

國立中山大學執行產學合作計畫、研究發展成果運用利益資訊揭露處理要點

Guidelines on Handling the Disclosure of Interest Information in the Implementation of Industry-Academia Collaboration Projects and the Utilization of Research and Development Achievements

102.12.25 本校 102 學年度第 1 學期第 9 次行政會議通過

103.10.08 本校 103 學年度第 1 學期第 3 次行政會議核備通過

107.09.12 本校 107 學年度第 1 學期第 2 次行政會議修正通過

108.12.25 本校 108 學年度第 1 學期第 9 次行政會議修正通過

110.9.29 本校 110 學年度第 1 學期第 2 次行政會議修正通過

Amended and approved at the 2nd Executive Meeting on September 29, 2021

- 一、本校為辦理產學合作計畫及研究發展成果運用(含技術作價)之利益衝突迴避及資訊揭露事件，依據「科學技術基本法」、「政府科學技術研究發展成果歸屬及運用辦法」、「經濟部科學技術研究發展成果歸屬及運用辦法」、「科技部科學技術研究發展成果歸屬及運用辦法」、「教育部科學技術研究發展成果歸屬及運用辦法」、「行政院農業委員會科學技術研究發展成果歸屬及運用辦法」、「專科以上學校產學合作實施辦法」及本校「研究發展成果及技術移轉管理要點」及「非科技部產學合作計畫作業要點」規定訂定本要點。

- I. These guidelines are formulated to handle conflicts of interest and issues of information disclosure related to industry-academia collaboration projects and the utilization of research and development achievements (including technology valuation), in accordance with the *Fundamental Science and Technology Act*, *Government Scientific and Technological Research and Development Results Ownership and Utilization Regulation*, *MOEA Scientific and Technological Research and Development Results Ownership and Utilization Regulation*, *NSTC Scientific and Technological Research and Development Results Ownership and Utilization Regulation*, *MOE Scientific and Technological Research and Development Results Ownership and Utilization Regulation*, *MOA Scientific and Technological Research and Development Results Ownership and Utilization Regulation*, *Regulations for the Implementation of Industry-Academia Collaboration at Junior Colleges and Institutions of Higher Education*, as well as the University's *Guidelines on the Management of Research and Development Achievements and Technology Transfers* and *Guidelines on Handling Industry-Academia Collaboration Projects Not Granted by the National Science and Technology Council*.

- 二、利益資訊揭露事件由本校全球產學營運及推廣處(以下簡稱產學處)為承辦單位，負責訂定管理機制、宣導及受理，並由技術審查委員會處理及審議

之，經陳報校方核定後，依校方核定結果執行之。審查委員若為利益資訊揭露事件之當事人時，應行迴避審議。

II. The Office of Global Industry-Academe Collaboration and Advancement (OGIACA) shall be the unit responsible for handling conflicts of interest and issues of information disclosure, including establishing management mechanisms, promoting policies, and processing relevant cases. The Technology Review Committee (hereinafter referred to as the “Committee”) shall handle and deliberate on those cases, and report to the University for approval. Cases shall then be handled in accordance with the University’s approved resolution. Committee members involved in conflicts of interest shall rescue themselves from deliberation.

三、本要點所稱之產學計畫合作機構及承接本校研究發展成果之機構(以下簡稱承接機構)包括政府機構、營利事業、民間團體及學術研究機構。

III. Industry-academia collaborating institutions and those utilizing the University’s research and development (R&D) achievements stipulated in these guidelines include government agencies, profit-making enterprises, private organizations, and academic research institutions.

四、本要點所稱之財產利益如下：

IV. Interests stipulated herein refer to the following:

(一) 動產、不動產。

(1) movable property and real estate,

(二) 現金、存款、外幣及有價證券。

(2) cash, savings, foreign currencies, and marketable securities,

(三) 債權或其他財產上權利。

(3) claims or other property rights, and

(四) 其他具有經濟價值或得以金錢交易取得之利益。

(4) other benefits with economic values or those acquired through monetary transaction.

五、有利益關係之產學合作計畫主持人、研究發展成果之創作人(以下簡稱創作人)得參與產學合作計畫執行內容討論、研發成果之推廣及洽談，但應迴避其產學合作計畫合約、研發成果管理或運用案件之審議或核決。

V. Principal investigators of industry-academia collaboration projects or inventors of R&D achievements may participate in discussions on the implementation of the said projects, as well as promotion and negotiations of R&D achievements.

However, they shall recuse themselves from deliberating and making decisions on the contracts of the said projects, or the management or utilization of R&D achievements.

六、計畫主持人、創作人於執行研究發展成果運用相關業務時，應填具「產學合作計畫暨研究發展成果運用利益資訊揭露表」，主動揭露與產學計畫合作機構及承接機構間有無下列利益關係，約定於承接研究發展成果後取得者亦同：

VI. Principal investigators or inventors shall complete the “Form for Disclosure of Interest Information in Industry-Academia Collaboration Projects, and the Utilization of Research and Development Achievements” when conducting affairs related to the utilization of R&D achievements. They shall proactively disclose whether there is any of the following interest relationships with collaboration or utilization institutions, including any agreements to obtain profits after utilizing the R&D achievements:

(一) 本人及其配偶、未成年子女前一年內自該營利事業獲得合計超過新臺幣十五萬元之財產上利益，或持有該營利事業百分之五以上之股權。

(1) Principal investigators or inventors, their spouse, or their minor children received more than TWD150,000 in total from that profit-making enterprise in the past year, or they hold more than 5% shares of the enterprise.

(二) 本人及其配偶、子女、父母、祖父母、孫子女或兄弟姊妹擔任該營利事業負責人、董事、監察人或經理人之職務。

(2) Principle investigators or inventors themselves, their spouse, children, parents, grandparents, grandchildren, or siblings serve as the person in charge, director, supervisor, or manager of that profit-making enterprise.

七、簽辦、審議或核決產學合作計畫合約、研究發展成果管理或運用案件之人員，與產學計畫合作機構及承接機構間有下列利益關係者，應自行迴避：

VII. Those involved in signing, reviewing, or approving industry-academia collaboration project contracts or the management/utilization of R&D achievements shall recuse themselves if they have any of the following interest relationship with the collaboration or utilization institution:

(一) 本人及其配偶、未成年子女前一年內自該營利事業獲得合計超過新臺幣十五萬元之財產上利益，或持有該營利事業百分之五以上之股權。

(1) They themselves, their spouse, or their minor children received more than TWD150,000 in total from that profit-making enterprise in the past year, or they hold more than 5% shares of the enterprise.

(二) 本人及其配偶、子女、父母、祖父母、孫子女或兄弟姊妹擔任該營利事業負責人、董事、監察人或經理人之職務。

(2) They themselves, their spouse, children, parents, grandparents, grandchildren, or siblings serve as the person in charge, director, supervisor, or manager of that profit-making enterprise.

八、本校知悉計畫主持人、創作人或簽辦、審議或核決產學合作計畫合約、研究發展成果管理或運用案件之人員有應自行迴避之情事而未迴避者，應命其迴避。

VIII. The University shall require principal investigators, inventors, or those involved in signing, reviewing, or approving industry-academia collaboration projects contracts or the management/utilization of R&D achievements to recuse themselves when they fail to do so.

有應自行迴避之情事而未迴避者，利害關係人得向產學處申請其迴避。

Interested parties may apply to the OGIACA for the recusal of other individuals who shall recuse themselves but fail to do so.

九、對於是否應予揭露資訊或迴避有爭議或疑義時，應於提供當事人陳述意見之機會後，由技術審查委員會審議，審議結果並應陳報校長核定。

IX. In cases of disputes or doubts regarding the need for information disclosure and recusal, the Committee shall deliberate after allowing parties involved to express their opinions. The results of the deliberation shall then be reported to the President for approval.

十、依公職人員財產申報法第二條第一項所定應申報財產之人員，其利益衝突迴避應遵守公職人員利益衝突迴避法之規定。

X. Those required to declare their property according to Article 2 of Paragraph 1 of *Act on Property-Declaration by Public Servants* shall adhere to provisions of *Act on Recusal of Public Servants Due to Conflicts of Interest*.

十一、計畫主持人及創作人填具之「產學合作計畫暨研究發展成果運用利益資訊揭露表」及其他必要資訊，由產學處依個人資料保護法、營業秘密法與其他相關法令規定進行管理。

XI. The OGIACA shall manage the completed “Form for Disclosure of Interest Information in Industry-Academia Collaboration Projects, and the Utilization of Research and Development Achievements,” along with other necessary documents from principal investigators and inventors, in accordance with the *Personal Information Protection Act*, *Trade Secrets Act*, and other relevant laws and regulations.

十二、計畫主持人及創作人應確保其揭露資訊之完整性及正確性，若有隱匿不實

之情事，計畫主持人及創作人應承擔一切行政責任。另有新利益衝突情事發生時計畫主持人及創作人應立即重新進行揭露。

XII. Principal investigators and inventors shall ensure the completeness and accuracy of their disclosed information, and bear all administrative responsibilities in cases of concealment or inaccuracy. Moreover, they shall promptly re-disclose any new information about conflicts of interest.

十三、本校每年至少應辦理一次利益資訊揭露相關教育訓練，宣導本校教職員工了解利益資訊揭露之處理方式。

XIII. The University shall conduct at least one annual training session on the disclosure of interest information, advocating for all faculty and staff to understand the procedures of handling interest disclosure.

十四、利益衝突事件之檢舉，檢舉人應使用真實姓名並檢附證據，以書面向產學處提出；其以化名、匿名為之，或無具體事證者不予受理。

XIV. Informants shall report conflicts of interest to the OGIACA in writing using their real name and attaching relevant evidence. Reports made under pseudonyms, anonymously, or without concrete evidence shall not be accepted.

十五、產學處接獲檢舉利益衝突事件後，應速簽陳校長核定，並以書面敘明事由及證據，送技術審查委員會辦理。

XV. Upon receiving a report regarding conflicts of interest, the OGIACA shall promptly submit the case to the President for approval, and then forward it to the Committee with detailed explanations and evidence in writing for further process.

十六、違反本要點之利益衝突事件，得由技術審查委員會遴聘與系爭事件學術領域相關之學者專家及法律專業人士共計三至五名組成調查小組進行調查。調查小組成員若為該利益衝突事件之當事人時，應行迴避。

XVI. In cases of violation regarding conflicts of interest in these guidelines, an investigation team of three to five scholars and experts in the relevant academic field as well as legal professionals may be appointed by the Committee to carry out the investigation. Team members with conflicts of interest shall recuse themselves.

十七、調查小組基於調查事實及證據之必要，得採取下列措施：

XVII. Given the necessity of the investigating facts and evidence, the investigation team may take the following measures:

(一) 要求被檢舉人提出必要之資料、物品或書面答辯。

(1) requesting the accused to provide necessary materials, items, or written defenses,

(二) 被檢舉人所屬單位協助調查。

(2) requiring the accused's affiliated unit to assist with investigation, and

(三) 通知被檢舉人、利害關係人或其他有助於調查之人到場陳述意見。

(3) notifying the accused, interested parties, or others who may assist in the investigation to present their statements.

十八、 調查小組應於組成後三個月內完成調查報告，必要時得延長一個月。調查報告原則上不公開，並以密件方式提交技術審查委員會進行審議。前項調查報告，應記載事實、證據、理由及調查結果。

XVIII. The investigation team shall complete the investigation report within three months from its formation, with an extension of one month if necessary. In principle, the report detailing findings, evidence, reasons, and the investigation result shall not be made public and shall be submitted to the Committee for deliberation in a confidential manner.

十九、 事件經調查後認為無違反利益衝突之情事者，由技術審查委員會審議確認後陳報校長核定，並通知被檢舉人及檢舉人；必要時並應通知利害關係人。事件經調查後認為有違反利益衝突之虞者，應將調查報告送達被檢舉人並通知被檢舉人陳述意見，技術審查委員會應斟酌被檢舉人陳述意見與調查事實及證據之結果進行審議，並將其決定及理由載明於會議紀錄。

XIX. If no conflict of interest is found after investigation, the Committee shall confirm and report the case to the President for approval, and notify both the informant and the accused of the result, as well as any interested parties if necessary. On the contrary, if there exists a potential conflict of interest, the investigation report shall be sent to the accused to provide explanation. The Committee shall then review the explanation along with the findings and evidence, and record the resolution and reasons in the meeting minutes.

二十、 技術審查委員會審議確認被檢舉人有違反利益衝突之情事者，應按決議內容，載明被檢舉人違反利益衝突之事實、證據、陳述及答辯之要旨，作成適當處理之具體建議，陳報校長核定後，送達檢舉人、被檢舉人、被檢舉人所屬單位及通報該項研究發展成果之資助機關。

XX. Once the Committee confirms that the accused is involved in conflicts of interest, it shall detail the findings, evidence, and summary of the accused's statements and defenses, make concrete suggestions for appropriate actions, and submit these to the President for approval. After the approval, the results shall be delivered to the informant, the accused, and accused's affiliated unit, as well as the funding institution involved in the R&D achievements.

二十一、 應迴避而未迴避之當事人、技術審查委員及調查小組成員，應負擔因此而

衍生之所有行政與民、刑事責任。

XXI. Parties, Committee members, and investigation team members who shall recuse themselves but fail to do so shall be liable for all resulting administrative, civil, and criminal responsibilities.

二十二、產學處應定期彙整本校因執行產學合作計畫、研究發展成果運用業務進行之利益資訊揭露訊息，並公告之。

XXII. The OGIACA should regularly compile and announce information about disclosure of interest information related to the University's industry-academia collaboration projects and R&D achievements.

二十三、本要點經行政會議通過，陳請校長核定後實施，修正時亦同。

XXIII. These guidelines are approved by the Executive Meeting and the President before implementation. Amendments to these guidelines shall follow the same procedure.