

Translation



The following measures, announced by the Chinese Academy of Sciences (CAS)—a vast PRC government-run complex of laboratories and research institutes—in 2016, address two issues. First, they limit the number and duration of part-time or adjunct positions that high- and mid-ranking leaders of CAS institutes may hold at other organizations. Second, they attempt to allow CAS leaders to benefit financially from commercial applications of their research breakthroughs, while preventing conflicts of interest between CAS and the corporations and others who make use of CAS-developed technology.

Title

Administrative Measures to Motivate Leading Personnel of the Chinese Academy of Sciences to Hold Concurrent Positions and to Convert Scientific and Technological Achievements
中国科学院领导人员兼职和科技成果转化激励管理办法

Source

Website of the Bureau of Personnel (人事局) of the Chinese Academy of Sciences (CAS; 中国科学院; 中科院). These Measures were uploaded to the website on October 18, 2016, per the URL below; for some reason, the webpage labels the Measures with the later date of April 26, 2017 (possibly this is the last date that the text of the Measures was edited). Although the webpage lists no author for the Measures, their abbreviated title in Chinese (科发党字〔2016〕61号) indicates that they are associated with the CAS Party Committee.

The Chinese source text is available online at:

https://web.archive.org/web/20201120005310/http://www.pe.cas.cn/zcgz/ldgbc_zcgz/zkywj/201610/t20161018_4578230.html

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Translator

Etcetera Language Group, Inc.

Editor

Ben Murphy, CSET Translation Lead

Article 1 These Measures have been formulated in accordance with the relevant provisions of the [Chinese Communist Party] Central Committee (中央), taking into account the actual circumstances of the Chinese Academy of Sciences (CAS), in order to implement the spirit of the Central Committee on improving and refining management with regard to scientific research institutes leaders holding other concurrent ("part-time") positions, as well as incentives for the conversion of S&T achievements into practical applications (科技成果转化), with the focus on breaking down institutional barriers and releasing technological innovation vitality.

Article 2 These Measures are applicable to members of the leadership teams of CAS' subordinate public institutions¹ ("units"), as well as assistant directors of institutes, leaders of

¹ Translator's note: "Public institutions" (事业单位) are organizations created and led by PRC government departments that provide social services. Unlike state-owned enterprises (SOEs), public institutions do not create material products and do not generate income. Public institutions are not considered government agencies, and their employees are not civil servants. Most public institutions are fully or partially government-funded, but some

CAS' internally established Party and government departments, and other mid-level leadership personnel ("leaders").

Article 3 Upon approval, members of a unit's leadership team may hold part-time positions in their respective units, or in social organizations, foundations, etc., related to their own fields of research and teaching, with the number of part-time positions generally not to exceed three; where the part-time positions held are on the editorial boards of high-level scholarly journals (ranked among the top journals in their fields by impact factor, similarly below), or in international academic organizations, the number of part-time positions may be relaxed appropriately based on actual circumstances.

Article 4 The principal leaders of units (here and below mainly referring to institute directors, Party committee secretaries or other leaders who serve as legal representative) generally may not hold part-time positions in enterprises, but if indeed necessary, they may, following approval, hold part-time positions in enterprises whose main business involves national defense or military industries, and that are invested in by their respective units (including wholly-owned enterprises and those in which controlling stakes or minority stakes are held, similarly below).

Article 5 Members of unit leadership teams other than the principal leaders may, upon approval, hold part-time positions in enterprises that are invested in by their own units and whose main business involves national security or military industries; upon approval, they may also hold part-time positions in other enterprises that their own units have invested in, or in non-enterprise units that their own units participate in and cooperate in running, with the number of part-time positions generally not to exceed three.

Article 6 Members of unit leadership teams may not receive salaries from units in which they hold part-time positions.

Article 7 Apart from serving on the editorial boards of scholarly journals and holding part-time positions in international academic organizations, where members of unit leadership teams are to continue holding part-time positions upon the expiry of their terms in those positions, they must re-perform the approval formalities, and may not serve more than two terms in the part-time positions. Where the term of office system is not implemented for part-time positions, the time served in the positions may not exceed ten years.

Article 8 Where the mid-level leaders of units are to hold part-time positions in social organizations, foundations, private (民办) non-enterprise units, or enterprises, approvals shall be handled by their current units based on work requirements and actual circumstances, in accordance with cadre administration authority, and the number of part-time jobs shall be controlled appropriately; compensation received by individuals who hold part-time positions in accordance with regulations should be paid in full to their respective units, and the units shall give suitable rewards based on the actual circumstances.

fully privately funded (but still government-led) public institutions exist. Public institutions typically provide services in areas such as education, science and technology, culture, health, and sanitation.

Article 9 Where leaders are to hold part-time positions in international academic organizations, or in social organizations, foundations, private non-enterprise units or enterprises with foreign (overseas) backgrounds, their current units must exercise due seriousness. When necessary, they must listen to the views of the departments in charge, learn their political leanings and relevant backgrounds, and provide truthful explanations. Leaders may not take part-time positions in social organizations, foundations, private non-enterprise units or enterprises with backgrounds of hostility or divisiveness toward China.

Article 10 When changes occur in the positions of leaders, management of their part-time positions shall be handled firmly in accordance with the relevant regulations governing their new positions, and they must resign within three months from any part-time positions that they are prohibited from holding given their change in position. After a person no longer holds a leadership position, his or her part-time positions will no longer be subject to management for leaders.

Article 11 Leaders must conscientiously perform the duties of their leadership positions, focusing their main efforts on performing the work of those positions well, and the duties they are supposed to perform shall not be adversely affected due to part-time work; where they are approved to hold part-time positions, they shall strictly observe discipline and obey the law in their activities in the part-time position.

Article 12 Where a unit's principal leader is the main person who made an achievement, or made an important contribution to the conversion of an S&T achievement into practical applications, he or she may receive cash rewards in accordance with the Law on Promoting the Conversion of Scientific and Technological Achievements, and in principle shall not receive equity incentives.

Article 13 Other members of a unit's leadership team apart from the principal leader, and mid-level leaders, may receive cash or equity incentives for the conversion of S&T achievements into practical applications, but leaders who receive equity incentives may not use their authority to benefit the enterprises whose equity they hold.

Article 14 The equity that the principal leaders of units received prior to assuming their current positions due to the conversion of S&T achievements into practical applications may be assigned promptly after they assume their current positions, with the time for completing the assignment of equity not to exceed three months, in principle; where the assignment of equity fails to occur within the time limit without special reasons, trading shall be restricted during the time they are in their current positions; those restricted from equity trading shall also not use their authority to benefit the enterprises whose equity they hold, and the restrictions shall be removed one year after they leave the aforesaid positions.

Article 15 Circumstances, such as leaders holding part-time positions and receiving rewards or equity incentives, etc., should be open and transparent, and should be made public using appropriate methods, and they should be explained in reports on individual circumstances and in annual work reports.

Article 16 Cadres managed by the Central Committee shall be managed in accordance with relevant provisions of the Central Committee.

Article 17 The CAS Bureau of Personnel shall be responsible for the interpretation of these Measures.

Article 18 These Measures shall be implemented from their date of issuance.