

MEMORIAL SLOAN-KETTERING CANCER CENTER

CODE *of* CONDUCT



Memorial Sloan-Kettering
Cancer Center

Contents

Purpose of the Code of Conduct	1
Compliance: It's Not Just the Law, It's a Good Idea	1
Compliance Begins with You.	1
Corporate Compliance Program	1
Internal Audit Department	1
Speak Up: How to Report a Concern	2
MSKCC Compliance Hotline.	2
You Are Protected from Retaliation	2
We Respect Your Confidentiality.	2
You Don't Have to Give Your Name	2
Meeting the Challenges of a Regulated Environment	2
We Cooperate with Regulatory Site Visits and Reviews	2
How We Care for Our Patients	3
We Respect Our Patients' Rights.	3
We Seek to Do Better, Always	3
We Learn from Our Mistakes	3
We Protect the Privacy of Our Patients' Health Information	3
We Provide Access for Patients with Financial Need	3
We Maintain Professional Relationships with Our Patients	3
How We Treat Our Employees	4
We Expect the Best from You	4
We Are Committed to Equal Opportunity	4
We Do Not Tolerate Harassment or Discrimination in the Workplace	4
We Conduct Employee Background Checks	4
We Work Together to Ensure Everyone's Health and Safety.	4
We Are a Drug-Free Workplace.	4
We Are a Violence-Free Workplace	4
MSKCC Resources Are for MSKCC Business	4
How We Conduct Our Research	5
We Protect Our Human Subjects	5
We Protect Our Animal Subjects.	5
We Are Committed to the Responsible Conduct of Research	5
We Protect Our Inventions, Discoveries, and Intellectual Property	5
How We Work with Industry	6
We Actively Manage Conflicts of Interest	6
We Limit Our Acceptance of Business Courtesies	6
How We Conduct Business	6
We Bill Accurately.	6
We Make Contracting and Purchasing Decisions Fairly.	6
Our Financial Reporting Is Accurate and Complete	6
We Are Accurate, Truthful, and Candid in Our Development and Fundraising Activities	7
Our Marketing and Advertising Are Truthful and Accurate	7
We Do Not Make Endorsements.	7
We Observe Antitrust Laws	7
We Do Not Engage in Insider Trading	7

Purpose of the Code of Conduct

For more than a century, Memorial Sloan-Kettering has been a leader in the fight against cancer. Close collaboration between our physicians and our scientists enables us to provide patients with the best care available today, as we work to discover more effective strategies to prevent, control, and ultimately cure cancer. Our education programs train future physicians and scientists. The integration of research with patient care is at the heart of everything we do.

None of this happens successfully, however, without the highest standards of ethics and integrity. As individuals, everyone in our

workforce — our employees, our Board members, volunteers, vendors, contractors, and consultants plays an important role in upholding these standards.

MSKCC's Code of Conduct has been developed to help you understand and meet these standards. Please take a moment to read it. This is the commitment we all make as we work in support of our mission.

Thank you for the part you play in assuring MSKCC continues to be an institution of which we can all be proud.

Compliance: It's Not Just the Law, It's a Good Idea

Compliance Begins with You. Healthcare compliance means making sure we follow the rules in our everyday work activities. We are all committed to this goal, but it is not always easy to achieve it. Healthcare regulations are complex. The Compliance Program needs everyone's commitment to avoid situations that are improper or that even give the appearance of being improper.

Corporate Compliance Program. The Corporate Compliance Program is led by the Compliance Officer and Compliance Department staff. Our goal is to prevent and detect situations in which our behaviors do not follow policies, laws, or regulatory and federal healthcare program rules. We do this by:

- ▶ training and educating our workforce,
- ▶ monitoring high-risk areas,
- ▶ maintaining anonymous and confidential ways to report concerns,
- ▶ responding promptly to compliance complaints,
- ▶ protecting individuals who report concerns in good faith, and
- ▶ taking corrective action when the rules are not followed.

Internal Audit Department. The Internal Audit Department's job is to review key activities to make sure they are effective. Internal Audit gives feedback to management, staff, and the Board about how well we are identifying and controlling risk. It is important that Internal Audit be independent and objective in its work. Compliance and Internal Audit serve two distinct but complementary functions, both aimed at helping MSKCC be the best it can be.

Speak Up: How to Report a Concern

If you have a concern about the way work is conducted at MSKCC, you are required to report it. You have a number of options.

MSKCC Compliance Hotline. If you are not comfortable raising an issue in your department, or if you have raised a concern and feel that it has not been addressed, you can call the MSKCC Compliance Hotline. It is a confidential way for employees as well as vendors and contractors to report concerns about how MSKCC does business. It is available 24 hours a day, every day of the year, and is managed by an outside company.

You Are Protected from Retaliation. We recognize that some employees may be reluctant to report problems. You may be worried that other staff will know you came forward and may retaliate against you. MSKCC wants all staff to be able to speak openly about how work is conducted. If you report a problem or concern in good faith, you will be protected from retaliation, retribution, or

harassment. Employees who do not follow this policy will be subject to disciplinary action up to and including loss of their job.

We Respect Your Confidentiality. All reports are treated as confidential. Sometimes, it is not possible to look into an issue without revealing the identity of the person who reported it. Sometimes we are required by law to identify the person who reported. If you report a concern, your identity will only be revealed if it is absolutely necessary. Situations in which we must reveal the identity of someone who has reported are taken very seriously. Your name will be revealed only to those who have a clear need to know.

You Don't Have to Give Your Name. If you decide to report a concern anonymously (that is, without giving your name), please be sure to provide as many details as possible. Without details, it is often difficult to investigate. If you do not wish to give your name, it is best to use the Compliance Hotline.

Meeting the Challenges of a Regulated Environment

Healthcare is one of the most heavily regulated sectors of the U.S. economy. We are committed to following the many laws and regulations that affect our daily work. These laws and regulations address a wide range of activities. They affect how we deliver and document patient care and how we bill patients and insurers. They also require that employees have the proper credentials and licenses to perform their jobs. We must also provide documentation of our work to outside agencies that conduct audits and inspections. Some of the government and private agencies responsible for overseeing what we do include:

- ▶ the Joint Commission,
- ▶ the Centers for Medicare and Medicaid Services (CMS),
- ▶ the Equal Opportunity Employment Commission (EEOC),
- ▶ the Occupational Safety and Health Administration (OSHA),
- ▶ the Environmental Protection Agency (EPA),
- ▶ the Office of Federal Contract Compliance Programs (OFCCP), and
- ▶ the New York State Department of Health.

We Cooperate with Regulatory Site Visits and Reviews.

Any of these agencies may conduct on-site visits or ask us for documentation. Often, we do not know when the agencies are going to come on-site or ask for documents. Staff from government

or private regulatory agencies may visit you at work or ask for information by phone or mail. When this happens, you should immediately notify the appropriate department. Staff in those areas will coordinate responses or designate others who will. Talk with your supervisor if you are not sure where to direct the request.

- ▶ Letters requesting medical records for billing audits should be sent to the appropriate billing department.
- ▶ Inquiries or on-site visits from the Joint Commission, CMS, or the New York Department of Health related to patient care should be directed to the Administrator of Regulatory Affairs.
- ▶ Inquiries related to accounting or financial practices (except for billing) should be directed to the Senior Vice President of Finance.

Our responses to regulatory agencies must be truthful and open; you should never lie or make misleading statements during a site visit or review. You should never hide, destroy, or alter any documents during an inspection or audit by one of these agencies. Violations can subject MSKCC and those involved in the violation to significant fines as well as criminal penalties.

If you are presented with a subpoena or search warrant, contact the MSKCC Legal Department immediately.

How We Care for Our Patients

MSKCC is a worldwide leader in the treatment of cancer. Our belief in the importance of providing the highest quality patient care is central to our mission. It is what drives our commitment to patients' rights, patients' privacy, and access to care.

We Respect Our Patients' Rights. We are committed to treating all of our patients with dignity and respect. This means recognizing that each patient has his or her own personal values, beliefs, and choices. Respect for patients' rights includes involving patients and their families in decisions about their care. Obtaining proper consent for treatment and recognizing the rights of those designated by our patients to make decisions on their behalf are also things we do to protect patients' rights. Patient Representatives are advocates who represent patients' interests, assist with advance directives, and are available to answer questions about hospital policies and procedures.

We Seek to Do Better, Always. Our commitment to excellence in patient care includes a dedication to ensuring that patients are safe. We continuously work to improve the quality of care we provide. Our Quality of Care Initiative focuses on improving care by defining, measuring, and researching the quality of care we provide. Data and information are shared and discussed so that everyone involved in the delivery of care at MSKCC is aware of improvement initiatives.

We Learn from Our Mistakes. When mistakes happen or nearly happen, we want to learn from them. We believe open discussion of the issues that affect safety will lead to creative solutions that help to prevent problems in the future. An important part of this effort is the Reporting to Improve Safety and Quality (RISQ) application. You should use this system to report actual events. It is also the place to report near misses that have the potential to cause harm but that have been caught and corrected before they reach the patient.

We Protect the Privacy of Our Patients' Health Information.

Our privacy policies are designed to ensure that access to patient information is provided only to those who have a right to this information. You should access patient health information only when you need this information to perform your job.

- ▶ Patient information should only be shared with individuals or organizations that are authorized to have it.
- ▶ Always follow procedures when faxing, mailing or e-mailing patient data outside of MSKCC. This helps to keep patient information secure and safe.
- ▶ You should not talk about patients in public areas where private information may be overheard by others.
- ▶ Never share passwords, and always log off computer applications that contain patient or other sensitive information.

We Provide Access for Patients with Financial Need.

MSKCC offers a Financial Assistance Program for patients who have trouble paying their medical bills. This program helps those who do not have insurance if they do not qualify for Medicaid and cannot afford to pay their medical bills. The program can also help patients who have insurance. The Financial Assistance Program requires patients to provide information about their finances. It is confidential. Patients or visitors with an emergency medical condition are treated based on their medical needs, not on their ability to pay. In these cases, we request financial information only after the patient's immediate medical needs have been assessed.

We Maintain Professional Relationships with Our Patients.

Many patients are grateful for the care and service that we provide. Some want to express their appreciation by offering us gifts. Although we respect and appreciate patients' gratitude, gift-giving can be misinterpreted. It is sometimes allowable to accept a modest gift, but valuable gifts or gifts in cash may never be accepted.

How We Treat Our Employees

Our employees are our greatest asset. We recognize that every individual makes an important contribution to our mission and to our success. All employees should be treated respectfully and professionally, at all times. We seek to foster each individual's professional development. Our recruitment and talent management activities are focused on individual performance and merit.

We Expect the Best from You. We expect everyone at MSKCC to behave in a professional and cooperative manner while at work or involved in MSKCC business. Holding everyone to this high standard helps us to provide the best possible care to our patients. It also helps us to protect the rights, health, and safety of fellow employees and visitors.

We Are Committed to Equal Opportunity. It is MSKCC's policy to provide equal opportunity to all employees and applicants for employment. This means we do not discriminate based on a person's race, color, religion, gender, age, national origin, marital status, citizenship status, disability, veteran status, or sexual orientation.

We Do Not Tolerate Harassment or Discrimination in the Workplace. We are committed to a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere free from harassment and discrimination. Work relationships among employees and between employees and persons outside of MSKCC should be businesslike and free of harassment and discrimination. If you feel you are being harassed or discriminated against in the workplace, you should contact Employee Affairs, your Human Resources Generalist, or your supervisor. Employees who report harassment or discrimination in good faith are protected by MSKCC's non-retaliation policy.

We Conduct Employee Background Checks. MSKCC's policies prohibit employing individuals who have been excluded from participation in federal healthcare programs. We use government databases to conduct background checks on job applicants and to conduct periodic checks on employees. Job applicants are required to tell us if they have been convicted of a crime when they apply for a job. They must also tell us if they have been excluded or debarred by the federal government. You must tell MSKCC if you become excluded from federal healthcare programs or if you are convicted of a crime while you work at MSKCC. An employee who becomes excluded while employed at MSKCC is subject to immediate termination.

We Work Together to Ensure Everyone's Health and Safety. We follow all health and safety policies and procedures in order to maintain a physical environment free of hazard. This also reduces the risk of injury to patients, employees, and visitors, and

it protects MSKCC property. MSKCC follows all federal, state, and city safety and environmental protection regulations. In order to protect our employees and our patients, we also provide special training in:

- ▶ handling and storing hazardous materials,
- ▶ disposing of hazardous wastes,
- ▶ fire prevention, and
- ▶ response to accidents and emergencies.

It is important that everyone exercises good judgment and acts to prevent accidents and injury.

We Are a Drug-Free Workplace. MSKCC prohibits the unauthorized manufacture, possession, use, sale, and distribution of drugs in the workplace. MSKCC also prohibits workforce members from being under the influence of alcohol, any illegal drug, or any non-prescribed controlled substance while at work or conducting business as a representative of MSKCC. MSKCC reserves the right to search employees' belongings while employees are on MSKCC premises. This helps to ensure the safety and protection of our employees, as well as our patients and visitors.

Employees with substance abuse problems can find help through MSKCC's Employee Assistance Program. If you or another staff member shows signs or symptoms of illness or impairment, you should notify your supervisor, Human Resources, Employee Health Services, or the MSKCC Compliance Hotline.

We Are a Violence-Free Workplace. We do not tolerate any aggression or violence on MSKCC premises or by anyone working with or on behalf of MSKCC. If you see someone being violent or threatening, you must report it immediately to a manager or to the Security Department. This includes someone who is being disruptive or aggressive. MSKCC reserves the right to perform searches to ensure a violence-free workplace. Employees must permit a search when requested by a supervisor, manager, or security officer. If you refuse to cooperate in such a search, you may be subject to corrective action up to and including termination of employment.

MSKCC Resources Are for MSKCC Business. MSKCC's resources are to be used for MSKCC business purposes only. These resources include time, materials, supplies, equipment, and information. As a general rule, the personal use of MSKCC resources is prohibited. MSKCC resources may not be used to support political campaigns or parties, unions, or other outside organizations that are not connected to MSKCC's mission. You should report known or suspected misuse or theft of MSKCC resources to a department manager or to the Director of Internal Audit.

How We Conduct Our Research

Our research informs and makes vital contributions to the development of new and better therapies for the treatment of cancer. Our mission requires us to follow the highest professional standards for conducting clinical research. We also comply with all relevant statutes and regulations.

We Protect Our Human Subjects. We are committed to protecting the rights of people who participate in our medical research. People who participate in clinical research at MSKCC do so voluntarily. They are informed about the potential risks and benefits of their participation before they agree to participate. We protect the privacy and confidentiality of research study participants. Participants are kept informed as new findings, risks, and alternatives become known.

MSKCC's Institutional Review Board/Privacy Board monitors all research activity to ensure that our research policies are followed. This includes reviewing:

- ▶ research protocols,
- ▶ informed consent documents,
- ▶ grant submissions, and
- ▶ reporting connected with our research activities.

We Protect Our Animal Subjects. The thoughtful and humane care and use of animals is very important to us. The staff of the Research Animal Resource Center (RARC) makes sure that animals used in research and teaching at MSKCC are well cared for.

The Institutional Animal Care and Use Committee (IACUC) oversees MSKCC's Animal Care and Use Program. The IACUC reviews all proposed research activities involving animals to make sure that these projects follow all federal and MSKCC policies and guidelines. All research involving animals is conducted by employees with appropriate skill and training. The IACUC also inspects MSKCC's animal facilities and laboratories where animals are used. You should report any concern about the humane treatment of

animals or if you suspect the misuse or abuse of animals at MSKCC. MSKCC's policies on confidentiality and non-retaliation apply to those who report concerns about animals.

We Are Committed to the Responsible Conduct of Research. The medical and scientific communities depend on the reputation and integrity of our research scientists. That is how they know that they can trust the results of our scientists' research. Everyone involved in the research process must follow MSKCC policies on responsible research conduct and guidelines for investigators in scientific research. This helps to ensure the quality and integrity of our research. Proper research conduct includes, but is not limited to:

- ▶ how research results are recorded and reported,
- ▶ the supervision of laboratory employees and trainees,
- ▶ the maintenance and storage of laboratory records and specimens, and
- ▶ accurate authorship including acknowledging the intellectual property rights of others.

We Protect Our Inventions, Discoveries, and Intellectual Property. We do not undertake research or developmental work principally for the purpose of developing patents and commercial applications, but sometimes commercially valuable patentable inventions result from research or other work conducted at MSKCC. The rights to inventions, patentable or not, resulting from research or other work that is conducted by MSKCC employees or with use of significant MSKCC resources are the property of the Center. The Office of Industrial Affairs (OIA) manages and protects MSKCC's intellectual property by filing patent applications, negotiating license agreements, helping to start new companies as appropriate, and reviewing all contracts and arrangements that affect intellectual property including consulting agreements, material transfer agreements, industry-sponsored research, and clinical trial agreements.

How We Work with Industry

Our work with industry provides many benefits to society. It helps to promote the science of medicine and improves patient care. We are committed to these relationships because they offer positive benefits. However, we are also committed to ensuring that these relationships do not compromise our scientific or clinical judgment or influence purchasing decisions.

We Actively Manage Conflicts of Interest. MSKCC encourages staff to participate in activities outside of the Center that:

- ▶ further our mission,
- ▶ provide productive collaborations, and
- ▶ promote the practical application of scientific discoveries.

At the same time, these activities can create conflicts of interest that may compromise — or appear to compromise — our work. We require staff to disclose those outside activities that may create conflicts of interests in order to safeguard the integrity and objectivity of our:

- ▶ research,

- ▶ education,
- ▶ clinical judgment, and
- ▶ business decision-making.

We then review those activities and manage any conflicts through the Outside Activities Reporting System (OARS).

We Limit Our Acceptance of Business Courtesies. In general, our employees may not accept gifts or other business courtesies from industry. We do not accept grants or other support from industry for professional educational activities. This includes meetings, MSKCC-sponsored events, and other joint MSKCC-industry activities. These rules are important because we do not want our relationships with industry to influence our purchasing decisions or our scientific objectivity. We do permit industry to participate in MSKCC events if the focus of these events is the educational and scientific work being done. We do not engage in promotional or marketing activities.

How We Conduct Business

We conduct our business with all outside organizations ethically and legally. We comply with all federal and state regulations. We always conduct our business in support of our mission. We regularly monitor and audit our business practices to ensure compliance with both internal and external standards and best practices.

We Bill Accurately. Our billing policies follow all federal and state regulations and private payer rules. We bill only for medically necessary services that have been ordered and documented in the patient's medical record. Accurate and timely billing supports patient care and strengthens our patients' trust in us. We have programs to detect inaccuracies, and we correct any errors in a timely fashion. We do not misrepresent information provided for reimbursement, whether on claims, in cost reports, or in other forms, in order to get around the billing rules.

We Make Contracting and Purchasing Decisions Fairly. We are committed to fair competition among prospective suppliers. We choose our vendors, contractors, and suppliers based on objective criteria. These criteria include:

- ▶ quality,
- ▶ technical standards,

- ▶ price,
- ▶ ability to meet schedules, and
- ▶ the quality of service and support.

Employees who make purchasing decisions maintain the highest ethical standards when they negotiate, award contracts, and administer purchasing activities. All such decisions are made in ways that best serve our scientific and clinical mission. MSKCC will not knowingly enter into contracts with vendors, suppliers, or subcontractors who have been excluded from participation in any government programs.

Our Financial Reporting Is Accurate and Complete. We are accurate and complete when documenting and reporting our financial records. Our financial information conforms to generally accepted accounting principles. We manage outside vendors and contractors to protect our financial integrity. We are careful to ensure that all transactions are correctly authorized and properly recorded. These activities help to maintain the accountability of MSKCC's assets.

We Are Accurate, Truthful, and Candid in Our Development and Fundraising Activities. We are grateful for the generous donations from our many benefactors. We are also committed to following all rules and regulations governing charitable fundraising. Inquiries about making a donation to MSKCC should be referred to staff in the Development Office.

Our Marketing and Advertising Are Truthful and Accurate. Our marketing practices are conducted with truth, accuracy, fairness, and a commitment to safeguarding the privacy of our patients and the integrity of the Center. Our marketing activities are designed to:

- ▶ educate the public,
- ▶ provide information to the community,
- ▶ increase awareness of our services, and
- ▶ recruit physicians, researchers, and employees.

We are honest and truthful about our services, capabilities, and treatment outcomes in our marketing and advertising activities and materials. We do not make guarantees or promises about treatments or results.

We Do Not Make Endorsements. MSKCC and its employees do not express support for or endorse products or commercial ventures. This includes vendors with whom we do business. Requests or proposals to use MSKCC's name, logo, or likeness for an endorsement must be reviewed and approved by the Vice President of Public Affairs. Vendor requests to include comments, quotes, or referrals from MSKCC staff, or an MSKCC case study, in any publication must also be reviewed and approved by the Vice President of Public Affairs. This includes press releases, marketing materials, and Web sites.

We Observe Antitrust Laws. Antitrust laws are designed to preserve fair market competition. Antitrust laws do this by limiting the information that may be shared among and used by competitors. MSKCC's competitors include other healthcare organizations that offer similar services in the same markets used by MSKCC. Antitrust laws prohibit sharing information among competitors that might result in:

- ▶ price fixing,
- ▶ allocation of markets among competitors, or
- ▶ boycotting of other entities and suppliers.

Contact the Office of the General Counsel or the Compliance Office if you have questions about what information can be shared with other organizations.

We Do Not Engage in Insider Trading. Securities laws make it strictly illegal to buy or sell securities (stock or bonds) using nonpublic information. It is also illegal to pass nonpublic information along to others for the purpose of purchasing or selling securities. Everyone associated with MSKCC must avoid using or sharing nonpublic information that might result in illegal buying or selling of securities. In general, MSKCC employees should avoid disclosing information that would encourage others to buy or sell securities (stock or stock options) based on information that is confidential. This information may have been gained through research or through other means within MSKCC. Because nearly all research agreements require confidentiality, sharing such information with others could also result in contract violations.