Points to Consider for Scientific and Professional Association Conflict of Interest Policies

Introduction: The missions of many nonprofit scientific professional associations are to advance research and education and to promote the interests of their members. They do this through educational programs for members and the lay public, advocacy, publishing of journals and other media, and organizing scientific meetings and conferences among other activities. Critical to the integrity of these programs and activities is addressing potential conflicts of interest (COI). For example, situations of COI may occur at the level of individual board and committee members, membership of for-profit organizations, and for-profit sponsorship of society activities. A COI is a situation, not a behavior or something that is bad. But given the fundamental nature of academic-industry relationships in modern research and medicine, associations may want to consider how a COI may impact their activities. One way to address this is through association policy.

Purpose: The purpose of this document is to serve as a resource for associations in developing and updating their COI policies. It is not intended to serve as legal advice. The following is a summary of information gathered from multiple sources about associations and COI. Please see source materials for additional reading.

Types of Policies and Interactions:

1. For the association (e.g., association-industry relationships such as industry sponsorship of meetings and symposia, exhibitors, industry sponsored educational activities such as CME, and corporate membership)

2. For officers and directors (e.g., relationships or interests of officers or directors that have the potential to influence their decisions related to the society)

3. For association members (e.g., codes of conduct or policies that address members’ activities)

4. For participants in association activities (e.g., policies that address authorship in association journals and speaking at association-sponsored meetings)

Points to Consider:

1. There is no one-size-fits-all COI policy for associations, and each should develop a policy appropriate to its needs and circumstances. A specific and detailed policy is good because it leaves less room for ambiguity or confusion but it may be less flexible for unanticipated situations.

2. Officers and directors owe a “fiduciary duty of loyalty” to the association, which includes a duty to act solely in the best interest of the association. Interests that may conflict with their duty to the association should be addressed by association policy. (The literature on duty of loyalty of officers and directors states that duty of loyalty includes the duty to “avoid conflicts of interest;” however, some conflicts of interest can be managed by the association through practices such as recusal of voting on decisions that could be influenced by the board member’s outside interests). Duty of loyalty does not apply to individuals such as speakers, authors, and exhibitors that are not officers or directors, but these individuals can be regulated by association policy.
3. A good association COI policy includes the following:

- It makes clear to whom it applies (the association may want to have different policies for different groups of activities as described above).
- It describes what it is attempting to achieve (e.g., transparency).
- It makes clear what is expected of covered individuals (e.g., with regard to disclosure, behavior, etc.).
- The disclosure mechanism is in writing and is routine with a continuing obligation to update upon change.
- The determination about whether or not the disclosed COI or relationship is or is not acceptable is made by a disinterested body (this may be a multi-step process that involves an individual and/or a committee).
- Enforcement procedures are clear and are applied consistently and fairly.
- It includes any sanctions for noncompliance.

4. Codes of Ethics that address members and their activities not related to association activities are good because it raises the bar for professionalism. But when enforcement occurs, it could cause problems and liability for the association such as antitrust (how policies are enforced against members), due process (rights to defend against and appeals), and defamation and confidentiality (how allegations are handled within the organization).

Rule of Thumb: Codes, standards, and policies should be clear, fair, reasonable, and unambiguous

Sources:


4. Sample association COI policies can be found at: http://opa.faseb.org/pages/Advocacy/coi/societies.html


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