



# Conflict of Interest Policy

*Approved December 7, 2020*

## Policy Statement

All volunteer leaders must avoid both actual and apparent conflicts of interest that would interfere with their ability to discharge their fiduciary responsibilities to the AIHA Guideline Foundation. The Foundation expects its leaders to follow ethical standards, comply with all laws, and avoid any conflict of interest, or appearance of such, including having their titles or affiliation used to publicize personal or company activities, programs, or events (especially those conducted for private profit). This policy applies to the Guideline Foundation Board of Directors, as well as members of the Standards Advisory Panel (SAP), AIHA representative/alternate to technical standards committee, the Emergency Response Planning Committee (ERPC), and any other working groups established.

## AIHA Guideline Foundation Board of Directors

It is the policy of the AIHA Guideline Foundation Board to carefully review all proposed contracts between the AIHA Guideline Foundation and current Board members for potential conflicts of interest. These contracts must be peer reviewed and approved by a majority vote of the Board. In addition, such Board members must recuse themselves from any deliberations and decisions affecting their potential contracts or employer.

At the beginning of a new “board cycle year” (generally around the time of the Annual Membership Meeting at AIHce), all Board members must annually disclose in writing any potential sources of bias and conflict of interest during their term in the forthcoming year. Board members may use the AIHA disclosure form and must submit to the AIHA Executive Office. Questions pertaining to an individual Board member’s real or apparent conflict of interest will be referred to the AIHA Executive Committee for further review and resolution.

## Liaisons and Representatives

The AIHA Guideline Foundation Board reviews and approves appointments to the SAP, the ERPC, and other working groups as established. In addition, the Board reviews and approves AIHA member appointments serving as AIHA representative/alternate to various technical standards committees (under the auspices of the SAP).

**For the SAP:** Members are accountable to the SAP leadership, with ultimate accountability to the Guideline Foundation Board, and the national AIHA office.

**For the AIHA representative/alternate to technical standards committee:** Appointments to technical standards committees are accountable to the SAP leadership, with ultimate accountability to the Guideline Foundation Board, and the national AIHA office. This includes:

- Ensuring that the SAP leadership is apprised of any issues or any development or direction within the technical standards committee that indicates a significant change in direction, policy, or any overall aspects that affects AIHA.



- Submitting an annual report to SAP leadership regarding the results of their activities on the technical standards committee.
- Supporting the interests of AIHA during the development and implementation of the standard(s), including the acknowledgement of AIHA participation
- Communicating with leaders of relevant AIHA volunteer groups that are involved in the development of standard(s) under the respective technical standards committee.

**For the ERPC:** Members are accountable to the ERPC leadership, with ultimate accountability to the Guideline Foundation Board, and the national AIHA office.

**For other working groups as established:** Members are accountable to the working group leadership, with ultimate accountability to the Guideline Foundation Board, and the national AIHA office.

All volunteers must adhere to established AIHA Guideline Foundation guidelines and policies when providing oral or written presentations on behalf of the Foundation. Official liaisons and representatives must represent the AIHA Guideline Foundations positions when existing white papers and position statements define them. If AIHA's position on a particular issue is not clear or no white paper exists, official liaisons and representatives are to contact the appropriate volunteer group chair(s), board liaison, and staff liaison for guidance and direction.

If an AIHA Guideline Foundation member is a member of an outside/non-foundation committee or other group but is not AIHA's official liaison to that group, the member is to ensure that his/her opinions are not construed to represent positions of the AIHA Guideline Foundation. It is proper, however, for a member in such a position to convey established views of the AIHA Guideline Foundation (e.g., those in existing position papers).

**For All Volunteers:** Upon appointment, all volunteers must have a current Conflict of Interest (COI) disclosure form on file. Volunteers only need to submit a COI disclosure form once until potential conflicts change. Once a year, volunteers will be contacted and reminded to update their form if any changes have occurred since the previous submittal. This form is now linked to one's member profile in the association's database. Questions pertaining to a volunteer's real or apparent conflict of interest should be referred to the Guideline Foundation Board President (and possibly to the full Board) for further review and resolution.

## **Conflict of Interest Defined**

The term "conflict of interest" includes, but is not limited to, circumstances where a volunteer leader, or a member of his or her immediate family:

- Owns any financial or other proprietary interest in any entity supplying (or seeking to supply) goods or services to the AIHA Guideline Foundation
- Receives any substantial benefit from a third party attributed to that party's past, present, or future business relationship with the AIHA Guideline Foundation
- Receives any substantial financial benefit from a pending decision of the AIHA Guideline Foundation or from an organization or individual being evaluated by the AIHA Guideline Foundation
- Serves as an officer, director, or committee member of any competing organization, i.e., any nonprofit or business enterprise whose purposes, products, and/or services compete with those of the AIHA Guideline Foundation



- Is or has been employed by an organization that will be directly impacted by a decision or policy enacted by the AIHA Guideline Foundation, or regulatory activities that are being considered for endorsement by the AIHA Guideline Foundation.

## **Disclosure of the Existence of a Conflict**

If any member of the AIHA Guideline Foundation Board, SAP, ERPC, or other working group knows, believes, or has reason to know or believe, that a conflict of interest exists with respect to any transaction involving the Foundation, any decision of the Board, any decision of a group, or any action taken by an officer or group leader, such person must inform the group's leadership, the corresponding Board Liaison, the appropriate staff contact, and then potentially the AIHA Guideline Foundation Board of the existence of such conflict of interest or potential conflict of interest. If the matter pertains directly to a Guideline Foundation Board action or decision, it should be directly brought to the Board leadership's attention.

Members of appointed AIHA representatives/alternates to technical standards committees must inform the Guideline Foundation Board, through SAP, about perceived conflicts of interest that have/can arise from their representation. This includes:

- Representing other organizations on the same technical standards committee
- Current employment preventing them from representing AIHA objectively
- Other obligations or interests that can contradict with their ability to represent AIHA objectively

**All Board members must sign the AIHA Conflicts of Interest form annually regardless of whether there are existing conflicts or not upon appointment to their positions. All non- Board volunteers (i.e., SAP, AIHA representative/alternate to technical standards committee, ERPC and other working group volunteers) may sign only once upon joining any group (but are expected to update their form if conflicts arise over time).**

## **Resolution of Conflicts on SAP, AIHA Representative/Alternate to Technical Standards Committee, ERPC, or Other Working Group**

If it is determined a conflict of interest exists, and a member has made full disclosure of the facts surrounding the conflict, then the overseeing body must determine whether the member may fully participate in the deliberations and/or vote(s) regarding the affected transaction. If the member merely discloses the existence of the conflict of interest or potential conflict of interest but fails to disclose or is prohibited from disclosing all material facts regarding the conflict, then such volunteer leader must be prohibited in participating in any manner or form in the deliberations or decisions regarding the affected transaction. This recusal must be recorded in the meeting minutes.

Where conflicts are identified and fully disclosed as described above, the remaining members of the affected Board, SAP, AIHA representative/alternate to technical standards committee, ERPC, or other working group must make a fair and full evaluation of all facts pertaining to the conflict of interest to determine its extent. If the remaining members of the overseeing body make a determination in writing that the nature and extent of the conflict of interest is so substantial and of such a continuing nature that they believe it would be impossible for the volunteer leader to discharge the duties of his or her office with the requisite degree of loyalty and integrity, then the overseeing body may request the resignation of the member who is subject to the conflict of interest.



For members of appointed AIHA representatives/alternates, any potential conflict of interests and outside commitments that may overlap with, be related to, or may be perceived as potentially impacting them representing AIHA objectively, must be reported to the SAP or AIHA staff liaison. Once disclosed, the SAP (in consultation with the Guideline Foundation Board) will evaluate the interests and commitments and determine whether or not the member has a conflict of interest. If a conflict is identified, members may need to provide written documentation to the SAP (in consultation and approval by the Guideline Foundation Board) on how they plan to mitigate or eliminate the conflict.

Where conflicts cannot be resolved to the satisfaction of all parties, the matter must be referred to the AIHA Guideline Foundation Board for a final resolution.

## **Attachments**

- A: Frequently Asked Questions
- B: Conflict of Interest Disclosure Form



## **Attachment A**

### **Conflict of Interest FAQ Document**

#### **Why does the AIHA Guideline Foundation need a Conflict of Interest policy and disclosure?**

In an effort to ensure impartial and objective decision-making on policy development and content, all active volunteers (i.e., Board members, SAP, AIHA representative/alternate to technical standards committee, ERPC, other working group members) are required to submit a Conflict of Interest Disclosure form, so potential conflicts are disclosed prior to any policy, product or document development. Having updated forms on file for all Board members and active volunteers ensures potential conflicts are known prior to comment submission. AIHA encourages all its Board members and volunteers to follow ethical standards and principles, to comply with all laws, and to avoid any conflict of interest, or appearance of such.

#### **What does “fiduciary responsibility” mean in relation to the AIHA Guideline Foundation and its volunteer leaders?**

With fiduciary responsibility, there is a strict standard of behavior expected for the AIHA Guideline Foundations volunteers. In general terms, a fiduciary is expected to be extremely loyal to the person or entity to whom they owe the duty (the "principal"). As a fiduciary, AIHA Guideline Foundation volunteers have a duty not to be in a situation where personal interests conflict with their duty to the Foundation, such as to their employer, and a duty not to profit from their position without expressed knowledge and consent of the AIHA Guideline Foundation.

#### **Who must complete a Conflict of Interest Disclosure form?**

All Board members must sign the form annually regardless of whether there are existing conflicts or not upon appointment to their positions. All non-Board volunteers (i.e., active volunteers of the SAP, AIHA representative/alternate to technical standards committee, ERPC, and any other working group established) may sign only once upon joining any group or assuming their roles (but are expected to update their form if conflicts arise over time).

#### **How are “competete” and “organization” defined, for the purposes of this policy and disclosure?**

The use of “competete” in the AIHA Guideline Foundation Conflict of Interest Policy and Disclosure form does not have solely negative connotations, but rather points to other entities that may have similar areas of interest. Similarly, “organization” encompasses more than trade associations or professional societies and can include other administrative and functional structures such as businesses and corporations. A competing organization includes, but is not limited to, not-for-profit organizations and associations, employers, companies, suppliers, and vendors.

## **What are examples of conflicts of interest?**

Every case of potential conflict of interest needs to be evaluated within the context and scope of the potential conflict. The AIHA Guideline Foundation cannot provide an all-encompassing checklist or list of examples. However, we can provide some additional points to consider. A conflict of interest may be anything that could:

- Impact or interfere with you fulfilling your duty to the AIHA Guideline Foundation
- Prevent you from acting in the AIHA Guideline Foundation's best interest
- Cause you to have an interest or position that is not consistent with, or interferes with your ability to uphold the AIHA Guideline Foundation mission or strategic goals
- Interfere with your duty to the AIHA Guideline Foundation

## **What is meant by “Other organization(s) to which I belong” and “Organization(s) in which I have a financial interest”?**

You may be a member of another professional association or society in the industrial hygiene or occupational and environmental health and safety area. It is your level of participation in those groups, regardless of position (i.e., leader or member), where a potential conflict of interest may exist, and for which we are asking that you self-disclose. If you are a member of an organization but are not an active participant in any of its activities, the potential for conflict of interest may not be present.

Organizations can also include employers and other entities beyond other professional associations and societies. You may have a financial interest in many organizations, but that relationship may not have any impact on your service to the AIHA Guideline Foundation. It is those relationships that may be impacted by AIHA's position, products, or services that may be potential conflicts of interest and for which we are asking that you self-disclose.

It is not the AIHA Guideline Foundation's intention to force a member to choose between joining/participating in the Foundation or other organizations unless that participation materially affects the strategic direction of the AIHA Guideline Foundation and/or potential confidential business information.

If a volunteer is participating in, for example, one of our guideline development project teams and that person is also on a standard development committee for another organization or is employed by a company, whose product line will be impacted by the guideline, the AIHA Guideline Foundation needs to know that and then have the volunteer group determine if there is a conflict of interest.

Due to their strategic nature of their appointment, volunteer leaders serving on the AIHA Guideline Foundation Board or on the SAP, AIHA representative/alternate to technical standards committee, ERPC, and other working groups as established shall refrain from concurrent service during their tenure on the Boards of organizations deemed to be of a competitive nature (e.g., ACGIH, BGC, ASSP). The AIHA Guideline Foundation Board may convene to discuss this matter as needed.



## **What happens if I self-identify as having a potential conflict of interest? How is an identified conflict of interest handled?**

The AIHA Guideline Foundation Board has the authority to determine if a substantial conflict of interest exists and what measures should be taken to mitigate or eliminate the conflict of interest, including a request to resign from the group.

## **What happens if I refuse to sign the Conflict of Interest Disclosure Form?**

First, we would encourage the group leadership to discuss the matter with you and try to resolve any problems. However, in the end, if you do not sign the form, you will not be allowed to serve as an active volunteer on any group within the AIHA Guideline Foundation.



Attachment B
Conflict of Interest Disclosure Form

I have reviewed the AIHA Guideline Foundation Conflict of Interest Policy and agree to be bound by its provisions for the duration of my appointed or elected term.

AIHA Volunteer Groups(s), National Committees, Advisory Groups, Task Forces, Project Teams in which I participate:

Outside groups/entities for which I am requesting to be the appointed as a: [ ] liaison OR [ ] representative OR [ ] not applicable

Other outside organizations to which I, or a member of my immediate family, belong that may be affected by, or may affect, my AIHA Guideline Foundation service:

Organization(s) that I, or a member of immediate family, have a financial interest in that may be affected by, or may affect, my AIHA Guideline Foundation service:

By signing below, I further acknowledge and certify that —

I have truthfully and to the best of my knowledge identified in writing all relevant potential sources of bias and conflicts of interest, including all professional, consulting, and financial connections, as well as pertinent intellectual positions and public statements, that could be associated with my AIHA activities and will do so as these may arise in the future. I further acknowledge and state that, if during the course of the next year, any matters arise or issues are presented that could create a conflict of interest, apparent conflict of interest or bias for me, as those terms are described above, I will immediately provide AIHA with a written disclosure of such conflict of interest, apparent conflict of interest or bias.

The information I declare is solely for the confidential review by AIHA, and I do not authorize further disclosure or release of any of it for any other use.

Name (print or type) Signature

Name of Employer

Title Date