

**ESPGHAN**European Society for Paediatric  
Gastroenterology, Hepatology and NutritionRue De-Candolle 16  
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www.espghan.org**European Society for Pediatric Gastroenterology, Hepatology and Nutrition (ESPGHAN)****Policy on Due Process for Alleged Ethical Misconduct.****Preamble.**

ESPGHAN has earned the respect of the scientific community, professional medical organizations, the health care industry, governmental organizations and the lay public in general, as the leading authority in matters pertaining to pediatric gastroenterology, hepatology and nutrition. Maintenance of this respect and trust in the integrity of ESPGHAN is of paramount importance to the Society. For this reason ESPGHAN has developed policy guidelines to assist its members in dealing with conflict of interest issues and codes of ethical conduct in matters relating to patient care, research and education. The perception of ethical misconduct by a member of ESPGHAN has potential to significantly damage the Society's reputation and credibility among the scientific community and general public and, in certain circumstances may affect the Society's accreditation status for CME. Therefore, disregard for the ethics policies endorsed by ESPGHAN cannot be tolerated.

This policy outlines the procedure for investigating and managing reports of alleged ethical misconduct by members of ESPGHAN.

**Principles.**

- ESPGHAN members should abide by the principles outlined in all policies endorsed by the Society relating to professional conduct and ethical matters, such as, but not limited to, the applicable ESPGHAN Codes of Conduct in all relevant matters and the EACCME's standards for commercial support and continuing medical education.
- ESPGHAN members found to be in violation of these principles may be subject to disciplinary action.

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## Policy and procedure.

- Reports of alleged ethical misconduct by any ESPGHAN member will be sent to the ESPGHAN Office and referred to the Ethics Committee and ESPGHAN President for review. If the alleged misconduct involves any Ethics Committee member or member of Council, the claim should be directed to a non-involved ESPGHAN Executive Committee or Council member who will endorse the responsibility of forwarding the claim. Examples of misconduct include, but are not limited to, failure to disclose a potential conflict of interest, failure to adhere to the EACCME's standards for commercial support of continuing medical education and failure to abide by the ESPGHAN Code of Conduct in matters relating, but not limited to patient care, research, education and industry support.
- In the event the Ethics Committee determines the alleged offense may constitute an instance of ethical misconduct according to the applicable regulations and guidelines, the Chair of the Ethics Committee will appoint a subcommittee of three members of the same Committee to initiate a thorough investigation of the facts pertaining to the allegation. It will be the responsibility of the Chair of the Ethics Committee to ensure that none of the members of the subcommittee have any potential conflict of interest in relation to the investigation.
- Reports of alleged ethical misconduct, and the proceedings during the investigation of such allegations must be kept in strict confidence by all involved individuals, who each have a personal confidentiality duty regarding all information accessed through their involvement in the investigation. Outside of those proceedings, none of the letters, documents or verbal statements having taken place within their context can be used, shared, or reported. However, if the safeguard of valid interests demands it, the parties to the proceedings may be allowed by the Council to rely on one of its decisions.
- The ESPGHAN member alleged to have committed the offense will be informed of the investigation upon initiation by registered letter to the current address registered at ESPGHAN data base. Should the ESPGHAN member wish to elect a domicile to receive correspondence related to the investigation, they must immediately inform the Ethics sub-committee in writing. If the Ethics sub-committee is not informed of any elected domicile by the member, correspondence will be notified to the address given as above.
- All information received by the Ethics Committee relevant to the alleged offense will be shared with the ESPGHAN member under investigation.
- The ESPGHAN member alleged to have committed the offense has a right to be heard and will therefore be provided every opportunity to respond to the allegations of misconduct, either in writing within 28 days from receipt of the notice of investigation or at a meeting with the members of the Ethics sub-committee. The member under investigation must present themselves personally to the meeting, subject to an absolute impediment to do so in which case they can be represented by legal or advisory counsel if the meeting cannot be postponed. The member under investigation has the right to be accompanied by legal or advisory counsel during any meeting with members of the sub-committee for the purpose of providing advice to the member. The sub-committee decides, based on all the relevant



circumstances, whether the right of response is to be implemented in the written form or during a meeting.

- Following thorough investigation and deliberation, the sub-committee will report their findings to all members of the Ethics Committee who will determine whether or not the alleged offense does constitute an instance of ethical misconduct. A report on the findings of the Ethics Committee, together with any recommendations for disciplinary action if appropriate, will be referred to the ESPGHAN Council.
- A copy of the recommendation is notified to the ESPGHAN member via registered post at the domicile elected at the beginning of the investigation.
- The ESPGHAN member has the right to submit a reasoned written response to an adverse recommendation by the Ethics Committee directly to the Council via registered post within 28 days from receiving the recommendation by registered post.
- The ESPGHAN Council, after consultation with the ESPGHAN legal advisors, will ultimately be responsible for determining whether the member(s) under investigation is guilty of misconduct and whether there is need for disciplinary action. Disciplinary action may include, but is not limited to, a reprimand, termination of office or membership on a committee or expulsion from membership in the Society.
- A copy of any final expulsion from membership decisions will be sent to the relevant professional institutions by the ESPGHAN Council. The Council may, on rightful grounds, including the safeguard of valid interests, only communicate the ruling itself with a summary of the reasoning in which names have been redacted. If needed, only the ruling itself will be communicated.

