

Conflict of Interest Policies and Procedures Division 40 (Clinical Neuropsychology) of the American Psychological Association

Division 40 expects that its leadership will exercise loyalty and allegiance to the Division. They assume a high standard of care in protecting or promoting the interests of the Division and exercise their best care, skill, and judgment for the benefit of the Division. They therefore avoid unacceptable ethical, legal, financial, organizational, or other Conflicts of Interest that interfere with their obligations to the Division. The appearance, potential, or actual existence of a conflict (collectively, Conflicts of Interest) can undermine the credibility and good standing of the organization and its leadership with the profession and public.

The types and nature of Conflicts of Interest are too complicated and numerous to be adequately set forth or resolved in a static policy. For example, Conflicts of Interest may arise in circumstances in which individuals involved in Division governance, their friends, or their family, may benefit financially or personally from their relationship to Division 40. Other kinds of Conflicts of Interest can involve divided or competing commitments to other professional and volunteer organizations. There can also be a form of organizational Conflict of Interest when individuals involved in Division governance have ties to similar or related professional organizations. Most often, Conflicts of Interest can be resolved satisfactorily if they are disclosed openly. Rigid adherence to an inflexible rule prohibiting any and all Conflicts of Interest could discourage disclosure or active membership in the Division.

In general, financial conflicts of interest could arise if an individual uses for personal profit information emanating from Division business, or assists an outside organization by giving it unreasonably exclusive access to such information, or provides consultation under arrangements that impose obligations that conflict with the Division's. Financial interests can include equity interests, sources of professional salary, gifts, honoraria, and loans, and include the member and his or her immediate family. Here are two examples:

1. A Division officer participates in a vote to endorse practice guidelines for testing of elderly that recommends the use of the Memory test for Older People (MOP). The EC member is the author of the MOP and receives royalties from the sale of this test.
2. A Division officer participates in a vote to use Webpagewhiz, Inc. to design and maintain the Division 40 website. The EC member's daughter is the owner of Webpagewhiz, Inc.

Personal conflicts of interest may not involve financial benefit, but may relate to attainment or enhancement of professional positions, or having a relationship with or holding a position in another professional organization whose goals, objectives or activities compete or conflict with those of Division 40. This may also apply to the personal gain of family or other individuals with whom a leader has a personal relationship, or relate to a negative relationship that may interfere with the ability to make

objective decisions about Division business. Many types of personal relationships could lead to preferential or biased treatment of particular individuals. As an example, preferential treatment of a next-door neighbor or a student may be just as unfair and damaging to the Division's reputation and public image as the hiring of a member of the same family in similar circumstances. Here are two examples:

1. The Chair of the Elections Committee refuses to endorse Dr. X as a candidate for Member-At-Large. Weeks after the committee meeting and naming of the slate, the Chair is found to harbor negative feelings toward Dr. X after she married the Chair's ex-husband.
2. A member of the Division Executive Committee who is also the President of the Icelandic Neuropsychological Association (INA) participates in a vote to provide the INA with \$1000 to fund its first conference.

A Conflicts of Interest (COI) Committee was established to protect Division 40 (the "Division") and its leadership and membership from potential or actual conflicts of interest among the Division leadership. COI Committee members are appointed by the President with approval of the Executive Committee. Members of the COI Committee should be selected who are capable of coming to balanced, impartial, and knowledgeable decisions about conflict of interest issues. No member of the COI Committee shall serve concurrently on the Division Executive Committee, as a Committee and Sub-Committee member, or as a Division Liaison or Monitor. Initially, the Chair of the COI Committee shall serve for 2 years, and two additional members, appointed by the President shall serve for 1 and 3 years, respectively. Thereafter, the President, with the approval of the Executive Committee, will fill any vacancies on the three-member Committee, with the terms of all subsequent members to last 3 years.

The Division's COI policy is based primarily upon the willingness of the Division leadership to engage in voluntary self-disclosure regarding Conflicts of Interest. Disclosure is a positive act that protects the parties involved and encourages openness in the governance of the Division. Individuals involved in the Division's governance are encouraged to seek advice and direct questions regarding issues of Conflicts of Interest to the Division 40 COI Committee.

All Division leaders (i.e., members of the Executive Committee, Committee Chairs, Sub-Committee Chairs, and official Liaisons and Monitors) are required to submit a signed Conflict of Interest Disclosure Form annually to the Chair of the COI Committee on or before January 1 of each year. They also are expected to disclose in writing to the Chair of the COI Committee any new activity or relationship that involves or has the potential to lead to Conflicts of Interest. Members involved in governance are expected to recuse themselves from voting on any matter in which they have Conflicts of Interest, and should not be counted as part of the quorum necessary to vote on the matter in question.

Division leaders with monetary relationships (salary, transactions, gifts, hospitalities, or other remuneration) in excess of \$500 annually with companies, vendors, test and book publishers, individuals, and other entities involved with the Division, will be considered

to have a non-trivial relationship that represents a Conflict of Interest for the Division. Such relationships must be disclosed as part of the Division disclosure policy. Division leaders may choose to report relationships that do not exceed the \$500 annual threshold if they wish to do so. The COI Committee may request additional information concerning a Division leader's disclosure if the Committee has a concern about Conflicts of Interest.

Division leaders recognize that not all Conflicts of Interest will involve relationships with monetary remuneration or benefit. In particular, non-trivial Conflicts of Interest may exist that involve multiple relationships (e.g., commitments to other professional organizations). Such conflicts should be reported, although no monetary relationship or benefit is involved.

Types of Disclosure

At least three types of disclosure are required:

Annual Disclosure: Disclosure forms will be submitted annually by all members of the Division leadership to the COI Committee Chair on or before January 1 of each year.

Updated Disclosure: Disclosure of new activities and relationships that pose Conflicts of Interest is an ongoing responsibility. Division leaders should notify the COI Committee Chair in writing in a timely manner about new activities or relationships by submitting an updated disclosure form.

Disclosure Related to Candidacy: Candidates for elected or appointed leadership positions must submit a disclosure form to the COI Committee Chair in a timely manner to allow review and approval by the COI Committee prior to presentation to the Executive Committee for confirmation of the nomination or appointment. Election statements presented by the Division should note that all candidates completed COI forms and were judged acceptable by the COI Committee, and that the COI information is available to Division members on request.

COI disclosures will in most cases be treated as public information and available to Division members and members of the public upon request to the COI Committee Chair, as described below. Division leaders can request that specific disclosures be kept private and sealed if the information is deemed sufficiently proprietary, its disclosure is legally prohibited, or the disclosure involves personal relationships and could unduly harm the leader or other party involved. The COI Committee will make the ultimate determination of whether to treat any disclosure as public. Information provided by a Division leader to the COI Committee as part of an inquiry or complaint process will be kept confidential and will not be available to Division members or the public. The COI Committee reserves the right to deny access to COI disclosure forms if it determines that a particular request for information is frivolous or malicious in nature. Such determination shall be reviewed by the Division Executive Committee.

Review of Disclosure Forms and Management of Conflicts of Interest:

The COI Committee shall review all annual and updated COI forms submitted by Division leaders, as well as COI forms submitted by members nominated for elected or appointed office. When Conflicts of Interest are identified, the COI Committee will obtain additional information from the Division member and, if necessary, intervene to manage, reduce, or eliminate Conflicts of Interest. The COI Committee is empowered to seek outside expertise and consultation in this regard. If the Division member and the COI Committee cannot resolve a matter satisfactorily, it will be referred to the Division Executive Committee for final disposition. The final disposition could involve a number of options (e.g., no action; suspension from a committee; removal from office), depending on the seriousness of the conflict of interest and its actual or potential harm to the Division.

Retention of Conflict of Interest Disclosure Forms and Information

Conflicts of Interest disclosure forms submitted by a Division leader will be retained by the COI Committee for the duration of that leader's years of service in that position plus one (1) additional year. Disclosure forms submitted by candidates who were not elected or appointed will be destroyed immediately following the election or failed appointment.

Conflict of Interest and Voting and Quorum Procedures

If Conflicts of Interest exist for a Division leader, the leader should recuse himself or herself from discussing or voting on any matter involving the Conflict of Interest. Additionally, Committee or Sub-Committee Chairs may choose to ask a member to recuse himself from voting if the member is known to have a Conflict of Interest. Any recording of the vote should reflect the disclosure and recusal. The Division leader shall not be counted as part of the quorum necessary to vote on any matter involving the Conflict of Interest.

Inquiries and Complaints Regarding Conflict of Interest

The intent of the Conflict of Interest Policy is to encourage Division leaders to identify and disclose their own Conflicts of Interest, so that those conflicts do not have any adverse impact on the Division or its membership. The emphasis on voluntary self-monitoring and disclosure is meant to preclude, wherever possible, the need for any other Division member or member of the public to raise a specific concern about Conflicts of Interest involving a Division leader. However, on occasion circumstances may arise in which a Division member or member of the public finds it necessary to lodge a Conflict of Interest complaint or to request disclosure of information regarding a Division leader.

Complaints and requests for information must be made in writing, and sent directly to the COI Committee Chair. The COI Committee will handle all complaints and

requests in strict confidence. If the individual making the request or complaint is unaware of this procedure and contacts other Division leaders, the communication will be kept in strict confidence and re-directed to the COI Committee Chair.

Requests to obtain disclosure information will be handled in a timely fashion. Written requests for information must include the reason for the request. The COI Committee has the option to deny a request deemed frivolous or malicious, although most requests for information should be honored, with the exception of disclosures that the COI Committee has agreed to keep private and sealed. If a request is deemed appropriate, the person filing the request will be provided with a copy of the COI Disclosure Form of the Division leader in question. The leader whose disclosure information was disclosed will be notified of the request and from whom it originated.

The COI Committee will review all written complaints about Conflicts of Interest. If the COI Committee determines that a conflict does not exist, no further action will be taken. If the COI Committee determines that a Conflict of Interest may exist, the Committee will contact the Division leader in question and seek further information, which will be treated confidentially. After obtaining additional information, the COI Committee will decide whether the conflict merits further action. If the COI Committee believes a Conflict of Interest necessitates resolution, the Committee will inform the Division leader and request that the leader resolve the conflict. If the leader does not provide additional information as requested or indicates an intention to persist in a Conflict of Interest, the COI Committee will notify the Division Executive Committee. Only at this point will confidential information be disseminated outside of the COI Committee, and the dissemination will be limited to the Executive Committee. The Executive Committee will review the matter, consider the recommendations of both the COI Committee and the Division leader in question, and make a final determination and resolve the matter. The final disposition by the Executive Committee could involve a number of options (e.g., no action; suspension from a committee; removal from office), depending on the seriousness of the conflict of interest and its actual or potential harm to the Division. If a prior vote by the Executive Committee may have been affected by an undisclosed conflict of interest that is subsequently revealed, the vote shall be reconsidered.