

National Yang Ming Chiao Tung University

Principles of Conflict of Interest Avoidance and Information Disclosure in the Management and Use of R&D Results

Approved at the 4th Administrative Meeting of the University for the 2020 Academic Year on April 28, 2021
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1. The National Yang Ming Chiao Tung University (hereinafter referred to as the University) has established these principles in accordance with the **Fundamental Science and Technology Act, the Government Scientific and Technological Research and Development Results Ownership and Utilization Regulation, the Ministry of Economic Affairs Scientific and Technological Research and Development Results Ownership and Utilization Regulation, the National Science and Technology Council Scientific and Technological Research and Development Results Ownership and Utilization Regulation, and the Regulations on the Implementation of Industry-Academia Collaboration in Colleges and Universities**, and other governmental laws and regulations, as well as the University's Regulations Governing the Implementation of Academia and Industry Collaboration.
2. The management and application of R&D results as referred to in these principles refers to the application for registration, licensing, transfer, revenue, appointment, trust, litigation, or any other actions related to the use of the University's R&D results for industry-academia collaboration or other management and application, including but not limited to the provision of technical services or materials to industry-academia collaboration institutions.
The term "industry-academia collaborative organization" (hereinafter referred to as "collaborative organization") includes government agencies, institutions, private organizations, academic research institutions and profit-making businesses.
3. The term "concerned party" in these principles refers to the **representative creators, project leaders and contractors** who are **engaged in industry-academia collaboration**. The term "related party" in these principles refers to those who have the following relationships with the parties:
 - a. The spouse, **second degree of kinship** of the concerned party, or other family members living together.
 - b. The trustee of the trust property of the concerned party or his/her spouse.
 - c. In addition to the contractor, the University's personnel who sign, review, or decide on the management or application of research and development results for the concerned party.**
 - d. The spouse, second degree of kinship, etc., and family members living together of the person in the preceding subparagraph.**
 - e. The trustee of the trust property of the person in subparagraph 3 or his/her spouse.**
4. Conflict of interest, as defined in these principles, is defined as a direct or indirect relationship of interest between the concerned parties or his/her related parties and the collaborative organization in the management and application of R&D results of the University.
 - a. The concerned party or his/her spouse or minor children have received property interests in excess of NT\$150,000 from the collaborative organization within the previous year, or hold more than 5% of the shares of the collaborative organization.
 - b. The concerned party or his/her relatives hold the position of a responsible person, director, supervisor or manager of the collaborative organization.
In the event that the concerned party holding the position specified in subparagraph (b) above is appointed by the government or the University, he/she shall comply with the provisions of other laws and regulations.
5. The interests referred to in these principles include both property interests and non-property

interests.

Property interests are as follows:

- a. Movable and immovable property.
- b. Cash, deposits, foreign currency and marketable securities.
- c. Debt or other property rights.
- d. Other interests that have economic value or can be acquired in monetary transactions.

Non-property interest refers to the appointment, employment, promotion, promotion, transfer, appraisal and other similar personnel measures of the University or its affiliates that are beneficial to the concerned party or its related parties.

6. The Research and Development Management Committee of the University is responsible for establishing the management mechanism and regulations for conflict of interest avoidance and declaration, receiving and managing the declaration and disclosure of conflict of interest related to the management and application of R&D results, and reviewing the related dispute cases, and the Office of Research and Development of the University is responsible for the internal and external notification and implementation of major cases.
7. The concerned party shall carry out the business of industry-academia collaboration in accordance with the principles of fairness, impartiality and openness, and may participate in the promotion and negotiation of R&D results. However, he/she shall recuse himself/herself from the review or approval of the management or application of R&D results.

In the management and application of R&D results, the concerned party shall take the initiative to declare and disclose to the University any possible conflict of interest of the concerned party or its related parties. The procedures for reporting and disclosing conflicts of interest shall be established by the Research and Development Management Committee.

In the event of a conflict of interest, the concerned party shall immediately recuse himself/herself or urge his/her related parties to recuse themselves. The Research and Development Management Committee shall properly manage the information disclosed by the concerned party in accordance with these principles and shall regularly announce the conflict of interest recusal management status. In the following cases, the Office of Research and Development has determined that there is a need for active disclosure or recusal, or upon application by the concerned party, sent to the Research and Development Management Committee for review, and may be attended by the concerned party and related parties to present their views at the review meeting:

- a. The facts are sufficient to determine that the concerned party or his/her related parties are involved in the risk of conflict of interest and shall take the initiative to disclose the information.
- b. The concerned party or his/her related parties are involved in matters that shall be recused in the first paragraph of this Article and the third paragraph of this Article and have not recused themselves.

In the following cases, in which the Research and Development Management Committee determines that recusal is necessary, the Research and Development Management Committee shall make specific recommendations to the President for approval:

- a. The concerned party is aware of the risk of conflict of interest involving himself/herself or his/her related parties, and has been approved by the Research and Development Management Committee and determined that he/she shall recuse himself/herself.
 - b. The concerned party has not recused himself/herself or failed to comply with the provisions of the preceding paragraph to inform the Research and Development Management Committee for approval, which has been determined by the Research and Management Committee to be necessary for recusal.
8. The following confidentiality obligations shall be observed by those who manage and use or review the R&D results:

- a. If they are informed of the public or undisclosed R&D results of faculty members as a result of their work, they shall maintain the confidentiality.
 - b. If the R&D results are not publicly available, a confidentiality contract shall be signed with the supplier.
 - c. Confidential information in the labs and research laboratories shall be kept confidential, and the staff shall be required to keep it confidential, and shall fulfill their obligations as prudent persons, and if necessary, the staff shall be required to sign a confidentiality contract.
 - d. Confidential documents obtained from the operation shall be properly preserved.
 - e. The income information obtained from the process shall be kept confidential unless disclosed with the consent of the original concerned parties.
 - f. No information or results of review meetings shall be disclosed to others without authorization from the University.
 - g. Other obligations of confidentiality shall be fulfilled.
9. The Office of Research and Development may, from time to time, conduct education and training courses on conflict of interest avoidance and information disclosure and confidentiality for R&D results management.
 10. In the event of a conflict of interest between the concerned party or his/her related parties, the concerned party shall recuse himself/herself or urge his/her related parties to recuse themselves in accordance with the Article 7 of these principles. The concerned party who shall recuse himself/herself but fails to do so shall be liable for all damages arising therefrom, and shall bear administrative, civil and criminal liabilities.
 11. Internal control and audit operations:
 - a. The Office of Research and Development shall properly maintain all forms, complaints, investigation results, minutes of meetings, and related documents such as the implementation of education and training courses arising from the handling of conflict of interest cases, and keep them on file for ten years.
 - b. The Research and Development Management Committee may, depending on actual needs, appoint a third party to verify the authenticity of the preceding information.
 12. Internal and external notification procedures for major cases:
 - a. For cases involving conflict of interest with specific evidence, the business management contractor shall submit the case to the President for approval and notify the accused person to submit a written defense and submit it to the Research and Development Management Committee for consideration in accordance with the regulations.
 - b. In the case of conflict of interest as described in the preceding paragraph, after the Research and Development Management Committee has determined that a conflict of interest has occurred and is significant, the business management contractor shall submit to the President for approval and report to the competent authorities, as well as the granting, commissioning, and funding agencies of R&D results, and shall be referred to the University Teacher Evaluation Committee for review.
 13. Any matters not covered by these principles shall be handled in accordance with the relevant governmental regulations.
 14. These principles shall come into effect after being approved by the Administrative Meeting and shall be amended in the same manner.