



## **CONFLICT OF INTEREST POLICY**

In their capacity as directors and officers, the individual leaders The Athletic Trainers' Association of Florida, also known as ATAF, must act at all times in the best interests of the organizations they represent. (The term "Leaders" shall be used in this policy to refer to the officers, liaisons, and committee chairs of ATAF) Moreover, the Executive Board of ATAF (EB), and agents each has an obligation to ensure that the organization maintains a bias-free, decision-making process. The purpose of this policy is to inform Leaders about what constitutes a conflict of interest, assist them in identifying and disclosing actual and potential conflicts, and help them to avoid conflicts of interest where necessary. This policy may be enforced against individual Leaders as described below.

### **1. What Is a Conflict of Interest?**

A conflict of interest may arise when a Leader has some other interest that might suggest divided loyalty on the part of the Leader between obligations to ATAF, on one hand, and to some other organization or cause, on the other. The "other interest" may arise from a transaction between ATAF, and a third party, or a Leader's volunteer or paid relationship with a third party, which may compromise a Leader's ability to provide unbiased and undivided loyalty to ATAF.

In order to proactively address any potential conflicts of interest, each Leader is required to annually complete and submit a Disclosure Form detailing any such "other interests." The Leader also must update the Disclosure Form if any material changes or additions to the submitted information arise during the course of the year. On the Disclosure Form, the Leader must list all financial transactions with the organizations, whether the Leader or any family member of the Leader has an interest in any third parties providing goods or services to the organization, and any other (nonprofit or for-profit) organizations with potentially conflicting interests in which the Leader or any family member of the Leader is actively involved, has a significant investment, or owns at least a 1% interest. All paid or unpaid positions or relationships with nonprofit or for-profit third-party organizations that compete with ATAF, or take public positions contrary to those of ATAF, also should be listed. The Leader is encouraged to disclose a relationship if there is any uncertainty as to whether the relationship should be disclosed.

### **2. How Should Conflicts Be Addressed?**

An initial determination as to whether a particular outside transaction or relationship may constitute an actual, potential or apparent conflict of interest shall be made to the Committee on Professional Ethics (COPE) of ATAF/SEATA with the assistance of legal counsel and without the presence of the individual whose involvement in such transaction or relationship is under consideration. This determination shall be made in any circumstance in which a credible potential for a conflict of interest is identified either by an individual Leader (through mandated self-disclosure) or by a third party. However, if the Committee on Professional Ethics concludes that this determination should be made by the Executive Board of ATAF, then the matter shall be referred to the Executive Board (with or without a recommendation from the Committee) for its consideration, deliberation and resolution, with the assistance of legal counsel and without the presence of the individual whose involvement in such transaction or relationship is under consideration. The Executive Board shall have final authority over the resolution of all conflict of interest matters involving the members of such Board.

If the Committee on Professional Ethics believes that a particular relationship or transaction may represent an actual, potential or apparent conflict of interest, it shall first request additional information from the Leader detailing the nature of the relationship or transaction.

When evaluating whether a particular transaction or relationship constitutes an actual, potential or apparent conflict of interest, the Committee on Professional Ethics shall consider the following (non-exhaustive) factors:

- Abusing one's role as a Leader for personal or third-party gain or pleasure (including, but not limited to, the solicitation or acceptance of gifts or other items of value or indirect inducement to provide special treatment on organization matters).
- Placing one's own self-interest, the interest of one's company, organization or another entity for which the individual serves in a leadership, employment or ownership capacity, or the interest of any third party above that of ATAF.
- Engaging in any outside business, professional or other activities that would directly or indirectly materially adversely affect ATAF.
- Providing goods or services to ATAF as a paid vendor.

If the Committee on Professional Ethics determines that a particular relationship or transaction represents an actual, potential or apparent conflict of interest, it shall be referred to the Executive Board whom shall resolve such actual, potential or apparent conflict of interest in one of the following manners:

1. **Waive** the actual, potential or apparent conflict as unlikely to affect the Leader's ability to act in the best interests of the organization;
2. Determine that the individual Leader should be **recused** from all deliberations and decision-making related to the particular transaction which gives rise to the actual, potential or apparent conflict. This resolution should apply particularly when the transaction or relationship is one which presents a conflict only with respect to one or two discrete programs or activities. For example, if an individual Executive Board member also works for a company that produces an educational program that competes with one or two discrete programs of ATAF, the Committee on Professional Ethics may determine that the Executive Board member should be recused from all deliberations and voting related to such program(s) (both at the outset and on an ongoing basis), but that the Executive Board member need not resign his/her seat on the Executive Board.
3. Determine that the individual Leader must **resign** from his/her service to ATAF, because the actual, potential or apparent conflict is so pervasive that the Leader would seldom, if ever, likely be able to act in the best interests of the organization.
4. The special procedure below is applicable to all instances in which a Leader or the Leaders' company, organization or another entity for which the Leader serves in a leadership, employment or ownership capacity, or a member of the Leader's family seeks to provide goods or services to ATAF, as a paid vendor, or seeks to receive a significant grant or contract. ***This procedure shall not apply to pre-existing relationships with Leaders that previously have been disclosed to, and waived by, the Committee on Professional Ethics or the Board of the relevant organization.***
  - a. The Leader must disclose to the Director in advance of any related action to be taken by the Executive Board his/her intent to seek to provide goods or services as a paid vendor to ATAF, or to receive a grant or contract from the organizations.
  - b. The Leader must recuse himself/herself from all deliberations and voting related to the contemplated action.
  - c. If the value of the transaction exceeds \$5,000, ATAF, must, through a request for proposal process, have solicited proposals broadly from other qualified vendors / prospective grant or contract recipients and received (or attempted to receive) written bids from at least three such individuals/entities (including the Leader).

- d. The Executive Board must determine (without the presence or participation of the Leader) that the transaction is fair and in the best interests of ATAF, based on all of the facts and circumstances, and such determination (including the fact that it was made in the absence of the Leader) shall be documented as part of the relevant meeting minutes (all competing bids received shall be retained as well); and
- e. If selected, the Leader may not participate in any process by which his/her performance as a vendor / grant or contract recipient is evaluated.

The attached Conflict of Interest Disclosure Form and Nondisclosure Agreement shall be completed, signed and submitted by all ATAF Executive Board members and committee chairs on an annual basis at the end of the annual ATAF Executive Board Meeting in conjunction with the ATAF Clinical Symposium and Members Meeting or upon voted approval of position by ATAF, whichever comes first.



### **CONFLICT OF INTEREST DISCLOSURE FORM**

To help avoid any conflicts of interest, you are disclosing ownership or other proprietary interests, responsibilities, circumstances, or other reasons why you (or, by extension, any member of your family) might have an actual, apparent or potential conflict of interest with your duty to ATAF, (as applicable), both with respect to the conflicts identified in the attached policy and any others. You hereby invite further review by ATAF, (as applicable) of any aspects of these circumstances that might be appropriate. In addition, you agree to take other steps, such as avoiding deliberation and resolution of certain issues or even withdrawing from your membership on the applicable Executive Board, if it is determined that such steps are necessary to protect the integrity of the Executive Board and avoid the breach of your fiduciary duty to ATAF, (as applicable). Finally, during such time as you continue to serve on the applicable Board, you agree to notify the Chairman of such Board promptly if and when you determine that any additional actual, apparent or potential conflict of interest with your duty to ATAF, arises subsequent to the execution of this form. Please check the appropriate section at the bottom of this page.

### **NONDISCLOSURE AGREEMENT**

I agree that any confidential information disclosed to me by members or staff of ATAF, or by third parties, in connection with my membership on the applicable Executive Board of these organizations will be treated as such. I will not use or disclose such information except as may be authorized by ATAF, and will make my best effort to prevent its unauthorized disclosure. Confidential information shall include all such information relating to ATAF's members or to ATAF's operations, policies, plans, goals, or objectives. Confidential information shall not include information previously known to me, the ATAF membership, the general public, or previously recognized as standard practice in the field. I acknowledge that unauthorized disclosure of confidential information could cause irreparable harm and significant injury to ATAF and NATA members. I agree that, upon request, I will return to ATAF, (as applicable) all materials supplied to me by them, including agendas, minutes and supporting documents.

I have read the foregoing Conflict of Interest Policy, Conflict of Interest Disclosure Form, and Nondisclosure Agreement and agree to abide by their terms.