



INDIAN SOCIETY OF CRITICAL CARE MEDICINE

Ethical Code of Conduct for Members of the Executive Committee (EC) / College Board (CB) / Editorial Board of Journal and Newsletter (EB) / various Subcommittees (SC) / Office Staff (OS)

Preamble:

When any member of the ISCCM is elected or nominated to the EC/CB/EB/SC, or appointed as staff in office, he /she has certain obligations towards the Society that has given him/her this position of responsibility. He/she is expected to act in the best interests of the Society putting this above any personal interest.

Introduction:

A standard code of conduct needs to be established as a model for the EC/CB/EB/SC/OS members to follow. This would ensure that the Society is perceived to uphold highest ethical standards of integrity and transparency in the pursuit of its goal to develop critical care education, research, and services in the country.

The document will lay down the general principles of the Society's policies with respect to ethical conduct and would also outline the specific details of its implementation and remedial measures.

The document is intended to lend credibility to and protect the integrity of ISCCM's decision-making processes. It is also intended to protect the reputation of ISCCM's EC/CB/EB/SC/OS members.

The ethical standards are to be regarded as guidelines to EC/CB/EB/SC/OS members in situations that potentially may influence or compromise the credibility and freedom of ISCCM's decision-making processes or affect its reputation. The guidelines are to be followed in letter and spirit in addition to exercising good judgment in a particular case.

Basic Principles

1. Fiduciary Responsibility

The EC/CB/EB/SC/OS member has an ethical and legal obligation to act in the best interests (including financial success) of the ISCCM. This special relation of trust, confidence and responsibility to the society is the primary controller of any action that the EC/CB/EB/SC/OS member undertakes.

2. Conflict of Interest:

The EC/CB/EB/SC/OS member may have relationships, interests and memberships to organizations other than the ISCCM. Under some circumstances these associations can be at variance to or can compete with that of the ISCCM, creating a "conflict of Interest".



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The standard of behavior for the EC/CB/EB/SC/OS member is that they should scrupulously avoid any conflict of interest between their personal, professional, and business interests, and the interest of the ISCCM.

This includes avoiding actual conflicts of interest, as well as potential conflicts of interest. This includes actual unfair benefits and opportunities for benefit or gain. Personal gain or benefit may be in monetary form or indirect in terms of personal influence or professional benefit. This would also include benefit to the member's family or near relative. This includes also any actual or potential harm to the ISCCM through the actions of the EC/CB/EB/SC/OS member.

3. Professionalism

The ISCCM goals include scientific and intellectual honesty in its academic activities. The EC/CB/EB/SC/OS members are expected to engage in academic activities with only education and furtherance of the specialty as its goal, and not personal interest in any form. Monetary benefits or seeking credit for academic performance beyond what is due are considered breach of this principle.

4. Confidentiality

Proceedings of the EC/CB/EB/SC are to be kept confidential by the EC/CB/EB/SC/OS members, because of the primacy of the welfare of the society over that of other interests of the member. Besides being a blatant violation of the principles of fiduciary responsibilities such as premature and unauthorized leaks of information may provide an unfair advantage to the recipient in their dealings with the ISCCM. There is immense scope for the abuse of such information, that could, in many circumstances, be used in a fashion that is detrimental to the interests of the ISCCM.

Legal Implications

Conflict of interest (COI) means that any person occupying fiduciary capacity in a non-profit professional society such as the ISCCM shall not use his fiduciary position to earn any financial gain for himself or for his family members or near relations, not necessarily resulting in incurring of cost by or loss to the ISCCM. Though it is difficult to determine or define what type of business relationships present conflict of interest, it is essential that policies, practices and guidelines be scrupulously observed. Thus, the governing body of ISCCM (EC/CB/EB/SC/OS) is legally required to ensure that they operate in a manner that prevents any officeholder or committee members from inappropriately using their position for their own personal financial gain or meet their own personal interests. It is also important to avoid even the perception of conflict of interest.

The Income-tax Act and S197 and 199 of the Companies Act also makes it imperative that the ISCCM has clearly laid down policies, practices and guidelines on this issue and that it should disclose any contract entered into with another company or organization.

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Guidelines:

Following are the guidelines that flow from the above fundamental principles:

- 1) **Conduct of official duties:** The EC/CB/EB/SC/OS members should arrange their personal affairs in a manner that will prevent real, potential or apparent conflicts of interest from arising. If such conflict does arise, the conflict shall be disclosed and resolved in favor of the interests of ISCCM.
- 2) In order to prevent perception of COI, members assigned a responsibility by the governing body (EC) must confine the scope of their tasks to those clearly sanctioned by the EC.
- 3) All activities performed on behalf of ISCCM must have prior written approval of the EC.
- 4) Money raised on behalf of ISCCM must be disclosed through audited accounts to the EC.
- 5) **Educational Activities:** Educational activities seeking to be endorsed by the ISCCM must send written information to the President / EC. Financial transactions in the name of ISCCM should be transparent and disclosed to the EC.
- 6) **Credit and Recognition:** Due credit for honorary role played for the Society's benefit is in the form of peer recognition and not in the form of any pecuniary benefits. Seeking credit beyond appropriate limits through display of names, position or photographs (without prior approval of EC) can be construed as individual projection and would be violation of the fiduciary responsibility. Notices for meetings should carry names of office secretary (if available) and official address and names of the entire organizing committee.
Any statement on behalf of ISCCM given to the media / social media must have prior approval of the President / EC.
- 7) **Gifts and benefits:** EC/CB/EB/SC/OS members must not solicit or accept transfers of economic benefit (other than incidental gifts, customary hospitality, or other benefits of nominal value) from persons, groups or organizations having, or likely to have dealings with the ISCCM. Any gift or economic benefit accepted by virtue of being EC/CB/EB/SC/OS members should go to ISCCM account.

This does not prohibit acceptance of travel costs, hospitality, meals or other expenses normally paid for by ISCCM in the conduct of its business or such expenses for academic activities being paid by the Pharmaceutical or Biomedical industry.

- 8) **Preferential treatment:** They should not step out of their official roles to assist individuals or organizations in their dealing with ISCCM where this would result in preferential treatment to any person or organization.
- 9) EC/CB/EB/SC/OS members must comply with the COI policy requirements. By virtue of their positions, these individuals have to be especially prudent in their conduct and avoid rigorously all issues of actual or perceived COI. EC/CB/EB/SC/OS members shall not during their terms have significant relationships to Pharma or biomedical companies. This includes

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not receiving honoraria or fees, having consultancies, board or advisory memberships or employment; holding stocks (except public limited companies) or partnerships specially with the companies having direct or significant dealing (financial or policy related) with ISCCM. All such concurrent relationship should be declared within 15 days in prescribed format. In the event of such relationship the concerned person should be reclude himself from the discussion/decision making pertaining that company. The President/General secretary/Vice Chancellor should not hold official position in another organization with overlapping interest. The editors should also not serve in editorial capacity to another journal of overlapping area. They should not be in a position of having responsibility for acceptance of papers for publication and / or responsibility for policy decision for the publications.

- 10) Should the prospective President of the Society or editor of the official publication have one of the above disqualifications, an appropriate remedy is required before his appointment.
- 11) Nationality: all the EC/CB/EB/SC/OS members should be Indian Nationals and should be Resident Indians.
- 12) **Review and Scrutiny:** The EC/CB/EB/SC/OS members while performing their official duties should be prepared to stand closest scrutiny in the larger interest of the ISCCM. Probity is an obligation that is not necessarily fully proven by simply acting within the law. Questions relating to the functioning of any official organ or activity of the Society can be raised at any time by any member of the EC.

13) **Conflict of Interest.**

Considering the honorary nature of the post of Office Bearer or Member of the EC/CB/EB/SC are likely to have a primary association with a health care organization not connected to the ISCCM. It is also recognized that the participation of members in the activities of other professional associations, industry, government and private institutions may often serve the interests of the Society. However, on occasion, the interests of these organizations may come in conflict with that of the ISCCM.

A “conflict of interest” is a situation where an individual, or the organization he or she represents or has an interest in, has a real, potential or perceived, direct or indirect competing interest with the ISCCM's activities. This competing interest may place the individual in a position of benefit or impede the ISCCM from achieving a result that would be in the best interest of Society.

The following Policies are suggested to minimize conflict of interest:



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- a. EC/CB/EB/SC/OS members or any person occupying a fiduciary capacity in the ISCCM, shall not accept or directly or indirectly engage or associate himself with any office or activity which is competing with or likely to be detrimental to the interests of the Society and/or will cause damage to its name, goodwill, prestige, income or property. This category includes, but is not restricted to;
- i. A position of office (Office bearer) in the national/central EC or the governing body of a regional or national professional society, research organization or educational trust with competing* interests. (* “Competing” organizations: Any entity that shares wholly or in part the goals of or the ideals propagated by the ISCCM)
 - ii. A position on the Governing Board /Board of Directors of a pharmaceutical or medical equipment manufacturer, vendor or distributor with current or potential interest in the ISCCM, its goals and its activities
- b. Members with personal or professional relationships with entities that may have obvious or perceived conflict of interest, but that are not considered as having competing interests (defined in section “a”), must disclose the existence of such associations.
- c. Formal (written) disclosure of all real or perceived conflicts should be made by each member of EC/CB/EB/SC/OS at the time of induction to the Committee and subsequently, at least, at the beginning of each year served by the member on the EC or as often as required to keep the list updated. These “Disclosure Statements” will be made available to all members of the EC.
- d. The EC will be responsible for the adjudication of all declared conflicts. Conflict under this policy shall be interpreted broadly and shall always be resolved in favor of the ISCCM’s interests.
- e. When an EC member refuses or fails to disclose a conflict that is subsequently confirmed to exist, the President and the EC can decide on the appropriate corrective action or initiate punitive steps to be taken based on the severity of the offence and the intent of the offender.
- f. A committee of five immediate past presidents shall be constituted to review/ monitor any breach of code of conduct.
- g. President can refer any issue to this committee which he/she feels that is not resolved by the EC,
- h. EC by 2/3 majority can refer any COI issue pertaining to president to this committee.
- i. The decision of this committee shall be final and binding to all.

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ANNEXURE 2:

Recommended Practice:

1. Statement of Commitment

1.1 Acknowledgement of the Code of Conduct: A Statement of Commitment: All EC/CB/EB/SC/OS members shall read the “*Principles & Policy on Commitment, Conduct & Conflict of interest*” and express their willingness to abide by these ideals both in letter and in spirit. A “Statement of Commitment” (Appendix 1) should be obtained from each member elected or appointed to the National Executive at the first EC meeting that they attend.

2. Disclosure of Conflict of Interests

1.1 Full Disclosure of Conflict of Interests: All elected members should read the “Conflict of Interest” principles of the ISCCM and provide a full disclosure of their real or perceived conflicts in a written statement (Appendix 2) at the first EC meeting.

1.2 Updating the Disclosure: Any member of the EC who recognizes the existence of a conflict that has not been previously disclosed should update his Statement of Disclosure as soon as the conflict is identified.

1.3 Undisclosed Conflicts: If a member of the EC recognizes the existence of a conflict of interest for the first time during a decision-making process, he should disclose it in a written format *prior* to the discussion of the case and reclude himself/herself from decision making process.

1.4 Confidential Notice: In the event that the matter to be disclosed is of a confidential or sensitive nature which would cause undue prejudice through open disclosure, then such matters may be disclosed in confidence to the President of the ISCCM or as the President may otherwise delegate. If, after receiving such disclosure the President determines that such matters, in the discretion of the President, are not of a confidential or sensitive nature or that the principles or interests of ISCCM would not be fulfilled without full and open disclosure, then the he shall notify the disclosing individual of same and give such individual the opportunity to make such full disclosure. If the affected individual fails to make such disclosure, it shall then be considered a breach of this policy.

1.5 Members’ Obligations: Any member who is aware of undisclosed conflicts related to another member or Office Bearer is obliged to bring it to the notice of the EC.

1.6 Requested review of conflicts: Any member of the EC should be able to request a formal review of an individual’s behavior related to conflict of interest. When such a request is made, the EC should conduct a review and render an opinion.

3. Interpretation of Conflict of interest

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- 3.1 Interpretation:** Any conflict which may arise between an individual and the ISCCM shall be resolved in favour of ISCCM's best interest.
- 3.2 Estimation of severity:** The EC should also be responsible for determining whether or not an individual member's particular conflicts of interest are so significant that he/she should not serve on the EC or on its committees. The criteria for acceptability or disallowance of each case may vary and may include, without limit, those principles considered relevant by the EC.
- 3.3 Classification:** After deliberation, the EC should decide if a conflict is significantly likely to compromise the name, status, prestige, goals or other interests of the ISCCM. If it is felt that there is likely to be little effect on these interests the case may be termed "allowable" in contrast to serious breaches that will be "disallowable".
- 3.4 Concordance of Opinion:** All parties must be in agreement as to when a conflict of interest does or does not exist. If there is a disagreement between the EC and the individual member, the position of the EC shall prevail or President may refer it to the committee of 5 immediate past presidents

4. Remedy for conflict of interest

- 4.1 Remedy for "allowable" conflicts of interest:** In a situation where the disclosed interest is considered allowable;
- 4.1.1** The involved member should not participate in voting or decision-making
 - 4.1.2** The involved member should not use his personal influence to affect decision-making by other EC members
 - 4.1.3** On occasion, if the EC deems it necessary, the involved member may be encouraged to state his position on the case and answer pertinent questions *after* having clearly revealed his conflict of interest. For highly sensitive issues, it may be necessary for the individual to leave the room before there is any discussion or vote.
- 4.2 Remedy for "disallowed" conflicts of interest:** Where a disclosed interest is determined to be unacceptable by the EC, options include:
- 4.2.1** Informing the EC member of the unacceptability of his conflicting position and requesting him to dissociate himself from that interest
 - 4.2.2** If the EC member is unwilling to dissociate himself from his conflicting interest, actions ranging from a reprimand to suspension from EC and even legal action can be initiated against the offender, as decided by the EC or the committee of 5 immediate past presidents
 - 4.2.3** If the person insists on remaining on the EC, the EC or the committee of 5 immediate past presidents must then make a decision related to that person's



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continuation of membership. In all such decisions the position of the EC shall prevail.

5. Exceptions

5.1 Relief: The following factors alone will not invalidate a relationship between ISCCM and an individual EC/CB/EB/SC/OS member (or an entity in which the individual has an interest):

- a. The fact that the EC/CB/EB/SC/OS member has an interest in such relationship; or
- b. The fact that a Member of the EC/CB/EB/SC/OS with an interest in the case or situation attended a meeting at which a decision about the relationship was made;

As long as the situation was felt by the EC to be reasonable and fair to ISCCM at the time it was approved, in the absence of the individual involved.

6. Dissemination of these Policies

6.1 Dissemination: All members of the EC/CB/EB/SC/OS of the ISCCM shall be informed of these policies.

6.2 Acknowledgement: Members of the ISCCM EC/CB/EB/SC/OS will be required to expressly acknowledge, in writing, their understanding and agreement to these policies and it shall be a condition of the terms of their acceptance to the EC.

6.3 Re-Affirmation: These policies shall be re-affirmed annually at a meeting of the National Executive and shall form part of the minutes of that meeting.

6.4 Compliance by Others: Members of the National Executive of the ISCCM must use reasonable efforts to ensure that the activities of other EC/CB/EB/SC/OS members comply with ISCCM's principles and policies.

7. Consequences

7.1 Reservation of Right. Where an individual fails to disclose a conflict or an interest according to the policy or behaves in a manner that violates the code of conduct, the ISCCM reserves all rights which it may have to deal with the conflict and individual involved.

7.2 Consequences. Failure to comply with these policies may lead to disciplinary measures which may include removal from the position the individual holds in ISCCM. In certain circumstances, conflicts of interest may lead to legal claims being made by the ISCCM against the individuals involved.



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Appendix1; Statement of Commitment:

I, Dr. _____, Member **EC/CB/EB/SC/OS** of the Indian Society of Critical Care Medicine (ISCCM), Mumbai (From..../..../.... To..../..../....), have read the Principles and Policies of the ISCCM with regards to conduct, commitment and conflict of interest.

I concur, without exception, with the ethical premises underlying these Principles and Policies and promise to abide by them both in letter and in spirit.

I place my commitment to the ISCCM and to the advancement of its goals above all current professional obligations and will execute my responsibilities as a Member of **EC/CB/EB/SC/OS** Maintaining the highest level of ethical behaviour

- a. Avoiding personal gain from this position both while serving on the **EC/CB/EB/SC/OS** and after the expiry of my term
- b. Maintaining the greatest level of confidentiality about all matters related to the ISCCM that I have learnt as a result of my position on the **EC/CB/EB/SC/OS**

I pledge to maintain transparency in my dealings with organizations or individuals having an association or transactions with the ISCCM and will honestly disclose any conflicts that may arise as a consequence of my relationship with these entities.

If I am judged to violate any of these principles or policies, I will abide by the rulings of the President and Executive Committee of the ISCCM.

Signature: _____

Address: _____

_____ Date: _____



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Appendix 2; Disclosure of Conflict of Interest:

I, Dr. _____, Member **EC/CB/EB/SC/OS** of the Indian Society of Critical Care Medicine (ISCCM), Mumbai (From..../..../.... To..../..../....), have read the Principles and Policies of the ISCCM with regards to conflict of interest.

I understand that no member of the **EC/CB/EB/SC/OS** shall derive any personal profit or gain, directly or indirectly, by reason of his or her position on the ISCCM. I therefore declare below my personal interests and professional associations that may result in a conflict of interest with the ISCCM.

I: At this time, I am a board member, a committee member, or employee of the following organizations:

Organization: _____	Post: _____

II a: I also attest to the fact that currently, or in the past year, I have not been a participant, directly or indirectly, in any arrangement, agreement, investment (except in public ltd companies), or other activity with any vendor, supplier, or other party; doing business with the ISCCM which has resulted or could result in personal benefit to me.

II b: I have also not been a recipient, directly or indirectly, of any salary payments, loans, any free service, discounts or other fees from or on behalf of any person or organization engaged in any transaction with the ISCCM

Stated below are exceptions to clause II a & II b (Full description of the transactions / interests, whether direct or indirect, which you have (or have had during the past year) in organizations or individuals having transactions with the ISCCM).

I assure the EC that I will continue to update these lists if and when I recognize future situations, appointments or relationships that would engender potential conflicts and jeopardize the name, status, prestige, goals or other interests of the ISCCM.

Date: _____

Signature: _____

City: _____

Printed name: _____

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Acknowledgements:

1. S. Ravindran, CEO and Trustee, Sundaram Medical Foundation, Chennai (provided information on the Indian legal position, Indian IT rules and Company Law with regards to conflict of interests)
2. The following organizations have conflict of interest (C-o-I) policies that are available on their websites.
 - a. American Heart Association Conflict of Interest Policy. <http://www.americanheart.org>
 - b. The Johns Hopkins University, School of Med., Office of Policy Coordination Policy on Conflict of Commitment and Conflict of Interest, http://www.hopkinsmedicine.org/som/faculty/policies/facultypolicies/conflict_commitment.html
 - c. Canadian Institutes for Health Research; <http://www.cihr-irsc.gc.ca/19039.html>
 - d. Nonprofit Financial Center, Chicago, Illinois; www.nfconline.org/



Dr. B K Rao
Election Commissioner



Dr. Muralidhar Kanchi
Election Commissioner



Dr. Subhash Todi
Election Commissioner