



UniSR

Università Vita-Salute
San Raffaele

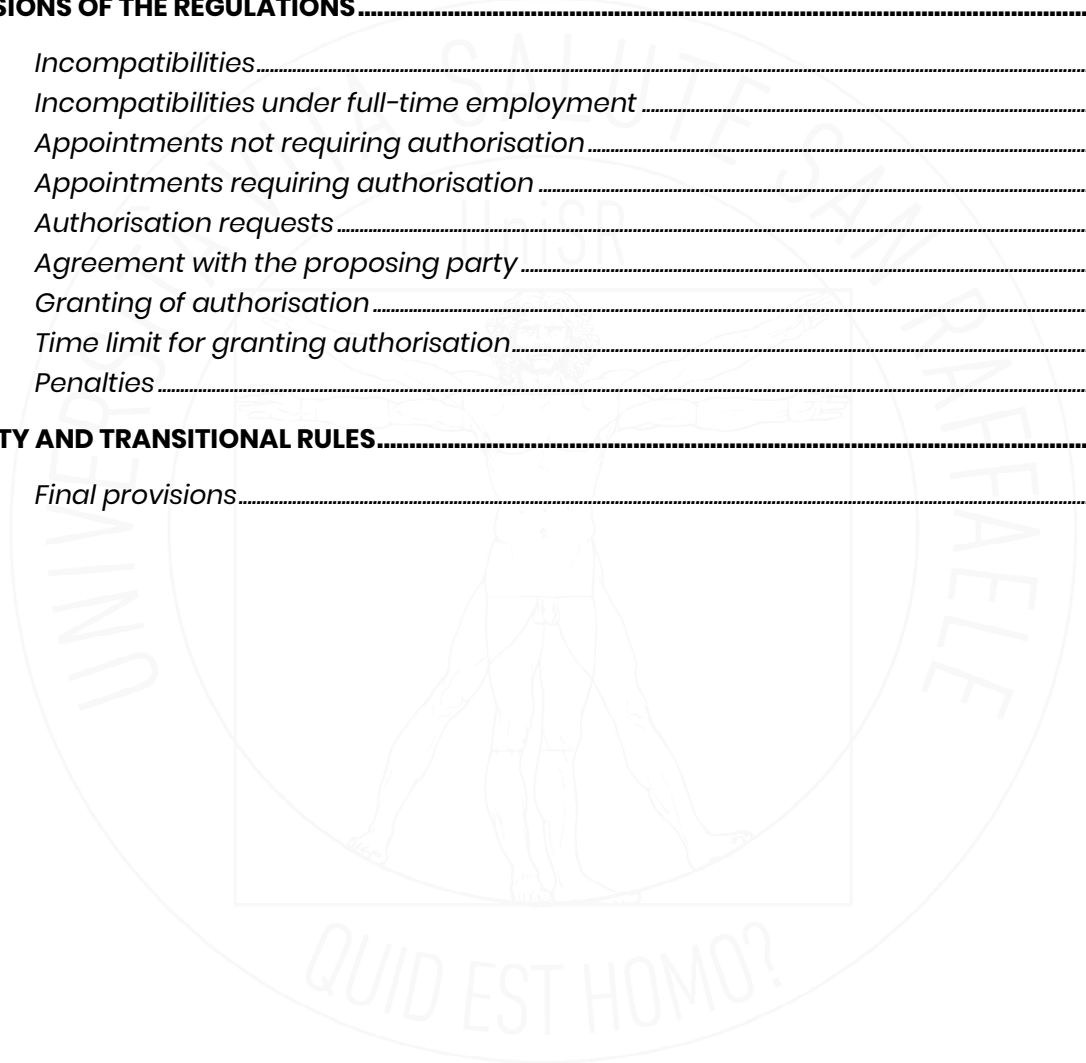
UNIVERSITY REGULATIONS

REGULATIONS ON EXTERNAL APPOINTMENTS OF PROFESSORS AND RESEARCHERS OF VITA-SALUTE SAN RAFFAELE UNIVERSITY

ISSUED BY RECTOR'S DECREE NO. 7960 OF 19/12/2022

Contents

1	PURPOSE AND SCOPE	3
	<i>ART.1 Purpose and scope</i>	<i>3</i>
2	PROVISIONS OF THE REGULATIONS	3
	<i>ART.2 Incompatibilities.....</i>	<i>3</i>
	<i>ART.3 Incompatibilities under full-time employment</i>	<i>3</i>
	<i>ART.4 Appointments not requiring authorisation</i>	<i>4</i>
	<i>ART.5 Appointments requiring authorisation</i>	<i>5</i>
	<i>ART.6 Authorisation requests</i>	<i>5</i>
	<i>ART.7 Agreement with the proposing party</i>	<i>5</i>
	<i>ART.8 Granting of authorisation</i>	<i>6</i>
	<i>ART.9 Time limit for granting authorisation</i>	<i>6</i>
	<i>ART.10 Penalties</i>	<i>6</i>
3	VALIDITY AND TRANSITIONAL RULES.....	6
	<i>ART.11 Final provisions.....</i>	<i>6</i>



1 Purpose and Scope

ART.1 Purpose and scope

1. These regulations (the "**Regulations**") govern, in accordance with article 6(9), (10) and (12) of Italian Law no. 240 of 30 December 2010, the incompatibilities, criteria and procedures for the granting of authorisation to hold appointments conferred by entities and/or Institutions other than Vita-Salute San Raffaele University (the "**University**") to professors and/or researchers of the University who are in full-time or part-time employment, hired on a permanent or fixed-term basis (respectively, the "**Professors**" and "**Researchers**"). For all matters not governed by the Regulations, refer to article 53 of Italian Legislative Decree no. 165 of 30 March 2001.
2. The provisions of articles 13, 14 and 15 of Italian Presidential Decree no. 382 of 11 July 1980 remain in force, without prejudice to the provisions of the agreements adopted pursuant to article 6(13) of Italian Law 240/2010.

2 Provisions of the Regulations

ART.2 Incompatibilities

1. The role of Professor and/or Researcher is incompatible with:
 - a) the exercise of trade and industry (without prejudice to the possibility of setting up companies with the characteristics of spin-offs or university start-ups pursuant to articles 2 and 3 of Italian Legislative Decree no. 297 of 27 July 1999), i.e. the performance of any entrepreneurial activity and/or participation as a partner in partnerships or as a controlling partner in joint-stock companies, and without prejudice to the possibility of express authorisation, pursuant to article 8 of these Regulations, within the limits of the law, in cases where the liability of the partner is limited by law or by deed of incorporation and where the participation is not controlling or in cases of assumption of corporate offices without operational proxies;
 - b) the carrying out, even indirectly, of activities and/or assignments that entail or could entail a conflict of interest with the activity carried out by the University or which could, in any case, be even indirectly detrimental to the University or to teaching, research or management activities;
 - c) the carrying out of activities that are not in keeping with the decorum of the University or that may be harmful its image.
2. Persons who hold or have held in the previous two years positions in political parties or trade unions or who have held, in the previous two years, continuous collaborative or consultancy relations with the aforementioned organisations, as provided for in article 53(1bis) of Italian Legislative Decree no. 165 of 30 March 2001, may not be appointed as directors of personnel management facilities.

ART.3 Incompatibilities under full-time employment

1. Without prejudice to the provisions of article 2 above, the activity of full-time Professor and Researcher is also incompatible with employment or freelance work, meaning any activity and/or consultancy carried out in favour of natural and/or legal persons other than the University, on a continuous or professional basis and, in any event, with a habitual, systematic and continuous nature.
2. The activities referred to in articles 4 and 5 are also considered incompatible with full-time employment if they involve a total commitment of more than 500 hours over a period of 12 consecutive months.

ART.4 Appointments not requiring authorisation

1. Professors and Researchers, without prejudice to the provisions of articles 2 and 3 above and the fulfilment of their institutional obligations of commitment and diligence towards the University, may freely perform the following, even on a paid basis:
 - a) evaluation and refereeing activities, such as participation in technical-scientific advisory bodies of the State, public and publicly co-owned institutions, and research and cultural institutions in general, participation in committees for State examinations and public competitive exams and in committees carrying out an evaluation activity pertaining to their disciplinary field, thus participation in technical committees, ministerial committees, competition commissions, as well as acting as a member of evaluation committees;
 - b) occasional lectures and seminars;
 - c) scientific collaboration activities, meaning participation in research projects and activities of Foundations and/or companies in which the University participates, activities deriving from orders, contracts and agreements signed by the University, training activities in whose design and implementation the University contributes and which have been duly approved by the same, cooperation as an expert on scientific boards of research institutions;
 - d) consultancy activities of a personal nature that are not carried out in a professional, organised or coordinated manner;
 - e) scientific and cultural communication and dissemination activities, such as participation in conferences and symposia;
 - f) publicising and publishing activities;
 - g) economic use, as author or inventor, of intellectual works and industrial inventions;
 - h) unremunerated activities, for which only the reimbursement of documented expenses is paid;
 - i) appointments for which the Professor and/or Researcher is officially on leave, in command or non-tenured in accordance with the law;
 - j) appointments by trade union organisations to employees seconded to them or on unpaid leave;
 - k) training activities for public administration employees;
 - l) judicial expertise;
 - m) participation in professional, continuing and recurrent education courses carried out in cooperation with public institutions.
2. Only Professors and Researchers on part-time contracts may also engage in freelance activities of a continuous nature.
3. Full-time professors and Researchers are required to inform the University in advance of the identification details of the party to whom/which the activity will be rendered, the purpose and duration of the same and therefore the commitment envisaged, as well as any corresponding remuneration, as well as any variation in these aspects.

ART.5 Appointments requiring authorisation

1. Full-time Professors and Researchers may only perform, subject to discretionary authorisation by the Rector:
 - a) teaching and research functions;
 - b) institutional and managerial duties without any employment constraints at public and private non-profit organisations, it being understood that the absence of a profit-making purpose must be formally established in the deeds of incorporation or constitution of the institution granting the appointment and cannot be deduced from factual situations relating to the actual activity carried out by the institution itself, and that, for “in-house” private law institutions without such a requirement, the assumption of the office is admissible subject to the prior leave of the Professor or Researcher concerned;
 - c) activities and/or assignments competing, provided that there is no conflict of interest, with the activity carried out by the University or in favour of contractors, providers and/or consultants of the University itself.
2. Professors and Researchers on part-time contracts may carry out teaching and research activities at foreign universities or research organisations subject to the discretionary authorisation of the Rector, who shall assess their compatibility with the fulfilment of institutional obligations.

ART.6 Authorisation requests

1. The Professor or Researcher, or the public or private party intending to make an appointment of the kind referred to in article 5 above, must send the request for authorisation to the Rector and, for information, to the Dean of the Faculty with which the lecturer in question is affiliated, at least 45 days before the start of the appointment.
2. The application must include the following information:
 - a) the name of the public or private institution making the appointment;
 - b) the purpose of the appointment;
 - c) the manner in which it will be carried out in relation to the location, duration, and the commitment actually required quantified as the number of hours per year;
 - d) the amount of the expected or assumed consideration;
 - e) the lecturer’s undertaking to carry out the assignment while respecting the confidentiality and privacy of news and information acquired by reason of his/her role at the University and a declaration stating that the performance of the assignment does not conflict with the Regulations, does not, even potentially, constitute a conflict of interest, with the University, and does not prejudice the regular performance of the institutional duties of the Professor and/or Researcher.
3. If the application is submitted by the lecturer concerned, a copy of the document by which the public or private entity proposes the appointment must be attached to it.

ART.7 Agreement with the proposing party

1. With regard to appointments requiring authorisation, unless otherwise provided for by law, the Rector may, instead of issuing the authorisation, require a specific agreement to be concluded between the University and the proposing party governing the performance of the service.
2. The activity will be carried out by Professors and/or Researchers of the University identified by mutual agreement between the parties.

3. The fee for the service will be paid directly to the University, which in turn will directly pay the fees due to the Professor and/or Researcher, withholding 10% of the total fee, as a charge for administrative management. VAT at the legal rate may be added to these amounts, where payable.

ART.8 Granting of authorisation

1. Authorisation to carry out the activities referred to in article 5 shall be granted by the Rector having consulted the Dean of the Faculty with which the lecturer is affiliated, subject to verification of the compatibility of the said activities with the performance of the lecturer's institutional duties.
2. The opinion of the Dean of the Faculty must be issued within 10 days of receipt of the request. Once this deadline has passed, the Rector may dispense with the acquisition of the opinion.
3. If it transpires that, in the course of its performance, the authorised activity involves a breach of the obligations laid down by law, the University's regulations and/or the University's Code of Ethics, the authorisation may be revoked.
4. If, during the course of the assignment authorised pursuant to these Regulations, the original situation declared by the Professor and/or Researcher in the application referred to in article 6(2) of the Regulations should change, the applicant is required to notify the University in good time, so that it may start a new investigation and, if necessary, if the conditions are met, revoke the authorisation granted.

ART.9 Time limit for granting authorisation

1. The Rector will issue his/her decision within 30 days of receiving the request. Should the Rector, perceiving gaps or inconsistencies in the Professor's and/or Researcher's application for authorisation, request clarification from the applicant, the above time limit shall be understood to be suspended from the moment the request for clarification is made and shall recommence from the day on which the clarifications are provided by the Professor and/or Researcher.
2. After expiry of the corresponding time limit, the authorisation is deemed to be granted if it concerns appointments to be made by public authorities and is deemed to be denied in all other cases.

ART.10 Penalties

1. In the event of non-compliance with the prohibition to carry out the activities referred to in article 5 of these Regulations, without the prior authorisation issued by the Rector pursuant to article 8 hereof, the Professor and/or Researcher concerned shall incur disciplinary liability and the remuneration due for any services rendered shall be paid, by the granting party or, failing that, by the Professor and/or Researcher, into the revenue account of the University budget.

3 Validity and transitional rules

ART.11 Final provisions

1. These Regulations are issued by Rector's Decree, published electronically on the University website.
2. The Regulations enter into force on 1 January 2023.
3. The Regulations for granting university professors and researchers authorisation to hold paid posts, issued by Rector's Decree o. 3335 of 16 May 2011, is repealed.
4. The use of equipment, means and/or instruments owned by the University in the performance of appointments made by other parties and the performance of such appointments on University

premises shall be permitted only with the express joint authorisation of the Rector and the Managing Director.

5. Without prejudice to the provisions of the preceding paragraph, appointments carried out by Professors and/or Researchers in favour of legal and/or natural persons other than the University shall be performed outside the hours dedicated to academic duties.
6. With the exception of what is strictly necessary to indicate their title as Professor or Researcher of the University, Professors and/or Researchers are expressly prohibited from (i) using and/or expending in any way, orally or in writing, for any purpose whatsoever, the name and/or distinctive marks of the University in the performance of an appointment conferred by a natural or legal person other than the University and/or (ii) attributing or linking in any way to the University, orally or in writing, in whole or in part, the results of a research, study or activity and/or opinions or evaluations, carried out and/or issued within the context of such external appointment, without the University's prior written authorisation.
7. It should be noted that all personal data requested from data subjects or in any case collected within the scope of these Regulations will be used by the University as the data controller on the basis of its own legitimate interest in the proper organisation of work and the protection of its own interests from conflict situations, as authorised by the same law (and in particular by Italian Law no. 240/2010) and for the purposes indicated in the Regulations themselves, in particular for evaluations regarding the existence of the requirements imposed by law for taking on assignments and performing services outside the University. If the data subject has doubts regarding the processing of his/her personal data within the scope of this Regulation or wishes to exercise his or her rights under articles 15-22 of the Regulation (EU) 2016/679, he or she may write to privacy@univr.it. If he or she considers that the processing of personal data carried out is unlawful, he or she may lodge a complaint with the Italian Data Protection Authority. For further information on how the University processes personal data and on their rights, data subjects may consult the privacy policy provided when the relationship was established and of which a copy may be requested by writing to privacy@univr.it.
8. For any aspect not provided for in these Regulations, the applicable legislation shall apply.

Issued by Rector's Decree no. 7960 of 19 December 2022 (effective from 1 January 2023)

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.