

As Amended and Approved by the ATS Board of Directors, March 10, 2007.

(Note: attached implementation schedule and procedures developed by the Committee on Ethics and Conflict of Interest was developed for the Board at its request, and accepted by it, at its May 23, 2007 meeting).

## **ATS POLICY GOVERNING RELATIONSHIPS BETWEEN THE TOBACCO INDUSTRY, ATS MEMBERS, AND NON-MEMBERS WHO PARTICIPATE IN ATS ACTIVITIES**

### **I. Underlying Principles:**

- A) The ATS is committed to the prevention and treatment of diseases caused by the use of tobacco. Therefore:
- 1) The ATS and its members, staff and activities will not support activities of the tobacco industry that promote the public's exposure to tobacco products because the use of tobacco products has been proven to cause and aggravate a wide spectrum of diseases and conditions.
  - 2) The ATS will inform its members, staff, non-members participating in ATS activities, partnering societies, and the public at large of this position.
  - 3) The ATS will work with partnering societies and organizations that do not have a comparable policy to resolve any differences as they affect co-sponsorship of specific projects and activities. If any differences regarding the involvement of individuals on these projects or activities who have relationships with the tobacco industry cannot be resolved to the satisfaction of the ATS, the ATS will not co-sponsor the specific project or activity.
- B) The ATS's knowledge and management of an individual's conflict of interest due to a relationship with the tobacco industry relies on the self-disclosure of ATS members and other participants in ATS activities. This disclosure is achieved through ATS procedures for disclosure of conflict of interest and the efforts of the Society's Officers; Board members; Editors; Chairs of ATS Assemblies, committees, task forces, and scientific and educational programs; and ATS staff to carry out this policy according to established ATS procedures.

### **II. Definitions of Relationships with the Tobacco Industry:**

- A) An ATS member, or non-member who participates in the ATS-sponsored activities outlined in this policy has a conflict of interest whenever he/she has a relationship (described in section IIB) with the tobacco industry or its affiliates and subsidiaries that benefits either the ATS member/non-member or the tobacco industry in its promotion of tobacco products. For the purposes of this policy, the tobacco industry is defined as including the following (hereinafter called "tobacco entity"):

- (1) All companies engaged in the manufacture of tobacco products;
  - (2) All affiliates and subsidiaries of such companies for which there is reasonable indication that the affiliate or subsidiary's ownership, activities, and/or image benefits the sale of tobacco products;
  - (3) All advocacy groups that receive tobacco industry support to promote the use of tobacco products and/or impede policies to prevent tobacco-caused disease.
- (B) Examples of activities that define a relationship with a tobacco entity for an ATS member or non-member who participates in ATS-sponsored activities (both hereinafter called "individual") include but are not limited to the following:
- (1) Employment of the individual by a tobacco entity
  - (2) Consultancy of the individual with a tobacco entity
  - (3) Board or Advisory Board service of the individual with a tobacco entity
  - (4) Lecture fees (honoraria) paid to the individual by a tobacco entity
  - (5) Expert witness by the individual on behalf of a tobacco entity
  - (6) Testimony by the individual on a legislative or regulatory matter on behalf of a tobacco entity
  - (7) Receipt or pending receipt by the individual of a tobacco entity-sponsored grant including contracted research
  - (8) Receipt or pending receipt by the individual of patents from a tobacco entity
  - (9) Receipt or pending receipt by the individual of royalties from a tobacco entity.
- (C) Individuals must report any present or past relationships (defined in IIA) of their spouse or life partner with a tobacco entity within the past ten years, including stock and option ownership (excluding mutual funds). A spouse or life partner's relationship with the tobacco industry or stock/option ownership will not be considered a relationship of the individual with the tobacco industry nor will it be considered as grounds for automatic limitations on the individual's participation in ATS activities specified in this policy.

- (D) Individuals must report present and past ownership of stocks or options of a tobacco entity (other than mutual funds) within the past ten years. **Present** ownership of stocks or options prevents the individual from participating in any of the ATS activities listed under section III below. The individual becomes immediately eligible for participation, however, if he/she divests himself/herself of all such holdings a minimum of 30 days before beginning participation. In some circumstances, divestiture may be requested by a nominating group and expected to occur before selection or nomination of the individual for participation. **Past** ownership of stocks or options does not automatically exclude an individual from participation in the ATS activities listed under section III but will be considered by a nominating group in determining the appropriateness of selecting the individual.

### **III. Implications of this Policy for ATS Members and ATS Activities:**

- (A) Individuals who are known by ATS to have had a relationship with a tobacco entity as defined in sections IIA and IIB within the previous ten years, or during their service in the following capacities, will not:
- 1) Be nominated or serve as an ATS Officer, ATS Board Member, or Chair or Chair-elect of an ATS Assembly or ATS Committee, Task Force or Roundtable.
  - 2) Serve as an ATS Editor.
  - 3) Be a recipient of ATS recognition awards.
- (B) In addition, individuals who are known by ATS to have had a relationship with a tobacco entity as defined in sections IIA and IIB within the previous twelve months, or during their service in the following capacities, will not:
- 1) Be appointed by ATS as a planner, moderator, or presenter in ATS scientific and educational programs.
  - 2) Serve on Assembly planning, nominating and program committees.
  - 3) Serve as an ATS Deputy Editor, Associate Editor, Guest Editor, or member of an ATS editorial board.
  - 4) Serve on a writing committee of an ATS statement or guideline.
  - 5) Serve as an ATS reviewer, including but not limited to, ATS grant proposals, documents, journals, websites, and abstracts.
  - 6) Serve as a spokesperson for or representative of the ATS.

### **IV. Procedures for Implementation of this Policy**

Procedures for implementation, interpretation, and adjudication of this policy shall be developed by the ATS with review and approval of the ATS Board of Directors prior to implementation.

## Appendix 1

### PROPOSED IMPLEMENTATION PLAN AND SCHEDULE

Presented to the Board of Directors, May 23, 2007

#### Background

- The new tobacco industry relationships policy was amended and approved by the ATS Board of Directors, March 10, 2007, with dates of effectiveness and additional implementation procedures to be determined by the Committee on Ethics and Conflict of Interest, for consideration by the Board at its May 2007 meeting.
- The Board's conditional approval was announced to the ATS membership in May 2007 ATS NEWS. (Initial Board approval in December 2006 was announced in Dr. Heffner's President's Message in the January 2007 ATS NEWS.)
- May 23, 2007: Board considers and accepts the following implementation plan and schedule.

#### PHASED-IN IMPLEMENTATION

##### A. Society-wide principles:

- 1) Use the remainder of 2007 primarily for educating the membership and other participants in ATS activities on the new policy and its requirements and consequences that will begin to take effect in 2008 and become fully implemented in or by 2009.
- 2) Provide roughly 12 months lead time for individuals to discontinue any current tobacco industry relationships before the policy begins to limit Individuals' activities within the ATS.
- 3) In cases below where a proposed implementation date within 2008 will not permit "12 months lead time", there can be "year one" flexibility if an individual shows evidence of discontinuing (or divesting) any recent tobacco industry relationships within a reasonable period of time after society-wide announcement of the policy and prior to commencement of the ATS activity involved.

##### B. For the International Conference and other ATS conferences:

- 1) For the 2008 IC and other 2008 ATS conferences (such as the State of the Art Course and Fellows Symposia), add tobacco relationships to the disclosures required of session presenters, but without automatic consequences.

- 2) For the 2009 IC and other 2009 ATS conferences, add tobacco relationships to the disclosures required of applicants for presentation (e.g., IC-2009 Call for Input) in addition to presenters, and implement consequences (i.e., having tobacco relationships within previous 12 months will preclude serving as planner, moderator, or presenter).
- 3) For the 2009 IC, determine after discussion with the International Conference Committee how the policy applies to abstracts/posters.

C. For Governance:

- 1) For all nominees for 2008-2009 ATS Officer positions, for ATS Assembly Chair or Chair-Elect, all other nominees for ATS Board, and all nominees for Chair or Vice-Chair of an ATS Committee or Task Force: require and assess disclosure of tobacco industry relationships and implement consequences (i.e., the new policy states that individuals known by ATS to have tobacco relationships, as defined, within the previous ten years should not serve in such roles [except in case of personal investments where diversiture is permitted]).
- 2) As of January 1, 2008, require and assess disclosure of tobacco industry relationship by individuals proposed as spokespeople for or representatives of ATS and implement consequences (i.e., having tobacco relationships within previous 12 months will preclude serving as spokesperson or representative).

D. For Journals:

- 1) As of January 1, 2008 (or date in vicinity to be determined with Editors and PPC), implement policy to add tobacco industry relationships as a disclosure required of authors (upon submission). Current Journals policy states “no part of the research presented has been funded by tobacco industry sources” but does not require disclosure of tobacco relationships.
- 2) As of January 1, 2008 (or date in vicinity to be determined with Editors and PPC), implement policy to add tobacco industry relationships as a disclosure required of reviewers, and implement consequences (i.e., having tobacco relationships within previous twelve months will preclude serving as a reviewer).
- 3) To be discussed with Publications Policy Committee and Executive Committee: determination of effective date and implementation procedures for policy implications on Editors, Deputy Editors, Associate Editors, Guest Editor, and members of editorial board.

E. For ATS Research Grants:

- 1) Implement policy and consequences beginning with the 2008 ATS research portfolio (i.e., for grants-to-be-determined after June 2008 with funding beginning January 2009, add tobacco industry relationships as a disclosure required of applicants and grant reviewers, and implement consequences (e.g., the Policy's current reference to ATS grants states that having tobacco relationships within previous twelve months will preclude service as a reviewer of ATS grant proposals).

F. Further implementation and adjudication:

- 1) The Committee on Ethics and Conflict of Interest will develop and oversee the procedures and instruments used to implement the policy, in consultation with other ATS committees as appropriate. The Committee and its staff will be available to provide policy interpretation and advise and assist chairs and organizers in implementation where necessary.
- 2) In instances where an ATS member or other participant in ATS activities wishes to appeal interpretation of the policy by the Committee on Ethics and Conflict of Interest, as it pertains to an individual's ATS activities, an ad hoc adjudication committee of members appointed by the ATS President should address the matter in consultation with ATS legal counsel.