



# UniSR

Università Vita-Salute  
San Raffaele

**UNIVERSITY REGULATIONS**

**REGULATIONS GOVERNING THE  
OPERATION OF THE DISCIPLINARY  
BOARD PURSUANT TO ARTICLE 10 OF  
ITALIAN LAW 240/2010**

***ISSUED BY RECTOR'S DECREE N. 8768 OF 16/02/2024***

## Contents

<b>1</b>	<b>PURPOSE AND SCOPE .....</b>	<b>3</b>
	ART.1 Purpose and scope .....	3
<b>2</b>	<b>PROVISIONS OF THE REGULATIONS .....</b>	<b>3</b>
2.1	PART I – APPOINTMENT OF THE DISCIPLINARY BOARD .....	3
	ART.2 Composition of the Board .....	3
	ART.3 Appointment of the Board .....	3
	ART.4 Election of internal members .....	3
2.2	PART II – DISCIPLINARY PROCEEDINGS .....	4
	ART.5 Operation of the Board .....	4
	ART.6 Abstention and objection .....	4
	ART.7 Initiation of proceedings and statement of charges .....	5
	ART.8 Judgment before the Board .....	5
	ART.9 Opinion of the Board .....	5
	ART.10 Board of Directors’ resolution .....	6
	ART.11 Proceedings within the Rector’s sphere of responsibility .....	6
	ART.12 Suspension of time limits and termination of proceedings .....	6
2.3	PART III – OFFENCES, SANCTIONS AND RELATIONS WITH CRIMINAL PROCEEDINGS .....	6
	ART.13 Principle of proportionality .....	6
	ART.14 Disciplinary offences .....	6
	ART.15 Disciplinary sanctions .....	7
	ART.16 Relationship with criminal proceedings .....	7
<b>3</b>	<b>VALIDITY AND TRANSITIONAL RULES .....</b>	<b>8</b>
	ART.17 Transitional rules and validity .....	8

## **1 Purpose and Scope**

### *ART.1 Purpose and scope*

These Regulations, in compliance with the provisions of article 10 of Italian Law No. 240/2010 and the University Statute, establish the University's Disciplinary Board and provide for its functions, composition and operation.

These Regulations use the masculine form in an overextended way, but it must be understood as referring in an inclusive manner to all people, regardless of the gender.

## **2 Provisions of the Regulations**

### **2.1 Part I – Appointment of the Disciplinary Board**

#### *ART.2 Composition of the Board*

1. The Disciplinary Board is composed of seven full members: three full professors, one of whom acts as Chairman, two associate professors and two permanent researchers, all with full-time status. In addition, three alternate members may be appointed, one for each tenure/rank.
2. Where possible, the Board shall be predominantly composed of members who are external to the University.
3. The members of the Disciplinary Board are appointed in the manner provided for in articles 3 and 4 below.

#### *ART.3 Appointment of the Board*

1. The Chair and the members of the Disciplinary Board are appointed by Rector's Decree, observing the principle of equal opportunities between men and women, and remain in office for three years.
2. The members of the Board belonging to the University are identified following elections in which the teaching body participates.
3. External members are appointed by the Academic Senate.
4. Resignation, termination of office and transfer to another tenure or rank are grounds for loss of Board membership.
5. If a full member leaves office, he/she shall be replaced by the alternate member of the same rank. In the latter case, a new deputy member is appointed to complete the composition of the Board. Similarly, if a deputy member leaves office, a new alternate member shall be appointed.
6. No fee, emolument, consideration or expense refund is payable to the members of the Disciplinary Board.

#### *ART.4 Election of internal members*

1. The Rector, by his own Decree, calls the elections for the identification of the full and/or alternate members of the Disciplinary Board from within the University, every three years and whenever the identification of such members becomes necessary.
2. The Rector's Decree calling the vote establishes the type of member to be appointed (full and/or alternate), the date of voting, and the number and tenure/rank of the members to be voted on.
3. The aforementioned Decree may provide that the voting shall be conducted electronically.

4. Full professors and/or associate professors and/or researchers with permanent contracts in office at the University at the time of the elections are entitled to vote. Professors and researchers may vote for the members of the Disciplinary Board from among their peers with the same tenure/rank.
5. All full professors, and/or associate professors, and/or full-time permanent researchers of the University, whose number of years of service prior to retirement is equal to or greater than the term of office, are entitled to stand for election.
6. Professors and researchers wishing to stand as candidates must submit their candidature for the Board to the Rector by e-mail, at least ten days before the day on which voting is to take place; following this, separate lists will be drawn up according to the tenure/rank to which the candidates belong.
7. Elections are held using the majority system; each voter may only express one preference.
8. For the purpose of exercising the right to vote and guaranteeing its freedom and secrecy, a polling station shall be set up by the Rector by his own Decree at the University, consisting of at least three administrative employees of the University, one of whom shall act as chair and one as secretary.
9. The calendar, timetable and voting procedures are set out in the Rector's Decree calling the elections.
10. Counting operations, which are carried out by polling station staff, shall begin immediately after the close of voting.
11. At the end of the counting operations, the chair of the polling station sends the results to the Rector so that he may approve the results of the vote by his own Decree.

## **2.2 Part II - Disciplinary proceedings**

### *ART.5 Operation of the Board*

1. The Disciplinary Board performs investigative functions in disciplinary proceedings initiated at the Rector's proposal against professors and researchers, for any matter that may give rise to the imposition of a sanction more serious than a reprimand, which is the responsibility of the Rector, and issues a final opinion on the matter.
2. The disciplinary proceedings end with the resolution issued by the Board of Directors.
3. In the event of misconduct by the Rector, disciplinary powers shall pass to the University's Deputising Professor.
4. The Board operates in accordance with the principle of judgement between equals, in respect of the cross-examination process and in a composition limited to the Chair and to the rank of the lecturer subject to the disciplinary action.
5. The Board is validly constituted with the presence of all its members and resolutions are passed by an absolute majority of its members.
6. In the event of absence, impediment or abstention of or objection to the full member, he/she shall be replaced by the alternate member of the same tenure/rank for the duration of the proceedings.
7. The Board shall appoint a minutes secretary from among its members.

### *ART.6 Abstention and objection*

1. Each member of the Disciplinary Board is obliged to abstain and is replaced by the alternate member in the following cases:
  - a) existence of degrees of kinship and affinity up to the fourth degree, marriage or cohabitation with the professor or researcher subject to the disciplinary proceedings;

- b) existence of the additional grounds for abstention set forth in Article 51 of the Italian Code of Civil Procedure.
2. A lecturer who is subject to disciplinary proceedings may, within five days of receipt of the statement of charges, submit a petition objecting to one of the members of the Board for the reasons set out in paragraph 1.
  3. The Chair of the Disciplinary Board decides on objections or the abstention requests of members of the Disciplinary Board within the following five days. The Rector decides on matters concerning the Chair.
  4. If the Chair abstains, the relevant functions are performed by the most senior member of the Board, belonging to the full professor category.

#### *ART.7 Initiation of proceedings and statement of charges*

1. The initiation of disciplinary proceedings is the responsibility of the Rector, who, for any matter that may give rise to the imposition of a sanction more serious than a reprimand among those provided for in article 87 of the Higher Education Consolidation Act, pursuant to Royal Decree no. 1592 of 31 August 1933, within thirty days of becoming aware of the facts, forwards the documentation to the Disciplinary Board, formulating a reasoned proposal.
2. In order to ensure that the lecturer subject to disciplinary proceedings has the right to a defence, the statement of charges must necessarily contain:
  - a) a detailed description of the matters the charge refers to;
  - b) indication of the right to inspect the procedural documents, in compliance with the provisions on the protection of the right to access;
  - c) a deadline for the submission of any pleadings and observations to be considered by the Board. The deadline may not be less than ten days after receipt of the charge.

#### *ART.8 Judgment before the Board*

1. Upon receipt of the proceeding documentation from the Rector, the Chair of the Board schedules the hearing for cross-examination within twenty days of receipt of the charge by the lecturer undergoing the disciplinary proceedings, and notifies said lecturer and the Rector thereof.
2. The hearing before the Board is attended by the lecturer undergoing the disciplinary proceedings, assisted by a lawyer of his choice if necessary, and by the Rector or his delegate.
3. The Board may acquire further documentation for investigative purposes. The Rector shall carry out the Board's investigative requests.
4. The Disciplinary Board shall inform the Supervisory Body of any disciplinary proceedings instituted, and provides for the forwarding of the relevant documentation if requested by the Supervisory Body.

#### *ART.9 Opinion of the Board*

1. In the thirty days following the hearing, the Board expresses a reasoned opinion on the proposal put forward by the Rector in relation to both the disciplinary relevance of the charges and the type of sanction to be imposed.
2. If, at the end of the hearing, the Board considers that the sanction proportionate to the ascertained deeds is a reprimand, it returns the documentation to the Rector and issues a reasoned opinion. In all other cases, it forwards its reasoned opinion to the Board of Directors for the adoption of the ensuing resolutions.

*ART.10 Board of Directors' resolution*

1. The Board of Directors issues a resolution, imposing a sanction or ordering the proceedings to be closed, in accordance with the binding opinion expressed by the Board, within the thirty days following its receipt.
2. If any of the causes for abstention referred to in article 5(1) of these Regulations arises with respect to one or more of the Board members, those members shall not participate in the vote.
3. The decisions taken at the end of the proceedings are immediately enforced by the Rector and communicated to the lecturer and the offices concerned for the adoption of the consequent measures.

*ART.11 Proceedings within the Rector's sphere of responsibility*

1. For any fact that may give rise to the imposition of a reprimand, the Rector shall issue a statement of charges within thirty days of the time he becomes aware of the facts, setting a time limit of not less than ten days from receipt of the statement of charges for the submission of a plea by the lecturer.
2. Within thirty days after the plea submission deadline, the Rector orders either the reprimand or dismissal of the disciplinary proceedings.
3. The reprimand is made in writing after hearing the professor's or researcher's justification. An appeal against this sanction may be lodged, within fifteen days of notification, with the Academic Senate, which shall take a final decision. Rectoral reprimands are imposed by the Deputising Professor.
4. In the event that the Disciplinary Board, pursuant to article 9(2) of these Regulations, returns the documentation to the Rector with a reasoned opinion, the Rector himself decides within the following twenty days.

*ART.12 Suspension of time limits and termination of proceedings*

1. The time limits of the proceedings are suspended until the Disciplinary Board is reconstituted or the Board of Directors is reconstituted in the event that the operations required to form the Board of Directors are ongoing and prevent it from functioning properly.
2. The time limit is also suspended, no more than twice and for a period not exceeding sixty days in relation to each suspension, where the Board deems it necessary to acquire further documentation for investigative purposes. The Rector is obliged to carry out the Board's investigative requests.
3. The proceedings shall be terminated if the decision of the Board of Directors is not taken within one hundred and eighty days from the date on which the proceedings were instituted.

**2.3 Part III – Offences, sanctions and relations with criminal proceedings**

*ART.13 Principle of proportionality*

1. The definition of offences and sanctions under these Regulations operates in compliance with the principle of proportionality and in application of the provisions of Articles 87, 88 and 89 of Italian Royal Decree no. 1592 of 31 August 1933.

*ART.14 Disciplinary offences*

1. The following conduct constitutes disciplinary offences:
  - a) dereliction of duty;
  - b) misconduct;
  - c) serious insubordination;



- d) habitual dereliction of duty;
  - e) habitual misconduct;
  - f) acts in general that in any way offend the dignity or honour of the professor and researcher;
  - g) any breach of the Code of Ethics that does not fall within the above cases;
  - h) any conduct constituting research misconduct that does not fall within the above cases.
2. Failure on the part of a professor or researcher to attend more than half of the meetings of the Faculty Council to which he or she belongs in the course of a calendar year shall be considered a dereliction of duty.
3. Failure to fulfill the obligations established by UniSR regulations for professors and researchers represents a lack of duties. Repetition of this behaviour represents a usual lack of duties.

#### *ART.15 Disciplinary sanctions*

1. The sanctions provided for are:
  - a) reprimand;
  - b) revocation from the academic position or from the responsible position held;
  - c) suspension from office and salary for up to a maximum of one year;
  - d) revocation;
  - e) removal from post without loss of entitlement to a pension or allowances.
2. A reprimand is a statement of blame issued for failure to perform official duties or for misconduct, when the matters do not constitute serious insubordination and are not such as to harm the dignity and honour of the professor or researcher.
3. Suspension from office entails loss of entitlement to salary and loss of seniority for all legal purposes for its duration. This sanction also entails exemption from teaching, academic duties and related functions. A professor or researcher who has incurred such a sanction may not be appointed Rector for ten calendar years.
4. The imposition of a disciplinary sanction does not relieve the professor or researcher of any other liability he or she may incur.

#### *ART.16 Relationship with criminal proceedings*

1. Pursuant to Article 117 of Italian Consolidation Act no. 3 of 1957, if criminal proceedings have been initiated against the professor or researcher for the same matters the disciplinary proceedings refer to, the latter may not be initiated until the criminal proceedings have been completed and, if already initiated, it shall be suspended. This is without prejudice to the provisions of Italian Law no. 97 of 27 March 2001.
2. Disciplinary proceedings suspended pursuant to the preceding paragraph shall be resumed within the statutory time limits from the time when the University received notice of the final criminal sentence.
3. Pursuant to Article 91 of Italian Consolidation Act no. 3 of 1957, the Rector may order the precautionary suspension from service for a professor or researcher undergoing criminal proceedings, taking into account the nature of the offence or its particular gravity.
4. The effects of a criminal sentence in disciplinary proceedings against a professor or researcher are provided for in article 653 of the Italian Code of Criminal Procedure.

### 3 Validity and transitional rules

#### ART.17 Transitional rules and validity

1. These Regulations apply to disciplinary proceedings for matters of which the Rector becomes aware after the Regulations enter into force.

*The Italian version of this Regulations is the only legal means of communication of the relative contents and in case of dispute, the Italian version shall prevail.*

