

Georgia CCM Code of Conduct, Ethics, and Conflict of Interest Policy

The Georgia CCM (G-CCM) is committed to high standards of ethical conduct and accordingly places great importance on mitigation of conflicts of interest, whether actual, potential, or perceived. The G-CCM standards of ethical conduct and conflict of interest is managed and reflected in the G-CCM Governing documents:

1. Georgian Government Resolution #220;
2. Georgia CCM Governance Manual; and,
3. Georgia CCM Code of Conduct, Ethics, and Conflict of Interest Policy.

The purpose of this document is to assist the G-CCM in prevention of conflict of interests and/or enable the G-CCM to respond to facts of conflict of interests in case they happen. A strong and well-implemented conflict of interest management policy helps ensure the integrity of the G-CCM and its processes, and helps protect even the most well-meaning persons whose interests, or those of an institution with which they are affiliated, or a close associate, could be affected. The Code of Conduct contained within outlines how individual G-CCM Members the G-CCM Secretariat employees should perform their duties, which are outlined in the Global Fund's CCM Policy and internal G-CCM governance documents.

According to Georgian Government Resolution #220 the G-CCM members:

1. For purposes of conflict of interest prevention, members of the G-CCM are not authorized to make the following actions:
 - a. Use the information received by them as members of the G-CCM in contradiction to goals of the G-CCM;
 - b. Abuse their status as G-CCM member for making decisions, which influences other organizations, when s/he takes a position or is employed or a concerned party is his/her relative; and,
 - c. Vote as a member of the G-CCM or abstain from voting for the purpose of gaining any benefit.
2. At the G-CCM meeting, before any voting each member shall fill in the Declaration of Interests Form. In case of the possible existence of a conflict of interest, the forms shall be reviewed by the Chairperson of the G-CCM and kept by the G-CCM Secretariat.
3. Any member of the G-CCM is authorized to bring up the issue of conflict of interests for consideration if it has not been declared earlier. In this case, the G-CCM Chairperson shall decide whether the declared conflict of interest merits further review by the full G-CCM.
4. Activities of the G-CCM as much as possible shall not be funded by parties interested in the decisions made by the G-CCM.
5. The G-CCM shall make decisions about the existence/non-existence of conflict of interests, according to regulations of the G-CCM. The party with the potential conflict of interest shall not attend the proceedings held to make a decision. The same party shall present a relevant report/explanation if required by the G-CCM.
6. When conflict of interests arises towards a member of the G-CCM:
 - a. In the case of a prior declaration and confirmation of conflict of interests a member of the G-CCM is not authorized to participate in voting until elimination of conflict of interests; or,
 - b. If a member of the G-CCM is aware of circumstance or information, which has made him/her a subject of conflict of interests and the member does not make a prior declaration about the conflict of interest, his/her member's authorities are terminated.
7. The G - CCM is authorized to annul and/or request to annul decisions, actions and outcomes received and made under conflict of interests conditions.

8. If the G-CCM rejects the existence of conflict of interests or defines that it cannot impact activities of the G-CCM member, the member will immediately resume fulfilling his/her official duties.

9. Consideration and decision making related to conflict of interests shall be described and recorded in minutes by the G-CCM Secretariat.

The G-CCM Governance Manual further explains the Conflict of Interest Policy and provides standards for ethical conduct for G-CCM members and Secretariat. Further, the G-CCM recognizes that conflicts of interest, whether actual, potential, or perceived, may diminish public confidence in the G-CCM as an institution and potentially hinder implementation of programs.

The G-CCM policy to manage conflict of interest applies to all G-CCM members, across all G-CCM functions, including any sub-committees. The G-CCM applies its conflict of interest management policy throughout the life of Global Fund grants, and will present documented evidence of its application to the Global Fund on request. The policy states that G-CCM members must periodically declare conflicts of interest affecting themselves or other G-CCM members and contains a process for documenting that members will not take part in deliberations and decisions where there is conflict of interest, including decisions related to oversight, and selection or financing of PRs or SRs. The minutes of G-CCM meetings will demonstrate that the G-CCM follows the procedures outlined in the conflict of interest policy to prevent, manage and mitigate conflict of interest.

I. Definitions

1. Conflict of interest: When a member of the G-CCM or its committees uses his or her position to advance personal ambitions or interests, the interests of an institution with which he or she is affiliated, or those of a close associate, in a way that disadvantages or excludes others, or is otherwise detrimental to the overall effectiveness of the Global Fund programs. Conflicts of interest may be of a financial or other nature. Conflict of interest includes potential conflicts of interest and perceived conflicts of interest that should be addressed properly to ensure that programs are not compromised.
2. A potential conflict of interest occurs when a member of the G-CCM and/or its committees is in the position to use his/her position in such a way that a conflict of interest, as defined above, can occur.
3. A perceived conflict of interest occurs when a person believes or suspects on reasonable grounds that a conflict of interest, as defined above, exists on the part of a member of the G-CCM and/or his committees.
4. A close associate of a person includes a family member, friend, business partner, professional associate, or close associate of the person.
5. A person is affiliated with an institution when they are an employee or volunteer, or have a financial interest, or a technical or governance role with that institution.
6. The jurisdiction of the G-CCM refers to all matters in respect of which the G-CCM has the power or authority to make decisions or recommendations.
7. The presence of a material interest includes, but is not limited to, any one or more of the following:
 - a. being a staff member or member of an organization or institution that is a Principal Recipient, Sub-Recipient or Implementing Partner that is funded within the Global Fund program for Georgia, or that is a prospective recipient as part of a funding proposal;
 - b. being a party to a contract, or directly involved in a transaction, for the provision of goods and services to the G-CCM or an institution or organization funded by the Global Fund program for Georgia;

- c. having a material financial interest (through being an owner, shareholder or employee, for example) in an entity that is involved in a contract or transaction for the provision of goods and services to the G-CCM or an institution or organization funded by the Global Fund program for Georgia.

II. Purpose

A strong and well-implemented conflict of interest policy helps ensure the integrity of the G-CCM and its processes, and helps protect even the most well-meaning persons whose interests, or those of an institution with which they are affiliated, or a close associate, could be affected. This conflict of interest policy has, therefore been prepared to:

- a. ensure fairness and transparency in the decision-making process of the G-CCM.
- b. secure confidence and trust among all the stakeholders and the general public.
- c. protect the reputation and integrity of all member organizations and representatives in the G-CCM.

III. Mandatory Declaration of Interest

1. Conflict of Interest disclosure shall be a standing agenda item in all G-CCM meetings.
2. All G-CCM members shall be required to disclose any actual, potential or perceived material interest in a matter that is placed before the G-CCM for deliberation.
3. G-CCM members shall make Conflict of Interest disclosures as follows:
 - a. By completing, on an annual basis, G-CCM Code of Conduct, Ethics and Conflict of Interest Declaration Form (attachment #1) . If the information in the COI Declaration form changes materially, the member shall disclose such changes and revise the COI declaration.
 - b. By verbal or written notice through a Conflict of Interest Disclosure form (attachment #2), upon receipt of meeting agenda, of material conflict of interest in respect to proposed agenda for G-CCM meetings.
 - c. By verbal notice to the Chairperson at the start of G-CCM meeting before the meeting agenda is formally adopted.
 - d. By verbal notice when a matter in which the member has a material interest arises during a G-CCM meeting.
4. All declarations of interest, whether verbal or in writing, are considered to be strictly confidential once made.
5. The G-CCM shall regularly and consistently monitor and enforce compliance with this policy by reviewing COI declaration and taking such other actions as are necessary.
6. If a conflict of interest is determined to perpetually exist in relation to a member, the G-CCM shall determine how to mitigate that conflict, or recommend to the nominating sector that the member be excluded from all future meetings.

IV. Procedure for Determining and Addressing Conflict of Interest

1. Where declaration of interest is made in advance of G-CCM meeting, the Secretariat shall record the declaration for discussion at the start of the meeting under the standing agenda item on disclosure of conflict of interest.
2. Members shall disclose any conflict of interest when the meeting starts and reaches that agenda item.
3. When a declaration of interest is made, the matter shall be dealt with as follows:
 - a. The Chair shall request the member to leave the room while the G-CCM considers the disclosure and determines whether a conflict of interest exists. Once a decision is reached, and duly recorded in the minutes, the member shall be invited to return to hear the results of the deliberation.

- b. If the G-CCM determines that a conflict of interest exists, the member shall be asked to follow the procedure set out below.
 - c. If the G-CCM determines that no conflict of interest exists, the meeting shall proceed in the usual way.
 4. When deliberating on appropriate ways to address conflicts of interest, the G-CCM may consider some of the following:
 - a. Personal exemption (recusal): When a matter comes before the committee for deliberation in which a member has a conflict of interest, that member shall voluntarily leave the meeting room until deliberation has ended and a decision on the matter has been reached.
 - b. Conditional participation in committee meeting: The Chair allows a member to participate in the G-CCM meeting but discloses his/her interest in a matter under discussion. This option can be applied in instances where the conflict of interest is considered as minor and disclosure would be sufficient to address it.
 - c. Partial participation in the G-CCM meeting: A member can be excluded from participating on an agenda item or a decision-making process in which he/she has a conflict of interest but can participate in other agenda items. The member may also not be allowed to vote on the matter.
 - d. Total exclusion from the meeting: A member can be excluded from a G-CCM meeting if the member is deemed to have a major conflict of interest in relation to the agenda of the meeting
 - e. Should the Chairperson be the member for whom the conflict of interest arises, the Vice-Chair person or any other member so appointed, shall preside over deliberations on the matter at hand until they have been completed. The Chairperson shall follow the exemption (recusal) procedure.
 5. The minutes of the G-CCM meeting shall contain:
 - a. Names of the persons who disclosed or otherwise were found to have an interest in connection with an actual or possible conflict of interest, the nature of the interest, any action taken to determine whether a conflict of interest existed, and the G-CCM decision as to whether a conflict of interest in fact existed.
 - b. Names of the persons who were present for discussions and votes relating to the issue, the content of the discussion, and a record of any votes taken in connection with the proceedings.

V. Special Procedures for the Selection of PRs and for G-CCM Oversight Functions

1. Members shall exempt (recuse) themselves from participating in G-CCM deliberations where the selection of PRs, SRs or other implementing entities in which members have an interest is being considered.
2. Where the Chairperson, or Vice-Chairperson, or both are from the same entity as the PR, either individual shall exempt (recuse) themselves from deliberations on the performance of the PR.
3. At the discretion of the other members, the member may be invited to remain for the discussion according to the procedures in Section 19 above.
4. Where both Chairperson and Vice-Chairperson must exempt (recuse) themselves, the G-CCM shall appoint an individual from amongst themselves to preside over the discussions.

VII. Failure to Disclose Conflict of Interest

1. Where the Chairperson has reasonable cause to believe that a member has not disclosed a conflict of interest, the Chair shall inform the individual in question and offer him/her an opportunity to reply.
2. Where a member of G-CCM has reasonable cause to believe that a member has not disclosed a conflict of interest, he/she shall inform the Chair. The Chair shall then inform the individual in question and offer him/her opportunity to reply

3. If, after hearing the response and making such other investigations or inquiries as may be reasonable, the G-CCM determines that a failure to properly disclose a conflict of interest has occurred, the Chairperson shall initiate disciplinary action which may include one or more of the following:
 - a. Delivery of a formal apology on the part of the member in question;
 - b. Suspension of the member pending further deliberation on appropriate disciplinary action; or,
 - c. Removal of the member from G-CCM.

VIII. Gifts or Preferential Favors

1. Members may not accept gifts or preferential favors under circumstances that could reasonably be construed to mean that such gift or favor is motivated by the position of the member and interests that could be substantially affected by the decisions of the G-CCM.
2. Members may not give gifts or preferential favors where it could be reasonably construed that the gift is intended to affect the policies, decisions or performance of the G-CCM or any other entity involved in the Global Fund grants.
3. Exceptions to the provisions in this section may only be made by decision of the G-CCM.

IX. Policy Dissemination and Review

1. The G-CCM Secretariat shall distribute a copy of this policy to all G-CCM members annually, along with a copy of the Conflict of Interest Declaration of Interest Form (DIF).
2. Copies of this policy and the DIF shall be posted on the G-CCM website.
3. This policy shall be reviewed annually by the G-CCM. Through the Chairperson, the G-CCM may initiate a policy review and amendment process at any time in advance of the review schedule.

G-CCM Code of Conduct and Ethics

This Code of Conduct outlines how individual G-CCM Members (including alternates, and G-CCM Secretariat employees) should perform their duties. G-CCM Members are required to:

1. Read, be familiar and comply with this Code;
2. Certify, upon the Global Fund's request, commitment to act in line with this Code in their roles as G-CCM Members;
3. Act ethically and as positive role models in the context of their membership on the G-CCM;
4. Support anyone who raises concerns about violations of this Code or G-CCM Conflict of Interest Policy; and,
5. Raise questions and concerns if they become aware of possible violations of G-CCM Policies, this Code, or any integrity-related laws.

This Code expects G-CCM Members to:

Act consistently with their duty of care

Act accountably

Act with integrity

Act with dignity & respect

Speak out

G-CCM Chair and Committee Responsibilities

1. Encourage G-CCM Members to know the Code and all other governing documents;

2. Ensure that G-CCM members receive the Code and the G-CCM Conflict of Interest Policy, read them, and ensure the policies' enforcement consistently and fairly;
3. Make sure no one is punished or hurt for raising Code-related concerns or questions; and,
4. Create a respectful and inclusive G-CCM environment with active and effective contributions by all members and with transparent and equitable decision-making.

G-CCM Secretariat Employees

1. G-CCM employees are required to provide timely, professional, and transparent support to all members of the G-CCM, including responsible management of information, budgets, and G-CCM meeting minutes.
2. If G-CCM Members have a question about how to abide by this Code, or if they have a concern or suspicion that others may not be abiding by this Code, they are required to actively uphold the Code by speaking out.
3. Where possible, raising the matter within the G-CCM.
4. In parallel, alerting the Global Fund.

The Global Fund will not tolerate any form of retaliation against those who act consistently with this Code and speak out.

Code Enforcement

This Code is incorporated as a component of Eligibility Requirement 6 of the Guidelines and Requirements for Country Coordinating Mechanisms. Consequently, the Global Fund will monitor the G-CCM's enforcement of this Code as a condition for access to Global Fund financing, and G-CCM Members' adherence to the expectations set in this Code will inform the Global Fund's appraisal of overall G-CCM performance. The G-CCM is required to enforce individual member compliance with this Code, while ensuring fairness and due process. Consequences should be proportional and may include removal from decisions, leadership roles, or the G-CCM.

G-CCM Members' Values

Duty of Care

1. G-CCM Members' duty of care is first and foremost to people living with, affected, or at risk of contracting AIDS/HIV, Malaria, and Tuberculosis.
2. G-CCM Members' obligations towards their constituency and stakeholders are expected to support, not undermine, this broader public health interest to end the epidemics.
3. G-CCM Members are expected to ensure that Global Fund resources are used efficiently and wisely to achieve maximum impact by:
 - a. Submitting funding requests that are designed to propose the most effective mix of interventions, including most effectively targeting key populations, as aligned with the National Strategic Plan/Investment Case;
 - b. Ensuring that implementers and systems are capable of implementing the grant;
 - c. Overseeing effective and timely implementation of grants with careful and appropriate use of resources in order to attain or surpass anticipated results; and,
 - d. Speaking out if the above activities are not happening.

Accountability

1. G-CCM Members are accountable to the people they represent, and as a group, the G-CCM is also accountable to the mission of ending the epidemics within its country.
2. G-CCM Members are therefore expected to:
 - a. Be transparent;
 - b. Prepare and actively participate in the G-CCM;
 - c. Be responsible stewards of G-CCM assets; and,

- d. Manage information responsibly.

Transparency

Since the G-CCM is a public body representing public health and stakeholder interests, G-CCM Members need to be open with the public, especially with those they represent, and to represent their constituents' views at the G-CCM. G-CCM Members are therefore required to:

1. Share received information with constituents early enough and with enough detail to enable constructive feedback in time to influence a decision;
2. Collect and reflect constituents' views and concerns at G-CCM meetings, while retaining the duty of care to the broader public health interest; and,
3. Update constituents on G-CCM decisions, in particular when constituents provided input.

Preparation and Active Participation

G-CCM Members are expected to take their role on the G-CCM seriously:

1. Regularly attend G-CCM meetings on time;
2. Prepare for meetings by reading background material and by fulfilling commitments made in prior meetings;
3. Ensure G-CCM decisions are properly documented; and,
4. Cooperate fully with the implementers and the Global Fund.

G-CCM Members are required to actively hold implementers accountable by engaging in grant oversight, including by:

1. Proactively making field visits (taking personal safety into consideration) and attending disease-related meetings;
2. Contributing feedback from constituencies on access, quality, and equity of grant sponsored services;
3. Participating in analysis of grant results and investigation of problems through dialogue with the implementers;
4. Contributing to efforts to solve problems which surpass the authority or capacity of the implementers;
5. Proactively identifying ways to improve the G-CCM's work;

Responsible use of G-CCM assets

The funds, office space, equipment, and transport offered to the G-CCM is intended to ensure that the G-CCM is fully functional. G-CCM Members are stewards of these assets, so they are required:

1. Not to use G-CCM assets for personal or needs unrelated to G-CCM activities;
2. To ensure the assets are not damaged, misused, or lost; and,
3. To speak out if they are concerned that assets are being inappropriately used.

Responsible Information Management

G-CCM Members are expected to balance transparency with confidentiality. They do this by:

1. Not sharing information that the G-CCM or Global Fund formally determine is confidential;
2. When information is not confidential, ensuring that it is made available to constituencies and the public;
3. Ensuring other G-CCM Members know and follow the rules on confidentiality;
4. Responsibly using and protecting computer IDs and passwords;
5. Remaining vigilant against cyber-attacks and scams and reporting them immediately to G-CCM leadership.

Integrity

G-CCM Members are expected to act with:

1. Impartiality;
2. Truthfulness and Accuracy;
3. Fairness and Consistency; and,
4. Honesty.

As G-CCM Members make decisions, they are expected to prioritize the best interests of the populations affected by the three diseases. Important public health investment decisions are made on the basis of information and data: therefore, G-CCM Members are expected to ensure that this information is accurately and completely reported and used. G-CCM Members are also required to speak out if they have concerns that data or information is influenced by unintentional or intentional errors such as manipulation, inflation, miscounting, incomplete, or incorrect statements.

G-CCM Members are required to abide by and apply Global Fund and G-CCM rules, guidelines, codes or polices fairly and consistently. If a G-CCM Member has concerns that G-CCM rules, guidelines, codes or polices are not being followed, s/he has a duty to speak out.

G-CCM Members must guard against misuse of resources, fraud and corruption and, in particular, comply with the Global Fund Policy to Combat Fraud and Corruption. They must not tolerate or take part in any arrangements to divert, falsely report, or use Global Fund funds, assets, or data for anything other than the intended purpose, especially not for personal, criminal or political purposes. G-CCM Members are required to support efforts that:

1. Prevent corruption: Make sure Global Fund funds are used properly.
2. Detect corruption: Actively condemn if others engage in corruption.
3. Stand up to corruption: Speak out when they have a suspicion of corruption.

Dignity & Respect

Members of the G-CCM treat people with dignity and respect by:

1. Upholding the dignity of beneficiaries;
2. Respecting colleagues; and
3. Ensuring respect for human rights, including non-discrimination/

G-CCM Members are required to ensure that programs financed by the Global Fund are designed to promote dignity, respect and empowerment of people and communities affected by HIV/AIDS, Tuberculosis and Malaria, as well as key and vulnerable segment populations, especially if they may suffer from stigma or marginalization. G-CCM Members are required to abstain from all forms of bullying, harassment and discrimination.

Speaking Out

In its most general form, to speak out means to raise questions, concerns, or share knowledge of situations where this Code or other policies are not being adequately upheld. G-CCM Members are encouraged to support one another and hold one another accountable by proactively discussing whether their decision-making and behavior are consistent with this Code. If initial efforts yield insufficient change, G-CCM Members are required to raise their concerns more formally within the G-CCM governance structure as well as with the Global Fund.

The G-CCM as a body is required to immediately report suspicion or knowledge of all forms of fraud and corruption (defined as Prohibited Practices) to the Global Fund. Therefore, if a G-CCM Member has suspicion or knowledge of Prohibited Practices in Global Fund activities, s/he also has a duty to report this information, either through formal G-CCM channels, or directly to the Global Fund. Note that failure to report suspicion or knowledge of prohibited practices is itself the prohibited practice of “obstruction.”

The Global Fund has made confidential and/or anonymous reporting and advisory services available to G-CCM Members. Under the Global Fund's Whistleblowing Policy, those reporting any wrongdoing to the OIG may do so anonymously or confidentially and the Global Fund maintains processes to prevent, detect, and respond to any retaliation against reporting.

G-CCM members have multiple channels of speaking up available within the G-CCM, whether it be with a fellow member, a committee chair or vice chair, or a member of the Executive Committee or the G-CCM Secretariat. You might also consider contacting the Local Fund Agent. A G-CCM member is required to report directly to the Global Fund (1) if s/he has a suspicion or knowledge of Prohibited Practices; (2) if s/he cannot speak out within the G-CCM, or (3) if efforts to date have resulted in inadequate response. A G-CCM member may contact various channels within the Global Fund Secretariat, such as the Country Team, the FPM, the G-CCM Hub, the Ethics Officer, or the OIG.

Any time a G-CCM member speaks with someone, provide details. If possible, keep written records of what was said, when and the responses. This will allow the G-CCM member to demonstrate you his/her duty to report. If the problem continues or repeats, speak to another channel.

Upon signing the Code of Conduct, Ethics, and Conflict of Interest Declaration, G-CCM Members and Secretariat Staff commit to the highest standards of ethics and integrity in their role as leaders in the public health community. This means they commit to (1) fulfil their duty of care as a G-CCM member, (2) act accountably, (3) communicate transparently, (4) and conduct themselves with integrity.