

專任教師兼職營利事業機構(團體)要點

Guidelines on Faculty Taking Concurrent Positions in Profit-Making Institutions (Organizations)

92.12.05 本校 92 學年度第 3 次行政會議通過

103.05.07 本校 102 學年度第 2 學期第 6 次行政會議修正通過

108.10.02 本校 108 學年度第 1 學期第 3 次行政會議修正通過

109.06.05 本校第 108 學年度第 4 次校務會議修正通過

112.6.2 本校第 111 學年度第 2 學期第 4 次校務會議修正通過

Amended and approved at the 4th University Council meeting on June 2, 2023

第一章 總 則

Chapter 1 General Principles

- 一、 為因應國家科技發展，落實產學合作，鼓勵教師積極投入研發，貢獻智慧成果，並兼顧學生受教權，特訂定本要點。
 - I. These guidelines are formulated in response to the national development of science and technology through industry-academia collaboration. Faculty are encouraged to actively engage in research and development and collaborate with industries while maintaining their teaching quality.
- 二、 本校教師經學校同意後始得至營利事業機構(團體)兼職或代表政府或學校之官股至營利事業機構(團體)兼職。
 - II. Faculty of the University may work concurrently in profit-making institutions (organizations), either with prior approval from the University, or on behalf of the government or the University due to official shares.
- 三、 教師兼任營利事業機構或團體職務，應與其在本校任教科目或研究領域、專業知能相關。非兼任主管職務者之兼職範圍依公立各級學校專任教師兼職處理原則第四點及第五點規定辦理；兼任主管職務者之兼職範圍依國立各級學校兼任行政職務教師兼職處理辦法第五條及第六條規定辦理。
 - III. Concurrent positions in profit-making institutions (organizations) taken by faculty shall be related to their subjects of teaching, area of research, or professional expertise. The scope of concurrent positions taken by faculty not holding a supervisory position shall be in accordance with Articles 4 and 5 of *Principles for Handling Concurrent Jobs of Full-Time Faculty in Public Educational Institutions at All Levels*; those taken by faculty holding a supervisory position shall be in accordance with Articles 5 and 6 of *Regulations for Handling Concurrent Jobs of Faculty Taking Administrative Positions in Public Educational Institutions at All Levels*.
- 四、 教師兼職營利事業機構(團體)，應由當事人簽陳提出或由營利事業來函申

辦，經所屬系（所、教育中心、學位學程）務會議通過後，循行政程序報經院長(西灣學院院長)、校長核可。本校與營利事業機構(團體)就科學技術研究成果訂定技術移轉合約者，得由校長依國立中山大學從事研究人員兼職與技術作價投資事業管理要點及生技新藥產業發展條例規定指派教師至該營利事業兼職。

- IV. Faculty who intend to take a concurrent job in profit-making institutions (organizations) shall submit an application, either by themselves or by the said institutions (organizations), to the department/institute/education center/degree program council (hereinafter referred to as the “department council”) for initial approval. The application shall then be forwarded through administrative procedure to the dean of the affiliated college and the President for final approval. For cases concerning profit-making institutions (organizations) which have signed a contract with the University regarding technology transfer of research and development results, the President may assign faculty to work concurrently at the said institutions (organizations) in accordance with the University’s *Guidelines on the Management of Research Personnel Taking Concurrent Positions and Technology Valuation for Equity and Act for the Development of the Biotech and New Pharmaceuticals Industry*.

第二章 兼 職

Chapter 2 Concurrent Jobs

- 五、 教師兼任營利事業機構(團體)職務，以研究成果或所獲資訊推廣應用於產業或以專業知識技術提供諮詢指導，日間每週不得超過八小時。
- V. The number of hours that the faculty work concurrently in profit-making institutions (organizations) shall not exceed eight hours per week during daytime, when applying their research results to the industry or providing technical consultation and guidance in their professional capacity.
- 六、 教師兼任營利事業機構(團體)職務，其授課時數仍應符合本校基本規定，不得影響本職工作。兼職數目除法規（含章程）所明訂之當然兼職外，專任教師兼任公、民營事業機構董、監事或獨立董事職務（含財團法人），合計以不超過四個為限。
- VI. Faculty working concurrently in profit-making institutions (organizations) shall still meet the requirement of weekly teaching hours of the University without affecting their faculty duty. The maximum number of concurrent positions a full-time faculty member can take shall not exceed four, excluding exceptional

concurrent positions stipulated in related regulations (ordinances).

- 七、 教師月支兼職費如有超過薪給總額之情形，應由隸屬單位（系、所、教育中心、學位學程）提出對於其本職工作影響之分析報告、評估該師兼職對產學合作實益、學術回饋金收取之合理性、定期評估之結果等，提送所屬系（所、教育中心、學位學程）教師評審委員會審議後，循行政程序經校長核定。
- VII. If the income from all the concurrent positions exceed the salary of the University, the unit (department/institute/education center/degree program) which the concerned faculty are affiliated with shall present an evaluation report to the faculty evaluation committee of their affiliated unit regarding the impact of concurrent jobs on their duty, including the benefits to the industry-academia collaboration, the proportionality of the amount of compensation, etc. The report shall then be submitted through administrative procedure to the President for approval.
- 八、 教師到職前有經營商業或事業，且無依法令得兼任董事、監察人或獨立董事情形者，應辦理解任登記；至遲應於到職時提出書面辭職，於三個月內完成解任登記，並向人事室繳交有關證明文件。但有特殊情形未能依限完成解任登記，並經簽准同意者，得延長之；其延長期間，以三個月為限，惟於完成解任登記前，不得參與經營及支領報酬。前項應辦理解任登記職務如下：
- VIII. Faculty shall complete resignation procedures before assuming their positions at the University if they run a business or concurrently served as board directors, supervisors, or independent board directors without legal grounds. A written resignation shall be submitted by the official report date to the University, and the resignation procedure shall be completed within three months thereafter, with relevant proof submitted to the OPS for reference. In special circumstances where resignation cannot be completed within the stipulated period, an extension of up to three months may be granted upon approval. Nevertheless, the faculty shall no longer be involved in business operations or receive any payment before the resignation procedure is completed. The aforementioned positions subject to resignation shall include the following:
- (一) 依公司法擔任公司發起人或公司負責人。
 - (1) serving as the founder or responsible person of a company in accordance with *Company Act*
 - (二) 依商業登記法擔任商業負責人。
 - (2) serving as a responsible person of a business in accordance with *Business Registration Act*

- (三) 依其他法令擔任以營利為目的之事業負責人、董事、監察人或相類似職務。
- (3) serving as a responsible person, director, supervisor, or in a similar position of a profit-making institution (organization) in accordance with other applicable laws

第三章 回饋金收取及運用

Chapter 3 Charge and Usage of Compensation

- 九、營利事業聘請本校教師兼職，期間超過半年者，應由全球產學營運及推廣處協助與本校訂立合作契約，並依據教育部訂頒公立各級學校專任教師兼職處理原則第十二條或國立各級學校兼任行政職務教師兼職處理辦法第十三條規定約定回饋金。
- IX. Profit-making institutions (organizations) which intend to employ the faculty of the University to work concurrently for more than six months shall enter into a contract with the Office of Global Industry-Academe Collaboration and Advancement. The compensation to the University shall be handled in accordance with Article 12 of *Principles for Handling Concurrent Jobs of Full-Time Faculty in Public Educational Institutions at All Levels* or Article 13 of *Regulations for Handling Concurrent Jobs of Faculty Taking Administrative Positions in Public Educational Institutions at All Levels*.
- 前項回饋機制，以收取學術回饋金為原則，每年收取之回饋金至少為營利事業給予兼職教師每年兼職費（含月薪、獎金及酬勞等）之百分之十且不得少於兼職教師一個月在校支領之薪給總額。
- Compensation to the University in the preceding Paragraph shall be charged as below:
- The annual compensation to the University shall be at least ten percent of the annual payment (including monthly salary, bonuses, and other remuneration) that the faculty receive from the profit-making institution (organization), and shall be no less than the total monthly salary of the faculty from the University.
- 十、依前點所收取之回饋金，依法納入校務基金，按校方百分之五十、學院百分之二十、學系（所、教育中心、學位學程）百分之三十之比例分配，運用於校務發展。
- X. The compensation stipulated in the preceding Article shall be incorporated into the University Endowment Fund in accordance with regulations, with 50% of which allocated to the University, 20% to the affiliated college, and 30% to the affiliated

unit for developmental usage.

十一、以捐贈公司股票為回饋者，其價值由本校總務處鑑定。

XI. For compensation in the form of equities, the market value of which shall be appraised by the Office of General Affairs.

十二、教師借調期間至營利事業機構或團體兼職者，其學術回饋金機制應比照本要點辦理之。

XII. For cases concerning faculty who work concurrently in profit-making institutions (organizations) while on secondment, the compensation of which shall be charged in accordance with these guidelines.

第四章 附 則

Chapter 4 Supplementary Provisions

十三、教師兼任營利事業機構(團體)職務期間，如有具體事實認定影響教師本職工作時，得隨時要求其終止兼職。

XIII. When there exists substantial evidence to prove the concurrent position in profit-making institutions (organizations) is severely affecting the faculty's duty, the University shall have the right to demand immediate termination of the concurrent position.

十四、教師兼職營利事業機構(團體)應受本要點及法律契約之規範，若兼職期間其於兼職職務涉及法律上責任與義務，由兼職教師自負其責。

XIV. Faculty working concurrently in profit-making institutions (organizations) shall abide by related laws and these guidelines; any legal obligations or duties resulting from the concurrent position shall be solely the faculty's own responsibility.

十五、教師兼職如涉及本校研究發展成果管理或技術移轉之授權及推廣者，應依國立中山大學從事研究人員兼職與技術作價投資事業管理要點及相關規定辦理。其利益衝突迴避、資訊揭露及申報之管理機制，亦依前開辦法規定辦理。

XV. Concurrent positions involving the management of research and development results or authorization and promotion of technology transfer shall be handled in accordance with the University's *Guidelines on the Management of Research Personnel Taking Concurrent Positions and Technology Valuation for Equity* and other relevant regulations. Matters concerning the management of conflicts of interest, information disclosure, and property declaration shall also follow these regulations.

十六、本校教師兼職者，應由所屬各系（所、教育中心、學位學程）教師評審委員會或各系（所、教育中心、學位學程）務會議，每年召開會議進行評估

檢討，作為是否同意教師繼續兼職之依據。惟依公立各級學校專任教師兼職處理原則第十點第三項或國立各級學校兼任行政職務教師兼職處理辦法第十一條第三項規定免經報准者，不受此限。

XVI. The University faculty working concurrently shall be reviewed annually by the faculty evaluation committee or department council of their affiliated unit to determine whether they can continue their concurrent positions. Cases stipulated in Paragraph 3 of Article 10 of *Principles for Handling Concurrent Jobs of Full-Time Faculty in Public Educational Institutions at All Levels* or Paragraph 3 of Article 11 of *Regulations for Handling Concurrent Jobs of Faculty Taking Administrative Positions in Public Educational Institutions at All Levels* shall be exempt from the annual review.

十七、教師兼職營利事業機構(團體)，有違反本要點規定者，依相關法令送請教師評審委員會審議處理。

XVII. Cases concerning violation of these guidelines by faculty working concurrently in profit-making institutions (organizations) shall be delivered to the faculty evaluation committee of the affiliated unit for deliberation in accordance with relevant laws and regulations.

十八、本要點未規定事項，依公立各級學校專任教師兼職處理原則、國立各級學校兼任行政職務教師兼職處理辦法及相關規定辦理。

XVIII. Matters not covered herein shall be handled in accordance with *Principles for Handling Concurrent Jobs of Full-Time Faculty in Public Educational Institutions at All Levels*, *Regulations for Handling Concurrent Jobs of Faculty Taking Administrative Positions in Public Educational Institutions at All Levels*, and other relevant regulations.

十九、本要點經本校校務會議通過後實施，修正時亦同。

XIX. These guidelines are approved by the University Council before implementation. Amendments to these guidelines shall follow the same procedure.