

National Oriental Medicine Accreditation Agency (NOMAA)

Conflict of interest Policies

The policy statement governs treatment of actual, apparent and alleged conflicts of interest and appearances of impropriety that may arise during the deliberations and actions of the NOMAA. The policy is intended to facilitate the disclosure and resolution of conflicts of interest.

Conflict of Interest Policy for Commission Members

Members of the Commission participate in a range of decisions regarding applicant and accredited programs. It is essential that these decisions appear to third parties and in fact are fair, based on accurate data, and are guided by the Commission members' best judgment. These qualities—fairness, expertise, and accuracy—can be eroded if Commission members vote on program decisions in which they have an actual or potential conflict of interest. For purposes of this policy, “potential conflict of interest” means circumstances that could be perceived by a reasonable third party as creating an apparent conflict of interest.

Because members of the Commission are chosen based on active involvement in the profession of Doctor of Oriental Medicine (OMD), it is likely that program decisions occasionally will be made by the Commission for which the member holds a dual interest. Since the Commission may not know fully the previous experience of its members, it is incumbent that Commission members exercise good faith and avoid participating in program decisions where an actual or perceived conflict of interest exists. Examples of relationships that pose conflict of interest concerns include:

- (1) the member has had or has a working relationship with the institution;
- (2) a former advisee directs the doctoral program;
- (3) a Committee member's doctoral student is in an internship program under review;
- or
- (4) the member has had a consulting relationship with the training program.

In addition, there are broader issues of conflict of interest that apply to consideration of policy and procedure. Committee members may experience a conflict of interest when they serve on more than one board or committee within the Doctor of Oriental Medicine (OMD) Profession or within more than one organization. The Commission and its constituencies assume that Commission members will discharge their duties in good faith recognizing their fiduciary duty to the Commission and with the care that an ordinarily prudent person in like position under similar circumstances would exercise. Therefore, Commission members serving on other committees or boards in the Doctor of Oriental Medicine (OMD) Profession or in other associations with overlapping interests in accreditation must be attentive to instances of possible conflict of interest due to dual service.

The decision regarding whether a member should be recused from participating in a given decision belongs to the Commission. Any Commission member who is aware of circumstances that he or she believes could pose a conflict of interest either for themselves or for another Commission member should inform the chair of the Commission of the underlying facts and his or her assessment of the appropriate resolution of the potential or actual conflict. If the Commission member who has the potential or actual conflict advises the Chair that he or she wishes to be recused from the decision making process, the Chair will honor the member's decision and the recusal will be noted in the minutes. If the Commission member is uncertain about the appropriate resolution or believes he or she can make an unbiased decision despite the appearance of conflict of interest, the Chair shall refer the matter to the full Commission on for resolution. If it is determined that there is an actual or potential conflict of interest regarding a Commission decision, the member will be recused during discussion and Decision-making. The minutes of the meeting will reflect any decision regarding a possible conflict of interest. When there is any doubt in the member's mind as to whether a conflict exists or may appear to exist, the member should refer the issue to the Commission or Commission Chair. In addition to recusal, a Commission member may abstain from voting on a matter at any time.

There may be other times when nonparticipation in program decisions is called for, even when conflict of interest is not involved. For example, Commission members may receive *ex parte* communications by a program or by others on the program's behalf presenting material that is beyond the record. Voting on the program after receiving these communications would be inappropriate.

In summary, Commission members should conduct themselves in a manner that avoids any appearance of partiality or bias and should deal with ambiguous situations in a manner that avoids the potential conflict. It is essential that the process at every level be conducted honestly, objectively, and fairly and that the perception of external parties is congruent with this high standard.

Conflict of Interest Policy for Site Visitors

In preparing lists of site visitors, the Commission and staff attempt to avoid even the appearance of a conflict of interest with the program being visited. This is essential to maintain the credibility of the accreditation process. However, the Commission and staff cannot know all relationships between individuals and programs. The responsibility to determine any possible conflict, actual or apparent, lies equally with the program and the site visitors.

Possible conflicts for site visitors include:

- former employment by the program
- former student in the program
- family connection with the program

- having a friend associated with the program
- having a former classmate on staff at the program
- having a close professional or personal relationship with a member of the staff at the program
- being a previous site visitor to the program
- where a staff member of a program an individual is asked to visit was a member of the site visiting team to his/her program

The Committee is committed to avoiding even the appearance of a conflict of interest and maintaining the integrity and credibility of the accreditation process. It will not consider a site visit report in which it detects an appearance of or an actual conflict of interest.

Conflict of Interest Policy for NOMAA Staff

Permanent staff of the NOMAA does not have direct involvement in decision-making regarding applicant and accredited programs (e.g., they do not participate directly in site visits nor do they take part in discussing and voting on accredited and applicant programs). Staff, however, do provide consultation to programs and individuals on matters such as developing applications and filing complaints; conducting preliminary reviews of program self-study reports; and attending program review and decision making meetings of the Commission. It is possible that a staff member, in the course of her or his work, may be involved with a program for which that staff member holds a dual interest. Examples of such situations include former employment at the program (including consulting); currently a student *in* the program or made application to the program; family connection with the program; having a close professional or personal relationship with a program staff member; and having an adverse relationship with the program or its personnel.

Temporary staff (e.g., interns, administrative temps, and consultants) has very limited interaction with representatives of accredited programs in matters concerning the accreditation process, and they have no access to confidential program information (except for research interns, who may be granted supervised access to confidential information to enable them to perform their duties). Situations may arise, however, in which temporary staff may be privy to accreditation information that may lead to or create an undue advantage for that staff member. Such situations might occur, for instance, when a temporary staff member is in the process of applying for admission to, or is seeking permanent employment in, doctoral or internship programs or postdoctoral clerkship.

It is essential that the accreditation process be fair, unbiased, and based on accurate data in both actuality and appearance. Since the Commission or other office staff may not know fully the previous experience of each staff member, it is incumbent on the staff member, whether permanent or temporary, to avoid participating in any accreditation-related activity regarding a program where there is an actual or perceived conflict of interest. When there is any doubt in the staff member's mind as to whether a conflict

exists, or may appear to exist, he or she should refer the issue to their immediate supervisor or to the Executive Director.

If an actual or perceived conflict of interest exists, staff will take appropriate steps to avoid involvement with the relevant program's interaction with the Commission or the staff, including leaving the room when the program is being discussed/and or a decision is being made with regard to the program.

Conflict of Interest Policy for Officially-Designated Liaisons To the Commission

Pursuant to the Board of Directors, official liaisons to the Commission from the Board of Directors are permitted to attend both open and closed sessions of Commission meetings. They may be present during review and decision making regarding applicant and accredited programs and will be privy to information of a confidential nature. It is possible that a liaison, in the course of his or her involvement, may be party to a discussion on a program for which that liaison holds a dual interest. Examples of such situations include

- (1) current or former employment at the program (including consulting);
- (2) a liaison's doctoral student is in an internship program under review;
- (3) family connection with the program;
- (4) having a close professional or personal relationship with a member of the staff of the program; and
- (5) having an adverse relationship with the program or its personnel.

It is essential that the accreditation process be fair, unbiased, and based on accurate data in both actuality and appearance. Since the Commission or staff may not know fully the previous experience of each liaison, it is incumbent on the liaison to not be present during any accreditation-related activity regarding a program where there is an actual or perceived conflict of interest. If an actual or perceived conflict of interest exists, liaisons will take appropriate steps to avoid involvement with any aspect of the relevant program's interaction with the Commission or staff. When there is any doubt in the liaison's mind as to whether a conflict exists or may appear to exist, he or she should refer the issue to the Chair of the Commission or to the Executive Director.

Furthermore, consistent with the Commission meeting procedures regarding consultation services, no Commission liaison who participates in closed sessions shall offer consultation services to programs (reimbursed or non-reimbursed) for the purpose of assisting them to seek or maintain their accreditation status. Each liaison will refrain from such activity during the term of his/her appointment as a liaison and for a period of one year thereafter.

Conflict of Interest Policy for Program Review Consultants

Program Review Consultants to the Commission participate in the review panels during program review meetings, participate in providing expertise to assist the Commission in reaching accreditation actions regarding applicant, and accredited programs. It is essential that the reviews conducted by these consultants appear to third parties and in fact are fair, based on accurate data, and guided by the Program Review Consultants' best judgment. These qualities—fairness, expertise, and accuracy—can be eroded if Program Review Consultants participate in the discussion on program with which they have an actual or potential conflict of interest. For purposes of this policy, “potential conflict of interest” means circumstances that could be perceived by a reasonable third party as creating an apparent conflict of interest.

Since the Commission may not know fully the previous experience of its Consultants, it is incumbent that all Consultants exercise good faith and avoid participating in program discussions where an actual or perceived conflict of interest exists. Examples of relationships that pose conflict of interest concerns include:

- former employment by the program
- former student in the program
- family connection with the program
- having a friend associated with the program
- having a former classmate on staff at the program
- having a close professional or personal relationship with a member of the staff at the program
- being a previous site visitor to the program
- where a staff member of a program an individual is asked to read was a member of the site visiting team to his/her program

The Commission is committed to avoiding even the appearance of a conflict of interest and maintaining the integrity and credibility of the accreditation process. It will not consider a review in which it detects an appearance of or an actual conflict of interest.

Conflicts of interest pertaining to discussion, deliberating and voting by the Commission should be determined on three diverse points of resolution:

(1) Recusal of the member from voting, but allowing that member to participate in the deliberation. In this stage, the member would be allowed to remain in the room for deliberations and, if appropriate, offer testimony about the matter. She/he would be allowed to be present in the room when the vote is taken, but would *not* deliberate and would *not* vote.

(2) Recusal of the member from both deliberation and vote. At this level the member would be allowed to remain in the room and be present for deliberation and vote, but she/he would *not* be allowed to participate in either the deliberation or voting.

(3) Complete recusal from testimony, deliberation and voting. At this stage, the member would be asked to leave the room while the entire agenda item is discussed and acted upon. Although this may intuitively seem to be the ideal way of resolving all conflicts, it must be remembered that many Commission committee meetings are open to the public and, consequently, discretion should be applied when asking someone to leave the room for testimony that is otherwise being given in open session during the meeting. If it is determined that the conflicted member's presence would be detrimental to those offering and receiving testimony, that individual should not remain in the room.

(4) The level of resolution should be great enough to allow the Commission to believe that it will be able to hear testimony, discuss and deliberate, and vote on the matter in question, free of bias and prejudice.

**NATIONAL ORIENTAL MEDICINE ACCREDITATION AGENCY
NOMAA**

**BACKGROUND INFORMATION
AND
CONFIDENTIAL CONFLICT OF INTEREST DISCLOSURE**

NAME: _____ TELEPHONE: _____

ADDRESS: _____

EMAIL ADDRESS: _____

CURRENT EMPLOYER: _____

ADMIN / COMMISSION / COMMITTEE: _____

Part I - Background Information.

Part II - Confidential Conflict of Interest Disclosure.

Complete both parts, **sign** and **date** this form on the last page, and return the form to **NOMAA**.

Retain a copy for your records.

PART I

BACKGROUND INFORMATION

INSTRUCTIONS

Please provide the information requested below regarding **relevant** organizational affiliations, government service, public statements and positions, research support, and additional information (if any).

Information is "relevant" if it is related to -- and might reasonably be of interest to others concerning -- your knowledge, experience, and personal perspectives regarding the subject matter and issues to be addressed by the **NOMAA** activity for which this form is being prepared.

If some or all of the requested information is contained in your curriculum vitae, you may if you prefer simply attach your CV to this form, supplemented by additional responses or comments below as necessary.

I. ORGANIZATIONAL AFFILIATIONS. Report your relevant business relationships (as an employee, owner, officer, director, consultant, etc.) and your relevant remunerated or volunteer non-business relationships (e.g., professional organizations, trade associations, public interest or civic groups, etc.).

II. GOVERNMENT SERVICE. Report your relevant service (full-time or part-time) with federal, state, or local government in the United States (including elected or appointed positions, employment, advisory board memberships, military service, etc.).

III. RESEARCH SUPPORT. Report relevant information regarding both public and private sources of research support (other than your present employer), including sources of funding, equipment, facilities, etc.

IV. PUBLIC STATEMENTS AND POSITIONS. List your relevant articles, testimony, speeches, etc., by date, title, and publication (if any) in which they appeared.

V. ADDITIONAL INFORMATION. If there are relevant aspects of your background or present circumstances not addressed above, please describe them briefly.

PART II

CONFIDENTIAL CONFLICT OF INTEREST DISCLOSURE

INSTRUCTIONS

This disclosure form is used for any Administrator, Commissioner / committee member of the **NOMAA**.

For this purpose, **the term "conflict of interest" means any interest which conflicts with the service of the individual because it:**

- (1) Could significantly impair the individual's objectivity.**
- (2) Could create an unfair competitive advantage for any person or organization.**

Except for those situations in which the **NOMAA** determines that a conflict of interest is unavoidable and promptly and publicly discloses the conflict of interest, no individual can be appointed to serve (or continue to serve) **NOMAA** if the individual has a conflict of interest that is relevant to the functions to be performed.

Conflict of interest requirements are *objective* and *prophylactic*. They are not an assessment of one's actual behavior or character, one's ability to act objectively despite the conflicting interest. Conflict of interest requirements are objective standards designed to eliminate certain specific, potentially compromising situations from arising, and thereby to protect the individual, the other members of **NOMAA**, and the public interest.

The term "conflict of interest" applies only to *current interests*. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but do not currently exist, because such future interests are inherently speculative and uncertain. For example, a pending formal or informal application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest.

The term "conflict of interest" applies not only to the personal interests of the individual but also to the *interests of others* with whom the individual has substantial common financial interests if these interests are relevant to the functions to be performed. Thus, in assessing an individual's potential conflicts of interest, consideration must be given not only to the interests of the individual but also to the interests of the individual's spouse and minor children, the individual's employer, the individual's business partners, and others with whom the individual has substantial common financial interests. Consideration must also be given to the interests of those for whom one is acting in a fiduciary or similar capacity (e.g., being an officer or director of a corporation, whether profit or nonprofit, or serving as a trustee).

Confidentiality Statement for Commission Members, Staff, Consultants and On-site Reviewers

I understand that in connection with my service to the Commission, I will be exposed to confidential information related to the accreditation of First Professional Doctor of Oriental Medicine (OMD) education programs (the "Confidential Information"). In order

to protect the Confidential Information, and NOMAA's interest in maintaining the confidentiality of the Confidential Information, I hereby promise that I will not make copies of, disclose, discuss, describe, distribute or disseminate, in any manner whatsoever, either orally or in written form, any Confidential Information that I receive or generate, or any part of it, and I will not use such Confidential Information for personal benefit or any other reason, except directly in connection with my service to NOMAA. I acknowledge that a breach of this promise of confidentiality could result in irreparable damage to NOMAA and its mission, as well as to the public.

*During your period of service in connection with **NOMAA** for which this form is being completed, any changes in the information reported, or any new information, which needs to be reported, should be reported promptly by written or electronic communication to **NOMAA**.*

YOUR SIGNATURE

DATE

Reviewed by: _____
CEO/Executive Director

Date