

LINGNAN UNIVERSITY

Policy on Research and Consultancies

PREAMBLE

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

POLICY AND PRINCIPLES

4. Philosophy
5. Conditions for research, funding and contracts
6. Proprietary research, consultancies and commercial work
7. Personal outside practice
8. Professional ethics
9. Research fraud

PREAMBLE

1. Background

University mission

1.1 Lingnan University is committed to:

- providing quality whole-person education by combining the best of Chinese and Western liberal arts traditions;
- nurturing students to achieve all-round excellence and imbuing them with its core values; and
- encouraging faculty and students to contribute to society through original research and knowledge transfer.

Role of research

1.2 In pursuance of this mission, LU 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 to produce the best graduates for society;
- (b) in particular through research to train postgraduate students for the increasingly sophisticated needs of society;
- (c) to contribute to the elucidation and analysis of issues of local and regional concern, especially in an era of rapid development and transformation; and
- (d) through applied research to develop products and processes to benefit humankind, and to contribute to the industry and economy of Hong Kong and the region.

Protect intellectual property

1.3 Research conducted in the University may lead to discoveries and inventions that are potentially patentable. The University needs to state its claims and to position itself to develop these research activities to the fullest. The University therefore sees the need to tighten up its policies on intellectual property and patents to conform with world-wide standards.

Relation between University and staff in intellectual property

1.4 The relation between University and staff needs to be better defined on matters relating to intellectual property, consultancies and patents.

2. Organization and implementation of the document

- 2.1 The policies and principles will come into effect upon approval by the Council, and Council approval is required for any significant change in future.
- Supersede certain regulations* 2.2 In cases where the policies, principles and procedures in this document conflict with such existing regulations as are within the powers of 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 the Council as the case may be.
- Not to supersede other regulations and contracts* 2.3 In cases where the policies, principles and procedures in this document conflict with such existing regulations or contractual terms as are not within the powers of the Council to vary unilaterally, the existing regulations and terms shall stay in force unless and until they are to be varied, or superseded by mutual agreement.
- Exceptions* 2.4 Exceptions to these policies (2.2 and 2.3) may be approved by Council on a case-by-case basis.

3. Dissemination and feedback

- Dissemination* 3.1 This document should be disseminated to all academic and research staff, as well as to administrative staff, support staff and students who have a role in the research activities of the University.
- Acceptance of policy* 3.2 Upon the acceptance of their appointments from the University, all staff are also obliged to comply with and be bound by all the terms as stipulated in their employment letters and the Terms of Service *inter alia* the compliance with policies (including this document), rules, regulations and procedures as approved from time to time by the University Council and management.
- Feedback* 3.3 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.

POLICY AND PRINCIPLES

4. Philosophy

- Retain control of research programmes* 4.1 The scope and quality of the University's research have 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 programmes 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 Unless explicitly waived or assigned (see Paragraph 4.3), and apart from licence rights agreed in advance, 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 patents resulting from internally or externally sponsored research. 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.
- Copyrights and royalties* 4.3 Copyrights of, and royalties from, books, submissions to scholarly journals, translations and creative works (including works of art) produced by staff members as a part of their normal teaching and scholarly activities (including individual/team research work financed by a research grant or otherwise) at the University shall belong to the author(s) and may be retained and assigned by them. Income derived therefrom is not subject to sharing with the University. If, on the other hand, the University provides its own funds, or a sponsor's funds, to specifically commission the production of copyrightable materials (e.g. computer software and audio-visual materials), then the ownership of copyrights, and royalty rights therein, shall reside with the University. However, the University may at its discretion share the copyright and the royalty income with the staff who creates the work.
- Public access* 4.4 The University reserves the right to require the deposit of all published papers arising from funded research in the university's institutional repository (IR), usually within six months of date of publication, with a view to maximizing public access to and public benefit from research findings. If the journal does not provide open access, the University may accept placing some version (preprint or postprint) of the paper in its IR. The same arrangement applies to other forms of research output.
- 5. Conditions for research, funding and contracts**
- Eligibility* 5.1 All full-time academic members of staff are eligible to apply for University's internal research grants. Visiting scholars are eligible only if they have a full-time appointment in the University covering at least one year or the expected duration of the project, whichever is the longer. Staff holding short-term temporary appointments are not eligible to apply. Members of the administrative staff are generally not expected to engage in research work, but are not precluded from applying in special circumstances.
- 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:-

<i>Scope</i>	(a)	The work is consonant with the University's educational and scholarly objectives and the University would itself have supported the research if its own funds were adequate.
<i>Freedom to publish</i>	(b)	The agreement does not restrict the freedom to publish and otherwise disseminate the results of sponsored research.
<i>Access to technical data</i>	(c)	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 when their works so require. Except with the prior agreement of the Research Committee (RC), the University will own the data and other products generated from or purchased for a sponsored project.
<i>Intellectual property rights</i>	(d)	Ownership of intellectual property generated from the research shall be governed by the University's current policies.
<i>No classified or proprietary research</i>	(e)	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. On a case-to-case basis, the University will consider whether or not to receive information that the sponsor considers proprietary or confidential.
<i>Not for publicity</i>	(f)	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 RC 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 University, the University will need to satisfy itself that the facilities and procedures meet approved standards of health, chemical, biological and radiation safety.

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.

7. Personal outside practice

Approval required

- 7.1 Subject to the relevant University regulations and the Terms of Service of the University as supplemented and amended from time to time, members of staff may undertake outside practice in the form of consulting or professional services. Except for cases where blanket approval has been given in writing by the Council, all outside practice must receive prior approval from the University in accordance with the established regulations and procedures. In considering whether approval is to be granted, the University will consider whether there is any conflict of interest, whether the University's name is used, whether the University will incur any legal or financial obligations or liabilities, and whether 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.

Conflict of interest

- 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 the University, 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 prior to undertaking any of such work.

Avoid use of University's name

- 7.3 Individual outside practice represents the personal effort of the staff members, 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, documents, agreements, reports, publicity or commercial presentations except with the prior approval of the University.

Indemnify for damages

- 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.

Use of facilities 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 the extent approved by the Head of the Department and the Vice-President before the work is begun, and without interfering with normal University activities. A charge for the use of the equipment or facilities as well as cost of technical assistance will be made on full cost as determined by the University.

8. Professional ethics

Quality of employees 8.1 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.

Respect right of others 8.2 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.

Recognize contribution of others, especially subordinates 8.3 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 and his/her idea or work is critical to the outcome of the research. Similar considerations should apply to the handling of research ideas and inventions to be patented.

Principle of fairness 8.4 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.

Plagiarism 8.5 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.

Co-authorship 8.6 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.

Computer ethics 8.7 The University 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 dismissal from the University. In addition, illegal acts involving University computing resources may result in criminal prosecution.

9. Research fraud

Intent 9.1 Should an instance or allegation of research fraud 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 9.2 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 9.3 The Head of each Department and the Director of Core Curriculum and General Education and Director of each Research Centre/Institute are responsible for informing the staff and students of the University's policy with regard to research fraud, and for interpreting this policy.

<i>Main Considerations</i>	9.4	<p>Those responsible for dealing with the allegations and the subsequent process should bear in mind the following important responsibilities:</p> <ul style="list-style-type: none"> (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 stage. (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>	9.5	<p>The procedures for the determination of research fraud will follow the University's approved procedures in dealing with disciplinary matters.</p>
<i>Disciplinary action</i>	9.6	<p>Upon the receipt of the report of the investigation, the Ethics and Discipline Committee (EDC), in accordance with the University approved procedures on disciplinary actions, may interview the parties concerned. It shall then make decisions on the findings and on disciplinary actions that follow and report thereon to the Council. Possible sanctions include, but are not limited to:</p> <ul style="list-style-type: none"> (1) Oral and/or written warning. (2) Stoppage or deferment of increments. (3) Suspension of eligibility for a particular named fringe benefit. (4) Suspension of employment on full or reduced pay. (5) Reduction in salary concomitant with demotion. (6) Dismissal (instant or otherwise) with or without reduction or forfeiture of privileges and/or benefits.
<i>Appeal</i>	9.7	<p>The respondent will have the right to appeal to the Council. The Council shall appoint an Appeal Authority in accordance with the University's approved procedures on disciplinary actions. The decision of the Appeal Authority shall be final.</p>

Legal action

9.8 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.