

National Yang Ming Chiao Tung University

Principles for Handling Avoidance of Conflicts of Interest and Disclosure of Information Regarding the Management and Utilization of Research and Development Results

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- I. For the purpose of regulating the avoidance of conflicts of interest and disclosure of information related to management and utilization of research and development results, National Yang Ming Chiao Tung University (hereinafter the "University") hereby establishes the Principles in accordance with the *Fundamental Science and Technology Act*, *Government Scientific and Technological Research and Development Results Ownership and Utilization Regulation*, *Measures for Attribution and Utilization of Scientific and Technological Research and Development Achievements* of the Ministry of Economic Affairs, *Measures for Attribution and Utilization of Scientific and Technological Research and Development Achievements* of the Ministry of Education, *Implementation Regulations of Industry-Academia Collaboration for Schools Above the Junior College Level*, and Article 10 of the University's *Implementation Regulations of Industry-Academia Collaboration*.
- II. The management and utilization of the research and development results referred to in the Principles refer to application for registration, authorization, transfer, revenues, appointment, trust, litigation, or any other deeds related to the use of the research and development results of the University for the purpose of industry-academia collaboration or other matters related to management and utilization, including but not limited to providing technical services or materials to the industry-academia collaboration institution.
The industry-academia collaboration institutions (hereinafter the "collaboration institutions") referred to in the Principles include government agencies, business entities, private organizations, academic research institutions and profit-making enterprises.
- III. The parties referred to in the Principles are any creator(s) and project investigator(s) who are engaged in the management and utilization of the research and development results, and any personnel in the University who sign, review, or approve the cases of management or utilization of said research and development results.
The term "related parties" as referred to in the Principles refer to individuals who have any of the following relationships with the concerned party:
 - (1) The concerned party's spouse or relative within the second degree of kinship, or a family member who is living with the party.
 - (2) The trustee of any property held in trust by the concerned party or his/her spouse.
- IV. The interests referred to in the Principles include both property and non-property interests.
Property interests are as follows:
 - (1) Personal estate and real estate.
 - (2) Cash, deposits, foreign currencies, and securities.
 - (3) Debts or other rights in property.
 - (4) Other interests of economic value or interests that can be obtained through monetary

transactions.

Non-financial interests refer generally to any personnel measures beneficial to the party or his/her related party in the appointment, employment, promotion, transfer, performance appraisal and other similar matters at the University or its collaboration institutions.

- V. The conflict of interest referred to in the Principles indicates the following direct or indirect interest relationship between the party or its related party and a collaboration institution as the party engages in the management and utilization of the research and development results of the University:
- (1) The party or his/her spouse or minor children have obtained property interests from the collaboration institution exceeding NT\$150,000 in the preceding year, or holds more than 5% of the equity of the collaboration institution.
 - (2) The party or its related party serves as an owner, director, supervisor, or manager of a collaboration institution.
- VI. The University's Research and Development Results Value-Added Management Committee (hereinafter referred to as the "RVMC") is responsible for establishing the management mechanism and regulations for conflict of interest avoidance and declaration; and the University manages the declaration and disclosure of conflict of interest related to management and utilization of the research and development results, and reviews related disputes and internal and external reporting and implementation of major cases in accordance with the following division of responsibilities:
- (1) Matters concerning avoidance of conflicts of interest in the technology transfer cases and spin-offs of the University are handled by the Office of Industry-Academia Cocreation (hereinafter the "OIAC") and submitted to the RVMC for deliberation.
 - (2) Matters concerning avoidance of conflicts of interest in the University's industry-academia collaborative projects are handled by the Office of Research and Development (hereinafter the "ORD") and submitted to the ORD for deliberation at a relevant meeting.
- VII. Creators and project investigators engaging in the management and utilization of the research and development results shall comply with the principles of fairness, impartiality, and openness, and may participate in the promotion and negotiation of such results. However, they shall refrain from deliberating or deciding on cases of the management or utilization of the research and development results.

Creators engaging in technology transfer projects and spin-offs should select a representative of the creators, who will coordinate the reporting and disclosure of any potential, direct or indirect conflicts of interest between the creators or their related parties and the collaboration institutions to the University.

While engaging in industry-academia collaborative projects, (1) the creators should select a representative of the creators responsible for coordinating among the creators; (2) the project investigators should coordinate among the participating personnel; and (3) the person in charge should confirm whether he/she or his/her related parties have any potential, direct or indirect conflict of interest with the collaboration institution, and report and disclose such conflict to the University.

In the event of a conflict of interest involving a party or its related party, the party shall immediately avoid the conflict of interest or urge the related party to avoid such. The OIAC or ORD shall properly manage the information disclosed by the parties in accordance with the Principles, and shall regularly announce the status of managing conflict of interest avoidance.

In any of the following circumstances, if the OIAC or ORD determines that there is a need for voluntary disclosure or self-avoidance, or if an interested party submits an application to the RVMC or ORD for deliberation at a relevant meeting, and the party and the related party may attend the deliberation meeting and present their opinions:

- (1) When there are facts indicating that the party or its related parties may be involved in a conflict of interest, and the party or its related parties should take the initiative to disclose the information.
- (2) When the party or its related party has failed to avoid the circumstances as provided in the proviso to the first paragraph of this Article and in the third paragraph of this Article but have not recused themselves.

In any of the following circumstances, if the RVMC or ORD recognizes the need for avoidance, the RVMC or ORD shall present a specific opinion on how to handle the circumstance and submit it to the President for approval:

- (1) A party is aware that it or its related party is at risk of a conflict of interest, declares it to the OIAC or ORD, and has been deemed by the OIAC or ORD at a relevant meeting to be rescued.
- (2) The party concerned has not avoided the situation or disclosed the matter to the OIAC or ORD in accordance with the preceding subparagraph, and the OIAC or ORD has recognized the need for avoidance at a relevant meeting.

VIII. The parties shall observe the following confidentiality obligations:

- (1) If, by virtue of work, the party learns of any disclosed or undisclosed research and development results of the University's faculty members, it shall keep such information confidential.
- (2) If the research and development results have not been disclosed, a confidentiality agreement should be signed with the contractor.
- (3) Confidentiality measures shall be properly taken to protect the confidential information of the party's laboratories and research facilities and its personnel shall be required to maintain confidentiality. The party shall fulfill its duty of care as a good administrator and, if necessary, require the personnel concerned to sign a non-disclosure agreement.
- (4) Confidential documents obtained by virtue of work shall be kept safe.
- (5) The income-related information obtained by virtue of work shall be kept confidential unless with the consent of the original party for disclosure.
- (6) Without authorization by the University, the review documents, review meeting contents or the results shall not be disclosed to others.
- (7) Any other matters that require confidentiality.

IX. The University should, at least once a year, hold education and training courses on conflict of interest avoidance, information disclosure and confidentiality regarding the management of research and development results.

X. In the event of a conflict of interest involving any parties or their related parties, the parties shall avoid such circumstance or urge their related parties to avoid such in accordance with Article 7 of the Principles. The party who should have avoided a conflict of interest but failed to do so shall be liable for all damages arising therefrom and shall bear the administrative, civil and criminal liabilities on his/her own.

XI. Internal control and audit operations:

- (1) The OIAC and ORD shall properly retain all documents related to the handling of conflict-of-interest cases, including all forms, complaints, investigation results, meeting minutes, and records of education and training courses. These documents shall be archived and preserved for ten years.
- (2) The RVMC or ORD may, as deemed necessary, commission a third party to verify the authenticity of the aforementioned information at the relevant meetings.

XII. Internal and external reporting procedures for major cases:

- (1) In the case of a signed report alleging a conflict of interest and supported by concrete evidence,

the OIAC or ORD shall submit a signed request to the President for approval and filing, and then notify the person being reported to submit a written defense to the RVMC or ORD for review at relevant meetings in accordance with applicable regulations.

- (2) If the conflict of interest as specified in the previous paragraph is confirmed by the RVMC to have occurred and deemed a serious case, the OIAC or ORD shall submit a signed request to the President for approval, and report to the competent authorities and the subsidizing, commissioning, or funding agencies of the research and development results, and transfer the case to the University-level Faculty Review Committee for further decision.

XIII. Any matters not covered in the Principles shall be handled in accordance with relevant governmental laws and regulations.

XIV. The Principles shall be implemented after approval by the administrative meeting, and the same shall apply to any amendments.