



AMERICAN SOCIETY OF CLINICAL ONCOLOGY  
**KNOWLEDGE CONQUERS CANCER**

<b>Policy Name:</b> Conflict of Interest Implementation Policy for Leadership of American Society of Clinical Oncology
<b>Policy Number:</b> COI-004
<b>Policy applies to:</b> Society and Association
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<b>Date of Adoption:</b> 06/01/2008
<b>Approving Body:</b> Society and Association Boards of Directors
<b>Contact Department:</b> CEIL
<b>Visible to:</b> Staff, Volunteers, Public and Board Members

## I. Background and Applicability

The American Society of Clinical Oncology (Society) is dedicated to advancing the prevention, diagnosis and treatment of cancer and the quality of cancer survivorship. To assure the independence, objectivity, fair balance, and scientific integrity of Society educational and scientific programs and products, the Society has adopted its Policy for Relationships with Companies (COI Policy).<sup>1</sup>

The COI Policy applies to all employees and staff of the Society and its related entity the Association for Clinical Oncology (Association), as well as all persons who participate on their Boards of Directors, committees, and task forces, or in any volunteer activity in an official capacity for the Society or Association (COI Policy, Section II). The COI Policy is intended to be adapted for implementation in connection with particular roles or activities (COI Policy, Section II.B.). The Society and Association are collectively referred to in this Implementation Policy as “ASCO.”

All ASCO Leadership must maintain a high standard of loyalty and fairness to ASCO and avoid even the appearance of conflict of interest in carrying out their responsibilities for ASCO. ASCO Leadership must avoid using their position for personal gain or advantage, or to obtain a favored status with any particular group. Consistent with this standard, each ASCO entity’s Conflict of Interest Policy for Officers, Directors and Key Employees<sup>2</sup> (Corporate Policies) helps identify actual or potential conflicts and protect ASCO’s interest when it is contemplating entering into a transaction or arrangement that might benefit the financial or professional interest of a Board Member or Officer.

This Implementation Policy interprets and implements the COI Policy and the Corporate Policies (together, Conflict Policies) as they relate to those in leadership positions within and for ASCO (ASCO Leadership). Specific decisions made in accordance with the Conflict Policies are memorialized in this document. Issues not specifically addressed herein will be managed on a case-by-case basis consistent with ASCO policies and procedures.

## II. ASCO Leadership

<sup>1</sup> American Society of Clinical Oncology, Policy for Relationships With Companies 2017 Journal of Clinical Oncology 35, no. 7 (March 2017) 796-798. <http://ascopubs.org/doi/full/10.1200/JCO.2016.71.8510>

<sup>2</sup> In some cases named “Conflict of Interest Policy for Officers and Directors” or “Conflict of Interest Policy for Officers and Governors”.

Many volunteers and staff members play important leadership roles in ASCO activities. However, this Implementation Policy applies specifically to the Society's Board Members and Officers, the Association's Board Members and Officers, the ASCO Chief Executive Officer (CEO), Senior Vice Presidents, Executive Vice Presidents, Vice Presidents, Division Directors, the editors-in-chief of each Society Journal.<sup>3</sup> These individuals, collectively and individually, are referred to in this Policy as ASCO Leadership. The Chair of the Society Board of Directors, Chair of the Association Board of Directors, or Chief Executive Officer may from time to time designate other groups or offices as ASCO Leadership for purposes of this Implementation Policy.

### **III. Disclosure of Financial Interests and Relationships**

All ASCO Leadership are required to disclose in accordance with the COI Policy. The COI Policy relies chiefly on disclosure of financial and other interests to identify and manage potential conflicts (COI Policy, Section III.B.). All ASCO Leadership must disclose the financial interests and professional relationships described in Section III.C. of the COI Policy. Disclosure must extend to interests in and compensated as well as uncompensated relationships with any "Company", defined as any for profit entity that develops, produces, markets, sells or re-sells, or distributes drugs, devices, services or therapies used to diagnose, treat, monitor, manage, and alleviate health conditions (including but not limited to pharmaceutical, biotechnology, and medical device companies). Entities through which physicians provide clinical services directly to patients are excluded from the definition of "Company." In addition, ASCO Leadership must disclose service (with or without compensation) as an officer, director, or trustee of any professional or advocacy organization relating to science or health care.

In accordance with the Corporate Policies, ASCO Leadership is also required to disclose any transactions between the Society or Association or any ASCO-related corporate entity and such entity's officers, directors and key employees, or between the Society or Association or any ASCO-related corporate entity and a family member or a related entity of an ASCO Leader, or any transaction in which there may be an actual or perceived conflict of interest.

Disclosure should be made at the beginning of service, then annually. Disclosure should be updated when there are material changes in the information disclosed. Disclosure must be made whether compensation is paid directly to the individual ASCO Leader or to the ASCO Leader's institution or to another entity such as a charity. Disclosure should include financial interests and relationships held by the individual's spouse, domestic partner or dependent child.

### **IV. Management of Conflicts**

The management of actual or potential conflicts of interest will depend on the particular circumstances, including the nature and extent of the financial interest or relationship. ASCO Leadership should recuse themselves from decisions in situations where they have a conflict of interest or a potential conflict. Participation in discussions and deliberations, and speaking publicly on behalf of ASCO, may be permissible as long as the financial interest or relationship is disclosed.

### **V. Restrictions on Financial Relationships**

In accordance with compliance policies and conflict management strategies of ASCO including the COI Policy, the ACCME Standards for Integrity and Independence in Accredited Continuing Education, and the CMSS Code for Interactions with Companies, certain financial relationships are restricted for certain ASCO Leaders.

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<sup>3</sup> A Society Journal as defined in the CMSS Code, "a peer-reviewed scientific journal published by a Society or by a publisher on a Society's behalf."

A. The ASCO President-Elect, President, and Past President, the Chair of the Society Board of Directors, the ASCO CEO, and the Editors-in-Chief of each Society Journal may not, during their terms of office, accept any gift, honorarium, salary, fee, or other compensation (collectively, “Compensation”), whether paid to the individual Leader or to the Leader’s institution in connection with their effort, from any Company. The restrictions in this section do not apply to:

- i. Compensation received in connection with scientific research, including for service as an investigator in a trial and research funding;
- ii. Reasonable travel reimbursement, provided that the recipient does not otherwise receive Compensation from the Company (unless the Compensation is received in connection with scientific research, as described above).

B. Society and Association Board Members (excluding any non-voting Board members) may not serve as Fiduciaries<sup>4</sup> of a Company at any time during their terms of office. Any Society or Association Board Member who becomes a Fiduciary of a Company must notify the relevant Chair of the Board of Directors, the CEO, or the Chief Ethics Counsel immediately, and resign their Society and/or Association Board position, to be effective immediately. Any vacancy created by a Board member’s resignation will be filled according to the Society or Association Bylaws, as appropriate.

C. Exceptions to Section V.B, if any, may be made by the following groups, using the criteria set forth below:

- i. For members of the Society Board, by the Elected Officers of the Society Board;
- ii. For members of the Association Board, by the Executive Committee of the Association Board;
- iii. For members of both the Society Board and Association Board, by the Elected Officers of the Society Board and the Executive Committee of the Association Board, acting jointly;
- iv. For potential nominees and candidates for Society Elected Officer and Society Board positions, by the Elected Officers of the Society Board and two representatives of the Nominating Committee appointed by the Nominating Committee Chair for this purpose.

Each such body shall consider the following criteria to determine whether to grant a rare exception to the rule set forth in Section V.B.: potential damage to ASCO’s reputation as a trusted source of independent programs and services; whether the individual’s ability to fulfill fiduciary duties to ASCO might be compromised; degree of difficulty of managing the potential conflict; likelihood of direct transactions between ASCO and the relevant Company; and other factors specific to the circumstances.

D. ASCO Vice Presidents, Senior Directors, and Directors are subject to financial restrictions on outside activities as set forth in the ASCO Employee Handbook and related ASCO policies.

## **VI. Leadership Ineligible for Grants Awarded by ASCO or Conquer Cancer Foundation of the American Society of Clinical Oncology (Conquer Cancer)**

ASCO is committed to maintaining an objective and independent process for selecting grant recipients. In order to avoid actual, potential or perceived conflicts of interest, Society and Association Board Members

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<sup>4</sup> For the purpose of this policy, a Fiduciary includes an employee of, or a member of a corporate Board of Directors of, a Company. Roles with other titles that have fiduciary obligations to the Company or would otherwise cause the individual to be considered to be an agent of the Company will be considered on a case-by-case basis.

and Officers are not permitted to apply as principal investigators (PIs) on grants awarded by ASCO, including through Conquer Cancer, or to have a funded effort in such grants, for applications submitted from the time they are elected until the conclusion of their Board terms. Society and Association Board Members and Officers may be involved in the research under such grants only in a manner that is not funded by the grant. For example, Society and Association Board Members and Officers are permitted to serve as mentors for grant and award recipients as long as grant funds are not designated or used for mentor salary support.

However, individuals from the same institution, department, or practice as a Society or Association Board Member or Officer are free to apply for grants awarded by ASCO, including through Conquer Cancer, during the same period. A Society or Association Board Member or Officer may continue to be funded by a grant or award for which he/she was selected before being elected.

A Society or Association Board Member or Officer may vote on a slate of proposed grant recipients where one or more of the recipients is from his/her institution or practice, provided the Society or Association Board Member or Officer would not be involved in the grant research. Society and Association Board Members and Officers who are involved in the grant research in a manner that is not funded by the grant are required to recuse themselves from discussion and voting on all Society or Association Board and ASCO or Conquer Cancer Committee decisions related to those grants.

## **VII. Leadership Ineligible for ASCO Special Awards**

Society and Association Board Members and Officers are not eligible to receive Special Awards from the time they are elected through the end of the calendar year in which their Board terms conclude. Society and Association Board Members and Officers are eligible to be designated as Fellows of the American Society of Clinical Oncology when they become eligible, including during their terms of service.

## **VIII. Leadership Ineligible to Serve on Committees**

Given ASCO's complex range of activities, Society and Association Board and ASCO Committee service carry significant responsibilities and require a substantial time commitment. It is important for the organization to provide volunteer opportunities for as many interested members as possible, and to bring diverse perspectives into the volunteer groups. In view of these considerations, it is ASCO policy that a volunteer may not chair or otherwise serve on a Committee of the Society or the Association (including Councils), or as Editor-in-Chief or Associate Editor of an ASCO publication, while the volunteer is serving as a Society or Association Board Member or Officer, except as a Board liaison or in a formally designated Society or Association Board seat on the Committee.

If a volunteer is elected or appointed to serve as a Society or Association Board Member or Officer while during a term as a member or Chair-Elect of a Committee of the Society or the Association, the volunteer can serve the remainder of the year as a member or Chair-Elect, but will not become Chair. The volunteer will resign as a member or Chair-Elect upon taking the Board or Officer seat at the Annual Business Meeting. The incoming President will select an alternate Chair or member for Board approval.

If a volunteer is elected or appointed to serve as a Society or Association Board Member or Officer during their term as Chair of a Committee of the Society or the Association, the volunteer can serve the remainder of the year as Chair. Upon taking the Society or Association Board or Officer seat, the volunteer will resign from the Committee, and the position of Immediate Past Chair will be vacant for that year.

A volunteer may continue to serve as a chair or member of a Task Force or Steering/Planning Group while simultaneously serving as a Society or Association Board Member or Officer, so long as the volunteer has the time available to carry out both roles effectively.

If a volunteer is elected to serve as a Society or Association Board Member or Officer during their term as Editor-in-Chief or Associate Editor of an ASCO publication, the volunteer will resign the role upon taking the Society or Association Board or Officer seat unless requested by the Board to remain in place until a successor is in place.

A Society or Association Board Member or Officer in his or her final year of service may be selected to become Chair-Elect or a member of a Committee of the Society the Association or Editor-in-Chief or Associate Editor of an ASCO publication at the end of his or her Board/Officer term.

Society and Association Board Members and Officers may serve as Liaisons to Committees of the Society or the Association and as members of Committees of the Society or Association Board.

Certain Society or Association Officers have roles on the Conquer Cancer Board or Board committees. Beyond these prescribed roles, a Society or Association Board Member or Officer may serve as a director, officer, or committee member of Conquer Cancer if the volunteer is comfortable with the time commitment and the dual role.

#### **IX. Leadership Excluded from Ancillary Events with Premium Package (AEPP)**

Society and Association Board Members and Officers are among the ASCO volunteers excluded from participating in AEPP in any capacity, except as an attendee who receives no honorarium or reimbursement. Restricted activities include but are not limited to serving as an AEPP faculty member, presenter, session chair, consultant or any other role. ASCO does not permit such activities by Society or Association Board Members and Officers, or by volunteers in other roles designated from time to time by the Board.

#### **X. Questions and Exceptions**

Questions about this Implementation Policy should be directed first to ASCO's Chief Ethics Counsel. Questions requiring further review, and requests for exceptions to this Implementation Policy, will be referred to the Center for Integrity and Law and/or the relevant Board of Directors, as appropriate. Exceptions will be granted only in rare circumstances and with a convincing demonstration of need and management safeguards. Exceptions to Section V will be considered and decided as described in that Section.