

The Chinese University of Hong Kong

Policy on Research, Consultancies and Intellectual Property

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PREAMBLE

1. Background
2. Organization and implementation of the document
3. Distribution and feedback

PART A: POLICY AND PRINCIPLES

4. Philosophy
5. Conditions for research, funding and contracts
6. Proprietary research, consultancies and commercial work
7. Personal outside practice
8. Ownership of intellectual property
9. Patent policy
10. Copyrights
11. Technology transfer of future research
12. Professional ethics
13. Research fraud
14. Relation between CUHK and staff --- personnel policy

PART B: PROCEDURES AND IMPLEMENTATION GUIDELINES

15. General considerations
16. Types of external funding
17. Application and approval
18. Overhead charges
19. Additional charges
20. Safety approval
21. Ethics approval
22. Assignment of intellectual property
23. Outside practice
24. Related entrepreneurial activities
25. Contract administration for research and consultancies
26. Investigation into research fraud

SCHEDULES

Schedule 1
Schedule 2
Schedule 3A
Schedule 3B
Schedule 4
Schedule 5
Schedule 6A
Schedule 6B
Schedule 6C
Schedule 7

22 Dec. 04

PREAMBLE

1. Background

University mission

- 1.1 The Chinese University of Hong Kong is committed to
- (a) offering a range of programmes at the highest standards, leading to the award of first degrees and higher qualifications;
 - (b) offering research postgraduate training to a significant number of students in every subject area;
 - (c) fostering research in all academic areas that offer opportunities for significant advances in human knowledge, and providing scope for academic staff to undertake consultancy and collaborative projects with industry; and
 - (d) serving society through the academic and professional expertise of its staff.

Role of research

- 1.2 In pursuance of this mission, CUHK regards research as an integral and essential part of its academic activities, and it is intended that research should serve the following functions:
- (a) to attract, retain and enhance the most enquiring minds, and therefore to ensure the highest standards in teaching, and the best graduates that society needs;
 - (b) in particular through research to train postgraduate students for the increasingly sophisticated needs of society;
 - (c) to contribute to the advancement of human knowledge;
 - (d) to contribute to the elucidation and analysis of issues of local and regional concern, especially in an era of rapid development and transformation; and
 - (e) through applied research to develop products and processes that are of practical utility, to benefit humankind, and to contribute to the industry and economy of Hong Kong and the region.

Need to review policy

- 1.3 CUHK has an established research policy, and a specific patent policy since 1990. These policies have served the University well. However, with enhanced research funding and increased research activities, the University must now clarify its policy on

		research, consultancies and intellectual property, including its patent policy. This review will also need to address sponsored research, conflicts of interest and commitment, technology transfer, professional ethics and research fraud.
<i>Protect intellectual property</i>	1.4	Much cutting-edge research conducted in the University leads to discoveries and inventions that are potentially patentable. The University needs to stake its claims and to position itself to develop these research activities to the fullest. The object is to achieve the broadest possible impact on the academic and scientific community at large, and to benefit the public locally as well as world-wide. The University therefore sees the need to tighten up its policies on intellectual property and patents to conform with world-wide standards.
<i>Greater concern on intellectual property</i>	1.5	In recent years, there has been increasing attention on intellectual property matters worldwide and in Hong Kong. CUHK has been called upon frequently to handle matters pertaining to patents and copyrights on behalf of its teaching and research staff. Thus, these policies deal with matters of current concern.
<i>Relation between CUHK and staff in intellectual property</i>	1.6	The relation between the CUHK and staff need to be better defined on matters relating to intellectual property, consultancies and patents.

2. Organization and implementation of the document

- Part A:
Policy and principles*
- 2.1 *Part A* contains the policy and principles, and comes into effect upon approval by AAPC, Senate and the Council. The approval of these bodies are required for any significant changes in the future.
- Part B:
Procedures and implementation guidelines*
- 2.2 *Part B* contains the detailed procedures and implementation guidelines that give substance to the policy and principles, and comes into effect upon endorsement by AAPC. These procedures and implementation guidelines may be amended from time to time by the relevant administration units after consultation with the Research Committee, and where necessary AAPC.
- Supersede certain regulations*
- 2.3 In cases where the policy, principles and procedures in this document conflict with such existing regulations as are within the powers of AAPC, Senate or the Council to vary, the existing regulations are deemed to be revoked and replaced upon the adoption of the relevant parts of this report by AAPC, Senate or the Council as the case may be.

<i>Not to supersede other regulations and contracts</i>	2.4	In cases where the policy, principles and procedures in this document conflict with such existing regulations or contractual terms as are not within the powers of AAPC, Senate or the Council to vary unilaterally, the existing regulations and terms shall stay in force unless and until they are varied, or superseded by mutual agreement.
<i>Exceptions</i>	2.5	Exceptions to these policies may be approved by the Council on a case-by-case basis.

3. Distribution and feedback

<i>Distribution</i>	3.1	This document should be made available to all academic and research staff, as well as to administrative and professional staff, support staff and students who have a role in the research activities of the University.
<i>Acceptance of policy</i>	3.2	All new staff shall be required, as part of their obligation under contract, to sign an undertaking that they accept the policy and procedures in this document. All existing staff should do the same either voluntarily, or as a condition before the University endorses research proposals or releases grant monies.
<i>Intention to simplify procedure</i>	3.3	This document, though lengthy, is intended to simplify procedure and administrative workload. A clear set of guidelines should eliminate ambiguity, and reduce many necessary steps to routine. It is hoped that some of the good practices here mandated by detailed guidelines would eventually become part of the tradition and ethos of the University, and need no longer be spelt out or monitored.
<i>Feedback</i>	3.4	The policies, and in particular the procedures, need to be reviewed from time to time to ensure consonance with changing circumstances and to achieve maximum efficiency. Feedback and suggestions are welcome, and should be addressed to the Research and Technology Administration Office.

Part A: Policy and Principles

4. Philosophy

Retain control of research programs

4.1 The scope and quality of the University's research has been facilitated by the extensive external grants and contracts awarded by UGC, RGC, foundations and industry. Nevertheless the University must retain control of its research programs and only undertake research activities that contribute to its educational and scholarly objectives. Toward these ends the University will not normally undertake classified or proprietary research, or perform purely commercial work (see Paragraph 6).

Retain intellectual property rights

4.2 Moreover, unless explicitly waived (see Paragraphs 8 and 22), the University will own all intellectual property arising from research, in order to ensure that the results can be exploited for the benefit of the public to the broadest extent possible.

5. Conditions for research, funding and contracts

Principal investigators

5.1 Academic staff at Assistant Lecturer rank and above may serve as Principal Investigators on externally supported research awards. Other staff members, e.g., instructors, with the approval of the immediate supervisor and the Chairman of the Research Committee may serve as Principal Investigators under special circumstances, provided that a named teacher with Senior Lecturer rank or above assumes responsibility for ensuring that the administration of the award conforms with the sponsor's requirements.

Conditions for accepting grants

5.2 The University will only accept a research award, in the form of a grant, contract, or other type of legal agreement, from an external sponsor for the support of a research project if the terms and conditions are consistent with the following provisions.

Scope

(a) The work is consonant with the University's educational and research objectives and the University would itself have supported the research if its own funds were adequate.

Exclusion of funding

(b) As a rule, the University does not accept any research

		grants or contracts offered by or in the name of tobacco companies. Cases of doubt should be brought up for consideration.
<i>Freedom to publish</i>	(c)	The agreement does not restrict the freedom to publish and otherwise disseminate the results of sponsored research.
<i>Access to technical data</i>	(d)	The Principal Investigator and other members of the research team will be permitted to retain copies of such data and information for their own academic (but not commercial) use, and that other <i>bona fide</i> researchers should be given access to the data under suitable conditions. Except with the prior agreement of the Research Committee, the University will own the data and other products generated from or purchased for a sponsored project.
<i>Intellectual property rights</i>	(e)	Ownership of intellectual property generated from the research shall be governed by the University's current policies (see Paragraph 8 and 22).
<i>No classified or proprietary research</i>	(f)	Except as provided in Paragraph 6, the University will not accept sponsorship for classified or proprietary research, or perform work of a purely commercial nature that does not advance the University's educational and scholarly objectives, and does not lead to advancement of knowledge. Further, the University does not desire to receive information that the sponsor considers proprietary or confidential.
<i>Not for publicity</i>	(g)	The results of sponsored research shall not be used for advertising, commercial publicity or other commercial purposes. The name of the University shall not be used in any way, whether in the form of written or oral statements, that could constitute or imply an endorsement by the University of any commercial product or service, without the prior written approval of the University Council.
<i>Exceptions</i>	5.3	In recognition of the possibility of special circumstances, the Research Committee is empowered to grant exceptions to the stipulations in Paragraph 5.2.
<i>Safety</i>	5.4	In accepting an award in support of a research project to be conducted at CUHK, the University will need to satisfy itself that the facilities and procedures meet approved standards of chemical, biological and radiation safety (see Paragraph 17).
<i>Ethics on human and animal subjects</i>	5.5	In any research project involving human subjects, or involving tissues directly obtained from human subjects, it is incumbent upon the Principal Investigator to obtain the approval of the

relevant Ethics Committee, unless the project satisfies all the requirements for exemption set by that committee. This committee will be particularly concerned that (a) the rights and welfare of subjects are adequately protected; (b) the risks to subjects are outweighed by potential benefits; and (c) appropriate informed consent of subjects is obtained. Similar considerations [for (a) and (b)] apply to research projects involving warm-blooded animals (see Paragraphs 18).

6. Proprietary research, consultancies and commercial work

Limitation on proprietary research

- 6.1 The University will undertake proprietary research, consultative or purely commercial work only under exceptional circumstances. The principal consideration will be that the researcher(s) and student(s) might derive intellectual benefit or training, or that the University possesses facilities not otherwise available in Hong Kong, or that the proposed work is vital to the well-being of Hong Kong.

Use of equipment

- 6.2 The University possesses unusual, or even unique, items of equipment or facilities. When mutually advantageous arrangements can be agreed upon, and when the work cannot be conducted as well in the sponsor's own laboratories or in a commercial laboratory in Hong Kong, such equipment or facilities may be used for tests or investigations on behalf of outside agencies, or the University may undertake to design, build, and operate special facilities on a sponsored basis. Such use of University facilities, provided that it does not pre-empt or interfere with uses for teaching or scholarly research, is consistent with the University's expressed desire to be of service to the community.

Full cost

- 6.3 The contractor must be charged full cost for the work as determined by the University. The procedure for assessing full cost is described in Paragraphs 21 and 23.

Approval required

- 6.4 Such contract research must receive prior approval from the Research Committee and must be centrally monitored by the Research and Technology Administration Office.

Commercial arm

- 6.5 Such work can also be performed by the commercial arm of the University (e.g., CUHK Foundation Ltd), in which case other rules will apply.

7. Personal outside practice

<i>Approval required</i>	7.1	Subject to the relevant University regulations, members of staff may undertake outside practice in the form of consulting or professional services. Except for cases where blanket approval has been given by the Council, all outside practice must receive prior approval from the University. In considering whether approval is to be granted, the University will need to ensure that there is no conflict of interest, that the University's name is not used, that the University does not incur any legal or financial obligations or liabilities, and that the use of facilities are charged at full cost. The member of staff engaged in outside practice is also responsible for ensuring that these policies are adhered to, as set out below.
<i>Conflict of interest</i>	7.2	It is recognized that members of staff may undertake outside consulting work, provided that such work does not interfere with their University duties. Outside practice privileges impose obligations on staff that must be clearly understood and fulfilled. If there is a possibility of conflict of interest between outside activities and work at CUHK, obligations to the University must take priority. It is the responsibility of any staff member who accepts outside obligations that might generate a conflict of interest to declare such and to consult the University, in the case of teaching and research staff via the Dean of the Faculty to the Academic Staff Review Committee, and in the case of other staff via the unit head to the Administrative Affairs Committee.
<i>Avoid use of University's name</i>	7.3	Individual outside practice represents the personal effort of the staff member, and must not be the subject of a contract involving the University. The name of the University and its letterhead must not be used in any correspondence, reports, publicity or commercial presentations.
<i>Indemnify for damages</i>	7.4	If the University suffers any damages or is subject to any claims arising out of any staff member's personal outside practice, the staff member will be required to indemnify the University for such damages and claims.
<i>Use of facilities</i>	7.5	In a consulting activity, the staff member may need to use University equipment and facilities. Such equipment and facilities may be used only to a limited extent, and only if they can be utilized without interfering with normal University activities. In any case, their use must be approved by the Dean of the Faculty and the Pro-Vice-Chancellor for research before the work is begun. A charge for the use of the equipment or facilities as well as cost of technical assistance will be made, based on full cost as determined by the University, as set out in Paragraphs 19 and 23.

8. Ownership of intellectual property

- Definition of IP*
- 8.1 In law intellectual property (IP) refers to a group of rights including patents, registered designs, copyrights, trade marks, trade names, trade secrets, business reputation and goodwill. In the context of a University, the two areas that require policy regulation are
- (a) patents and registered designs;
 - (b) copyrights
- Ownership*
- 8.2 Unless explicitly waived (see Paragraphs 8.5 and 10.1) or assigned (see Paragraph 22), and apart from licence rights agreed in advance (see Paragraph 8.4), intellectual property arising out of any work done as part of the duty of a member of staff resides with the University. In particular, the University will retain title to all inventions and possible resulting patents arising from externally sponsored research (see Paragraphs 9 and 22).
- Ownership of IP separate from right to publish*
- 8.3 Notwithstanding its ownership of the intellectual property, the University will not restrict the right of staff members to publish their findings; the University's rights regarding the intellectual property shall be restricted only to the financial proceeds arising from the invention, patent or publication.
- Licence for sponsor*
- 8.4 The sponsor of research may be given a non-exclusive, royalty-free licence, without the right to sublicense, to use or practise a patented invention made solely by University employees and resulting from work supported by that sponsor at the University. The University may also negotiate to grant the sponsor the option of securing an exclusive royalty-bearing licence on such inventions and resulting patents. Inventions and resulting patents made jointly by employees of the University and of the sponsor shall be jointly owned.
- Copyright*
- 8.5 Except as provided in Paragraph 8.6, copyrights to, and royalties from, books, journal articles, and other copyrightable materials, produced by staff members as a part of their normal teaching and scholarly activities at the University, shall belong to the author(s) and income derived therefrom is not subject to division with the University. Details about copyright are covered in Paragraph 10.
- Copyright (exceptions)*
- 8.6 Exceptions are copyrightable materials the production of which has been *specifically* financed by University's own funds or funds from a sponsor for that purpose, as well as computer

	software and educational audio-visual materials produced by staff members in the line of University duty or with the use of University facilities.
<i>Licensing of copyright</i>	8.7 Licensing of University-owned copyrights will follow the same policies as for licensing of inventions and patents.
<i>Staff to sign agreement</i>	8.8 All University teaching and research staff (including students employed as research assistants), postdoctoral fellows and research postgraduate students are required to sign an agreement assigning ownership of all intellectual property produced as part of university duty (with such exceptions as in Paragraph 8.5) to the University as a condition of employment or engagement as the case may be.

9. Patent policy

<i>Need to clarify policy</i>	9.1 The University needs an unambiguous policy, which should offer incentives for inventors to have their innovations and discoveries patented.
<i>Patents assigned to CUHK</i>	9.2 Inventions made by employees in the line of University duty or with the use of University facilities may be patented in order to protect the University and the public. Such patent properties are to be assigned to the University or the sponsor, as appropriate. The cost of acquisition of such patent properties, including legal fees, shall be borne by CUHK.
<i>Use for maximum public benefit</i>	9.3 It is the policy of the University that such patent properties be utilized for the greatest possible public benefit. If there are innovations or discoveries that result in the filing of patent applications and the acquisitions of patents, the University will seek to serve and protect the public interest by diligent efforts to transfer the technology into public use. When this result is best achieved by the attraction of private risk capital by licensing inventions to private industry, royalty income may accrue, although financial return is secondary and incidental to the public service aspect of this licensing program.
<i>Share of income for inventor(s)</i>	9.4 In each case where royalty income is derived from the licensing of a patent, the inventor(s) will receive 25% of the gross royalty income received by the University. In cases where the inventor may have contributed personally to the costs of protecting intellectual property, a higher percentage distribution will be made, subject to prior written agreement with the University.
<i>Share of income for University</i>	9.5 (a) After deduction of income for inventor(s) specified in Paragraph 9.4 and relevant expenditures from the gross royalty income:

		(i) 60% of the remaining balance will be distributed to the University Central Fund; and (ii) 40% of the remaining balance will be distributed to the Faculty concerned. The Dean will have the discretion to make appropriate distribution (from the Faculty's share) to the Department/Unit concerned.
<i>Staff to report innovation</i>	(b)	The distribution to the Faculty replaces previous arrangements on matching funding.
	9.6	All employees shall immediately report to the University any potentially patentable innovation or discovery that arises in the line of duty or as the result of the use of University facilities; this obligation is not intended to interfere with the prompt publication of research results. While the Research and Technology Administration Office may identify an innovation or discovery of a patentable nature during the normal monitoring of research projects, the burden falls primarily on the researcher(s), who need not be reminded that "time is of the essence" in the filing of patentable inventions and research results.
<i>Private inventions</i>	9.7	Inventions made by an employee outside the line of duty and on personal time, and without the aid of University facilities or funding, are the sole property of the inventor, and patents should be administered so as not to involve the University's name. Time spent in administering such patents should conform to the University policy on outside activities by staff members.

10. Copyrights

<i>Copyright to printed material</i>	10.1	Copyrights to, and royalties from, textbooks, reference works, submissions to scholarly journals, and other copyrightable materials, with the exception of
	(a)	computer software and audio-visual materials produced by staff members as part of their normal teaching and scholarly activities at the University, and
	(b)	copyrightable material the production of which has been <i>specifically</i> funded in whole or in part by the University or by a sponsor of the University,

shall belong to the author or authors and may be retained and assigned by them. If, on the other hand, the University provides its own funds, or a sponsor's funds, to finance (in whole or in part) the production of copyrightable materials, then the ownership of copyrights, and royalty rights therein, shall reside with the University.

<i>Copyright to software and A-V material</i>	10.2 All rights to, and royalties from, computer software, including computer programs, computer databases, associated documentation (herein "computer software"), and A-V material, CD, CD ROM and laser discs (herein "audio-visual materials"), whether copyrightable or patentable, produced by staff members in the line of University duty or with the use of University facilities shall belong to the University, regardless of the source of funds used to produce the computer software or educational audio-visual materials. Computer software or educational audio-visual materials produced outside the line of University duty and on the author(s) own time, and without the use of University facilities or funding, shall belong to the author(s) and all rights thereto may be retained or assigned by them.
<i>Division of royalty from software and A-V material</i>	10.3 Where the University receives royalties from computer software, educational audio-visual materials, or other copyrightable material belonging to the University, this income will be distributed to the author(s) in the same manner as royalty income derived from the licensing of patents.

11. Technology transfer of future research

<i>Sponsorship in return for future results</i>	11.1 The University permits staff members to seek research support from companies wishing to have the right to commercialize the possible results of their research. To this end, it is willing to negotiate appropriate licences to future patents in exchange for research support. In all dealings with private companies, however, certain principles and rules apply, in order to protect the essential interests of the University, its staff and its students, and in order to have clear guidelines within which faculty members can safely operate. Where necessary, these principles and rules will be interpreted by the Intellectual Property Committee and the Research Committee.
<i>No holdings</i>	11.2 A staff member must not have substantial holdings in a company that supports his/her research, by any means other than an unrestricted grant.
<i>Integrity of results</i>	11.3 Neither the direction of CUHK's research nor the interpretation of research results should be altered or appear to be altered by the commercial interests of a company.
<i>Clear delineation</i>	11.4 Any contract granting to a company rights to license future patents arising from research sponsored by the company must clearly delineate the scope of that work in order to distinguish it from research supported by other funds, especially public funds for which the University has a special responsibility.

<i>Accept equity in company</i>	11.5	The University may, in some circumstances, consider accepting financial interest in a company in exchange for licences to patents, present or future. The University must then be sensitive to potential institutional conflicts of interest. It cannot, for example, permit a staff member to work on behalf of the company as part of his/her University duties.
<i>Subcontracts and disclosure</i>	11.6	Circumstances may arise in which the most effective way to develop new technology is to award a subcontract, or to license a patent or copyright to a company in which either the University or a member of its staff has substantial financial interest. In such cases, care must be taken that the financial interest is fully disclosed to all parties, and that sound objective business reasons for choosing the company as subcontractor or licensee are fully documented.
<i>Limit on commercial activities</i>	11.7	The University may support the commercial sector, but it should not compete with it, or be a member of it. Hence, CUHK laboratories should not perform commercially available tasks for the primary purpose of gaining income, nor should CUHK facilities be used to develop and commercialize a product.
<i>No outside control of dissemination</i>	11.8	CUHK is willing to keep sponsors fully informed about the research they support, but the University does not grant to outside organizations the right to delay submission or to refuse publication of research papers.

12. Professional ethics

<i>Quality of employees</i>	12.1	The quality of instruction and research at the University depends first and foremost on the quality of its employees. To maintain its stature, the University must give highest priority to recruiting, retaining and promoting employees of exceptional qualifications at all levels. Within this context, all employees and applicants shall receive equal and fair treatment.
<i>Respect right of others</i>	12.2	All members of the community, whether staff or students, are expected to respect the rights of every other member, his or her academic freedom to pursue knowledge and to disseminate his or her ideas and research results, and to share in the use of the University's facilities to achieve these goals.
<i>Recognize contribution of others, especially subordinates</i>	12.3	University teachers and researchers should recognize the contributions of staff and students (particularly those under their direct supervision) to their own research and scholarly undertakings. Acknowledgment may take various forms, including co-authorship in publications where appropriate. Co-authorship is appropriate when a staff member or student

		has made an intellectual contribution, or has been responsible for the experimental observations and/or interpretation of the data leading to the research publication, in other words, when the idea or work is critical to the outcome of the research. Similar considerations should apply to the handling of research ideas and inventions that result in the filing of patents.
<i>Principle of fairness</i>	12.4	The University recognizes the principle of fairness: credit is assigned where credit is due. Under no circumstances should an individual take unfair advantage of another member of the community in such matters. All members of the community are expected to respect the intellectual property of others. It is considered unprofessional conduct to misappropriate the ideas of others, or to misrepresent them.
<i>Plagiarism</i>	12.5	In particular, the use of the work of others (whether word-for-word or rephrased) without proper attribution of the source amounts to plagiarism and constitutes grounds for disciplinary actions.
<i>Co-authorship</i>	12.6	Co-authorship should reflect the nature and degree of the participation, taking into consideration the conceptualization, execution, as well as the solicitation of sponsorship for the project. The order of co-authorship should conform to acceptable professional practice. An individual should not expect co-authorship for peripheral participation that does not carry a degree of intellectual input. Teachers and research supervisors should be especially sensitive to this issue in order to ensure fairness in the distribution of professional credit and to maintain an atmosphere of openness and collegiality.
<i>Computer ethics</i>	12.7	CUHK provides computer resources for education and research. These resources are intended for the legitimate business of the University. As in the use of other University property, staff and students who use campus computing resources should be guided by the principles of respect for public property and respect for members of the community. Some examples of inappropriate use are: harassment of other users; destruction or damage to equipment, software or data belonging to others; disruption or unauthorized monitoring of electronic communications; violations of computer security systems; unauthorized use of accounts, access codes, or identification numbers; use of facilities in ways that intentionally impede the computing activities of others; violation of copyrights and software license agreements; violations of another's privacy; and academic dishonesty.

Inappropriate uses of University resources may result in administrative discipline up to and including dismissal from the University. In addition, illegal acts involving University computing resources may result in criminal prosecution.

13. Research fraud

- Intent*
- 13.1 Research fraud has been historically a rare occurrence. However, should an instance or allegation arise, the University must act swiftly and decisively, while affording maximum possible protection both to the complainant ("whistle blower") and to the accused respondent ("accused"). That is the intent of this policy.
- Definition*
- 13.2 The word *research fraud* means serious misconduct with intent to deceive, for example, faking data, plagiarism, or misappropriation of ideas, with reference to all research activities conducted at the University. This policy is not intended to deal with other problems, such as disputes over order of authorship, or violation of University policy or government regulations, that do not amount to fraud.
- Persons responsible*
- 13.3 The Dean of each Faculty and the Director of each Research Institute is responsible for informing the staff and students of the University's policy with regard to research fraud, and for interpreting this policy.
- Main Considerations*
- 13.4 Those responsible for dealing with the allegations and the subsequent process should bear in mind the following important responsibilities:
- (a) The University must vigorously pursue and resolve all charges of research fraud.
 - (b) All parties must be treated with justice and fairness, bearing in mind the vulnerabilities of their positions and the sensitive nature of academic reputations.
 - (c) Confidentiality should be maintained to the maximum practical extent, particularly in the Inquiry phase.
 - (d) All semblance of conflict of interest must rigorously be avoided at all stages.
 - (e) All stages of the procedure should be fully documented.
 - (f) All parties are responsible for acting in such a way as to avoid unnecessary damage to the general enterprise of academic research. Nevertheless, the University must inform appropriate government agencies of its actions, and if it is found that misleading data or information have been published, the University is

		responsible for setting the public record straight, for example, by informing the editors of scholarly or scientific journals.
<i>Main steps</i>	13.5	The procedures to be followed during the determination of research fraud will have three stages: Inquiry, Investigation, and Resolution. These are the stages stated in the University's approved guidelines in dealing with disciplinary matters and are also required by regulations issued in recent years by various professional societies as well as various governments. Detailed procedure are described in Paragraph 26.
<i>Disciplinary action</i>	13.6	Upon the receipt of the report of the investigation, the Vice-Chancellor shall recommend disciplinary action, if any. The respondent will be given the opportunity to present his case at AAPC, and AAPC shall then make the final recommendation for Council approval. Possible sanctions include, but are not limited to :
	(a)	Removal from the project
	(b)	Letter of reprimand
	(c)	Special monitoring of future work
	(d)	Suspension from future grant application
	(e)	Probation or suspension
	(f)	Salary reduction or demotion
	(g)	Termination of employment
	(h)	Dismissal
<i>Appeal</i>	13.7	The respondent will have the right to appeal to the Council in accordance with the guidelines on disciplinary procedures. The decision of the Council after the appeal has been heard shall be final.
<i>Legal action</i>	13.8	The disciplinary procedures taken are independent of any legal actions which may be initiated by the University or any other party over the research fraud in question.

14. Relation between CUHK and staff --- personnel policy

<i>Patent/Copyright agreement</i>	14.1	The above policies will be reflected in employment contracts for all new teaching and research staff joining the University after said policies have been approved for adoption. Existing University personnel will be required to sign an agreement assigning ownership of all intellectual property produced as part of university duty to the University as outlined above each time they submit a research grant to the University or solicit research funding from any source, unless an updated
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patent/copyright agreement is on file with the Personnel Office.

Research postgraduate students receiving financial support from the University will be required to sign a similar patent/copyright release. Other postgraduate students and undergraduate students should also be requested to sign such a release on a voluntary basis if they are involved in a research project that might lead to the production of intellectual property.

Conflict of interest and commitment

14.2 Education and scholarly research are central to the mission of the CUHK. The University also wishes to serve society by encouraging business to transform results of research into products, processes, and services that will become available in the marketplace. Moreover, in many areas of research, contact with industry and entrepreneurship are essential for success, and need to be encouraged and rewarded. These legitimate interests can sometimes come into conflict. For example, experience shows that research and teaching are best carried out in an environment that encourages the free exchange of ideas between participants, both teachers and students. On the other hand, private research sponsors may have good reasons for wanting to keep certain research results secret, at least temporarily. To cite another example, the most effective means of transferring technology sometimes requires active participation by a teacher in a private enterprise, as an advisor or consultant. Faculty members deserve to be compensated for their work and ideas in this process. However, activities of this kind may pose real or apparent conflicts with the integrity and objectivity of research at the University, and with the teacher's primary professional commitment, which is to the University. To help the faculty understand their duties and responsibilities in resolving these potential conflicts, the following principles and rules have been adopted by the University.

General principles

14.3 Acceptance of employment at CUHK involves a commitment that is full time in the most inclusive sense. Each member of staff is expected to accord complete professional loyalty to the University, and to arrange outside obligations, financial interests, and activities in such a way that they do not interfere with this primary, overriding commitment. In addition, the University charges its staff with a particularly heavy burden of responsibilities to safeguard the basic principles of research integrity, academic freedom, and public interest. When performing research sponsored by private interests, or negotiating with companies or entrepreneurs, or forming a company for commercial purposes, or engaging in any other activity in which a conflict of interest might arise, it is the responsibility of the faculty member to protect

- (a) the integrity of all research done at the University;
- (b) the good name of the University;
- (c) the academic freedom and economic rights of fellow

(d) faculty, students, and postdoctoral associates; and
the public interest.

Outside commitment 14.4 Principles and rules concerning outside commitment.

- (a) A staff member may not hold a position of line responsibility in an outside enterprise for pay or profit.
- (b) Staff members shall not engage in outside business activity to the detriment of his University duties or to the detriment of the good name of the University.
- (c) Outside practice is subject to the University's regulations, and if approved, is limited to an average of one day per week.
- (d) Staff members are required to inform the Vice-Chancellor and the Chairman of the Research Committee, promptly and in writing, of any consulting for, or substantial holdings in, a firm with which their research at the University becomes involved.

Part B: Procedures and Implementation Guidelines

15. General considerations

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| <i>Purpose</i> | 15.1 The purpose of setting down detailed guidelines is to avoid ambiguity, and to reduce many necessary steps to routine. |
| <i>Central contact</i> | 15.2 The Research and Technology Administration Office is the central contact point for all documentation and monitoring related to research, consultancies and intellectual properties. It is guided in policy matters by the Research Committee. |
| <i>Revisions</i> | 15.3 These procedures and implementation guidelines may be revised from time to time, and staff members should ensure that they are acquainted with any changes. |

16. Types of external funding

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| <i>Types</i> | 16.1 The University (and in the case of (f) below, individual members of staff) may, subject to these Guidelines, accept external funding under a variety of circumstances, including, but not limited to <ul style="list-style-type: none">(a) donations or gifts,(b) research grants,(c) contracts for consultancy or other services,(d) outside practice of individual staff members,(e) research grants awarded to individuals, and(f) consultancy or other services performed by individuals. For each of these categories, different rules apply for approval, overhead and additional charges, division of income and intellectual property rights. |
| <i>Other types not covered</i> | 16.2 Other types of activity may involve income or funding. These are not dealt with separately in these Guidelines, and current University policy concerning these activities is summarized here for convenience. <ul style="list-style-type: none">(a) Outside employment is prohibited.(b) Non-executive directorship with fees for the provision of professional service shall be regarded as a form of outside practice.(c) Remunerative public service is governed by separate |

		regulations.
	(d)	Organization of courses, conferences, exhibitions etc. for a fee paid to member(s) of staff shall be regarded as outside work.
	(e)	Prizes and awards for professional attainments are not subject to any controls, but should be reported to the University for record.
	(f)	Outside business activities are governed by separate regulations. In general, dividends and proceeds from investments or donated shares are not subject to any controls, and need not be reported.
	(g)	Royalty from patents and copyrights already acquired is not subject to any control. However, members of staff should be aware that the acquisition of such rights arising out of work done at CUHK is subject to University policy and guidelines in this document.
	(h)	Grants awarded by an outside body to an individual to attend a conference, workshop or seminar need not be reported to the University unless the individual member of staff also applies for and/or receives travel or conference support from the University for the same activity.
	(i)	Grants awarded by an outside body to an individual to purchase equipment or gifts of such equipment (for teaching and research) shall be regarded as a personal gift, and permission in writing from AAPC is required if this constitutes an advantage which the staff member would not have been offered were he not employed by CUHK, for a service which is directly concerned with and arises directly out of his duties in CUHK (see Guidelines on Acceptance of Advantages). Similar grants awarded to a unit of the University shall be treated under donations or gifts.
<i>Donation</i>	16.3	A donation or gift to the University may be made with restriction as to use (e.g., a donation to support research in a particular subject, or a donation to purchase an item of equipment), but there must be no condition on the outcome or deliverables in return, apart from the recognition of the donation or gift.
<i>Research grant</i>	16.4	A research grant is awarded to the University to support research activities that the University (and its staff) would of its own accord wish to engage in. The project would usually be initiated by principal investigator (rather than the sponsoring agency) via a research proposal, and no specific deliverables are expected apart from the usual forms of scholarly output

		(e.g., articles, books, conference presentations), as well as progress and final reports.
<i>Contract</i>	16.5	A contract for consultancy or other services is awarded to the University by a client to support work which is of specific interest to the client. It is usually initiated by the client (e.g., via a Request for Proposal), and definite deliverables may be specified. Either a single party is invited to submit a proposal, or several parties may be invited to bid. There may be penalty clauses for non-delivery or late delivery.
<i>Outside practice</i>	16.6	Outside practice refers to the use for reward by a staff member of his professional knowledge outside of or in addition to the application of this knowledge to his University duties. The University is not a party to the agreement, and has an interest only in ensuring that <ul style="list-style-type: none"> (a) the outside practice is not detrimental to the University and/or its good name and does not pose any actual or potential conflict with the interests of the University, (b) the outside practice does not interfere with normal duties, and (c) approval is given and appropriate charges are levied in cases where University facilities or equipment is used, in addition to any division of income (see Paragraph 19).
<i>Research grants awarded to individuals</i>	16.7	If a sponsoring body awards a research grant to an individual member of staff, the member of staff may choose one of the following arrangements. <ul style="list-style-type: none"> (a) Regard the project as outside practice, and seek approval under the relevant regulations. If the full rate of overhead has been levied on the project, the outside practice income received therefrom by the member of staff will not be subject to division. Otherwise, division of income will be based on the gross amount of remuneration received, irrespective of whether there are expenses or other disbursements included therein. (b) Seek approval from the Research Committee to regard the project as a University research project. If such approval is given, the entire sum of the grant shall be paid to the University, and the regulations pertaining to research grants shall apply.
<i>Consultancy or service by individuals</i>	16.8	If a sponsoring body awards a contract for consultancy or other services to an individual member of staff, the contract should be regarded as outside practice, and permission should be sought under the relevant regulations.

Exceptions and sanctions

16.9 If research grants or contracts awarded to individuals are not handled according to Paragraphs 16.7 and 16.8, the member of staff must ensure that the activities are consistent with the law and with staff regulations, e.g.,

- (a) the entire sum is disbursed for project expenses, with none accruing to the income of the member of staff concerned (so that the donation does not constitute an "advantage" for the purpose of the Prevention of Bribery Ordinance), and there is no additional use of university facilities and services as a result of the grant; or
- (b) the project falls outside the range of normal duties and does not involve the use of professional knowledge (so that the activity is not regarded as outside practice).

However, in such cases, the onus of proof falls on the staff concerned; so the arrangements in Paragraphs 16.7 and 16.8 are strongly recommended in cases where there may be any element of doubt. Staff are in particular reminded of the Guidelines on Acceptance of Advantages in relation to the Prevention of Bribery Ordinance.

Examples

16.10 Examples are given in *Schedule 1* to illustrate the principles that differentiate between these types of external funding. In case of doubt, enquiries should be addressed to the Research and Technology Administration Office. Ambiguities in the application of these guidelines will be resolved jointly by a panel consisting of

- (a) the University Secretary,
- (b) the Director of Personnel, and
- (c) the Chairman of the Research Committee.

17. Application and approval

Donation

17.1 Donations and gifts to the University should be reported to the University Secretary, who will seek AAPC and Council approval for acceptance. The approval for acceptance will also specify the unit and/or activity (including any research activity) to which the donation is to be applied.

Research grants

17.2 All research grants should be approved at the application stage. The University would need to satisfy itself that

- (a) the proposal is consonant with the general principles governing research (Paragraph 5),

- (b) the proposed research has the requisite safety approval (Paragraph 20) and ethics approval (Paragraph 21),
- (c) a suitable level of overhead is levied where appropriate (Paragraph 18), and
- (d) the intellectual property rights of the University are protected.

Application should be channeled through the Research and Technology Administration Office, and approval will be given by the Chairman of the Research Committee upon the advice of the Research Committee and its subject Panels. In cases where prior approval is not sought, the investigator will run the risk that when the grant is awarded, the University may decline to accept it, or to accept it under conditions that may not be agreeable to the granting agency.

Contracts

- 17.3 The University enters into a variety of contracts with outside bodies, of which contracts involving research, consultancies and the delivery of related services are only one example. In general, each type of contract has its particular
- (a) approving procedure (e.g. approval by a designated committee or officer),
 - (b) authorized signature on behalf of the University (normally acting upon the advice rendered in the approving procedure),
 - (c) archival arrangements, and
 - (d) administering unit (to ensure the contract is adhered to and follow-up action is initiated).

The arrangements in respect of contracts concerning research, consultancies and the delivery of related services, as well as some other types of contracts, are specified in Paragraph 25 and *Schedule 2*.

*Conditions
for contracts*

- 17.4 Approval for the University to enter into a contract for consultancy or for the delivery of services will only be granted after the University has satisfied itself that
- (a) the proposed activity is consonant with the general conditions for research, funding and contracts (Paragraph 5),
 - (b) that the proposed activity has the requisite safety approval (Paragraph 20) and ethics approval (Paragraph 21),

	<ul style="list-style-type: none"> (c) a suitable level of overhead is charged (Paragraph 18), (d) suitable additional charges are levied for the use of special facilities and equipment (Paragraph 19), (e) arrangements on intellectual property rights are acceptable (the University would not claim intellectual property rights if there is full funding, including staff time, for the activities), and (f) an acceptable arrangement has been proposed for the disbursement of any unspent balance of the contract income (such arrangement not being part of the contract with the client).
<i>Not to enter contract unless authorized</i>	17.5 Members of the University as well as units in the University may not enter into any contract on behalf of the University unless authorized to do so, and should also ensure that no verbal commitments are given before formal contracts are signed. All documents produced for negotiation should be labelled as "subject to contract". Contracts and agreements made without authority will be void, and in the event that any member of the University without proper authorization places an obligation on the University, the University may recover any costs incurred by deduction from the contract income, or, where appropriate, from the salary of the individual concerned. The University will not accept any liability arising from such unauthorized contracts. Arrangements for contract administration are spelt out in Paragraph 25.
<i>Outside practice</i>	17.6 Application for outside practice should be made to the Personnel Office (except for private clinical practice on a departmental basis, which should be submitted to the department chairman concerned). The general regulations for Outside Practice are set out in Chapter B7 of Staff Handbook (http://www.cuhk.edu.hk/personnel) . In cases where University facilities or equipment is used, the Personnel Office will seek advice from suitable parties and recommend a scale of charges (Paragraph 19).

18. Overhead charges

<i>Principles</i>	18.1 Overhead charges may be levied on externally funded activities in order to meet the indirect costs associated with administration (personnel, contract administration, safety), increased use of facilities (libraries, computers), maintenance of premises, utility charges, increased depreciation of furniture and equipment etc. The intention is not to make any profit, but
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to ensure that resources are not drained from educational activities for which public funding is provided. All overhead charges will accrue to the University and not to individual units.

An additional charge may be made for the use of special facilities and equipment (see Paragraph 19).

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| <i>Donation</i> | 18.2 | There shall be no overhead on donations or gifts. |
| <i>Research grant</i> | 18.3 | In principle, there should be an overhead charge on research grants, to reflect the indirect cost of the project; the scale of overhead is given in <i>Schedule 4</i> . However, there shall be the following exceptions. <ul style="list-style-type: none">(a) For projects funded by UGC or RGC, there shall be no overhead charge, since the indirect costs are already notionally provided by UGC through the Block Grant to the University.(b) For other projects, the Chairman of the Research Committee is authorized to approve reduction of the indirect cost, in recognition of the fact that such research activities would have been undertaken in any event, and therefore any increase in the indirect cost to the University may be only marginal. However, such reduction is unlikely to be granted where the project represents a major departure from existing activities. |
| <i>Contracts</i> | 18.4 | The scale of overhead charges for contracts to provide consultancies or other services shall be as in <i>Schedule 4</i> . Reduction in the scale of charges can only be approved by AAPC. |
| <i>Outside practice</i> | 18.5 | For outside practice, there will be no general overhead, since indirect costs should be notionally covered by the division of income (<i>Schedule 3</i>). However, there may be additional charges for the use of specific facilities or equipment (Paragraph 19). |

19. Additional charges

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| <i>Principles</i> | 19.1 | Additional charges may be levied on contracts for consultancies and services, and on outside practice to cover the cost related to the use of special facilities and equipment. Such additional charges will not be levied on donations or on research grants. |
| <i>Determination of charges</i> | 19.2 | The level of these charges and the division of the income between the unit concerned and the University shall be determined at the time when approval is given for entering into |

		the contract or for engaging in outside practice.
<i>Separate from contract and outside practice</i>	19.3	The approval and additional charges for the use of facilities are in principle separate from contract and/or outside practice income. The member of staff concerned is liable for these charges when the facilities are used for purposes other than those encountered in the course of normal University duties. If there is no provision for such charges in the contract and/or outside practice, or if such provision is inadequate, or if there is failure to collect from the client, the member of staff concerned may incur a net loss personally in carrying out the project. Members of staff are particularly alerted to this possibility, especially in cases where approval is sought retroactively. (See also Paragraph 23.19(c).)
<i>Use of income from such charges</i>	19.4	Income from such additional charges shall accrue to the unit(s) concerned in the case of equipment use. In case where University space or central facilities is used, the income shall accrue to the University central account.

20. Safety approval

<i>Responsible units</i>	20.1	The Committee on Laboratory Safety is the policy body for safety in laboratory-related research, teaching and other activities, and the University Laboratory Safety Office is responsible for the implementation of that policy, and also acts as the secretariat for the Committee on Laboratory Safety.
<i>Authorization to stop</i>	20.2	The Chief Laboratory Safety Officer and any of the Safety Officers are authorized to immediately stop any experiment or activity that is deemed to pose an actual or potential safety hazard. The experiment or activity shall cease until any safety problem is rectified to the satisfaction of the Chief Laboratory Safety Officer or the Safety Officer concerned, unless the decision is overturned by the Committee on Laboratory Safety upon appeal by the investigators concerned.
<i>Prior application</i>	20.3	All research proposals, contracts for consultancies and services or application for Outside Practice that involves laboratory work at the University should either <ul style="list-style-type: none"> (a) recommend that safety approval is not required, or (b) seek safety approval.
<i>Approval not required</i>	20.4	In cases where the Principal Investigator recommends that safety approval is not required, the Research Committee (or the relevant subject Panel by delegation) will scrutinize the project proposal and may disagree with that recommendation, in which case the Research Committee will direct that safety approval be

- sought.
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| <i>Approval required</i> | <p>20.5 In cases where safety approval is sought, information will have to be provided to the Chief Laboratory Safety Officer, who may decide to</p> <ul style="list-style-type: none"> (a) grant approval, (b) grant approval subject to certain conditions being met, (c) grant interim approval pending further information to be provided before the research project is approved for funding, or (d) deny safety approval. <p>Appeals may be made to the Committee on Laboratory Safety.</p> |
| <i>General approval</i> | <p>20.6 To simplify safety approval procedures, a laboratory, an individual or a group of individuals may seek general approval for a class of activities. Such approval may be granted in writing by the Chief Laboratory Safety Officer, and shall always carry the following conditions, together with any others that may be deemed necessary.</p> <ul style="list-style-type: none"> (a) The Chief Laboratory Safety Officer or his staff may inspect the relevant facilities or require reports at any time. (b) The general safety approval may be revoked at any time. |

21. Ethics approval

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| <i>When required</i> | <p>21.1 Ethics approval is required in the following areas:</p> <ul style="list-style-type: none"> (a) experiment and/or clinical treatment of human subjects, (b) experiments and/or clinical treatment of animals, (c) survey, observation or collection of data on human subjects, in which the condition of the subject is not altered by any external agent. |
| <i>Prior application</i> | <p>21.2 All research proposals, contracts for consultancies and services or application for outside practice that involves any of the activities list in Paragraph 21.1 should either</p> <ul style="list-style-type: none"> (a) recommend that ethics approval is not required, or (b) seek ethics approval. |
| <i>Approval not required</i> | <p>21.3 In cases when the Principal Investigator recommends that ethics approval is not required, the Research Committee (or the relevant subject Panel by delegation) will scrutinize the project proposal and may disagree with that recommendation, in which</p> |

		case the Research Committee will direct that ethics approval be sought.
<i>Approval authorities</i>	21.4	In cases where ethics approval is sought, application should be made to the units listed in <i>Schedule 5</i> .
<i>Ethics guidelines</i>	21.5	The guidelines adopted by these units in considering ethics approval are given in <i>Schedules 6A-C</i> .
<i>General approval</i>	21.6	To simplify ethics approval procedures, an individual investigator or group of investigators may seek general approval for a class of activities. Such approval may be granted in writing by the relevant authorities specified in <i>Schedule 5</i> and shall always carry the following condition, together with any others that may be deemed necessary. <ul style="list-style-type: none"> (a) The activities may be inspected at any time and the investigator(s) may be required to submit reports at any time. (b) The ethics approval may be revoked at any time.

22. Assignment of intellectual property

<i>Ownership</i>	22.1	The ownership of intellectual property is governed by Paragraph 8.2.
<i>New appointees</i>	22.2	All new appointees whose employment may lead to the production of intellectual property will be required to sign an agreement to this effect as a condition of appointment.
<i>Postgraduate students</i>	22.3	All postgraduate students appointed to graduate assistantships or research assistantships, or receiving support in the form of postgraduate studentships are also required to sign an agreement to this effect as a condition of appointment/award.
<i>Visitors</i>	22.4	Visiting academic staff, visiting scholars, visiting researchers, if they receive any salary, stipend or support in cash or kind from the University, or are given the use of University facilities, may also be required to sign an agreement to this effect.
<i>Undergraduates</i>	22.5	Students (including both undergraduates as well as postgraduates not covered by Paragraph 22.3) who are involved in any projects that may lead to intellectual property of potential value should also be required to sign an agreement as a condition of being permitted to take part in the project. It is the responsibility of the supervisor of the project to raise the issue, and to liaise with the Research and Technology Administration Office to ensure that the student signs such an agreement. In particular, in the event that the supervisor fails

to ensure that the student(s) signs an agreement assigning the intellectual property rights to the University, and if as a result the student(s) has a claim on patent income, then such a claim will be deducted out of the share of income for the inventor(s) specified in Paragraph 9.4.

- Existing staff*
- 22.6 Staff already in employment may voluntarily sign an agreement as for new staff. However, if any member of staff seeks University endorsement for a research proposal, requests the University to submit on his/her behalf a proposal to a funding agency, or receives a research grant or other support from the University for a project, then the member of staff will likewise be required to sign an agreement assigning to the University all intellectual property rights arising out of work done on the project in question.
- Samples*
- 22.7 A sample of the assignment is in *Schedule 7*.

23. Outside practice

- Definition*
- 23.1 Outside practice is the use for reward (which shall include fees, honoraria, retainers and any other remuneration whatsoever) by a staff member of his or her professional knowledge outside of or in addition to the application of this knowledge to his or her University duties. All such practices shall be regarded as outside practice whether or not they are contracted through the University. The University reserves the right to decide whether a remunerative outside activity falls within the purview of outside practice.
- Authoritative regulations*
- 23.2 Outside practice is governed by relevant clauses in the Terms of Service and by the Council regulations adopted from time to time. The main stipulations are summarized in the present guidelines since outside practice often has an element that is similar to research or contracts for the delivery of consultancy services. In case of doubt however, the Terms of Service and the Council regulations shall be definitive.
- Categories*
- 23.3 Outside practice is divided into two categories:
- (a) outside practice other than private clinical practice; and
 - (b) private clinical practice.
- 23.4 In terms of the approval procedures, outside practices (other than private clinical practice) are classified into the following two categories:
- (a) Category A: Activities deemed approved; and
 - (b) Category B: All outside practices other than Category A

which are subdivided into

- (i) Category B(1), viz. those with cumulative outside practice income at or below the Bar (which is set at 20% of the annual non-clinical professorial average salary): Faculty Deans/Unit Heads are the approval authority. They may however refer any special case to the Academic Staff Review Committee (ASRC) or the Administrative Affairs Committee (AAC) as appropriate for consideration
- (ii) Category B(2), viz. those with cumulative outside practice income above the Bar: ASRC or AAC as appropriate are the approval authority

Category A outside practice

- 23.5 The University shall be deemed to have given consent for a staff member to engage in the following forms of outside practices, where no reporting to the University is required:
- (a) occasional broadcast or televised talks;
 - (b) preparation of manuscripts as author, editor or translator;
 - (c) casual journalism;
 - (d) royalties or profits from intellectual properties (subject to the Letter of Appointment and any supplemental contracts and to the Policy on Research, Consultancies and Intellectual Property, Regulations on Patent Policy and other relevant regulations as approved and amended by the University from time to time);
 - (e) appointment as an external examiner or as an assessor for a tertiary education institution or a professional society relevant to the staff member's speciality, or for assessing grant applications for public and educational organisations;
 - (f) examining and related work undertaken for the Hong Kong Examinations and Assessment Authority;
 - (g) remunerative outside practices (other than part-time teaching for other UGC-funded institutions) cumulatively of not more than HK\$10,000 per year (July 1 to June 30 of the following year); and
 - (h) such further forms of outside practices as the University may from time to time determine.

However, in such cases, it will be the responsibility of the member of staff concerned to ensure that the outside practice indeed falls into these categories; the member of staff concerned will be regarded as being in breach of these regulations and subject to possible disciplinary action if the outside practice that is not reported or not explicitly approved is eventually determined to fall outside the categories cited in this Paragraph. Moreover, the exemption from reporting may be revoked in any particular case if the head of the unit concerned or the Personnel Office believes that a ruling is required concerning either the nature of the outside practice or the

	amount of time spent thereon. In that case, the application and approval procedures in Paragraph 23.8 below shall be followed.
<i>Category B outside practice</i>	23.6 Outside practice under Category B include part-time or extra-mural teaching and professional consultative practice. The latter includes, for example consultative practice in which the services of the staff member are engaged only through the medium of a professional colleague, direct practice in which the services of the staff member are engaged direct, laboratory tests and services at the request of either a lay or a professional client, and such other forms of professional practice as the Council may from time to time determine.
<i>Private clinical practice</i>	23.7 Private clinical practice is organized on a departmental basis, and includes outside practice by clinical academics in the clinical departments of the Faculty of Medicine related directly to the provision of clinical service, consultation or advice. Staff members should refer to the detailed regulations governing private clinical practice, and seek advice from the chairmen of the relevant clinical departments.
<i>Application procedure</i>	<p>23.8 Apart from those forms of outside practice stipulated in Paragraph 23.5 above, and private clinical practice for which applications are to be submitted to the department chairman concerned, all applications for outside practice should be dealt with in the following manner:</p> <ul style="list-style-type: none"> (a) Application for approval to undertake outside practice should be made on the prescribed form, designed to match the nature of activity, viz. <i>Application Form for Outside Practice (Part-time Teaching)</i> for part-time teaching activities and the <i>Application Form for Outside Practice (Other than Part-time Teaching)</i> for other activities. Faculty Deans/Unit Heads are entrusted with the responsibility to decide whether a teaching assignment under application should be categorised as professional consultancy or as part-time teaching. The appropriate Application Form should be used. (b) Staff members should submit their Application Forms, together with the information on the balance of their credit hours and cumulative outside practice income, and with the relevant supporting documents sufficiently early to their Department Chairmen/supervisors/section heads for endorsement, normally at least two weeks prior to commencement of the outside practice. Applications not endorsed are deemed not approved. (c) The application, if endorsed, should be forwarded to the Faculty Deans/Unit Heads as appropriate. For

cases under Category B(1), Faculty Deans/Unit Heads are the approval authority. Cases under Category B(2) require approval from ASRC or AAC as appropriate.

- (d) Upon receipt of the endorsed application, the approval authority will check the applications against the following approval criteria:
- (i) The activity does not interfere with the staff member's normal duties
 - (ii) The aggregate amount of time spent on outside practice by an appointee does not exceed an average of one working day per week.
 - (iii) For a part-time teaching assignment, it is necessary to check whether the duration complies with the 3-hour term course equivalent rule i.e. 14 hours per week, of which no more than 8 hours are on weekdays, subject to 84 hours in a financial year.
 - (iv) Low-level activities not contributing to professional development and synergy or with the University objection should not be approved.
- (e) For applications that involve the use of University facilities or equipment, the Bursar shall also recommend the scale of charges and its division between the unit concerned and the University (see Paragraph 19). Where such charges are involved, the member of staff may either incorporate these as an additional item to be charged to the external party, or if such an item is not separately shown, then the relevant amount will be deducted from the gross income.
- (f) The result, including the scale of charges, shall be conveyed to the staff member by the Personnel Office.

Conditions

23.9 In granting approval, the University will ensure that

- (a) the staff member is acting as an individual and not as an agent of or on behalf of the University,
- (b) no liability is attached to the University,
- (c) the staff member agrees to indemnify the University against any loss, claim or liability arising out of or in connection with the outside practice concerned, and
- (d) the staff member who is permitted to engage in outside practice under Category B agrees to contribute to a group professional indemnity insurance for this purpose to provide cover for the University and the staff member. Such a requirement will only be exempted if the staff member has arranged to maintain a policy of

- insurance in the joint names of the University and the staff member to indemnify the University in this respect and to deposit such joint-named policy with the Bursar.
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| <i>Division of income</i> | <p>23.10 Subject to paragraph 23.12, all outside practice (other than private clinical practice) under Category B and private clinical practice are subject to division of income, at rates set out in <i>Schedule 3A</i>.</p> <p>23.11 Except for outside practice under Category A, for which no division of income is required, income from outside practice shall be paid to the University. Division of income is based on the gross amount of remuneration paid into the University account, irrespective of whether there are expenses or other disbursements include therein.</p> <p>23.12 Outside practices for the University's self-funded programmes (subject to compliance with the 3-hour term course equivalent rule and the University's stipulated maximum hourly rates for teaching and related academic activities, or consultancy contracts, on which a full rate of overhead has been levied, are not subject to division of income.</p> |
| <i>Handling of income</i> | <p>23.13 Outside practice is governed by the date when the relevant activity is undertaken, not by the date of payment. Deferred payment, if any, should be declared in the application. Except as may otherwise be agreed between the staff member and the University, all income derived from outside practice under Category B shall in the first instance accrue to the University. All moneys relating to these outside practice should be sent direct to the Bursar who will make out an appropriate receipt. Cheques should be made payable to "The Chinese University of Hong Kong".</p> <p>23.14 For outside practices where the remuneration for the services rendered is in the form of shares, share options, share-related rights or share-based awards, applicants should follow the guidelines as set out in <i>Schedule 3B</i>.</p> |
| <i>Retroactive approval</i> | <p>23.15 Applications for engaging in outside practices under Category B should be made on the prescribed form sufficiently early for approval by the relevant authority, normally at least two weeks before the commencement of the outside practice. Applications not complying with this requirement may result in the consequences as set out in paragraph 23.16(a) below, or disapproval of the staff member's future applications for outside practice.</p> <p>23.16 Staff members who wish to engage in outside practice(s) under Category B should not commence the outside practice(s) or</p> |

enter into any agreement (written or oral) with the outside party concerned unless and until approval has been obtained from the relevant approval authority. If there are special circumstances where prior application is not feasible, the following guidelines will apply:

- (a) If in the end approval is not given, the staff member concerned will bear the consequence of either (i) failing to deliver to the outside party services committed according to the agreement; or (ii) completing the outside practice but forfeiting the entire income to the University's central fund.
- (b) If in the end approval is given retroactively, the staff member will abide by the level of charges levied for the use of University facilities or equipment. Where such a level of charge is not built into the staff member's original agreement with the outside party, the charges will be deducted from the income. Where such charges exceed the level of outside practice income, the staff member will still be personally liable.

*Outside party
being CUHK*

- 23.17 In certain situations, the University (or one of its units) may wish to engage a member of staff to use his professional knowledge to perform certain tasks or to render advice outside the range of normal duties, and remunerate the staff member in the process. Such arrangements, unless otherwise approved, will be regarded as outside practice, and all outside practice regulations apply, with the University (or one of its units) being regarded as the outside party in such instances; in particular, such arrangements require approval by the proper approval authority.

*Relationship
with contracts*

- 23.18 In certain situations, an outside party may contract with the University (or one of its units) to perform certain tasks or to render advice; the University (or one of its units) then further engages the service of an existing member of staff to perform the tasks required in addition to his normal duties. In these circumstances

- (a) the relationship between the outside party and the University (or one of its units) is one of contract, and will be governed by the relevant clauses in these guidelines (in particular Paragraphs 16.5, 17.3-5, 18.4 and 19);
- (b) the relationship between the University and the member of staff may be one of outside practice, and will be governed by the relevant clauses in these guidelines (in particular Paragraph 23.17).

Compliance with

- 23.19 Non-compliance with these regulations by a staff member shall

constitute sufficient grounds for staff disciplinary action. Depending on the gravity of the case, the disciplinary actions to be taken against the staff member may include, but will not be limited to, one or more of the following:

- (a) Reprimand;
- (b) Disapproval of outside practice and the staff member will be personally liable to any consequences arising from his/her inability to continue with the outside practice;
- (c) Requiring the staff member to account to the University for profits he/she has made from the unauthorised outside practice with the use of the University's assets or resources or his/her position as the University's employee, and to hand over the relevant outside practice income to the University's central fund;
- (d) Deprivation of the staff member's rights to engage in further outside practice;
- (e) Suspension of service without pay;
- (f) Salary reduction;
- (g) Demotion;
- (h) Termination of employment;
- (i) Removal from appointment under Statute 24 of The Chinese University of Hong Kong Ordinance.

24. Related entrepreneurial activities

General principles

- 24.1 The University encourages staff to develop and commercialize research output and other intellectual property. The motivation is both for the benefits to mankind and also for income to support and enhance the University's educational and research activities.

Use of a company

- 24.2 It is often necessary for such development and commercial activities to be handled by a company, in order that sound commercial principles are followed and that there is no hidden subsidy from public funds. When such a company is formed, the regulations governing Outside Business Activities (Chapter B17 of Staff Handbook at <http://www.cuhk.edu.hk/personnel>) will apply, and in brief as follows:

- (a) A member of staff may own a company or own equity in a company, without the need to report to the University.
- (b) However, intellectual property rights generated in the course of employment at the University would normally belong to the University (for details see Paragraphs 8, 9, 10, 11 and 22) and cannot be transferred to any company without permission from the University, and

		usually also compensation to the University, e.g. in the form of licensing fees.
	(c)	A member of staff working for such a company shall be subject to outside practice/outside business activities regulations in the usual manner.
	(d)	In dealings and negotiations with the University, ownership and any beneficial interest in any such company must be declared and conflicts of interest avoided.
<i>Companies owned by CUHK</i>	24.3	Staff members wishing to develop and commercialize research output and other intellectual property are also reminded of the possibility of doing so through CUHK Foundation Ltd or such other companies that the University Council may form (either as a separate company or as a subsidiary of CUHK Foundation Ltd). The University Secretary is the contact person for pursuing such possibilities.

25. Contract administration for research and consultancies

<i>Ultimate authority</i>	25.1	The power to enter into, vary, perform and cancel contracts on behalf of the University is vested in the Council of the University (Statute 11.8(1)(f) of the CUHK Ordinance).
<i>Delegation</i>	25.2	Subject to the CUHK Ordinance and Statutes, the Council may, subject to such conditions as they may impose, delegate any of their powers and duties to any Board or committees or to any officer (Section 10(3) of the CUHK Ordinance). Except for such delegation, no member of staff may make any contract or enter into any contractual commitment on behalf of the University or any of its units.
<i>Contract made by University</i>	25.3	Therefore, a contract made under the authority of the Council of the University, whether executed under seal (Section 17 of the CUHK Ordinance refers) or under the hand of a duly authorised agent, will be a contract made by the University. Individual units (e.g. faculties, departments, institutes and centres) are not independent corporate entities and cannot enter into contracts except as a duly authorized agent acting on behalf of the University.
<i>Duty of staff and office-bearers</i>	25.4	Since the relationship of principal and agent may arise by express appointment or by virtue of the doctrine of estoppel, certain office-bearers may by virtue of their being placed in such positions of authority (e.g. the University Officers and

		Department Chairmen/Unit Heads) be assumed by third parties to represent and act for the University and in their dealing with such third parties effectively commit the University to a contract either in writing or orally. Staff and especially office-bearers are reminded that, unless duly authorized to do so, they must not act in such a manner that third parties may gain the impression that they are acting for the University. For avoidance of doubt, staff members should declare to any third party seeking their services that unless explicit authority is given through approved channels, they will not be acting as agents of the University but only in their private capacities.
<i>Various types of contracts</i>	25.5	Various types of contracts and/or agreements may be involved in relation to research and consultancy activities, including but not restricted to the following.
<i>Procedure</i>	25.6	<p>(a) Contracts for appointment of research staff, to be handled by the Personnel Office.</p> <p>(b) Exchange agreements, to be handled by the Office of Academic Links.</p> <p>(c) Contracts for research, consultancies or related services, to be handled by the Research and Technology Administration Office, and described in greater detail in Paragraph 25.6.</p> <p>(d) Nondisclosure agreements and other agreements for the protection of intellectual property rights, described in greater detail in Paragraph 25.7.</p> <p>(e) Contracts related to sale of good and other purchases, to be handled by the Bursar.</p> <p>(f) Contracts related to buildings and works, to be handled by the Director of Campus Development Office.</p> <p>(g) Other agreements, including but not limited to training agreements, to be handled by the University Secretary.</p> <p>The approval procedure for contracts for research, consultancies or related services shall be as follows.</p> <p>(a) The Research and Technology Administration Office shall, with the staff member involved and after negotiation with the outside party, and where necessary also after taking legal advice prepare a draft contract.</p> <p>(b) A designated University Officer with delegated authority shall sign the contract on behalf of the</p>

- University.
- (c) Where appropriate, the University may require adequate insurance coverage (e.g. professional negligence indemnity) be taken out, with premium borne by the project fund, before the contract is signed.
- Nondisclosure agreements*
- 25.7 The University and its staff members are often given access to privileged documents for the purpose of reviewing and assessing research proposals, patent applications etc. For this purpose, nondisclosure agreements may be necessary, and the following arrangements are recommended.
- (a) Where the appointee acts purely in an individual capacity, the appointee should sign such an agreement personally.
- (b) Where the information is given to the appointee in the appointee's capacity as a member of CUHK, such that the University is expected to have an institutional responsibility for nondisclosure, then the appointee concerned should sign together with the Director of the Research and Technology Administration Office.

26. Investigation into research fraud

- Introduction*
- 26.1 The general philosophy and policy for dealing with research fraud is given in Paragraph 13. The following outlines the detailed procedures to be adopted in the investigation into research fraud; these are in line with general University procedures for staff discipline.
- Allegations*
- 26.2 All allegations of research fraud should be addressed through a signed statement to the Dean of the relevant Faculty (in the case of teachers) or head of the unit (in the case of other staff), or where the Dean or unit head is the subject of allegation or an interested party, then directly to the Vice-Chancellor. Anonymous allegations, or allegations addressed other than to the responsible persons named above, will only be noted but will not be dealt with.
- Three stages*
- 26.3 The procedures to be followed during the determination of research fraud will have three stages: Inquiry, Investigation, and Resolution. The inquiry stage does not constitute a part of the formal disciplinary process.
- Inquiry*
- 26.4 The inquiry stage is intended to determine, with minimum publicity and maximum confidentiality, whether there exists a sufficiently serious problem to warrant a formal investigation.

		The Dean of the relevant Faculty (in the case of teachers) or the head of the unit (in the case of other staff), as appropriate, is responsible for conducting the inquiry.
<i>Investigation</i>	26.5	<p>When an inquiry results in a finding that an investigation is warranted, a recommendation is made to the Vice-Chancellor, who if deemed appropriate shall appoint an investigation committee. The purpose of the investigation is to determine whether fraud has been committed, and if so, to recommend whether disciplinary proceedings should be initiated.</p> <p>The University shall reserve the right not to reveal the identity of the persons who have brought the allegations against the staff member concerned or who have provided evidence in support of these allegations, and furthermore, to refuse any demand by the staff member under investigation to question these persons.</p> <p>The committee shall work in the strictest confidence, and its membership shall not be divulged to any person other than the Vice-Chancellor.</p>
<i>Resolution</i>	26.6	<p>The investigation committee shall arrive at the Resolution, which may be grouped into the following categories:</p> <ul style="list-style-type: none"> (a) no fraud, misconduct or serious error was committed; (b) no fraud was committed, but misconduct or serious error was detected; or (c) fraud was committed. <p>The committee shall submit a report of the investigation with the Resolution to the Vice-Chancellor and may make recommendations for such disciplinary action as it deems appropriate.</p>
<i>Speedy completion</i>	26.7	<p>The inquiry should be completed, and a written record of findings should be prepared, within 30 days of its initiation. If the 30-day deadline cannot be met, a report should be filed citing progress to date and the reasons for the delay, and the respondent and other involved individuals should be informed. The investigation should be completed, and a full report filed, within 120 days of its initiation. If this deadline cannot be met, an interim report of the reasons for delay and progress to date should be filed.</p>
<i>Disciplinary action</i>	26.8	<p>Upon the receipt of the report of an investigation which recommends that disciplinary action be initiated, the Vice-Chancellor shall decide on the disciplinary action to be taken or refer the committee's report to the Administrative and Planning Committee (AAPC) for advice. AAPC may then recommend to the Council (in the case of teachers through the Senate) such disciplinary action as may be warranted.</p>

Possible sanctions include but are not limited to:

- (a) Removal from the project
- (b) Letter of reprimand
- (c) Special monitoring of future work
- (d) Suspension from future grant application
- (e) Suspension from service
- (f) Termination of employment
- (g) Dismissal

Right to be informed

26.9 Upon the initiation of the disciplinary proceedings, the staff member who is the subject of the proceedings shall be informed in writing of

- (a) the specific allegations,
- (b) that a committee has been appointed to investigate the matter, and
- (c) that he or she has the right of making representation in writing or in person to AAPC at a scheduled meeting.

He or she may be accompanied to AAPC by another person who shall however not be a legal representative. AAPC's decisions will be conveyed to the staff member concerned, who may appeal to the Council. The Council's decision shall be final.

Schedules

Schedule 1	Examples showing differences between the types of external funding
Schedule 2	Arrangements for contracts
Schedule 3A	Division of income for outside practice
Schedule 3B	Guidelines for outside practice remuneration in the form of Securities
Schedule 4	Overhead charges for research grants and contracts
Schedule 5	Units responsible for ethics approval
Schedule 6A	Clinical ethics guidelines
Schedule 6B	Guidelines for the use of experimental animals
Schedule 6C	Guidelines for survey research
Schedule 7	Assignment of IP rights

Schedule 1
Examples showing differences between the types of external funding

The different types of external funding are defined in Paragraph 16. The following examples will serve to illustrate the applications of the principles.

- Correctional Services Department (CSD) funds a study of prisoner behaviour by a CUHK unit. Framework and deliverables are defined by CSD. Results cannot be published without permission of CSD. This will be classified as consultancy contract, and full cost and overhead should be charged. AAPC may waive overhead because of community service.
- Education Department (ED) funds a study of teaching in secondary schools by a CUHK unit. PI is free to disseminate results, and the only requirement is that ED be given a report prior to publication. The topic is one which the CUHK unit would have worked on anyway. This will be classified as a research grant. Chairman of Research Committee may waive overhead charges because this is a project that the unit is likely to have undertaken in any case.
- A private company asks for some testing of equipment. This is a contract, and full cost, overhead and charge for the use of equipment will be levied. It is unlikely that such charges will be waived.
- A proposal is submitted to the Hospital Authority (HA). The topic is decided by the PI. This will be classified as research grant. Chairman of Research Committee may waive overhead charges because of community service.

Schedule 2
Arrangements for contracts

The arrangements for handling certain types of contracts relating to research and consultancy are summarized below.

Type	Approval Procedure	Authorized signatory	Archival responsibility	Administering responsibility
Employment related to contract of consultancy	AAPC, on recommendation of User Department	Assistant Secretary (Personnel) and above	Personnel Office	Personnel Office in consultation with User Department and Bursar's Office
Contracts for research or consultancy	RTAO to prepare and advise	A designated University Officer (at present the Director of RTAO)	RTAO	RTAO

Schedule 3A
. Division of income for outside practice

Income from outside practice other than those classified under Category A is subject to division according to the following schedule.

I. Schedule for Non-clinical Staff Member

(a) The division scale applicable to outside practice income accrued before July 1, 2002:

Outside Practice	To Staff Member	To University Central Fund	To Department Outside Practice Account
Category B1	90%	10%	Nil
Category B2	Fixed department rate with a maximum up to 45%	10%	Fixed department rate ¹ with a minimum of 45%

- (b) Outside practice income accrued on/after July 1, 2002 is subject to a division of income of 10% to be paid to the University's central fund.

II Schedule for Clinical Staff Member

Balance	To Clinical Staff Member	To University Central Fund	To Department Outside Practice Account
Below bar ²	Fixed department rate ³	10%	Fixed department rate
All additional amount above bar	Fixed department rate with a maximum up to 45%	10%	Fixed department rate with a minimum of 45%

¹ As a guideline, the departmental rate of income-split for non-clinical staff members should normally be fixed at 45% unless the Faculty Executive Committee has very strong justification otherwise.

² This bar is fixed at a value equivalent to 20% of the annual non-clinical professorial average salary.

³ The fixed ratio of income-split between the Department and the staff member concerned should be decided by the Faculty Executive Committee upon the recommendation of the Department Chairman. A uniform rate, which may be revised from time to time, will be applied to all staff members in the same Department.

Schedule 3B
Guidelines for outside practice remuneration in the form of Securities

Applications for engaging in outside practice where the remuneration for the services rendered is in the form of shares, share options, share-related rights or share-based awards (collectively referred to as the "Securities") are subject to the following guidelines:-

1. At the time of engaging in such outside practice, the staff member concerned should ensure that there is no unreasonable restriction on transfer or assignment of the Securities or the exercise of options or other rights thereunder.
2. The staff members concerned should propose a valuation at the time of engaging in the outside practice, for the purpose of classifying the outside practice under Category B1 or B2. The normal division of income will apply to the actual cash received upon the realisation of or in connection with the Securities (including receipt of any dividends, interest or other income). The appointee concerned has the duty to report within 14 days to the Bursar on each and every incident of the amount of cash received.
3. The appointee concerned should also sign an undertaking at the time of applying for permission to engage in outside practice to discharge the same obligation if he/she should leave University service before the Securities are sold or the option is exercised.
4. Notwithstanding the undertaking so given, the University may at its absolute discretion at any time decide to take up the actual Securities or options and to realise the Securities or exercise the options so taken up, or to require payment from the appointee in cash, in respect of such Securities, calculated at a rate mutually agreed or as valued by an independent third party. The University will normally exercise this right when the Securities become traded or when the appointee leaves the employment of the University.
5. Apart from the usual permission to be given by the Personnel Office and/or the relevant University committee, the endorsement of the Bursar is required on all financial aspects and the undertaking given before the outside practice is approved.

Schedule 4
Overhead charges for research grants and contracts

The level of overhead charges for research grants is determined with reference to the level of overhead or indirect charges for self-financed courses. The level of overhead charges for contracts is higher because of the greater complexity of contract negotiation, including legal advice. The current level is as follows.

	Research grants	Contracts
If activities take place on campus	20%	25%
If activities take place off campus	15%	15%

Schedule 5
Units responsible for ethics approval

1. *Ethics in Clinical Research*

Joint CUHK-NTEC Clinical Research Ethics Committee (CREC)

Please visit CREC website <http://www.crec.cuhk.edu.hk/> for details.

2. *Ethics in Animal Research*

Animal Research Ethics Committee

Please visit Laboratory Animal Services Centre website
<http://www.lasec.cuhk.edu.hk/index.html> for details.

3. *Ethics in Survey Research*

Survey Ethics Committee

Please visit the Faculty of Social Science Research website
http://www.cuhk.edu.hk/ssc/r_rgfs/r_rgfs_sbre.html for details.

4. *Laboratory Safety Ethics*

Please visit the University Safety & Environment Office/
University Laboratory Safety Office website
<http://www.cuhk.edu.hk/useo/safety/> (click Lab Safety) for details.

The Chinese University of Hong Kong adopts the Declaration of Helsinki as its Clinical Research guidelines. These are reproduced below for easy reference.

DECLARATION OF HELSINKI

**Recommendations Guiding Physicians in
Biomedical Research Involving Human Subjects**

Adopted by the 18th World Medical Assembly, Helsinki, Finland, 1964, as amended by the 29th World Medical Assembly, Tokyo, Japan, 1975, the 35th World Medical Assembly, Venice, Italy, 1983, and the 41st World Medical Assembly, Hong Kong, September 1989.

Introduction

It is the mission of the physician to safeguard the health of the people. His or her knowledge and conscience are dedicated to the fulfillment of this mission.

The Declaration of Geneva of the World Medical Association binds the physician with the words, "The health of my patient will be my first consideration", and the International Code of Medical Ethics declares that, "A physician shall act only in the patient's interest when providing medical care which might have the effect of weakening the physical and mental condition of the patient."

The purpose of biomedical research involving human subjects must be to improve diagnostic, therapeutic and prophylactic procedures and the understanding of the aetiology and pathogenesis of disease.

In current medical practice most diagnostic, therapeutic or prophylactic procedures involve hazards. This applies especially to biomedical research.

Medical progress is based on research which ultimately must rest in part on experimentation involving human subjects.

In the field of biomedical research a fundamental distinction must be recognized between medical research in which the aim is essentially diagnostic or therapeutic for a patient, and medical research, the essential object of which is purely scientific and without implying direct diagnostic or therapeutic value to the person subjected to the research.

Special caution must be exercised in the conduct of research which may affect the environment, and the welfare of animals used for research must be respected.

Because it is essential that the results of laboratory experiments be applied to human beings to further scientific knowledge and to help suffering humanity, the World Medical Association has prepared the following recommendations as a guide to every physician in biomedical research involving human subjects. They should be kept under review in the future. It must be stressed that

the standards as drafted are only a guide to physicians all over the world. Physicians are not relieved from criminal, civil and ethical responsibilities under the laws of their own countries.

I. Basic Principles

1. Biomedical research involving human subjects must conform to generally accepted scientific principles and should be based on adequately performed laboratory and animal experimentation and on a thorough knowledge of the scientific literature.
2. The design and performance of each experimental procedure involving human subjects should be clearly formulated in an experimental protocol which should be transmitted for consideration, comment and guidance to a specially appointed committee independent of the investigator and the sponsor provided that this independent committee is in conformity with the laws and regulations of the country in which the research experiment is performed.
3. Biomedical research involving human subjects should be conducted only by scientifically qualified persons and under the supervision of a clinically competent medical person. The responsibility for the human subject must always rest with a medically qualified person and never rest on the subject of the research, even though the subject has given his or her consent.
4. Biomedical research involving human subjects cannot legitimately be carried out unless the importance of the objective is in proportion to the inherent risk to the subject.
5. Every biomedical research project involving human subjects should be preceded by careful assessment of predictable risks in comparison with foreseeable benefits to the subject or to others. Concern for the interests of the subject must always prevail over the interests of science and society.
6. The right of the research subject to safeguard his or her integrity must always be respected. Every precaution should be taken to respect the privacy of the subject and to minimize the impact of the study on the subject's physical and mental integrity and on the personality of the subject.
7. Physicians should abstain from engaging in research projects involving human subjects unless they are satisfied that the hazards involved are believed to be predictable. Physicians should cease any investigation if the hazards are found to outweigh the potential benefits.
8. In publication of the results of his or her research, the physician is obliged to preserve the accuracy of the results. Reports of experimentation not in accordance with the principles laid down in the Declaration should not be accepted for publication.
9. In any research on human beings, each potential subject must be adequately informed of the aims, methods, anticipated benefits and potential hazards of the study and the discomfort it may entail. He or she should be informed that he or she is at liberty to abstain from participation in the study and that he or she is free to withdraw his or her consent to participation at any time. The physician should then obtain the subject's freely-given informed consent, preferably in writing.
10. When obtaining informed consent for the research project the physician should be particularly cautious if the subject is in a dependent relationship to him or her or may consent under duress. In that case the informed consent should be obtained by a physician who is not engaged in the investigation and who is completely independent of this official relationship.

11. In case of legal incompetence, informed consent should be obtained from the legal guardian in accordance with national legislation. Where physical or mental incapacity makes it impossible to obtain informed consent, or when the subject is a minor, permission from the responsible relative replaces that of the subject in accordance with national legislation.
12. The research protocol should always contain a statement of the ethical considerations involved and should indicate that the principles enunciated in the present Declaration are complied with.

**II. Medical Research combined with Professional Care
(Clinical Research)**

1. In the treatment of the sick person, the physician must be free to use a new diagnostic and therapeutic measure, if in his or her judgment it offers hope of saving life, reestablishing health or alleviating suffering.
2. The potential benefits, hazards, and discomfort of a new method should be weight against the advantages of the best current diagnostic and therapeutic methods.
3. In any medical study, every patient — including those of a control group, if any — should be assured of the best proven diagnostic and therapeutic method.
4. The refusal of the patient to participate in a study must never interfere with the physician-patient relationship.
5. If the physician considers it essential not to obtain informed consent, the specific reasons for this proposal should be stated in the experimental protocol for transmission to the independent committee (I, 2).
6. The Physician can combine medical research with professional care, the objective being the acquisition of new medical knowledge, only to the extent that medical research is justified by its potential diagnostic or therapeutic value for the patient.

**III. Non-Therapeutic Biomedical Research involving Human Subjects
(Non-Clinical Biomedical Research)**

1. In the purely scientific application of medical research carried out on a human being, it is the duty of the physician to remain the protector of the life and health of that person on whom biomedical research is being carried out.
2. The subjects should be volunteers — either healthy persons or patients for whom the experimental design is not related to the patient's illness.
3. The investigator or the investigating team should discontinue the research if in his/her or their judgment it may, if continued, be harmful to the individual.
4. In research on man, the interest of science and society should never take precedence over considerations related to the well being of the subject.

Schedule 6B
Guidelines for the use of experimental animals

1. Experiments involving living vertebrate animals may be performed only by staff and students who are licensed under the Animals (Control of Experiments) Ordinance, Cap. 340. A licence specifies the place(s) where experiments may be conducted. In addition, special endorsements and permits are required for performing experiments
 - (a) for the purpose of attaining manual skill;
 - (b) for the purpose of illustrating lectures;
 - (c) without administering any anaesthetic or killing the animal.
2. Experiments shall be conducted in such a way as to avoid any unnecessary suffering and injury to the animals.
3. The scientist in charge of the experiment should terminate it if its continuation might result in unnecessary suffering or injury to the animal(s), and shall ensure that authority to do so is delegated to a responsible colleague at times when he is himself unavailable.
4. If the experiment or procedure is likely to cause pain and discomfort, the animals shall first be rendered incapable of perceiving pain by anaesthetisation, and be maintained in that condition until the experiment or procedure is ended. The only exception to this guideline is where the anaesthetisation would defeat the purpose of the experiment and data cannot be obtained by any other humane procedure. Such experiments or procedures shall be carefully supervised by the principal investigator (and must be covered by a special endorsement to a licence - see 1 above).
5. Post-experiment care of animals shall be such as to minimise discomfort and the consequences of any disability resulting from the experiment.
6. If it is necessary to kill an experimental animal, the animal shall be killed in a humane manner; i.e. in such a way as to ensure immediate death. No animal shall be discarded until after it is dead.
7. Any enquiries concerning the health of experimental animals may be directed to the Director of the Animal House who will give advice and/or treatment as required.
8. Experimental protocols should include the following information:
 - (a) Proposal title.
 - (b) Investigator(s).
 - (c) Summary of Proposal: a description in at least 300 words describing the rationale, objectives and methodology of the proposal (a more detailed account such as a grant application and its summary should be submitted if available).
 - (d) (i) Name of the academic and other staff/students involved in the experimental procedures.

- (ii) Types of licences and endorsements held by the academic and other staff/students mentioned in (d)(i).
- (iii) Name of the academic and other staff involved in the supervision of the acute phase and any chronic phase of the experiment.
- (iv) Briefly describe the relevant experience of the staff named in (d)(iii) with regard to animal experimentation.
- (v) Will the staff named in (d)(iii) be present throughout the acute phase of the experiment and monitor frequently any chronic phase? If not, describe their level of involvement in monitoring the experiment.
- (e) A clear explanation of how this project advances scientific/medical knowledge, and a clear indication that *alternatives* to experiments on live animals have been considered and why such alternatives were rejected.
- (f) Species, sex, age and estimated numbers of animals to be used.
- (g) Place(s) where the animals are to be obtained and housed prior to experimentation.
- (h) Acute experimentation (within one working day):
 - (i) Location of experiments.
 - (ii) Termination - method to be used.
- (i) Chronic experimentation:
 - (i) Location(s) of experiments.
 - (ii) Likely duration of each type of experiment.
 - (iii) Provision for care of the experimental animals and the nature of the supervision to avoid any undue suffering, this includes any post-operative care.
 - (iv) Termination of the experiment - method to be used.
- (j) Use of anaesthesia:
 - (i) Type, route of administration, dosage to be used.
 - (ii) Monitoring of the level of anaesthesia (e.g. reflexes, breathing pattern).
- (k) Include the following declaration:

DECLARATION: "The information supplied above is to the best of my/our knowledge and belief accurate. I/We shall take reasonable care to ensure that the proposed experiment(s) is/are conducted in accordance with the best modern practice and in such a way so as to safeguard the welfare of and minimize the pain suffered by the animals involved. If interim approval is granted by the AREC, I/we agree to continue cooperate fully with the AREC in supplying further information and modifying the above proposal accordingly if so requested."

Signatures of Investigators:

- (l) Include the following endorsement from the Chairman of Department:
 TO BE COMPLETED BY CHAIRMAN OF DEPARTMENT: "I hereby endorse this application and confirm that the principal investigator is appropriately qualified and the Department has adequate facilities for the experiment(s) to be conducted in such a way as to safeguard the welfare of and minimize the pain suffered by the animals involved."

Signature of Chairman Department:

N.B.

- (a) The above information on 8 should be included in a separate appendix to research grant applications, where the projects involve the use of experimental animals.
- (b) This Committee has the right to visit, when appropriate, any animal care facility or laboratory involved in experimentation within the Chinese University or involving Chinese University staff/students.

A. Scope

Survey research covers surveys as well as observation of human behaviour. The latter includes public/naturalistic observations, the collection of data on human subjects, and the observation of human subjects in experiments.

According to the *University's Policy on Research, Consultancies and Intellectual Property*, all research proposals, contracts for consultancies and services or application for outside practice involving survey research would need to obtain ethics approval from the Committee on Survey Ethics unless exempted.

B. Exemptions

The following categories of research are exempted from review by the Committee on Survey Ethics:

1. **Educational Practices:** Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of, or the comparison among, instructional techniques, curricula, or classroom management methods.

This exemption does not include obtaining the school records of identifiable students or interviewing instructors about them.

2. **Surveys:**

- a. ***Anonymous surveys:*** In the researcher's private data as well as in any published material, responses are recorded in such a manner that the respondents cannot be identified, directly or through identifiers linked to the subjects.
- b. ***Non-anonymous Surveys*** in which respondents cannot be identified in any published material and reasonable precaution is taken to preserve the confidentiality of the identity of individuals in the research data (e.g. subjects will be identified by a code the key to which will be kept separate from the data).

This exemption does not apply under any of the following conditions:

- a. The subjects are unable to give informed consent, (e.g., minor children, mentally handicapped people).
- b. Undue inducements, financial or otherwise, are provided to induce subjects to participate.
- c. Deception of subjects is involved.

- d. The study involves sensitive aspects of the subject's own behaviour such as illegal conduct, drug or alcohol use, and sexual conduct.
 - e. Disclosure of the observations on the subjects will reasonably place the subject at risk of criminal or civil liability or be damaging to the subject's financial standing, employability, or reputation.
 - f. The study can induce undue psychological stress.
3. Public/naturalistic Observations is exempt if:
- a. In the researcher's private data as well as in any published material, observations are recorded in such a manner that the human subjects cannot be identified; or
 - b. The observations, even if disclosed outside the research, could not reasonably place the subject at risk of criminal or civil liability or be damaging to the subject's financial standing, employability, or reputation.
4. Public officials: All research involving survey or interview procedures, or public observations is exempt when the respondents are elected or appointed public officials or candidates for public office.
5. Existing Data: Research involving the collection or study of existing data, documents, records is exempt, (a) if these sources are publicly available, or (b) if the subjects cannot be identified in any published material and reasonable precaution is taken to preserve the confidentiality of the identity of individuals in the research data.

C. Informed Consent

Except in public/naturalistic observations, the researcher must obtain the informed consent of a subject to participate in research. The following guidelines should be observed in obtaining informed consent:

1. Use of Verbal/Written Consent and information Sheets
 - Voluntary informed consent, in writing, should normally be obtained from any subject who is able to give such consent.
 - Most research procedures should be explained on an information sheet written in simple language that is easily comprehensible by the potential research subject.
 - The information sheet should set out: the purpose of the investigation; the procedures; the risks (including psychological distress); the benefits to the individual or to others; a statement that the subjects are free to participate or to decline to participate, and significant factors that may be expected to influence their willingness to participate, including limitations on confidentiality.
 - For anonymous and non-anonymous surveys in which the information to be collected is not especially sensitive, a verbal response after a simple explanation may suffice.
2. Undue Influence and Inducement to Participate

- Subjects should be free from coercion of any kind and should not be pressured to participate in a study.
 - Inducements, such as unreasonable services or financial payments, should be avoided.
 - Reimbursement of subjects' expenses, e.g., for journeys, is not payment in the sense of reward, and can be provided.
 - All proposed payments to subjects should be submitted to the Survey Ethics Committee for examination.
3. Informed Consent from Others Affected by the Research - In situations when a third party (e.g. spouses or other health care professionals who are directly involved in the treatment and care of the potential subjects) is involved or affected by the research, consent should also be obtained from them.
4. Vulnerable Subjects Who Need Special Consideration
- Vulnerable subjects are either unable to give informed consent, or are captive subjects who are less able to protect themselves.
 - Children should not be the subjects of research that might equally well be carried out on adults. However, if their participation is indispensable, then the consent of a parent or legal guardian is always necessary. To the extent that is feasible, which will vary with age, the willing consent of the child should also be sought.
 - For research involving the mentally ill or mentally retarded, informed consent may have to come from both the subject and a legal guardian or immediate relative, and the attending physician where appropriate.
 - Some elderly or acutely ill people cannot comprehend well and in this way, resemble the case of children or the mentally handicapped people in the consideration of obtaining their informed consent to participate in research.
 - The quality of the consent of potential subjects who are in a potentially dependent relationship with the researcher (e.g., students, employees and patients) requires careful consideration, as willingness may be unduly influenced by the expectation of adventitious benefits or penalties.
5. Research involving Deception of Subjects
- The use of one-way mirrors must be clearly justified.
 - In exceptional cases, the researcher may give subjects somewhat misleading information about the nature of the research. All such research must obtain approval from the Committee. The researcher must explain in detail why the research could not practicably be carried out without the deception and why the deception will not significantly affect the well-being of the subjects. Any deception must be explained to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the research.

D. Guidelines on Ensuring Confidentiality of Research Data

Whatever information is obtained in research should under no circumstances be publicly disclosed in a fashion that would identify any specific person or organisation (except with the subjects written consent or if subpoenaed by a court).

Except in anonymous surveys or public/naturalistic observations, the researcher should outline to prospective subjects methods to ensure confidentiality.

1. For projects in which the private information to be collected is not especially sensitive, subjects should be informed that the researcher will take precautions to preserve the confidentiality of the research data and that all reports of the research will be devoid of identifiers.
2. When dealing with more sensitive information, the researcher should specify the precautions relating to the storage, use, and disposition of the materials; for example, that data will be kept in locked files, that only the researcher will have access to them, that subjects will be identified by a code the key to which will be kept separate from the data.
3. In most cases, the researcher should give subjects full information on the proposed management, use, and disposition of photographs and audio or video recordings.

E. Information to be submitted to the Committee

Researchers are obligated to notify the Committee of all projects involving survey research in accordance with the attached form.

Projects claiming exemption

The researcher should designate specifically which of the grounds of exemption listed above is involved. The summary of the research should be detail enough to show that the researcher is entitled to the exemption claimed.

Non-exempt projects

The researcher should submit the research proposal, together with an application for Survey Ethics approval to the Survey Ethics Committee. The application should address, where appropriate, issues of informed consent (vulnerable subjects, undue inducement to participate, or deception of subjects), precautions in guarding confidentiality of sensitive data, and risks to subjects (psychological stress, significant discomfort, or damages in the event of disclosure of research data). The risks involved should be balanced against the potential benefits of the proposed research.

F. Submission procedure

The researcher should fill out the Survey Ethics Form and seek endorsement from the Department Chairman or Unit Head. The endorsed form, together with relevant documents when required (consent form and research proposal), should be sent to :

Survey Ethics Committee

Please visit the Faculty of Social Science Research website
http://www.cuhk.edu.hk/ssc/r_rgfs/r_rgfs_sbre.html for details.

Schedule 7
Assignment of IP rights

The following provisions concerning intellectual properties will be incorporated as an integral part in an employee's contract of employment:-

- (a) During the period of (the staff member's) appointment, (the staff member) is required to observe at all times the University's Policy on Research, Consultancies and Intellectual Property at the Schedule attached including the procedures and implementation guidelines and any other relevant regulations in relation thereto as approved and amended by the University from time to time.
- (b) In accordance with the provisions under paragraph (a) above,
 - (i) If at any time during (the staff member) employment under his Letter of Appointment and arising out of any work done as part of his duty, (the staff member), either by himself or jointly with any other person or persons invent, write, design, discover, make, conceive or participate in the inventions, writing, discovery, making, of any Intellectual Property¹, such Intellectual Property shall be the absolute property of the University unless otherwise provided for by the University, and (the staff member) shall immediately communicate to the University full details thereof. At the request and expense of the University (the staff member) shall give and supply all such information data drawings and assistance as may be required to enable the University to exploit the aforesaid Intellectual Property to its best advantage and shall execute all documents and do all things which may be necessary or desirable for obtaining patent or other protection for the aforesaid Intellectual Property in such parts of the world as may be specified by the University and for vesting the same in the University as it may direct.
 - (ii) Any item of Intellectual Property shall not be subject to sub-paragraph (b)(i) above where:
 - (A) (the staff member) has notified the University in writing that he proposes to work on the invention, writing, discovery or making as aforesaid of such Intellectual Property, and
 - (B) the University, after (the staff member) has provided it with all the information it considers necessary or appropriate, has come to the conclusion that such Intellectual Property will result from permissible consulting activities without the use of University resources, facilities or any other form of University contribution and the University has notified (the staff member) of this decision in writing.

¹ Intellectual Property shall mean all or any of the following:-

- i) (Trade) Mark
- ii) (Trade) Name
- iii) Patent and Similar Rights
- iv) Know-how (Trade Secrets)
- v) Copyright
- vi) Registered Designs
- vii) Confidential Information
- viii) Goodwill