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Regulation governing external assignments and activities of professors and researchers

Article 1 - Scope of application

1. In implementation of art. 53 of Legislative Decree no. 165 of 30 March 2001 and art. 6 of Law no. 240 of 30 December 2010, this Regulation shall govern how professors, researchers and assistants of Ca' Foscari University of Venice, hereinafter referred to as the "University", may carry out assignments conferred by public or private entities other than the University itself, as well as other activities divided as follows: incompatible activities, activities subject to authorisation, activities subject to notification and freely exercisable activities. For the purposes of this Regulation, the term "researchers" refers to both university researchers and researchers on fixed-term contracts.

Article 2 - Incompatible activities

1. The position of professor and researcher, both full-time and part-time, shall be incompatible with practising trade and industry [1].

2. It is possible to set up university "spin-off" or "start-up" companies [2], and to assume formal responsibilities in them, within the limits and according to the provisions of the "University Regulation for the setting up of spin-off companies".

3. It is not permitted to provide training, teaching or teaching support services, aimed at preparing university exams, to companies, bodies or organisations outside the University that provide paid services for students, nor is it permitted to hold positions within such companies, bodies or organisations, unless they are spin-off companies of the University.

4. It is forbidden to carry out activities, including those exempted from authorisation pursuant to Articles 5 and 6 of this Regulation, which may jeopardise the performance of institutional teaching, research and management activities or damage the reputation and image of the University, or which may result in a competitive situation or conflict of interest, even potential, with the University. In any case, a conflict of interest arises when a staff member is appointed to provide legal advice and assistance in legal disputes against the University or against the Entities controlled by the University, or as a technical consultant in disputes in which the University or the Entities controlled by the University are involved.

5. It is not permitted to carry out activities, including those exempted from authorisation pursuant to Articles 5 and 6 of this Regulation, which require the use of means, goods and equipment belonging to the University which are available for work-related reasons or which take place on University premises, unless such use is expressly authorised by the regulations or required for the task assigned by the University.

6. Freelance work is incompatible with full-time employment, save for the provisions of art. 8 of this Regulation for fixed-term professors and researchers. This applies to non-institutional activities in favour of third parties that are habitual, systematic and continuous. Full-time professors and researchers shall not be allowed to hold executive positions in profit-making companies, such as, by way of example, chairman of the board of directors, sole director, general manager and managing director, without prejudice to the provisions of the regulations in force on compulsory leave of absence.

7. The possession of a VAT number is a symptomatic, but not conclusive, indication that the activity is not occasional. Other symptomatic signs to be considered for an overall assessment may include:

- an organisation of means and persons;
- a conscious and habitual use of a VAT number;



- a reduced attendance of the professor at the University due to the performance of other activities;
- elements (e.g. use of trademarks/signs, presence of the professor in websites indicating the type of activity/performance sought, etc.) that show that the professor offers such services;
- any registration in the ordinary sections of rolls, lists or in the register of companies and enterprises.

In order to allow the University to verify the occasional nature of their work, full-time professors and researchers with a VAT number are required to submit a quarterly declaration detailing the activities carried out under their VAT number. Should a situation of incompatibility with the status of full-time professor or researcher arise, the person concerned must, within 30 days, notwithstanding the provisions of the internal regulations on working hours and article 10, paragraph 2 below, either choose to work on a fixed-term basis or close their VAT account.

8. As a general rule, and except in cases where professional activity is contemplated, it is not permitted to carry out extra-institutional assignments which, although when taken individually or in isolation do not give rise to situations of incompatibility, when looked at as a whole over the calendar year, constitute a primary area of interest with respect to the university role. In any case, the total amount of external assignments and activities may not exceed 750 hours per year.

9. If the performance of the assignment becomes incompatible with teaching, research and management duties, the person concerned must immediately inform the University and at the same time terminate the assignment.

Article 3 - Activities subject to authorisation

1. Full-time professors and researchers shall not carry out the following paid activities and assignments unless they have been conferred or previously authorised by the University:

- a. research activities and assignments of a non-occasional or continuous nature, without any subordination restriction, for public and private entities, except as provided for in Articles 5, 7 and 8;
- b. assignments conferred for the performance of institutional and managerial duties, without any subordination restriction, for public or private non-profit organisations, provided that there is no conflict of interest with the University;
- c. assignments in constitutional bodies or entities or bodies of constitutional importance, supranational and international bodies and entities, independent administrative and guarantee authorities, except as provided for by art. 13 of Presidential Decree no. 382/1980;
- d. assignments for the performance of teaching activities that may be classified as lessons or teaching modules for courses of study at public and private universities and organisations, including foreign ones. In this case, the authorisation shall be granted for each academic year;
- e. appointments as arbitrator or as a member of arbitration panels;
- f. assignments as a member of a supervisory body or of inspection and monitoring bodies in public and private entities, as well as assignments, by designation of Public Authorities, concerning the supervisory powers attributed to them by laws or regulations;
- g. institutional or managerial positions in profit-making entities and companies, by designation of private entities and subjects, provided that they are similar to the figure of the non-executive and independent director pursuant to Article 147-ter, paragraph 4, of Legislative Decree no. 58 of 24 February 1998 (Consolidated Law on Financial Intermediation). In partnerships and corporations with unlisted shares, directorships without operative powers and non-executive positions may be authorised, with characteristics similar to those of the independent director. In any case, the duration of the authorisation must be predefined, also in line with the independent nature of the office;
- h. institutional or management positions in bodies, companies, consortia and foundations in which the University has an interest, where the appointment was proposed or decided by a party other than the University itself;
- i. interpreting and translating assignments;
- j. any other paid assignment and activity, provided that it is compatible with the university role, except as provided for in Article 5.

2. Such assignments and activities shall be performed outside the premises of the University and shall not entail the use of equipment, human and instrumental resources present in the University facilities. In addition, without prejudice to the provisions of art. 7 below for Double Appointment and art. 8 for professors and researchers on fixed-term contracts, the assignments and activities must be carried out without any



subordination restriction, provided that there is no conflict of interest with the university and provided, in any case, that the activity is not detrimental to the academic, scientific and management activities entrusted by the University to the applicants.

3. The Directors of the Departments to which the professors and researchers belong shall ensure that the aforesaid provisions are complied with, and shall promptly report any infringement to the Rector.

4. For the activities referred to in paragraph 1 above carried out free of charge, the professor concerned shall in any case be obliged to inform the University in advance, in the same way as provided for in art. 5. Unpaid assignments mean assignments without any remuneration that the employee is called upon to perform for their field of expertise within the University.

Article 4 - Procedures for issuing authorisations

1. The request for authorisation must be submitted by the subject, public or private, who intends to confer the assignment by means of a written application addressed to the Rector and, for information, to the Director of the Department the professor concerned belongs to; the application may also be submitted directly by the professor concerned by means of a specific computerised procedure set up by the University. In both cases, the application must expressly contain:

- a. the commissioning party (in particular: company name, address of the registered office, VAT number or fiscal code);
- b. the content of the assignment and the manner in which it is to be carried out (in particular: time, place, date of assignment, duration and expected commitment);
- c. the indicative amount of the expected or presumed remuneration;
- d. a declaration of compatibility between the assignment and the activity of the body issuing it and with the performance of institutional activities, also with reference to the absence of any competitive situation or conflict of interest, even if potential;
- e. a declaration that the activity will not interfere with the regular performance of institutional activities, that it will be carried out outside of the University premises and without using equipment, human and instrumental resources present at the University;
- f. a declaration that, should the actual performance of the assignment entail any change in the data contained herein, the applicant shall immediately and adequately notify the University thereof.

2. The application must be received by the University in time for authorisation to be granted (30 days), with the sole exception of situations in which there are special and objective confidentiality and urgency constraints imposed by the particular nature of the assignment, it being understood that even in such cases prior authorisation is required.

3. The Administration will verify the requirements and will forward the request to the Director of the relevant Department in order to verify institutional compatibility. Once the opinion of the Director of the Department to which the applicant belongs has been obtained, and once it has been ascertained that there is no conflict of interest and that the activities are not detrimental to the educational, scientific and management activities entrusted to the applicant, the Rector or his delegate will formalise the authorisation.

4. Authorisation shall be granted or refused within 30 days of receipt of the request. After this period, the authorisation shall be deemed to be granted if it relates to assignments to be carried out in or on behalf of public administrations; on the contrary, in all other cases, it shall be considered to be definitively refused.

5. In order to assess the nature and content of the assignment and to ascertain the existence of any incompatibilities, further elements may be requested from the person concerned and/or the assigning party. In this case, the 30-day time limit shall remain suspended until the further elements requested have been obtained. In any case, the activity cannot in any way be carried out without the prior authorisation.

6. In cases of urgency, to be duly motivated, the Rector may proceed with the issuance of the authorisation, acquiring the opinion of the Director of the Department, even verbally.



7. The authorisation concerns exclusively the legitimacy issues related to the university system. The applicant shall have full autonomy and sole responsibility for the management of the relationship arising from the assignment in terms of tax and social security, or in any case in relation to compliance with mandatory rules.

Article 5 - Activities subject to notification

1. Scientific collaboration activities of an occasional and non-continuous nature, even if remunerated, as well as the activities listed in art. 3 that are carried out free of charge for public and private bodies, whether they are profit-making or non-profit-making, may be carried out subject to prior notification. In any case, such activities must be compatible with the performance of institutional duties and must not give rise, even potentially, to competitive situations or conflicts of interest or involve the use of means, goods and equipment belonging to the University. The notice must be submitted, online, to the Human Resources Area - Teaching Staff Office and to the Department Director at least 15 days before the activity is to begin, in order to allow a timely assessment, to be carried out within 8 days from the notice, of whether there are any obstacles to the assignment.

2. Occasional consultancy activities consisting in the drafting of opinions, support or expert assistance on certain specific issues, the drafting of technical reports, without prejudice in any case to the provisions of Article 2 of this Regulation, as well as advice given by a party in legal proceedings, provided that it is of an occasional nature, may be carried out, even if remunerated, subject to prior notification.

Article 6 - Freely exercisable activities

1. Full-time professors and researchers, provided that they comply with their institutional duties and with the provisions of the University Regulations, may freely carry out the following activities, even with remuneration, without the need for authorisation and prior notification:

- a. evaluation and refereeing activities;
- b. participation in conferences, conventions and seminars as a speaker;
- c. lectures, seminars and teaching activities of an occasional nature, which do not qualify as teaching in courses of study or teaching modules;
- d. scientific and cultural communication and dissemination activities;
- e. advertising and publishing activities such as collaboration with newspapers, magazines, encyclopaedias and the like;
- f. the provision of expert opinions and advice requested by the Judicial Authorities, provided they are of an occasional nature;
- g. participation in government, private and private-participation collegial bodies providing technical and scientific advice, as well as research and cultural bodies in general. These activities include participation in technical committees, ministerial commissions, competition commissions, tender committees and boards of evaluation;
- h. participation in selection or exam committees for which the presence of university professors is required by state regulations;
- i. assignments for which only the reimbursement of documented expenses is envisaged;
- j. assignments requiring the professor or researcher to be on leave, secondment or leave of absence;
- k. assignments concerning direct training activities for employees of the public administration;
- l. assignments conferred by trade unions to employees seconded to them or on unpaid leave;
- m. offices in companies, consortia, foundations or associations controlled or participated in by the University, or which are issued from the same, if the office is assigned by the University or is carried out on its behalf;
- n. artistic or sport activities, provided that they are not carried out as a professional activity.

2. As regards the economic exploitation of intellectual works or inventions by their author or inventor, the provisions of the University Regulation on patents shall apply.



Art. 7 - Double appointment

1. Full-time professors and researchers may also carry out teaching and research activities at another Italian or foreign university or research institute, following an agreement between the two universities aimed at achieving objectives of common interest, in accordance with Art. 6, paragraph 11 of Law n. 240/10.
2. The agreement, which shall last for a minimum of one year and may be renewed for a maximum of five consecutive years, shall define:
 - a. how the professor's annual commitment is to be distributed, specifying the teaching assignments;
 - b. how the teaching and research activity carried out by the professor is to be evaluated;
 - c. how the salary costs of the staff involved are to be divided.
3. The agreement may not, in any case, concern professors and researchers of the University whose presence in the faculty is indispensable for the purposes of meeting the teaching requirements laid down in Ministerial Decree no. 270 of 22 October 2004.
4. The proposal to draw up the agreement, approved by the Department concerned, must be endorsed by the Board of Directors, subject to the opinion of the Academic Senate.
5. For the duration of the agreement, no other agreements may be entered into by the same professor or researcher of the University, nor may procedures be initiated to cover the activities they normally carry out.

Article 8 - Professors and researchers on fixed-term contracts

1. Professors and researchers on fixed-term contracts may carry out freelance and self-employed activities, even on a continuous basis, as long as there is no conflict of interest with the University. In any case, a conflict of interest arises when a professor or researcher is appointed to provide legal advice and assistance in legal disputes against the University, or to act as a technical consultant in disputes against the University.
2. They may also carry out teaching and research activities at foreign Universities or Research Institutions, as per art. 6 paragraph 12 of Law n. 240/2010, under the employment regime requested by the foreign Institution, if authorised by the Rector or his delegate, having first obtained the required opinion of the Director of the Department to which they belong concerning compatibility with the performance of institutional duties and the absence of any conflict of interest, including potential ones, to be assessed based on the appropriate documentation submitted by the interested party when requesting the authorisation. Professors and researchers on fixed-term contracts authorised to carry out activities abroad pursuant to this paragraph must guarantee that their duties towards the University, namely teaching and research activities as well as participation in collegiate bodies, are paramount. The scientific documentation produced during the period spent abroad must in any case acknowledge the professor's affiliation to the University. The professor's involvement in scientific competitions must in any case involve the University. Finally, the provisions of the University Regulation on intellectual property rights shall apply in all cases.
3. The authorisation procedure is defined in Article 4 of this Regulation.

Article 9 - Mandatory notification

1. Pursuant to Article 53, paragraph 11 of Legislative Decree no. 165/2001, public and private entities remunerating professors and researchers are obliged to inform the University of the remuneration paid within the terms and according to the procedures defined by current legislation.
2. The University shall report any assignment and payment to the Department of Public Administration in the manner and within the terms laid down by current legislation.



Article 10 – Sanctions

1. In the event of failure to comply with the provisions of this Regulation, without prejudice to any more serious sanctions and to disciplinary liability, the remuneration for services rendered in the absence of prior authorisation shall be deposited, by the employer if the remuneration has not yet been paid, or by the employee if the payment has already been made, into the University budget in order to increase the University Fund for Bonuses.

2. If it is ascertained that an incompatible assignment or an assignment not previously authorised is being carried out, the Rector shall formally and preliminarily warn the employee to end the situation of incompatibility or irregularity within fifteen days, without prejudice to disciplinary action to be taken pursuant to paragraph p) of Article 10 and Article 19 of the University Statute.

3. The Directors of the Departments to which the professors and researchers belong shall ensure that the above provisions are complied with, and shall also be obliged to promptly report any possible violation of the current applicable legislation.

Article 11 - Transitional and final provisions

1. Requests for authorisation submitted by Department Directors shall be approved by the Rector. Requests for authorisation submitted by the Rector shall be approved by the Board of Directors.

2. Appointments authorised under the former Regulation and Law n. 240/10 shall remain unaffected, provided that they are compatible with the commitment required of each full-time or part-time employee.

3. For all matters not expressly addressed in this Regulation, the applicable laws and internal regulations shall apply.

4. From the date of entry into force of this Regulation, the "*Regolamento interno per il rilascio dell'autorizzazione al conferimento di incarichi retribuiti al personale docente e ricercatore a tempo pieno* (Internal Regulation for issuing authorisations for the conferral of paid assignments to full-time professors and researchers)" issued by Regional Decree no. 775 of 6 July 1998 and amended by Regional Decree no. 49 of 28 January 2009 shall be repealed.

Notes

[1] Article 6, paragraph 9, Law n. 240/2010.

[2] Pursuant to articles 2 and 3 of Legislative Decree no. 297 of 27 July 1999.