

## **Explanation of Conflict of Interest Disclosure & Copyright Assignment Agreement, and the 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.

In June 2020, the ACEP Board of Directors adopted the Leadership and Volunteers Conduct Policy. Board members and other ACEP Volunteers, including members of Committees, Task Forces and Sections, must sign annually to agree to abide by the policy which is included in the Conflict of Interest Disclosure & Copyright Assignment Agreement.

Please read the remainder of this document for additional information about the Conflict of Interest Disclosure & Copyright Assignment Agreement and the Leadership and Volunteers Conduct Policy. [If preferred, submit the form by clicking this link](#), which 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 *JACEP Open* and *ACEP Now*. 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)

### Leadership and Volunteers Conduct Policy

In October 2005, the ACEP Board of Directors adopted a policy statement in support of non-discrimination and opposing harassment of all patients and emergency medicine staff. ACEP has always been committed to providing a safe and harassment-free environment at its conferences and meetings.

In June 2018, the ACEP Board of Directors adopted the Meeting Conduct Policy outlining the expected behavior of meeting participants and providing individuals who have experienced or witnessed incidents of possible harassment at an ACEP-sponsored even with a clear process to report such behavior. The policy applies to participants, speakers, attendees, and exhibitors and describes behavior that is specifically prohibited at ACEP events, as well as possible consequences to individuals found to be in violation of the policy. Beginning with ACEP18, the Meeting Conduct Policy has been incorporated into the online registration process for all meetings with a requirement that each attendee agree to abide by its contents. Information regarding ways to report incidents of possible harassment is also provided to meeting attendees during conferences.

In June 2020, the ACEP Board of Directors adopted the [Leadership and Volunteers Conduct Policy](#) to ensure that ACEP Board members, volunteers, employees, and consultants can perform their valuable services to ACEP free of harassment and discrimination. A link to the policy statement is included.

Please complete the Conflict of Interest Disclosure & Copyright Assignment Agreement and the Leadership and Volunteers Conduct Policy to finalize the committee/task force and/or committee chair appointment process here.

If you have any questions, please contact:

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