



UniSR

Università Vita-Salute
San Raffaele

UNIVERSITY REGULATIONS

UNIVERSITY REGULATIONS GOVERNING THE RECRUITMENT OF RESEARCHERS ON FIXED-TERM CONTRACTS, PURSUANT TO ARTICLE 24 OF LAW NO. 240/2010 (IN THE WORDING IN FORCE UNTIL 29 JUNE 2022, THE DATE PRIOR TO THE ENTRY INTO FORCE OF LAW NO. 79/2022, CONVERTING DECREE-LAW NO. 36/2022)

ISSUED BY RECTOR'S DECREE NO. 8767 OF 15 FEBRUARY 2024

Contents

1	PURPOSE AND SCOPE	3
	ART.1 <i>Field of application.....</i>	3
2	PROVISIONS OF THE REGULATIONS.....	3
	ART.2 <i>Aims of recruitment.....</i>	3
	ART.3 <i>Nature of the employment relationship.....</i>	3
	ART.4 <i>Contract types.....</i>	3
	ART.5 <i>Junior contracts.....</i>	4
	ART.6 <i>Senior contracts.....</i>	4
	ART.7 <i>Prerequisites for the award of contracts.....</i>	4
	ART.8 <i>Recruitment procedure.....</i>	5
	ART.9 <i>Content of calls for applications for recruitment.....</i>	6
	ART.10 <i>Requirements for participation in the recruitment procedure.....</i>	7
	ART.11 <i>Recruitment Committee.....</i>	7
	ART.12 <i>Conclusion of the individual employment contract.....</i>	9
	ART.13 <i>Contract duration.....</i>	9
	ART.14 <i>Terms of the employment relationship.....</i>	10
	ART.15 <i>Salary.....</i>	10
	ART.16 <i>Incompatibilities and holding of other appointments.....</i>	10
	ART.17 <i>Intellectual Property.....</i>	10
3	VALIDITY AND TRANSITIONAL RULES.....	10
	ART.18 <i>Transitional rules and validity.....</i>	10

1 Purpose and Scope

ART.1 Field of application

1. These Regulations, in compliance with EC Directive no. 70/1999 (Framework Agreement on fixed-term work), with the principles set out in the European Charter for Researchers, as per Commission Recommendation (EC) no. 251 of 11 March 2005 and with national provisions (article 24 of Italian Law no. 240/2010 in the wording in force until 29 June 2022, which preceded the entry into force of Law no. 79/2022, converting Decree-Law no. 36/2022), the recruitment procedures, govern the legal status and the salaries payable to fixed-term researchers, as well as the procedures for carrying out the relevant activities.
2. Where these Regulations use the masculine form in an over-extended manner, it is intended to refer inclusively to all persons, irrespective of their gender.

2 Provisions of the Regulations

ART.2 Aims of recruitment

1. Vita-Salute San Raffaele University may establish fixed-term employment relationships by entering into private law contracts with individuals with adequate scientific qualifications, who meet the requirements set forth in Article 10 of these Regulations.
2. The purpose of the contracts is to carry out research activities, also within the framework of a specific project or programme that may derive from agreements with third parties, as well as to carry out teaching, integrative teaching and student service activities.
3. The costs arising from the award of the contracts referred to in these Regulations may be borne in full by other public and private entities, subject to the conclusion of agreements of an amount not less than the fifteen-year cost for the researcher posts referred to in Article 24(3)(b), or of an amount and duration not less than those of the contract for the researcher posts referred to in Article 24(3)(a) in the wording in force until 29 June 2022, which preceded the entry into force of Law no. 79/2022, converting Decree-Law no. 36/2022.

ART.3 Nature of the employment relationship

1. The employment relationship established by entering into private law contracts with Vita-Salute San Raffaele University under these Regulations is a fixed-term employment and is governed by the applicable current provisions, also with regard to the tax, welfare and social security conditions provided for employees' income. Vita-Salute San Raffaele University provides insurance coverage for accident risks and third-party liability.

ART.4 Contract types

1. The University may award the following types of contracts:
 - a) contracts referred to in Article 24(3) (a) of Italian Law no. 240/2010, hereinafter referred to as "junior" contracts, in the wording in force until 29 June 2022, which preceded the entry into force of Law no. 79/2022, converting Decree-Law no. 36/2022;
 - b) contracts referred to in Article 24(3) (b) of Italian Law no. 240/2010, hereinafter referred to as "senior" contracts, in the wording in force until 29 June 2022, which preceded the entry into force of Law no. 79/2022, converting Decree-Law no. 36/2022;

ART.5 Junior contracts

1. Junior contracts have a three-year duration and may be extended for two years only and only once, subject to a positive assessment of the teaching and research activities carried out, conducted in accordance with the procedures, criteria and parameters defined by Ministerial Decree.
2. Junior contracts may provide for both full-time and part-time commitments.
3. The total annual commitment for teaching, integrative teaching and student service activities is 350 hours for full-time status and 200 hours for part-time status.
4. Junior researchers are obliged to carry out at least 100 hours of teacher-led learning per academic year for full-time commitments and at least 70 hours of teacher-led learning per academic year for part-time commitments, in the manner established by the facility proposing the activation of the contract at the teaching planning stage.
5. Junior contracts may also be entered into with the same individual in different locations.
6. In the cases referred to in the preceding paragraph, fixed-term researchers in charge of research projects funded by bodies other than the university they belong to, retain ownership of the projects and of the related funding, where scientifically possible and with the agreement of the organisation that commissioned the research.

ART.6 Senior contracts

1. Senior contracts, which have a three-year duration, are reserved for those who:
 - have been awarded junior contracts referred to in Article 5 above;
 - have obtained the national scientific qualification for the positions of full or associate professor, pursuant to Article 16 of Italian Law 240 of 30 December 2010;
 - hold a medical specialisation;
 - have been awarded, for at least three not necessarily consecutive years, research grants awarded pursuant to Article 51(6) of the Italian Law of 27 December 1997 or research grants pursuant to Article 22 of Italian Law no. 240 of 30 December 2010, or post-PhD scholarships pursuant to Article 4 of Law no. 398 of 30 November 1989;
 - have been awarded similar contracts, grants or scholarships at foreign universities;
 - have been awarded, for at least three years, contracts entered into pursuant to Article 1(14) of Italian Law no. 230 of 4 November 2005.
2. Senior contracts may provide for both full-time and part-time commitments.
3. The total annual commitment for teaching, integrative teaching and student service activities is 350 hours for full-time status and 200 hours for part-time status.
4. Senior researchers are obliged to carry out, as part of their institutional teaching commitment, at least 100 hours of teacher-led learning per academic year for full-time commitments and at least 70 hours of teacher-led learning per academic year for part-time commitments.

ART.7 Prerequisites for the award of contracts

1. The award of the contracts referred to in Articles 5 and 6 of these Regulations and their extension or renewal, where provided for, shall be proposed by the Faculty concerned to the Board of Directors or its delegated body.

2. Calls for applications for recruitment are, as a rule, grouped into two annual sessions. The Rector issues first-session calls for applications by 31 March and second-session calls for applications by 31 October of each year.
3. Facilities wishing to award the contracts referred to in these Regulations must issue a resolution for their award by indicating:
 - a) the research programme, if any, to which the contract is related;
 - b) the specific application sector and any profile exclusively by indicating one or more scientific disciplinary sectors;
 - c) the Faculty of affiliation;
 - d) the location of the activities. The research activity and any care duties shall be carried out in facilities affiliated with Vita-Salute San Raffaele University;
 - e) the activities covered by the contract, the scientific production objectives, the overall teaching commitment that will be required of the researcher and the characteristics of the scientific activity;
 - f) the commitment regime (full-time or part-time);
 - g) the salary payable to researchers on fixed-term contracts pursuant to Article 15 of these Regulations;
 - h) the maximum number of publications, if any, that candidates may submit for recruitment purposes, in any case not less than 12.
 - i) any oral examination aimed at ascertaining adequate knowledge of a foreign language.
4. The Board of Directors approves proposals for the award of contracts and their extension/renewal, where provided for.

ART.8 Recruitment procedure

1. The recruitment of fixed-term researchers is carried out following selection procedures that ensure the comparative assessment of the candidates and the publicity of the documentation.
2. Recruitment takes place after a call for applications has been published in the Official Gazette of the Italian Republic, on the University Portal, on the website of the competent Ministry, and on the European Union Portal.
3. Recruitment is carried out, once the Recruitment Committee has verified the admissibility of the applications, by means of a preliminary assessment of the candidates with a reasoned analytical appraisal of their qualifications, curriculum and scientific production, including their PhD thesis, in accordance with the criteria and parameters defined by Italian Ministerial Decree no. 243 of 25 May 2011 published in the Official Gazette of 21 September 2011.
4. Following the preliminary assessment, the comparatively most deserving candidates, representing between 10 and 20 percent of the total number of candidates, and in any case not less than six, are admitted to a public interview with the Committee on their qualifications and scientific production, which may also take the form of a seminar open to the public.
At the same time as the qualifications and publications interview, candidates will take an oral examination, where necessary, to ascertain their adequate knowledge of a foreign language.
The discussion and the foreign language test may take place face-to-face on the premises of Vita-Salute San Raffaele University or remotely, depending on the instructions given by the Recruitment Committee. For electronic connections, using any remote means of communication (Skype, video conferences, etc.), the workstation from which candidates will have the interview and oral examination must be equipped

with a webcam - which is essential for identifying the candidate - a microphone and headphones and/or speakers.

In order to ensure the widest possible participation of candidates in the recruitment procedure, the Committee may grant the postponement of the interview and oral examination to a candidate requests it only in cases of documented and objective impossibility for that candidate to participate.

The University guarantees participation in the tests, without prejudice of any kind, to candidates who are unable to comply with the timetable envisaged for the interview due to pregnancy or breastfeeding, including by arranging for asynchronous tests and, in any case, the availability of appropriate spaces to allow for breastfeeding.

All candidates shall be admitted to the interview stage if six or fewer applications are received.

5. Following the interview, points are awarded to the qualifications and each of the publications submitted by the admitted candidates on the basis of the criteria established by the Committee at the preliminary meeting.

6. The Committee identifies the successful candidate, providing adequate justification. The procedure documentation is approved by Rector's Decree. If the Committee documentation is found to be noncompliant, the Rector may return it to the Committee with a duly substantiated order to remedy the noncompliance and setting a deadline for this activity.

7. The Committee also draws up a ranking based on the scores obtained for the qualifications and publications assessment. When determining the criteria and methods for evaluating candidates, the Recruitment Commission may decide to establish a minimum score below which candidates will not be included in the ranking.

8. The Faculty that requested the call for applications formulates the call proposal with the favourable vote of an absolute majority of the full and associate professors, which is approved by the Board of Directors.

9. If the successful candidate withdraws, the Faculty may formulate a new call proposal based on the ranking referred to in Section 8, in accordance with the procedures set out in Section 7 above.

10. This ranking is only valid if the successful candidate withdraws from the call or is not recruited.

ART.9 Content of calls for applications for recruitment

1. Calls for applications for recruitment must state:

- a) the type of contract (junior or senior);
- b) the commitment regime (full-time or part-time);
- c) the subject matter of the contract;
- d) any indication of the specific research project/programme and its duration;
- e) the specific application sector and any profile exclusively by indicating one or more scientific disciplinary sectors;
- f) the possible maximum number of publications, in any case not less than 12.
- g) any oral examination aimed at ascertaining adequate knowledge of a foreign language to be taken at the same time as the qualifications and publications interview;
- h) the legal status, salary and social security conditions to which the fixed-term researcher is entitled;
- i) the facility where the position is offered; The research activity and any care duties shall be carried out in facilities affiliated with Vita-Salute San Raffaele University;
- j) the recruitment procedure specifying the requirements for participation;
- k) the scientific productivity objectives and teaching commitment assigned to the researcher;

l) the terms and conditions for the submission of applications, qualifications, publications and documents to be submitted by candidates.

The call for applications will provide for the electronic submission of applications, qualifications, documents and publications, subject to acceptance of paper submission in the event of proven technical impossibility to submit such documentation electronically.

The period for application submission may not be less than ten or more than thirty days and starts on the day following the date on which the call for applications or, when possible, the notice, was published in the Official Gazette. If the deadline falls on a public holiday it shall be postponed to the next working day. Applications, qualifications, documents and publications submitted after the deadline stipulated in the call for applications will not be taken into consideration.

ART.10 Requirements for participation in the recruitment procedure

1. Recruitment is open to Italian or foreign candidates in possession of one of the following requirements:

- PhD or equivalent qualification obtained in Italy or abroad;
- medical residency diploma in the relevant sector.

2. For senior contracts only, candidates meeting the requirements of Article 6 of these Regulations are eligible for recruitment.

3. The requirements referred to in subsections 1 and 2 must be met both by the deadline for submitting applications for admission to the selection procedure and when the work contract is signed.

4. Full and associate professors and researchers already employed on a permanent basis are not eligible for recruitment, even if they are no longer in service.

5. Those who have held contracts as research grant-holders and fixed-term researchers, pursuant to articles 22 and 24, respectively, of Law no. 240/2010 at Vita-Salute San Raffaele University or at other Italian universities, whether public or private or virtual, as well as at the institutions referred to in article 22(1) of Italian Law no. 240/2010 for a period which, added to the duration of the contract put out to tender, exceeds a total of 12 years, even if not continuous, are also not eligible. Periods spent on maternity leave or leave for health reasons in accordance with the legislation in force do not count for the purposes of the duration of these relationships.

6. Those who have a degree of kinship, or affinity up to and including the fourth degree, with a professor belonging to the Faculty requesting the award of the post or to the facility issuing the call, or with the Rector, the Director General or a member of the University's Board of Directors may not participate in the call procedure.

7. Exclusion from the recruitment procedure is ordered by reasoned Rector's Decree and sent to the person concerned.

ART.11 Recruitment Committee

1. For each recruitment procedure, the Rector's Decree, based on the proposal of the Faculty Council concerned, appoints the Recruitment Committee, composed of three full and/or associate professors, the majority of whom belong to other universities. One lecturer of the above-mentioned Recruitment Committees may be from a foreign University.

As regards the composition of the Committees, the principle of equal opportunities between men and women shall be observed wherever possible.

Lecturers of Italian universities, chosen from among the full and/or associate professors, must belong to the application sector the recruitment procedure refers to or to one or more of the scientific disciplinary sectors that the recruitment procedure refers to. Lecturers from foreign universities must be authoritative professors from foreign universities with a role equivalent to that of full or associate professor.

The proposal by the Faculty Council concerned shall be made as follows:

- the Faculty Council directly chooses one Committee member, who may be either internal or external to the University, and draws lots for the remaining members, who may be external to the University, from a shortlist of five lecturers identified by the Faculty Council itself. The Faculty Council compiles the list of the names drawn. In the event of the resignation or waiver of the drawn Committee members, replacements shall be identified from the list.

The proposal by the Faculty Council concerned must be made after the deadline for the submission of applications by candidates.

The Committees are appointed by Rector's Decree and published on the University website. The thirty-day period in which candidates may raise objections concerning the Committee members begins on the date of publication; if all the candidates expressly declare that the Recruitment Committee is not affected by any cause for objection, this period may end prematurely.

2. Recruitment Committees are subject to the rules on incompatibility and conflict of interest.

Professors may not be members of Recruitment Committees if:

- they have been convicted, even if not definitively, of offences under Chapter I of Title II of Book II of the Italian Criminal Code (article 35-bis of Italian Legislative Decree no. 165 of 30 March 2001);
- within the meaning of article 6(8) of Italian Law 240/2010, they have a negative assessment with regard to the activities indicated in article 6(7) of Italian Law 240/2010;
- they are on leave, pursuant to article 13 of Italian Presidential Decree no. 382 of 11 July 1980;
- they are on leave, pursuant to article 7(1) and (2) of Italian Law 240/2010.

There is also an obligation to abstain for Professors who:

- find themselves in situations of incompatibility with any of the candidates and/or the other members of the Recruitment Committee, as provided for in articles 51 and 52 of the Italian Code of Civil Procedure (CPC);
- are related to any of the candidates or to other members of the Recruitment Committee by blood or affinity up to the fourth degree of kinship, marriage, non-marital cohabitation or habitual cohabitation;
- have working relationships with any of the candidates that are systematic, stable and continuous enough to give rise to a genuine professional association. Incompatible working relationships are, in any case, foreshadowed by the circumstance in which one of the Committee members is co-author of almost all of a candidate's publications and/or the two parties share economic interests resulting from a stable professional cooperation.

To this end, each Committee member, once the assessment criteria have been defined and having seen the list of candidates, is required to self-certify the absence of grounds for incompatibility and the absence of conflicts of interest.

3. The Committee must conclude the proceedings within four months of the issuance of the Decree with which it was appointed. The Rector may extend the deadline for the conclusion of the procedure by a further two months for proven and exceptional reasons disclosed by the President of the Committee. If the

proceedings have not been completed after the extension, the Rector shall, by reasoned decision, initiate the procedures for replacing the members responsible for the delay, at the same time setting a new deadline for the completion of the proceedings.

Without prejudice to the provisions of article 8 above, the Committee may meet on the premises of Vita-Salute San Raffaele University or using electronic virtual meeting systems; in the latter case, the minutes of the meetings shall state the location from which each member is connected, the electronic means used (telephone, fax, e-mail, multi-user teleconference, videoconference, etc.), and the connection identification details (Internet address, e-mail address, telephone number).

If the Committee meets at another location, it must request specific authorisation from the Rector.

ART.12 Conclusion of the individual employment contract

1. The University reserves the right to offer a contract to the candidate deemed to be most suitable, specifying: the type of contract (junior or senior), details of the services required (teaching and research commitment), and the salary as governed by article 15 below. The deadline by which the successful candidate must communicate their acceptance of the offer shall also be indicated.
2. If the offer made is accepted, the University shall finalise the employment relationship by concluding a private law fixed-term employment contract of the duration provided for in the specific case.

ART.13 Contract duration

1. The duration of both junior and senior contracts is three years.
With regard to the regulations on compulsory maternity leave, article 24(9b) of Italian Law no. 240/2010 shall apply.
2. Junior contracts cannot be renewed.
3. Provision is made for junior contracts to be extended, once only and for only two years, subject to a positive assessment of the teaching and research activities carried out, conducted in accordance with the procedures, criteria and parameters defined by Ministerial Decree no. 242 of 24 May 2011, published in the Official Gazette on 21 September 2011 and specified in the following paragraphs of this article.
4. The Faculty that formulated the call proposal for the contract holder, may propose, within the framework of the available resources, with the consent of the person concerned, in the six months prior to the expiry of the contract, in compliance with the time limits referred to in paragraphs 8 and 9 below, the extension of the same, once only and for only two years, justifying it with reference to the teaching and research requirements, and after the Committee's assessment of the individual's activities referred to in paragraph 7.
5. The teaching and research activity carried out by the researcher under the contract for which the extension is requested shall be assessed by the aforesaid Committee, on the basis of a report prepared by the faculty that proposed the call.
6. The Committee's assessment shall focus on the adequacy of the research and teaching activities carried out in relation to the provisions of contract to be extended.
7. The Committee is appointed by the Rector on a proposal from the Faculty and consists of at least three tenured lecturers. Committees may be appointed for a maximum of three years, and may be renewed. When proposing the appointment, the Faculty shall also establish its duration.
8. The Committee shall normally conclude the proceedings at least 120 days before the expiry of the three-year contract.

9. If the assessment has a positive outcome, the extension proposal, together with the report of the faculty that proposed the call and the Committee's assessment, shall be submitted by the Faculty for approval by the Board of Directors, whose resolution shall be adopted by the date of expiry of the contract to be extended.

ART.14 Terms of the employment relationship

1. For the purposes of research project reporting, research, teaching, integrative teaching and student service activities are quantified as at least 1,500 hours per year for full-time researchers and 750 hours per year for part-time researchers. Researchers shall structure their occupational duties in concert with the leader of the research project/programme to suit its organisational aspects.
2. Fixed-term researchers are subject to the health checks provided for by Italian Legislative Decree no. 81/2008 at the University's expense.
3. In addition, fixed-term researchers are subject to the statutory provisions governing university researchers' rights to vote and stand for election in academic bodies, in accordance with their commitment status.

ART.15 Salary

1. The salary is specified in the call for applications for recruitment.
2. It shall be defined in compliance with the minimum limit set out in article 24(8) of Italian Law no. 240/2010.

ART.16 Incompatibilities and holding of other appointments

1. The provisions of the Regulations on external appointments of professors and researchers of Vita-Salute San Raffaele University apply to researchers on fixed-term contracts.
2. For the duration of the contracts referred to in this article, civil servants of public administrations shall be placed, without allowance or social security contributions, on leave or in a non-tenured where such a position is provided for by the systems under which they are employed.
3. The contracts referred to in these Regulations do not give rise to any rights regarding access to university tenures.
4. The completion of contracts under these Regulations constitutes a preferential qualification in competitive exams for access to public administration positions.

ART.17 Intellectual Property

1. Any patentable innovation made by the personnel referred to in these Regulations in the performance of their duties shall be governed in accordance with the relevant regulations.

3 Validity and transitional rules

ART.18 Transitional rules and validity

1. The University Regulations governing the recruitment of researchers on fixed-term contracts, pursuant to Article 24 of Italian Law no. 240/2010 (in the wording in force until 29 June 2022, which preceded the entry into force of Law no. 79/2022, converting Decree-Law no. 36/2022) approved by Rector's Decree no. 8159 of 3 May 2023, are repealed.

However, for procedures announced prior to the entry into force of these Regulations, the provisions set out in the previous Regulations, issued by Rector's Decree no. 8159 of 3 May 2023, and in the relevant calls for applications shall continue to apply.

2. These Regulations are issued by Rector's Decree and published electronically on the University website.

3. The Regulations shall enter into force on the day following the day of issue of the Rector's Decree and shall apply until the date permitted by the regulations in force.

4. Pending the issuance of the ministerial decree containing the scientific-disciplinary groups, the selection calls for applications will state the competitive procedure areas.

5. As regards senior contract holders at Vita-Salute San Raffaele University who have obtained the national scientific qualification referred to in Article 16 of Italian Law no. 240/2010, within the resources available for programming or resources deriving from agreements lasting at least fifteen years, for the purposes of the assessment for calls for the role of associate professor, reference should be made to article 24(5) and (5-bis) of Italian Law no. 240/2010 in the wording in force until 29 June 2022, which preceded the entry into force of Law no. 79/2022, converting Decree-Law no. 36/2022, as well as to part two of the Regulations governing calls for full and associate professors implementing Italian Law no. 240/2010 .

6. For all matters not expressly provided for in these Regulations, the legal provisions applicable to the topics addressed shall apply.

Issued by Rector's Decree No. 8767 of 15 February 2024 (effective from 16 February 2024)

The Italian version of this Regulations is the only legal means of communication of the relative contents and in case of dispute, the Italian version shall prevail.