

Guidelines for Academia Sinica Research Fellows and Research Specialists Holding Concurrent Positions

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1. These Guidelines have been established by Academia Sinica to regulate research fellows and research specialists who hold concurrent positions outside Academia Sinica.
2. Academia Sinica research fellows and research specialists shall not concurrently hold other “public servant” positions unless otherwise permitted by laws and regulations.

"Public servant" means elected representatives at all levels, government employees of central and local authorities, and those engaged in public affairs in accordance with law.

3. Unless otherwise stipulated by laws and regulations, Academia Sinica research fellows and research specialists shall not concurrently work in a licensed occupation or repeatedly engage in any businesses activity. Concurrent work is not, however, restricted under the following circumstances that do not affect fulfilment of duties and responsibilities at Academia Sinica:

(a) Engaging in social welfare activities or other non-recurring and non-continuous work outside of working hours.

(b) Activities determined by Academia Sinica to be related to teaching or research consistent with the first paragraph of Article 5.

The aforementioned "licensed occupation" refers to a position subject to specific management regulations, and can only be conducted by obtaining a license or certificate, and is subject to supervision by a competent authority.

4. Academia Sinica research fellows and research specialists shall not concurrently hold positions in for-profit enterprises except for the positions mentioned in subparagraph 2 of Article 7. This does not apply, however, to those holding the following for-profit positions and having been pre-approved by Academia Sinica:

(a) Individuals appointed by a government-owned share management agency or institution to represent a government-owned share or to be selected or recommended to concurrently serve as a director (including independent director), supervisor, or similar position in the enterprises directly or indirectly invested by the government.

(b) Individuals who are main R&D technology provider and serve as a director of a start-up company that has a technology transfer contract with Academia Sinica, with concurrent term within the lifetime of the contract.

(c) The main R&D technology provider uses the research and development achievements of Academia Sinica to participate in the establishment of new businesses and act as the initiator. The provisions of

this subparagraph are not, however, applicable to research fellows and research specialists who concurrently hold administrative positions in Academia Sinica.

- (d) Independent directors employed in state-owned enterprises that have entered into an industry-research cooperation contract with Academia Sinica, listed companies, subsidiaries such as banks, securities firms, insurance and comprehensive securities companies that are 100% held by financial holding companies, independent directors of unlisted public offering companies, etc. that have been approved by the board of directors or shareholders to plan to apply for listing. The provisions of this subparagraph are not applicable, however, to research fellows and research specialists who hold administrative positions in Academia Sinica.
- (e) Individuals serving in non-executive business position in a for-profit enterprise that has a contract with Academia Sinica for scientific research, and where the concurrent service period is contained within the lifetime of the contract. For those who have not signed a technology transfer or funding research contract with Academia Sinica, however, the concurrent employment period for the same for-profit enterprise is limited to one year, and may be extended for a year.

Academia Sinica research fellows and research specialists who hold for-profit positions before taking up their posts at Academia Sinica and need to apply for dismissal registration shall submit a written resignation no later than when they take up their posts, complete the dismissal registration process within three months, and submit relevant supporting documents to Academia Sinica. If there are special circumstances and the dismissal registration cannot be completed within the time limit, however, an extension may be provided by Academia Sinica; the extension is limited to three months. Before the completion of the dismissal registration, individuals are not allowed to participate in the operation of business and receive remuneration.

5. Concurrent positions held by Academia Sinica research fellows and research specialists must not affect their duties and responsibilities at Academia Sinica. Applications for concurrent positions, except for those stipulated in Articles 6 to 8, must be approved by the director of the research institute (preparatory office) or center and Academia Sinica. Applications shall be resubmitted to Academia Sinica for approval upon renewal of concurrent positions of business, or when there are material changes to the concurrent positions. Academia Sinica research fellows and research specialists who do not use their own work or the resources of Academia Sinica to participate in research projects funded externally shall apply for approval for concurrent positions in accordance with the provisions of the preceding paragraph.

6. For Academia Sinica research fellows and research specialists concurrently taking up posts in for-profit enterprises stipulated in the first paragraph of Article 4, the procedures are as follows:

- (a) Those who concurrently represent a government-owned share or serve as a director, concurrently supervisor in enterprises directly or indirectly invested by the government, an official letter shall be sent from the government-owned enterprise or the for-profit enterprise requesting the consent of the director of the research institute (preparatory office) or center and the approval of Academia Sinica.
- (b) Those who concurrently serve as a director of a start-up company or in a non-executive business position of a for-profit enterprise, an official letter shall be sent from the start-up company or for-profit enterprise. Those who hold concurrent positions must submit an “Application for Approval for Academia Sinica

Staff Holding Concurrent Positions in Response to Technology Transfer and Scientific Research Needs" (hereinafter referred to as the "Application for Approval") and relevant forms, for approval by the research institute or research center. After approval it will be transferred to the Conflicts of Interest Committee of Academia Sinica for approval by Academia Sinica.

(c) Those concurrently serving as an initiator of a new business shall submit an Application for Approval to the research institute (preparatory office) or research center, following the procedures in the preceding subparagraph.

(d) Those who concurrently serve as an independent director of a for-profit enterprise shall comply with the following regulations:

(1) When concurrent staff are nominated for appointment, they must get the consent of the research institute (preparatory office) or research center and approval by Academia Sinica.

(2) When elected as an independent director, the for-profit enterprise shall:

(A) sign an industry-research cooperation contract with Academia Sinica;

(B) pay academic remuneration within three months of the date of election; and

(C) notify Academia Sinica by official letter.

(3) If the procedures for concurrent independent directors are consistent with the preceding regulations, it shall be deemed legal to concurrently serve within three months from the date of appointment. If a for-profit enterprise fails to make the preceding resolution at the first board meeting, Academia Sinica shall reject the concurrent position. If the industry-research cooperation contract and the agreement to pay academic remunerations have not been completed by the due date, the concurrent position agreement letter will cease to be effective upon expiration of the three-month period.

(4) An application shall be submitted for the relevant positions derived from concurrent positions as an independent director, and must be approved by the research institute (preparatory office) or research center and by Academia Sinica.

7. If the concurrent position falls under one of the following circumstances and does not have the conditions specified in Article 12, an application for consent and approval is exempted. (In this case, the concurrent position disclosure shall be handled in accordance with the provisions of paragraph 2 of Article 13.)

(a) Research staff who do not hold administrative positions concurrently but hold positions in non-for-profit enterprises or organizations, and do not receive concurrent position fees. Those who concurrently have teaching and research positions in private schools, however, shall be handled in accordance with the provisions of the first paragraph of Article 5.

(b) Research staff who do not concurrently hold administrative positions, concurrently serve as publishers of academic journals, book series, and curriculum outlines stipulated by the Ministry of Education to edit textbooks, are not involved in business operations, and do not receive concurrent position fees.

(c) Research staff who concurrently hold administrative posts, concurrently hold the posts mentioned in subparagraphs 1 and 2, and are not paid concurrent position fees, attendance fees, or review fees.

(d) Research staff who engage in social welfare activities or other non-regular and non-continuous work in accordance with the provisions of subparagraph 1 of paragraph 1 of Article 3.

(e) Other circumstances announced by Academia Sinica.

8. If the concurrent position falls under one of the following circumstances and does not have the circumstances specified in Article 12, it is exempt from the consent and approval requirement, and is exempt from the disclosure of concurrent positions in accordance with the provisions of paragraph 2 of Article 13:

(a) Research staff concurrently serving on task force positions for government agencies (institutions), public schools, and legal administrative positions, or temporary positions.

(b) Research fellows and research specialists receiving appropriate remuneration consistent with their performance outside of working hours, or receive reasonable consideration for the disposition of their properties or the authorized exercise of intellectual property and portrait rights.

(c) Other circumstances announced by Academia Sinica.

9. During the period when Academia Sinica research fellows and research specialists concurrently represent a government-owned share or serve as a director, act as a supervisor concurrently in the enterprises directly or indirectly invested by the government, or hold similar positions, they shall avoid conflicts of interest in accordance with the Enforcement Rules of the Act on Recusal of Public Servants Due to Conflicts of Interest. Academia Sinica research fellows and research specialists concurrently serving as directors of start-up companies or in non-executive business positions of for-profit enterprises (or obtain a share of the profits of such enterprises) that have entered into technology transfer or funding research contracts with Academia Sinica, shall disclose whether they have any of the following interest relationships with the start-up company or for-profit business:

(a) Proprietary interests acquired by the staff, spouse, or dependent children from the said for-profit enterprise during the previous year exceeding NT\$150,000 in aggregate value or hold equity in the for-profit enterprise. This restriction does not apply, however, to those who hold less than 5% of the equity of listed (counter) companies.

(b) The staff, spouse, children, parents, grandparents, grandchildren or siblings who hold a position of representative, director, supervisor or managerial officer in the for-profit enterprise.

(c) If the trustee or agent of the property obtains or holds an interest or equity referred to in subparagraph 1 for the benefit of the individual, spouse, or minor children, it shall be regarded as property interests or equity holdings of the individual, spouse, or minor children.

Academia Sinica research fellows and research specialists who also serve as initiator of new businesses shall disclose the potential interest relationship with the establishment of the new businesses. Specific matters to be disclosed shall be determined by Academia Sinica.

After the concurrent staff disclose the interest relationship in accordance with the provisions of the first two paragraphs of Article 9, if the Conflicts of Interest Committee determines that there is a conflict of interest and the management measures for recusal from interests cannot be taken, the concurrent position is not allowed. During the period of concurrent employment and for two years after termination, staff shall avoid business related to procurement or plan review with the start-up company, for-profit enterprise, and its affiliated enterprises. If its recusal is harmful to fair competition or to the public interest, however, it may be exempted after reporting it to Academia Sinica for approval.

When their affiliated unit holds that the staff fails to recuse themselves, notwithstanding the fact that they are obligated to recuse themselves, the unit shall order the staff to recuse themselves ex officio.

10. Academia Sinica research fellows and research specialists holding concurrent positions that require them to handle primarily routine matters shall spend no more than eight hours each week during normal work hours.

11. In accordance with the provisions of these Guidelines, concurrent positions that can be held are limited to: directors of start-up companies, initiators of new businesses, independent directors of for-profit enterprises, and non-executive business operators.

Academia Sinica shall regularly announce the concurrent position status of Academia Sinica research fellows and research specialists who concurrently hold the positions listed in the preceding paragraph.

The payments for the concurrent positions held by Academia Sinica research fellows and research specialists shall be processed according to the "Payment Table of Concurrently Serving Military, Public and Teaching Personnel." The number of payments as well as the maximum payment for concurrent research staff positions (including President, Vice Presidents and concurrent directors) are not, however, subject to the Payment Table.

12. If any of the following circumstances hold or arise with the concurrent positions held by Academia Sinica research fellows and research specialists, approval shall not be granted or shall be abolished during the period of concurrent positions held.

- (a) The nature of work is incompatible with the duties and responsibilities at Academia Sinica.
- (b) General concerns that there are negative effects for the duties and responsibilities in Academia Sinica.
- (c) General concerns that there is damage to the image of Academia Sinica.
- (d) General concerns that there might be leakage of confidential information of public affairs.
- (e) General concerns related to personal profiteering or cheating.
- (f) General concerns that there are improper interest transactions related to their positions at AS.
- (g) General concerns that there are appropriations of public funds or improper usage of property belong to Academia Sinica.
- (h) General concerns of breaches of academic ethics.
- (i) General concerns of endangerment to the safety or health of Academia Sinica staff.
- (j) Breach of ethics matters, or shall be suspended from holding part-time positions in pursuance of Academia Sinica's regulations on the academic research performance evaluation in the academic year.
- (k) General concerns of conflict of interests.

13. Academia Sinica research fellows and research specialists shall fill in the "Academia Sinica Staff Pre-employment Concurrent Position Disclosure Notice" to disclose the status of the concurrent position when they take up their posts in Academia Sinica. They must also get the consent of the supervisor of the research institute (preparatory office) and research center, and approval of Academia Sinica. Those who are not approved shall immediately stop concurrent work.

Each unit shall compile the "Academia Sinica Research Fellows and Research Specialists Concurrent Employment Disclosure Form," filled out by its staff, and send it before July 31 to Academia Sinica for

reference. Each unit shall also conduct an annual evaluation and review of the concurrent positions of its research staff and research specialists as the basis for agreeing to continue working concurrently.

Those who concurrently serve as directors of start-up companies that have entered into technology transfers or funding research contracts with Academia Sinica, or as non-executive business positions of for-profit enterprises, or as initiators of new businesses, etc., must submit the “Application for Approval for Academia Sinica Staff Holding Concurrent Positions in Response to Technology Transfer and Scientific Research Needs” (annual disclosure) to the Conflicts of Interest Committee of Academia Sinica.

14. In accordance with the provisions of these Guidelines, those concurrently serving as a director of a start-up company, an independent director of a for-profit enterprise other than a public enterprise, or a non-executive business position of a for-profit enterprise, the concurrent start-up company or for-profit enterprise shall pay the academic remuneration in full to the designated account of Academia Sinica. If the concurrent position is terminated before its scheduled end date, Academia Sinica shall return a proportional amount of the academic remuneration already received.

The calculation and payment deadlines for academic remunerations are as follows:

- (a) For those who concurrently serve as a director of a start-up company or a non-executive business position of a for-profit enterprise, the remuneration shall be 15% of the concurrent fee received by the staff. Concurrent start-up companies or for-profit enterprises shall pay within two months of receiving the concurrent approval notice from Academia Sinica.
- (b) For those who concurrently serve as an independent director of a for-profit enterprise, the remuneration shall be 20% of the concurrent fee received by the staff. Concurrent for-profit enterprises shall pay within two months of signing the production-research cooperation contract.

The academic remuneration calculated according to the method in Paragraph 2 shall not be less than NT\$100,000 per year. If the calculated amount is less than NT\$100,000, it shall be adjusted to NT\$100,000 as the minimum payable amount.

The academic remuneration shall be collected by Academia Sinica and fully allocated to the scientific research fund of Academia Sinica. The academic remuneration shall be apportioned 50% to the affiliated unit and Academia Sinica. If the concurrent position is terminated before its scheduled end date, and the academic remuneration is to be returned as stated in the latter part of paragraph 1, the academic remuneration of affiliated unit shall be returned according to the same proportion.

If a start-up company or a for-profit enterprise fails to pay academic remuneration in accordance with the regulations, Academia Sinica shall abolish the concurrent position and claim compensation according to law.

15. The documents and forms required by these Guidelines shall be determined by Academia Sinica.

16. Academia Sinica research fellows and research specialists who violate the regulations regarding concurrent positions shall have their case reviewed by the divisional ethics committee of Academia Sinica in accordance with the Guidelines for the Establishment and Operation of Ethics Committees at All Levels, Academia Sinica.

Note: The Chinese text of these Guidelines shall be deemed the original. In the event of any dispute or misunderstanding as to the interpretation of the language or terms of these Guidelines, the Chinese language version shall control.