



Amendments to the University Regulations governing the activities carried out by teaching and technical-administrative staff with external funding - Articles 6, 7, 9 and 10

(DR n 873/2023 del 7/07/2023)

THE RECTOR,

- HAVING REGARD TO Law No. 240/2010;
- HAVING REGARD TO the current Statute of the University of Cagliari, amended by Rector's Decree No. 305 of 28.03.2022, published in the official Gazette of the Italian Republic - general series - No. 88 of 24 April 2022;
- HAVING REGARD TO the Universities CCNL (National Collective Labour Agreements) 2016-2018;
- HAVING REGARD TO Rectoral Decree No. 867 of 05 May 2022, containing the *University Regulations governing the activities carried out by teaching and technical-administrative staff with external funding*;
- WHEREAS it is necessary to amend the aforementioned Regulation in order to increase the percentages of the financing sources of the variable part of the accessory treatment;
- HAVING REGARD TO the resolution by which the Academic Senate, at its meeting of 18 April 2023, approved the amendment to the *University Regulations governing the activities carried out by teaching and technical-administrative staff with external funding*", mandating the Rector to update the regulatory text following the discussion that took place during the meeting;
- HAVING REGARD TO the resolution by which the Board of Directors, at its meeting of 20 April 2023, expressed its favourable opinion on the amendment of the same Regulations;
- ACKNOWLEDGING therefore, that it is necessary to proceed with the issuance of the amended regulation as follows

ISSUES THE FOLLOWING DECREE

ART. 1 - The *“University Regulations governing the activities carried out by teaching and technical-administrative staff with external funding”*, as amended in the annex that forms an integral part of this decree, is hereby issued.

ART. 2 - The Rules, thus amended, enter into force on the day following their publication on the University’s website.

Approved by the Director General

The Rector
Prof. Francesco Mola
(digitally signed)

Disclaimer: This English translation of the original text in Italian is provided for information purposes only. In case of a discrepancy, the original Italian document will prevail.



Personnel, Organization, Performance Directorate
Research and Local Territory Directorate
Directorate for Administration and Finance

**UNIVERSITY REGULATIONS GOVERNING THE ACTIVITIES CARRIED OUT BY TEACHING
AND TECHNICAL-ADMINISTRATIVE STAFF WITH EXTERNAL FUNDING**

Art. 1

(Scope of application)

These regulations govern:

- a) external and remunerated activities carried out by departments, interdepartmental and service centres and other departments and bodies of the University of Cagliari, however they may be denominated;
- b) external and remunerated activities and assignments carried out by teaching staff and researchers, subject to authorisation by the Rector, in accordance with the Rules for the authorisation of non-institutional assignments carried out by teaching staff;
- c) remunerated external consultations and assignments carried out by technical and administrative staff, subject to prior authorisation by the administration, except as provided for in the applicable regulations.
- d) positions and activities carried out by full-time teaching and non-teaching staff of the University of Cagliari in spin-offs and university centres of expertise, for a period of three years from the start of the activity and until the fifth year after the start of the activity, as well as activities and remunerated services deriving from research assignments or projects carried out within or on behalf of temporary enterprise or specific purpose associations or equivalent bodies/organisations, in whatever form they are set up, in which the University participates;
- e) all cases of transfer or use by third parties, for purposes other than scientific and educational, of economically significant research results (such as know-how, databases and data collections, methods, etc.) which are not protected or cannot be protected by industrial or intellectual property rights, which are the result of activities carried out

within the University and which are at the full disposal of the University.

f) The management of resources from projects funded by international, EU, national and

Art. 2

(Types of activities subject to these Regulations)

1. The activities referred to in Article 1 b) and d) and governed by these rules shall include the following paid assignments or services and funded activities:

- a) teaching and research in public and private non-profit institutions;
- b) institutional and managerial functions in public or private non-profit organisations;
- c) teaching activities carried out in competition with public bodies, provided that they do not constitute the exercise of a professional activity;
- d) participation in scientific and technical advisory bodies of State, public and regional authorities;
- e) academic or scientific activities outside the institutional framework;
- f) teaching and/or training activities outside institutional duties, including the design, organisation and delivery of courses, seminars, series of lectures, preparation of teaching materials;
- g) participation in training projects and placements, including any other activities related to teaching which are not part of the institutional tasks;
- h) participation in professional refresher courses and continuous and periodic training, provided that they do not constitute the exercise of a professional activity;
- i) activities, however carried out, on behalf of State administrations, public bodies and organisations with majority State participation, provided that they are carried out as experts in their disciplinary field and are compatible with the performance of their institutional tasks;
- j) the acceptance of paid institutional and managerial positions in governing and supervisory bodies of spin-off and start-up companies of the University of Cagliari, only until the 5th year after their establishment;
- k) paid activities and services resulting from research assignments or projects carried out within or for temporary business or special purpose associations or equivalent bodies/organisations, however constituted, in which the University has an interest;

l) participation in the governing bodies or management activities of the centres of expertise at the University of Cagliari;

m) consultancy activities aimed at providing technical and scientific support for studies and research, technical and scientific/academic opinions of any kind, assistance, coordination and supervision of studies and research;

n) activities not expressly prohibited by law or regulation, subject to the authorisation of the Rector.

2) These Regulations shall also govern the acceptance by professors and researchers of paid institutional and managerial posts in the governing and supervisory bodies of profit-making partnerships or corporations, authorised by the Rector with the favourable opinion of the Academic Senate, when the post is held in the specific interest of the University and because of the institutional exchanges that may result. The Rector shall duly inform the Board of Directors of such appointments at the end of each calendar year or at any other time at the express request of its members.

3) The activities and remunerated assignments carried out by technical and administrative staff within the departments, centres and other structures of the University of Cagliari, however termed, shall be subject to the prior approval of the administration, as well as the other activities specified in the regulation for external assignments carried out by technical and administrative staff of the University.

4) These Regulations also define the criteria for the use of financial resources from projects funded by international, EU, national and regional programmes.

Art. 3

(Activities not covered by these Rules)

1. The following are not covered by these Regulations:

a) medical assistance to the Italian National Health Service;

b) permitted activities that may be carried out by professors and assistants without authorisation (in accordance with the law and the University regulations in force), even if they are paid;

c) positions considered by Presidential Decree 382/1980, Legislative Decree 165/2001, Law 240/2010 and current laws and regulations as prohibited and/or incompatible with the function of full-time lecturers and researchers;

d) the posts considered incompatible with the functions of a civil servant by Legislative Decree 165/2001 and the rules and regulations in force;

e) teaching assignments at other Universities, subject to the University's regulations for granting permission to teach outside the University.

For services rendered abroad, different rules may be applied. In this case, the business plan and the manner of execution of the assignment must be approved by the Board of Directors.

Art. 4

(Facilities and personnel)

1. The activities referred to in Article 1 shall be carried out without prejudice to the primary obligation to ensure the institutional teaching, scientific and administrative functions.

2. Academic responsibility for the activities referred to in Art. 1, para.(1) letter a) shall normally be entrusted to a full-time professor or researcher, who shall act as an interlocutor with the client;

3. The activities are carried out individually or with the collaboration of teaching, technical and administrative staff and with the use of facilities, equipment and means belonging to the University. In the latter case, the legal responsibility lies with the head of the structure concerned.

4. The identification of the staff required pursuant to paragraph 3 shall be carried out by the academic appointee, in agreement with the head of the structure concerned, on the basis of an assessment of the workload, the professional skills of the persons concerned and their availability in the event that they have to work outside working hours. The head of the structure concerned shall ensure that the commitment of the staff concerned does not adversely affect the organisational structure and the workload of its staff. In allocating the duties referred to in Article 1, para 1 a), work for non-active lecturers shall not be taken into account.

5. If part of the activity cannot be carried out by the staff of the structure concerned, recourse may be had to persons from another structure outside their working hours, or to persons from outside the University, for the duration of the contract or agreement, at the request and on the indication of the academic manager.

Art.5
(Financial Plan)

1. The financial plan for the implementation of the activities referred to in Article 1 a) and f) shall be agreed between the academic manager of the project and the head of the University structure concerned. The latter shall give an opinion on the compatibility of the use of its structure's goods and services with other research activities planned and in progress, as well as on the cost incidence according to estimated management costs and the total duration of use.

2. It is the responsibility of the head of the structure in question to ensure that the staff members employed by the institution are compatible with the needs of that institution. In particular, he/she shall indicate:

a) limited to the activity referred to in Article 1(a), the number and qualifications (senior/junior) of teaching and research staff, with the related costs calculated on a flat-rate basis or by hours/day of activity;

b) the number and qualifications of administrative and technical staff, the cost of which shall be calculated on a flat-rate basis or by hours/day of activity.

3. The amount of funding must be such as to cover the actual costs of the service, as shown by the following cost items:

a) a percentage in favour of the university budget, the departments and the incentives referred to in Article 6;

b) fees and reimbursement of direct expenses incurred by the academic manager;

c) fees and expenses for the collaboration of permanent staff, where permitted (professors, researchers and technical-administrative staff);

d) costs of the participation of contract staff, where this is necessary to ensure the effective implementation of the activities;

e) staff travel and mission expenses;

f) the cost of using services, premises, facilities and equipment belonging to the Department, including depreciation according to the degree of use;

g) the cost of any use of premises, equipment and services outside the University;

h) the cost of purchasing/renting technical/scientific and educational equipment, as well as the cost of its maintenance, limited to the period of use;

i) costs for the use of consumables and the purchase of necessary bibliographical material;

j) any other expenditure affecting the total cost of the service.

4. In the case of services subject to a tariff, due account shall also be taken of the tariffs of local and regional authorities and of the market prices charged by public and private bodies for the same or similar services.

Art. 6

(Criteria for the allocation of funding)

Third-party activities

1. A flat rate of 12% will be applied to all remunerated third-party activities carried out by departments and other University structures, however designated:

a) 2% to the University budget (for general University expenses, use of the University logo and/or name);

b) in the case of funds deriving from private financing, 3% will be allocated to the fund for incentives for teaching staff, as provided for in Article 9 of Law 240/2010, and 7% will be allocated to the fund for incentives for technical-administrative staff;

c) in the case of funds deriving from public financing, 10% to the funds are designated to financial incentives for technical-administrative staff.

These fees will be calculated on the difference between the service fee and the sum of the expenses to be incurred for:

- the purchase of scientific instruments or parts of instruments that are essential for the performance, up to a maximum of 30% of the earnings;
- financing the activation of doctoral scholarships, research grants and contracts for associate professors and researchers on fixed-term contracts, as provided for in the agreement with the client.

If the total of the quotas to be transferred is less than 12%, the individual quotas to be transferred shall be reduced proportionately.

In any event, the sum of these percentages shall not be less than 6% of the total amount of the service.

2. The remainder shall be allocated to the department or centre concerned, which, when approving the budget proposed by the person responsible for the activity, shall distribute it on the basis of the needs of the service and the reimbursement of indirect costs.

In accordance with their own rules, the structures may provide for the allocation of a quota to cover their overheads and will determine, in compliance with the rules contained in the CCNL (National Collective Labour Agreement) in force and in the Supplementary Agreement, the forms of remuneration of the technical-administrative staff, taking into account the specific nature of the services required and the obligation to work during or outside working hours.

Authorised paid assignments

3. For all paid assignments which require the approval of the Rector, and which do not involve the use of departmental facilities and staff, as well as for assignments pursuant to Art. 1(1) letter d) and Art. 2, a lump sum of 9% of the service to be rendered shall be allocated as follows

a) 6% to the University budget (for general University expenses, use of the University logo and/or name);

b) 3% to the University Fund to increase the resources for doctoral students.

4. Lecturers and researchers who, in the previous or current year were national or local coordinators of PRIN projects approved for co-funding or of international/European or national projects launched through public calls, are excluded from the contribution for the current academic year.

5. In the case of paid posts held by non-active researchers, the percentage referred to in the first paragraph shall apply. For the definition of non-active researchers, please refer to the applicable regulations.

6. With regard to the services covered by the authorisation, the University Administration undertakes to fulfil the obligations set forth in article 53, paragraph 11, of Legislative Decree No. 165/01, as amended.

University Master's degrees

7. Except as provided for in the Regulations for Master's Courses, in the case of

University Master's Courses, 25% of the amount of the fees shall be allocated to the University budget. In the event that the Master's programme is not held within the University's facilities, the percentage of 25% of the fees to be allocated to the University budget shall be reduced to 15%. In the case of inter-university Master's courses, any special circumstances shall be regulated by the Board of Directors.

8. The Master's financial plan shall take into account all specific expenditure on staff, services and equipment related to the management of the Master's course.

The fees payable to university staff participating in the Master's Course shall not exceed 30% of their gross annual salary.

Externally funded research and cooperation projects run by Departments,

Interdepartmental Centres and Inter-University Centres

9. In the case of externally funded research and cooperation projects, the use of financial resources directly reimbursed by the funding body shall ensure that:

a) in the case of the financing of externally funded research and cooperation projects which do not originate from the European Union, a percentage share of 2% is allocated to the university budget;

b) in the case of research and cooperation projects financed directly or indirectly by the European Union, a percentage share of 1% shall be allocated to the university budget and a percentage share of 3% shall be allocated to the funds for the additional expenses for technical administrative staff;

A percentage of no more than 1.25% shall be allocated by the project leader to the University in order to increase the endowment of the department in question. The sum of these percentages, calculated on the total amount of the project funding, may in no case exceed 50% of the items exempted from specific expenditure restrictions and of the resources deriving from the declaration of the costs of permanent contract personnel, calculated on the basis of the maximum amount indicated in the call for proposals, if these eligible and declarable costs are reimbursed directly by the funding body. In this case, the reduction of the quotas to be carried over will have to be adjusted proportionally.

For the Marie Skłodowska-Curie Actions (MSCA) of the EU programmes, the share of the

funding directly allocated to the researcher is excluded from the basis for calculating the contribution. This share, determined by the Committee, is indicated in the work programmes under the headings: Staff Unit Cost in MSCA-RISE, Living, Mobility and Family Allowance in MSCA-ITN and IF, and Researcher Unit Cost in the MSCA-COFUND.

The allocation of the quotas must take place during the budgeting of the project on the basis of the final approval of the budget by the funding body/organisation. The transfer of the quotas must take place at the latest in the year in which the final financial statement of the project is approved by the funding body.

The Board of Directors may consider special situations that require an exception to the above distribution criteria.

Externally funded projects managed by Faculties and University Service Centres

9 bis. In the case of projects financed directly or indirectly by the European Union, the use of the financial resources directly reimbursed by the financing body must provide for a share of 1% to be allocated to the resources destined for use by technical-administrative staff.

The above percentages, calculated on the total amount of the project funding, may in no case exceed 50% of the items exempted from specific cost constraints and of the resources deriving from the declaration of the costs of structured personnel, calculated on the basis of the maximum amount indicated in the call for proposals, in the event that these eligible and repayable costs are reimbursed directly by the funding body. In this case, the reduction of the share to be transferred must be adjusted proportionally. For the Marie Skłodowska-Curie Actions (MSCA) of the EU programmes, the share of the budget directly allocated to the researcher is excluded from the basis for calculating the contribution. This share, determined by the Committee, is indicated in the work programmes under the headings: Staff Unit Cost in MSCA-RISE, Living, Mobility and Family Allowance in MSCA-ITN and IF, and Researcher Unit Cost in MSCA-COFUND.

The commitment of the share takes place during the budgeting of the project on the basis of the final approval of the budget by the funding agency/organisation. The transfer of the share must take place at the latest in the year in which the final report of the project is approved by the funding body.

The Board of Directors may consider special situations requiring a departure from the above distribution criteria.

The rules set out in this paragraph shall apply, when first implemented, to all projects still active in the University's accounting system. If the final accounts have already been approved, the transfer of the additional 1% share of the departments shall take place within 30 days of the entry into force of these rules.

Externally funded projects managed by Executive committees

9 ter. In the case of projects financed directly or indirectly by the European Union, the use of the financial resources, directly reimbursed by the financing body, must provide for the allocation of the greater amount between 4% of the project total or 30% of the non-reimbursable costs to the funds devoted to technical-administrative staff.

Art. 7

(Employee remuneration)

1. The remuneration of teaching staff engaged in activities funded by third parties who have guaranteed the total number of hours as a teaching load, less any share of co-financing by the University, shall be based on the hours actually worked and self-certified in accordance with the rules set out for each project type.
 - 1a. The fees referred to in para. 1) above may be paid only on completion of the activities covered by the contract or, in the case of progress in the following stages, on completion of each stage of the activity, and always on condition that the corresponding fees have been collected.
2. The remuneration of technical and administrative staff is based on the hours actually worked, as documented by the time recording system, in accordance with the provisions of the CCNL (National Collective Labour Agreement) and the Supplementary Agreement in force, as amended. In accordance with Article 66 of Presidential Decree 382/80, the work carried out on behalf of third parties must not impede the performance of administrative and technical support activities for teaching and research.
3. Remuneration resulting from activities under this regulation may not be accumulated with overtime pay and must be reported annually to the Trade Union Liaison Office for contractual fulfilment.

4. From the entry into force of this Regulation, the limits established in art. 66, paragraph 3, of Presidential Decree 382/80 may be exceeded, based on the regulatory and contractual provisions in force. In this case, a 5% deduction will be made from the excess amount in favour of the University budget.

Art. 7 bis

1. Remuneration of lecturers, researchers and technical administrative staff within the framework of externally funded research and cooperation projects may be recognised within the limits and in the forms expressly provided for in the relevant regulations, calls for proposals and financial plans of the projects, and in accordance with the procedural and reporting rules of the relevant funding programme.

Art. 8

(Contracts and Agreements)

1. Contracts and agreements relating to the activities referred to in these Regulations, with the exception of those relating to research projects put out to tender, shall be drawn up by the head of the structure concerned and/or by the professor or researcher who receives the assignment, subject to the approval of the competent collegial body, if the amount of the funding/remuneration exceeds €50,000 but is included in the amount of €100,000. For amounts exceeding €100,000 but not exceeding €250,000, the approval of the Director General is required; for amounts exceeding €250,000, the approval of the Board of Directors is required.

2. No contract/agreement is required for fee-based services; a written request from the client is sufficient.

3. Contracts and agreements must contain the following elements:

- a) contracting parties;
- b) subject and description of the activity;
- c) academic manager within the department area in question;
- d) start and end date of the contract;
- e) indication of the funding provided by the contractor, explicitly stating whether it is net or inclusive of VAT, where applicable;

f) the arrangements for payment of the financing;

g) an indication of any supplies of goods or services needed to carry out the activities.

4. Contracts and agreements relating to research activities shall also contain an appropriate clause governing the handling of the results of the research.

5. Each contract or agreement shall be drawn up in triplicate, one of which shall be sent to the University General Directorate which shall keep a special general archive of agreements.

6. Routine services shall be provided in accordance with a scale of fees approved annually by the Department and sent to the Board of Directors. In the case of fee-based services, the contribution shall be determined by the Department on the basis of quarterly reports.

Art. 9

Final and transitional rules

1. The effects of the amendments to these Regulations shall apply to all projects entered in the University's budget as from 1.1.2023 and shall also apply retroactively to all projects which have not yet been implemented or which have not resulted in due transfers at that date.

Art. 10

(Repealed)