

Shih Chien University Regulations Governing Conflict of Interest Avoidance and Information Disclosure in the Use of Research and Development Results

Approved by 2nd Administrative Meeting, 2nd Semester, 2015 School Year on 24 May 2016

- Article 1 In order to ensure that the use of research and development results of scientific technology research and development projects (hereinafter the “Technology Projects”) of each funding institution by Shih Chien University (hereinafter the “University”) is consistent with the principles of fairness and efficiency and to establish the rules about information disclosure and the avoidance of conflict of interest, these Shih Chien University Regulations Governing Conflict of Interest Avoidance and Information Disclosure in the Use of Research and Development Results (hereinafter these “Regulations”) are established 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 and the Regulations for Industry-University Partnership for Professional Colleges and Higher Schools.
- Article 2 The responsible unit of these Regulations is the Research and Development Division, which has the following duties:
1. Establish the management mechanism or regulations about the use of research and development results.
 2. Process or manage conflict of interest in the research and development results and disclosure of relevant information.
 3. Convene meetings of the Academic and Industry-University Development Committee to review and decide dispute cases about the recusal for conflict of interest in the use of research and development results and information disclosure.
 4. Responsible for internal and external reporting of material cases.
- Article 3 The terms used in these Regulations are defined as follows:
1. “Funding Institution” means government authority, public or private business entity, private enterprise or corporate institution that enters into technology project contracts with the University through subsidy, engagement or investment.
 2. “Research and Development Results” means the results acquired by the teaching staff or students of the University through use of the University’s resources or under subsidy or engagement by the funding institution, including but not limited to know-how, patent, copyright, trademark, IC layout, trade secret, computer software and other relevant technology information, etc. that belong to the University in accordance with government laws or agreements.
 3. “Technology Transfer” referred to in these Regulations means the license or assignment of technology Research and Development Results that belong to the University for industrial use, including the provision of technical services or materials.
 4. A “Party” referred to in these Regulations means any teaching staff of the University who participates or performs activities related to the management and utilization of Research and Development Results, including inventor, creator,

investigator, responsible person for activities and unit supervisors.

5. A "Person of Interest" referred to in these Regulations means:
 - (1) A spouse of or a family member who lives with the Party or a family member within 3 degrees of kinship.
 - (2) A trustee of the properties of a party or his/her spouse.
 - (3) An individual, business or enterprise of a party or any person of interest under subparagraph (1).
 - (4) A profit-seeking enterprise in which a party, any person under subparagraph (1) or any member under subparagraph (2) serves as a legal representative, director, supervisor or officer, except if a party serves such function through appointment by the government or the University.
6. An "Interest" referred to in these Regulations includes the following property and non-property interest:
 - (1) Property interest means personal property, real property, cash, deposit, foreign currency, securities, claims or other property rights and other interest with economic value or that may be acquired through monetary transactions.
 - (2) Non-property interest means hiring, promotion, relocation or other personnel measures for a party or his/her person of interest in the University or any entity that undertakes technology transfer from the University.
7. A "Conflict of Interest" referred to in these Regulations means, when a party performs activities in using the Research and Development Results of any technology project, the interest acquired for such party or its person of interest directly or indirectly due to its action or non-action.

Article 4 When a party carries out activities related to the utilization and management of Research and Development Results, if there is any event under subparagraph 7 of the previous article, the party shall take the initiative to disclose to the Research and Development Division, shall recuse him/herself or ask his/her person of interest to recuse him/herself and shall not participate in the negotiation about the use of Research and Development Results.

Article 5 In case of breach of these Regulations by any teaching staff of the University participating or performing activities related to the management and utilization of Research and Development Results, including any inventor, creator, investigator, responsible person for activities or unit supervisor, in addition to proper disposition in accordance with personnel related regulations of the University, civil and criminal liabilities shall also be pursued in accordance with the law.

Article 6 Any personal information disclosed by a party in accordance with these Regulations shall only be used within the scope of implementation of these Regulations and shall be subject to the protection by the Personal Data Protection Act.

Article 7 Any matter related to the avoidance of conflict of interest and information disclosure provided in these Regulations shall be governed by the regulations of the University in relation to internal control.

Article 8 If a consensus cannot be reached as to whether or not there is a conflict of interest in

the use of Research and Development Results, the decision shall be made by the Academic and Industry-University Development Committee.

If a party deems that any decision by the Academic and Industry-University Development Committee about whether there is a conflict of interest in the use of Research and Development Results is illegal or inappropriate, he/she may file a petition with the Academic and Industry-University Development Committee. Any further objection to the petition result may be appealed in accordance with the Guidelines for Organization and Adjudication of Shih Chien University Teachers Complaint Review Committee.

- Article 9 The Research and Development Division of the University shall have an understanding of the research results generated from the use of the school's resources. If the Academic and Industry-University Development Committee deems that there is a conflict of interest in the use of Research and Development Results, a report shall be filed with the relevant competent authority and the funding institution of the Research and Development Results for reference.
- Article 10 The responsible unit of these Regulations shall plan proper training programs to strengthen awareness and understanding by members of the University about recusal for conflict of interest and information disclosure.
- Article 11 Any matter that is not stipulated in these Regulations shall be governed by applicable government laws.
- Article 12 These Regulations, including any amendment hereto, shall be published and implemented following approval by the Administrative Meeting and the principal.