

NATIONAL CHUNG HSING UNIVERSITY

Principles for Recusal and Conflicts of Interest Regarding the Management and Utilization of Research and Development Outcomes

December 28, 2012—Approved by the University Council at its 64th extended meeting

May 8, 2015—(All articles) approved by the University Council at its 72nd meeting

May 12, 2017—(Article 2) amended by the University Council at its 77th meeting

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December 25, 2020—(Articles 6 through 16) amended by the University Council at its 91st meeting

December 24, 2021—(Article 12) amended by the University Council at its 95th meeting

April 22, 2022—(Articles 2, 11, and 14 through 16) amended by the University Council at its 96th meeting

- Article 1 National Chung Hsing University (hereinafter, NCHU or “the University”) has formulated the *Principles for Recusal and Conflicts of Interest Regarding the Management and Utilization of Research and Development Outcomes* (“the Principles”) in accordance with the *Fundamental Science and Technology Act* and *Government Scientific and Technological Research and Development Results Ownership and Utilization Regulation* to manage the review of conflict of interest recusals and disclosures.
- Article 2 The NCHU **Patent and** Technology Transfer Committee (“the Committee”) shall be responsible for formulating a system for recusal due to conflicts of interest in the management and utilization of the University’s research and development outcomes. **The Committee** shall additionally be responsible for handling related complaints, disclosures, and internal and external reports.
In the event of a conflict of interest in the management of the University’s R&D outcomes, the University shall establish a Conflict of Interest and Recusal Review Task Force (“the Task Force”) to handle the case.
The Task Force shall be composed of seven reviewers appointed by the NCHU President at the recommendation of the convener of **the Committee**. The seven reviewers shall elect a Task Force convener from among themselves. Each reviewer shall serve a one-year term. Reviewers shall be bound by confidentiality obligations and shall recuse themselves if they themselves have a direct or indirect conflict of interest.
- Article 3 The term “stakeholder” is used herein to refer to internal or external personnel directly involved in the management and utilization of the University’s research and development outcomes, including inventors, creators, and personnel undertaking or approving technology transfers. The term “related person” shall mean any of the following:
1. A stakeholder’s spouse or co-residing family members
 2. A family member within the second degree of kinship to a stakeholder
 3. The trustee of a stakeholder’s or their spouse’s property
 4. Corporate entities in which a stakeholder or a related person described in the first or second subparagraph serves as a representative, director, supervisor, or manager
- The foregoing notwithstanding, if the stakeholder is appointed by the University or the government to serve in the aforementioned capacity, the relevant laws and regulations shall apply.
- Article 4 The term “interest” used herein shall include both monetary and non-monetary interests:
1. Monetary interest: Movable assets, immovable assets, cash, bank deposits, foreign currencies, negotiable securities, bonds, or other monetary rights or

- instruments with an economic value or obtained through monetary transactions
2. Non-monetary interest: Personnel decisions by the University or another agency/institution that are beneficial to the stakeholder or related person, such as appointments, promotions, transfers, or similar

The term “conflict of interest” is used herein to refer to a stakeholder’s action or inaction over the course of their management or utilization of research and development outcomes that benefits or might benefit the stakeholder or related persons, whether directly or indirectly.

- Article 5 To prevent damage to the University’s property and reputation, persons involved in or related to the management and utilization of the University’s research and development outcomes are prohibited from requesting or receiving any preferential interests.

Unless otherwise permitted by law, stakeholders and their related persons are prohibited from disclosing the University’s research and development outcomes to a third-party company or being personally involved in the establishment of a for-profit business.

Inventors/creators shall recuse themselves from the review of or any decisions pertaining to the management and utilization of their own research and development outcomes. However, they may be involved in the promotion and negotiation process.

- Article 6 Pursuant to NCHU regulations, the inventors/creators of R&D outcomes shall actively disclose any of the following conflicts of interest in a licensing agreement or technology transfer project with the target for-profit entity (including any promised benefits or preferential treatment to be received following the conclusion of the licensing agreement or technology transfer project):

1. The stakeholder or their spouse or minor child has received more than NT\$150,000 combined in monetary interests from the for-profit entity in the previous one-year period, or is or has been a shareholder of the entity with an equity ratio of 5% or more.
2. The stakeholder or their spouse, child, grandchild, parent, grandparent, or sibling is a representative, director, supervisor, or manager of the for-profit entity.

- Article 7 Personnel in charge of the processing, review, or approval of the management or utilization of R&D outcomes shall recuse themselves if they have any of the following connections with a for-profit entity which is the licensee or recipient of R&D outcomes:

1. They themselves and/or their spouse and/or minor child(ren) have/has received a combined total of more than NT\$150,000 in monetary interests from the for-profit entity in the previous one-year period, or are/is or have/has been a shareholder of the entity with an equity ratio of 5% or more.
2. They themselves and/or their spouse, child, grandchild, parent, grandparent, and/or sibling are/is a representative, director, supervisor, or manager of the for-profit entity.

- Article 8 The Task Force may move to remove a member who fails to recuse themselves despite being a stakeholder a related person in a case under review.
Other stakeholders in a case may submit a request to the Task Force to remove a member who fails to recuse themselves due to a conflict of interest.

- Article 9 To facilitate the handling of conflict of interest recusals and disclosures, the University may organize training workshops, promotional campaigns, and consulting services for faculty/staff members and research fellows as needed.

Article 10 Procedures for handling conflicts of interest:

1. Upon receiving a report or becoming aware of a conflict of interest where the stakeholder or related person fails to recuse themselves, the University shall refer the case to the Task Force for review.
2. The Task Force shall conduct an investigation in confidence, and shall notify the stakeholder to give a statement.
3. After approval by the NCHU President, the results of the investigation shall be delivered to the stakeholder and, if applicable, the agency/institution that commissioned the research project. If the stakeholder is found to have had a conflict of interest or received inappropriate benefits, the Task Force shall propose follow-up measures regarding the utilization of the R&D outcomes in question and disciplinary action against the involved person.

Article 11 Handling of appeals:

1. A stakeholder who wishes to dispute the results of an investigation shall file an appeal in writing with the Committee within 15 days of receiving the notification.
2. Upon receiving the appeal, [the Committee](#) shall convene to review the case and, following approval by the NCHU President, notify the appellant of their findings.

Article 12 Individuals who fail to disclose a conflict of interest or who fail to recuse themselves in accordance with the provisions stipulated herein shall be held solely liable for any and all damages, as well as civil and criminal liability pursuant to the applicable government regulations, associated with their failure to do so.

Article 13 Conflict of interest disclosures made under the provisions herein shall only be used by the Task Force for review purposes and shall be protected in accordance with the *Personal Data Protection Act*.

Article 14 [The Committee](#) shall exercise due care in safeguarding all documents related to conflicts of interest.
The University shall be responsible for the internal control of the conflict of interest recusal and disclosure requirements stipulated herein.

Article 15 Resolutions of conflict of interest cases shall be published on the Academia-Industry Collaboration Center website by the [Patent and](#) Technology Transfer Division on a regular basis.

Article 16 These Principles and any amendments made hereto shall be implemented upon review by [the Committee](#) and approval by the University Council.