



North American Society for Pediatric Gastroenterology, Hepatology and Nutrition (NASPGHAN) Policy on Due Process for Alleged Ethical Misconduct.

Preamble.

NASPGHAN has earned the respect of the scientific community, professional medical organizations, the health care industry, governmental organizations and the lay public in general, as the leading authority in matters pertaining to pediatric gastroenterology, hepatology and nutrition. Maintenance of this respect and trust in the integrity of NASPGHAN is of paramount importance to the Society. For this reason, NASPGHAN has developed policy guidelines to assist its members in dealing with conflict-of-interest issues and codes of ethical conduct in matters relating to patient care, professional activities, research and education. The perception of ethical misconduct by a member of NASPGHAN has potential to significantly damage the Society's reputation and credibility among the scientific community and general public, and, in certain circumstances, may affect the Society's accreditation status for CME. Therefore, disregard for ethics policies endorsed by NASPGHAN cannot be tolerated.

This policy outlines the procedure for investigating and managing reports of alleged ethical misconduct by members of NASPGHAN.

Principles.

- NASPGHAN members should abide by the principles outlined in all policies endorsed by the Society relating to professional conduct and ethical matters.
- NASPGHAN members found to be in violation of these principles may be subject to disciplinary action.

Policy and procedure.

- Examples of misconduct include, but are not limited to, failure to disclose a potential conflict of interest, failure to adhere to the ACCME's standards for commercial support of continuing medical education, and failure to abide by the Professional Code of Conduct in matters relating to patient care, professional activities, research and education. To ensure clarity and fairness in the handling of ethical misconduct reports, NASPGHAN will only evaluate and respond to allegations under the following circumstances: (1) During official activities : The reported behavior must have occurred during an event, meeting, or other formal activity organized, sponsored, or sanctioned by NASPGHAN; and/or (2) In an official capacity: The individual

accused of misconduct must have been acting in an official role or representing NASPGHAN at the time of the incident

- Reports of alleged ethical misconduct may be made by any member of NASPGHAN to executive leadership of NASPGHAN (President, Past-president, President-elect, Executive Director and Secretary Treasurer)
- Once a report of alleged misconduct has been made, it will be referred solely and immediately to the Ethics Committee Chair for the formation of an Ethical Misconduct Committee, which will be charged with doing a review of the allegation.
- Only a NASPGHAN member can make reports of alleged misconduct about another NASPGHAN member to trigger this process.
- Non-member reports of alleged misconduct by a NASPGHAN member will not be acted upon.
- Any NASPGHAN member who makes a report of alleged misconduct by another member will not be informed of the outcomes of the review.
- The Ethical Misconduct Committee formed after a report of ethical misconduct will be chaired by the Ethics Committee Chair. It will include at least 4 (or alternatively 6) other members who will be specially appointed by the Ethics Committee Chair for the purpose of reviewing the reported misconduct. Potential members may include past Ethics Committee Chairs, past society presidents, members of the finance committee and/or other NASPGHAN committee chairs/members, as appropriate.
- Depending upon the scenario, the Ethics Chair will work with executive NASPGHAN leadership to determine the exact makeup of an Ethical Misconduct Committee, which must include an odd number of members between 5 and 7.
- None of the members of an Ethical Misconduct Committee should have any potential conflict of interest in relation to an investigation. The past Ethics Committee Chair will be the alternate chair of this committee in case the current Ethics Committee Chair has any conflicts of interest with the case. If any conflict of interest exists or if any member of the committee is unavailable for other reasons, the Chair can decide to move forward, or to appoint alternative members, as long as at least 5 people are on the committee and there is appropriate expertise (including legal, ethical, and financial) to best evaluate the report.
- In the event the Ethical Misconduct Committee determines the alleged offense *may* constitute an instance of ethical misconduct, the Chair of the Ethics Committee will designate three or more members of the Ethical Misconduct Committee to initiate a thorough investigation of the facts pertaining to the allegation. It will be the responsibility of the Chair of the Ethics Committee to ensure that none of the members of this sub-committee have any potential conflict of interest in relation to the investigation.
- Reports of alleged ethical misconduct, and the proceedings during the investigation of such allegations, must be kept in strict confidence by all involved individuals.
- The NASPGHAN member alleged to have committed the offense will be informed of the investigation upon initiation of the sub-committee investigation. All information received by the sub-committee relevant to the alleged offense will be shared with the NASPGHAN member under investigation.

- The NASPGHAN member under investigation will be provided the opportunity to respond to the allegations of misconduct, either in writing or at a meeting with the 3 members of the sub-committee. The member under investigation has the right to be accompanied by legal or advisory counsel during any meeting with members of the sub-committee for the purpose of providing advice to the member. If the member under investigation wishes to be accompanied by legal or advisory counsel, they must inform the committee no later than 1 week before the meeting and include the name as well as affiliation of said person.
- Following thorough investigation and deliberation, the sub-committee will report their findings to all members of the greater Ethical Misconduct Committee who will determine whether or not the alleged offense does constitute an instance of ethical misconduct. A report on the findings of the Ethical Misconduct Committee, together with any recommendations for mitigation or disciplinary action if appropriate, will be referred to NASPGHAN executive leadership.
- The NASPGHAN member has the right to appeal an adverse recommendation by the Ethical Misconduct Committee directly to NASPGHAN executive leadership.
- NASPGHAN executive leadership will ultimately be responsible for determining whether the member(s) under investigation is guilty of misconduct and whether there is need for mitigation or disciplinary action. Mitigation may include, but is not limited to, public or private apology, education, etc. Disciplinary action may include, but is not limited to, a reprimand, termination of office or membership on a committee or expulsion from membership in the Society.