



REGULATIONS GOVERNING WITHHELD FEES FOR ACTIVITIES OF THE SANT'ANNA SCHOOL OF ADVANCED STUDIES AND TO ESTABLISH AND USE THE AWARD FUND

Issued with Rector's Decree No. 660 dated 11/11/2020

TITLE I – GENERAL PROVISIONS

Art. 1

Scope of application

1. These regulations govern the system of withheld fees on third-party and institutional activities performed by the Sant'Anna School of Advanced Studies (hereafter, referred to as the “School”) and the additional fees by way of enhancement and recognition of the work performed by the staff in relation to acquisition and management activities of projects funded by public and private organisations.
2. These regulations also govern the establishment and use of the University Award Fund granted by the Sant'Anna School of Advanced Studies (hereafter, referred to as the “Fund”), pursuant to art. 9 of Law No. 240 dated 30th December 2010, as amended and supplemented and art. 1, paragraph 16 of Law No. 230 dated 4th November 2005, as amended and supplemented.

Art. 2

General principle

1. Incentives in favour of teachers and researchers are reserved for those who have successfully fulfilled their teaching and research obligations, as governed by the current legislation.
2. Incentives in favour of the administration and technical staff are subject to fulfilling the service obligations, also with regard to working hours.

Art. 3

Activity assessment criteria

1. For the purposes of these Regulations third-party activities refer to the services provided by the School on the basis of the following criteria, and namely:
 - a) through its own human and instrumental resources in the overriding interests of the contracting authority;
 - b) in exchange for a fee whose collection or part thereof may be linked to the delivery of interim and/or final project reports;
 - c) subject to the application of express termination clauses, penalty clauses, except for greater damages or to any claims for compensation by the contracting authority for breach of contract, in the event of interruption and/or non-completion of the activities or part of them.
2. These activities also include:
 - activities which envisage the payment by participants of enrolment/registration fees, with the exception of those initiatives which award Italian University credits (“CFU”);



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- technology transfer activities;
- sponsorship activities;

3. The School defines as institutional the School's activities which are intended to pursue its aims, identified on the basis of the following criteria:

- a) are carried out within the framework of International Projects, European Projects, National Projects, Regional Projects financed with European and similar funds, in response to public calls for applications;
- b) represent a financial burden on the School's funds, as well as on any funding provided by public or private organisations, by way of co-financing;
- c) consist essentially in training initiatives which allocate credits ("CFU");

4. The criteria indicated in the previous paragraphs constitute guidance parameters in order to classify the activities in one or the other type, and which are subject to a detailed assessment of individual cases to be performed by the Institute Board, on the proposal of the Institute Administrative Head, if the project refers to an Institute or by the Head of the Facility, as specified in art. 5, paragraph 6 and in art. 9, paragraph 3. If differences of interpretation arise, the inclusion in one or in the other type of activity is resolved by the Academic Senate, at the proposal of the Managing Director.

TITLE II - THIRD-PARTY ACTIVITIES

Art. 4

Facilities and staff involved

1. The activities referred to in this Title are performed mainly with the use of the School's equipment, means and staff to the extent and in the form that is appropriate to ensure the priority and the regular fulfilment of institutional tasks, in accordance with the provisions of the resolution approving the project referred to in art. 5, paragraph 6.

Art. 5

Scientific project and related fulfilments

1. The proposal of a third-party procurement order may be submitted on the initiative of the School's resources forming part of the categories indicated below at the time of the request, and more in detail:

- by the teaching and research staff addressed to the relevant Institute;
- by affiliates to an Institute and by research fellows, also directed to the reference Institute¹;
- by administration and technical staff, categories D and EP, to the attention of the relevant facility (to be understood as the Institute, Directorate General Area or Service).

The proposers assume the role of the project's Head of Research.

2. In justified cases, the proposal may envisage more than one Head of Research also belonging to different Institutes/facilities and in this case the project is approved by the Boards of the respective Institutes or by the respective facilities.

3. The proposal must include:

- a) a description of the planned activities and the respective duration;
- b) the amount of the consideration and any related payment by instalments;
- c) the cost estimate as detailed in paragraph 4;

¹ Reference is made below to the relevant Institute for both highlighted categories.



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- d) an indication of the staff involved;
 - e) an outline of the contract with the external contracting authority;
 - f) the preliminary quantification, in percentage terms, of the daily commitment by the individual parties involved.
4. The estimate of the expenses to be incurred shall include:
- a) all the expenses relating to the performance of the contract (directly attributable expenses);
 - b) the charges to be reimbursed to the Institute/facility;
 - c) the estimate of the fee referred to in art. 6, paragraph 2 that the School calculates beforehand on the amount of the consideration, excluding VAT.
5. The authorisation to participate in the activities must be requested from the relevant Institute or the relevant facility, if the participation of staff from a facility other than the decision-making facility is envisaged.
6. During the proposal phase, and before being submitted to the financing organisation, the project's Head of Research and the Institute Director, by signing the appropriate Form:
- a) certify the coverage of the School's withheld fees;
 - b) ensure that the project does not require additional resources from the School, in terms of administration and technical staff, space, or further financial requirements.
- Submission of the project proposal to the financing organisation must be approved by the Rector, if the School is requested to provide additional resources compared to the resources available to the Institute, in terms of administration and technical staff, space or further financial requirements.
7. The instruments relating to the Institutes' projects are approved by a resolution of the Institutes' competent Bodies or a Decision by the Institute Director in the case of urgency, subsequently ratified by the Board (except for the project proposal phase governed by paragraph 6, above), in accordance with the procedure defined by Rector's decree.
8. When approving the proposal, the Institute Board or the Head of the facility must expressly:
- a) verify that the funding or the consideration envisaged is adequate and sufficient to ensure full coverage of the expenses arising from the third-party activity and ensure coverage of the School's withheld fees;
 - b) certify that the performance of the proposed activity is fully compatible with the priority and regular performance of the institutional and service obligations of the staff concerned;
 - c) prepare the final proposal in order to enter into the contract;
 - d) envisage the assistance of another Head of Research, a member of the teaching staff or researcher of the same Institute, assigned to perform all the fulfilments in relation to managing the resources related to the project activities and the holder of the respective fund in the case of a project proposal submitted by an affiliate;
 - e) forward the proposal to the Board of Governors for final approval, if the proposer is an affiliate or a research fellow.
9. During the performance of the planned activities, the project's Head of Research will be required to constantly check whether there are any variations with respect to the cost estimate indicated in the original project. If the project's Head of Research identifies a significant deviation in terms of the project's budget or the timing to perform the project, he or she must promptly submit a proposal to change the project in question to the relevant Institute or to the relevant facility with the respective justifications and the recalculation of the values compared



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to the values approved previously. The Head of Research must send the changed project form to the Rector. The Institute Board or the reference facility will decide on the proposed change.

10. The Head of Research reports to the contracting authority at the end of the project regarding the activities performed, in accordance with the terms and conditions provided for in the contract. This report is also sent to the Institute Director or to the respective facility Head. The Institute Director or the facility Head may request periodic reports on the activities performed to which the Head of Research must provide an adequate response.

**Art. 6
Considerations, expenses and deductions**

1. The consideration to be requested from the contracting authority must include the coverage of all the expenses detailed in the estimate, in accordance with art. 5, paragraph 4.
2. The School will calculate a deduction equal to 20% (in words: twenty percent) of the amount of the consideration, on each third-party project, excluding any VAT to be allocated to the funds, as indicated in the Table below:

Table No. 1

Activities identified	University fund for administration and technical staff incentives	Financing fund for fixed-term contracts referred to administration and technical staff	Coverage of indirect expenses	University Award Fund
Third-party activities = 20%	14%	1%	4%	1%

The deduction is tied to entering into the contract at the time of the first budget allocation and is actually applied during the project closure year, or at the end of the commissioned activities depending on the final proceeds received.

3. The residual amount that emerges, after the contracting authority's approval of the project's final report and receipt of the full consideration, where the residual amount is to be understood as the total amount of the contract less the deduction provided for in paragraph 2 above, and the total costs incurred, remains at the disposal of the project's Head of Research, who may proceed as follows:

- Allocating a portion or the full amount (based on the additional activity performed and the scientific contribution to its implementation), with the consent of the reference Institute Director or the respective Head of the facility, among the tenured and non-tenured staff of the School and/or of other Universities, who actually participated in the project, as detailed below:
 1. Teaching and research staff;
 2. Administration and technical staff (based on criteria agreed by the Rector, the Managing Director and the Institute Directors);
 3. PhD Programme students;



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4. Research fellows, affiliated or other staff belonging to public and private organisations, duly authorised, who actually participated in performing the service, and were already included in the Work Team in the proposal phase (art. 5, paragraph 3, sub-section d), not having received any other form of compensation under the contract in question.

A deduction of 5% (in words: five percent) is applied to this portion, to be allocated to the University Fund to provide incentives to the administration and technical staff;

- To be allocated to a specific Fund available to the Head of Research, pre-arranged to finance or co-finance the expenses in support of research/training or other activities. This fund will refer to the member of the teaching staff or researcher identified by the respective Institute, if the Head of Research is an affiliate or a research fellow;
- To be allocated to a specific Institute Fund to be used as decided by the respective governing bodies;
- To be allocated to finance fixed-term contracts referred to assistant professors, pursuant to art. 24, paragraph 3, sub-section a) of Law No. 240/2010, as subsequently amended and supplemented on the basis of the provisions in force;
- To increase the above-mentioned University Award Fund.

Art. 7

Procedure to allocate the remaining distributable amount to staff

1. After the contracting authority's approval of the final report and the actual receipt of the fee, with the consent of the Institute Director or the consent of the respective Head of the facility, for the purpose of distributing the remuneration to the staff, the Head of Research:

- a) certifies that the fee paid and the expenses incurred correspond to the amount budgeted in the scientific project;
- b) establishes the "remaining distributable amount" to be allocated, pursuant to art. 6 above, and to this end, identifies the names of the staff who have actually worked to perform administration and technical the activity in relation to the contribution provided and specifies the amount to be allocated to each of them. The amount for only the technical-administrative staff will be defined in accordance with the criteria envisaged in the Supplementary Agreement in force.

2. If the contracting authority raises objections with regard to the correct fulfilment, then the project cannot be closed until the contracting authority has waived the applicability of such objections or the respective time limit has expired.

Art. 8

University Fund for administration and technical staff incentives

1. The University Fund for administration and technical staff incentives is based on:

- a) the resources set aside by the amount withheld, in accordance with art. 6, paragraphs 2 and 3;
- b) the economic resources resulting from the application of the supplementary contract with regard to the allocation of the remaining amount distributable to the administration and technical staff.



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The annual allocation to the Fund shall not exceed 15% of the total wages and salaries established at 31.12 of the reference year in relation to the number of staff in service at that date and in proportion to the number of months worked; the excess amount is to be added to the provision to cover overheads.

2. The resources set aside in the University Fund for administration and technical staff incentives will be used for the following purposes:
 - a) an amount of not less than 90% (in words: ninety percent) reserved for all the administration and technical staff categories based on the assessment system in force;
 - b) an amount equal to 5% (in words: five percent) allocated to the remuneration for extraordinary projects of general interest to the School, identified by the Managing Director;
 - c) an amount equal to 5% (in words: five percent) allocated to extraordinary projects for the benefit of the administration and technical staff employed by the School and managed by the Committee set up for this purpose.
3. The University Fund referred to in this article regarding the relevant year is normally distributed within 30th September of the following year.

TITLE III - INSTITUTIONAL ACTIVITIES

Art. 9

Scientific project and related fulfilments

1. The proposal for activities related to the School's institutional sector may be submitted on the initiative of the School's resources, forming part of the categories indicated below at the time of the request, and more in detail:
 - by the teaching and research staff addressed to the relevant Institute;
 - by affiliates to an Institute and by research fellows, also addressed to the reference Institute²;
 - by the administration and technical staff, categories D and EP, to the attention of the relevant facility (to be understood as the Institute, General Directorate Area and/or Service).

The proposers assume the role of the project's Head of Research.

2. The proposal, with reference to training activities, must be structured in compliance with the internal provisions of the Quality Management System.
3. During the proposal phase, and before submitting the proposal to the financing organisation, the project's Head of Research and the Institute Director, by signing the appropriate Form:
 - a. certify the coverage of the School's withheld fees;
 - b. ensure that the project does not require additional resources from the School, in terms of administration and technical staff, space or further financial requirements.

Submission of the project proposal to the financing organisation must be approved by the Rector, if the School is requested to provide additional resources compared to the resources available to the Institute in terms of administration and technical staff, space, or further financial requirements.

² Reference is made below to the relevant Institute for both highlighted categories.



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The instruments relating to the Institutes' projects are approved by a resolution of the Institutes' competent Bodies or a Decision by the Institute Director in the case of urgency, subsequently ratified by the Board, except for the project proposal phase governed by paragraph 3 above, according to the procedure defined by a Rector's Decree.

4. When approving the proposal the Institute Board or the Head of the facility must:

- a) verify that the cost estimate includes all the expenses related to performing the research activity or training activities (directly attributable costs);
- b) verify that the percentage equal to 10% (in words: ten percent) has been envisaged and calculated beforehand on the amount of income, to be allocated in favour of the funds, as indicated in the Table below:

Table No. 2

Activities identified	Financing fund for fixed-term contracts referred to administration and technical staff	Institute Fund to be used as resolved by the respective governing bodies	Coverage of indirect expenses	University Award Fund
Institutional activities = 10%	2.5%	1%	5.5%	1%

- c) forward the proposal to the Board of Governors for final approval, if the proposer is an affiliate or research fellow.

Art. 10

Allocation of remaining activities

1. At the end of the project, the Head of Research reports the activities to the financing organisation, if envisaged, and produces a final summary report for the Institute Director or for the Head of the facility regarding the proper performance of the activities.

2. The Head of Research, with the consent of the Institute Director or the consent of the Head of the facility, allocates any remaining available amounts, after the project's final report is approved by the financing organisation, where envisaged, and/or after the funding is actually received; the remaining available amounts are to be understood as the total amount of the agreement after deducting the withheld fee envisaged in article 9, paragraph 4, above and the total costs incurred, in whole or in part as indicated below:

- to a specific Fund available to the Head of Research in question, prearranged to finance or co-finance the expenses in support of research activities and/or training or other activities; if the Head of Research is an affiliate or a research fellow, then this fund will refer to the member of the teaching staff or the researcher identified by the respective Institute; and/or
- to a specific Institute Fund to be used as decided by the respective governing bodies; and/or



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- to finance short-term contracts referred to assistant professors, pursuant to art. 24, paragraph 3, sub-section a) of Law No. 240/2010, as subsequently amended and integrated on the basis of the provisions in force;
and/or
- to increase the University Award Fund;
and/or
- as additional compensation for the staff who participated in the project's acquisition and management.

Art. 11

Procedures to allocate additional remuneration to the staff

1. The Head of Research may allocate a maximum amount equal to 10% (in words: ten percent) of the value of projects financed by Public and Private organisations, in order to pay an additional fee to the teaching staff, researchers, research fellows and administration and technical staff who participated in the project's acquisition and management, if no impediments are envisaged by the financing organisation. The contribution to the acquisition of public and private funding must be adequately documented when the project is offered.

2. These fees are paid after satisfying the withheld fees referred to in art. 9, paragraph 4 of these Regulations at the request of the project's Head of Research/fund holder, and after a managerial decision, provided:

- the work team that contributed to the project's acquisition and management was appropriately formalised by the project's Head of Research at the time the project was offered;
- the amount in question does not exceed the maximum limit of the resources referred to in paragraph 1, reduced by the rebalancing fee equal to 20% in favour of the University Award Fund;
- a verification is performed to ensure that the teaching obligations have been fulfilled by the teaching and research staff, in accordance with the Regulation on the teaching commitment of the School teaching and research staff;
- the same criteria defined for the administration and technical staff are applied, for the purposes of distributing the remaining balance amount emerging at the end of the third-party activities, in accordance with these Regulations, and in accordance with the criteria set out in the Supplementary Contract in force.

**TITLE IV – ACTIVITIES PURSUANT TO AN EXCEPTIONAL WITHHELD FEES
REGIME**

Art. 12

Withheld fees regime

1. The funding that the School receives from the following activities:

1. donations or voluntary donations aimed at research or training activities or to finance staff contracts in favour of the Institutes;
2. sponsorship projects/activities;



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3. investment projects or infrastructural projects for economic development and technological transfer characterised by increases in fixed assets;
4. Horizon 2020 - Marie Skłodowska-Curie Actions (MSCA) projects;
5. European Research Council (ERC) projects aimed at covering the expenses arising from positions for research grants, PhD scholarships, scholarships and assistant professors;
6. projects/payments received from Foundations.

The foregoing are subject to the application of the withholding percentages to be allocated to the funds, as detailed in the Table below.

Table No. 3

Activities identified	% withheld for the operational Fund to cover indirectly incurred expenses
Donations or voluntary donations aimed at research or training activities or to finance staff contracts in favour of the Institutes	5%
Sponsorships	10%
Investment projects or infrastructural projects (where possible)	10%
Horizon 2020 - Marie Skłodowska-Curie Actions (MSCA) projects	0%
European Research Council (ERC) projects	5%
Master's Degrees	Current criteria identified and approved by the Board of Governors.
Projects/payments received from Foundations	5%

2. The Managing Director decides the specific withholding to be applied in the case of application/interpretation problems relating to projects and activities which cannot be perfectly matched with the provisions of these Regulations with reference to withheld fees after having consulted the Rector, and after an adequate investigation of the facility responsible for managing the activity, based on his/her own appropriately justified decision, and promptly informs the Board of Governors accordingly. In the case of particularly important and complex projects/activities, after consulting the Rector, the Managing Director then submits the subject for examination by the Board of Governors.



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TITLE V – THE UNIVERSITY AWARD FUND

Art. 13

Establishing the Fund

1. The Fund is made up of public and private financing. In these Regulations the financing resulting from organisations, institutions and administrations qualified as public in current legislation is considered to be public, whereas the resources originating from natural persons or non-public legal entities are considered to be private financing.
2. In particular, the Fund is made up with the resources originating:
 - a) from the non-allocation of three-year salary increases (art. 6, paragraph 14, last sentence of Law No. 240/2010);
 - b) from any amounts allocated by the Ministry of University and Research – MIUR based on the assessment of the results achieved by the Universities (art. 9, paragraph 1, second sentence of Law No. 240/2010);
 - c) from the fees for external assignments which may be performed by members of the teaching staff and researchers without the School's prior authorisation (art. 53, paragraph 7 of Legislative Decree No. 165 dated 30th March 2001, as amended and supplemented);
 - d) from the amount equal to 1% (in words: one percent) of the value of the third-party and institutional projects financed by Public and Private Organisations, obtained from the withholdings applied by the School on the basis of these Regulations;
 - e) from a rebalancing fee equal to 20% of the value of the fees assigned, pursuant to art. 11, paragraph 2;
 - f) from any other resource that is allocated to the Fund itself, subject to a resolution by the Board of Governors,
3. Public and private financing can supplement the Fund, as indicated in paragraph 2, sub-section e) of this article, but only if there are no provisions preventing the contracting authority from compensating the staff or regulations on the basis of which the contributions have been made. The absence of such precluding provisions is to be certified by the project manager/funds holder and verified by the competent Departments.

Art. 14

Fund use procedures

1. The Fund's Revenue is intended to be used to allocate an additional fee to the School's full-time teaching staff, researchers and the administration and technical staff in relation to the additional commitments with respect to the mandatory commitments required in the School's core activities in relation to the strategic planning process, which is the subject of specific assignments, as well as in relation to the results achieved, on condition that no other indemnities or fees have already been paid to them.
2. The assignments must refer to specific activities, functions or projects, which do not fall within their official duties, as defined by current legislation and by the School's internal regulations. Any additional fee will be approved by the Board of Governors based on a proposal by the Rector, subject to an assessment of the results achieved;



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3. The bonus fees are allocated on the basis of criteria and parameters defined beforehand by the Board of Governors, after consulting the Academic Senate, in compliance with the strategic objectives adopted by the School through the planning tools referred to in art. 16 of the Statute;
4. The fees are allocated after having verified that the obligations set out in art. 2 del of these Regulations have been fulfilled;
5. The fees envisaged in this article are defined by the Board of Governors within the limits of the fund's resources, supplemented by the rebalancing fee referred to in art. 13, paragraph 2, sub-section e, and must be appropriate in relation to the functions and tasks assigned, as well as with regard to the reference period.

TITLE VI COMMON RULES

Art. 15

Maximum limit for incentive fees

The incentive fees acknowledged by these Regulations for teaching staff, researchers and administration and technical staff and the other forms of incentive (ancillary fees allocated for whatever reason) cannot exceed 50% of the respective gross annual remuneration.

Art. 16

Maximum limit in the use of withheld fees

If the annual withheld fee on third-party and institutional projects aimed at covering the costs for temporary contracts referred to the administration and technical staff exceeds the threshold of € 500,000, then the surplus will be allocated to cover the fund for the indirectly incurred expenses.

Art. 17

Entry into force

1. These Regulations are issued by the Rector with his/her own decree and enter into force the day after their publication. The Regulations apply to requests to close projects duly formalised from that date.
2. The provisions for the University Award Fund will apply from 1st January of the year following the year of approval.
3. Any amendments and/or supplementations, also issued on the basis of a Rector's decree, will enter into force on the day following the publication of the source, as amended and/or integrated in the School's online Register.