



UniSR

Università Vita-Salute
San Raffaele

UNIVERSITY REGULATIONS

UNIVERSITY REGULATIONS GOVERNING THE RECRUITMENT OF RESEARCHERS ON FIXED-TERM CONTRACTS, PURSUANT TO ARTICLE 24 OF ITALIAN LAW NO. 240/2010 AS AMENDED BY LAW NO. 79/2022

ISSUED WITH RECTOR'S DECREE NO. 8283 DATED 12 JULY 2023

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1 Purpose and Scope

ART.1 Field of application

1. In compliance with Council Directive no. 70/1999 (Framework Agreement on fixed-term work), with the principles set out in the European Charter for Researchers, as per the Commission of the European Communities Recommendation no. 251 of 11 March 2005, and with national provisions (article 24 of Italian Law no. 240/2010, as amended by Law no. 79/2022), these Regulations govern the selection procedures, the type of regime and the remuneration payable for “tenure track” fixed-term researchers (RTT), as well as the procedures for carrying out the relevant activities.

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 8 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).

PART ONE

CALL PURSUANT TO ARTICLE 24(3) OF ITALIAN LAW 240/2010, AS AMENDED BY LAW 79/2022

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 Type of contract

1. The contract has a total duration of six years and is not renewable.
2. The contract may provide for either a full-time or a fixed-term commitment.
3. The total annual commitment for the performance of teaching, integrative teaching and student service activities is 350 hours for full-time commitments and 200 hours for part-time commitments. 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.5 Prerequisites for the award of contracts

1. The activation of the contracts referred to in these Regulations is proposed by the Faculty concerned to the Board of Directors or body delegated by it.
2. 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) specification of the scientific-disciplinary group and a possible 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 functions will take place in a facility 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 13 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.
3. The Board of Directors approves proposals for the activation of contracts.

ART.6 Recruitment procedure

1. Recruitment takes place following selection procedures that ensure the comparative assessment of the candidates and the public availability 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 or remotely, depending on the instructions given by the Recruitment Committee. For electronic connections, 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.

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 and provides adequate justification for its decision. 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 deliberates on the call of the successful candidate, which is approved by the Board of Directors.

The contract is concluded within a peremptory period of ninety days from the end of the selection procedure. If the contract is not concluded, the University may not issue new selection procedures for the same scientific-disciplinary group of the Faculty concerned for the following three years.

9. If the successful candidate withdraws, the Faculty shall formulate a new call resolution on the basis of the merit ranking list referred to in subsection 7.

10. The aforementioned merit ranking list is valid only if the successful candidate withdraws from the call i.e. is not recruited.

ART.7 Content of calls for applications for recruitment

1. Calls for applications for recruitment must state:

- a) the commitment regime (full-time or part-time);
- b) the subject matter of the contract;
- c) any indication of the specific research project/programme and its duration;
- d) specification of the scientific-disciplinary group and a possible profile exclusively by indicating one or more scientific disciplinary sectors;
- e) the possible maximum number of publications, in any case not less than 12;
- f) 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;
- g) the legal status, salary and social security conditions to which the fixed-term researcher is entitled;
- h) the facility where the position is offered; The research activity and any care functions will take place in a facility affiliated with Vita-Salute San Raffaele University;
- i) the recruitment procedure specifying the requirements for participation;
- j) the scientific productivity objectives and teaching commitment assigned to the researcher;
- k) the terms and conditions for the submission of applications, qualifications, publications and documents to be submitted by candidates.

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

The period for application submission may not be less 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.8 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. The requirements referred to in subsection 1 must be met by the deadline for submitting applications for admission to the selection procedure.
3. Full and associate professors and researchers already employed on a permanent basis, even if they are no longer in service, as well as persons who have already benefited, for at least three years, from fixed-term researcher contracts pursuant to Article 24(3), of Italian Law 240/2010, as amended by Law 79/2022 (RTT), are not eligible for the selection procedure.
4. 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.
5. Exclusion from the recruitment procedure is ordered by reasoned Rector's Decree and sent to the person concerned.

ART.9 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 scientific-disciplinary group the recruitment procedure refers to or to one or more of the scientific disciplinary sectors that the selection 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 six 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.

The Committee shall meet on the premises of Vita-Salute San Raffaele University, or, compatibly with the activities to be carried out, using electronic means; 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).

Interviews with the candidates may be held on Vita-Salute San Raffaele University premises or electronically, according to the indications and procedures provided by the Recruitment Committee.

ART.10 Conclusion of the individual employment contract

1. The University reserves the right to offer a contract to the successful candidate, specifying: the type of contract (“tenure track” contract (RTT)), details of the services required (teaching and research commitment), and the salary as governed by article 13 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 for a total duration of six years, within the time limit set out in Article 6(8) of these Regulations.
3. Contracts may provide for full-time or part-time commitments. Researchers hired on a full-time basis may transfer, for the academic years following the year in which he/she takes up his/her appointment, to a part-time commitment, subject to a request to be submitted to the Rector six months prior to the start of the academic year from which the option is to take effect and with the obligation to maintain the chosen commitment for at least one academic year.

ART.11 Contract duration

1. Contracts have a duration of six years.
With regard to the regulations on compulsory maternity leave, article 24(9b) of Italian Law no. 240/2010 shall apply.
2. Contracts are not renewable.

ART.12 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.13 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.14 Incompatibilities and holding of other appointments

1. The awarding of a contract is incompatible:
 - with any other employment relationship with public or private entities;
 - with the holding of research contracts also at other universities or public research institutions;
 - with PhD grants and, in general, with any scholarship of any kind awarded by national or foreign institutions, unless it is intended for international mobility for research purposes.

The provisions of the Regulations on external appointments of professors and researchers of Vita-Salute San Raffaele University also apply to researchers on fixed-term contracts, where compatible.

2. For the purposes of the duration of the relationship established with the contract holder, periods spent on maternity, paternity or health leave in accordance with current legislation are not counted, at the request of the contract holder.

3. 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.

4. The contracts referred to in these Regulations do not give rise to any rights regarding access to university tenures.

5. The completion of contracts under these Regulations constitutes a preferential qualification in competitive exams for access to public administration positions.

ART.15 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.

PART TWO

CALL PURSUANT TO ARTICLE 24 (5) AND (6) OF ITALIAN LAW 240/2010, AS AMENDED BY LAW 79/2022

ART.16 Procedure

1. Within the framework of the resources available for planning, starting from the end of the third year of the contract and for each of the subsequent years of the contract referred to in article 4 of these Regulations, the Faculties may activate, subject to the approval of the Board of Directors, the procedures for evaluation, upon request by the interested party, of the contract holder who has obtained the national scientific qualification referred to in article 16 of Italian Law 240/2010, for the purpose of being called to the role of associate professor.

2. The assessment procedure is carried out by a Committee of at least three members appointed by the Rector, following their nomination by the Faculty. This procedure provides, in any case, for the performance of a teaching test within the relevant scientific-disciplinary group, following formal convocation of the candidate.

3. The assessment is carried out according to criteria established in advance by the Committee in compliance with the quality standards referred to in article 24(5) of Italian Law 240/2010. The Committee will also establish the manner in which the teaching test will be conducted and the relevant evaluation criteria.

4. The operational procedures of the Committees are as follows:

- a) The Committee identifies from among its members a President and a minutes Secretary
- b) The Committees carry out their work in the presence of all their members and adopt their resolutions by an absolute majority of their members.
- c) The Committees may make use of telematic tools for collegial work.

5. Committees must complete the proceedings within 4 months of their appointment. The Rector may extend the deadline for the conclusion of the procedure 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.

6. The documentation is approved by Rector's Decree within thirty days of its delivery to the relevant offices. If the Rector observes nonconformities in the way the procedure has been conducted, he/she shall return the documentation to the Committee with a reasoned decision, assigning it a deadline by which to make any changes.

7. At the outcome of the procedure, the Faculty proposes the call of the selected candidate to the Board of Directors. The proposal resolution is adopted by an absolute majority of the full and associate professors, following the order of the ranking list approved by the Committee.

8. The appointment is ordered by the Rector by issuing a Decree.

9. Pursuant to Article 24(6), the procedure provided for in Article 24(5) of Italian Law 240/2010 may be used for the call of full and associate professors and researchers on permanent contracts at the University. This procedure may be adopted until the date permitted by current regulations.

10. Until 31/12/2026, at the request of a fixed-term researcher as referred to in these regulations, the following are acknowledged for classification purposes:

- a period of service equal to three years for those who have been, for at least three years, holders of university researcher contracts pursuant to article 24(3) a) of Italian Law no. 240 of 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. In this case, the evaluation for classification as an associate professor takes place no earlier than 12 months after taking up the post;
- a period of service equal to two years for those who have been, for at least three years, holders of research grants pursuant to article 22 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.

3 Validity and transitional rules

ART.17 Transitional provisions

1. The provisions of "Part Two - Call pursuant to Article 24(5) and (6) of Italian Law 240/2010" of the Regulations governing the call of full and associate professors in implementation of Law 240/2010, as per Rector's Decree no. 7559 of 31 March 2022, shall continue to apply to applications for the evaluation of "senior" fixed-term researchers for the purpose of classification as associate professors.

ART.18 Entry into force and applicable provisions

1. These Regulations are issued by Rector's Decree and published electronically on the University website.
2. These Regulations shall enter into force on the day following the day of issue of the Rector's Decree.
3. Pending the issuance of the ministerial decree containing the scientific-disciplinary groups, the selection calls for applications will state the competitive procedure areas.
4. For all matters not expressly provided for in these Regulations, the applicable legal provisions shall apply.

Issued by Rector's Decree No. 8283 of 12 July 2023 (effective from 13 July 2023)

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.