



POLITECNICO
MILANO 1863

Rep. no. 3325 Prot. no. 52886

Date 15 June 2017

Title I Class 3

UOR SAGNI

POLITECNICO DI MILANO

THE R E C T O R

GIVEN Presidential Decree No. 3 of 10/01/1957, "Consolidated text of provisions regarding the civil servants statute - Civil servants statute", as subsequently amended;
GIVEN Presidential Decree No. 686 of 03/05/1957, "Implementing rules of the Consolidated Text of provisions regarding the civil servants statute", approved by Presidential Decree No. 3 of 10/01/1957;
GIVEN Presidential Decree No. 382 of 11/07/1980, "Reorganisation of university teaching, related training bracket, as well as organisational and didactic experimentation", as subsequently amended;
GIVEN Law No. 168 of 09/05/1989, "Establishment of the Ministry of University and Scientific and Technological Research";
GIVEN Law No. 398 of 30/11/1989, "Rules on university scholarships", particularly article 4, as subsequently amended;
GIVEN Law No. 341 of 19/11/1990, "Reform of university teaching systems", as subsequently amended;
GIVEN Law No. 449 of 27/12/1997, "Measures to stabilise public finance", particularly article 51(6), as subsequently amended;
GIVEN Legislative Decree No. 165 of 30/03/2001, "General rules on the organisation of employment in public administrations", as subsequently amended;
GIVEN the European Commission Recommendation of 11 March 2005 regarding the European Charter for researchers and a code of conduct for the employment of researchers;
GIVEN Law No. 240 of 30/12/2010, "Rules on the organisation of universities, academic staff and recruitment, plus devolution of authority on the Government to incentivise the quality and efficiency of the university system", particularly article 24 "Untenured researchers", as subsequently amended;
GIVEN Ministerial Decree of 02.05.2011 headed "Determination of correspondence tables between Italian and foreign academic positions referred to in article 18(1)(b) of Law No. 240/2010";
GIVEN Law No. 190 of 06/11/2012, "Provisions on the prevention and repression of corruption and illegality in the public administration", as subsequently amended;
GIVEN Decree-Law No. 210 of 30/12/2015, "Extension of deadlines envisaged by legislative provisions", converted with amendments into Law No. 21 of 25/02/2016;
GIVEN Law No. 76 of 20/05/2016, "Regulation of civil partnerships between same-sex persons and regulation of cohabitations outside marriage";
GIVEN the Statute of Politecnico di Milano in force;
GIVEN the General University Regulations in force;
GIVEN Rectoral Decree No. 117/AG of 11 January 2012 whereby the Regulations governing the procedure for recruitment of untenured researchers pursuant to article 24 of Law No. 240 of 30/12/2010 was issued, as subsequently amended and supplemented;
HAVING ACQUIRED the resolutions adopted by the Academic Senate and the Board of Governors, at the 22 and 30 May 2017 sessions respectively, as regards the approval of partial amendments and statutory updates to the Regulations governing the procedure for recruitment of untenured researchers pursuant to article 24 of Law No. 240 of 30/12/2010;

HAVING accordingly DETECTED the need to issue the aforementioned Regulations with the amendments and updates introduced to the text;

HEREBY DECREES

- 1) For the reasons set out in the preamble, the Regulations governing the procedure for recruitment of untenured researchers pursuant to article 24 of Law No. 240 of 30/12/2010 , issued through Rectoral Decree No. 117/AG of 11/01/2012 and subsequently amended through Rectoral Decrees Nos. 2472 of 02/10/2012, 728 of 05/03/2014, 3451 of 13/10/2014, 1465 of 04/04/2016 and 3396 of 29/07/2016, are further amended as indicated in the text forming an integral part of this decree.
- 2) The amendments and updates to the regulatory texts are marked in ***bold italics***.

REGULATIONS GOVERNING THE PROCEDURE FOR RECRUITMENT OF UNTENURED RESEARCHERS PURSUANT TO ARTICLE 24 OF LAW No. 240 OF 30/12/2010

ART. 1

Purposes

- 1) Politecnico di Milano, within the scope of resources available for planning, may establish fixed-term employment relationships through the stipulation of private law contracts with subjects having adequate scientific qualification, who fulfil the requirements set out in Article 9 of these Regulations.
- 2) The contracts deal with the implementation of research activities, including within the scope of specific projects or programmes possibly arising from agreements with third party organisations, as well as the pursuit of teaching, supplementary teaching and service to students activities.

ART. 2

Scope of application

- 1) These Regulations govern, in compliance with EC Directive No. 70/1999 (Framework Agreement on fixed-term work) and with the principles set out in the European Charter for Researchers, as per the recommendation of the Commission of the European communities No. 251 of 11 March 2005, the selection procedures, the legal regime and the remuneration due to untenured researchers referred to in Article 24 of Law No. 240 of 30/12/2010, ***the Code of Conduct for the employees of Politecnico di Milano***, as well as the procedures on the conduct and appraisal of the associated activities.

ART. 3

Type of contracts

- 1) Politecnico di Milano, pursuant to Article 24(3) of Law No. 240 of 30/12/2010, may activate the following contractual types:
 - contracts mentioned under letter a), hereinafter termed “junior” contracts;
 - contracts mentioned under letter b), hereinafter termed “senior” contracts.

ART. 4

Junior contracts

- 1) The junior contracts have a three-year duration and may be extended for two years once only, subject to positive appraisal of the research and teaching activities undertaken, based on methods, criteria and parameters laid down in Ministerial Decree No. 242 of 24/05/2011.
- 2) The request for extension is put forward by the Department concerned in the six months preceding the deadline and with the same procedures as those set out in Article 6 hereunder for the activation of contracts.

Concerning the request for extension, reference should be made to the guidelines approved by the Academic Senate and by the Board of Governors

- 3) The junior contracts can be concluded on a full-time or a fixed-term basis.
- 4) The overall annual engagement for carrying out activities of teaching, supplementary teaching and service to students is 350 hours full-time and 200 hours on a fixed-term basis.
- 5) The junior contract worker must perform teaching duties pursuant to a methodology set at the time of drawing up the teaching programme on the part of the Department proposing the activation of the contract, based on the relevant General Regulations governing teaching engagements.

ART. 5

Senior contracts

- 1) **The senior contracts have a three years' duration and are reserved for those who:**
 - **have obtained the national scientific license to perform the functions of full or associate professors, or who are in possession of a medical specialisation qualification;**

or who

 - have benefitted, for at least three years, not necessarily consecutive, from junior contracts referred to in article 4 here above;
 - have benefitted, for at least three years, not necessarily consecutive, from temporary research fellowships granted pursuant to Article 51(6) of Law No. 449 27/12/1997, as subsequently amended, or granted pursuant to Article 22 of Law No. 240 of 30/12/2010, as subsequently amended, or from post-doctoral scholarships pursuant to Article 4 of Law No. 398 of 30/11/1989, or from similar contracts, fellowships or scholarships at foreign universities;
 - have benefited, for at least three years, not necessarily consecutive, from contracts concluded pursuant to Article 1(14) of Law No. 230 of 04/11/2005.

The access requirement is deemed fulfilled by a period of three years, not necessarily consecutive, that adds up different experiences all falling under those explicitly contemplated in the three subparagraphs above.

- 2) The senior contracts exclusively envisage a full-time engagement regime.
- 3) The overall annual engagement for carrying out activities of teaching, supplementary teaching and service to students is 350 hours.
- 4) The senior contract worker must perform teaching duties pursuant to a methodology set at the time of drawing up the teaching programme on the part of the Department proposing the activation of the contract, based on the relevant General Regulations governing teaching engagements.

ART. 6

Procedures for activation of the contracts

- 1) Activation of the junior and senior contracts is proposed by the Department Board, **in full session**, within the limits of its budgetary resources and pursuant to Department and University planning, having regard to legal constraints.
- 2) The Departments activate the contracts dealt with in these Regulations, by resolution of the Board that must indicate:
 - a) the research programme the contract is linked to and the relevant Scientific Coordinator;
 - b) specification of the scientific Area, the competition macro-sector, the competition sector and the scientific-disciplinary sector referred to in **Ministerial Decree No. 855 of 30/10/2015**;
 - c) the venue where the activities are going to be undertaken;
 - d) the activities covered by the contract, the scientific productivity objectives and the overall teaching engagement to be allocated to the contract workers and the qualitative characteristics of the scientific production;
 - e) the engagement regime (full-time or fixed-term) for junior contracts only;
 - f) the financial cover, throughout the term of the contract, which must include the gross deductions against the Employee and the charges to be borne by the Institution;

- g) the economic remuneration of senior contracts only, according to the provisions of Article 15 of these Regulations;
 - h) the maximum number of publications candidates may submit for the selection, in any event not less than 12;
 - i) the foreign language that will be tackled in the oral test.
- 3) The Board of Governors, based on the three-year planning referred to in Article 18(2) of Law No. 240 of 30/12/2010, approves the contract activation proposals and, solely as regards junior contracts, the proposed extension of the same.

ART. 7

Selection call

- 1) The selection call, issued by decree of the Director General, must contain:
- a) the type of contract (junior or senior);
 - b) the full-time or fixed-term engagement regime for junior contracts only;
 - c) the subject-matter of the contact;
 - d) Indication, if need be, of the specific research project/programme as well as the term thereof;
 - e) the scientific productivity objectives, and the teaching engagement allocated to the contract worker;
 - f) specification of the scientific Area, the competition macro-sector, the competition sector and the scientific-disciplinary sector referred to in **Ministerial Decree No. 855 of 30/10/2015**;
 - g) the maximum number of publications, in any event not less than 12;
 - h) the foreign language that will be tackled in the oral test, together with a discussion of the qualifications and the publications;
 - i) the legal, economic and social security terms and conditions of employment;
 - j) the Department of affiliation and the venue where the activities are going to be undertaken;
 - k) the deadline for submission of the applications to take part in the selection;
 - l) the selection procedures, with indication of the requirements for participation and any qualifications granting preference in the selection.
- 2) The call is published in the Official Gazette of the Italian Republic, on the University Portal, on the website of the Ministry of Education, University and Research, and on the European Union Portal.
- 3) The terms for submission of the applications to take part in the selections are **at least** 30 days running from the day following date of publication of the call in the Official Gazette
- 4) The application for participation must reach the competent Administration by the deadline laid down by the call and pursuant to the procedure therein set out.

ART. 8

Selection procedures

- 1) The employment of junior and senior contract workers takes place after the full implementation of selection procedures that ensure a comparative appraisal of candidates and advertisement of the acts.
- 2) For junior and senior contracts, should the subject meet the requirements set out in article 5(1) here above, the stipulation of the same can take place, apart from adhering to procedures implemented by the University in accordance with these regulations, also pursuant to assessments made by the ministries, by the European Union or by other national or international research bodies, within the scope of competitive funding procedures that envisage employment of the selection winner on a fixed-term contract of work. In the latter case, stipulation of the contract is resolved upon by the Board of Governors after receiving the opinion of the academic Senate.
- 3) The stipulation of the contract for junior and senior researchers may likewise take place pursuant to Article 1(9) of Law No. 230 of 4 November 2005, by direct appointment of scholars permanently engaged abroad in research or teaching activities at university level for at least three years, who hold an equivalent academic position in foreign university or research institutions, or who have already spent by direct appointment authorised by the

Ministry of Education, University and Research, within the scope of the “brains back” programme, a period of at least three years of research and teaching at Italian universities and attained scientific results relevant to the post for which the appointment is proposed, or scholars who have scored victories within the context of specific high-quality research programmes, identified by decree of the Ministry of Education, University and Research, after hearing the opinion of the National Agency for the Evaluation of the University and Research system (ANVUR), and the National University Board (CUN), funded by the European Union or by the Ministry of Education, University and Research, or scholars of high and recognised scientific merit, selected through prior national procedures, pursuant to criteria aimed at ascertaining the excellence of the individual scientific research programmes.

In that event, the proposal shall have to be approved by the Board of Governors, after assessing the economic and financial compatibility and the three-year planning.

The resolutions of the Board of Governors, together with whatever documentation is deemed necessary, shall be transmitted to the Ministry of Education, University and Research, which, after hearing the opinion of the National University Board (CUN), may authorise the appointments. Thereafter, the Rector shall arrange the stipulation of the contract.

- 4) The selection takes the form of an appraisal of candidates with motivated detailed judgment on the qualifications, on the curriculum and on the scientific production, including the PhD thesis, pursuant to criteria and parameters, internationally recognised as well, identified through Ministerial Decree No. 243 of 25/05/2011.
- 5) At the first session, the **selection** Board sets the criteria and parameters founding the preliminary appraisal and the subsequent assessment of the qualifications and the scientific production, consistently with the research programme referred to in article 6(2)(a) hereof as well. At the same session, the Board likewise lays down the maximum and minimum scores, below which eligibility is not attained. On the proposal of the President of the Board, after obtaining the Rector’s approval, the first meeting may take place online.
- 6) The criteria and parameters referred to in the preceding paragraph are made public at least ten days prior to the preliminary appraisal and the subsequent assessment of the qualifications and the scientific production, and are published on the University website.
- 7) Following the preliminary appraisal, the comparatively most deserving candidates, within a range between 10 and 20 percent of their number and in any event not less than six units, are admitted to the public discussion of the qualifications and the scientific production with the Board. The candidates are all admitted to the discussion wherever their number is equal to or less than six.
- 8) Thereafter, the Board shall proceed to discuss with the candidates the qualifications and the scientific production. The said discussion is not subject to appraisal but aims to allocate scores on the qualifications and the scientific production.
- 9) Together with discussion of the qualifications and the scientific production, the Board shall conduct an oral test aiming to ascertain whether candidates have adequate knowledge of the foreign language indicated in the call.
- 10) Following the discussion, a score is allocated to the qualifications and to each of the publications submitted by the candidates admitted to the discussion itself.
- 11) The Board shall draw up, pursuant to the criteria and parameters set at the preliminary meeting, a performance ranking by taking into account the scores achieved in the appraisal of the qualifications and the scientific production by each candidate.
- 12) The proceedings of the selection procedure are approved by decree of the Director General ***within 60 days from delivery of the minutes to the competent Administration office. The proceedings are published on the University website.***
- 13) The Department Board concerned puts forward the proposal for appointment of the candidate who tops the ranking by a favourable vote of the absolute majority of full and associate professors.
- 14) The proposal is transmitted to the Board of Governors for approval.

- 15) In the event of waiver by the interested party, the Department puts forward, through the procedures set out in paragraph 12 here above, a new appointment proposal based on the performance ranking referred to in paragraph 10.
- 16) The performance ranking ceases to be valid at the end of the appointee's probationary period.

ART. 9

Subjects admitted to the selections

- 1) Participation in the selection is open to the candidates, Italians or foreigners, in possession of a PhD or equivalent qualification, obtained in Italy or abroad.
- 2) Until 31/12/2015, a valid ground for participation in the selection procedures referred to in these Regulations shall consist in possession of a laurea magistrale or its equivalent, together with possession of a scientific and professional curriculum relevant to the implementation of research activities.
- 3) Purely as regards senior contracts, the selection is open to candidates fulfilling the requirements set out in the preceding article 5 of these Regulations.
- 4) The requirements set out in the preceding paragraphs must be met by the deadline for submission of the applications for admission to the selection.
- 5) Excluded from the selections are the full and associate university professors and the researchers already employed on an indefinite duration basis, even if their employment has come to an end.
- 6) Likewise excluded are those who were given contracts as temporary research fellows or untenured researchers pursuant to, respectively, Articles 22 and 24 of Law No. 240/2010, at Politecnico di Milano or other Italian Universities, be they State, non-State or online universities, as well as the institutions referred to in Article 22(1) of Law No. 240/2010, for a period which, added to the contemplated term of the contract subject to the call, altogether exceeds 12 years, not necessarily consecutive. For the purposes of the said contractual relationships, the periods spent on maternity or sick leave as per the legislation in force shall not be counted.
- 7) Admission to the selection procedures does not extend to anyone related by marriage, blood or kinship up to the 4th degree included, or by a civil partnership between persons of the same sex as regulated by Article 1 of Law No. 76 of 20/05/2016, to, or in a state of cohabitation outside marriage, as regulated by Article 1(37) ff. of Law No. 76 of 20/05/2016, with, a professor attached to the Department that has proposed activation of the contract, or the Rector, the Director-General or a member of the Board of Governors.
- 8) Exclusion from the selection procedure is resolved upon by motivated decree of the Director General and notified to the interested party.

ART. 10

Selection board

- 1) The **selection** board consists of three full and associate professors, or their foreign equivalents, **pursuant to the provisions of Ministerial Decree No. 662 of 01/09/2016**, from the competition macro-sectors affected by the call, nominated by the relevant Department Board. The Board consists of a majority of full and associate professors, or their equivalents, belonging to other Universities, including foreign ones.
- 2) Membership of the Board does not extend to any person convicted, even through other than a final judgment, of the offences listed in chapter I, title II of the second book of the Italian criminal code. **Likewise excluded from the Board are all those related by marriage, blood or kinship up to the 4th degree included, or by a civil partnership between persons of the same sex as regulated by Article 1 of Law No. 76 of 20/05/2016, to, or in a state of cohabitation outside marriage, as regulated by Article 1(37) ff. of Law No. 76 of 20/05/2016, with the candidates.**

- 3) The **Selection** Board is appointed by Rectoral decree, published in the official Register and on the University website.
- 4) **From date of publication, 30 days shall run for the candidates to submit to the Rector any applications for the recusal of Selection Board members.**
- 5) The Board shall have to complete its work within six months **from date of publication of the decree of appointment**. On a motivated proposal by the President, the Rector may grant a three months' extension.

ART. 11

Stipulation of the employment contract and related term

- 1) Within 30 days from the Board of Directors resolution approving the proposed appointment, the selection winner is invited to enter into the written employment contract.
- 2) The contract shall have to be signed within the 30 days running from date of receipt of the notification.
- 3) The contract must inter alia set out:
 - a) the start and end date of the employment relationships;
 - b) the services requested;
 - c) the remuneration.
- 4) The employment contract is signed by the contract worker and by the Director General.
- 5) The probationary period spans three actual months of service and the appraisal is entrusted to the Head of Department.
- 6) The probationary period is suspended in the event of absence for illness. The employee is entitled to retain the position for a maximum period of six months, whereupon the contract is terminated.
- 7) Once the probationary period has expired without the employment contract having been terminated by either of the parties, employment of the contract worker is deemed confirmed and seniority is acknowledged in his favour from date of employment for all intents and purposes.
- 8) In the event of withdrawal, remuneration shall be paid until the last day of actual service.

ART. 12

Method of carrying out the employment relationship

- 1) Junior and senior contract workers structure their work performance jointly with the Head of Department where they conduct the activity and with the research Coordinator.
- 2) The self-certification of teaching activity, supplementary teaching, service to students and research, is defined through the relevant General Regulations as per Article 6(14) of Law No. 240 of 30/12/2010.
- 3) The junior and senior contract worker is subjected to the health checks stipulated by Legislative Decree No. 81/2008, the costs of which are borne by the University.
- 4) The disciplinary jurisdiction is governed by Article 10 of Law No. 240 of 30/12/2010.
- 5) The statutory provisions governing the active and passive electorate in the academic bodies of university researchers apply to junior and senior contract workers depending on the engagement regime.
- 6) The junior contract workers may vary, once only throughout the currency of the contract, the engagement regime taken on at the time of signing the same, subject to prior authorisation by the Department of affiliation, which shall have to ensure the financial sustainability in the event of a switch from fixed-term to full-time.
- 7) The provisions of Legislative Decree No. 151 of 06/03/2001 concerning protection and support of maternity and paternity, of Law No. 104 of 05/02/1992 concerning assistance, social integration and rights of disabled persons, and of Articles 37, 40 and 68 of Presidential Decree No. 3 of 10/01/1957, as subsequently amended, concerning extraordinary leave and sick leave, are acknowledged in favour of junior and senior contract workers. The sick leave may not extend beyond 12 months if the contract has a three-year term; in the event of a contract with a shorter term than three months, it shall have to be pro-rated to the period itself.

- 8) The provisions of Article 8 of Law No. 349 of 18/03/1958 are likewise acknowledged in favour of junior and senior contract workers on study leave for a maximum of 12 months for each employment contract concluded.

ART. 13

Termination of the employment relationship

- 1) The termination of the employment relationship is caused by the expiry of the term or by the withdrawal of one of the parties and by any other ground for termination envisaged by the legal rules in force.
- 2) During the first three months, each of the contracting parties may withdraw from the contract, at any given time, and without any obligation to give notice or pay compensation in lieu of notice. The withdrawal operates from the time that notice is given to the counterparty.
- 3) Upon the lapse of the period referred to in paragraph 2 of this article and until expiry of the term, the withdrawal from the contract may in any event occur wherever a cause arises that, pursuant to Article 2119 of the Italian Civil Code, prevents the further continuation, provisionally as well, of the relationship. In the event of withdrawal, the contract worker is obliged to give **at least 30 days'** notice; the notice period is effective from the 1st day or from day 16 of each month. Failing such notice, the Administration is entitled to deduct from the employee an amount corresponding to the remuneration for the lacking notice period.
- 4) ***The funds unused for the contract are returned to the Structures concerned.***

ART. 14

Incompatibility and further duties

- 1) The contracts are incompatible with:
 - any other employment relationship, part-time or fixed-term as well, with public and private subjects;
 - temporary research fellowships also at other Universities;
 - PhD and post-doctoral scholarships, and generally scholarships or fellowships provided by third parties as well, with the sole exclusion of scholarships aimed at supporting assignment periods at other national or international institutions for the conduct of research activities in collaboration.
- 2) Junior and senior tenured contract workers may perform teaching duties additional to those set out in Articles 5 and 6 here above, as per the procedures laid down by the relevant General Regulations.
- 3) The provisions set out in the Regulations governing duties outside the University for professors and researchers apply to junior and senior contract workers, depending on the engagement regime.
- 4) The contracts referred to in these Regulations do not give rise to rights as to access to university positions.
- 5) The completion of contracts referred to in these Regulations will be a ground for preference in competitions for entry in public administrations.

ART. 15

Remuneration, tax, social security and insurance terms

- 1) Junior contract workers are entitled, throughout the relationship, to the annual remuneration equal to the initial remuneration owed to the confirmed researcher depending on the engagement regime.
- 2) Senior contract workers are entitled, throughout the relationship, to an all-inclusive annual gross remuneration equal to the initial remuneration owed to the researcher confirmed full-time plus maximum 30%.
- 3) The annual gross remuneration is subject neither to any indexation nor to any revaluations.
- 4) The employment relationship established between Politecnico di Milano and the junior and senior contract workers is governed by the applicable provisions in force, including in respect of the tax, social security and pension terms envisaged for employees' wages.

5) The University shall also provide accident and civil liability insurance cover.

Art. 16

Intellectual property

1) The implementation of any patentable invention by junior and senior contract workers in the performance of their duties is governed by the applicable law in force, by the General Regulations and by any reference contractual clauses.

ART. 17

Procedures for the appointment as associate professor of senior contract workers

1) Within the scope of the resources available for University and Departmental planning, in the third year of senior contract the Politecnico di Milano assesses the said contract holder who has obtained the scientific qualification set out in article 16 of Law No. 240/2010, for the purposes of appointment as associate professor. Should the assessment yield a positive outcome, based on the criteria laid down by Ministerial Decree No. 344 of 04/08/2011, the contract holder, upon the expiry thereof, is offered a position as associate professor, ***pursuant to the provisions of the Regulations governing the appointment of full and associate professors in terms of article 18 of Law No. 240 of 30/12/2010 as subsequently amended.***

Art. 18

Transitional and final rules – Effective date

- 1) As regards whatever is not expressly governed by these Regulations, reference should be made to Law No. 240/2010 and to the legal provisions in force in the relevant fields.
- 2) The contractual relationships established pursuant to Rectoral Decree No. 2672/AG of 17/12/2009, whereby the Regulations for hiring untenured researchers were issued, are governed by the said Regulations until the scheduled deadline.
- 3) These Regulations become effective on the day following the date of issuance of the Rectoral Decree and are published on the University website <http://www.normativa.polimi.it/>.

THE RECTOR
Prof. Ferruccio Resta

Digitally signed pursuant to the Digital Administration Code