

National Taiwan Normal University Avoiding Conflict of Interest When Using R&D Results and Information Disclosure Management Guidelines

Passed during the 1st Research and Development Meeting in the 2015 academic year on November 4, 2015
Amendments passed during the 2nd Research and Development Meeting in the 2015 academic year on April 13, 2016
Amendments passed during the 1st Research and Development Meeting in the 2018 academic year on October 31, 2018
Amendments passed during the 1st Research and Development Meeting in the 2021 academic year on November 3, 2021

I. Legal Basis

National Taiwan Normal University (hereinafter referred to as NTNU) has established the National Taiwan Normal University Avoiding Conflict of Interest When Using R&D Results and Information Disclosure Management Guidelines (hereinafter referred to as the Guidelines) in accordance with regulations in the Government Scientific and Technological R&D Results Ownership and Utilization Regulations of the Executive Yuan, the Regulations on the Ownership of Science and Technology R&D Results and Implementation of the Ministry of Economic Affairs, the Scientific and Technological R&D Results Ownership and Utilization Regulations of the Ministry of Science and Technology, the Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology, the Regulations on Industrial and Academic Collaboration for Junior College and Higher Levels of the Ministry of Education, Scientific and Technological R&D Results Ownership and Utilization Regulations of the Ministry of Education, and other related regulations by the central competent authority to ensure that the implementation of NTNU research and development results meets principles of fairness and utility as well as prevents inappropriate transfer of interest, and to establish university regulations on preventing conflict of interest as well as information disclosure.

II. Responsible Unit

The responsible unit related to these Guidelines shall be the NTNU Office of Research Development, who shall be in charge of the following items:

- (I) Establish management mechanisms or regulations.
- (II) Accept or manage reports or disclosures of conflicts of interest in using R&D results and various related information.
- (III) Review disputes including conflicts of interest and information disclosure in the implementation of R&D results.
- (IV) Internal and external notifications for major cases, etc.

III. Scope of Application

The Guidelines shall be applicable to the implementation of R&D results carried out by all NTNU units and faculty members, staff, and students. Those who part-time positions and make capital contributions in the form of technology shall refer to the Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology.

IV. Terms Herein are Defined as Follows:

- (I) R&D results: Refers to any intellectual property rights and results developed by NTNU faculty members, staff, students, and researchers during the execution of their professional duties or by using NTNU's resources or during their services to NTNU.
- (II) Party:

- 1、A creator of R&D results at NTNU, including part-time personnel and personnel that make capital contributions in the form of technology in accordance with the Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology.
- 2、NTNU personnel who sign off, review, approve the implementation of R&D results as well as other relevant participating personnel.

(III) Related persons:

- 1、The party's spouse or family members who live together.
- 2、The party's relatives within second degree of kinship or in-laws.
- 3、The trustee of the trust property of the party or its spouse.
- 4、Profit-seeking enterprises where the party or individuals listed in Items 1 and 2 serve as the person in charge, director, supervisor, or manager. Instances where the appointment of the personnel mentioned above to the preceding posts is assigned by the government or NTNU shall not be restricted and shall be implemented in accordance with other regulations.

(IV) Interests:

- 1、Property gains:
 - (1) Personal property and real estate.
 - (2) Cash, deposits, foreign currencies, and securities.
 - (3) Obligatory rights or other property rights.
 - (4) Other gains with economic value or that can be acquired through money exchanges.
- 2、Non-property gains:

Refer to the appointment, promotion, transfer, and other personnel measures taken in favor of the party or related persons in NTNU, or companies accepting the transfer of NTNU technologies.

V. Conflicts of Interest

Refers to an action or inaction by a party when performing their duties or implementing the release, transfer or licensing of R&D results that directly or indirectly results in private gains by the party or related persons.

VI. Circumstances and Procedures of Voluntary Disclosure

The creator of the R&D results shall automatically submit the NTNU R&D Results Conflict of Interest Recusal Declaration and NTNU R&D Results Conflict of Interest Recusal or Information Disclosure Notification Form and voluntarily disclose to the responsible unit the following conflicts of interest with the profit-seeking enterprise that R&D results will be licensed or transferred. The same shall apply to agreements to license or transfer R&D results:

- (I) The individual, spouse, underage children received NT\$150,000 or more from the profit-seeking enterprise in the previous year or hold 5% or more shares of the profit-seeking enterprise.
- (II) The individual, spouse, children, parents, grandparents, grandchildren, or siblings are the person in charge, director, supervisor, or manager of the profit-seeking enterprise. The creator of R&D results shall automatically report the previous year's information related to business transactions and financial relations with enterprises, institutions, or organizations that make capital contributions in the form of technology to the responsible unit before making announcements. The creator shall warrant that the information disclosed is complete and correct. The creator shall bear all liabilities for any intentionally concealed or false information disclosed.

The information reported in the preceding paragraph shall be properly kept by the responsible unit. It shall announce its management situation regularly and inform the competent authority and the central science and technology authority.

VII. Circumstances and Procedures of Automatic Avoidance

In the event personnel who sign off, review, or approve the management and use of R&D results have the following conflict of interest with the profit-seeking enterprise being licensed or having transferred R&D results, the personnel shall avoid the conflict of interest:

- (I) The individual, spouse, underage children received NT\$150,000 or more from the profit-seeking enterprise in the previous year or hold 5% or more shares of the profit-seeking enterprise.
- (II) The individual, spouse, children, parents, grandparents, grandchildren, or siblings are the person in charge, director, supervisor, or manager of the profit-seeking enterprise.

The creator of R&D results may participate in the promotion and discussion of R&D results, but he/she shall avoid the management, review or approval of the implementation of the R&D results.

If the responsible unit realizes that the party fails to automatically recuse when required to do so, the unit shall order the party to recuse him or herself.

If the party fails to recuse, the related parties may apply to the responsible unit for its recusal.

The part-time personnel employed according to the Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology shall avoid business related to procurement or evaluation of projects conducted between original enterprises, institutions, or organizations and other affiliated enterprises during his/her duration of employment and 2 years after the termination of employment. However, if the recusal is not conducive to fair competition or the public interest, the party may apply for recusal after stating the reasons. The recusal can only be granted after review and approval.

VIII. Convening of Review Meetings

In the following circumstances, the responsible unit shall submit the case to NTNU's Patent and Technology Transfer Committee (hereinafter referred to as "the Committee") for review, and shall provide the party with an opportunity to express its opinions:

- (I) Circumstances related to Article 6, Paragraph 1 where voluntary disclosure is needed.
- (II) Disputes or doubts about whether the party should disclose information or recuse itself.
- (III) Failure to recuse when required to do so.
- (IV) Handling of Reports: In the event a party fails to recuse itself, a third party may report a case of conflict of interest. The reporting individual shall report the case using his or her real name and submit evidence to the responsible unit in writing. Cases with pseudonyms as names, anonymous, or without concrete evidence will not be accepted. After accepting the case, the responsible unit shall state in writing the reasons for the report and evidence. It shall notify the person reported and ask to submit a statement in writing within a time limit. The statement will then be sent to the Committee for review.

Once the case is reviewed by the Committee, if it is deemed to involve no conflict of interest or no violation of the regulations of the Guidelines, the responsible unit shall

sign and report the results of the review and notify the party and the reporting individual. The interested parties may be informed if deemed necessary.

Once the case is reviewed by the Committee, if it is deemed to have violated the regulations of the Guidelines, the responsible unit may file a request to the President to establish a Conflict of Interest and Recusal Investigation Team (hereinafter referred to as the "Investigation Team") to investigate such cases.

VIII-I Review Criteria

The Committee shall thoroughly consider matters such as disclosure items, dispute items, evidence, reasons, opinions expressed by the party, and related recusal supportive measures and conduct a review through fair and just procedures.

IX. Structure of the Investigation Team

The Investigation Team shall be led by an organizer who shall be a Vice President designated by the President. Team members shall be made up of four to six NTNU professors from related fields selected by the head of the responsible unit, who may also invite experts and scholars from related fields or legal consultants to provide consultation.

A team member shall automatically withdraw if he/she is a related person as specified in Article 4, Subparagraph 3, Items 1 to 3 of the Guidelines. Parties mentioned above who should have recused themselves but failed to do so shall be liable for all damages arising from such failure and be held solely liable for any consequent administrative, civil, and criminal liabilities.

IX-I Investigation Measures

Investigations conducted by the Investigation Team shall not be publicized, and the party involved shall be notified to provide explanations or express its opinions. Other persons who are helpful to the investigation or their units may be invited to assist in the investigation if deemed necessary.

The Investigation Team shall complete all investigations within two months of accepting the case, and may extend the investigation for another month if deemed necessary. The investigation results will be submitted to the President for approval by the responsible unit.

Investigation results shall include the team members, the date of completion, related facts including if a conflict of interest was present, as well as related evidence and reasons. If it is confirmed that the party involved has acquired improper gains, the team shall, at the same time, provide the follow-up processing methods and punishment for the party in the case for the implementation of R&D results or other processing recommendations.

IX-II Complaint Channels

The responsible unit shall notify the reporting individual, the party involved, and related units of the results of the investigation in writing. In the event that the party does not accept the investigation results, it shall file an appeal with the responsible unit within 30 days after receiving the notification.

The appeal in the preceding paragraph shall be filed in writing, and the letter of appeal shall include the name of the appellant, facts of the appeal, reasons, evidence, and dates, as well as the appellant's signature.

After the responsible unit receives the letter of appeal, it shall establish a Research Result Management Appeal Team composed of at least three professors, experts, and scholars from related fields or legal consultants. The personnel shall not be members of the Committee and Investigation Team and shall be subject to the regulations

relating to automatic avoidance in Article 9, Paragraph 2. The results of the appeal review shall be submitted to the President for approval before notifying the appellant. The appellant may not reject the results of the appeal provided in the preceding paragraph.

IX-III Disposition of the Investigation Results

In addition to appropriate penalties or disposition in accordance with the results of the investigation or appeal, the party in violation of the Guidelines shall also be responsible for civil, criminal, and administrative liabilities arising from the violation.

X. Internal Control and External Notification Procedures

- (I) Related units and personnel shall abide by the regulations in the Personal Data Protection Act, other laws, and related NTNU regulations when using information or documents in the processing of the case.
- (II) Operating information provided by the related unit shall be kept by the unit.
- (III) The responsible unit shall keep the related documents produced in the processing of conflict of interest cases, and keep the documents for ten years after cases are closed.
- (IV) The responsible unit may assign a third party to verify the validity of the information specified in Subparagraph 2.
- (V) After the investigation results are confirmed, the responsible unit shall inform the funding agency or the competent authority.

XI. Education and Training

The responsible unit shall at least plan appropriate training courses related to the Guidelines once a year to enhance NTNU staff members' awareness and understanding of R&D results implementation, capital contribution in the form of technology, conflicts of interest recusal, and information disclosure.

XII. Regular Announcements

The number and the results of NTNU's reviewed conflict of interest cases are announced regularly on the Office of Research and Development's website.

NTNU's management of part-time employment is announced regularly on the Personnel Office's website in accordance with Article 7 of the Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology. Information on the management of capital contributions in the form of technology is implemented in accordance with Article 6, Paragraphs 2 and 3 of the Guidelines and is announced regularly on the Office of Research and Development's website.

XIII. Any matters which are not addressed in the Guidelines shall be governed by relevant laws and regulations.

XIV. These Guidelines have been passed with resolutions sought from a Research and Development Meeting, and implemented with the approval of the President.

National Taiwan Normal University R&D Results Conflict of Interest Recusal Declaration

Declarant:

Department:

Cooperative Partners:

For the purpose of implementing R&D results or for undertaking part-time employment while making capital contributions in the form of technology in accordance with the Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology, I hereby declare as follows as stated in the National Taiwan Normal University Avoiding Conflict of Interest When Using R&D Results and Information Disclosure Management Guidelines:

- I. The individual or related persons receive property gains or hold shares.
- (I) Yes. (Please continue to fill out the following)
- The individual, spouse, underage children received NT\$150,000 or more from the profit-seeking enterprise in the previous year.
 - The individual, spouse, underage children held 5% or more shares of the profit-seeking enterprise in the previous year.
- (II) No.
- II. The individual, spouse, children, parents, grandparents, grandchildren, or siblings are the person in charge, director, supervisor, or manager of the profit-seeking enterprise.
- (I) Yes. (Please continue to fill out the following)
- The position I hold in the profit-seeking enterprise is _____.
 - _____ (name) is my _____ (spouse, children, etc.) and has been appointed in the profit-seeking enterprise as _____ (position).
- (II) No.
- III. I understand that I shall automatically report any information related to business transactions and financial relations with enterprises, institutions, or organizations that make capital contributions in the form of technology to the responsible unit. I hereby warrant that the information disclosed is complete and correct, and I am willing to bear all liabilities for any intentionally concealed or false information disclosed.

Remarks 1:

The declaration is established in accordance with the National Taiwan Normal University

Avoiding Conflict of Interest When Using R&D Results and Information Disclosure Management Guidelines. (Hereinafter referred to as “the Guidelines”)

Remarks 2:

The property gains referred to in the Guidelines include personal property, real estate, cash, deposits, foreign currencies, securities, obligatory rights, other property rights, and other gains with economic value or that can be acquired through money exchanges. (Article 4 of the Guidelines)

Remarks 3:

Circumstances and Procedures of Voluntary Disclosure are in accordance with Article 6 of the Guidelines:

The creator of the R&D results shall automatically submit the NTNU R&D Results Conflict of Interest Recusal Declaration and NTNU R&D Results Conflict of Interest Recusal or Information Disclosure Notification Form and voluntarily disclose to the responsible unit the following conflicts of interest with the profit-seeking enterprise that R&D results will be licensed or transferred. The same shall apply to agreements to license or transfer R&D results:

- (I) The individual, spouse, underage children received NT\$150,000 or more from the profit-seeking enterprise in the previous year or hold 5% or more shares of the profit-seeking enterprise.
- (II) The individual, spouse, children, parents, grandparents, grandchildren, or siblings are the person in charge, director, supervisor, or manager of the profit-seeking enterprise.

The declarant warrants that the information above is factual, and the declarant is willing to bear related liabilities for any inconsistencies or providing false information.

To

National Taiwan Normal University

Declarant (Signature):

Date: ____/____/____ (yyyy/mm/dd)

National Taiwan Normal University R&D Results Conflict of Interest Recusal or Information Disclosure Notification Form

Informant's name:	
Informant's department:	
Notification items	
Facts of the notification for conflict of interest recusal or information disclosure items	
Related Avoidance Supportive Measures	<input type="checkbox"/> The creator of R&D results and related persons do not participate in the negotiation of contract conditions. <input type="checkbox"/> The creator of R&D results agrees to give up the distribution of income derived from cooperation rights. <input type="checkbox"/> Other self-established recusal projects:
Attachments	

*For filled-in items and definitions of related terms, please refer to the National Taiwan Normal University Avoiding Conflict of Interest When Using R&D Results and Information Disclosure Management Guidelines.

Informant: (Seal or signature) _____ Date: ____ / ____ / ____ (yyyy/mm/dd)

Unit supervisor: (Seal or signature) _____ Date: ____ / ____ / ____ (yyyy/mm/dd)