



MINUTES for Regular Board of Directors Meeting 06 MAY 2020

Meeting Logistics:
05/06/2020 7:30a Mountain Time

Location:
Zoom Meeting
<https://zoom.us/j/8256677745>
Meeting ID: 825 667 7745

ANTI-TRUST STATEMENT

It is the policy of the Association for Challenge Course Technology, and it is the responsibility of every Association member company, to comply in all respects with federal and state antitrust laws. No activity or discussion at any Association meeting or other function may be engaged in for the purpose of bringing about any understanding or agreement among members to:

- (a) raise, lower, or stabilize prices;
- (b) regulate production;
- (c) allocate markets;
- (d) encourage boycotts;
- (e) foster unfair trade practices;
- (f) assist monopolization, or
- (g) in any way violate federal or State antitrust laws.

Any questions regarding the meaning or applicability of this policy, as well as any concerns regarding activities or discussions at Association meetings, should be promptly brought to the attention of the Association Executive Director or the Chair of the Board of Directors.

ATTENDEES

Presiding Officer:

- Carson Rivers – **Chair**

Board Member Attendees:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Keith Jacobs – Vice Chair | <input checked="" type="checkbox"/> Bahman Azarm – Member | <input checked="" type="checkbox"/> Rohan Shahani – Member |
| <input checked="" type="checkbox"/> Mandy Stewart – Secretary | <input checked="" type="checkbox"/> Paul Cummings – Member | <input checked="" type="checkbox"/> Billy Simpson – Member |
| <input checked="" type="checkbox"/> Cameron Annas – Treasurer | <input checked="" type="checkbox"/> Victor Gallo – Member | <input checked="" type="checkbox"/> Shawn Tierney – Executive Director |

Additional Attendees:

Quorum?

- Yes
 No



Meeting called to order at 7:33 AM Mountain Time by Carson Rivers.

Billy reads the ACCT Anti-Trust Statement.

Billy reads the ACCT Mission Statement.

The Association for Challenge Course Technology (ACCT) establishes and promotes the standard of care and measure of excellence that defines professional practice and effective challenge course programs. ACCT develops, refines, and publishes standards for installing, maintaining, and managing challenge courses; provides forums for education and professional development; and advocates for the challenge course and adventure industry.

Approval of Agenda

Motion:	Review and approve the meeting agenda
Made by:	Bahman
Seconded by:	Paul
Discussion:	Agenda reviewed
Vote:	In Favor – Cameron, Paul, Keith, Bahman, Victor, Rohan, Mandy, Billy Opposed - 0 Abstaining - Carson
Motion Carries:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Approval of Previous Meeting Minutes

Motion:	Approve minutes from meeting held 27 & 28 April 2020.
Made by:	Keith
Seconded by:	Cameron
Discussion:	None
Vote:	In Favor – Cameron, Paul, Keith, Bahman, Victor, Rohan, Mandy, Billy, Carson Opposed – 0 Abstaining – 0
Motion Carries:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Organizational Priorities

- Shawn has placed his ED report into the BoD meeting folder on Drive for review [2020-05-05 *REPORT ED to BoD*].
- Suggested revision in list format: To include accountability/awareness assignments of people and association groups who should be kept apprised of priorities and have a higher level of involvement for each priority area.
- Suggestion to add the new list in Asana to allow for more interaction by individuals.

ACTION ITEM – List to be revised during 3 June 2020 Board meeting.



ACTION ITEM – BoD members to reach out to ACCT groups they liaise to and gather information on their viewpoints and suggestions for organizational priorities, especially in their areas of work.

Budget Requests from Committees (

- FY2021 Budget revisions with 50% reduction in revenue changes the way that the association would need to operate drastically. Largest area of cuts is likely to be in the area of face to face meetings. Groups may need to utilize alternate meeting strategies to utilize that time by distance.

ACTION ITEM – Shawn to create budget request process for items requested by ACCT groups other than face to face meetings.

Motion:	Suspend all face to face meetings outside of the conference for the duration of FY2021.
Made by:	Mandy
Seconded by:	Keith
Discussion:	Board to revisit face to face meetings once the FY2021 revenue impacts are known, which may occur prior to the end of FY2021.
Vote:	In Favor – Cameron, Paul, Keith, Bahman, Victor, Rohan, Mandy, Billy Opposed – 0 Abstaining – Carson
Motion Carries:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Insurance for Non-US Participants in ACCT Credentialing Programs

ACTION ITEM – Shawn to create a document with specific requirements and criteria to be used across all ACCT programs.

Standards RE: Accreditation Programs

Mandy has placed a report on this subject in the BoD meeting folder on Drive for review [2020-05-05 *REPORT Conflicts of Interest in OA*].

ACTION ITEM – Billy to arrange a meeting with ACC and relevant individuals to discuss report and the BoD's response.

Secretary to the CG: Time Needs

- Task is in progress

ED Feedback Form

- Task is in progress



Apology Letter RE: 2020 AGM

- Letters went out Thursday, April 30th to all identified individuals.
- Suggestion received back from Melissa: Events Director should be consulted in the future on room used for vote counts to ensure no future conflict.

Association D&O Policy Review

ACTION ITEM – Cameron to facilitate discussion RE: D&O policy needs with Robert Monaghan, Randy Smith in his capacity as Chair of Insurance & Risk Management Committee, and Shawn.

BoD Asana Usage

- BoD requested to engage with Asana.

COVID-19 Statement

ACTION ITEM – Shawn to finalize and distribute message to Accredited Vendors and Certified Inspectors this week.

Bahman leaves @ 9:00AM Mountain.

Motion:	Adjourn the meeting.
Made by:	Rohan
Seconded by:	Cameron
Discussion:	None
Vote:	In Favor – N/A Opposed – 0 Abstaining – Bahman (not present)
Motion Carries:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Meeting adjourned at 9:32 AM Mountain Time.



To: ACCT Board
From: Shawn Tierney, Executive Director
Date: 5/5/20

FY20 Organizational Priorities Status Report

1. Member Value

Completed

- 1.1 ACCT sponsored group health insurance plan for eligible members: Medova Health Plan launched in March, 2020.
- 1.2 Transparency / Communication: F2F meeting policy for increasing transparency of what volunteer groups are working on was approved by the BOD in August. Meeting minutes from the recent F2F mtgs. (i.e., ICP, OA/OR, TCTF) will be placed on the website once approved by those groups.
- 1.4 ACCT Academy: launched in September, 2019.

Incomplete

- 1.3 Access to legal defense/expertise: **has not moved forward**
- 1.5 Industry Data: **has not moved forward**

2. Government Relations

Completed

- 2.2 Crisis communication: Skip King conducted a media training at the Longmont office with the ED, PD and office staff members in late July.
- 2.3 List of stakeholders and regulators: the regulations map launched on December 19th, 2020.

Incomplete

- 2.1 Publications Group: **has not moved forward (As a reminder, this was a suggestion to repurpose the group that developed the ASTM white paper into a group that develops other "publications". This may now be addressed via the TIRE committee)**

3. Credentialing / Program Management

Completed

- 3.1 OA – support launch: will launch in May or June.

- 3.2 ICE – A prep course and test event was offered Costa Rica, Hawaii, and in Raleigh.
- 3.3 Vendor accreditation – annual reports for 2019 have gone out and will be reviewed by the VAP per usual.
- 3.4 Trainer credentialing – held a F2F meeting in GA in November.

Incomplete

- 3.5 Evaluation – **has not moved forward**
- 3.6 Harmonization – **has not moved forward**
- 3.7 Alignment of volunteers - **has not moved forward**

4. Organizational Health

Incomplete

- 4.1 Strategic planning: **has not moved forward**
- 4.2 Org communication / PR (external): **has not moved forward**
- 4.3 IT work group (Slack, drives, Asana, etc.): **Set to resume in May, ongoing work**
- 4.4 File storage protocol / clean up: **in process of developing IT policies covering organization/structure of shared drives, permissions, storage of confidential docs., etc.**
- 4.5 Bylaws: **has not moved forward**
- 4.6 Elections (structure, logistics, transparency): **has not moved forward**

5. Volunteer Support and Management

Incomplete

- 5.1 BOD development (on-boarding, knowledge base, teambuilding): **has not moved forward**
- 5.2 Committee, TF, WG chair training: **has not moved forward**
- 5.3 Affinity Groups – purpose, value: **in process**

6. International Efforts

Completed

- 6.1 Standards translations: The Spanish translation is finished, and Mandarin Chinese will be completed in May, 2020.
- 6.2 International events – hosting and attending: In-House ICE event was held in Costa Rica in Oct, 2019. A proposal and budget for a small-scale regional conference to be held in Asia Oct/Nov, 2021 or 2021 is being revised / refined at this time.
- 6.3 Credentialing opportunities: In-house ICE event was held in Costa Rica in Oct, 2019.
- 6.5 Government relations: waiting for the MOU with INTECO for adoption of ACCT standard in Costa Rica to be signed.

Incomplete

- 6.4 Insurance: **in process**

In response to a request for review from a longstanding member and volunteer, as well as in response to previous concerns, we are considering whether the Operation Accreditation program requires further refinement to address conflicts of interest.

For this process, we reviewed the following standards and documents:

- **ASTM E2159-15** Standard Guide for Selection, Assignment, and Monitoring of Persons to Be Utilized as Assessors/Auditors or Technical Experts
 - 1. Scope
 - 1.1 This guide provides guidance to organizations that need to utilize persons to perform assessments/audits (assessing bodies) of other organizations (assessed bodies) for purposes of recognition, accreditation or other type of approval to perform a function.
- **ISO/IEC 17065** Conformity Assessment Requirements for bodies certifying products, processes, and services (*NOTE: also an ANSI Standard*)
 - 1 Scope
 - This International Standard contains requirements for the competence, consistent operation, and impartiality of product, process, and service certification bodies. Certification bodies operating to this International Standard need not offer all types of processes, products, and services certification. Certification of processes, products, and services is a third-party conformity assessment activity (see ISO/IEC 70000:2004, definition 5.5). ***In this International Standard, the term “product” can be read as “process” or “service”, except in those instances where separate provisions are stated for processes” and “services”*** (See Annex B).
- National Commission for Certifying Agencies (NCCA) Standards for the Accreditation of Certification Programs, rev.2014 (*Institute for Credentialing Excellence*)

We also considered our own ACCT internal practices regarding certification and accreditation programs.

Select portions have been provided here for your consideration. Please feel free to ask questions or for more information regarding any referenced standards or documents.

From ASTM E2159-15 Standard Guide for Selection, Assignment, and Monitoring of Persons to Be Utilized as Assessors/Auditors or Technical Experts:

7.4 Conflict of Interest – The assessing body should be alert to ascertain whether or not a conflict is, or appears to be present regarding any assessor/auditor, or technical expert. No conflict of interest should be present which could bias the person’s judgment either positively or negatively with respect to the assessment of any body.

7.4.1 The point should be stressed to each assessor/auditor and technical expert in the selection, training, and evaluation process that any actual or potential conflict of interest should be made known to the assessing body.

7.5 Ethics Statement – The assessing body should require all assessors/auditors and technical experts to sign and ethics statement/ agreement. The statement should also contain a confidentiality clause.

From ISO/IEC 17065 Conformity Assessment Requirements for bodies certifying products, processes, and services:

6.1.3 The certification body shall require personnel involved in the certification process to sign a contract or other document by which they commit themselves to the following:

- a) To comply with the rules defined by the certification body, including those relating to confidentiality (see 4.5) and independence from commercial and other interests.
- b) To declare any prior and/or present association on their own part, or on the part of their employer, with:
 - 1) A supplier or designer of products, or
 - 2) A provider or developer of products, or
 - 3) An operator or developer of processes

To the evaluation or certification of which they are to be assigned;

- c) To reveal any situation known to them that may present them or the certification body with a conflict of interest (see 4.2).

Certification bodies shall use this information as input into identifying risks to impartiality raised by the activities of such personnel, or by the organizations that employ them (see 4.2.3).

...

6.2.2.3 The certification body shall have a legally binding contract with the body that provides the outsourced service, including provisions for confidentiality and conflict of interest as specified in 6.1.3, item c).

6.2.2.4 The certification body shall:

- a) Take responsibility for all activities outsourced to another body;
- b) Ensure that the body that provides the outsourced services, and the personal that it uses, are not involved, either directly or through any other employer, in such a way that the credibility of the results could be compromised.
- c) Have documented policies, procedures, and records for the qualification, assessing, and monitoring of all bodies that provide outsourced services used for certification activities;
- d) Maintain a list of approved providers of outsourced services;
- e) Implement corrective actions for any breaches of the contract in 6.2.2.3 or other requirements in 6.2.2 of which it becomes aware;
- f) Inform the client in advance of outsourcing activities, in order to provide the client with opportunity to object.

From National Commission for Certifying Agencies (NCCA) Standards for the Accreditation of Certification Programs, rev.2014 (Institute for Credentialing Excellence):

Standard 11: Conflict of Interest

The certification program must demonstrate that policies and procedures are established and applied to avoid conflicts of interest for all personnel who are involved in certification decisions or examination development, implementation, maintenance, delivery, and revision.

Essential Elements:

A. *The certification program must have a record of and enforce signed conflict of interest agreements with all personnel involved in certification decisions or examination development, implementation, maintenance, delivery, and updating. The certification program must identify who may serve as a proctor, examiner, or judge for any examinations, and documentation must specify the rules and conditions for serving in these capacities.*

B. *The certification program must have and enforce policies and procedures for recusing related personnel from certain tasks, discussions, or decisions if there is a conflict of interest in a particular circumstance but not in their overall capacity to serve.*

Commentary:

1. *Proctors, judges, and examiners should not have a vested interest (either clear, potential, or perceived) in the outcome of any examination. Therefore, they are considered third-party professionals who have signed confidentiality and conflict of interest agreements.*

2. *There may not be a disqualifying conflict of interest (either clear, potential, or perceived) in an individual's overall capacity to serve, but limited situations may arise where that individual's participation may raise concerns about a potential conflict of interest. In these situations, the organization should follow policies and procedures to recuse the individual from part or all of the discussion or vote.*

3. *Suggested evidence includes sample conflict of interest agreements, policies and procedures, proctor manuals, bylaws, and employee and operations manuals.*

Regarding precedents set by ACCT programs in effect:

- Vendor Accreditation does not allow reviews to be conducted by individuals with a conflict of interest with the vendor being reviewed. Further, annual reports and other incidental reporting does not get evaluated by individuals with a conflict of interest.
- Inspector Certification does not allow review of candidate/inspector documents by individuals with a conflict of interest.

ADDITIONAL THOUGHTS:

To require third-party training and course inspection may be placing an unreasonable burden on OA candidates when those requirements are not otherwise in effect (EX: requirements from an AHJ). Many courses have a long-established relationship with vendors for these services and requiring operations to establish a new relationship with one or more vendors in order to participate in the OA program could pose a large burden for many, as well as disrupt existing vendor/client relationships.

The OA Site Review is the document that has the most comprehensive evaluation of the actual operation of the course – essentially the service/product that is being accredited. Given that OA candidates are not likely to have an established relationship with an existing approved Operation Reviewer in this capacity (because these programs are not yet in effect), the requirement to engage a third-party OR who does not have a conflict of interest seems reasonable, and in line with the standards referred to above, as well as current ACCT practices.

CONCLUSIONS:

- In order to ensure the independent assessment of Operation Accreditation candidates, it is reasonable, in line with current available standards, and in line with current ACCT practices that COIs be identified and eliminated during both the site review performed by an approved OR, and the final assessment process performed by the ACCT staff and/or members of the OA Panel.
- Regarding the current development of the OR program, procedures should be considered that eliminate COIs in the evaluation, credentialing, and ongoing requalification of OR candidates.

RECOMMENDATIONS FOR NEXT STEPS:

- BoD to request any further information required to understand the issue and make an official determination on direction.
- BoD to schedule special meeting with ACC Chair, ACC Liaison, and additional relevant representatives on this matter to determine if and how to modify OA policy.

Respectfully,
Mandy Stewart, Secretary ACCT BoD
Rohan Shahani, Member ACCT BoD