantages or excludes others.

1.1 A *potential* Conflict of Interest occurs when a board member, staff of NEPWHAN or its constituent's body is placed in a position in which he/she has the capacity to use his or her position in such a way that a Conflict of Interest, as defined above, may occur.

1.2 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 board, staff and or constituency of NEPWHAN.

1.3 A close associate of a person includes a family member (spouse, child, sibling, parent, cousin, and in-law), friend, business partner, organization/institution, or professional associate.

1.4 A person is affiliated with an institution when he or she is a member, an employee, a volunteer, or has a financial interest, technical or governance role with that organization/institution.

1.5 Recusal occurs when an individual removes him or herself from participation in deliberations and decision-making when a Conflict of Interest would arise through their involvement, presence and participation.

1.6 The Conflict of Interest may arise in association with reward or gift which is defined as including favors, gratuities, or sponsorships whether of monetary or intangible nature.

1.7 NEPWHAN refers to any organizational or governance structures which it establishes, including Board of Trustee, Management Board, Zonal Offices, State offices, Committees, Sub-committees, Working groups, Task teams, grantees, registered members, Staff members.

1.8 Conflicts of interest can occur but are not limited to the following situations:

- Discussions relating to the selection of sub recipients and sub-sub recipients (Support Groups)
- The renewal for a forthcoming phase of the grant
- A substantial reprogramming of grant funds

- Issues relating to assessment, monitoring, and oversight of grantees
- Discussions that have a financial impact on NEPWHAN members, such as contracting, recruitment of staff, etc.
- Award of contracts, grants, monitoring and appraisal.

2. Guiding Principles

NEPWHAN shall be guided by the following core principles:

- NEPWHAN's paramount goal is to serve the public interest.
- NEPWHAN activities should promote transparency, accountability and the integrity of NEPWHAN.
- Building public trust is a keystone of good governance.
- Promoting organizational and individual NEPWHAN member responsibility should occur through example.
- Engendering a culture that is intolerant of actual or perceived conflicts of interest should guide NEPWHAN in its activities.
- Conflict of Interest should be managed through formal policies and procedures application.

3. Application of the CONFLICT OF INTEREST Policy

3.0 The Conflict of Interest policy applies to NEPWHAN National Executive Committee, Zonal coordinators, Zonal Secretaries, state coordinators, registered members, grantees and staff.

3.1 NEPWHAN shall ensure that at least once each year the Board of trustee and Staff of NEPWHAN undergo training on their responsibilities regarding conflicts of interest and the requirements of this policy.

3.2 The application of this conflict of interest is the responsibility of the National Coordinator who will in turn be responsible to the management board in ensuring it is implemented

4. Operationalization of the CONFLICT OF INTEREST Policy

The procedure for managing conflict of interest among individuals should include the following:

- Ensure all Staff signs a conflict of interest on recruitment.
- Trainings and awareness creating shall be conducted annually.
- Ensure compliance annually
- Allowance of whistle blowing on CONFLICT OF INTEREST

The procedure for managing CONFLICT OF INTEREST among grantees should include the following:

- Ensure all grantees sign CONFLICT OF INTEREST policy on recruitment
- Audit compliance to CONFLICT OF INTEREST by grantees e.g grantees agree to adhere to the principle of transparency.

5. Protocol to Manage and Mitigate Conflict of Interest

5.0 Statutory Declaration

All NEPWHAN board members, officials, staff and all volunteers shall complete an Acceptance of conflict of interest & declaration of Interest Statement (Appendix 1) at the time of being seated on NEPWHAN meetings 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 NEPWHAN body charged with ethics and Conflict of Interest responsibilities. These statements shall form part of the public record of NEPWHAN.

5.1 Notice of Agenda Items, Declaration of Potential or Perceived Conflict of Interest

Each Board member and staff of NEPWHAN will receive an agenda of the meeting at least Two weeks in advance. BOARD Members and staff of NEPWHAN must decide whether a potential Conflict of Interest exists and prepare to recuse themselves from NEPWHAN discussions. These members must disclose the nature of such interests to the chairperson. The member must recuse him or herself from any and all deliberations and voting on the Conflict of Interest topic as outlined in Section 6.1 Recusal.

5.2 Any member of NEPWHAN may raise the question of a potential Conflict of Interest prior to or during a meeting. Members may present an allegation of Conflict of Interest to the chairperson or other NEPWHAN body charged with responsibility for Conflict of Interest, who must investigate each question raised.

5.3 NEPWHAN BOARD members or staff must declare whether a Conflict of Interest exists at the beginning of NEPWHAN meeting, at the time when all agenda items are read or reviewed.

6 Recusal

6.0 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 NEPWHAN BOARD member or staff,

members and staff shall recues themselves, leave the room, and wait elsewhere. NEPWHAN BOARD members and staff 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 Board votes or decision making have been completed, NEPWHAN BOARD member and staff shall be recalled into the meeting room.

6.1 NEPWHAN members and alternates having a Conflict of Interest may be called into the meeting room in their capacity as representative of their organizations to provide needed information to NEPWHAN BOARD membership. Once they have finished providing this information, they will again leave the room until recalled.

6.2 Whether in the meeting room or outside, NEPWHAN BOARD members and staff shall not attempt to exert their personal influence with respect to the discussion topic.

6.3 If the chairperson has a Conflict of Interest, she must delegate meeting responsibilities to another Board member for the period of the deliberation and recues herself. Same applies to management staff.

7.0 Gifts and Favors

7.1 NEPWHAN BOARD members, grantees, and staff are prohibited from accepting gifts under circumstances in which it could reasonably be construed that the gift is motivated by the position as a NEPWHAN BOARD member, grantees or staff and could substantially affect decisions of NEPWHAN.

7.2 NEPWHAN BOARD members, grantees and staff are prohibited from giving gifts if it could be reasonably construed that the gift is intended to affect the policies or practices of NEPWHAN, a sub recipient, or any of the programs it funds.

7.3 NEPWHAN BOARD members and grantees who represent 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.

8.0 Suspected Conflict of Interest

8.0 If a suspected Conflict of Interest is reported by any party, NEPWHAN National Coordinator and the appropriate NEPWHAN body responsible for Conflict of Interest issues will review the matter immediately to determine whether NEPWHAN BOARD member, grantee or staff has failed to declare an interest and if the breach is her responsibility. The issue must be reported to all NEPWHAN BOARD members. Any substantive issues must be brought to the entire NEPWHAN BOARD members and management to decide.

8.1 If the matter is brought before the NEPWHAN BOARD or management for deliberation, the member or staff shall be requested to withdraw while the matter is being deliberated. Any NEPWHAN BOARD member or staff can bring allegations of conflict to NEPWHAN BOARD or management, and such allegations must be discussed.

9.0 Failure to Disclose an Interest

9.1 If NEPWHAN learns that NEPWHAN BOARD member, grantee or staff has wittingly failed to disclose an interest, the NEPWHAN BOARD shall take all reasonable measures to revoke any benefit gained. Before taking such action, the NEPWHAN BOARD 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.

9.2 NEPWHAN Board, staff members and individuals shall refer all available information in relation to the Conflict of Interest to an adhoc committee through the National Coordinator, National Secretary or any other members of the Board. The committee shall be set up within a week of notification either by the National Coordinator (where it involves staff) and the Management board where it involves the National Coordinator or the National Secretary. The adhoc committee shall determine whether a Conflict of Interest exists or not. If a Conflict of Interest does exist, the adhoc committee shall make recommendation to the management board regarding appropriate action to be taken with respect to the person who has failed to declare the Conflict of Interest.

9.3 The Management Board shall consider and vote on the recommendation of the adhoc committee at the first meeting following receipt of the determination and recommendation.

9.4 Following the Management board's vote on the recommendation, the circumstances involve, the management board shall take appropriate steps and actions to salvage the situation.

9.5 An aggrieved member shall report all instances of Conflict of Interest situations that are apparent violation of any operative laws to the appropriate authority within NEPWHAN as stated above (9.2).

10.0 Documentation of Conflict of Interest

All decisions associated with Conflict of Interest will be recorded by NEPWHAN BOARD and documented in the conflict of interest file. The record will state:

- The date of report of the conflict of interest
- The nature and extent of the conflict of interest
- The steps and actions taken to manage the conflict of interest
- Recommendations by the adhoc committee
- Summary of decisions taken

11.0 Periodic Review of CONFLICT OF INTEREST Policy

This CONFLICT OF INTEREST policy shall be reviewed on a periodic basis, to be consistent with the NEPWHAN's review of other standard operating procedure manuals.

Appendix 1: Acceptance of CONFLICT OF INTEREST Policy and Declaration of Interest Statement

Upon appointment/election into NEPWHAN Management Board, employment or committees, members are to complete this Declaration and submit it to the National Secretary of NEPWHAN prior to resumption of office. You will be asked to update this annually throughout your term of office.

Section 1: Acceptance of CONFLICT OF INTEREST Policy

Name of NEPWHAN BOARD Member/staff/grantee.....

Designation:Title:

Constituency/Department:

I, the undersigned, hereby pledge to comply with the Conflict of Interest Policy of NEPWHAN.

As a NEPWHAN BOARD member, grantee or staff, 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 NEPWHAN Conflict of Interest Policy.

I promise to declare my Conflict of Interest to NEPWHAN Board and Management prior to or at the commencement of any NEPWHAN 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 recue myself from participating in any proceedings concerning the matter.

If alleged that I have a Conflict of Interest, I will respond to this charge and will abide by the decision taken by NEPWHAN.

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 NEPWHAN, I will report my belief and the information on which it is based to NEPWHAN authority and will provide such further information as is requested from me by the management 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 in NEPWHAN.

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

Signed:

Date:

Section 2: Declaration of Interest Statement

Please answer the following questions completely and sign below.

| 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 or Coordinator of a support group? If yes, please list the organization(s) or support group | a)..... b)..... c)..... d)..... e)..... |
| 3. | Are you the owner, co-owner, or stockholder of a private business? If yes, please list. | a)..... b)..... c)..... d)..... e)..... |
| 4. | Does any of your affiliated organizations/support group listed above, serve as a subsub-recipient or implementer of NEPWHAN grant? If yes, please list the organization/Support group. | a)..... b)..... c)..... d)..... e)..... |

| | | |
|----|---|---|
| 5. | Does a close family member work for or hold an ownership interest in an organizations/support group listed above, serve as a subsub-recipient or implementer of NEPWHAN grant? If yes, please list the person, organization. | a)..... b)..... c)..... d)..... e)..... |
| 6. | Do you serve on a NEPWHAN committee? If so, please list and identify if you have a leadership role on the committee (Chair, co-Chair, etc.) | |
| 7. | Does the mission or policies of the organization you work for conflict or have the potential to conflict with that of NEPWHAN Strategic Plan? If yes, which area? | |
| 8. | Please list any other affiliation or situation you believe may cause a Conflict of Interest for you. | |

Initialed By: