

Charitable Organization (CO) "Ukrainian Institute public health policy"

Conflict of Interest Policy

This policy defines the principles of establishing and resolving conflicts of interest. The purpose of this policy is to ensure the fairness of decision-making by the Ukrainian Institute of Public Health Policy, to protect the Organization's reputation, integrity, and interests, as well as to ensure the trust and confidence of broad sections of the public in the Organization's activities.

1. General principles

The organization recognizes the need to carry out its activities on the principles of:

- legality, transparency and publicity;
- preventing threats to the performance of official duties and powers due to personal financial interests;
- preventing the involvement of interested external representatives in the decision-making process, including experts, representatives of interested parties, international donors and local non-governmental organizations.

2. Definition

- (a) **Person-subject (person covered by the policy)** is a member of any governing body of the Ukrainian Institute of Public Health Policy, its employees, consultants, experts and members of any commissions, councils or expert groups created to participate in the processes of providing financial assistance and supplies.
- (b) **Related Person** is the subject's parent, spouse, household partner, child, sibling, business partner, or natural person who has employed the subject, or with whom he/she is negotiating or already reached an agreement on future employment.
- (c) **Related organization** — is (i) any legal entity in which the person-subject works in any of its management bodies, or as an employee or consultant, and which receives or may receive funding from the Ukrainian Institute of Public Health Policy "I", or with which BO "Ukrainian Institute of Public Health Policy" has contractual or other legal relations; or (ii) any legal entity with which the subject is negotiating or has already reached an agreement for future employment.
- (d) **Personally and significantly.** To participate in person means direct, active and personal participation, including, for example, exercising the right to vote at meetings of the governing body. To participate significantly means that the participation of a person-subject may necessarily result in the acceptance or rejection of a certain decision.
- (e) **Direct and predictable impact** is a direct consequence of the decision made, clear and generally understood at the time of making such a decision.
- (f) **Financial interest** — is any subject of possible interest that has a monetary expression, such as: monthly salary, cost of services, investment, payment for the use of rights

(royalties), shares, obligations, debts, intellectual property rights, etc., on the amount of more than 1500 hryvnias (one thousand five hundred hryvnias).

- (g) **Commission on ethical issues** is a standing committee established to facilitate the implementation of this policy. It consists of the Director and the Director's internal control advisor, each of whom is a voting member of the ethics commission, as well as the secretary of the commission appointed by the Director to provide advice and other assistance to the ethics commission in its work.
- (h) The conflict of interests of any member of any governing body of the Ukrainian Institute of Public Health Policy or the commission on ethical issues is considered and resolved by the Supervisory Board of the Ukrainian Institute of Public Health Policy. In such a case, in all clauses of this policy instead of the term "Ethical Affairs Commission" should read "**Supervisory Committee**".

3. Definition of conflict of interest

A conflict of interest may be ACTUAL and/or POSSIBLE.

- a) **REAL conflict of interest** occurs in cases where a person-entity takes a personal and substantial part within the scope of his/her official authority in the resolution of any specific matter in which he/she knows that he/she or a related person or entity has a financial interest, if the resolution of this particular issue will have a direct and predictable impact on the subject of the said interest.
- b) **POSSIBLE conflict of interest** occurs when a less obvious pre-existing financial interest of an entity or a related person or entity may give rise to any of the above circumstances. After proper identification and consideration, any activity that may lead to a conflict of interest may be deemed acceptable and not lead to a conflict of interest.
- c) Specific examples of conflicts of interest are provided in Article 7 of this policy. These examples are given only as samples, and they do not cover all possible cases of real or possible conflicts of interest, but are used to formulate the principles by which the "Ukrainian Institute of Public Health Policy" will be guided in resolving such conflicts in the event of their occurrence . Each situation is evaluated based on specific facts and circumstances.
- d) In principle, conflicts of interest do not occur in cases where a person-subject or a related person or organization, as a result of the actions under consideration, has the prospect of receiving an undifferentiated benefit — that is, a general benefit that is acquired by a large number of persons, for example, in the form of improving access to medical services.

4. Transparency, detection and reporting of conflicts

Each entity is required to identify and report any conflicts of interest, including those arising from related persons or entities, as well as the nature of these conflicts, as soon as he/she becomes aware of the existence or reasonable possibility of such a conflict.

In those cases when the conflict of interests of a certain person-subject is widely known among the employees of the "Ukrainian Institute of Public Health Policy", but the commission on ethical issues has not yet made any special decision in the case of this person-subject, it should be consider that the person-subject does not have a conflict of interest until the commission on ethical issues issues a corresponding special decision.

5. The procedure of the commission on ethical issues in the event of a conflict of interests

Any conflict of interest should be immediately reported to the Ethics Committee in writing through its Secretary. In case of questions regarding the application of this policy, it is allowed to contact the members of the commission on ethical issues for relevant recommendations.

The commission on ethical issues is obliged to consider the facts reported to it and decide whether there is a conflict of interest, and also, in the case of only a possible conflict of interest, decide whether to issue a special permit for a partial deviation from the formal requirements, specifying the limits of the possible participation of the person-subject in any discussions of the issue that caused the conflict.

The quorum of the meeting of the commission on ethical issues is two of its members with the right to vote. Decisions of the commission on ethical issues are made by a simple majority vote of all its members with the right to vote.

If the presence of a conflict of interest is established, the person-subject has no right to participate in the consideration and discussion of the issue that caused the conflict of interest, without the special permission of the commission on ethical issues for a partial deviation from the formal requirements. This means that the person-subject must not participate in voting, express his opinion or in any other way participate in the decision-making process on the conflict issue, as well as leave the premises where decisions are made without commenting on his actions, before the start of any discussion or vote on a conflicting issue, unless this person has received special permission for a partial deviation from the formal requirements from the ethics commission. Such special permission may provide for any level of participation that the ethics committee may deem appropriate. For example, the document may allow the individual subject to provide technical information but not recommendations, or allow the individual subject to attend meetings to perform their administrative duties but not participate in any discussions on matters that caused a conflict of interests. The names of persons-subjects who have a conflict of interest and participate in this or that meeting, as well as the issue regarding which there is a conflict, must be included in the minutes of this meeting.

If the subject is found to have a conflict of interest that was not reported in accordance with the above requirements, or the ethics committee has reasonable cause to believe that the subject did not disclose or report the conflict of interest, the commission informs the person-subject about its reasons for believing so and gives him/her the opportunity to provide an explanation regarding the fact of non-disclosure/non-notification declared by the commission person-subject about such a conflict. If, after listening to the answer and conducting an additional investigation (if necessary), the commission on ethical issues determines that the interested person really did not reveal / did not report a conflict of interest, the commission may make a decision on the application by the Director of the "Ukrainian Institute of Public Health Policy" » to the subject of disciplinary measures provided for by the legislation of Ukraine, or any other relevant measures. Also, in this case, the Supervisory Board may apply to the Conference of the Ukrainian Institute of Public Health Policy with a request to deprive the subject of membership in the governing bodies of the Ukrainian Institute of Public Health Policy, if such a person has their membership.

6. Conflicts in tender commissions and project review commissions

If the person-subject is an expert or a member of the tender commission or project review commission, or any other permanent or special commission, expert or other council established

within the framework of the Ukrainian Institute of Public Health Policy (the "council")), then in cases covered by this policy, this board shall be governed by the following rules:

- (a) At the beginning of the first meeting of the board, the person-subject must familiarize himself with the provisions of this policy and sign a statement of his agreement with its terms (conflict of interest statement).
- (b) All instances of conflicts of interest shall be promptly reported to the board by the entity as soon as the entity has sufficient information to establish that he/she has such a conflict.
- (c) Any other person participating in a board meeting (whether as a board member or observer) who is aware of a particular conflict of interest must immediately notify the board.
- (d) The council is obliged (in the absence of a person-subject) to consider the discovered facts and make a decision by a simple majority of votes (in the case of an equal distribution of votes, the vote of the chairman of the council is decisive) on whether there is a conflict of interests, and also, in the case of only a possible conflict interests, to decide whether to issue a special permit for a partial deviation from the formal requirements with an indication of the limits of possible participation of the person-subject in any discussions of the issue that became the cause of the conflict.
- (e) If the person-subject has not disclosed/notified the council about the conflict of interest, which became known to the council from the testimony of any other person, then such person-subject is excluded from the membership of the council.
- (f) A person-subject is not included in the quorum of a meeting of the council when considering those issues in relation to which the council has established that such a person-subject has a conflict of interests for which he does not have a special permit.

If the terms of the legal agreement with the donor organization require it, the "Ukrainian Institute of Public Health Policy" must notify such organization of the existence of a conflict of interest after conducting all necessary and appropriate investigations and making appropriate decisions.

If a conflict of interest is discovered after the Commission has made a decision, the latter must reconvene to review the conflict, in accordance with the Conflict of Interest Policy. If there is a conflict, the members of the Commission shall determine whether the decision of the member of the Commission in respect of which such a conflict is identified would have affected the voting results of each of them. If not, the original decision remains in effect. If at least one of the members of the Commission declares that the result of his vote could be influenced by such a conflict, a re-vote is held, in which each vote for which a possible influence was declared on him is considered to have the opposite, compared to the previous one by voting, meaning.

7. Examples of conflicts of interest

Actual conflicts of interest

- If the members of the tender commission or the project review commission argue for the approval of a specific financial assistance or agreement that would allow a related person or organization to acquire a benefit through receiving the corresponding funds or performing other direct functions in the implementation of the project;
- If the employees of the "Ukrainian Institute of Public Health Policy" are arguing for the approval of a specific policy that would allow a related person or organization to receive certain direct financial benefits;
- If employees of the "Ukrainian Institute of Public Health Policy" BO participate in the assessment of a related organization that is a recipient of financial assistance from the "Ukrainian Institute of Public Health Policy" BO.
- If the appointed BO "Ukrainian Institute of Public Health Policy" to review the specifications, the expert works under an agreement with the potential applicant, or has another financial interest in connection with it.

Conflicts of interest are possible

- If the organization related to the person making the decision has an agreement on cooperation with the project submitter for the relevant tender;
- If the related person has a share in the organization that provides services to the Ukrainian Institute of Public Health Policy;
- If a member of the project review committee is in a relationship with a project submitter for receiving financial support that arose as a result of his/her provision of intellectual services to the specified submitter, such as non-contractual writing or freelance journalistic work.