



# UNIVERSITÀ DEGLI STUDI DI MILANO

## REGULATIONS FOR PHOTOGRAPHERS' ACCESS TO MILAN UNIVERSITY PREMISES DURING FINAL EXAMS

### **Art. 1 - Scope**

These Regulations govern accredited photographers' access to Milan University premises during final exams, for the purposes of graduation photo shoots.

Except as regulated herein, it is forbidden to take photographs on the university premises, unless specifically authorized by the University in special circumstances.

These Regulations are intended for photographers accredited by the University of Milan, according to the procedures set forth in art. 5 below, or the persons invited by upcoming graduates, pursuant to art. 8 below.

### **Art. 2 - Duration of Accreditation**

Accreditation is valid for three years as of the end of the accreditation process, namely as of the date of notice of registration in the list of accredited professionals.

### **Art. 3 - Eligibility**

Freelance photographers, as well as photography businesses on behalf of one or more of their employees, may apply for accreditation.

Applications for accreditation must be submitted as set forth in art. 5 below. Applicants must meet professional and moral requirements.

More specifically, the applicant:

- must have registered as a photographer with the Police, pursuant to art. 164 subpart f) of Legislative Decree no.112 of 31.03.1998.

Moreover,

- for self-employed photographers:

- they must not fall into any of the exclusion cases pursuant to art. 38 subparts b), c), e), f) of Legislative Decree no. 163/2006.

- for businesses applying on behalf of one or more employees:

- the business must not fall into any of the exclusion cases pursuant to art. 38 subparts a), b), c), d), e), f), g), i), m) of Legislative Decree no. 163/2006;
- their employee(s) must not fall into any of the exclusion cases pursuant to art. 38 subparts c), e), f) of Legislative Decree no. 163/2006.



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Applicants must prove that they meet all of the aforementioned requirements by enclosing the documentation set out in art. 5 below.

## **Art. 4 - University Faculties, Final Exams and Accreditation Lots**

Accredited photographers may access University premises for photo shoots for the following Faculties and degree programmes:

- Agricultural Science
- Pharmacy
- Law
- Humanities
- Medicine
- Veterinary Medicine
- Mathematics, Physics and Natural Sciences
- Exercise and Sports Sciences
- Political Science
- Interfaculty degree programmes.

Final exams are held according to the procedures and schedules set out by the Academic Regulations.

As a rule, exam sessions are scheduled as follows:

- Summer session: May to July;
- Autumn session: September to December;
- Winter session: February to April.

For the sake of order, the aforementioned Faculties are grouped into three consistent lots based the average number of students who annually take the final exams as required by Academic Regulations:

| <u>Lot A</u>         | <u>Lot B</u>                             | <u>Lot C</u>   |
|----------------------|--|--|
| Agricultural Science | Law                                      | Medicine   |
| Pharmacy             | Medicine                                 | Political Science  |
| Humanities           | Veterinary Medicine                      | Interfaculty (Language Mediation<br>and intercultural communication) |
| Philosophy           | Mathematics, Physics and Natural Science |  |
|                      | Exercise and Sports Sciences             |  |

As part of the accreditation process, and pursuant to art. 5 below, each of the aforementioned lots will be associated with a group of professionals whose number is determined in relation to the number of accreditation applications received.

## **Art. 5 - Service Accreditation**

**Step 1 - Application for Accreditation:** Interested photographers are required to apply to the Rector within the deadline set by the call for applications, using the forms attached hereto ("*Annex A*" for freelancers and "*Annex B*" for companies).



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The application may be submitted both by freelance photographers and by companies on behalf of one or more of their employees.

The following documents must be attached to the application for accreditation, as proof of meeting the requirements referred to in art. 3 above:

- a) for freelance applicants, VAT number certificate;
- b) for company employees, a declaration of the legal representative of the company certifying that the employee is a photographer working for the company, and the original Chamber of Commerce membership certificate for the company;
- c) criminal records for the freelance photographer or the company employee. If the company is a general partnership, a limited partnership, or another type of business, criminal records must be attached also for the partner, general partner, or the directors with power of attorney, respectively;
- d) proof of registration with the Police pursuant to art. 164, subpart f) of Legislative Decree no.112 of 31 March 1998.

**Step 2 - Acceptance of Applications** - The University will vet applications and will grant accreditation or provide explanations for rejected applications.

**Step 3 - Publication of the List of Accredited Photographers** - Depending on the number of applications granted, the University will draw up the list of accredited photographers and set the maximum number of photographers in each of the three groups.

The University will give adequate notice of, and publicity to, the list of names of accredited photographers and the maximum number of photographers per group.

**Step 4 - Formation of Working Groups** - Accredited photographers may agree on the composition of the groups, within the deadline set by the Administration. To this end, accredited photographers will be invited to a special public session to communicate their decisions in this regard to the University, which must be immediately formalized in a document signed with a legible signature in full by all the photographers concerned.

Failure to reach unanimous agreement on the composition of the three working groups, or to deliver to the Administration the document confirming the formalization of the agreement, bearing the legible and full signatures of all parties, will result in the groups being formed by means of a draw, in the same public session.

If an accredited photographer is unable to attend the public session, he/she may delegate another accredited photographer.

Furthermore, a contact person for each group will be identified on that occasion pursuant to art. 6 below.

**Step 5 - Group Allocation and Rota** - At the end of step 4, in the same public session, each group will be associated to one of the three lots as identified in art. 4 above, by means of a draw.



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The group/lot association will be effective for one year starting from the first session as scheduled at the end of the accreditation process. In each year following the first and for the entire accreditation period, each group of photographers will be allocated to the immediately following lot, in order to ensure a full rotation of the three groups across lots, over the three-year period of accreditation.

## **Art. 6 - Group Contact Person**

A contact person shall be appointed within each group. If the contact person's name does not appear in the document referred to in art. 5 (step 4), the University will appoint a contact person by means of a draw.

The contact person is required to provide their contact details (address, telephone number, fax) to the competent offices of the Faculties, so as to ensure their availability. The contact person is entrusted with the following tasks:

- ensuring that the photographers in their group enter university premises in compliance with these Regulations;
- coordinating activity, ensuring an equal allocation of tasks to accredited photographers in their group, arranging for any photographers who cannot attend their assigned session to be replaced by other accredited photographers from the same group;
- drawing up a price list to be filed with the University, including the costs for any additional services on top of the standard service offered to students, for the University to give due notice thereof. At least 60 days before the annual accreditation deadline, the price list shall be sent to the University by the contact person of each group, by registered letter with return receipt;
- managing relations with the competent University offices, in order to ensure compliance with these Regulations and receive practical information on final exam venues and procedures.

## **Art. 7 - Authorized Photographers and Identification Badge**

Access to the university premises during final exams is for accredited professionals only, or a student-appointed photographer with a special authorization pursuant to art. 8.

Before entering/leaving the exam venue, the photographer is required to show up to the competent university office to sign the register and pick up/drop off their identification badge.

The accredited photographer must wear the aforementioned identification badge while on campus, making sure it is clearly visible. The photographer is strictly required to return the badge at the end of the photo shooting; failure to comply with this requirement will result in sanctions pursuant to art. 13.

Failure to wear the identification badge or to sign the register will result in sanctions pursuant to art. 13.



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**Art. 8 - Photographers Personally Invited by Students and Identification Badge** - Access to the university premises is also permitted for a photographer, including a non-professional one, personally chosen by the student for the photo shooting. However, the photographer is forbidden from offering their services to other students on campus.

Student-appointed photographers may access university premises on condition that they show up to the competent office before the shooting, in order to be identified and pick up a temporary identification badge. The badge must be clearly visible at all times and returned at the end of the shooting. Student-appointed photographers are required to comply with the provisions contained herein.

**Art. 9 - Provisions for the Performance of the Service and Rules of Conduct**

The photo shoot must be carried out in compliance with the principles of public order and current regulations, including privacy rules; it is forbidden to photograph upcoming graduates or any other persons without their prior consent.

Photographers are required to abide by the provisions contained herein and to behave in such a way as not to disturb the performance of final exams, showing respect for other authorized photographers and all those present; they must also comply with the instructions given by individual Faculties or, from time to time, by the Chair of the exam session.

Photographers, whether accredited and/or personally invited by students, cannot carry out any activity without their identification badge, which must always remain clearly visible to users and university staff.

The photo shoot must be taken before the start of the discussion, when the candidate enters the classroom, and upon graduation.

Accredited photographers must perform the service as agreed with the student, without forcing them to do anything against their will.

In the case referred to in art. 8 above, the accredited photographer will not carry out any activity and cannot claim anything for any reason.

Accredited photographers are required to perform the service properly and to apply, for the entire duration of the accreditation, prices in no case higher than those indicated in the Price List that the representatives of the three working groups shall send annually to the Administration by registered letter with return receipt, at least 60 days before the expiration of the annual term. The Administration will notify students of the rates applied.

No upfront payment may be required of the student prior to the delivery of the photographic reproductions.

Payment must be made upon delivery, against an invoice or a receipt.

It is forbidden for accredited professionals to:



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- a) transfer their authorization to and/or allow other unauthorized persons to perform the service;
- b) transfer the products of the service to third parties, in whole or in part.

Failure to comply with any of the aforementioned provisions will result in the application of the sanctions provided for by art. 13.

## **Art. 10 - Professional Liability**

The University has no part in the contractual relationship between students and accredited photographers.

Each photographer and their clients are free to make agreements in compliance with these Regulations; the University can in no way be held liable for the effects of these agreements.

Without prejudice to the personal liability of the free-lance professional, the employer of the accredited photographer is jointly and severally liable with the latter for non-compliance with the obligations set out herein, as well as for any damage caused to people or things on university premises.

## **Art. 11 - Service Prices**

Accredited photographers cannot ask students to pay higher prices than those shown in the Price List referred to in art. 9 above, for the services indicated therein.

Photographers can agree with the students to provide different and/or additional services (e.g. reproduction on CD) for the prices previously notified to the University through a specific price list, which will be duly advertised by the Administration.

## **Art. 12 - Service Supervision**

The chair of the degree board and the university staff in charge of monitoring activities have the task of supervising photographers' access to the premises where the final exams are held, as well as compliance with the rules set forth herein.

The chair of the degree board may prohibit the performance or continuation of the service and/or order the photographer to be escorted out, in the event of behaviour which could disturb the final exam sessions and/or disrupt public order.

## **Art. 13 - Suspension and Cancellation**

At any time, the University may carry out inspections on the service and on compliance with these Regulations by accredited professionals. The Administration reserves the right to suspend accreditation at its sole discretion, denying access temporarily or permanently to any professionals causing disturbances or disruptions during the final exams and/or on the university premises, following any reports made by the chair of the degree board or by university staff, or for cause, without being held liable for financial damages or other relief.



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The contact person of the group may replace any accredited photographers sanctioned or disqualified by the University.

The definitive suspension involves the cancellation from the list of accredited professionals and can be ordered by the University, for cause, in the event that:

- a) the photographer is held responsible for facts or actions of particular gravity and/or for disrupting behaviour;
- b) there is evidence that the photographer asked for a higher price as compared with the general Price List or the specific price lists as filed with the University;
- c) the photographer does no longer meet application requirements as specified in art. 3;
- d) the accredited photographer has incurred twice a sanction of any kind.

## **Art. 14 - Governing Law and Communications to Group Representatives**

For anything not specifically contemplated herein, provisions of applicable law or regulation shall provide gap-filling terms.

Any instructions given in writing by the Administration to the group contact persons are valid and binding for all accredited photographers.

## **Art. 15 - Validity of the Regulations**

These Regulations are valid as of January 1, 2009.

The accreditation process referred to in art. 5 above will be launched after the approval of these Regulations by the University Board of Directors, possibly before the effective date of January 1, 2009.

## **Art. 16 - Repeal**

These Regulations replace to all intents and purposes the previous Regulations for photographers access to graduation rooms.

As of the end of the accreditation process referred to in art. 2 above, all pre-existing regulatory provisions on the subject and all related authorizations previously granted are understood to have lapsed and are ineffective.

**REGULATIONS FOR PHOTOGRAPHERS' ACCESS TO THE PREMISES OF THE UNIVERSITY OF MILAN**

**For the attention of the  
Rector**

**APPLICATION FOR ACCREDITATION**

The undersigned .....  
born in .....  
..... on .....  
address ..... via ..... tel. ....

**DECLARES pursuant to Presidential Decree no. 445 of 28.12.2000:**

- to practice as a freelance photographer, with VAT no. .... industrial classification code no. ....
- that there are no grounds for exclusion pursuant to art. 38 subparts b), c), e), f), of Legislative Decree 163/2006;
- to be fully aware of and understand the current Regulations of the University of Milan for photographers' access to university premises;
- to use the photographic products exclusively for the purpose of carrying out the service in question and not to use or transfer the photographic products to third parties;
- to give their consent to personal data processing pursuant to art. 13 of Legislative Decree no. 196/2003.

**APPLIES FOR**

accreditation for the purposes of accessing university premises and making photo shoots during the final exams for the achievement of university degrees, in accordance with the current Regulations of the University of Milan.

**ATTACHES  
as proof of requirements**

- copy of a valid ID;
- VAT number certificate;
- criminal records certificate;
- proof of registration with the Police pursuant to art. 164, subpart f) of Legislative Decree no. 112 of 31 March 1998.

date ..... signature .....

**Art. 38. Legislative Decree 163/2006**

The following are not eligible for application:

- b) Those who have pending proceedings for the application of any of the preemptive measures under article 3 of Law No. 1423 of 27 December 1956 or for whom there are grounds for disqualification under article 10 of Law No. 575 of 31 May 1965;
- c) Those against whom a final conviction sentence, or an irrevocable conviction order, or a judgment imposing the sanction requested by the parties has been passed, pursuant to article 444 of the code of criminal procedure, for serious crimes to the detriment of the State or the Community affecting professional ethics; a conviction, with a final judgment, for one or more crimes including engaging in organized crime, corruption, fraud, money laundering, as defined in article 45, paragraph 1, EC directive 2004/18, is grounds for exclusion;
- e) Those who have committed serious offences in breach of safety rules and any other employment-related obligations;
- f) Those who, in the Administration's reasonable opinion, have committed gross negligence or *mala fides* in the performance of their services for the contracting Administration, or those who have committed a serious error in their professional activity, as ascertained by any means of proof by the Administration.



**REGULATIONS FOR PHOTOGRAPHERS' ACCESS TO THE PREMISES OF THE UNIVERSITY OF MILAN**  
**For the attention of the Rector**

**APPLICATION FOR ACCREDITATION**

The undersigned .....  
 born in ..... on .....  
 address ..... via ..... tel .....  
 as legal representative of ..... with registered office  
 in ..... via ..... registered in the Registry of Businesses of  
 the Chamber of Commerce of ..... under no. ....

**DECLARES pursuant to Presidential Decree no. 445 of 28.12.2000:**

- that there are no grounds for exclusion against the company pursuant to art. 38 subparts a), b), c), d), e), f), g), i), m) of Legislative Decree 163/2006\*;
- that there are no grounds for exclusion against the employee concerned pursuant to art. 38 subparts c), e), f) of Legislative Decree 163/2006\*;
- to be fully aware of and understand the current Regulations of the University of Milan for photographers' access to university premises;
- to use the photographic products exclusively for the purpose of carrying out the service in question and not to use or transfer the photographic products to third parties;
- to give their consent to personal data processing pursuant to art. 13 of Legislative Decree no. 196/2003.

**APPLIES FOR**

accreditation for the purposes of accessing university premises and making photo shoots during the final exams for the achievement of university degrees, in accordance with the current Regulations of the University of Milan, for their employee (name and surname) .....  
 born in ..... on ..... address .....  
 ..... via ..... tel. ....

**ATTACHES**  
**as proof of requirements**

- copy of a valid ID of the legal representative of the Company;
- copy of a valid ID of the employee;
- original certificate of the Company's registration with the Chamber of Commerce of ..... under no. ....
- if the company is a general partnership, a limited partnership, or another type of business, criminal records must be attached for the partner, general partner, or the directors with power of attorney, respectively;
- criminal records for the employee concerned;
- proof of registration with the Police pursuant to art. 164, subpart f) of Legislative Decree no. 112 of 31 March 1998.

.....  
 Date .....  
 Signature of the legal representative .....  
 Company stamp .....  
 signature of the employee .....  
 concerned

**Art. 38. Legislative Decree 163/2006** - The following are not eligible for application:

- a) Those who are in bankruptcy, compulsory liquidation, arrangement with creditors, or are subject to pending proceedings for any of the above;
- b) Those who are subject to pending proceedings for the application of any of the preemptive measures referred to in article 3 of Law no. 1423 or any of the impediments provided for by article 10 of Law no. 575; ineligibility applies if the pending proceedings concern the owner (for sole proprietorships), the shareholder (for general partnerships), the general partners (for limited partnerships), the directors with powers of attorney (for other types of companies);
- c) Those against whom a final conviction sentence, or an irrevocable conviction order, or a judgment imposing the sanction requested by the parties has been passed, pursuant to article 444 of the code of criminal procedure, for serious crimes to the detriment of the State or the Community affecting professional ethics; a conviction, with a final judgment, for one or more crimes including engaging in organized crime, corruption, fraud, money laundering, as defined in article 45, paragraph 1, EC directive 2004/18, is grounds for exclusion; ineligibility applies if the sentence or decree has been issued against the owner (for sole proprietorships), the shareholder (for general partnerships), the general partners (for limited partnerships), the directors with powers of attorney (for other types of companies or consortia). In any case, ineligibility also applies to those who left office in the three years prior to the date of publication of the call for applications, if the company does not prove that it has adopted measures to fully censure the conduct that is criminally sanctioned; the application of art. 178 of the criminal code and art. 445, paragraph 2, of the code of criminal procedure shall stand;
- d) Those who infringed the ban on fiduciary entrustment set out in art. 17 of Law no. 55 of 19 March 1990;
- e) Those who have committed serious offences in breach of safety rules and any other employment-related obligations;
- f) Those who, in the Administration's reasonable opinion, have committed gross negligence or *mala fides* in the performance of their services for the contracting Administration, or those who have committed a serious error in their professional activity, as ascertained by any means of proof by the Administration.
- g) Those who have been proven to have defaulted on tax payments pursuant to current regulations;
- i) Those who have been proven to have defaulted on social security and welfare contributions pursuant to current regulations;
- m) Those who have been disqualified pursuant to art. 9, paragraph 2, subpart c), Legislative Decree no. 231/2001 or otherwise sanctioned with the prohibition of contracting with the public administration, including disqualification measures pursuant to art. 36-bis, paragraph 1, Law Decree 223/2006, as converted and amended by Law 248/2006.