

Duke Values



Case Study: Accidental Information

“Accidental Information” is a fictional story that illustrates ethical choices related to reporting ethics and compliance violations. It reminds us how important each employee’s ethical choices can be in maintaining our reputation for fair, honest business practices.

Accidental Information

At the end of a long, chaotic week, Francine decided to check her emails before heading home. The upcoming week’s stockpile of messages would be massive enough without being added to what had accumulated while she’d been in a lengthy Friday afternoon staff meeting.

She scrolled through the 30 unread messages. There were several informational emails from her manager and some requests for status reports on a couple of ongoing research projects. There were numerous messages on which she and several others in her department had been copied as a courtesy and a couple personal emails. She also perused some updates from industry organizations and publications. The usual stuff.

But then one email in particular caught her eye. It was from Megan Morehouse, a research associate in another lab. As she quickly skimmed the text, ready to delete the email, Francine realized two things. First, the

message had been sent to her by mistake, intended instead for “the other” Francine, Francine DuChamp, who worked on another research project. Second, it contained explicit instructions to that employee about how to report her effort so the research would appear to be on track.

She read the email over again, hoping she’d misinterpreted it, but ending up convinced of—and horrified by—its intent. She wasn’t sure what to do, and she certainly wasn’t going to take action at the close of business on the eve of a weekend. However, she printed a hard copy of the email and then filed the email in her Saved folder for safekeeping until she could figure out her next move.

On Monday, she went out for an off-site lunch at a nearby deli with Lexi. After they’d settled into a booth with their sandwiches, she decided to broach the topic in a general way.

“What would you do,” Francine asked, “if you knew that something was being done that

Our shared values are more than aspirations...

They are the beliefs and behaviors that we expect of ourselves and our colleagues. They are the ideals that we must uphold in order to earn and maintain our reputation for quality and integrity, and to inspire confidence with each other and the world which we both serve and rely on for our future viability.

Respect

We are a community of leaders, students, scholars, health care providers and staff who affirm and encourage freedom of expression, regard for others, and compliance with laws and regulations.

Living our Values

We keep information confidential and use it only with permission and for its intended purpose. We are vigilant in our intentions, leading by example and considering the implications of our actions. We do not use our positions of influence or authority to secure personal financial gain.



wasn't entirely above board?"

"That depends," said Lexi. "Are you the one who's messing up?" She chuckled.

"Lexi, I'm serious," said Francine. "And no, it's not me."

"Well, if it's huge, like major research fraud or something, I'd call the feds, blow the whistle and wait to collect the bounty for my retirement in Bermuda," said Lexi.

"Really? I thought whistleblowing was just for defrauding the government—submitting false invoices, that sort of thing."

"No, you can do it for a lot more, especially these days. As long as it's something they don't already know about."

"They?"

"The feds," said Lexi. "We just had the training—you'll probably have it soon. Congress made it a lot easier for people to report things to the government and a lot harder for companies to retaliate against employees for doing it."

Francine looked thoughtful. "Maybe I should just forget about what I found out by accident."

"Then that would mean you're an accessory, right?" said Lexi, as she speared her pickle. "Actually, while it's true what I said about whistleblowing to the government, the training said what you really should do if you want to do it right is report whatever you discovered through the usual channels—like to the compliance office or the Speak-up Hotline if you don't want them to know who you are."

"How can I be sure they'll follow up on it?" said Francine. "It seems like a pretty bad thing. I mean, heads might roll. Or even worse, they might decide to just look the other way."

"Believe me, management knows it's more important than ever to stop illegal or unethical practices that come to their attention before it gets out of hand—or before anybody goes to the government about it."

"Thanks," said Francine. "I've got a call to make."



What would you do?

Q: How would you have responded to Megan's email?

A: Employees have a responsibility to report what has been discovered. You should share the email with the department leader or with the compliance office.

Q: Do you agree with Lexi that if Francine chose not to report the situation, she could be an accessory to the wrongdoing?

A: Yes. All employees must report any activity that appears to be illegal. Now that Francine has this knowledge, she has a duty to report it to the appropriate individuals at Duke.

Q: Can you really make an anonymous report?

A: Yes, by using the Speak-up Hotline.

Q: Why might you not want to remain anonymous?

A: It would be helpful for the compliance department to be able to follow up to obtain additional information if necessary. Also, even if the caller provides an identity, those investigating the report will make every effort to keep it confidential during the process.

Duke Values

RESPECT

We are a community of leaders, students, scholars, health care providers and staff who affirm and encourage open expression, academic freedom, regard for others and respect for laws and regulations.

TRUST

We are honest, credible and reliable in our words, behaviors and actions.

INCLUSION

We seek to welcome and fully engage people of diverse backgrounds, abilities and perspectives to advance our work.

DISCOVERY

We seek to be an innovative community, to improve our individual capabilities and to share knowledge with one another.

EXCELLENCE

We perform high-quality education, research, patient care and community enhancement, and are always mindful of the enduring value of safety and continuous improvement.



SPEAK UP

If you witness or are asked to participate in actions that are not consistent with our values, tell someone.

Ask your supervisor, department head, academic dean, residence advisor or ombudsman for advice. If that is not possible, contact **800.826.8109** to discuss your question or report your concern. The toll-free number is confidential, and anonymous if you choose, service provided 24 hours per day, 365 days per year.

Key Points to Remember

- *All of our time reports, financial records, and contract or grant progress reports must be truthful and accurate. If you see evidence of fraud, waste, abuse or research falsification, you have a responsibility to report it using the channels available to all faculty, staff and students.*
- *Duke is committed to investigating all reports of suspected ethical, legal or compliance violations, and to taking prompt, effective disciplinary action if appropriate.*
- *The False Claims Act protects the rights of individuals who report fraud against the government. The 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Dodd-Frank Act”) encourages employees to report to the government fraud, bribery and other financial crimes. Both acts contain whistle blower and non-retaliation provisions.*
- *All of us must strive to improve our culture of transparency and accountability, and to speak up when we see something that we know is not right.*

We speak up when words, behaviors or actions are not consistent with our values.

It takes courage to come forward. Retaliation for reporting concerns in good faith is strictly prohibited.