

TOS Operating Policy

TOS OP: Avoidance of conflict of interest in elected and appointed leadership positions

PURPOSE: The purpose of this TOS Operating Policy (OP) is to provide information and guidance to those individuals charged with the operation of the society. This document seeks to:

1. Define what constitutes either a perceived or actual conflict of interest (COI) for individuals in either elected or appointed leadership positions.
2. Establish what information regarding perceived or actual COIs will be made public to ensure appropriate transparency in the society decision making process.
3. Identify who will be responsible for adjudicating a perceived or actual COI.
4. Outline the potential actions to mediate perceived or actual COIs.

REVIEW: This TOS OP will be reviewed at least once every three years by the Executive Committee and the CEO of the society with recommendations for continuation, revision, or inactivation submitted to the full Board for approval.

POLICY:

The Obesity Society (TOS) numbers among its members individuals from the fields of medicine, academia, biotechnology, and industry with all members valued equally. TOS is aware of the potential for both perceived as well as actual conflicts of interest in its interactions and those of its leaders with entities that provide them with material or financial support. Thus, TOS has instituted this policy to ensure full and comprehensive transparency and disclosure regarding these types of relationships. In addition, our leaders will remain mindful of potential for and perception of bias and influence in all decisions impacting the operations of the society.

1. All conflicts of interest (COI) must be reported annually by all members of the Executive Committee, the Board of Governors, the Nominations Board, Committee Chairs and the editorial staff of the journal *Obesity*. COI disclosure forms will be updated within one month in the event that any new COIs arise.
2. All disclosure forms and decisions on managing competing interests will be collected by the Chief Executive Officer (CEO) or another person identified by the CEO annually at the start of the calendar year. After being reviewed, all disclosures will be held electronically in secured storage only accessible by the CEO, Director of Governance & Operations, and the Director of Finance & Operations and will be destroyed no sooner than 7 years after the end of the individual's term of service (in keeping with most financial document retention requirements).
3. The declaration of potential conflicts of interest that must be reported will include:
 - a. All sources of research support *excluding* those that come from federal sources (i.e., NIH, VA, NSF and/or other similar groups).
 - b. Payments for consulting, service on boards, service as an expert witness, honorarium, gifts, or in any other paid capacity for companies in the science/health/medical/biotechnology sectors,

DATE ORIGINALLY APPROVED: February 28, 2022

DATE LAST REVIEWED: February 28, 2022

DATE REVISED:

DATE INACTIVATED:

TOS Operating Policy

such as those defined by the ACCME as “ineligible companies” (appendix A), as well as all food, supplement, and weight loss companies, regardless of ACCME eligibility status

- c. Stock investments (excluding mutual funds) , equity, patents, and royalties from companies in the science/health/medical/biotechnology sectors, such as those defined by the ACCME as “ineligible companies” (appendix A), as well as all food, supplement, and weight loss companies, regardless of ACCME eligibility status
 - d. Employment or ownership interest in a commercial entity whose work is related in any way to the mission of TOS.
4. For each entity that constitutes a potential COI, dollar amounts over the last 2 years must be reported and must be paired with the named source of the support (e.g., receipt of \$12,000 in consulting fees from Pharmaceutical Company Z would be listed as Consulting, Pharmaceutical Company Z, \$10-000-19,999.). Dollar amounts received over the last 2 years from each entity will be reported in the following categories. If the relationship is based on percent ownership, then that should be reported in place of a dollar amount.
- a. < \$10,000
 - b. \$10,000-\$19,999
 - c. \$20,000-\$49,999
 - d. \$50,000-\$99,999
 - e. \$100,000-\$499,999
 - f. >\$500,000
5. Information on potential COIs will be listed in conjunction with the name of each person in a leadership position as defined previously on the TOS web page. Posted information will only include the organization(s) involved and nature of the potential COI (for example service on advisory board, consultant, speaker’s bureau member, service on board of directors, etc....) but will not include details of the dollar amounts received.
6. Management of COIs: It is The Society’s prerogative, not the disclosing volunteer leader’s or staff member’s, to make determinations regarding appropriate mitigation measures with respect to competing interests. Anyone in the Society may raise a question of conflict of interest regarding an individual in a leadership position covered by this policy. The Executive Committee will determine if the question warrants adjudication and the implementation of a management plan. At the direction of the Executive Committee, the Ethics Committee will review the possible conflict and recommend a management plan. The management plan will be approved by the Board of Governors. Among the measures available to actively manage competing interests are these:
- a. Disclosure to the governance body. In most cases, it is expected that the possibility of subjectivity or bias will be sufficiently offset by disclosing the competing interest to the entire governance body of which the disclosing volunteer leader is a member. That governance body will be expected to take the individual’s competing interest into consideration when discussion, debates, or decisions occur in the governance body. The Society, its governing Board, the relevant Committee and the volunteer leader will all have fully discharged their duties.
 - b. Recusal. In some instances, it may be determined that the avoidance of COIs, or even the mere appearance of COI, will dictate that the disclosing individual should avoid discussions, debates,

DATE ORIGINALLY APPROVED: February 28, 2022

DATE LAST REVIEWED: February 28, 2022

DATE REVISED:

DATE INACTIVATED:

TOS Operating Policy

and decision making on subjects related to the disclosure. The volunteer leader will remain a member of the governance body affected but will withdraw from portions of meetings or activities where issues related to the COI are discussed or decided.

- c. Resignation. There could be situations, expected to be rare, in which the volunteer leader's competing interests are so extensive or pervasive that, in the view of The Society's governing Board, the leader's involvement in discussion, debates, or decision making in the pertinent governing body on any subject will be adversely affected. In that case, the leader will be asked to resign. If resignation is not forthcoming, the governing board will decide on a resolution consistent with The Society Bylaws and governing state law.
7. All individuals in control of CME content will follow ACCME standards for disclosure, resolution, and mitigation strategies, per TOS's Policy on the Standards for Integrity and Independence in CE.
8. Standards of Conduct: TOS officers, Board members, Committee Chairs, Committee members as well as TOS staff:
 - a. Should proactively disclose potential COIs when discussing a topic at a TOS committee or board meeting where the potential COI might be relevant to the issues being discussed. To foster disclosure, leaders will be reminded to update their COI statements regularly at the beginning of Committee and Board meetings.
 - b. Should not prominently cite their TOS office as a qualification when providing opinion or testimony as part of work done outside of professional duties to The Obesity Society. A TOS leader may permit the inclusion of the TOS title as one of the several biographical details used to identify in connection with teaching, speaking, or writing activities, provided the leader's TOS title is given no more prominence than other significant biographical details.
 - c. Should provide this language as part of any opinion or testimony work outside of duties to TOS: "This is my professional opinion (or personal opinion, as appropriate) and does not represent the views of TOS of which I am a member."
 - d. Should not represent TOS in speaking or writing on any matter in which there is a potential, perceived, or actual competing interest.
 - e. Should not use their association with TOS for commercial purposes such as advertisements or endorsements. Examples of acceptable use of their association are in a resume, biographical sketch, curriculum vitae, or a list of professional accomplishments for the purpose of introduction as a speaker or at a professional meeting.
 - f. Should not promote personal opinions and views as the official position of The Obesity Society unless specifically commissioned by TOS leadership to do so.

DATE ORIGINALLY APPROVED: February 28, 2022

DATE REVISED:

DATE LAST REVIEWED: February 28, 2022

DATE INACTIVATED:

TOS Operating Policy

Appendix A:

Per the AACME web site (<https://accme.org/faq/what-accmes-definition-ineligible-company/>):

What is the ACCME's definition of an ineligible company?

ACCME has incorporated eligibility information directly into the [Standards for Integrity and Independence in Accredited Continuing Education](#). Companies that are ineligible to be accredited in the ACCME System (ineligible companies) are those whose primary business is producing, marketing, selling, re-selling, or distributing healthcare products used by or on patients. Examples of such organizations include:

- Advertising, marketing, or communication firms whose clients are ineligible companies
- Bio-medical startups that have begun a governmental regulatory approval process
- Compounding pharmacies that manufacture proprietary compounds
- Device manufacturers or distributors
- Diagnostic labs that sell proprietary products
- Growers, distributors, manufacturers or sellers of medical foods and dietary supplements
- Manufacturers of health-related wearable products
- Pharmaceutical companies or distributors
- Pharmacy benefit managers
- Reagent manufacturers or sellers

Published Date December 10, 2020

DATE ORIGINALLY APPROVED: February 28, 2022

DATE REVISED:

DATE LAST REVIEWED: February 28, 2022

DATE INACTIVATED: