



**POLITECNICO**  
MILANO 1863

## POLITECNICO DI MILANO

### THE RECTOR

HAVING REGARD to Italian Presidential Decree No 382 of 11.07.1980, "Reorganization of university teaching, relative training band and organizational and teaching experimentation", and subsequent amendments;

HAVING REGARD to Italian Law No 476 of 13.08.1984, "Provisions on scholarships and PhD programmes in universities", and in particular Article 4;

HAVING REGARD to Italian Law No 241 of 07.08.1990, "New rules on administrative procedures and the right of access to administrative documents", and subsequent amendments;

HAVING REGARD to Italian Law No 335 of 08.08.1995 "Reform of the compulsory and complementary pension system", and in particular Article 2 - paragraphs 2 and following, and subsequent amendments;

HAVING REGARD to Italian Law No 370 of 19.10.1999 "Provisions on universities and scientific and technological research", and subsequent amendments;

HAVING REGARD to Italian Leg. Decree No 165 of 30.03.2001 "General rules on the organization of employment in public administrations", and subsequent amendments;

HAVING REGARD to Italian Law No 296 of 27.12.2006, "Provisions for the formation of the annual and multi-annual State budget (2007 Budget Law)", and in particular Article 1 - paragraph 788, and subsequent amendments;

HAVING REGARD to the Decree of the Italian Minister of Labour and Social Security of 12 July 2007 "Application of the provisions of articles 17 and 22 of Italian Legislative Decree No 151 of 26 March 2001 on the protection and support of maternity and paternity in respect of female workers enrolled separate management of Social Security and National Insurance contributions referred to in article 2, paragraph 26, of Italian Law No 335 of 8 August 1995;

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 in particular Article 18 "Convening of professors", 22 "Temporary research fellowships" and 24 "Researchers on fixed-term contracts", and subsequent amendments;

HAVING REGARD to Italian Decree-Law No 192 of 31.12.2014, "Extension of terms provided for by legislative provisions" converted with amendments by Italian Law No 11 of 27 February 2015, and in particular Article 6 - paragraph 2bis;

HAVING REGARD to Italian Law No 76 of 20.05.2016 "Regulation of same-sex civil partnerships and regulation of cohabitation";

HAVING REGARD to Sentence No 78 of 09 April 2019 of the Italian Constitutional Court on the constitutional legitimacy of Article 18, paragraph 1, letter b), last sentence, of Italian Law No 240 of 30 December 2010 (Regulations on the organization of universities, academic staff and recruitment, as well as delegation to the Government to boost the quality and efficiency of the university system);

HAVING REGARD to the note of the Italian Ministry of Education, University and Research Ref. No 990 of 18.04.2019 "Procedures pursuant to Articles 18, 22 and 24 of Italian Law No 240/2010 - Causes of incompatibility"; HAVING REGARD to Italian Law No 76 of 20.05.2016 "Regulation of same-sex civil partnerships and regulation of cohabitation";

HAVING REGARD to the current Statute of the Politecnico di Milano; HAVING REGARD to the current General University Regulations;

HAVING REGARD to Rector's Decree No 667/AG of 28.02.2011, which issued the Regulation for the award of temporary research fellowships on self-funded programmes, and subsequent

amendments;

HAVING ACKNOWLEDGED the resolutions adopted by the Academic Senate and the Board of Governors, at their respective meetings of 20 and 28 May 2019, regarding the approval of the amendments made to the Regulations for the award of temporary research fellowships on self-funded programmes, in implementation of the provisions of Sentence No. 78/2019 of the Italian Constitutional Court, referred to in Ministerial Note No 990/2019, as well as further improvements made to the regulatory text;

## HEREBY DECREES

### Article 1

- 1) For the reasons mentioned in the introduction, the Regulation for the award of grants for temporary research fellowships on self-funded programmes, issued by Rector's Decree No 667/AG of 28.02.2011 and subsequently amended by Rector's Decree No 2471 of 02.10.2012, 3455 of 13.10.2014, 4674 of 19.12.2014, 2013 of 30.04.2015, 3398 of 29.07.2016, 8268 of 20.12.2017, 6605 of 27.09. 2018 and 3983 of 29.05.2019, is further amended as indicated in the text which is an integral part of this decree.
- 2) Changes made to the regulatory text are marked in ***bold italics***.

## **REGULATION FOR THE GRANTING OF TEMPORARY RESEARCH FELLOWSHIPS ON SELF-FINANCED PROGRAMMES**

### **Article 1 General rules**

- 1) The Politecnico di Milano awards temporary research fellowships, pursuant to Article 22 of Italian Law No 240 of 30.12.2010, to which reference is made for all matters not expressly provided for in these Regulations.
- 2) The purpose of the fellowships is to allow research activities to be carried out by individuals with an appropriate scientific and professional background.

### **Article 2 Activation of fellowships**

- 1) Pursuant to Article 22 - paragraph 4 - letter b) of Italian Law No 240 of 30.12.2010, the Departments and Campuses resolve to award temporary research fellowships for specific self-financed research programmes.
- 2) The resolutions referred to in the preceding paragraph must:
  - a) indicate the research programme and sub-programme for which the activity is intended, and the Research Coordinator;
  - b) establish the minimum curricular requirements that the temporary research fellow must meet in order to carry out the research activity.
  - c) expressly mention the criteria set out in Article 4 - paragraph 3 below and indicate the maximum points to be awarded to them;
  - d) specify the presumed start date;
  - e) indicate the amount and duration of the temporary research fellowship;
  - f) specify the details of the sources of funding to cover the cost of the contract.
- 3) If the fellowship is financed by funds available at the Campuses, the Departmental Board concerned will be able to pass the necessary resolutions for the issue of the call for applications following the request approved by the Campus.
- 4) The call for applications must indicate the number of fellowships, the duration and amount, the University Structure involved, the title of the research programme and sub-programme, the description of the research programme, the CUN (National University Council) Area, the Scientific Disciplinary Sector, the evaluation criteria and related scores as well as the skills and activities required, the deadline for submitting applications, the date of the test, and the professor supervising the research.
- 5) The call for applications will be published, for at least 20 days, on the Albo Ufficiale di Ateneo (University Official Register) and on the website of the Politecnico di Milano, on the website of the Italian Ministry of Education, Universities and Research and on the website of the European Union.

### **Article 3 Tasks and responsibilities**

- 1) The Research or Programme Coordinator:
  - a) activates the call for applications, indicating the relevant funding and any useful information for the purposes of issuing the call;
  - b) is responsible for the research activity in which the temporary research fellow is to carry out the research and supervises the activity;
  - c) may chair the Selection Committee;
  - d) prepares the opinion accompanying the temporary research fellow's final report;
  - e) prepares the reasoned report in cases of withdrawal and disqualification;
  - f) draws up the opinion on the work carried out by the temporary research fellow.
- 2) The Board of the Structure, in addition to approving the call, decides on the termination of the contract, upon motivated request of the Research Coordinator.
- 3) The Department Head:
  - a) issues the calls for applications;
  - b) appoints the members of the Selection Committee;

- c) approves the judgement made by the Research Coordinator on the activities carried out by the temporary research fellow, for the purposes of renewing the fellowship;
  - d) sends the temporary research fellow's report, together with the opinions expressed, to the competent Area of the General Management;
  - e) declares the equivalence, in terms of disciplinary correspondence, of the degree and the PhD qualification awarded abroad;
  - f) issues repeated calls for applications.
- 4) The Director General:
- a) appoints the Selection Committees after the deadline for submitting applications;
  - b) approves the final decisions of the Selection Committees;
  - c) nominates the winners;
  - d) signs the temporary research fellowship contracts and renewal contracts;
  - e) challenges the temporary research fellow on the incompatibilities indicated in Article 9 below.
- 5) The competent area of the General Management:
- a) publishes the calls for applications according to the procedures indicated in Article 2 - point 5 above;
  - b) prepares the documentation for the Selection Committee;
  - c) pays the fellowship grant to the beneficiary.

#### **Article 4**

##### **Selection procedures**

- 1) Selection is by means of a comparative assessment of the qualifications submitted by the applicants, possibly supplemented by an interview.
- 2) Unless the call for applications makes it a compulsory entry requirement, having a PhD is preferential for the awarding of the temporary research fellowships.
- 3) The evaluation criteria to be used by the Selection Committee in the procedures are:
  - a) relevance of the qualifications to the research programme in question;
  - b) consistency of the applicant's overall profile with the content of the research programme in question;
  - c) relevance of the publications, theses and scientific products submitted by the applicant to the research programme in question;
  - d) where an interview is foreseen in the call for applications: the interview is intended to test the applicant's research skills.
- 4) Notwithstanding the selection procedures governed by these Regulations, the Politecnico di Milano may enter into private law contracts with persons meeting the requirements specified in Article 7 - paragraph 1 below, identified following public selections made by ministries, the European Union, national public administrations, other national or international research bodies, as part of programmes financed by the latter at the Politecnico di Milano. In this case, the conclusion of the contract is approved by the Academic Senate.
- 5) Applicants residing or domiciled more than 600 km from the selection campus, or for particular and justified needs, may ask the Selection Committee to allow them to take part in the interview remotely by using digital audio and video equipment, provided that their identity can be reliably verified.

#### **Article 5**

##### **Selection Committees**

- 1) The Selection Committee is composed of three members, chosen from among professors and researchers with research experience in the fields covered by the call, ensuring, *as a rule*, adequate gender representation.
- 2) The Committee may, if necessary, make use of Italian and foreign experts.
- 3) The following cannot be members of the Committee:

- a) those who have been convicted, even with a sentence that has not been finalised, of the offences referred to in Chapter I of Title II of Book II of the Italian Penal Code;
  - b) those who have, with applicants or with the other members of the Committee itself, a relationship of marriage or kinship or affinity up to and including the 4th degree, or a same-sex civil union relationship as regulated by Article 1 of Italian Law No 76 of 20.05.2016, or are in a state of de facto cohabitation as regulated by Article 1 - paragraphs 37 et seq. of Italian Law No 76 of 20.05.2016;
  - c) those who have obtained a negative assessment pursuant to Article 6 - paragraph 7 of Italian Law 240/2010.
- 4) The appointment of the Selection Committee, by order of the Director General, is published in the University Official Register and on the Politecnico di Milano website.
  - 5) Once the applications have been received, each member of the Committee shall verify that there is no incompatibility between the members of the Committee and the applicants pursuant to Articles 51 and 52 of the Italian Code of Civil Procedure.
  - 6) The Selection Committee is responsible for drawing up the ranking list on the basis of the sum of the scores obtained by each applicant, formulating a reasoned judgement.  
In the event of a tie, holding a PhD qualification, if not required for admission purposes, will be considered preferential for the award of the fellowship. Alternatively, preference is given to the youngest applicant.
  - 7) The minutes, signed by all the members of the Committee, are public and must be forwarded to the competent Area of the General Management, which will approve the decisions and appoint the winners.
  - 8) The Selection Committee must complete its work within 90 days of its appointment.
  - 9) The ranking of the winners and any suitable applicants is published on the University Official Register and on the Politecnico di Milano website.
  - 10) Placement on the ranking list does not constitute eligibility for subsequent evaluation procedures.
  - 11) No remuneration is foreseen for the members of the Selection Committee.
  - 12) The Committee may make use of remote working tools and conduct all its meetings remotely.

## Article 6

### How to participate in the selection procedure

- 1) Those wishing to take part in the selection procedures must use the appropriate forms provided by the Politecnico di Milano.
- 2) Applications must be submitted in accordance with the procedures and deadlines laid down in the calls for applications, accompanied by the scientific-professional curriculum vitae. ***A maximum of 4 publications or attested scientific products may be attached to the application, in addition to any final theses for academic qualifications obtained.***

## Article 7

### Subjective requirements

- 1) Temporary research fellowships may be awarded to PhD holders or graduates of the old educational system and graduates with a specialized or Laurea Magistrale (equivalent to Master of Science) degree, in possession of an appropriate and documented professional scientific curriculum vitae in the area of research related to the activities covered by the calls.
- 2) If the degree was obtained abroad, its disciplinary equivalence must be declared for the sole purposes of the selection, as per Article 3 above, by the Head of the Department where the research activity will be carried out.
- 3) In accordance with Article 22 of Italian Law No 240 of 30.12.2010, temporary research fellowships cannot be awarded to permanent staff, including those on fixed-term contracts, working at universities, public research and experimentation institutions and bodies, ASI, ENEA, and at institutions whose postgraduate scientific diploma has been recognized as equivalent to the PhD qualification in accordance with Article 74 - paragraph 4 of Italian Presidential Decree No 382 of 11.07.1980.

- 4) The awarding of a temporary research fellowship entails, for employees working for public administrations other than those indicated above, being placed on unpaid leave for the duration of the temporary research fellowship.
- 5) Fellowships do not give rise to any right of access to university posts.

### **Article 8**

#### **Fellowship duration and grant amount**

- 1) The amount, gross of charges to be borne by the beneficiary, must be equal to or greater than the minimum value set by the Italian Ministry of Education, Universities and Research by decree.
- 2) The Board of Governors establishes the criteria governing the annual amounts of the fellowship grants.
- 3) The fellowship grants are paid to the beneficiary in monthly instalments.
- 4) The temporary research fellowship has a duration of no less than 1 year and no more than 3 years.
- 5) The fellowship may be renewed, at the proposal of the Structure, after evaluation of the activity carried out by the temporary research fellow in relation to the research project and the progress of the programme itself.
- 6) The minimum duration of the fellowship renewal is 12 months, the maximum is 36 months.  
***Exclusively in the case of research projects where an annual temporary research fellowship cannot be awarded due to the term, the minimum duration of renewal may be 6 months.***  
At the request of the Structure, the amount of the fellowship grant may be increased by up to 20 % of the original amount.
- 7) The total duration of the temporary research fellowship, including renewals, must not exceed six years, excluding the period during which the fellowship grant was used in conjunction with a PhD without a scholarship.
- 8) The temporary research fellowship may be extended once only, at the proposal of the Structure, for justified needs related to the completion or continuation of the research programme in which the temporary research fellow is engaged.  
The extension will take place under the same legal and economic conditions as the original contract, may not exceed six months and must in any event respect the constraint of a maximum total duration of 36 months.
- 9) Temporary research fellowships awarded in accordance with Article 51, paragraph 6 of Law No 449 of 27 December 1997 do not count towards the 6-year limit.

### **Article 9**

#### **Incompatibility**

- 1) Combination with other fellowships and scholarships of any kind is not permitted, except for those granted by national or foreign institutions for the purpose of supplementing the research activities of temporary research fellows through stays abroad.
- 2) The following are not eligible for temporary research fellowships: those enrolled in Laurea (equivalent to Bachelor of Science) programmes, specialized or Laurea Magistrale (equivalent to Master of Science) degree programmes, PhD programmes with scholarships, and medical specialization schools, both in Italy and abroad. The temporary research fellow can attend PhD programmes, even if all places on the programme are taken and the fellow is not entitled to a scholarship.
- 3) The incompatibilities provided for in Article 7 - paragraph 3 above also extend to employees in the public and private sectors, including part-time and fixed-term contracts.
- 4) The temporary research fellow may work professionally and enter into contracts that fall into the category of self-employment contracts, provided that this does not interfere with the successful conduct of the research activity covered by the contract, and subject to the written authorization of the Head of the Structure, in consultation with the Research or Programme Coordinator. These activities are incompatible with the temporary research fellowship in the absence of such authorization.
- 5) The temporary research fellow may not carry out activities that may lead to a conflict of interest with the activities of the Politecnico di Milano.

- 6) Those who have a relationship of kinship or affinity, up to the 4th degree inclusive, with a full or associate professor belonging to the Structures issuing the call for applications, or with the Rector, the Director General or a member of the Board of Governors of the University may not participate in the selection procedures.

## **Article 10**

### **Stipulation of contracts and fellows' duties**

- 1) Within 30 days from the date of approval of the Selection Committee's decisions, the winner of the selection will be invited to sign the private law contract for the performance of the research activity, which must be in writing. The contract does not constitute an employment relationship.
- 2) The contract is signed by the temporary research fellow and the Director General.
- 3) Temporary research fellows conduct research under the direction of the Research or Programme Coordinator.
- 4) The temporary research fellow is obliged to carry out the entire research activity covered by the collaboration on a continuous and not merely occasional basis.
- 5) The temporary research fellow shall start the activity according to the modalities indicated by the Research Coordinator, which will be reflected in the activity start-up document. Failure to commence activities in this manner constitutes a serious breach of contract.
- 6) If the Research Coordinator considers that the temporary research fellow's work is not proceeding correctly, he/she shall notify the fellow and ask his/her Department Head to appoint an Audit Committee. This committee must be composed of at least three professors and is responsible for evaluating the fellow's activities and drawing up a report to be sent to the Department Board and the person concerned.
- 7) Any negative evaluation decided by the Department Board constitutes a serious breach of contract.
- 8) At the end of the contract, the temporary research fellow must submit a report on the research activity carried out and the results achieved within the project. The report, accompanied by the opinion of the Research Coordinator, is submitted for the opinion of the Head of the Department concerned, who then forwards it to the competent Area of the General Management. If the report is not submitted, the fellowship will not be renewed or a new fellowship issued.

## **Article 11**

### **Deadlines for selection and start-up procedures**

- 1) In view of the complexity of the procedures for the activation and selection of temporary research fellowships, the related procedures shall be completed within 180 days from the date of the resolution of the Board of the Structure concerned and until the beginning of the temporary research fellow's work.
- 2) Any postponement of the start of the activity beyond the above-mentioned 180 days is only permitted in the event of delays in obtaining the necessary authorizations for the conduct of scientific research by non-EU citizens or for justified needs declared by the Head of the Department.
- 3) The process of awarding the temporary research fellowship and the commencement of the winner's work must in any event be completed within the time limits set out in paragraph 1 above; if these time limits are not met, the fellowship shall be cancelled and the grant amount recovered.
- 4) In the event that the Selection Committee does not declare a winner, or if there are no competitors, a new fellowship call may be made within 60 days of the deadline of the previous call.
- 5) If the successful fellow fails to start work within the deadline established in the call for applications or if he/she expressly withdraws, and if there are other suitable applicants in the ranking list, the fellowship will be awarded within 30 days following the order of the ranking list. The 30 days run from the date of on which work was supposed to begin or the date of express withdrawal.



- 6) In the cases envisaged in paragraph 5 above, if there are no other suitable applicants in the ranking list, the temporary research fellowship may be re-awarded for the same project within 30 days, starting from the date on which the winner was supposed to start work or the date of express withdrawal.

#### **Article 12**

##### **Tax, social security and insurance arrangements**

- 1) Income and personal tax exemptions apply to temporary research fellowship grants, in accordance with Article 4 of Italian Law No 476 of 13.08.1984.
- 2) For leave of absence for health reasons, the provisions of Article 1 - paragraph 788 of Italian Law No 296 of 27.12.2006 apply. As regards compulsory maternity leave, the allowance paid by the INPS (National Social Security Institute) is supplemented by the Politecnico di Milano up to the full amount of the temporary research fellowship grant.
- 3) The other provisions of Article 1 - paragraph 788 of Italian Law No 296 of 27.12.2006 shall also apply, insofar as they are compatible, to temporary research fellows.
- 4) The Politecnico di Milano provides INAIL (National Institute for Insurance Against Accidents at Work) insurance coverage against accidents and civil liability with insurance coverage charged to specific budget funds.
- 5) The Politecnico di Milano shall deduct from the remuneration, for each calendar year, an amount relating to the insurance premium for "Accident insurance policy for students, temporary research fellows and similar figures".

#### **Article 13**

##### **Travel and accommodation expenses**

- 1) The temporary research fellow's travel and accommodation expenses shall be paid from the funds allocated by the Research Coordinator or the host Structure, in accordance with the provisions of the University regulations on travel and accommodation.

#### **Article 14**

##### **Withdrawal from the contract**

- 1) Withdrawal from the contract may be initiated by the temporary research fellow or by the Politecnico di Milano.
- 2) In the event of withdrawal from the contract, the withdrawing party is required to give 30 days notice.
- 3) In the event that the research fellow fails to give notice, the Politecnico di Milano has the right to withhold or recover from the temporary research fellow an amount corresponding to the remuneration for the period of notice not given, unless written authorization is given by the Research Coordinator or the Head of Department to withdraw with a notice period of less than 30 days. In any case, the notice period cannot be less than 15 calendar days.
- 4) Funds not used for the contract are returned to the Structures concerned.
- 5) Withdrawal from the contract by the Politecnico di Milano is decided by the Boards of the Structures concerned, on the reasoned proposal of the Research Coordinator.

#### **Article 15**

##### **Hypothesis of withdrawal by the Politecnico**

- 1) Withdrawal from the contract may be formalised by the Politecnico by decree of the Director General in the following cases:
  - a) in the event that the temporary research fellow fails to comply with the obligations set out in Article 9 concerning incompatibility;
  - b) in the event that the temporary research fellow fails to fulfil the obligations referred to in Article 10 point 5, if he/she does not commence the activity in accordance with the procedures indicated by the Research Coordinator;
  - c) in the event that the Department Board, as referred to in Article 10 point 6, assesses the activity negatively;
  - d) in the event that the temporary research fellow fails to fulfil any other obligation expressly provided for in the contract.
- 2) In the event of withdrawal, remuneration will be paid in proportion to the period of work

carried out by the temporary research fellow and approved by the Research Coordinator.

- 3) A temporary research fellow who is found to be involved in one of the incompatibilities envisaged shall be required to repay any instalments of fellowship grants received in respect of the period during which the incompatibility arose.

**Article 16**  
**Suspension of work**

- 1) Suspension of the work for the period of compulsory maternity leave shall entail extension of the contractual relationship, without prejudice to the amount of the temporary research fellowship grant determined in the contract.
- 2) Periods of illness, accident, parental leave and lack of work due to serious family reasons shall result in the suspension and interruption of the temporary research fellowship for the entire period only if they exceed 30 consecutive days and allow for the possibility of extending the expiry date of the contract, for a period equal to or shorter than the period of suspension, provided that the Research Coordinator declares the continuing scientific interest and that the necessary financial resources are available.  
If the period of suspension referred to above exceeds 30 consecutive days and is such, in the unquestionable judgement of the Research Coordinator, as to jeopardise the fulfilment of contractual obligations, the contract shall be terminated on the instructions of the Head of Department.
- 3) Suspension of the temporary research fellowship is also possible, only for periods of more than 30 consecutive days, at the reasoned request of the person concerned and must be approved by the Research Coordinator and the Head of the Department.  
The temporary research fellowship will only be interrupted for the period in which the work is suspended, and it will be possible to extend the expiry date of the contract for a period equal to or less than the period of suspension, provided that the Research Coordinator declares the continuing scientific interest and that the necessary financial resources are available.

**Article 17**  
**Entry into force**

- 1) These Regulations enter into force on *1 January 2021* and are published on the University website <http://www.normativa.polimi.it>.

THE RECTOR  
Prof. Ferruccio Resta

Digitally signed in accordance with the Digital Administration Code