



ACEM EXAMINATIONS - CONFLICT OF INTEREST POLICY

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1. PURPOSE AND SCOPE

The Australasian College for Emergency Medicine (ACEM; the college) is committed to high standards of ethical conduct and, accordingly, places great importance on making clear any existing or potential conflict of interest.

The purpose of this policy is to provide guidance in identifying and handling potential and actual conflicts of interest involving ACEM examination activities. This policy draws on and complements College Policy COR139; however applies specifically to College examinations.

This policy applies to all members and staff of the College involved in the preparation and conduct of College examinations, including, but not necessarily limited to the following groups:

- ACEM Examination Subcommittee and examination working parties;
- ACEM Court of Examiners;
- ACEM Panel of Standard Setters;
- ACEM OSCE FACEM Confederates.

It is the responsibility of all ACEM members and staff involved in the development and conduct of College examinations to be aware of the implications of this policy for them, having regard to the particular circumstances of each case, and the application of the contents of this policy to their circumstances.

2. POLICY STATEMENT

Members and staff of the College are obligated to avoid and disclose ethical, legal, financial or other conflicts of interests involving the College and remove themselves from a position of decision-making authority with respect to any conflict situation involving the College. Members and staff of the College should identify any actual, potential or perceived conflicts of interest and take appropriate action to address such conflicts of interest as they arise.

This is particularly so in relation to College examinations, which are high-stakes assessments. As such, individuals in possession of information about College examinations may find themselves placed in positions of significant conflict of interest (perceived or actual) through events or actions that are sometimes outside of their control. The College values the significant contributions of all involved in enabling the conduct of examinations and is, thus, most keen to ensure that individuals are protected, as far as is possible, from any effects of any conflict of interest. As a result, this will mean that there will be times when it is in the best interest of all concerned that individual(s) are prohibited from participating in activities relating to the development and conduct of College examinations until the circumstances that give rise to any conflict of interest are removed.

3. DEFINITIONS

3.1 General

ACEM/the College

means the Australasian College for Emergency Medicine

Actual conflict of interest

involves a direct conflict between current duties and responsibilities and existing private interests

Close Associate

Includes:

- the employer (including a hospital) or an employee of the member;
- a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;
- a person from whom the member has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services;
- a company in which the member or senior officer is a shareholder or has a commercial interest;
- a body corporate of which the Fellow or senior officer is a director or a member of the governing body.

College entity

means the Board of Governance and any Council, committee, subcommittee or other entity authorised to carry out any activity or function of the College

College member

means a person designated as a 'member' in the ACEM Constitution and associated regulations; and, for the purposes of this policy, also includes a trainee and any other person serving on any College entity or as a College representative

Examination

refers to any formally constituted and conducted College examination process, including the Primary Written Examination, Primary Clinical Examination (Viva), Fellowship Written Examination and Fellowship Clinical Examination (OSCE) of the FACEM Training Program, as well as examinations conducted as a requirement of any other ACEM training program

Family member

includes spouse, domestic partner, parents, siblings, children, the spouse or partner of a parent, sibling or child, and any other relative who resides in the same household

Fee paying (courses)

involves payment by a participant to attend

For profit (courses)

organised with the intent of making a financial profit and/or where presenters or other contributors receive payment of any kind over and above reimbursement of direct expenses for their contributions

Not for profit (courses)

organised without the intent of making a financial profit and/or where presenters or other contributors receive no payment of any kind over and above reimbursement of direct expenses for their contributions

Perceived conflict of interest

conflict exists where it could be perceived, or appears, that private interests could improperly influence the performance of duties – whether or not this is in fact the case

Potential conflict of interest

where private interests could conflict with official duties

Trainee

means a trainee in any ACEM training program or a Specialist International Medical Graduate (SIMG) who has been assessed by the College and is working toward meeting the requirements for eligibility for election to Fellowship of the College

3.2 Conflict of Interest

A conflict of interest is a situation which occurs if an interest or activity:

- influences, or appears to influence, the ability of the individual to exercise objectivity; or
- impairs, or appears to impair, the individual's ability to carry out responsibilities in the best interests of the College.

An individual is considered to have a potential conflict of interest when:

- he/she or a family member or close associate may receive a financial or other significant benefit as a result of the individual's position at the College
- he/she has the opportunity to influence the College's business, administrative or other material decisions in a manner that leads to personal gain or advantage
- he/she, a family member or a close associate has an existing or potential financial or other significant interest that impairs, or might appear to impair, his/her independence in the discharge of his/her responsibilities to the College.

4. DISCLOSURE AND MANAGEMENT

The principle is, a staff member or College member who has a potential conflict of interest in a matter before a College entity of which he or she is potentially a member must disclose the interest to the relevant entity. If there is doubt as to the materiality of the interest, the Chair will decide as to whether conflict does or does not exist.

In the ACEM examinations, the entity responsible for considering conflicts of interest of individuals (including Fellows) will be the Examinations Subcommittee (ESC). The ESC may publish guidance material(s) in relation to this matter (which must have prior approval of the Council of Education, and must not conflict with any position espoused by the College in this or any other policy, regulation or similar document). Where any doubt exists as to the appropriate course of action to be taken in regard to any individual, the Chair of the ESC will liaise with the College Censor-in-Chief and Chief Executive Officer to arrive at a decision.

The disclosure made must be recorded in a register of interests held by the College and noted in the minutes of the minutes of ESC minutes.

An individual who has an interest in a matter before a College entity must not:

- take part in discussion by the entity relating to that matter;
- while such discussion is taking place, be in, or in the vicinity of, the room in which that matter is being discussed;

- vote in relation to that matter.

When deciding what kind of relationships, situations or affiliations should be disclosed, the individual should consider the situation from the perspective of a third party and whether the relationship, situation or affiliation is of such a nature that it could raise an allegation of an actual or perceived conflict of interest. In such cases, the individual should err on the side of transparency in order to alleviate or avoid future misunderstandings.

Should an appearance of impropriety or actual conflict of interest exist, appropriate actions must be taken which will vary depending upon the particular facts. The staff member or College member must work cooperatively with the College entity or the CEO to achieve a resolution of the conflict issues in the best interests of the College.

Where any instance of impropriety is suspected to have occurred in relation to any College examination, the matter must be brought to the attention of the College Censor-in-Chief and the CEO. If deemed necessary, the matter will be investigated through the Office of the CEO.

5. SPECIFIC CONFLICTS

5.1 Acceptance of Gifts or Benefits

In general, ACEM members (including Fellows) and staff should not solicit or accept any gifts or benefits that might in any way appear to compromise or influence them in their official capacity. If the individual is in any doubt, guidance should be sought as described in Section 4 of this policy.

The offer of gifts or benefits arising as a result of an individual's involvement with the College must be reported immediately to the CEO in the case of members, including trainees, or to their manager, Executive Director or CEO as applicable in the case of staff.

Gifts to the organisation/work area of more than nominal value e.g. a painting, or a piece of equipment, are acceptable, but should be disclosed to the CEO.

If the College is engaged in a tender process, no gift, no matter how small or insignificant, should be accepted from the tenderers.

5.2 Paid Participation in Fee-Paying Examination Revision or Preparation Courses

It is recognised that some individuals involved in the development and conduct of College examinations are involved also in the development and conduct of revision/preparation courses for candidates attempting ACEM examinations. The College makes a clear distinction between such courses that are held in ACEM accredited training hospitals (or other sites) for the benefit of trainees, and those that are held outside of ACEM accredited training sites by members as private individuals, either on a for profit or a not for profit basis.

Pro-bono participation in hospital revisions/preparation courses of members who are involved in the development and conduct of College examinations is set out separately below (refer Section 5.3). The College is, however, very clear regarding the involvement in College examinations of Fellows who have material involvement in the organisation or delivery of revision/preparation courses that are held external to accredited ACEM training sites and where a fee for participation is involved, regardless of whether the course is being conducted on a for profit or not for profit basis.

In summary, this is the position of the College:

When an individual participates in any role in the examination process, no access to examination items will be permitted prior to or after the conduct of an ACEM examination to members (including Fellows) involved in examination revision/preparation courses where a fee is charged for participation. This includes participation in examination question development or standard setting for any examination, or as an examiner, regardless of whether that involvement may be considered minor (e.g. knowledge of one or a small number of examination items) or major (e.g. knowledge of a section or the entirety of an examination). Further to this, any possible conflicts that members feel may arise from their involvement in College examination processes and significant paid participation on examination revision or preparation courses should be declared to the College, and updated on an ongoing basis on a register of interests held by the College.

5.3 Pro Bono Participation in Examination Revision or Preparation Courses

The College recognises the significant pro-bono contributions of members in training trainees, including in assisting trainees in preparing for College assessment tasks, such as examinations. The difficulty for some members in balancing their role in such activities with other College roles in assessment activities is understood and the College has no desire to inhibit the participation of members in either activity.

The above notwithstanding, however, it must be recognised that conflicts (perceived or otherwise) can occur, and may not be immediately obvious or understood. Further, the range of College activities in which members may be involved renders any complete listing of possible conflicts extremely difficult. Thus, any possible conflicts that members feel may arise from their involvement in College examinations should be declared and updated on an ongoing basis on a risk register held by the College. Potential conflicts can then be considered and individuals advised accordingly.

5.4 Conflicts Arising between Individuals

It is recognised that not all conflicts may be immediately apparent to those involved in College examinations, for example, when they involve matters that may have occurred in the past, or have been interpreted differently by the individuals involved. This is particularly so where conflicts may be perceived to exist between individual examiners and individual candidates.

In order to minimise the occurrence of such instances, the College will supply examiners with a list of candidates in advance of the examination and request that any conflict be identified and declared. The College will also supply a list of examiners to candidates in advance of the examination and request that any conflict be identified and declared. Where conflicts are identified, either by examiners or candidates, the College will take steps to ensure that the conflict is dealt with in a manner appropriate to the matter involved. Frequently this will involve ensuring that individual examiners will not examine individual candidates where a conflict has been declared.

Instances where a family member, close associate or colleague are involved as a candidate in an examination where a College member has involvement in any way must be declared and will be dealt with on an individual basis, depending on the nature of the involvement of the member. For example, where the member is involved as an examiner on the day of the examination will likely require a different response to that where a member may be involved as a writer or reviewer of examination materials.

6. DOCUMENT REVIEW

Timeframe for review: every two (2) years, or earlier if required.

6.1 Responsibilities

Document authorisation: Board
 Document implementation: ESC / COE
 Document maintenance: CEO

6.2 Revision History

Version	Date of Version	Pages revised / Brief Explanation of Revision
v1	Oct-2016	Approved by Board.
v2	Oct-2018	Revisions throughout approved by the Board