



POLITECNICO
MILANO 1863

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POLITECNICO DI MILANO

THE RECTOR

HAVING REGARD to Italian Presidential Decree 10.01.1957, No 3 'Consolidated law on the provisions concerning the statute of

civil servants - Statute of civil servants', and subsequent amendments;

HAVING REGARD to Italian Presidential Decree No 382 of 11.07.1980, 'Reorganization of university teaching, related training bracket and organizational and educational experimentation', and subsequent amendments;

HAVING REGARD TO Italian Law No 168 of 09.05.1989, 'Establishment of the Ministry of Universities and Scientific and Technological Research' and subsequent amendments;

HAVING REGARD TO Italian Law No 210 of 3.07.1998, 'Rules for the recruitment of researchers and permanent university professors', and subsequent amendments, and in particular Art. 6

HAVING REGARD TO Italian Leg. Decree no 165 of 30.03.2001, 'General labour regulations for employees of public administrations', and subsequent amendments;

HAVING REGARD TO Italian Law No 240 of 31.12.2010, 'Regulations on the organization of universities, academic staff and recruitment, as well as delegation to the Government to encourage the quality and efficiency of the university system', and subsequent amendments, and in particular Art. 6 'Legal status of permanent professors and researchers';

HAVING REGARD TO Italian Law No 190 of 06.11.2012, 'Provisions for the prevention and repression of corruption and illegality in public administration', and subsequent amendments;

HAVING REGARD TO Italian Leg. Decree No 39 of 08.04.2013, 'Regulations on the non-transferability and incompatibility of offices in public administrations and in private entities under public control, pursuant to Article 1, paragraphs 49 and 50 of Italian Law No 190 of 6 November 2012', and subsequent amendments;

HAVING REGARD TO Italian Leg. Decree No 50 of 18.04.2016, 'Code of public contracts', and subsequent amendments;

HAVING REGARD TO Italian Leg. Decree No 117 of 3.07.2017, 'Third Sector code, pursuant to Article 1, paragraph 2 b) of Law No 106';

HAVING REGARD TO the National Anti-Corruption Plan - Update 2017 - approved by the Italian National Anti-Corruption Authority [ANAC] with Resolution No 1208 of 22.11.2017;

HAVING REGARD to the Education Act of the Minister of Education, University and Research - Reg. No 39 of 14.05.2018 '2017 update to the NATIONAL ANTI-CORRUPTION PLAN - UNIVERSITY SECTION, approved with ANAC Resolution No 1208 of 22 November

2017'; HAVING REGARD TO the current Statute of the Politecnico di Milano;

HAVING REGARD TO the General University Regulations in force;

HAVING REGARD TO Rector's Decree No 2033/AG of 1 August 2011 issuing the 'Regulations governing appointments outside the university for professors and researchers';

HAVING ACKNOWLEDGED the resolutions adopted by the Academic Senate and the Board of Governors, in their respective meetings on 15 and 23 July 2019, in order to approve the new 'Regulations on the external appointments of professors and researchers';

HEREBY DECREES

Article 1

- 1) For all the reasons indicated in the introduction, the new 'Regulation on the external appointments of professors and researchers' is issued, the text of which is given in full below.

REGULATIONS ON EXTERNAL APPOINTMENTS OF PROFESSORS AND RESEARCHERS

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Chapter I Common provisions

Art. 1 Purpose and scope of application

- 1) These Regulations, issued in accordance with the principle of university autonomy and in compliance with current legislation and the University Statute:
 - a) govern the regime of incompatibilities and prohibitions concerning external assignments undertaken by professors and researchers, even on a fixed-term basis, either full-time or part-time;
 - b) identify the external appointments that professors and researchers, including on a fixed-term basis, either full-time or part-time, can take on with the authorization of the Rector and govern the established conditions and procedures for granting this authorization;
 - c) identify the external appointments that professors and researchers, even on a fixed-term basis, either full-time or part-time, can freely carry out, subject to notifying the University in accordance with the procedures established by these Regulations.
- 2) These Regulations do not apply to appointments that, in compliance with the provisions of the regulations in force, require the compulsory placement of the professor or researcher (hereinafter also the "professor") in a position of forced leave, secondment or outplacement.
- 3) Furthermore, these Regulations do not apply to assignments awarded to professors in execution of specific agreements stipulated with other universities or public research bodies in accordance with the provisions of Art. 6, paragraph 11 of Italian Law No 240/2010.
- 4) For anything not provided for by these Regulations and by Law No 240/2010, the provisions shall apply on incompatibility, the maximum number of paid jobs and appointments established by Presidential Decree (hereinafter D.P.R.) No 382/1980 and, as applicable, Art. 53 of Legislative Decree No 165/2001.

Art. 2 General principles

- 1) Pursuant to these Regulations, external appointment means any assignment, even occasional, paid or free of charge, not included in the professor's official duties and carried out on behalf of public and private entities other than the university, even freelance and in any case with no employer-employee relationship.
- 2) The Politecnico di Milano, without prejudice to compliance with current legislation, considers external

appointments an essential tool for the implementation of the third mission and therefore encourages them for the purpose of promoting the dissemination of knowledge, the individual growth of professors and the development of the main social, economic and cultural context of reference of the university.

- 3) Through the services of the university information system, the Politecnico di Milano monitors continuously the university professors' fulfilment of their institutional duties.
- 4) Without prejudice to the provisions of paragraph 2 above and without prejudice to the application of the disciplinary measures provided for by the Code of Ethics and Conduct or any more serious sanctions, professors and researchers, regardless of the chosen work schedule, who have failed to fulfil and report on their institutional duties towards the university, through the tools referred to in the previous paragraph, shall in any case be precluded from taking on external appointments of any nature whatsoever.

Art. 3

Conflict of interest

- 1) Regardless of the chosen work schedule, professors and researchers are prohibited from accepting external appointments, even unpaid, which lead to even only potential situations of conflict of interest - objective or subjective, direct or indirect - with the Politecnico di Milano.
- 2) In any case, it is forbidden to undertake activities aimed at preparing university exams and completing university courses for companies, entities or bodies that provide paid services for students.
- 3) In any case, assignments of patronage and legal assistance in legal disputes against the university or appointments as technical consultant in disputes in which the university is the counterparty constitute a situation of conflict of interest.
- 4) Regardless of the chosen work schedule, professors and researchers shall promptly notify the university of any situations of conflict of interest that may arise during the performance of their assignments and, in this case, must discontinue them immediately.

Art. 4

Activities prohibited regardless of the chosen work schedule

- 1) Regardless of the chosen work schedule, professors and researchers are prohibited from:
 - a) entering into other employment contracts, including temporary contracts, with public or private entities, without prejudice, for part-time professors, to the relationships established at foreign universities or research centres in accordance with the provisions of Art. 6, paragraph 12 last sentence of Law No 240/2010;
 - b) working in trade and industry, here understood for example as economic and/or entrepreneurial activities organized for the purpose of the production or exchange of goods and services. Without prejudice to the possibility of setting up university spin-offs or start-ups, pursuant to Articles 2 and 3 of Leg. Decree No 297/1999 and Ministerial Decree No 168 of 10 August 2011, even assuming formal responsibilities in this context, subject to authorization by the Rector. However, this is without prejudice, in this case, to the incompatibilities with the academic offices referred to in Ministerial Decree No 168/2011;
 - c) participating as a shareholder in a partnership, except in the event that the shareholder's liability is limited by current legislation or by the articles of association of the company;
 - d) taking the position of chairperson with operational powers, sole director, general manager and director general or chief executive officer of joint-stock companies or other profit-making entities, unless the position, by law or regulatory act, is held by designation of public entities or administrations, bodies predominantly owned by public authorities or of the university itself, without prejudice in any case to the fact that there must be no employer-employee relationship;
 - e) practising activities contrary to the Statute, the Code of Ethics and Conduct and the principles contained therein.

Chapter II

Professors and Researchers on full-time contracts

Art. 5

Prohibited activities

- 1) Without prejudice to the provisions of Art. 4 above, full-time professors and researchers cannot undertake freelance activities.

Art. 6

Activities permitted with prior authorization

- 1) Professors and researchers on full-time contracts, subject to the authorization of the Rector, may undertake, even with remuneration and possibly freelance:
 - a) research and teaching assignments, including individual lessons, with public or private entities for or not for profit;
 - b) institutional and managerial appointments, with no employee-employer relationship, with public and private non-profit organizations or bodies, including internationally;
 - c) institutional and managerial appointments with profit-making entities and companies, within the limits permitted by Art. 4, paragraph 1 d) above;
 - d) institutional and managerial appointments with profit-making entities and companies, provided that they are without proxies and are non-executive or in any case relate to the figure of non-operational chairperson or non-executive and independent director pursuant to Art. 147-ter, c. 4, of Legislative Decree No 58/1998;
 - e) institutional and managerial positions at university spin-offs or start-ups, pursuant to Articles 2 and 3 of Leg. Decree No 297/1999 and Ministerial Decree No 168 of 10 August 2011;
 - f) institutional and managerial positions in cooperatives;
 - g) appointments as arbitrator or member in any capacity of arbitration panels;
 - h) any other assignment not expressly indicated in the above list as long as it is compatible with the university role and with the provisions of these Regulations.

Art. 7

Activities permitted and not subject to authorization requests

- 1) Professors and researchers on full-time contracts may undertake freely, even with remuneration and possibly freelance:
 - a) evaluation and peer review activities;
 - b) informative seminars;
 - c) collaboration with newspapers, journals, encyclopaedias and similar, participation in conferences, as well as activities of scientific and cultural communication and dissemination, however named;
 - d) participation in technical-scientific evaluation and consultancy committees set up in public administrations, publicly-owned entities or private non-profit entities;
 - e) participation in selection committees set up under the public contracts code;
 - f) training activities, however named, for public servants or public administration schools;
 - g) activities that involve the exploitation of intellectual works and industrial inventions by the author or inventor;
 - h) artistic or sports activities, provided they are not carried out professionally;
 - i) appraisals, party-appointed expert opinions and court-appointed expert opinions conferred in the context of judicial proceedings or equivalent;
 - j) expert opinions, i.e. intellectual activity carried out in a personal capacity and of non-organized, non-professional nature and not attributable to a specific professional role, which the professor carries out as an expert and scholar of the subject and which is normally concluded with an opinion, report or study;

- k) participation in competitions of ideas, it being understood that any self-employment assignments resulting from winning the competition, even if foreseen by the call for applications, require the professor to transfer to a part-time contract;
 - l) activities for which the sole payment is reimbursement of documented expenses.
- 2) Without prejudice to the activities referred to in parts a), b) and c) of the preceding paragraph, professors shall communicate to the university through the university information system any assignments awarded pursuant to this article, before the activities begin. In the communication, the professors shall declare, after careful verification, that they do not know of any conflicts of interest with the university.

Chapter III

Professors and Researchers on part-time contracts

Article 8

Activities permitted with prior authorization and free activities

- 1) Professors and researchers on part-time contracts can carry out, with the authorization of the Rector:
- a) curricular or institutional teaching activities, even free of charge, at public or private universities;
 - b) teaching and research at foreign universities or research bodies even with an employment contract pursuant to Art. 6, paragraph 12 of Law No 240/2010.
- 2) The activities referred to in Articles 6 and 7 of these Regulations and self-employed activities, even on a continuous basis, can be carried out freely and are not subject to prior authorization or communication. Before accepting their assignments, professors and researchers with part-time contracts shall check carefully that there are no conflicts of interest with the university.

Chapter IV

Authorization, complaint and sanctions procedure

Article 9

Authorization application and issue

- 1) The application for authorization is made to the Rector, through the services of the university information system, before the assignment starts. The activities carried out cannot be acknowledged before the submission of the application, not even for the purpose of receiving any compensation. Upon submission of the application, professors shall declare, after careful verification, that they do not know of any conflicts of interest with the university.
- 2) Within 20 days of receiving the application, the Rector shall accept or reject it with justification, communicating the decision to the person concerned. Where clarifications are required, in the event of gaps or inconsistencies in the application, the deadline for the conclusion of the procedure shall be suspended and re-started from the date the clarifications are provided. Should the Rector fail to issue a response within the deadline for the conclusion of the procedure, the application shall be considered accepted.
- 3) The authorization for multi-year appointments is issued for the entire duration of the assignment subject to the conditions for its issue continuing to apply.
- 4) Assignments to be undertaken at entities owned by the Politecnico di Milano may be authorized as a whole, subject to prior request made by these entities to the university Board of Governors, which will decide by assessing the actual activity of the entity. In any case, the entity shall be responsible for fulfilling the communication obligations relating to the activities referred to in this paragraph.
- 5) The power to issue authorizations on applications presented to the Rector lies with the Board of Governors, which decides by majority of its members, after hearing the opinion of the Academic Senate.

Art. 10

Complaints and sanctions

- 1) Without prejudice to the right to take legal action to protect their rights, the professor concerned may, within 10 days of the decision to reject an application, lodge a complaint with the Rector who, having heard the opinion of the Academic Senate, shall decide within 30 days of receiving the complaint.
- 2) Should professors undertake assignments without authorization and/or communication, without prejudice to the application of disciplinary measures or more serious sanctions, the compensation for the services performed shall be paid into the university income account by the payor or, failing that, by the recipient.
- 3) In the event of changes to the originally declared situation during the performance of the authorized and/or communicated assignment, the authorization and communication shall no longer be valid. In this case, the performance of the assignment is suspended until a new authorization is issued and/or new communication is made.

Chapter V Final provisions

Art. 11

Entry into force and transitional rules

- 1) These Regulations are issued by decree of the Rector and shall enter into force on the fifteenth day following their publication on the university website, [http// www.normativa.polimi.it](http://www.normativa.polimi.it).
- 2) The provisions set out in these Regulations shall apply to appointments taken up after its entry into force.
- 3) From the entry into force of these Regulations, the previous 'Regulations governing appointments outside the university for professors and researchers', issued with Rector's Decree No 2033/AG of 1 August 2011.

THE RECTOR
Prof. Ferruccio Resta

Digitally signed in accordance with the Digital Administration Code