

Explanation of Conflict of Interest Disclosure & Copyright Assignment Agreement, and the ACEP Leadership and Volunteers Conduct Policy

In January 2011, the ACEP Board of Directors adopted a policy that requires certain ACEP leaders to submit, on an annual basis (or updated if circumstances change), a Conflict of Interest Disclosure & Copyright Assignment Agreement for ACEP Leaders. Election to ACEP office, including section chairs and appointment to ACEP committees and task forces, are contingent upon the completion, submission, and agreement to the terms of the document.

Please read the remainder of this document for additional information about the Conflict of Interest Disclosure & Copyright Assignment Agreement. If preferred, click on the link to submit the form and finalize the committee/task force and/or committee chair appointment process by [clicking on this link](#).

A link to the form is also provided at the end of this document.

Conflict of Interest Disclosure

In April 2010, ACEP's Board of Directors adopted the [Council of Medical Specialty Societies \(CMSS\) Code of Interactions with Companies](#) (Code). This voluntary code is designed to ensure that a society's interactions with companies are independent and transparent, and advance medical care for the benefit of patients and other populations. One of the basic tenets of the Code requires member associations to "adopt written disclosure policies for Key Society Leaders, including but not limited to Board members, committee members, and others who serve on behalf of the Society, and will use the disclosed information to manage conflicts of interest in decision making. Societies must also require volunteers to update disclosure information at least annually and when material changes occur."

Copyright Assignment

ACEP, like other professional associations, relies heavily on its volunteers to develop resources that benefit patients, the public, and the profession. ACEP has established the gold standard in emergency medical care through the contributions and commitment of ACEP volunteers for nearly five decades.

Our resources on emergency care and public health and safety issues are in high demand. We frequently receive requests from governmental entities, academics, media and consumer groups, to name a few, for ACEP volunteers' work product ("Work") including policies, information papers, reports, and articles in ACEP publications. Unfortunately, existing copyright laws significantly complicate ACEP's ability to share these resources.

For example, when a Work has several creators (such as a report produced by a task force or committee), each of the individual contributors (including ACEP) may be a joint owner of the Work, each with the right to use the Work, irrespective of the amount contributed and each with a proportional share in any proceeds from the Work. Joint Works present particular challenges because, without an assignment of copyright ownership to ACEP, ACEP must obtain permission from each joint owner of the Work, prior to each use and prior to granting permission for use by others.

Like other associations, ACEP does not have the resources to maintain a database of all potential joint owners of ACEP Work. With more than 900 committee members each year working on multiple committee objectives, such a database would be vast, complex, and resource intensive. The issue is tremendously complicated by the fact that, in dealing with nearly five decades of Work on ACEP's behalf, some of the joint owners may no longer be

living, which requires identifying and receiving permission from heirs – who may or may not share or understand the commitment to emergency medicine of the volunteer who created the Work.

It is in the best interests of emergency medicine that ACEP own the rights to the Work created by it, or on its behalf or with its resources. A complete assignment eliminates any ambiguity or uncertainty about ACEP's ability to distribute, license, create derivative Work, and protect the Work from unauthorized copying or alterations.

In response to the ACEP Board's January 21, 2011, action requiring the completion of the Conflict of Interest Disclosure & Copyright Assignment Agreement prior to service by ACEP leaders, including section, committee, and task force chairs and committee and task force members, ACEP revised its online click through agreement. The Copyright Assignment requires the assignment to "ACEP of all right title and interest (including copyright) in and to any and all works of authorship that I prepare, create or contribute to ACEP in my capacity as a member of the Committee(s)/Section/Task Force indicated, including those Works that have been made in the past and those that will be made in the future." It is important to understand that this assignment includes **ONLY those Works prepared in your capacity as a committee, section, or task force chair or as a member of a committee or task force on behalf of ACEP and not those Works that you have prepared independent of ACEP whether individually or on behalf of your employer.**

In exchange for this Assignment, ACEP grants back to you a limited license to:

- use the Work for educational or research purposes for yourself, your institution, or your company;
- to use the Work as a basis for your own further research or spoken presentations;
- to revise, adapt, or prepare derivative works from the Work; and
- to present such derivative works orally as well as distribute or authorize publication of the derivate works for educational, personal, or other noncommercial uses, or for your own professional use.

Please note that this assignment does not extend to your or participation as ACEP faculty or as the author of articles for *Annals of Emergency Medicine*, section newsletters, or other ACEP publications such as *ACEP News*. These faculty and author relationships are governed by separate agreements including:

- Faculty/Speaker Agreement (effective 2/9/09)
- *Annals* Author Agreement (effective 1/13/09)
- Contributor Copyright Assignment Agreement for Section Newsletters (effective 6/9/09)
- Author Agreement for ACEP Publications (effective 1/24/08)

[Please complete the Conflict of Interest Disclosure & Copyright Assignment Agreement form to finalize the committee/task force and/or committee chair appointment process here.](#)

If you have any questions, please contact:

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LEADERSHIP AND VOLUNTEERS CONDUCT POLICY

In accordance with its *Non-Discrimination and Harassment Policy* for members, ACEP is also committed, as a policy matter, to ensuring that its Board members, volunteers, employees and consultants can perform their valuable services to ACEP free of harassment and discrimination.

Prohibited Harassment and Discrimination

Directors, Committee members, Councillors, and other ACEP volunteers (collectively, “Covered Persons”) should refrain from conduct that is discriminatory, harassing, coercive, or disruptive, including sexual harassment, in their dealings with ACEP staff, consultants, vendors, volunteers, or other individuals who provide support to ACEP or with whom they interact due to their position with ACEP (e.g., Board, Council, Committee, Section, Task Force or other volunteer service). For purposes of this Policy, prohibited harassment includes unwelcome actions, words, jokes, or comments based on any legally protected characteristic, such as an individual’s sex, race, color, national origin, age, religion, mental or physical disability, sexual orientation, gender identity or expression, pregnancy, or military or veteran status. Some examples of impermissible behavior include mocking an individual’s religious beliefs, using racially biased epithets, making uninvited sexual advances or propositions, telling obscene jokes, discussing sexual activities, or engaging in unwelcome physical conduct, including touching, assaulting, or impeding or blocking movements.

Responding to Conduct in Violation of Policy

Covered Persons shall report any and all concerns of sexual or other prohibited harassment or retaliation in violation of this Policy to the President or to ACEP’s General Counsel. If the concern involves the President, the Board Chair may be notified instead. The President (or Board Chair) should promptly consult with the General Counsel upon receipt of any report of a violation of this Policy. The Executive Director shall be notified of any report of a Policy violation brought by a staff member. All reports of sexual and other prohibited harassment will be taken seriously, evaluated in a prompt manner, treated with respect, and maintained in confidence to the extent practicable. The President or Board Chair shall oversee any investigation into an alleged violation of this Policy, in consultation with the General Counsel.

Covered Persons must cooperate with any investigation into alleged violations of this Policy, including by providing truthful information to the investigator. Covered Persons must not engage in retaliation of any kind against any individual who, in good faith, reports or participates in the investigation of an alleged violation of this Policy.

With respect to allegations of harassment received from staff, Covered Persons shall, at the request of the Executive Director or of the General Counsel, refrain from initiating communication or other contact with a complainant or witness during the investigation or, as deemed appropriate by the Board of Directors, as an element of resolution of the investigation.

Any Board member found to have engaged in prohibited discrimination and/or harassment may be subject to disciplinary action by the Board of Directors, as determined by majority vote of the Board, or removal from the Board in accordance with the procedures set forth in Article X, Section 3 of the Bylaws. Officers found to be in violation of the policy may be removed from office in accordance with the procedures in Article X, Section 3 of the Bylaws. A Councillor’s violation of this Policy may result in removal from the Council, in accordance with the governance documents

or policies of the Councillor's sponsoring body. Any Committee member or other ACEP volunteer, such as a Section member or member of an appointed Task Force, may also be removed from their volunteer position by the President if an allegation of a violation of this policy is received that ACEP, in its discretion, considers credible.

Approved June 2018

Meeting Conduct Policy

Originally approved
June 2018

Background

The American College of Emergency Physicians (ACEP) is committed to providing a safe, productive and harassment-free environment at its Scientific Assemblies, educational meetings, conferences, and other ACEP-sponsored events. These events are designed to enable clinicians and researchers to convene for informational and educational sessions regarding the latest advances in treatment and care, and to promote learning, professional development, and networking opportunities. ACEP meetings also allow attendees to learn about and debate the latest scientific advances and to enjoy the company of professional colleagues in an environment of mutual respect. ACEP promotes equal opportunities and treatment for all participants. All participants are expected to treat others with respect and consideration, follow venue rules, and alert staff or security when they have knowledge of dangerous situations, violations of this Meeting Conduct Policy, or individuals in distress.

Prohibited Behavior

ACEP prohibits any form of harassment, sexual or otherwise, as set forth in its [Non-Discrimination and Harassment Policy](#). Accordingly, some behaviors are specifically prohibited, whether directed at other attendees, ACEP staff, speakers, exhibitors, or event venue staff:

- Harassment or discrimination based on race, religion, gender, sexual orientation, gender identity, gender expression, disability, ethnicity, national origin, or other protected status.
- Sexual harassment or intimidation, including unwelcome sexual attention, stalking (physical or virtual), or unsolicited physical contact.
- Yelling at, threatening, or personally insulting speakers (verbally or physically).

Participants asked to stop engaging in hostile or harassing behavior are expected to comply immediately.

Application of Rules

These conduct rules apply to all attendees and participants at any ACEP-sponsored event, as well as ACEP-sponsored meeting social events (for example,

opening and closing parties at Scientific Assembly). **All who register to participate, attend, speak at, or exhibit at an ACEP event agree to comply with this Policy.**

Reporting Prohibited Behavior

Harassment or other violations of this Meeting Conduct Policy should be reported immediately to ACEP Meetings staff either in person, in writing by email at conduct@acep.org or other means of reporting. ACEP may involve event security and/or local law enforcement, as appropriate based on the specific circumstances. Event attendees and participants must also cooperate with any ACEP investigation into reports of a violation of this Meeting Conduct Policy by providing all relevant information requested by ACEP.

Potential Consequences

- ACEP reserves the right to remove any participant whose social attentions become unwelcome to another and who persists in such attentions after their unwelcome nature has been communicated.
- ACEP also reserves the right to remove any participant or attendee who appears inebriated and who engages in conduct that interferes with the ability of other attendees to participate in and enjoy the conference.
- ACEP may remove any individual from attendance or other participation in any ACEP-sponsored event, without prior warning or refund, if in its reasonable judgment, ACEP determines a violation of this Meeting Conduct Policy has occurred.
- If ACEP, in its reasonable judgment, determines that an individual has violated this Meeting Conduct Policy, ACEP may also prohibit the individual from attending or participating in future ACEP events.
- ACEP will also report on the outcome of any investigation to individuals who have reported a violation of this Meeting Conduct Policy.