

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 governing the conflicts of interest avoidance and information disclosure in Research and Development Results

Approved by the 9th Administrative Meeting on December 25, 2013, fall semester of Academic Year 2013

Filed in and approved by the 3rd Administrative Meeting on October 8, 2014, fall semester of Academic Year 2014

Amended and approved by the 2nd Administrative Meeting on September 12, 2018, fall semester of Academic Year 2018

Amended and approved by the 9th Administrative Meeting on December 25, 2019, fall semester of Academic Year 2019

Amended and approved by the 2nd Administrative Meeting on September 29, 2021, fall semester of Academic Year 2021

114.12.03 本校 114 學年度第 1 學期第 7 次行政會議通過

Approved by the 7th Administrative Meeting on December 3, 2025, fall semester of Academic Year 2025

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」、「國家科學及技術委員會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「非國家科學及技術委員會產學合作計畫作業要點」規定訂定本要點。

- I. For the NSYSU to handle conflicts of interest avoidance and information disclosure incidents for industry-academe collaboration projects and the use of research and development results (including technology pricing), this regulation is set up in accordance with the "Fundamental Science and Technology Act", "Government Scientific and Technological Research and Development Results Ownership and Utilization Regulation", "Ministry of Economic Affairs Scientific and Technological Research and Development Results Ownership and Utilization Regulation", "National Science and Technology Council Scientific and Technological Research and Development Results Ownership and Utilization Regulation", "Ministry of Education Scientific and Technological Research and Development Results Ownership and Utilization Regulation", "Council of Agriculture, Executive Yuan Scientific and Technological Research and Development Results Ownership and Utilization Regulation", "Implementation Measures for Industry-Academe Collaboration in Colleges", "Regulation governing the management of National Sun Yat-sen University R&D results and technology transfers", and "Operational regulation governing non- National Science and Technology Council industry-academe collaboration projects".

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 NSYSU Office of Global Industry-Academe Collaboration and Advancement (hereinafter referred to as OGIACA), the organizational unit responsible for this matter, is responsible for setting up the management mechanism, advocating, and accepting cases concerning information disclosure. The Technical Review Committee is in charge of processing and evaluating the cases and submitting its decisions to the NSYSU for approval and execution. If a member on the committee is the subject of the information disclosure, that member should recuse him-/herself from the case.

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. The industry-academe collaboration institutions and institutions that undertake NSYSU research and development results (hereinafter referred to as the undertaking institutions) referred to in this regulation include government agencies, for-profit enterprises, non-governmental organizations, and academic research institutions.

四、本要點所稱之財產利益如下：

- IV. The property interests referred to in this regulation are as follows.

(一) 動產、不動產。

1. Movable property, real property;

(二) 現金、存款、外幣及有價證券。

2. Cash, deposits, foreign currencies, and marketable securities;

(三) 債權或其他財產上權利。

3. Creditor's rights 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 that have economic values or can be obtained through monetary transactions.

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. The interested leaders of industry-academe collaboration plans or creators of research and development results (hereinafter referred to as creators) may participate in the content discussions about industry-academe collaboration plan execution and the promotion and negotiations of research and development results, but they should recuse themselves from the assessments and approvals of industry-academe collaboration plan contracts or the management or utilization of research and development results.
- 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. The project leader and creator should fill out the "industry-academe collaboration plan and research and development results application benefit information disclosure form" when executing business matters about the research and development results and disclose whether they have the following interest relationships with the industry-academe collaboration institutions or the undertaking organizations. The same applies as well to agreements obtained after undertaking the research and development results:
- (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. The principals and their spouse and minor children received a total of more than NT\$150,000 in property interest from that for-profit enterprise within the previous year, or they held more than 5% of the equity in the for-profit 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. The principals, their spouse, children, parents, grandparents, grandchildren, or siblings serve as the person in charge, director, supervisor, or manager of the for-profit business.
- 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 who handle, review, or approve cases of industry-academe collaboration plan contracts or the management or use of research and development results and those who have the following interests with the industry-academe collaboration organizations or the undertaking organizations should recuse themselves from the cases:

(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. The principals and their spouse and minor children received a total of more than NT\$150,000 in property interest from that for-profit enterprise within the previous year, or they held more than 5% of the equity in the for-profit 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. The principals, their spouse, children, parents, grandparents, grandchildren, or siblings serve as the person in charge, director, supervisor, or manager of the for-profit business.

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. When the NSYSU learns that the project leader, creator or those who handle, review, or approve cases of industry-academe collaboration plan contracts or the management or use of research and development results have not recused themselves when they should have, the NSYSU should order them to recuse themselves from the cases.

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。

If there are people who should recuse themselves but have not done so, the interested person may apply to OGIACA for their recusal.

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. When there are arguments or doubts about whether there is a need for the disclosure of information or the recusal of personnel, the Technical Review Committee, after providing an opportunity for the concerned parties to present their argument, shall review the case and the results of the review shall 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. For people who are required to declare their properties in accordance with Article 2 of the Act on Property-Declaration by Public Servants, their recusal from conflicts of interest shall comply with the 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 "industry-academe collaboration plan and research and development results application of interest information disclosure form" and other necessary information filled by the project leader and creator shall be managed by OGIACA 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. The project leader and creator should ensure the completeness and accuracy of the information disclosed. If there is any hidden or false information, the project leader and creator should bear all administrative responsibilities. Additionally, when a new conflict of interest situation arises, the plan leader and creator should immediately re-disclose.

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 NSYSU should conduct at least one educational training session per year on interest information disclosure to train NSYSU faculty and staff to understand how interest information disclosure should be handled.

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. To report conflicts of interest, the informant should use his or her real name and attach evidence and submit it to OGIACA in writing. It will not be accepted if it is made under a pseudonym, anonymously, or without specific evidence.

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 receipt of a report of conflicts of interest, the OGIACA should quickly process it and submit it to the president for approval; then it should state the reason and evidence in writing and send it to the Technical Review Committee for processing.

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. For conflicts of interest incidents that violate this regulation, the Technical Review Committee may appoint three to five scholars, experts, or legal professionals who are well versed in the academic field of the dispute to form an investigation team to investigate. Members of the investigation team who are concerned parties of the alleged 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. The investigation team may take the following actions to investigate the facts and evidence:

(一) 要求被檢舉人提出必要之資料、物品或書面答辯。

1. Request the person who is being accused to provide necessary information, articles, or written defense.

(二) 被檢舉人所屬單位協助調查。

2. The organizational unit of which the accused is a part shall assist in the investigation.

(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. Notify the accused, interested persons, or such other persons who may facilitate

the investigation to be present and present their opinions.

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 should complete the investigation report within three months of its formation, and may be extended for one month if necessary. In principle, the investigation report will not be made public and will be submitted to the Technical Review Committee for its confidential review. The investigation report in the preceding paragraph shall record facts and evidence, reasons, and findings.

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. After the incident is investigated, if no violation of conflicts of interest is found, the Technical Review Committee will review, confirm, and report the case to the president for approval, and it will notify the informant, the accused, and, if necessary, the interested parties. If the investigation has found that there is a risk of conflict of interest violation, the investigation report shall be sent to the accused and notify the accused to state their argument, which together with the facts, evidence, and results shall be reviewed, and the decision and reasons are to be recorded 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. If the Technical Review Committee considers and confirms that the accused has violated the conflicts of interest regulation, it should, based on the resolution, state the facts about the violation of the conflicts of interest regulation, evidence, statement, a summary of the accused's defense, make specific recommendations for how to properly handle the case, and submit the case to the president for approval. After the approval has been obtained, it shall be served to the informant, the accused,

the accused's department, and the funding agency of the research and development results.

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. The parties who did not recuse themselves when they should have, members of the Technical Review Committee, and members of the investigation team shall bear all administrative, civil, and criminal responsibilities arising therefrom.

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 aggregate the interest information related to the NSYSU's use of industry-academe collaboration plans and research and development results and announce the information to the public.

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. This regulation was adopted at Administrative Meeting and submitted to the president for approval and implementation. Revisions shall follow the same procedure.