

## **Policy on Dual Interest and Outside Activity for Faculty and Staff of Duke University, Duke University Health System, DUMAC, Inc. and the Related Wholly Owned Subsidiaries, Support Corporations and Controlled Affiliates**

Duke is committed to upholding the highest legal and ethical standards in its business conduct. All Duke representatives have a responsibility to protect its institutional integrity and reputation. In keeping with this principle, Duke seeks to avoid real or perceived conflicts of interest in all aspects of business, patient care, research and governance.

Individuals' varied interests, activities and backgrounds, in conjunction with the breadth of activities undertaken by Duke, naturally create "dual interests" that may affect both Duke and the individual. Full dual interest disclosure, including those of immediate family members\*, along with applying customary conflict of interest management principles, will promote impartial decisions.

### **Dual Interests**

***Dual financial interests*** exist when an individual's primary professional obligations to Duke conflict with actual or anticipated external financial interests. Real or perceived conflicts arising from dual financial interests can cause stakeholders to lose faith in Duke's research objectivity, patient care quality, educational activities, and procured goods and services.

An individual's external financial interest, such as private equity ownership or an intellectual property stake in an invention, can create a direct link between personal financial success and educational, patient care and administrative management responsibilities and research outcomes. Significant payments from industry consulting or speaking engagements can also create a real or perceived bias.

An investigator's ability to affect personal financial gain based upon research outcomes can impact objectivity in areas such as data quality, human subject enrollment, clinical care quality and publication integrity. A financially conflicted educator can call into question Duke's educational approaches and materials. Further, a financially conflicted healthcare practitioner can cause patients to question motivations in treatment choices.

An individual's financial connections to external consultants, service providers, suppliers, vendors and other contractors can also cause a dual financial interest. When an individual or immediate family member can potentially benefit financially through procurement decisions, Duke's product, service quality, and costs may be compromised.

***Dual commitment interests*** exist when external influences take away from an individual's primary time and energy obligations to Duke. Establishing individual commitment expectations will vary greatly across entities, schools, departments and divisions. External influences such as consulting and other professional service obligations are common dual commitment interests. If a dual commitment interest arises, the individual should discuss the situation with their supervisor, department leader or entity senior leader.

"Consulting" is defined as the use of one's expertise to further an outside entity's objectives under a compensatory or voluntary arrangement. Compensated governing board or board of directors appointments and paid industry scientific and technical practices advisory positions are consulting examples that could represent a significant time commitment and may need further assessment. If a consulting engagement requires a decision to put aside their primary professional obligation to Duke, recusal from the decision is required.

Other outside activities such as some board appointments, pro bono work, philanthropic activities, professional associations and unpaid obligations at other universities can also create dual commitment interests. Although these activities may have a financial component, the primary commitment's purpose is not income-driven. Individuals should disclose these relationships to ensure Duke's primary commitments are met over the interests of the outside activity.

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\* Immediate family members include an individual's spouse, spousal equivalent, ancestors, children (whether natural or adopted), grandchildren, great-grandchildren, siblings (whether by whole or half-blood), and the spouses of children, grandchildren and great-grandchildren.

## Dual Interests Disclosure and Conflict Management

Individuals are required to disclose all existing dual interests annually and as new interests arise. In the event that a real or perceived conflict arising from a dual interest cannot be avoided, the person will either need to implement a conflict management plan or terminate the relationship that caused the conflict.

All Duke faculty, staff and student workers should apply the following principles to help navigate dual interests in their daily professional lives:

- Avoid accepting gifts, favors or hospitality from persons or organizations having or seeking association or a business relationship with Duke.
- Abstain from discussion and decisions related to matters where you may have a dual interest. These matters include but are not limited to purchases, contributions, grants, gifts, research awards, contracts and investment decisions.
- Abstain from marketing or advertising for goods or services provided by an entity in which you have a dual interest and from using Duke resources to conduct business for the entity in which you have a dual interest.
- Refrain from formal or informal discussions or indirectly influencing decisions related to your dual interest with other faculty, staff, patients and students.
- Keep confidential all sensitive information including Duke’s strategic plans, financial and legal information, and proprietary research and technology.
- Refuse any personal gain, influence or unfair advantage based on your position within Duke or associated relationships.
- Adhere to your specific conflict management plans designed to protect you and Duke from real or perceived conflicts associated with dual interests.
- Avoid over-committing to external activities and interests which take away from your primary obligations to Duke University and Duke Health and commitments to Duke stakeholders (e.g., research sponsors).

## Establishment of Conflict of Interest Committees

A conflict of interest committee will be appointed for each of these categories:

1. Research conflicts, reporting to the Vice President for Research
2. Administrative conflicts, reporting to the Executive Vice President (Duke University) and Chancellor for Health Affairs (Duke University Health System)
3. Institutional conflicts, reporting to the President

These committees provide advice and oversight regarding the development and monitoring of conflict management plans and required reporting to outside entities. These senior officials are also responsible for formally naming members of the three committees, with the approval of appropriate faculty committees. Implementation procedures for this policy will be determined by each committee, with the approval of the appropriate senior official. Financial thresholds for relationships requiring management will also be determined by each committee.

If you have questions or need more guidance, contact the Duke Office of Audit, Risk and Compliance at (919) 613-7630 or [oarc@duke.edu](mailto:oarc@duke.edu).

This policy replaces the Financial Conflict of Interest Policy approved by the Board of Trustees May, 2011