CONFLICT OF INTEREST POLICY
FOR
THE AMERICAN COLLEGE OF RADIOLOGY

N.B. ACR shall continue to use the current COI policy/disclosure forms for ACR clinical research activities

PURPOSE

The American College of Radiology (ACR) has the fiduciary responsibility to hold the public trust and abide by applicable laws and regulations. To sustain this trust, ACR strives to foster professionalism, protect the integrity of professional judgment and prevent both real and perceived conflicts of interest (COI) in all ACR activities. Accordingly, this policy’s purpose is to preserve the public trust and protect ACR’s interests whenever an ACR officer’s, chancellor’s, commission/committee/task force member’s or employee’s private interests or relationships or when contemplating future private interests or relationships, might result in a situation that could be adverse to or inconsistent with ACR interests – e.g., a conflict of interest. This policy also shall apply to all matters involving the American College of Radiology Foundation and the American College of Radiology Association.

DEFINITIONS

1. CONFLICT OF INTEREST - There is no simple precise definition of a conflict of interest. However, one factor that is common to all conflict of interest situations is the possibility that a person’s actions or decisions may be affected or may have the appearance of being affected because of an actual or potential divergence between the College’s interest and some other interests, including that person’s own personal interests. Conflicts of interest also arise when a member of his or her family receives or appropriates for themselves a corporate opportunity that instead belongs to the College (e.g., use for personal gain confidential information obtained while serving an ACR commission, committee or task force.) A particular activity or situation may be found to involve a conflict of interest even though it does not result in any financial loss to the College and is unrelated to the motivations of the person involved.

2. INTERESTED PERSON – Any officer, chancellor or member of an ACR commission, committee or task force with members, or ACR employee, who has a direct or indirect financial interest, or whose family member (spouse, domestic partner or children) or significant other has such an interest - as defined below - is an “interested person.” Other interested persons such as clinical research principal investigators must comply with ACR’s current COI policy for clinical research.

3. FINANCIAL INTEREST – A person has a financial interest if the person has, directly or indirectly, through business, investment or family:
a. An ownership or investment interest (e.g., equity interests in excess of 5% ownership or intellectual property rights, including copyrights, patents and royalties) of at least $10,000.00 annually in any entity with which the ACR has a transaction or arrangement;
b. A compensation arrangement (e.g., consulting fees, honoraria, other payments for service) of at least $10,000.00 annually with any entity or individual with which ACR has a transaction or arrangement; or
c. A potential ownership or investment interest of at least $10,000.00 in, or compensation arrangement with, any entity or individual with which ACR is negotiating a transaction or arrangement.

4. DESIGNATES – An individual ACR member and staff person whom the ACR Board of Chancellors Chair and Chief Executive Officer (CEO), respectively, shall identify to administer ACR’s Conflicts of Interest Policy.

5. COMPENSATION – direct and indirect remuneration as well as gifts or favors that are valued at $10,000.00 annually or more. In reaching the $10,000.00 annual or 5% equity ownership threshold the aggregated amounts from an interested person and their spouse, domestic partner, dependent children or significant other are considered.

As defined in federal regulations (42 CFR section 50.603), “financial interest” does not include: (1) Salary, royalties or other remuneration from ACR; (2) Any ownership interests in ACR, if ACR is an applicant under the Small Business Innovation Research Program; (3) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities; (4) Income from service on advisory committees or review panels for public or nonprofit entities; (5) An equity interest that when aggregated for the Investigator and the Investigator’s spouse, dependent children or significant other, meets both of the following tests: does not exceed $10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or (6) Salary, royalties or other payments that when aggregated for the Investigator and the Investigator’s spouse, domestic partner, dependent children or significant other over the next twelve months, are not expected to exceed $10,000.

A financial interest is not necessarily a conflict of interest that would disqualify an ACR interested person from serving on an ACR body or an employee from participating in an activity or in making a decision for the ACR. Under this policy, an interested person has a disqualifying financial interest only if the ACR Designates determine that a disqualifying conflict of interest exists.

The Designates will assess and decide whether such conflicts are: 1) “generally acceptable” and do not require recusal from participating on ACR bodies in discussions or decisions in which interested persons have, appear to have or believe they have a potential conflict; or 2) require review by the Designates and might lead to recusal or even, in certain cases, disqualification from serving on an ACR body.
POLICY

All ACR members and employees involved in governance, commissions, committees and task forces, quality and safety programs, educational and other activities must submit annually, and update as needed a complete, signed COI disclosure statement. Compliance with this policy is mandatory to participate in College activities. ACR officers, chancellors, commission/committee/task force members and employees all expect their actions to fulfill their fiduciary duties of care, loyalty and obedience to ACR. Interested persons shall recuse themselves from positions, discussions, or votes where they have, appear to have, or believe that they have, a conflict of interest that would prevent them from acting in the best interests of ACR and the safeguarding of public confidence in its programmatic and corporate integrity. Furthermore, should an interested person – or their family member or significant other – have a personal financial interest, or a financial interest in any agency, company, or entity that receives or stands to receive financial or other material benefits from performing services for ACR, that individual shall disclose that interest to his or her colleagues serving on the appropriate body via the Designates.

ACR Practice Guidelines, Technical Standards and Appropriateness Criteria and Accreditation Activities (collectively referred to as “Guidelines Activities”)

The ACR will base Guidelines Activities on consensus building and scientific evidence.

The ACR will not permit corporate support of the development of Guidelines Activities or their updates.

The ACR will not accept corporate sponsorship, educational grants, charitable contributions, support of research grants, or other direct corporate support of Guideline development activities. A particular company’s support of ACR’s overall mission-based activities is not considered direct support of Guideline activity development.

The ACR will not permit company support for the printing, publication, and distribution of Guidelines Activities or their Updates.

The ACR will require all Guideline activity development committee/Appropriateness Criteria panel members to disclose any financial interest before committee/panel deliberations by completing a COI Disclosure Form, and to update their disclosure throughout the Guideline development or Appropriateness Criteria panel process.

For all ACR Guidelines activities, the ACR Designates will determine whether financial or other interests between interested persons and companies constitute conflicts of interest relevant to the subject matter of the ACR activity. Additionally, the Designates will develop risk management strategies that minimize the likelihood of actual and perceived bias if committee/panel members or other collaborative partners are determined to have conflicts of interest.
The ACR may decide not to permit committee/panel members with conflicts of interest to draft text or vote on committee/panel recommendations.

The ACR will require that a majority of Guideline development committee/panel members are free of conflicts of interest relevant to the subject matter of the Guideline.

The ACR will require the committee/panel chair or co-chairs to be free of relevant conflicts of interest, and to remain free of such conflicts of interest for at least one year after Guideline publication.

As noted above under “POLICY,” the ACR shall require that all committee/panel members involved in the development of Guidelines activities who participate on Guidelines activities’ conference calls complete a COI Disclosure Form. Members who participate on Guideline activity committee conference calls will be asked to disclose any actual or potential conflict after submitting their comments. ACR staff moderating a conference call where Guidelines activities are discussed shall ask all participants to verbally disclose any potential conflicts of interest.

ACR groups that develop Guidelines should generally exclude individuals as committee or panel members if it is deemed they may have potential relevant conflicts of interest.

**Continuing Medical Education (CME) Activities, Educational Grants, and Meetings**

It is the policy of the ACR that attendees for all ACR educational activities and readers of professional and scientific publications must be informed, before their participation, of the individual contributor’s relevant relationships with commercial interests in any entity producing healthcare goods or services. A “relevant relationship” means a financial interest that a contributor has with a commercial organization that may have a stake in the educational activity’s content.

Since its very inception, the ACR has maintained a tradition of scientific integrity and objectivity in its educational activities. In order to preserve this integrity and objectivity, all individuals participating as directors, planners, reviewers, speakers, moderators, evaluators, faculty, authors, staff, and editors in an ACR educational activity and/or scientific publication, or an activity jointly sponsored by the ACR, must appropriately disclose and document any financial relationship with a commercial organization that may have an interest in the content of the educational activity.

The ACR considers relationships of the person involved in the CME activity to include financial relationships of a spouse or domestic partner, parents and children.

All contributors to accredited educational activities will be asked to disclose financial relationships related to the content of the activity, off-labeled or investigational uses of products, or if applicable, an affirmative statement that there is nothing to disclose. Prior to the activity, the audience for CME activities (including all media-written, video, web,
or live lectures or discussions) must be informed of all financial relationships that do exist, or the fact that none exist.

The ACR will retain control over the use of Educational Grants and implement safeguards designed to ensure that educational programs are non-promotional and free from commercial influence and bias.

The ACR will appoint its own planning committees to select the objectives, content, faculty, and format of educational activities in a manner that is consistent with its organizational missions, standards and plans.

The ACR will not solicit vendors’ suggestions about program topics, speakers, or content.

The ACR will prohibit presenters from using company-controlled presentation materials, and from using slides with company logos.

All financial interests should be disclosed and described in writing. Any financial interest may constitute a conflict of interest regarding the contributor’s ACR activities and should be disclosed and reviewed consistent with the procedures described in this policy. When a non-ACR-related individual is invited to participate in an ACR sponsored or co-sponsored activity, the ACR will provide a copy of its Conflict of Interest policy for the individual to review, along with a COI Disclosure Form to be completed. As an additional condition of participation, each contributor must attest that his/her presentation and/or writings are based on the best available scientific evidence and will not promote the interests of any commercial entity.

**Commercial Support for CME Activities**

An industry company shall not provide gifts to either speakers or attendees/participants in ACR CME programs. Travel expenses for ACR CME activities shall not be provided by industry. The ACR may choose to co-sponsor an educational program with an industry company but will not offer CME for this program, unless the industry partner provides an unrestricted educational grant to the ACR and does not provide recommendations or services concerning instructors, authors or participants or other education matters, including content, from a commercial interest as conditions of contributing funds or services.

Ghostwriting, which refers to a situation in which industry investigators, medical writers, and/or technical experts contribute to presentations and/or publications by faculty yet are not listed as contributors with clearly disclosed affiliations, shall not be permitted under any circumstance.

ACR member contact information shall not be sold to industry vendors for invitations to industry-sponsored CME activities.
The ACR will not seek support for product-specific topics.

The ACR will make reasonable efforts to achieve a balanced portfolio of support for each College CME program.

Where the purpose of a College CME session is to demonstrate or train attendees in the safe and effective use of a particular drug, device, service or therapy, a balanced view of therapeutic options must be made available. Therefore, no single product or service will be over represented in the education activity when other equal but competing products or services are available for inclusion.

**Advertisements and Exhibits**

The ACR will adopt written policies that govern the nature of exhibits and the conduct of exhibitors, including by requiring exhibitors to comply with applicable laws, regulations, and guidance.

The ACR policies can place limits on exhibits and exhibitor conduct (e.g., booth décor, size, and activities) to ensure that the tone of the exhibit hall is professional in nature. Policies should be provided to exhibitors and made available to others upon request.

Product-promotion material or product-specific advertisement of any type is prohibited in or during CME activities. The juxtaposition of editorial and advertising material on the same products or subjects must be avoided. If space limitations prevent using a separate room for an industry company’s promotional material or product-specific exhibit, an announcement should be made concluding the CME activity before the room may be used for industry company activities. Live or enduring promotional activities must be kept separate from CME activities.

The ACR will only permit exhibitor giveaways that are educational and do not have company names, logos, brands, etc.

**Industry Relationships**

Increasingly, public attention has been paid to financial relationships between professionals in healthcare/biomedical research and pharmaceutical medical device industry personnel. Industrial-academic research collaborations can be a productive driver of scientific discovery and technological innovation, and have been a major historical contributor to the translation of discoveries and innovations into the clinic with a major positive impact on scientific advancement and improvements in public health, wellness, and productivity. However, the public is appropriately concerned that such relationships, in certain cases, have the potential to introduce bias into discoveries and patient care and can thus negatively affect the public good.
In order to maintain the public trust, manage the perception and true presence of conflict of interest, and preserve the integrity of the scientific process, it shall be ACR policy that an interested person shall disclose their financial interests as defined above.

**Research Activities**

The primary intent of this section is to help ACR interested persons involved in research more effectively manage potential conflicts of interest in their ACR activities. By reporting financial interests and managing conflicts initially, the ACR and the researcher can work together to preserve public trust in the integrity of research activities and prevent outcomes that may be harmful to either the researcher or the ACR.

The development of new devices and pharmaceuticals and increasingly sensitive and quantitative methodologies for the diagnosis, monitoring, and treatment of human disease is dependent on partnerships among industry, academia, and government. Collaborative academic-industrial research relationships are especially vital to continued progress in technology-driven fields like radiology. It is also essential that these relationships are guided by integrity, transparency, and consideration for the public trust. Disclosure of such relationships is necessary but may not be sufficient to avoid real or perceived conflicts of interest.

It shall be the policy of ACR that ACR interested persons will be required to disclose all private (non-federally supported) financial interests and efforts related to research (regardless of amount) that are directly or indirectly related to the ACR’s mission. These include serving as key personnel on research grants and contracts, serving on scientific advisory boards, and personal external biomedical research relationships in which they hold royalties, equity, or licensing interests. For human research sponsored by the ACR, the principal investigator shall agree to abide by the human research review requirements of his/her home institution, and shall disclose any patent, equity or licensing interest in associated technology. ACR interested persons thus shall uphold the integrity of the research and protection of human subjects.

The ACR participates in numerous federally supported grants through the National Institutes of Health (NIH). ACRIN, RTOG and other ACR research activities receiving funding through NIH must comply with federal conflict of interest requirements. In response to these federal requirements the ACR previously drafted and submitted to NIH a research conflict of interest policy which subsequently was approved by NIH.

The NIH policy will continue to govern ACR federal clinical research activities and is attached to this COI Policy.

All current or anticipated consulting or advisory board arrangements with industry companies that ACR interested persons have or may have shall be disclosed. It is recognized that it is appropriate for consultants who provide advisory services to be offered fair market value compensation for those services and related travel expenses. Token or overcompensated consulting or advisory arrangements may be seen as
inducements or provided to bias behavior.

ACR interested persons shall exclude themselves from participating in or influencing the review and/or evaluation of any studies or initiatives from which they are likely to gain personal benefit.

PROCEDURES

An ACR member and a staff person whom the ACR Board of Chancellors Chair and the chief executive officer, respectively, shall from time to time designate (“Designates”) shall jointly administer this Conflict of Interest Policy. Each Designate may, at their discretion, refer issues or matters to the full Board or an appropriate committee of the Board.

1. An interested person who becomes aware of a potential or perceived conflict of interest involving him or her should report the situation promptly by filing a written Disclosure Statement with the Designates using an electronic disclosure system that ACR shall develop and make available to all who participate in ACR activities.

2. An ACR member, Fellow, officer, chancellor, commission/committee/task force member or employee (“individuals”) who becomes aware of a new potential or perceived conflict of interest involving an interested person shall report the situation promptly to the Designates.

3. This Conflict of Interest Policy is to be communicated to and completed by all ACR interested persons each calendar year. Those individuals who shall begin participating in an ACR activity are to be provided a copy of this Policy before the date their service to ACR begins. All ACR interested persons are responsible for disclosing any new activity having a financial interest that has not previously been disclosed. Thus, they shall submit a new or amended Disclosure Statement through ACR’s electronic system.

4. A signed copy of this Conflict of Interest Policy from each ACR individual shall be returned for review and oversight by the Designates. Any disclosure of conflict of interest or potential conflict by an interested person requires that the Designates review the situation and document a suggested resolution that is in the ACR’s best interests.

5. Resolutions may be appealed to the full Board of Chancellors. All appeals must be made in writing. Board rulings shall be decided by a simple majority vote.

6. A copy of all documents relating to disclosures, resolutions, and appeals will be retained by the ACR General Counsel. The Designates may consult with the General Counsel and the ACR Chief Financial Officer regarding whether a conflict of interest should disqualify someone from service on an ACR body.
7. All Disclosure Statements are to be retained for four years or one year following an interested person’s term of service, whichever is longer. All disclosures and related actions involving grants and contracts must be maintained at least three years beyond the termination of the related grant or contracts or resolution of any action with the funding organization, whichever is longer.

8. To ensure that ACR operates in a manner consistent with charitable purposes and protects its tax-exempt status, it shall conduct periodic reviews of this Policy. ACR may use outside advisors to assist it in evaluating COI matters. However, ACR’s Board must continue to exercise responsibility for periodic review even when it uses outside advisors.

9. It shall be a violation of this ACR COI policy to retaliate against any ACR individual who files a statement raising a potential or perceived conflict of interest. It shall be a violation for an ACR individual to file a false statement. If such actions should occur, they should be brought immediately to the attention of the Designates. If the Designates determine that an interested person who is an ACR member or Fellow has violated this Policy, they shall refer such matter to the ACR Ethics Committee for its review and adjudication under Article XIII, Section III of the ACR Bylaws. However, the Ethics Committee shall not adjudicate whether an interested person who is a member or Fellow has a conflict of interest.
CONFLICT OF INTEREST ACKNOWLEDGMENT AND DISCLOSURE FORM

I have read the ACR conflict of interest policy set forth above and agree to comply fully with its terms and conditions at all times during my service as an ACR officer, chancellor or as a member of or staff to an ACR commission, committee or task force. If at any time following the submission of this form I become aware of any actual conflict of interest, or if the information provided below becomes inaccurate or incomplete, I will promptly notify the ACR Designates in writing.

I do _____ do not____ have an actual conflict of interest

Please disclose and explain Actual Conflicts of Interest:

___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________

___________________________  _________
Signature     Date