



VOLUNTEER CONFLICT OF INTEREST POLICY & DISCLOSURE STATEMENT

Under the ASPEN Conflict of Interest Policy, all members applying to serve on Boards, committees, task forces, and other such groups must complete the Conflict of Interest Compliance and Disclosure Statement, which is included at the end of this document.

SECTION 1. PREFACE

The effectiveness of ASPEN's programs and services and its ability to positively influence patient care is dependent on the voluntary participation of our members. The Society prides itself on a high level of member involvement, and wishes to continue this extraordinary level of participation.

In order to assure credibility and effectiveness, ASPEN must assure the integrity of deliberations and decisions and maintain sensitivity to and vigilance for conflicts of interest. Conflict of interest arises whenever personal or professional interests and/or affiliations are potentially at odds with the best interests of ASPEN. Conflict of interest is difficult to define, yet many people think they know it when they see it. Most conflicts fall into a gray area of ethics, where public perception can be the determining factor. Conflicts may include actual, perceived, or potential conflicts.

Given the complexity of the healthcare environment and its finances, most professionals are likely to have a potential conflict at some point in their career. The Society does not view the existence of these interests or commitments as necessarily implying bias or decreasing the value of an individual's participation in Society activities. This policy is intended to help identify circumstances which may create conflicts or perceived or potential conflicts and to respond appropriately to prevent their influencing the activities of the Society. The circumstances may arise either when an individual is acting as a Society representative or working on ASPEN activities.

It is ASPEN's intention to allow as full participation as possible consistent with a policy that seeks to minimize and/or eliminate conflicts.

SECTION 2. COVERED INDIVIDUALS

This conflict of interest policy pertains to all individuals holding the following positions in ASPEN:

- 2.1 Board of Directors
- 2.2 ASPEN Rhoads Research Foundation Board of Directors
- 2.3 Committee, subcommittee, and task force members
- 2.4 Section leaders
- 2.5 Editors and authors of all other ASPEN publications other than *JPEN*, *NCP*, and Clinical Guidelines

Individuals in a position to control the content of an educational activity offered through the ASPEN Education and Professional Development Department, including but not limited to committee members,

speakers, moderators, authors, editors, and researchers will be required to comply with the conflict of interest and disclosure policies of that department.

JPEN and *NCP* editors and authors will be required to comply with those publications' disclosure policies.

SECTION 3. POTENTIAL CONFLICTS OF INTEREST

Definitions:

Commercial Interest: An entity producing, marketing, re-selling, or distributing healthcare goods or services consumed by patients, used directly in the process of patient care, or used for improving the healthcare processes (other than the provision of patient care).

Conflict of Interest: Circumstances create a conflict of interest when an individual has an opportunity to influence an ASPEN decision affecting a Commercial Interest with which he/she has a financial relationship, or another organization with which he/she has a financial or personal relationship.

Financial Relationships: Financial Relationships are those relationships in which the individual benefits by receiving a salary, royalty, intellectual property rights, consulting fee, honoraria for promotional speakers' bureau, ownership interest (e.g., stocks, stock options or other ownership interest, excluding diversified mutual funds), or other financial benefit. Financial benefits are usually associated with roles such as employment, management position, independent contractor (including contracted research), consulting, speaking and teaching, membership on advisory committees or review panels, board membership, and other activities from which remuneration is received, or expected.

Potential Conflicts of Interests or commitments include, but may not be limited to:

- 3.1 Serving a Commercial Interest as a paid or non-paid consultant or employee
- 3.2 Financial Relationships with any Commercial Interest which provides products or services related to clinical nutrition
- 3.3 Receiving support from commercial or other sources related to clinical nutrition
- 3.4 Serving in a fiduciary or leadership role for other organizations
- 3.5 Serving as a paid or non-paid consultant to ASPEN or as a vendor to ASPEN or one of its affiliates
- 3.6 Holding investments (outside of mutual funds) in any entity that deals with ASPEN in any commercial capacity
- 3.7 Direct or indirect interest in, or relationship with, any individual or organization which ASPEN currently has, or proposes to enter into, a transaction or arrangement involving the sale, purchase, lease or rental of property or other asset; the provision of services; or investments
- 3.8 Having family members (parents, spouse, or children) that have any of the relationships described in this document

SECTION 4. PROCEDURES

It is the policy of ASPEN that Covered Individuals shall disclose all conflicts and perceived or potential conflicts and recuse themselves from deliberation and voting on issues with respect to which they have conflicts. To assure this:

- 4.1 Covered Individuals will annually complete a disclosure form. Covered Individuals will notify ASPEN if new conflicts of interest arise during the year.

It shall be the continuing responsibility of the Covered Individual to scrutinize their transactions and outside business interests and relationships for potential conflicts. A Covered Individual is under a continuing obligation to disclose any conflict or potential or perceived conflict of interest as soon as it is known, or reasonably should be known.

- 4.2 Covered Individuals will verbally announce any conflicts or potential or perceived conflicts of interest during discussions and recuse themselves from discussions and decisions when a conflict of interest exists. It shall be the chair's prerogative to determine what additional steps should be taken at that point, if any, to satisfy the organization's need to continue with the discussion. The chair should ask the Covered Individual to speak to the issue on the table, then leave the room. If the Covered Individual is the chair, a majority of the members present shall determine if a conflict or potential or perceived conflict requires recusal.
- 4.3 Prior to any action involving a conflict or potential or perceived conflict of interest, the Covered Individual having the conflict and who is in attendance at the meeting, shall disclose all facts relevant to the conflict of interest. Such disclosure shall be reflected in the minutes of the meeting.
- 4.4 A Covered Individual who plans not to attend a meeting at which he or she has reason to believe that the board or committee will act on a matter in which the Covered Individual has a conflict or potential or perceived conflict of interest shall disclose to the president or chair of the meeting all facts relevant to the conflict of interest. The chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.
- 4.5 A Covered Individual who has a conflict or potential or perceived conflict of interest shall not participate in the discussion of the matter except to disclose relevant facts and to respond to questions. Such Covered Individual shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. If requested by the chair or a majority of the members present, the Covered Individual with a conflict of interest may be asked to leave the room during discussion.
- 4.6 A Covered Individual who has a conflict or potential or perceived conflict of interest that will be voted on at a meeting may be counted in determining the presence of a quorum. The Covered Individual having the conflict of interest may not vote on the transaction and shall not be present in the meeting room when the vote is taken. Such Covered Individual's ineligibility to vote shall be reflected in the minutes of the meeting.
- 4.7 In the event it is not clear whether a conflict of interest exists, the Covered Individual with the potential or perceived conflict of interest shall disclose the circumstances to the president/chair, or their designee, who shall determine whether there exists a conflict of interest that is subject to this policy.
- 4.8 Conflict of Interest Compliance Disclosure Statements shall be reviewed by the Chief Executive Officer and kept in the files of the executive office. Potential or perceived conflicts will be brought to the attention of the appropriate chair by the staff liaison.
- 4.9 Each Covered Individual shall be required to review a copy of this policy and to acknowledge in writing that he or she has done so.

- 4.10 This policy shall be reviewed annually by each Covered Individual. Any changes to the policy shall be communicated immediately to all Covered Individuals.
- 4.11 Failure or refusal to disclose, or failure to take appropriate action with respect to a conflict of interest, may result in disciplinary action. ASPEN's Executive Committee shall determine the appropriate disciplinary action.

SECTION 5. PARTICIPATION RESTRICTIONS

ASPEN's goals include providing for meaningful engagement with the Society for members interested in participating as volunteer leaders. The organization thrives on this participation, and aims to allow for as full participation as possible consistent with a policy that seeks to minimize and/or eliminate conflicts.

There are several roles in which individuals with conflicts may be unable to participate:

5.1 Individuals who are employed by a Commercial Interest (see definition in Section 3) are ineligible to serve on the ASPEN Board of Directors. The Nominations Committee considers other potential conflicts of interest when making decisions regarding Board appointments.

5.2 Individuals who have relationships with Commercial Interests may be ineligible to serve on specific education or clinical practice committees. Committee members who establish new relationships with such companies during a term of service are required to declare affiliation(s) and may be required to step down.

VOLUNTEER CONFLICT OF INTEREST POLICY COMPLIANCE & DISCLOSURE STATEMENT

I have read and understand the ASPEN Conflict of Interest Policy and agree to abide by all of its terms. I will complete this statement each year of my service to ASPEN and submit amendments during the year if applicable. I understand that I am not to participate in any decision or vote on an issue in which I may have conflicts of interest, and that my disclosures will not preclude service to ASPEN, except where required by continuing education accrediting bodies. Disclosures should reflect relationships over the previous 12-month period.

- I disclose the following (attach an additional sheet if necessary)
- Service to a commercial entity as a paid or non-paid consultant or employee

 - Financial Relationships with any commercial entity which provides products or services related to clinical nutrition

 - Receipt of support from commercial or other sources related to clinical nutrition

 - Service in a fiduciary or leadership role for other organizations

 - Service as a paid or non-paid consultant to ASPEN or as a vendor to ASPEN or one of its affiliates

 - Hold investments (outside of mutual funds) in any entity that deals with ASPEN in any commercial capacity

 - Direct or indirect interest in or relationship with any individual or organization which ASPEN currently has, or proposes to enter into, a transaction or arrangement involving the sale, purchase, lease or rental of property or other asset; the provision of services; or investments

 - Have family members (parents, spouse, or children) that have any of the relationships described in this document

 - Other _____
- I have nothing to disclose

Name/Signature _____
DMS 12851658v1

Date _____