

# NEW YORK GENOME CENTER POLICIES AND PROCEDURES

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<b>Policy Number</b>	LEG-003
<b>Policy Title</b>	Ethics Policy and Code of Conduct
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<b>Issued By</b>	Vice President and General Counsel
<b>Responsible Officer</b>	Vice President and General Counsel
<input checked="" type="checkbox"/> Institution Policy <input type="checkbox"/> Department Policy	

## 1. Purpose and Scope of Policy

The New York Genome Center (“NYGC”) is committed to the highest standards of professional conduct and expects members of its community to act with integrity, honesty and fairness in the workplace. All NYGC personnel share responsibility for ensuring that these institutional values are carefully maintained and promoted. This ethics policy and code of conduct is a statement of our community’s collective commitment to upholding these values, and complying with the relevant standards, policies, laws and regulations that guide our work.

This policy applies to the following members of NYGC’s community: (a) NYGC faculty, employees, and any individuals who receive a stipend from NYGC (e.g., trainees); (b) individuals who perform services for NYGC as volunteers or collaborate with NYGC researchers at NYGC; and (c) if required by contract, consultants, vendors or contractors who provide goods and services to NYGC (collectively, all of the above are defined as the “NYGC Community Members”).

## 2. Policy/Principles

### A. Standards of Conduct

As an institution that receives substantial public support, NYGC recognizes that it must earn and maintain a reputation for integrity. To ensure that the public has confidence in the validity of the

scientific research conducted at NYGC, NYGC personnel must always act with integrity and in compliance with applicable laws and regulations, internal policies, and contractual commitments. Even in instances where research, training or business activities are not governed by specific laws, regulations or NYGC policies, such activities must be conducted with fairness, integrity, honesty and respect for the rights of others.

#### B. Conflict of Interest

NYGC's employees, faculty, and trainees must ensure that their personal, professional and financial interests do not conflict with the interests of NYGC. Annually (or whenever a potential conflict arises during the year), these individuals are required to disclose any personal, professional and financial interests in compliance with NYGC's conflict of interest policies. In addition, NYGC researchers who receive federal research support must disclose any significant personal financial interests relating to their research as described in NYGC's *Financial Conflict of Interest Policy for Investigators with External Funding*.

All NYGC employees owe their primary professional allegiance to NYGC. Outside professional obligations and consulting arrangements must be disclosed to NYGC's Scientific Director and Chief Executive Officer (CEO), and consulting by employees and faculty must be approved in writing by him or her in advance.

#### C. NYGC Records

All NYGC books, records and accounts (including, without limitation, financial reports, tax returns, expense reimbursements and time sheets) must be maintained in an accurate, clear, complete and auditable manner, in conformity with generally accepted accounting practices and all applicable laws, regulations and NYGC policies. No entries should be made that conceal or disguise the true nature of any NYGC transaction. Employees and faculty members are expected to give their full cooperation to NYGC's independent auditors and to provide complete and clear information in response to their requests. NYGC books, records and accounts, including laboratory research records and computer files and databases, are the property of NYGC and should not be removed from NYGC except as required for the performance of work-related duties.

#### D. Gifts and Gratuities

NYGC employees, faculty and trainees may not solicit or accept substantial gifts or gratuities from any individual or entity that has, seeks, or may reasonably be expected in the future to have a business relationship with NYGC. Generally, the acceptance of corporate logo items of nominal value provided in the ordinary course of business or token items provided at conferences and meetings is permissible. Employees, faculty and trainees may accept payment of business meals or related entertainment from a vendor, contractor, consultant or supplier only if the payment is consistent with usual and customary business practice, and, where applicable, in compliance with all laws, regulations and policies concerning government funding of research. Additional guidance on the receipt of gifts and gratuities may be found in NYGC's *Policy on the Receipt of Gifts*. Any employee, faculty member or trainee unsure of the acceptability of a gift or gratuity should seek advice from the Vice President and General Counsel.

## E. Compliance with Laws

NYGC Community Members must transact NYGC business in compliance with applicable laws, regulations and NYGC policies and procedures. No individual should take any action on behalf of NYGC that the individual knows or reasonably should know would violate a law or regulation. Managers and supervisors are responsible for teaching and monitoring compliance. When questions arise pertaining to the interpretation or applicability of a policy, law or regulation, individuals should contact the person who has oversight of the policy, or the Vice President and General Counsel.

### i. *Anti-Corruption*

NYGC has a zero-tolerance policy toward corruption, including the offering, promising, making and receiving of bribes, by members of its community. All NYGC Community Members must comply with the U.S. Foreign Corrupt Practices Act (“FCPA”), and all other applicable anti-corruption and anti-bribery laws and regulations. If any NYGC Community Member is working or operating in a country other than the United States, the laws and regulations of that country also apply and must be observed.

In general, this means that no NYGC Community Member may offer, promise or give anything of value to anyone in an attempt to influence any act or decision of the other person in his or her official capacity, or to secure any other improper advantage. NYGC Community Members also may not use third parties to undertake any prohibited action. In addition, NYGC expects that members of its community will refrain from soliciting or accepting anything of value that could be viewed as intended to influence decisions of NYGC Community Members.

### ii. *Export Controls and Economic Sanctions*

Export controls and economic sanctions are used to protect United States national security and as a tool of foreign policy by the United States Government. NYGC Community Members must comply with applicable laws and regulations restricting the export and import of commodities, software and technology, and all economic sanctions. Individuals are responsible for promptly reporting any possible violations of those laws to the Vice President and General Counsel. Non-compliance – or even the appearance of non-compliance – may place NYGC in serious legal, financial, and reputational risk and may result in substantial criminal and civil penalties for both NYGC and the individual involved in the activity.

In addition to the restrictions on the export of certain commodities, software and technology from the United States, which are described in the [Export Administration Regulations](#) (“EAR”), the [International Traffic in Arms Regulations](#) (“ITAR”), and other regulations, the [Department of Treasury’s Office of Foreign Asset Control](#) (“OFAC”) publishes the [“Specially Designated Nationals and Blocked Persons List”](#) (the “SDN”), which lists individuals and entities owned or controlled by, or acting on behalf of, targeted countries. The SDN also includes individuals, groups and entities, such as terrorists and narcotics traffickers, designated under programs that are not country-specific. Additionally, OFAC publishes other sanctions lists, which can be collectively searched through OFAC’s [“Consolidated Sanctions List”](#) (the “CSL”). Entities and individuals in the United States are generally prohibited from transacting business with those on OFAC’s sanction lists. NYGC does not hire, retain, or enter into any kind of business relationship with any business or individual on the SDN or CSL. Therefore, prior to hire, affiliation, or payment, all employees, faculty, consultants and vendors must be screened for any export controls and economic sanctions violations pursuant to NYGC policies and procedures.

To minimize potential legal risks, employees, faculty and trainees must consult with NYGC's Office of General Counsel if they have questions about the application or interpretation of economic sanctions laws or regulations. These laws are complex and United States sanctions are subject to regular change. Individuals are encouraged not to make independent decisions about issues related to United States sanctions.

#### F. Human Resources

NYGC is dedicated to fostering an environment of fairness and respect for current and prospective Community Members. To encourage such behavior, NYGC prohibits discrimination and harassment, and provides equal opportunities for individuals regardless of race, creed, color, gender, religion, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, protected veteran or military status, domestic violence victim status, partnership status, caregiver status, alienage or citizenship status, marital status, or any other characteristic protected by applicable law. When NYGC finds that this standard has been violated, it will take prompt action to end the offending conduct, prevent its recurrence and discipline those responsible. Specific policies in support of this standard are found in the *NYGC Employee Policy Handbook*.

#### G. Environmental Health and Safety

NYGC is committed to protecting the health and safety of its personnel by providing a safe workplace. It will provide information and training about health and safety hazards and safeguards to individuals, and require NYGC Community Members to adhere to good health and safety practices, and comply with all environmental health and safety laws and regulations.

Specific guidance on health and safety standards and practices is available on MediaLab and the Environmental, Health and Safety section of NYGC's Wiki.

#### H. Research Integrity

NYGC expects its scientists to conduct their research in accordance with established standards for executing, recording and reporting scientific investigations, and to give appropriate and fair acknowledgment to those who contribute to such efforts. Investigators should consult NYGC's *Research Misconduct Policy* for information on reporting any suspected violation or breach of ethical research standards.

#### I. Use of NYGC Resources

NYGC resources must not be used for personal purposes except in a manner that is incidental and reasonable in light of an individual's duties. NYGC resources include, but are not limited to, the use of telephone systems, data communication and networking services, and equipment such as computers or tools. NYGC resources are also broadly defined to include the time and effort of trainees or subordinate employees.

### 3. Procedure

#### A. Reporting and Investigating Suspected Violations

##### i. *Reporting Violations / Whistleblower Policy*

NYGC employees, faculty members and trainees are required to report suspected violations of applicable policies, laws, regulations, contract terms or this code of conduct to NYGC's administration. Typically, violations should be reported pursuant to the procedures set forth in NYGC's *Whistleblower Policy*. Such reports may be made confidentially, or even anonymously, but individuals should be aware that it may be difficult for NYGC to investigate complaints for which only limited information has been provided.

Preferably, allegations should be made in writing to assure a clear and detailed description of the issues. As noted in Section 2.H, any suspected violation or breach of ethical research standards should be reported as described in NYGC's *Research Misconduct Policy*. All NYGC Community Members are expected to cooperate fully in any investigation of alleged violations or misconduct.

##### ii. *No Retaliation*

NYGC will not tolerate retaliation against an individual who in good faith reports a suspected violation under this policy. Any person who retaliates against or harasses someone who has reported a violation in good faith will be subject to disciplinary action, up to and including termination of employment or affiliation. Likewise, any person who uses or attempts to use his or her authority or position to suppress such an allegation, or to interfere with the investigation of an allegation, will be subject to disciplinary sanctions.

##### iii. *Investigation of Violations*

As applicable, reports of alleged improper activity under this policy will be investigated pursuant to the procedures established in the *Whistleblower Policy*.

##### iv. *Reasonable Belief*

Individuals reporting a violation or suspected violation of the code of conduct are expected to act in good faith and have reasonable grounds for believing that the code has been violated. Any individual who knowingly or maliciously makes a false allegation of impropriety will be subject to disciplinary action, up to and including termination of employment or affiliation.

##### v. *Complaints of Retaliation*

Any individual who believes he or she has been retaliated against for reporting a suspected violation under this policy, or for refusing to engage in activity that might constitute a violation of the policy, should immediately contact the Vice President and General Counsel (or, if the complaint is directed at the Vice President and General Counsel, then the individual should contact the Scientific Director and CEO). All such complaints will be investigated promptly, and disciplinary action taken if the complaint is substantiated.

#### 4. Superseded & Related Policies

##### A. Related Policies

- a. Board of Directors Conflict of Interest Policy
- b. NYGC Employee Policy Handbook
- c. Policy on the Receipt of Gifts (LEG-006)
- d. Whistleblower Policy (LEG-002)
- e. Financial Conflict of Interest Policy for Investigators with External Funding (SPR-018)
- f. Research Misconduct Policy (SPR-022)

#### 5. Record of Changes

Date	Description of Change
9/21/22	Minor Revisions