

Conflict of Interest Program

COMP-C002: Interactions with Industry



Memorial Sloan Kettering
Cancer Center

Title	Interactions with Industry		
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1. Introduction

Collaborations between MSK, its employees, and industry partners are essential to advancing MSK's mission of providing and promoting exceptional and innovative patient care, research, and education. MSK also recognizes that such interactions must be carefully managed to ensure that they do not influence clinical or business decisions, compromise scientific objectivity, or create the perception thereof. This Policy, along with MSK's [Code of Conduct](#), establishes guidelines for ethical and appropriate interactions with industry to ensure that MSK business is conducted with integrity and in compliance with applicable federal and state laws and regulations.

For purposes of this Policy, "Industry" is defined as any vendor, organization or individual that MSK does or might do business with, as well as their respective employees, representatives and other agents.

MSK's Compliance COI Office (Compliance) is responsible for the administration of this Policy. Questions regarding appropriate interactions with Industry and reports of non-compliance with this Policy should be directed to Compliance (ecoi@mskcc.org).

2. Applicability

This Policy applies to all full-time and part-time MSK employees. When interacting with MSK personnel, Industry representatives are also expected to be aware of this Policy, as well as MSK's Code of Conduct, and to adhere to their principles.



3. Gifts, Compensation, and Other Benefits to MSK Employees

3.1 Gifts to MSK Employees. MSK employees may not solicit or accept gifts or benefits from Industry including:

- a) Gratuities, including cash or cash equivalents;
- b) Gifts that serve a purely personal benefit (e.g., tickets to professional sporting, leisure, music or other major events);
- c) Meals or food items, unless otherwise permitted by this Policy; or
- d) Business novelties or promotional materials, unless *de minimus* in value and made available to others (e.g., pens, reusable bags, or water bottles given out at an industry conference).

3.2 Gifts Related to Sales Presentations. MSK employees may not accept gifts or compensation in any form for listening to sales presentations by an Industry representative, whether in person, online, or on the telephone.

3.3 Pharmaceutical Samples. MSK and its employees may not accept pharmaceutical samples or pharmaceutical coupons in accordance with Medical Staff Rule and Regulation #211. All other types of vendor and/or product samples intended for use at MSK must be cleared through standard procurement and purchasing processes as applicable.

3.4 Prizes and Awards. For purposes of this Policy, prizes and awards are not considered gifts. Employees may accept prizes and awards for academic, scientific, or medical achievements from Industry-supported foundations and organizations if the recipient is chosen through an established, independent process of scientific review. Please note that certain prizes and gifts from foreign organizations may need to be disclosed in accordance with MSK's [Conflict of Interest and Commitment Policy](#) ("COI Policy").

4. Attending Off-Site Meals or Events at the Invitation of Industry

In general, it is recommended that MSK pay for the cost of an MSK employee's meal or attendance when meeting with Industry representatives. However, MSK employees may accept invitations to meals or events at the expense of Industry as long as (i) the primary function is the exchange of information related to scientific, educational or business collaborations and (ii) such meal or event is modest and infrequent in nature.

Departments may have more stringent requirements relative to employees attending meals or events with Industry representatives as determined by applicable department leadership.

Employees, who meet the definition of "Covered Persons" under the Physician Payments Sunshine Act, should be aware that manufacturers of drugs, medical devices, and biologicals may be required to report the value of such meals and events as part of its annual reporting to the Centers for Medicare and Medicaid Open Payments Systems.

MSK and its employees will not participate in the promotion events that are not sponsored by MSK (e.g., distribution of flyers or messages announcing an Industry sponsored talk held off-site).

5. Industry Support for MSK Meetings, Events, and Activities

MSK and its employees may not accept financial or in-kind support from Industry, including food or other meeting costs, for MSK meetings, events or activities, whether or not taking place at an MSK facility, with certain exceptions outlined below:

5.1 Continuing Medical Education (CME) Activities. Industry support may be accepted in connection with programs accredited by the Accreditation Council on Continuing Medical Education (ACCME) and in compliance with ACCME guidelines. All support and funding for CME events must be coordinated and approved through the MSK CME Office. Please contact the MSK CME Office (cme@mskcc.org) for relevant policies guidance on how to set up a MSK CME activity.



5.2 Non-CME Educational Activities. Industry support for educational activities, such as a conference, symposium, course, or workshop sponsored by MSK or hosted by MSK or by MSK individual(s), for which professional medical or other healthcare education credit is not offered/sought (non-CME) may be accepted with department leadership approval. Such support must be coordinated through Compliance and MSK's Office of General Counsel and meet the following standards:

- a) Industry support must be directed to an administrative unit of MSK, not to an individual MSK employee.
- b) Industry (and other outside entity) support for an educational activity must be disclosed to participants. For educational events, disclosure must be made prior to the beginning of the event.
- c) Industry may not control the content of the educational activity (i.e. may not require specific content or materials or have any approval rights over content or materials).
- d) All program/course directors, speakers, moderators, and/or panelists must report their financial interests that are related to the educational activity via a disclosure form, and such financial interests must be reviewed and resolved *prior to* the educational activity start date. MSK Compliance can facilitate financial disclosure forms for the event as appropriate for program/course directors, speakers, moderators, and/or panelists, and offer mitigation resolutions where needed (e.g., disclosure of relationships in materials, etc.)
- e) MSK must retain discretion over selecting participants in the supported educational activity.
- f) No identifying information about attendees in Industry-supported educational activities may be disclosed to a supporting Industry entity.
- g) Industry may not directly pay for or provide meals or other types of food for educational activities. Industry may provide MSK with an educational grant or other unrestricted funding mechanism with which the organizer may purchase food for the events.
- h) Industry representatives may not attend an educational activity event without prior approval by MSK Compliance.
- i) An educational activity may not be named after the Industry entity supporting the activity.
- j) Industry support for an educational activity must be documented by an agreement reviewed by an appropriate authorized individual in MSK's Office of General Counsel. Any agreement for Industry support of an educational activity must be in writing, and specify the terms, conditions, and purposes of the Industry support. No Industry funds may be accepted or spent until there is a signed agreement.
- k) In-kind support (e.g., equipment or software) may be donated or gifted in support of an educational activity if provided in accordance with applicable policies on research administration, development, and hospital requirements.
- l) If a non-MSK physician will be engaged in connection with the educational activity (e.g., a non-MSK physician will be speaking at the event), a separate written agreement may be required.

5.3 Fellowships. Industry support for fellowships is permitted. MSK, and not the Industry sponsor, must have complete control over the use of the funds, including the selection of individuals to be supported and the course of training the individuals will undergo. Funds in support of a student or trainee fellowship should be provided to and administered through MSK.



6. Industry Representatives Access to MSK

The presence of Industry sales and marketing representatives at MSK facilities presents operational issues of patient confidentiality, security, infection control, as well as a suggestion of an inappropriate relationship with Industry. The following requirements reduce the likelihood of an inappropriate presence of Industry.

6.1 Pharmaceutical Industry Sales/Marketing Representatives. Pharmaceutical Industry sales/marketing representatives are not permitted at MSK facilities. MSK employees are not permitted to schedule on-site appointments with these representatives and should not respond to solicitations from these representatives. Any violations of this Policy should be reported to Compliance (eCOI@mskcc.org) immediately.

6.2 Other Industry Representatives. For other Industry representatives, access to MSK must be pursuant to an appointment or invitation, and related to a specific clinical care, research, educational or business purpose. This may include providing technical support or educational training of MSK staff on equipment, devices, or other technologies already procured, or demonstrating the use of new equipment, devices, or other technologies for purposes of evaluation prior to purchase. Access to MSK must be granted in accordance with standard vendor credentialing protocols where appropriate. Applicable department leadership approval is required in all instances in which an industry representative will be training or presenting to MSK staff, or otherwise participating in an onsite MSK event or meeting.

6.3 Other Industry Site Access Requirements.

- a) All Industry representatives are also subject to policies of MSK including, but not limited to, those concerning access and security, and registering and credentialing vendors.
- b) Industry representatives are prohibited from distributing food items, or gifts, including business novelties or other such items, during visits.
- c) Industry promotional materials are not permitted to be distributed or displayed on MSK premises, with the exception of formal exhibit areas during an accredited CME activity and as permitted by applicable CME guidelines, or as otherwise approved by Compliance and MSK Legal under appropriate agreements.
- d) Industry representatives are prohibited from having direct patient contact and are not permitted to enter patient care areas. Any exceptions to this policy must be approved by the relevant Department Chair or Program Director.
- e) Industry representatives may not be present when protected health information (PHI), confidential research data, or other restricted information (e.g., MSK prices, salaries, etc.) is discussed unless pursuant to and in accordance with applicable agreements relative to services provided by Industry to MSK.
- f) Any educational resources provided by Industry representatives, including written materials, intended to reach patients and caregivers must be reviewed and approved by Patient Education Committee before they are disseminated in accordance with MSK Administrative Policy & Procedure #5006 - Patient Education Materials.
- g) Industry representatives who bring equipment or devices onto MSK premises must comply with MSK's policies and procedures regarding product and electrical safety.

7. Industry Support for MSK Work-Related Professional and Educational Meetings

Any work-related travel must be conducted in accordance with applicable MSK business travel policies. Regardless of the funding source, approval for travel should be granted only for scientific, educational, or business events that are related to the work performed by the employee. MSK and its employees do not express support for or endorse products or commercial ventures in accordance with MSK's Code of Conduct. This includes vendors with whom we do business.



7.1 Professional or Educational Meetings and Events.

- **Registration Fees.** Industry support for registration fees to attend professional or educational meetings and events may be accepted if: (1) approval of the individual's immediate supervisor to attend is granted; and (2) the meeting/event is scientific, educational or professional in nature and related to the MSK responsibilities of the MSK employee attending. If meals are included in the registration fee, that is also acceptable.
- **Travel.** Industry support for travel (including airfare and lodging) to attend professional or educational meetings and events may only be accepted if the MSK employee who is traveling is an organizer, speaker or otherwise formally participating as a representative of MSK.

7.2 Industry Site Visits. Site visits for the evaluation of Industry products and/or services are sometimes appropriate parts of a purchasing decision. When such visits are necessary, they must be approved by the applicable department leadership and paid for by MSK. Industry support for such travel is prohibited. Industry site visits must be conducted in accordance with and pursuant to applicable procurement policies.

7.3 Staff Training. Training of MSK employees on new or existing products or technologies should be performed on-site at MSK whenever possible and any cost should be paid for by MSK. In limited circumstances, such as when an existing Industry partner is providing training to personnel from a number of locations at a centralized training facility, Industry may be permitted to pay for MSK employee travel to the training. These situations should be reviewed with Compliance in advance. For travel to attend training related to sponsored research, travel support is permissible as long as covered by agreement between company and MSK.

8. Solicitation/Acceptance of Financial Contributions from Industry

MSK is a grateful recipient of philanthropy from its Industry partners. However, any Industry entity or representative wishing to contribute to MSK should be referred to MSK's Development Office, which is the appropriate department to liaison with for these purposes. MSK employees should not directly solicit financial contributions or donations from Industry.

MSK employees may work with the Development Office to identify potential sources and to determine the most effective ways to raise funds. However, the Development Office must initiate phone calls, letters and other forms of direct solicitation.

Industry donors may identify a specific program to which they would like a gift applied, as long as the funds are raised and received through the Development Office and use of the gift is in accordance with all institutional policies and meets institutional goals and priorities. Receipt and use of such gifts must be reviewed and approved by the Department Chair and Department Administrator, and are subject to review by the Associate Hospital Administrator and the Compliance Department.

9. Engaging in Independent Activities with Industry

MSK employee involvement in independent, external consulting, speaking, and advisory activities with Industry is governed by MSK's COI Policy. Such activities may be permissible as long as the nature of the activity falls within an acceptable scope as set forth in the COI Policy, and the activity does not present unmanageable conflict of interest or conflict of commitment concerns. The COI Policy sets forth all applicable guidelines pertaining to external activities with Industry, including the requirement that MSK employees ensure that their immediate supervisor is aware of and approves of the activity prior to commencement. In addition, written agreements covering such activities may be subject to the required prior review and approval process through the Consulting, Advisory, and Speaker Agreements (CASA) module in MSK's Ironclad system.



10. Enforcement

Employees acting in violation of this policy are subject to disciplinary action, up to and including termination. Reports of non-compliance by Industry representatives of this Policy should be reported to Compliance (eCOI@mskcc.org), who will work with appropriate departments to communicate with the company.

11. Resources and Related Policies

[Conflict of Interest and Commitment Policy](#)

[MSK Code of Conduct](#)

[Guidance on Consulting, Advisory, and Speaker Agreements \(CASA\) Ironclad](#)

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