

GUIDELINES AND POLICY STATEMENTS

VI. C. STATEMENT OF ETHICAL RESPONSIBILITIES AND CONFLICT OF INTEREST GUIDELINES

In carrying out their charge to protect the interest of the public through accreditation of educational programs in occupational therapy, members of the Accreditation Council for Occupational Therapy Education (ACOTE®), Appeals Board Roster, and the Roster of Accreditation Evaluators (RAE) must demonstrate that evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment.

Therefore, the following guidelines are to be applied as indicated to paid AOTA accreditation staff, ACOTE members, Appeals Board Roster, and RAE members in making decisions regarding potential conflicts of interest.

STATEMENT OF ETHICAL RESPONSIBILITIES

ACOTE members:

1. may not serve as a paid or unpaid consultant to an institution subject to ACOTE accreditation on matters related to accreditation unless such consultations are performed under the auspices of ACOTE or other official body or committee of AOTA.

ACOTE, Appeals Board Roster, and RAE members:

1. shall abide by AOTA's Code of Ethics;
2. shall act in ways to preserve the confidentiality of the personnel, students, programs, and institutions that are evaluated;
3. shall expeditiously handle all matters pertaining to accreditation;
4. shall not advertise or publicly promote or permit others to act in a similar manner with respect to their membership on ACOTE or the RAE for any purpose unrelated to official business of ACOTE, RAE, or AOTA with the exception of such responsibilities as are appropriate for inclusion in curriculum vitae, professional publications, and manuscripts;
5. shall not provide any service, whether paid or unpaid, to any institution or program in litigation with ACOTE or having an appeal of an ACOTE action under active consideration;
6. shall not disclose to any person, institution, or program any information related to ACOTE actions that is not publicly available.

CONFLICT OF INTEREST RESULTING FROM MEMBERSHIP IN OTHER BODIES

Accreditation evaluators (RAE) and members of accreditation bodies with decision-making authority (ACOTE and Appeals Board Roster) must not hold concurrent voting positions on any AOTA policy or decision-making body for occupational therapy. Therefore, membership (as a voting member) in the following bodies presents a conflict of interest:

1. AOTA Representative Assembly
2. AOTA Board of Directors
3. AOTA Ethics Commission

In addition, members of accreditation bodies with decision-making authority (ACOTE and Appeals Board Roster) must not hold concurrent voting positions on the following bodies:

1. AOTA Commission on Education
2. National Board for Certification in Occupational Therapy (as a Board member, staff, or individual involved in writing certification examination questions).

CONFLICT OF INTEREST WITH INDIVIDUAL EDUCATIONAL PROGRAMS

Responsibility for identifying a conflict of interest with any given educational program lies with the individual staff member, public member, or evaluator. ACOTE has the final authority to determine when a conflict of interest exists. In making a decision regarding conflict of interest, a staff member, public member, or evaluator must consider the possibility of perceived conflict of interest as well as actual conflicts of interest as defined as follows:

1. A close personal, professional, educational, or financial interest, or other special relationship (including those of a negative nature), in any institution in question.
2. An employee or consultant to an entity, other than the institution under review or other consideration, that provides all or a significant portion of the institution's funding (e.g., a state department of education or a federal or private agency providing significant grants or research funding).
3. A current or former student or graduate, or parent of a current or former student or graduate of the institution in question.
4. A current or former candidate for a paid position within the past 5 years with the entity in question.
5. A position, whether paid or voluntary, current or within the past 5 years, to or for the institution in question. This includes positions as a consultant, advisor, or faculty member (including clinical or adjunct).
6. A residence and/or place of employment in the same state or in close proximity to the institution in question. Close proximity is determined by geographic, educational, and economic spheres (communities of interest) of influence rather than strict political boundaries.
7. A position, whether paid or voluntary, current or within the past 5 years, in an institution that is generally viewed by peers and occupational therapy students as a major competitor to the institution in question. This includes positions as a consultant, advisor, or faculty member (including clinical or adjunct).
8. A former Appeals Hearing Panelist for the institution in question.

ABSENTING ONESELF FROM ACOTE DELIBERATIONS

Members of ACOTE, with the exception of paid staff, shall absent themselves from ACOTE's deliberation on the institution in question if conditions below are applicable.

- **Special Relationship:** A close personal, professional, educational, or financial interest, or other special relationship (including those of a negative nature), in any institution in question. (*Conflict code #1*)
- **Paid or Voluntary Position:** A position, whether paid or voluntary, current or within the past 5 years, to or for the institution in question. This includes positions as a consultant, advisor, or faculty member (including clinical or adjunct). (*Conflict code #5*)
- **Same State/Close Proximity:** A residence and/or place of employment in the same state or in close proximity to the institution in question. Close proximity is determined by geographic, educational, and economic spheres (communities of interest) of influence rather than strict political boundaries. (*Conflict code #6*)

If any of these conditions apply, or if a member has any doubt or discomfort as to their applicability, the member must physically leave the room during any formal or informal discussion of the institution in question. *(For conference call meetings, the individual should declare the conflict, receive acknowledgement from the Chairperson, and hang up the telephone. When discussion of the program in question is completed, a staff member will call that individual and instruct him or her to rejoin the conference call.)* The minutes of the official proceedings of ACOTE will reflect the absence, and the absented member will be permitted back into the room or invited to rejoin the conference call only after the discussion ends.

WITHDRAWING ONESELF FROM PARTICIPATION IN ACOTE DISCUSSION

Members of ACOTE and paid staff must withdraw from any formal or informal discussion of any institution when the potential exists for another party to reasonably perceive that they have a conflict of interest. Withdrawal means that the individual conveys no information, either verbal or nonverbal, that could be construed as influencing the course of the discussion or action.

Circumstances requiring ACOTE members or staff to withdraw from participation include, but are not limited to conditions listed below.

- **Funding Source Employee or Consultant:** An employee or consultant to an entity, other than the institution under review or other consideration, that provides all or a significant portion of the institution's funding (e.g., a state department of education or a federal or private agency providing significant grants or research funding). *(Conflict code #2)*
- **Former/Current Student:** A current or former student or graduate, or parent of a current or former student or graduate of the institution in question. *(Conflict code #3)*
- **Candidate for Paid Position:** A current or former candidate for a paid position within the past 5 years with the entity in question. *(Conflict code #4)*
- **Work for Competitor:** A position, whether paid or voluntary, current or within the past 5 years, in an institution that is generally viewed by peers and occupational therapy students as a major competitor to the institution in question. This includes positions as a consultant, advisor, or faculty member (including clinical or adjunct). *(Conflict code #7)*
- **Appeals Hearing Panelist:** A former Appeals Hearing Panelist for the institution in question. *(Conflict code #8)*

If any of these conditions apply, the individual may ask to withdraw from the discussion, either formal or informal. The individual withdrawing from the discussion may remain in the room or on the conference call, but will not actively participate in the discussion unless responding to a direct inquiry from the Chairperson. The minutes of the official proceedings of ACOTE will reflect the individual's withdrawn status.

ABSTAINING FROM A VOTE DURING ACOTE MEETINGS

Abstaining (or abstention) is a parliamentary term that means that a voting member chooses not to cast a vote. An abstention in no way implies or indicates that a conflict of interest exists.

Abstentions are to be used only when a voting member of the ACOTE cannot make an informed decision based on the information presented/discussed/debated. The minutes of the official proceedings of ACOTE will record all abstentions as a part of the vote count on all action items.

When a motion has been discussed to the satisfaction of ACOTE, and the question has been called, the Chairperson will ask for either a hand or voice vote from those in favor of the motion, those against the motion, and those abstaining from the vote.

VISITORS TO ACOTE MEETINGS

All visitors to ACOTE meetings will review and sign ACOTE Policy VI.B. Confidentiality and Disclosure. Visitors will be seated with staff.

DISCLOSURE

Disclosure of Program Conflicts

Upon notification of appointment to ACOTE, Appeals Board Roster, or the RAE, the appointed member shall submit to AOTA accreditation staff a listing of all educational programs with which a conflict exists as determined by criteria 1 through 8 above. AOTA accreditation staff shall maintain a record of this conflict of interest listing.

During tenure as a member, a member shall advise as above, in writing, of the commencement of any new affiliation with a program that creates an additional conflict.

Disclosure of Program Conflicts Related to Consultation

At any time during an individual's tenure on the Appeals Board Roster or the RAE, if the individual accepts or performs a service that creates a conflict of interest, the individual shall notify the institution for which the services are to be provided that a conflict of interest exists. The notification shall consist of the following statement:

“My services to [SCHOOL] are strictly independent in nature and cannot be construed in any way by any party to be related to ACOTE or the accreditation process. Further, I hereby declare myself in conflict of interest with any ACOTE accreditation activities related to [SCHOOL].”

In addition, members of the Appeals Board Roster or RAE must notify ACOTE, c/o the AOTA Accreditation Department, of any consulting activity. This written notification must include the following information:

1. The program at which consultation is being provided and subsequent declaration of a conflict of interest with that program.
2. The nature of the consultation (e.g., consultant, advisory board, council).
3. The frequency and duration of the consultation.
4. Whether financial remuneration is being provided for the consultation.
5. Whether the appropriate persons at the institution(s) were provided with the ACOTE disclaimer statement.

For a period of 2 years following the conclusion of their service to ACOTE, Appeals Board Roster, or the RAE, any former ACOTE, Appeals Board Roster, or RAE members who agree to serve as a consultant to an institution or program must send a letter addressed to the program director or other appropriate program representative stating that the advice given is personal advice and does not represent the opinion of ACOTE. A copy of this letter shall be forwarded to ACOTE, c/o the AOTA Accreditation Department.

Disclosure of ACOTE Meeting Actions

Information regarding program actions or ACOTE discussions and motions that occur during the meetings will not be released to the Board of Directors prior to being made public. This includes, but is not limited to disclosures from Council members or accreditation staff to the AOTA Board of Directors.

Disclosure of AOTA Accreditation Staff

Accreditation staff must maintain confidentiality at all times. This includes, but is not limited to all ACOTE actions and meetings.

Independent Counsel

Pursuant to bullet 6 of the AOTA-ACOTE Policy, ACOTE and AOTA shall have clear and effective controls against conflicts of interest or perceived conflicts of interest with respect to the independence and autonomy of ACOTE in its conduct of accreditation duties and its accreditation decisions. In the event that a conflict of interest arises between AOTA and ACOTE that impacts ACOTE's accreditation duties and decision, ACOTE will secure independent legal counsel.

GENERAL

1. An ACOTE or RAE member who served as a reviewer of a program that was denied Candidacy Status may not be reassigned as a reviewer of that program should the program reapply for Candidacy Status.
2. An evaluator is not prohibited from serving as an on-site evaluator at an institution evaluated previously, although such a selection is not encouraged.