

Association of



*Professional
Behavior Analysts*

**Association of Professional Behavior Analysts
Policy Regarding Confidentiality and Fiduciary Responsibilities**

Proposed May 28, 2010

Adopted May 28, 2010

This policy applies to all Directors, officers, committee and task force chairpersons and committee members, staff, volunteers, agents and designated representatives of APBA (referred to herein as “APBA personnel”).

1. The President of the Board and the Executive Director or Chief Executive Officer are designated as the official spokespersons for APBA.
2. APBA personnel must at all times be committed and dedicated to protecting and furthering the best interests of APBA and shall undertake no enterprise to profit personally from their position with APBA or to bring their interests into conflict or competition with the interests of APBA. Conflicts of interest include actual, apparent, and potential conflicts of interest.
3. APBA personnel may serve on boards or committees of other professional, scholarly, or consumer organizations concerned with the practice of applied behavior analysis. Such activities are not considered violations of this policy unless they give the appearance of APBA endorsement or sponsorship or involve disclosure of confidential information about any APBA business. When voting or acting on APBA matters, APBA personnel who serve APBA by appointment from other organizations or who serve on boards or committees of other organizations shall vote or act to further the best interests of APBA and not the other organization(s)/board(s). If a conflict arises, it is incumbent upon APBA personnel to recuse themselves from the discussion and/or abstain from voting.

These restrictions apply commencing with service to APBA and continue for a period of five years after service as an officer, Director, employee, or agent of APBA. The

restrictions do not apply to volunteers who are not Directors and who only provide a limited service to APBA (such as serving on a committee; editing or contributing to documents such as the newsletter or position statements) and do not have access to the entire content of the organization's records, policies, Board decisions, and the like. APBA personnel who are not Directors should identify any potentially conflicting activities to the APBA Board of Directors in advance and state whether the restrictions in this section apply to the services they will be providing to APBA.

4. Upon commencing service with APBA, all APBA personnel shall file with the Board a statement disclosing all business, financial, and organizational interests and affiliations they have that could be construed as related to the interests of APBA. APBA personnel shall update that statement whenever information changes and shall identify to the Board any actual or apparent conflict of interest relating to a matter being considered by the Board. The disclosure shall be recorded promptly in writing and shall be recorded in the Board minutes or correspondence with the President. Upon each disclosure of a possible conflict of interest, a determination shall be made by the Board, after consultation with counsel and in accordance with all applicable law, as to the participation of the individual in the matter and, in the case of a Director, as to participation in voting on the matter. The disclosure and vote shall be recorded in the minutes. A Director may disqualify himself or herself from voting at any time that the Director believes he or she may have a conflict of interest.
5. Whenever a Director is involved in a transaction with the Board in any capacity other than as a Director, disclosure shall be made as provided above and the Board shall review the transaction to determine whether it is favorable to APBA before considering whether to approve it. Whenever any APBA personnel discover an opportunity for business advantage that directly pertains to the activities of APBA, the opportunity belongs to APBA and the individual shall present such an opportunity to the Board. Only at such time as the Board by recorded vote determines not to pursue the matter and relinquish such an opportunity may the individual consider it a matter of possible personal benefit.
6. All documents and materials of APBA shall be deemed and kept confidential. APBA personnel are prohibited from disclosing any confidential APBA matter, including but not limited to any legal memoranda, confidential APBA policy, consideration, deliberation or discussion, or position statement unless explicitly authorized by vote of the Board of Directors. All APBA personnel shall hold all matters pertaining to APBA business in the strictest confidence. APBA personnel shall not release any materials connected with any APBA business to any person or entity, or make materials developed by APBA available for any purpose whatsoever, except as specifically authorized by the Board of Directors. These restrictions apply when service to APBA commences, and for five years after service to APBA terminates, regardless of the reason for termination.
7. All works developed by APBA personnel as part of their service to APBA shall be the property of APBA as "works made for hire," and APBA shall hold all rights to such works.
8. APBA personnel shall represent themselves and APBA in a professional manner at all functions where they are appearing in an official APBA capacity, or where such event or function or their attendance is paid for by APBA. Public statements defaming APBA, sexual harassment, appearing under the effect of alcohol or controlled substances, operating a vehicle on behalf of APBA while under the effect of alcohol or controlled

substances, or other illegal or nonprofessional behavior may be grounds for immediate termination of APBA services.

SIGNATURE OF APBA PERSONNEL:

I have carefully read the above policy and I agree to abide by all conditions contained in this policy.

Name (printed): _____

Signature: _____ Date: _____

APBA AFFILIATIONS FORM

1. Please identify below all affiliations, business, or financial interests you have in organizations or activities that relate to behavior analysis and/or the activities of APBA.

2. To the best of your knowledge, are there any affiliations or other matters that would present you with an actual, apparent or potential conflict of interest in your service to APBA? Yes No. Fully explain any Yes response.

3. Have you read the ***APBA POLICY REGARDING CONFIDENTIALITY AND FIDUCIARY DUTIES*** and during your service to APBA, do you agree to notify the APBA Board of Directors should you be presented with any actual, apparent or potential conflict of interest? Yes No.

Name (Printed)

Signature

Date

AFFILIATIONS REVIEW PROCEDURE

This procedure augments the procedures identified in APBA's
POLICY REGARDING CONFIDENTIALITY AND FIDUCIARY DUTIES

1. APBA personnel must report all actual or potential conflicts of interest as soon as possible to the APBA Board of Directors. The *APBA Affiliations Form* may be copied and updated whenever the information provided on the form changes.
2. At the annual meeting of the Board of Directors, the Board will review each affiliation form completed by Directors, officers and staff. Directors, officers and staff must provide an updated or new affiliations form prior to the commencement of the annual Board meeting. Each Director, officer, or staff person present at the Board meeting shall verbally identify any affiliations or potential conflicts of interest listed on their affiliation form. The Board will review and discuss those items, and may determine by vote recorded in the minutes whether that individual must refrain from voting on any APBA matter or participating in any related APBA activities.
3. Between Board meetings, the Executive Director or Chief Executive Officer will review all affiliation forms and will refer to the President any forms that present an actual or apparent conflict of interest. The President will then make an initial decision about the individual's ability to provide services to APBA. All completed affiliation forms and the President's decisions will be reported to the Board at its next meeting.

DIRECTOR and STAFF DISCLOSURES–NONENDORSEMENT STATEMENTS

Please include the following disclaimer in speeches, presentations, publications, events, and courses:

The Association of Professional Behavior Analysts (APBA) has not reviewed or approved the content of this [speech/publication/event/course]. The APBA does not endorse or sponsor this [speech/publication/event/course] and is not otherwise affiliated with this [speech/publication/event/course].

Before referencing APBA policies, position statements, templates, reports, and the like in written publications, ask the Board of Directors for copyright use permission. Even in fair use cases, at a minimum, the following should be included:

©[year] Association of Professional Behavior Analysts. All rights reserved. Reprinted with permission (if requested and granted by APBA). Unauthorized, copying, use or distribution in any medium strictly prohibited.