

## **Regulation on the recruitment of staff under Chapter 6 for research projects, grants and agreements, and transfer of knowledge**

(Approved by the Governing Council on 5 June 2024)

### **EXPLANATORY MEMORANDUM**

The generation, transfer and exchange of knowledge, as well as the applicability of research in all scientific, technological, social, humanistic, artistic and cultural fields, and the promotion of innovation, constitute, according to the article 2.2 of Organic Law 2/2023, of 22 March, on the University System (LOSU), essential functions of the university, which, at the same time, must guarantee and encourage teaching, research and the exchange and transfer of knowledge and its results to society and the productive fabric.

In this regard, the recruitment of research staff, technical staff or staff performing management, administration and service functions related to research and development, together with the transfer of knowledge, in the sense established by articles 3.5 and 27 of Law 14/2011, of 1 June, on Science, Technology and Innovation (LCTI), has proved to be a fundamental tool for achieving the objectives of research activities and, consequently, for the fulfilment of the functions entrusted to the university.

The University of A Coruña (UDC) holds the HRS4R logo of excellence, awarded by the European Commission, which accredits the use of procedures aligned with OTM-R (*open, transparent and merit-based recruitment*) policies. This seal guarantees that the institution is committed to open, transparent and merit-based recruitment processes.

The regulatory reform brought about by Royal Decree-Law 32/2021, of 28 December, on urgent measures for labour reform, the guarantee of employment stability and the transformation of the labour market, which reformed the Workers' Statute, Law 17/2022, of 5 September, amending the LCTI, and European regulations together with the criteria governing the OTM-R of the HRS4R label, have highlighted the need to adapt the regulations of the UDC both to the changing reality and to the new regulatory context.

In fact, Law 17/2022, of 5 September, which amends the LCTI, takes up the hiring model envisaged in Royal Decree-Law 8/2022 and expressly establishes in its tenth additional provision an exception to the obligation to formalise contracts of an indefinite duration, stating that: "Within the scope of application of this law, only the fifth additional provision of Royal Decree-Law 32/2021, of 28 December, on urgent measures for labour reform, the guarantee of employment stability and the transformation of the labour market, in relation to the reform of the modalities of temporary hiring, will be applicable in the case of fixed-term contracts by the entities that make up the public sector, regulated in Article 2 of Royal Decree-Law 36/2020, of 30 December, approving urgent measures for the modernisation of the Public Administration and for the execution of the Recovery, Transformation and Resilience Plan, provided that such contracts are associated with the strict execution of the Recovery, Transformation and Resilience Plan and only for the time necessary for the execution of the aforementioned projects, as well as for contracts necessary for the execution of temporary programmes whose financing depends on non-competitive European funds".

On 6 February 2009, the UDC issued a rector's resolution regulating the economic-administrative processing of research staff contracts financed from chapter VI of its expenditure budget. This resolution was subsequently amended by another of 28 June 2022. For its part, the rules for the regulation of the contracting of Chapter VI staff financed by research and knowledge transfer projects, grants and agreements was approved by the Governing Council on 28 April 2022.

In recent years, the UDC has significantly increased its research activity, as well as obtaining external funding through public projects, agreements and competitive research contracts.

This increase in research activity, together with subsequent legislative modifications, means that the provisions contained in the UDC regulations must be updated. In this respect, it is necessary to highlight the possibility offered by the current LCTI, through its article 23 bis, of formalising contracts for scientific-technical activities of indefinite duration, or determined depending on the case, whose purpose is to carry out scientific-technical activities linked to lines of research or scientific-technical services, including the scientific-technical management of these lines.

The ratification of these regulations, which may be complemented by the bases and calls for public aid or subsidies that are approved for their financing, as well as by the Professional Classification Agreement, also obeys the commitment to humanise university regulations, clarifying and simplifying the rules, and to implement an agile and simple management model that at the same time integrates the requirements of the funding bodies.

## **Chapter I. General Provisions**

### **Article 1. Subject matter and scope**

This regulation governs the procedure for selecting and hiring research staff, technical staff and research management staff for the development of research activities at the UDC, on an indefinite or fixed-term basis, on a full-time or part-time basis, in the modalities provided for by the LCTI and the LOSU, with financial funds from the following sources: - Research and development staff, technical staff and research management staff for the development of research activities at the UDC, on an indefinite or fixed-term basis, on a full-time or part-time basis, in the modalities provided for by the LCTI and by the LOSU, with financial funds from:

- a) grants and subsidies to carry out specific R&D&I projects obtained in competitive calls for public R&D&I plans and programmes or, in general, in public calls for proposals aimed at universities and/or university research centres;
- b) collaboration relationships established between universities and other public or private entities within the regulatory framework established by the LOSU;
- c) collaboration agreements signed under Article 34 of the LCTI;
- d) any other source of funding not included in the above points which makes it possible to recruit research or scientific/technical staff, with the exception of specific programmes for human resources for research.

### **Article 2. Relationship with the SVP, regulatory regime and duration**

1. Staff subject to the scope of application of these regulations shall be linked to the SVP by an employment contract.
2. These staff shall be governed by the provisions of the LCTI; by the Collective Agreement of the Teaching and Research Staff of the Universities of A Coruña, Vigo and Santiago de Compostela; by the Collective Agreement of the Teaching and Research Staff of the Universities of A Coruña, Vigo and Santiago de Compostela.

Compostela; by the revised text of the Law of the Basic Statute of the Public Employee (approved by Royal Legislative Decree 5/2015, of 30 October) and by the Statute of Workers (approved by Royal Legislative Decree 2/2015, of 23 October), without prejudice to the peculiarities established by the LOSU.

3. Contracts shall be for an indefinite or fixed term, depending on the regulations.

### **Article 3. Guiding principles**

1. The selection of personnel within the scope of application of these regulations shall be carried out on a competitive basis. In the selection processes, the necessary publicity and transparency shall be guaranteed, as well as submission to the principles of equality, merit and capacity.

2. Bearing in mind that the UDC is aligned with the European Strategy on Human Resources for Research (HRS4R), recruitment procedures will be in line with the principles of the Code of Conduct for the Recruitment of Research Staff, and will therefore be open and transparent, as well as being decided in accordance with the merits accredited by the applicants (*open, transparent and merit-based recruitment, OTM-R*).

3. These procedures will take into account situations of temporary incapacity, risk during pregnancy, maternity, guardianship for the purpose of adoption, fostering, risk during lactation and paternity in the terms established by the regulations, with the aim of guaranteeing equal opportunities.

### **Article 4. Lines of research and strategic lines of action**

1. They are considered as a line of research or strategic line (hereinafter, lines):

- a) the body of knowledge, products, projects or services systematically built around a thematic axis that brings together the activities of one or more research groups;
- b) strategic projects implemented by the vice-rectorates, research centres, specialisation campuses or research institutes of the UDC;
- c) and R&D&I support agreements aimed at the development and management of research or innovation.

2. When a call for proposals is linked to a line, the person in charge of the call (hereinafter referred to as the principal investigator) must expressly state this in Annex III, in addition to identifying the specific line to which the proposed contract is linked.

3. The vice-rectorate responsible for research shall create a register of active lines of research and the associated funding received. The register of lines may be modified in accordance with the regulations established by the vice-rectorate.

Different budget applications may be used to finance a line, in the cases and subject to the requirements set out in the above-mentioned regulation.

## **Chapter II. Calls for proposals**

### **Article 5. Initiation**

The principal researcher shall initiate the recruitment procedure by means of an application addressed to the unit responsible for the recruitment of research staff under Chapter VI of the UDC's expenditure budget (hereinafter, the processing unit).

## Article 6. Content

1. The calls for proposals shall include the following information:

- a) Grant(s), programme(s) or project(s): reference, title, budget heading(s) and duration.
- b) Line to which the contract is linked, if applicable.
- c) Object of the contract.
- d) Place of work.
- e) Professional category.
- f) Working hours: full-time (35 hours) or part-time (not less than 17.5 hours, with an indication of the number of hours).
- g) Timetable.
- h) Planned start date (also the end date in the case of fixed-term contracts) and the time limit for taking up the job after the contract has been concluded.
- i) Gross monthly remuneration (including bonuses).
- j) Requirements for applicants.
- k) Composition of the selection board (with a minimum of three full members and two substitutes).
- l) Justification of the tasks to be carried out, in relation to the purpose of the aid, the project, the programme or the line.
- m) Criteria for assessing the merits of the candidates, broken down into sub-criteria for weighting to ensure the objectivity of the points awarded.
- n) Additional criteria to be applied in case of a tie.
- o) Optionally, a personal interview (the score of which may not exceed 25 % of the total score), of which applicants must be notified at least 48 hours in advance.
- p) Minimum score to join the waiting list.
- q) Contact details.

2. The processing unit shall review the applications, check the eligibility of the expenditure and certify the existence of adequate and sufficient credit for contracting, as well as the applicant's status as principal researcher, within a maximum period of three working days. It will then send the documentation to the UDC's Legal Department, which will issue a non-binding report within a maximum period of three working days.

## Article 7. Advertising

1. Once the report issued by the Legal Department has been received, within a maximum period of two working days, the processing unit shall send the call for applications for its publication on the Official Electronic Bulletin Board of the UDC (TEO), which shall also be the place where all the resolutions of the recruitment procedures are published for the purposes of publicity and notification to the applicants.

Within the same deadline, the processing unit shall send the call for publication on the EURAXESS platform (<https://euraxess.ec.europa.eu>). The notice shall be published in English.

2. The publication of the call will include appropriate references to the OTM-R and equal opportunities policies of the UDC: <https://www.udc.es/es/hrs4r/otmr/>.

### **Chapter III. Eligibility requirements, deadline for submission of applications and admission to the procedure**

#### **Article 8. Requirements for applicants**

1. By the closing date for applications and for the duration of the contract, applicants must meet and maintain the following requirements:

- a) Have Spanish nationality or any other nationality to which the state regulations attribute equal rights in terms of employment effects in the Public Administration.
- b) Possess the required qualifications and meet the rest of the requirements indicated in the call for applications.
- c) Be at least sixteen years of age and not be over the maximum compulsory retirement age.
- d) Possess the functional capacity necessary for the performance of the functions or tasks described in the specifications that make up the object of the contract.
- e) Not to have been dismissed by disciplinary proceedings from the service of any public administration or from the constitutional or statutory bodies of the autonomous communities. You must not be in a situation of absolute disqualification or special dispensation from public employment or public office by a court decision, for access to the corps or rank of civil servant or for the exercise of functions analogous to those he/she performed, in which he/she was separated or qualified.

In the case of being a national of another state, it is required that the applicant is not disqualified or in an equivalent situation, and that he/she is not subject to a disciplinary or equivalent sanction that prevents, in his/her state and in the same terms, access to public employment.

2. The hiring of foreigners from non-EU countries, which will be formalised for the sole purpose of carrying out research or technical tasks, will require them to present, at the time of signing the contract, the residence permit and authorisation to work as an employee, or accreditation of the concurrence of the cause for exception of said authorisation, in accordance with the provisions of Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration.

#### **Deadline for submission of applications**

1. The deadline for submitting applications is five working days, starting from the day following the publication of the call for applications in the TEO. Exceptionally and for justified reasons, the calls for applications may establish a longer deadline.

2. If no application is received within these five days, the deadline shall be automatically extended by a further five working days. If the situation persists, the principal investigator shall be informed in order to reconsider the proposed call for a contract, which shall be published in accordance with Article 7.



#### **Article 10. Submission of requests to participate**

1. Applicants' applications, accompanied by the documentation indicated in the call for applications, must be submitted via the UDC's Electronic Headquarters.

However, an exceptional channel will be provided so that foreign applicants whose digital certificate is not recognised by the UDC's Electronic Headquarters can submit their application.

2. Applications for participation shall be made using the model set out in Annex III of these regulations and shall be addressed to the head of the Vice-Rector's Office with responsibility for research.

3. These applications will be accompanied by the documentation necessary to be able to participate in the evaluation and selection of applications, which will include, in addition to the documents specifically indicated in the call for applications, the following documents:

- a) Curriculum vitae of the applicant.
- b) In the case of degrees taken in a language other than Spanish or Galician, the documentation must be accompanied by the corresponding translation and the form for the declaration of equivalence of the average mark of university transcripts obtained in foreign centres, available on the website of the Ministry of Universities.
- c) Responsible declaration of compliance with the requirements of the call for applications.
- d) Declaration of responsibility for the veracity of the information given in the application.
- e) Documents accrediting all the merits claimed. Merits that are not supported by documents will not be considered.

#### **Article 11. Admission of participants**

1. Once the applications have been received, the processing unit shall review the documentation in accordance with the provisions of these regulations and the call for applications. It shall publish the provisional list of persons admitted and excluded, indicating the reason for exclusion, within a maximum period of three working days.

If all applicants are admitted, the list will be considered final for all purposes and will be published in the TEO within three working days.

2. Applicants who are excluded will have a period of five working days in which to lodge a complaint.

3. The processing unit will resolve the claims and publish the definitive list of persons admitted and excluded within a maximum period of two working days. On the same day, it shall notify the principal investigator of the publication of the definitive list of admitted applicants.

Candidates may appeal against their definitive exclusion within one (1) month, in accordance with the provisions of Articles 121 and 122 of Law 39/2015, of 1 October, on the Common Administrative Procedure for Public Administrations (LPACAP).

## **Chapter IV. Selection Committee, evaluation and proposal for a decision**

### **Article 12. Selection Committee**

1. The selection committee will be made up of at least three members: the principal investigator or the person delegated by her/him, who will chair the committee; and two experts in the field of the work to be carried out, with qualifications equal to or higher than those required to participate in the call. One of them shall act as secretary. The call for applications shall state the composition of this committee and shall include three persons who shall act as substitutes where appropriate.
2. The composition of the committee shall comply with the requirements of the parity regulations.
3. All members shall be staff of the SVP, without prejudice to the possibility for the committee to request reports from external experts.
4. The decisions of the committee, which shall always be reasoned, shall be adopted by majority vote.

### **Article 13. Evaluation and proposal for a decision**

1. After the publication of the definitive list of persons admitted and excluded, the person holding the presidency of the selection committee will proceed, within a maximum period of five working days, to convene and constitute it in order to, immediately afterwards, assess and score the merits that they allege and accredit according to the assessment/scoring criteria established in the call for applications.
2. The committee will draw up a report which will reflect the score broken down by criteria and sub-criteria, as well as the total score achieved by each applicant, following the sections of the published assessment criteria.
3. Once the minutes have been drawn up, the selection board will formulate its provisional decision proposal, which will list the successful candidates in descending order of score.
4. The draft decision and the score sheet will be published in the TEO. Applicants will be given a period of five working days from the date of publication of the proposal in the TEO in which to submit their observations to the committee.
5. The selection board will resolve the allegations within a maximum period of three working days and will publish the final decision proposal in the TEO, together with the score report.

## **Chapter V. Termination, formalisation, audit and notification of the contract**

### **Article 14. Resolution**

1. On the same day as the publication of the final decision proposal, the person chairing the selection committee shall send the documentation on the actions carried out to the vice-rectorate responsible for research. This vice-rectorate shall decide on the awarding of the contract and shall summon the person selected to formalise the contract.

An appeal may be lodged against this award decision with the rector within a period of one (1) month, in accordance with the provisions of articles 121 and 122 of the LPACAP.

### **Article 15. Formalisation of the contract**

1. Employment contracts shall be signed by the Vice-Rector with responsibility for research.

In the event that the selected person has to submit residence or work permits, or other documents resulting from lengthy procedures, the deadline for submitting these documents may be extended up to a maximum of two months, following a reasoned request from the lead researcher.

a) Valid documentation: DNI, NIE and passport in the case of foreigners, residence card and passport or certificate of registration in the Register of European Union Citizens and passport in the case of European citizenship.

c) Photocopy of social security number.

d) Original or certified copy of the academic degree.

e) Declaration of not being affected by the regulations on incompatibilities of staff in the service of the Public Administrations. If the selected person has to apply for a compatibility authorisation outside the UDC, in general, the signing of the contract will be conditional upon obtaining it.

4. When the contract award decision is published, successful candidates with a foreign qualification must apply for a declaration of equivalence before a committee of three members of the teaching and research staff of the UDC, to be defined by the Research Commission.

However, if the object of the contract involves the exercise of a regulated profession, they must present the homologation of their degree in accordance with the provisions of Royal Decree 889/2022, of 18 October, which establishes the conditions and procedures for the homologation, declaration of equivalence and validation of university studies from foreign education systems and which regulates the procedure for establishing the correspondence to the level of the Spanish Framework of Qualifications for Higher Education of official university degrees belonging to previous academic systems.

1. A waiting list will be drawn up of applicants who are not proposed by the selection board and who have reached the minimum score set by the call for applications.

The waiting list may be used for future contracts having the same purpose and the same category within the project or line in question, as well as in cases where the person hired ceases to provide the service due to temporary incapacity, death or any other similar circumstance.

3. In any case, the decision will be taken to award the contract to the person next on the waiting list when the successful candidate is selected:

a) fails to submit the documentation within the time limit set out in Article 15.2;

b) renounces the contract called for;

c) not formalise the contract:



- d) does not take up the post within the time limit laid down in the notice of vacancy;
- e) do not present the declaration that they are not affected by the regulations on incompatibilities of personnel in the service of the Public Administrations;
- f) does not submit a request for compatibility clearance;
- g) is refused compatibility authorisation and does not choose this contract.

#### **Article 17. Monitoring and reporting**

1. The processing unit shall send the contract and the accounting document AD to the auditing department for joint audit. This audit, which shall be urgent, shall be carried out within a maximum of five working days.

Once this has been done, the Intervention Service will send the audited contract and the accounting document AD to the processing unit.

2. On receipt of the documentation, the processing unit shall send the necessary information to the Remuneration, Social Security and Social Action Service for inclusion in the payroll. This submission must be made at least one working day before the date of accreditation of the corresponding registration or variation. In the case of ten or more registrations or modifications to be processed, the period of notice shall be three working days.

3. The processing unit will send the contract to the competent labour authority for registration. It will also send a copy of the contract to the employee and a copy of the contract to the principal investigator.

4. The processing unit shall send to the vice-rectorate responsible for gender equality a report indicating, on the one hand, the number of women and men who applied in relation to the total number of persons who applied and, on the other hand, the number of women and men who were recruited in relation to the number of women and men who applied.

### **Chapter VI. Termination of the contract**

#### **Article 18. Termination of the contract**

1. The contract shall be terminated for the causes provided for in articles 49 and following of the Workers' Statute and its implementing regulations. In particular, the contract shall be terminated for the reason established in letter y) of Article 52 (termination of the contract for objective causes), which specifies as an objective cause the insufficiency of the financial provision of the corresponding appropriation for the maintenance of the contract.

2. The processing unit shall notify the contracted person of the termination of the contract at least fifteen working days in advance, stating the reason for the termination, in such a way that it is clear that the notification has been received. It shall also send a copy of such notice to the principal investigator.

The dossier shall include supporting documentation of the notifications made and proof that they have been received.

#### **Single additional provision. Promotion of contracts without prior formalisation of the RC accounting document.**

Principal investigators may promote the contracting of research personnel regulated in these regulations on the basis of provisional funding resolutions or formal communications of the effective commitment of expenditure by the funding entities.

In this case, no prior formalisation of the accounting document RC is required, but it shall be expressly stated in the call for tenders that the formalisation of the contract is conditional upon the definitive award of the financing in question or that it supports it.

#### **Transitional provision. Forms**

Until such time as the computer application supporting the processing of these procurement procedures is available, the standard forms set out in the annex to these regulations shall be used.

#### **First final provision. Repeal provision**

The Regulations for the regulation of the contracting of Chapter VI labour staff charged to research and knowledge transfer projects, grants and agreements approved by the Governing Council of the UDC on 28 April 2022; and the Rector's Resolution on economic-administrative procedures in matters of labour contracting charged to credits from Chapter VI of the statement of expenditure (research projects, grant agreements, etc.), of 6 February 2009, amended by agreement of the Governing Council of the UDC on 28 April 2022, are hereby repealed, as are any other regulations of equal or lower rank that oppose these regulations.), of 6 February 2009, modified by agreement of the Governing Council of 28 June 2022, as well as any other regulation of equal or lower rank that opposes these regulations.

#### **Second final provision. Entry into force**

This regulation shall enter into force on the day following its publication in the TEO.