

Conflict of Interest Policy Statement

September 1, 2018

THE BUROS CENTER FOR TESTING requires all employees to avoid any and all conflicts between their interests and those of the Center. All employees are expected to remain cognizant of the possibility that such conflicts may develop and to disclose promptly any actual or potential conflicts in accordance with the principles outlined in this statement.

At its core, the purpose of this policy statement is to protect the name, reputation, and integrity of the Center and its mission to improve the science and practice of testing and assessment. The fundamental principle that undergirds this statement is that no employee of the Buros Center should have, or appear to have, interests that conflict with the best interests of the Center.

Personal interests may create or lead to situations where these interests compete with the best interests of the Buros Center and thereby risk compromising the Center's integrity and mission, an outcome that in turn may negatively affect the Center's clients and constituents by undermining the confidence they have in the Center's decision-making processes.

Definitions

An interest may be understood as an asset, value, goal, or commitment held by an individual or entity. A conflict of interest (COI) refers to a situation in which the interests of an individual compete with those of an entity that employs (or is otherwise associated with) that individual. Competing interests create the perception or the reality of an elevated risk of poor judgment or bias in rendering various decisions.

A COI represents a set of conditions in which a secondary interest unduly influences one's professional judgment regarding a primary interest, that being the best interests of the entity. Personal/secondary interests that may conflict with the best interests of the Center include financial interests as well as nonfinancial interests.

A financial conflict of interest (FCOI) occurs when one's professional judgment is influenced by a secondary interest that carries with it the possibility that the individual will profit monetarily from a particular decision in which he or she is involved. A nonfinancial conflict of interest (NFCOI) occurs when the secondary interest relates to something of value other than money (e.g., prestige or recognition; personal relationships; academic, ideological, or religious beliefs).

Professional Codes, Guidelines, and Standards

Buros Center employees hold memberships in various professional associations that promulgate ethics codes, codes of conduct, professional guidelines, or standards of care/practice that address conflicts of interest. Membership in these organizations obligates individual members to abide by the principles, guidelines, and standards articulated within these codified documents. As of 2018, staff members held

at least full membership in numerous associations, among them the American Educational Research Association, American Psychological Association, Association for Psychological Science, International Association of Applied Psychology, International Test Commission, National Association of School Psychologists, National Council on Measurement in Education, Nebraska Psychological Association, and Society for Industrial and Organizational Psychology. In addition, employees who are licensed or certified by relevant state or national boards must adhere to the ethical principles espoused by these agencies, including those related to conflicts of interest. As of 2018, boards with credentialing authority for one or more members of the Buros Center staff included the American Board of Assessment Psychology, National Register of Health Service Psychologists, Nebraska Department of Health and Human Services, New York State Education Department, and New York State Office of the Professions. These and other groups, acting independently or in concert with others, have developed certain codes/guidelines/standards that address concerns related to testing. These documents, too, inform policies and practices of the Buros Center. Relevant materials include the *APA Test User Qualifications* (American Psychological Association, 2000), *ASHA Code of Ethics* (American Speech-Language-Hearing Association, 2001), *Code of Fair Testing Practices in Education* (Joint Committee on Testing Practices, 2004), *NCME Code of Professional Responsibility* (National Council on Measurement in Education, 1995), *Responsibilities of Users of Standardized Tests* (Association for Assessment in Counseling and Education, 2003), *Rights and Responsibilities of Test Takers: Guidelines and Expectations* (Joint Committee on Testing Practices, 2000), and *Standards for Educational and Psychological Testing* (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, 2014).

In publishing the journal *Applied Measurement in Education*, the Buros Center for Testing follows industry standards related to refereed publications, including electronic submission, masked review, and use of American Psychological Association style and formatting requirements, which call for the use of bias-free language.

Relevant University Policies

Existing COI policies relevant to employees of the Buros Center for Testing and this document include those developed by the Board of Regents of the University of Nebraska (e.g., Regents Policy 3.2.8) and the University of Nebraska – Lincoln (e.g., University of Nebraska – Lincoln Conflict of Interest in Research Policy, August 2012, revised May 2017; see <https://unl.app.box.com/s/0oetflqlqkn9io8yda871gibuezwg0>). The Buros Center for Testing adheres to all University policies concerning COIs. For example, all staff members who participate in projects or contracts funded by outside agencies annually complete the Outside Interest and Activity Reporting Form (OIARF). This form is administered through UNL's Office of Sponsored Research/NUgrant, with review by the Research Compliance unit. If the review indicates a COI in research exists, management and reporting plans are developed.

Policies and Practices Specific to the Buros Center for Testing

The Buros Center for Testing's practices and policies regarding FCOIs are entirely consistent and supportive of policies articulated by the University. To the extent that NFCOIs are addressed by University rules, the Center's practices and policies align with and support those rules (e.g., see

https://bf.unl.edu/policies/bf/Bylaws_of_the_Board_of_Regents_Nepotism.pdf). Additional COI concerns derive from the nature and historical role of the work performed by the Buros Center.

To preserve its culture of integrity, independence, and responsibility, the Buros Center does not build tests. This practice has been in effect since the establishment of the psychometric consulting unit in 1994 and is necessary in order to avoid the perception of a COI that could occur if the Buros Center were to (or appear to) build tests and then evaluate the tests it has built or their competitors.

A broader discussion of NFCOI might include attention to other types of situations in which competing interests create the perception or the reality of an elevated risk of poor decision-making or bias. Examples include (a) conflict of loyalties, (b) conflict of effort, and (c) conflict of conscience. For the Buros Center for Testing, conflicts of loyalties are most impactful.

Conflicts of loyalties stem from situations in which an individual experiences dual loyalties that compete with one another. The Buros Center assiduously guards against such scenarios through several of its practices and/or policies. For example, in empaneling its National Advisory Council, the Center does not appoint individuals employed by testing companies nor individuals who have been under contract recently as consultants on Buros Center contracts. As a second example, the Center itself does not recommend specific tests; to do so could be perceived as favoring one test publisher over another. As a third example, professionals who apply to become test reviewers are queried about potential or known conflicts of interest at the time of the application, such as being a test author or providing services to a test publisher as a board member or consultant. Responses to the COI question are entered in our database and revisited before any invitation to review is extended. Further, the invitation to review a specific test is accompanied by a request to consider whether the invitee has a COI for serving as a reviewer of that particular test, and to inform the Center if that is the case.

Conflicts of effort involve situations in which responsibilities emanating from separate entities compete with one another, as when an opportunity for outside consulting pulls one away from duties associated with his or her primary employment. Buros Center staff members follow University rules about outside employment that specify the number of hours one is permitted to work elsewhere (see <https://academicaffairs.unl.edu/RegentBylaws3.4.5.pdf>) in addition to rules governing outside interest and activity that may create an FCOI, as described earlier. Thus, this type of conflict arises very rarely and only if associated rules have been violated.

Conflicts of conscience occur when job responsibilities involve acting on something that contradicts one's beliefs or values. Such conflicts occur when the mission or expectation of the organization is incompatible with one's convictions and, yet, one must maintain objectivity and continue to work to advance the interests of the organization. The available literature indicates that conflicts of conscience are apparent primarily in professions involving client/patient service delivery, such as medical, legal, and psychotherapeutic specialties. The nature of the work performed by the Buros Center staff is unlikely to lead to this type of conflict.

Disclosure and Management of COIs

Much of the foregoing discussion offers guidance for avoiding and reducing the risk of COIs. Even so, the rules, policies, and practices of the associated professions, university, and Center cannot prevent all occurrences of COIs. When a staff member becomes aware of a COI or believes he or she may have a COI, the individual is obligated to disclose this information within 15 business days to his or her

immediate supervisor or other independent responsible authority. The conflicted individual is further obligated to follow this person's guidance concerning subsequent actions to be taken. When advisable and feasible, such action will include recusal of the conflicted individual from all related decision making functions related to the situation in which the COI exists. Reassignment of personnel also may be needed. If the conflicted individual must continue in a decision making capacity, his or her actions will be monitored/reviewed by a party or parties without a COI. In addition, the leadership of the Buros Center may seek consultation or assistance from experts familiar with the Center's operations such as current or former members of its National Advisory Council.

Many matters pertaining to COIs have been addressed by the Buros Center for many years, in various documents and traditional, though unwritten, practices. Nevertheless, novel, unanticipated situations may develop that require consideration of the issues, policies, and practices discussed in this document. Staff members are advised to remain vigilant about these possibilities and to disclose immediately any conflict or possible conflict of interest to their immediate supervisor or other responsible authority. Perhaps most important to the preservation of the Buros Center's reputation is the extent to which its staff exude personal integrity through their individual example and attitude.