



## ACOG FOUNDATION CONFLICT OF INTEREST AND DISCLOSURE POLICY

This Conflict of Interest and Disclosure Policy (“**Policy**”) applies to all volunteers of ACOG Foundation so that ACOG Foundation can ensure that all who volunteer for the organization are acting in the best interest of ACOG Foundation and its mission, vision, and core values.

In addition, this Policy is established in order to: (a) help ACOG Foundation volunteers meet their ongoing responsibility to disclose any interests that conflict or may appear to conflict with the interests of ACOG Foundation; and (b) protect the interests of ACOG Foundation when it is contemplating entering into any transaction, agreement or other arrangement that might benefit the private interest of an ACOG Foundation volunteer.

This Policy supplements but does not replace any applicable state and federal laws governing conflicts of interest applicable to charitable organizations. Certain ACOG and/or ACOG Foundation policies also provide additional requirements that are rooted in avoidance of conflicts of interest, including but not limited to the ACOG Foundation Confidentiality Policy, the ACOG Foundation Statement of Values, and ACOG Code of Professional Ethics.

### 1. Definitions

a. “Covered Individual” as used in this Policy means:

- All members of the ACOG Foundation Board of Directors;
- All members (including liaisons) of Councils, Work Groups, Committees, and Task Forces;
- All other volunteers;
- All authors of ACOG Foundation publications;
- All consultants; and
- All other individuals who are required to comply with this policy by contract (whether directly or through the individual’s employer).

b. “Key Person” as used in this Policy means:

- Board of Directors members
- Other individuals who may be identified by ACOG Foundation

c. “Relevant Company” as used in this Policy means:

- Pharmaceutical company
- Manufacturer of medical instruments, devices or equipment
- Genetic testing company
- Certifying body
- Medical membership organization or other nonprofit organization
- Any other company or organization engaged in the development, marketing, selling, reselling, or distributing of products in the health care industry, including, but not limited to, educational products, software, artificial intelligence, and professional journals

## 2. Conflict of Interest

A conflict of interest may arise when a Covered Individual has some interest or obligation that has the potential to create divided loyalty on the part of the Covered Individual’s loyalty between ACOG Foundation and some other organization or cause, or that might affect or be affected by ACOG Foundation activities. This can occur in the context of a relationship with a for-profit company, a nonprofit organization, or any other entity, including but not limited to, those that engage in work similar or related to ACOG Foundation’s work.

**To fulfill their duties to ACOG Foundation, Covered Individuals must disclose any interest in a company, organization, service, product or other concern that might affect or be affected by ACOG Foundation activities. This includes both financial interests in any dollar amount and subject matter interests. Covered Individuals also must disclose such interests held by a spouse or domestic partner.**

Examples of interests that must be disclosed include, but are not limited to:

- ownership of stock or other financial interest in a Relevant Company, but not including stocks held in a blind trust, mutual fund or exchange traded fund over which the individual has no control;
- consulting fees, royalties, honoraria, in-kind services, or payments of any kind from a Relevant Company;
- accepting anything of value in excess of \$50 at one time, with a maximum annual limit of \$250 for personal use from one Relevant Company;
- employment or ownership interest in a Relevant Company;
- Serving on an advisory board or other leadership position in a Relevant Company
- consultancy, advisor or speaker arrangements;
- faculty appointments;
- arrangements with medical, scientific, or related publishers to write articles or to provide editorial services;
- arrangements with genetic testing or technology companies;
- arrangements with manufacturers of medical instruments, devices or equipment;
- pharmaceutical investigation, except those conducted in accordance with federal requirements;

- research projects or support, except those conducted in accordance with federal requirements;
- medico-legal consulting;
- product development;
- royalties or patent beneficiary

If there is any uncertainty as to whether information should be disclosed, the Covered Individual should err on the side of caution and include the information on their disclosure Form.

### 3. Disclosures

Each Covered Individual is expected to complete an ACOG Foundation Conflict of Interest Disclosure Form (“**Form**”) consistent with this policy on an annual basis. Each Covered Individual must submit an updated Form if any changes or additions arise during the course of the year. Covered Individuals also may be asked to update the Form throughout the year.

Covered Individuals must disclose their own information and all such interests held by a spouse or domestic partner.

Upon receipt of the Form, relevant ACOG staff will review any disclosures and confer with the Covered Individual regarding a proposed resolution of any actual, potential or perceived conflicts. Participation in ACOG Foundation activities is contingent upon the Covered Individual’s cooperation in resolving any conflicts. ACOG reserves the right to exclude any person who fails to comply with the evaluation and conflicts resolution process.

### 4. Heightened Requirements for Key Persons

In addition to complying with the above conflict of interest disclosure and conflicts resolution requirements, **Key Persons must adhere to heightened requirements and avoid any of the following activities:**

- Being employed by a Relevant Company;
- Being on a speakers’ bureau of a Relevant Company;
- Having a financial interest in a Relevant Company in excess of \$5,000, except if in a blind trust, exchange traded fund or mutual fund investment.

Additionally, it will be considered a conflict of interest if Key Persons fail to comply with (1) ACOG’s established guidelines for relationships with the health care industry, Committee Opinion #541, *Professional Relationships With Industry*, November 2012 (reaffirmed 2020), as may be revised from time to time; and (2) ACOG Foundation's Policy on Public Statements by ACOG Foundation Board of Directors Members.

Key Persons have a continuing responsibility to comply with these requirements. Key Persons must immediately inform ACOG’s Legal Department if they believe, for any reason, that they have failed to comply or may fail to comply with these heightened requirements.

Approved by the Board of Directors: April 2023