



Protect - Promote - Defend

Lesbians, Gays, and Bisexuals of Botswana

Email admin@legabibo.org

Tel (+267) 316 7425 Fax (+267) 316 7465

P.O. Box 5500430 Mogoditshane, Botswana

LEGABIBO CONFLICT OF INTEREST POLICY

1. Purpose

This conflict of interest policy is designed to help the Executive Committee/Board members and employees of LEGABIBO identify situations that present potential conflicts of interest. It is intended to provide LEGABIBO with a procedure to appropriately manage conflicts or potential conflicts in accordance with legal requirements and the goals of accountability and transparency in LEGABIBO's operations. If observed, the policy will allow a transaction to be treated as valid and binding even though the Executive Secretary/CEO, officer, or employee has or may have a conflict of interest with respect to the transaction.

2. Conflict of Interest Defined

A conflict of interest is defined as an actual or perceived interest by a (staff member or Executive Committee/Board member) in an action that results in, or has the appearance of resulting in, personal, organizational, or professional gain.

The definition of conflict of interest includes any bias or the appearance of bias in a decision making process that would reflect a dual role played by a member of the organization or group. A conflict of interest could exist in several kinds of situations, including:

- Where an Executive Committee/Board member or staff member's personal interests conflict with her/his professional position in the organization.
- Where an employee who works for one company/organization has personal interests that compete with his/her employment.
- Where a person who has a position of authority in one organization has interests that conflicts with his or her interests in another organization.
- Where a person has conflicting responsibilities.
- Where an Executive Committee/Board member, Executive Secretary/CEO, employee or volunteer, (or a family member of the foregoing) is engaged in some capacity or has a material financial interest in a business or enterprise that competes with LEGABIBO.
- Gifts, Gratuities and Entertainment.

Accepting gifts, entertainment or other favours from individuals or entities can also result in a conflict or duality of interest when the party providing the gift/entertainment/favour does so under circumstances where it might be inferred that such action was intended to influence or possibly would influence the interested person in the performance of his or her duties. This may also constitute fraud in terms of the LEGABIBO Anti-Fraud Policy.



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3. Responsibility

It is in the interest of the organization, individual staff, and Executive Committee/Board members to strengthen trust and confidence in each other, to expedite resolution of problems, to mitigate the effect and to minimize organizational and individual stress that can be caused by a conflict of interest.

The appearance of a conflict of interest can cause embarrassment to the organization and jeopardize the credibility of the organization. Any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest must be reported to the Executive Secretary/CEO immediately.

Employees are to maintain independence from and objectivity with respect to people who receive LEGABIBO services, the community, and partner organizations. LEGABIBO staff are expected to maintain a sense of fairness, civility, ethics and personal integrity in line with LEGABIBO code of conduct and values.

3.1. Acceptance of Gifts

Employees, members of employee's immediate family, and members of the Executive Committee/Board are prohibited from accepting gifts (with a value exceeding BWP300), or any money or gratuities from the following:

- Persons receiving benefits or services from the organization;
- Any person or organization performing or seeking to perform services under contract with the organization; and
- Persons who are otherwise in a position to benefit from the actions of any employee of the organization.

Employees may, with the prior written approval of the Department Managers, receive honoraria for presentations, lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. If the employee is acting in an official capacity, honoraria received by an employee in connection with activities relating to employment with the organization are to be paid to the organization.

4. Procedures

4.1 Duty To Disclose

Any Executive Committee/Board member or staff member must disclose to the Executive Secretary/CEO and or members of the Procurement Committee the existence of a situation that might give rise to a conflict of interest.



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4.2 Recusal of Self

An individual who has declared a conflict of interest must be given the opportunity to disclose all material facts to the Procurement Committee. After disclosure, they must recuse themselves from involvement in any decision or discussion pertaining to whether or not a conflict of interest exists.

4.2.1. They shall not participate in or be permitted to hear the Procurement Committee's discussion of the matter except to disclose material facts and to respond to questions.

4.2.2. Such person shall not attempt to exert their personal influence with respect to the matter, either at or outside the meeting

4.2.3. A person who has a conflict of interest in respect of a contract or transaction that will be voted on at a meeting and is a member of the Procurement Committee shall not be counted in determining the presence of a quorum for purposes of the vote.

4.2.4. If after due diligence a conflict of interest is determined, the Procurement Committee Chairperson must appoint an independent person to look into alternatives to the proposed transaction or arrangement.

4.2.5. If a suitable alternative product or service is not found, the Procurement Committee must determine whether the transaction or service that presents the conflict of interest is in the organization's best interests and is fair and reasonable. On those grounds the Procurement Committee will make its decision as to whether to enter into the transaction or arrangement. A record of the Procurement Committee's process and decision must be kept on file.

5. Record of Proceedings

The minutes of the Procurement Committee shall contain:

- The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Procurement Committee's decision as to whether a conflict of interest in fact existed.
- The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.



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6. Violation of Conflict of Interest Policy

- 6.1 If the Procurement Committee or Executive Secretary/CEO has reasonable cause to believe a member of the Executive Committee/Board or a staff 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.
- 6.2 If, after hearing the member's response and after further investigation the Executive Secretary/CEO determines that the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and/or corrective action.

7. Signed Statements

- 7.1 Each Executive Committee/Board and staff member shall annually sign a Conflict of Interest Disclosure Form which affirms they:
 - Have received a copy of the Conflict of Interest policy.
 - Have read and understood the policy.
 - Have agreed to comply with the policy,
 - Have disclosed++ any actual or possible conflicts of interest (see below), and
 - Understands LEGABIBO is a Non-Profit Organization and as such it must engage primarily in activities, which are in alignment with vision, mission, goals and its tax-exempt purposes.

The annual statement shall include a disclosure section identifying any relationships, positions or circumstances in which s/he is involved that s/he believes could contribute to a Conflict of Interest. Such relationships, positions or circumstances might include service as a director of or consultant to another non-profit organization, or ownership of a business that might provide goods or services to LEGABIBO. Any such information regarding the business interests of an Executive Committee/Board member, officer, employee or volunteer, or a family member thereof, shall be treated as confidential and shall generally be made available only to the Chair, the Executive Secretary/CEO and any committee appointed to address Conflicts of Interest, except to the extent additional disclosure is necessary in connection with the implementation of this Policy.

- 7.2 If at any time during the year, the information in the signed statement changes materially, the Executive Secretary/CEO shall disclose such changes and revise the annual disclosure form.
- 7.3 The Executive Secretary/CEO and Executive Committee/Board shall annually and consistently monitor and enforce compliance with this policy by reviewing signed statements annually and taking such other actions as are necessary for effective oversight.



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8. Policy Review

- 8.1 Each Executive Committee/Board member and employee shall be provided with and asked to review a copy of this Policy and to acknowledge in writing that she or he has done so.
- 8.2 This policy shall be reviewed annually by the Executive Secretary/CEO. Any changes to the policy shall be communicated to all staff.

Annexure A

CONFLICT OF INTEREST DISCLOSURE FORM

Name: _____

Position _____

(Employee/Executive Committee member): _____

I hereby confirm that I have received a copy of the LEGABIBO Conflict of Interest Policy. I understand the policy and I agree to comply with it. I understand that LEGABIBO is a Non-Profit Organization and as such it must engage primarily in activities, which are in alignment with vision, mission, goals and its tax-exempt purposes.

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest between LEGABIBO and your personal interests, financial or otherwise:

Please tick below

--- I have no conflict of interest to report.

--- I have the following conflict of interest to report (please specify other non-profit and for-profit

Executive Committees you (and your spouse) sit on, any for-profit businesses for which you or an immediate family member are an officer or director, or a majority shareholder, and the name of your employer and any businesses you or a family member own):

1. _____
2. _____
3. _____

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Signature: _____ Date: _____