

Regulations for the hiring of staff in Chapter 6 for projects, grants and agreements for research and knowledge transfer

(Approved by the Governing Council on 5 June 2024)

STATEMENT OF REASONS

The generation, transfer and exchange of knowledge, in addition to the applicability of research in all scientific, technological, social, humanistic, artistic and cultural fields, as well as the promotion of innovation, constitute, according to Article 2.2 of Organic Law 2/2023 of 22 March, of the university system (LOSU), essential functions of the university, which must also 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 hiring of research staff, technical staff or staff performing management, administrative and service functions related to research and development, together with the transfer of knowledge, as defined in Articles 3.5 and 27 of Law 14/2011 of 1 June on science, technology and innovation (LCTI), has proven to be a fundamental tool for achieving the objectives of research activities and, consequently, for fulfilling the functions entrusted to the university.

The University of A Coruña (UDC) holds the HRS4R seal of excellence, awarded by the European Commission, which certifies the use of procedures in line with OTM-R (*open, transparent and merit-based recruitment*) policies. This seal guarantees that the institution is committed to carrying out 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 job 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 seal, highlighted the need to adapt the UDC's regulations to both the changing reality and the new regulatory context.

In fact, Law 17/2022, of 5 September, amending the LCTI, incorporates the hiring model provided for in Royal Decree-Law 8/2022 and expressly establishes in its tenth additional provision an exception to the obligation to formalise permanent contracts, stating that: "Within the scope 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 job stability and the transformation of the labour market, shall apply in relation to the reform of temporary employment arrangements, in the case of fixed-term contracts by entities in the public sector, regulated by Article 2 of Royal Decree-Law 36/2020 of 30 December, approving urgent measures for the modernisation of the public administration and for the implementation of the Recovery, Transformation and Resilience Plan, provided that the aforementioned contracts are strictly related to the implementation of the Recovery, Transformation and Resilience Plan and only for the time necessary for the implementation of the aforementioned projects, as well as for contracts necessary for the implementation of temporary programmes whose funding depends on non-competitive European funds.

On 6 February 2009, the UDC issued a rector's resolution regulating the economic and administrative processing of research staff contracts financed under Chapter VI of its expenditure budget. This resolution was subsequently amended by another resolution dated 28 June 2022. For its part, the regulations governing recruitment

The 2022 budget for Chapter VI staff employed on projects, grants, and research and knowledge transfer 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 changes, requires an update of the provisions contained in the UDC regulations. In this regard, it is worth highlighting the possibility offered by the current LCTI, through its Article 23 bis, to formalise contracts for scientific and technical activities of indefinite duration, or for a fixed term, depending on the case, whose purpose is to carry out scientific and technical activities linked to lines of research or scientific and technical services, including the scientific and technical management of these lines.

The ratification of this regulation, which may be supplemented by the terms and conditions and calls for public aid or subsidies approved for its financing, as well as by the Professional Classification Agreement, is also in line with the commitment to humanise university regulations, clarifying and simplifying the rules, and to implement an agile and simple management model that also integrates the requirements of the funding bodies.

Chapter I. General provisions

Article 1. Purpose and scope

These regulations govern the procedure for selecting and hiring research staff, technical staff and research management staff for the development of research activities at the UDC, on a permanent or fixed-term basis, full-time or part-time, in the modalities provided for by the LCTI and the LOSU, charged to funds from:

- a) grants and subsidies for specific R&D&I projects awarded in competitive calls for public R&D&I plans and programmes or, in general, in public calls aimed at universities and/or university research centres;
- b) collaborative 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 means of funding not included in the above that allows for the hiring of research or scientific-technical staff, in addition to specific research human resources programmes.

Article 2. Link with the UDC, regulatory regime and duration

1. Personnel subject to the scope of application of these regulations shall be linked to the UDC by means of an employment contract.

2. This personnel shall be governed by the provisions of the LCTI; by the Collective Agreement for teaching and research staff at the universities of A Coruña, Vigo and Santiago de Compostela; the revised text of the Basic Statute of Public Employees (approved by Royal Legislative Decree 5/2015 of 30 October) and the Workers' Statute (approved by Royal Legislative Decree 2/2015 of 23 October), without prejudice to the specific provisions of the LOSU.

3. Contracts shall be of indefinite or fixed duration, depending on the applicable regulations.

Article 3. Guiding principles

1. The selection of personnel covered by the scope of this regulation shall be carried out on a competitive basis. The selection processes shall guarantee the necessary publicity and transparency, as well as compliance with the principles of equality, merit and ability.

2. Given that the UDC is aligned with the European Strategy for Human Resources in Research (HRS4R), recruitment procedures shall comply with the principles of the Code of Conduct for the Recruitment of Research Staff, and shall therefore be open and transparent, as well as being based on the proven merits of the candidates (*open, transparent and merit-based recruitment*, OTM-R).

3. These procedures will take into account situations of temporary disability, risk during pregnancy, maternity, guardianship for the purposes of adoption, foster care, risk during breastfeeding and paternity, in accordance with the terms established by the regulations, in order to guarantee equal opportunities.

Article 4. Lines of research and strategic lines

1. The following are considered lines of research or strategic lines (hereinafter, lines):

- a) the set of knowledge, products, projects or services systematically built around a thematic axis in which the activities carried out by one or more research groups converge;
- b) the strategic projects launched by the vice-rectors, research centres, specialised campuses or research institutes of the UDC;
- c) and agreements to support R&D&I aimed at the development and management of research or innovation.

2. When a call for applications is linked to a line, the person responsible for the call (hereinafter, the principal investigator) must expressly indicate this in Annex III, in addition to identifying the specific line to which the proposed contract is linked.

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

Various budgetary applications may compete for the funding of a line, in the cases and under the requirements established in the aforementioned regulations.

Chapter II. Calls for applications

Article 5. Initiation

The principal investigator shall initiate the recruitment process by submitting an application 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. Calls for applications must include the following information:

- a) Grant(s), programme(s) or project(s): reference, name, budget item and duration.

- b) Line to which the contract is linked, if applicable.
- c) Subject matter of the contract.
- d) Place of work.
- e) Professional category.
- f) Working hours: full-time (35 hours) or part-time (no less than 17.5 hours, with indication of the number of hours).
- g) Working hours.
- h) Expected start date (also the end date for fixed-term contracts) and deadline for starting work after the contract has been formalised.
- i) Gross monthly remuneration (including extra payments).
- j) Requirements for applicants.
- k) Composition of the selection committee (with a minimum of three full members and two alternates).
- l) Justification report of the tasks to be carried out, in relation to the purpose of the grant, project, programme or line.
- m) The criteria for assessing the merits of applicants, broken down into sub-criteria that ensure the objectivity of the score assigned.
- n) Additional criteria to be applied in the event of a tie.
- o) Optionally, a personal interview (the score of which may not exceed 25% of the total score), which must be communicated to the candidates at least 48 hours in advance.
- p) Minimum score to be included on the waiting list.
- q) Contact details.

2. The processing unit will review the applications, verify the eligibility of the expenditure and certify the existence of adequate and sufficient credit to hire, as well as the status of the applicant as principal investigator, within a maximum period of three working days. It will then forward the documentation to the UDC Legal Department, which will issue a mandatory non-binding report within a maximum period of three working days.

Article 7. Publicity

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

Within the same period, the processing unit will send the call for applications for publication on the EURAXESS platform (<https://euraxess.ec.europa.eu>). The announcement must be published in English.

2. The publication of the call for applications shall include the appropriate references to the UDC's OTM-R and equal opportunities policies: <https://www.udc.gal/hrs4r/otmr/>.

Chapter III. Participation requirements, application deadline and admission to the procedure

Article 8. Requirements for applicants

1. On the closing date for submitting applications and during the term of the contract, applicants must meet and maintain the following requirements:

- a) Be a Spanish national or a national of any other country to which state regulations grant equal rights for the purposes of employment in the public administration.
- b) Possess the required qualifications and meet the other requirements specified in the call for applications.
- c) Be at least sixteen years of age and not exceed the maximum age for compulsory retirement.
- d) Possess the functional capacity necessary to perform the duties or tasks described in the report that forms part of the contract.
- e) Not have been dismissed through disciplinary proceedings from the service of any public administration or from the constitutional or statutory bodies of the autonomous communities. Not be in a situation of absolute or special disqualification from public employment or office by judicial decision, from access to the civil service or from performing duties similar to those performed in the position from which they were dismissed or disqualified.

In the case of nationals of other countries, applicants must not be disqualified or in an equivalent situation, nor have been subject to disciplinary or equivalent sanctions that prevent them, in their country and under the same terms, from accessing public employment.

2. The recruitment of foreign nationals from non-EU countries, which shall be formalised for the sole purpose of carrying out research or technical tasks, shall require them to present, at the time of signing the contract, a residence permit and authorisation to work for someone else, or proof of the existence of grounds for exemption from 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.

Article 9. Deadline for submitting applications

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

2. If no applications are received within those five days, the deadline shall be automatically extended for another five working days. If the situation persists, the principal investigator shall be informed so that they can reformulate the proposed contract call, which must be published in accordance with the provisions of Article 7.

Article 10. Submission of applications for participation

1. Applications from candidates, accompanied by the documentation specified in the call for applications, must be submitted via the UDC's Electronic Office.

However, an exceptional channel will be enabled 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 form set out in Annex III to these regulations and shall be addressed to the Vice-Chancellor responsible for research.

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

- a) The applicant's CV.
- b) In the case of degrees completed in a language other than Spanish or Galician, the documentation must be accompanied by the corresponding translation and the form declaring the equivalence of the average grade of university academic records completed at foreign institutions, available on the website of the ministry responsible for universities.
- c) A sworn statement that the requirements of the call for applications are met.
- d) Sworn statement of the accuracy of the information provided in the application.
- e) Supporting documents for all merits claimed. Merits that are not documented will not be considered.

Article 11. Admission of participants

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

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

2. Applicants who are excluded will have a period of five working days to appeal.

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

Applicants may lodge an 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 of public administrations (LPACAP).

Chapter IV. Selection, evaluation and resolution proposal committee

Article 12. Selection committee

1. The selection committee shall be composed of a minimum of three members: the principal investigator or his or her delegate, who shall chair the committee; and two experts in the field of work to be carried out, with qualifications equal to or higher than those required to participate in the call for applications. One of them shall act as secretary. The call for applications shall specify the composition of this committee and shall include three persons who shall act as substitutes when necessary.

2. The composition of the committees shall comply with the requirements of the regulations on parity.

3. All members shall be UDC staff, without prejudice to the committee's ability to request reports from external experts.

4. The committee's decisions, which shall always be justified, shall be adopted by majority vote.

Article 13. Evaluation and proposed resolution

1. Once the final list of admitted and excluded persons has been published, the chair of the selection committee shall, within a maximum period of five working days, proceed to

convene and constitute it in order to subsequently 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 minutes reflecting the scores broken down by criteria and sub-criteria, as well as the total score obtained by each candidate, in accordance with the sections of the published assessment criteria.

3. Once the minutes have been drawn up, the selection committee will formulate its provisional resolution proposal, which will list the selected candidates in descending order of score.

4. The proposed resolution and the minutes of the scores will be published in the TEO. Applicants will be given a period of five working days, starting from the publication of the proposal in the TEO, to submit any appeals to the committee.

5. The selection committee shall resolve the appeals within a maximum period of three working days and shall publish the final resolution proposal in the TEO, together with the score sheet.

Chapter V. Resolution, formalisation, auditing and communication of the contract

Article 14. Resolution

1. On the same day that the final resolution proposal is published, the chair of the selection committee shall send the documentation of the actions taken to the vice-rector responsible for research. The vice-rector shall decide on the award of the contract and summon the selected person to formalise the contract.

An appeal may be lodged against this award decision before the rector within 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 formalised with the signature of the Vice-Chancellor with responsibility for research.

2. Prior to the formalisation of the contract, within a maximum period of two working days, the processing unit shall request from the selected person the original documents justifying the requirements and merits claimed, which must be submitted within a maximum period of three working days.

If the selected candidate has to submit residence or work permits, or other documents that require lengthy procedures to obtain, the deadline for submitting the documentation may be extended to a maximum of two months, following a reasoned request from the principal investigator.

3. In order to sign the contract, the selected candidate must submit the following documents to the processing unit:

- a) Valid documentation: National Identity Card, Foreign National Identity Card and passport in the case of foreign nationals, residence card and passport or certificate of registration in the European Union Citizens' Register and passport in the case of European citizens.
- b) Bank details.
- c) Photocopy of Social Security number.
- d) Original or certified copy of academic qualifications.
- e) Declaration of not being affected by the regulations on incompatibilities of personnel in the service of public administrations. If the selected person had to apply for a

Authorisation of compatibility outside the UDC, in general, the signing of the contract will be conditional upon obtaining it.

4. When the contract award decision is published, those selected with a foreign qualification must apply for a declaration of equivalence before a three-member committee of the UDC's teaching and research staff, which will be appointed by the Research Committee.

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

Article 16. Waiting list

1. A waiting list shall be drawn up with the candidates who were not proposed by the selection committee and who achieved the minimum score set by the call for applications.

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

3. In any case, the contract shall be awarded to the next person on the waiting list when the selected person:

- a) fails to submit the documentation within the period established in Article 15.2;
- b) renounces the contract;
- c) fails to formalise the contract;
- d) does not take up the position within the period established in the call for applications;
- e) does not submit a sworn statement declaring that they are not affected by the regulations on incompatibilities of personnel in the service of public administrations;
- f) fails to submit the application for authorisation of compatibility;
- g) the authorisation of compatibility is denied and you do not choose this contract.

Article 17. Audit and communication

1. The processing unit shall forward the contract and the AD accounting document to the Intervention Service for joint supervision. This supervision, which shall be urgent, shall be carried out within a maximum period of five working days.

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

2. Upon receipt of the documentation, the processing unit shall forward the information necessary for inclusion in the payroll to the Remuneration, Social Security and Social Action Service. This referral must be made at least one working day in advance of the date of accreditation of the corresponding registration or change. If ten or more registrations or modifications have to be processed, the advance period 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 a report to the vice-chancellor's office with responsibility for gender equality, indicating, on the one hand, the number of women and men who submitted an application in relation to the total number of people who did so; and, on the other hand, the number of women and men who were hired in relation to the number of women and men who submitted an application.

Chapter VI. Termination of the contract

Article 18. Termination of the contract

1. The contract shall be terminated for the reasons set out in Articles 49 et seq. of the Workers' Statute and its implementing regulations. In particular, it shall be terminated in accordance with the provisions of Article 52(e) (termination of the contract for objective reasons), which specifies as an objective reason the insufficiency of the financial resources allocated for the maintenance of the contract.

2. The processing unit shall notify the contracted person, in such a way as to provide proof that the notification has been received, of the termination of the contract at least fifteen working days in advance, stating the reason for the termination. A copy of the notification shall also be sent to the principal investigator.

The file shall contain the supporting documentation for the notifications made and proof of their receipt.

Sole additional provision. Promotion of contracts without prior formalisation of the RC accounting document

Principal investigators may promote the hiring of research personnel regulated by these regulations on the basis of provisional financing resolutions or formal communications of the actual commitment to spend by the financing entities.

In this case, it shall not be necessary to formalise the RC accounting document in advance, but it shall be expressly stated in the call for applications that the formalisation of the contract is conditional upon the definitive granting of the reference funding or that which supports it.

Transitional provision. Forms

Until the computer application that supports the processing of these recruitment procedures is available, the standard forms included in the annex to these regulations shall be used.

First final provision. Repealing provision

The following are repealed The Regulations for the regulation of the hiring of Chapter VI 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 and administrative procedures relating to the hiring of staff charged to Chapter VI of the statement of expenditure (research projects, agreements, grants, etc.), of 6 February 2009, amended by agreement of the Governing Council of 28 June 2022, as well as any other regulation of equal or lower rank that conflicts with this regulation.

Second final provision. Entry into force

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