

CONCORSO PUBBLICO, PER TITOLI ED ESAMI, PER LA COPERTURA DI N. 1 POSTO A TEMPO INDETERMINATO DI CATEGORIA D, POSIZIONE ECONOMICA D1, AREA AMMINISTRATIVA GESTIONALE, PER LE ESIGENZE DELL'UFFICIO AFFARI LEGALI DELLA DIREZIONE GENERALE DELL'UNIVERSITÀ CA' FOSCARI VENEZIA, EMANATO CON DDG N. 948/PROT. N. 0087449 DEL 16/09/2022, PUBBLICATO CON AVVISO IN G.U. IV SERIE SPECIALE – CONCORSI ED ESAMI N.75 E ALL'ALBO ON LINE DELL'ATENEO IN DATA 20/09/2022.

### **PROVA N. 1**

- 1) La donazione di modico valore
- 2) Rinunzie e transazioni nel diritto del lavoro (art. 2113 c.c.)
- 3) Il Consiglio di Amministrazione tra legge 240/2010 e Statuto di Ateneo

INGLESE: lettura e traduzione del testo n. 1 allegato

INFORMATICA: Il Prorettore agli Affari Legali richiede all'Ufficio Legale un documento con i dati (da poter poi analizzare) relativi al contenzioso civile degli ultimi 12 anni. Il/La candidato/a indichi motivatamente quale strumento di Office utilizzerebbe e come organizzerebbe il documento ai fini delle possibili analisi.

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## **PROVA N. 2**

- 1) L'associazione di diritto civile non riconosciuta: ordinamento, amministrazione e obbligazioni.
- 2) Il contenuto della citazione (art. 163 c.p.c.)
- 3) Il Senato Accademico tra legge 240/2010 e Statuto di Ateneo

INGLESE: lettura e traduzione del testo n. 2 allegato

INFORMATICA: L'Ufficio Legale deve presentare al Direttore Generale, con urgenza, lo stato del contenzioso amministrativo pendente che vede coinvolto l'Ateneo. Il/La candidato/a indichi motivatamente quale strumento di Office utilizzerebbe e come organizzerebbe il documento.

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### **PROVA N. 3**

- 1) L'associazione di diritto civile riconosciuta: amministrazione, recesso ed esclusione degli associati.
- 2) Il pignoramento presso terzi
- 3) Il Rettore tra legge 240/2010 e Statuto di Ateneo

INGLESE: lettura e traduzione del testo n. 3 allegato

INFORMATICA: L'Ufficio Legale, partendo da un file contenente i dati complessivi dei contenziosi in cui è stato parte l'Ateneo negli ultimi 10 anni, deve fornire al Rettore, con urgenza, un file di sintesi che evidenzi quanti contenziosi giudiziali sono stati vinti e quanti persi per ogni anno. Il/La candidato/a indichi motivatamente quale strumento di Office utilizzerebbe e come organizzerebbe il documento.

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#### **PROVA N. 4**

- 1) Le fondazioni di diritto civile: costituzione, obbligazioni, responsabilità degli amministratori.
- 2) La difesa della P.A. nel primo grado del processo del lavoro (art. 417-bis c.p.c.)
- 3) Gli organi di controllo nelle Università

INGLESE: lettura e traduzione del testo n. 4 allegato

INFORMATICA: L'Ufficio Legale deve presentare al Senato Accademico una relazione sulle convenzioni ad oggi attive tra l'Ateneo e altre Università, organizzando i dati in modo da dare evidenza delle diverse tipologie. Il/La candidato/a indichi motivatamente quale/i strumento/i di Office utilizzerebbe e come organizzerebbe il documento.

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### **PROVA N. 5**

- 1) La costituzione in mora del debitore ed effetti della mora sul rischio.
- 2) Il mandato (art. 1703 e ss. c.c.)
- 3) I Dipartimenti ai sensi della legge 240/2010 e il loro rapporto con gli organi di governo dell'Ateneo

INGLESE: lettura e traduzione del testo n. 5 allegato

INFORMATICA: L'Ufficio Legale deve presentare al Consiglio di Amministrazione un file che consenta di analizzare i procedimenti disciplinari relativi al personale docente dell'Ateneo degli ultimi 10 anni. Il/La candidato/a indichi motivatamente quale strumento di Office utilizzerebbe e come organizzerebbe il documento.

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### **PROVA N. 6**

- 1) La transazione (art. 1965 c.c.)
- 2) Diffida ad adempiere (art. 1454 c.c.)
- 3) Partecipazione dell'Università Ca' Foscari a organismi pubblici e privati (art. 7 Statuto)

INGLESE: lettura e traduzione del testo n. 6 allegato

INFORMATICA: L'Ufficio Legale deve presentare al Dirigente dell'Area Risorse Umane un file che consenta di analizzare i procedimenti disciplinari relativi al personale tecnico-amministrativo dell'Ateneo degli ultimi 7 anni. Il/La candidato/a indichi motivatamente quale strumento di Office utilizzerebbe e come organizzerebbe il documento.

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### **PROVA N. 7**

- 1) Annullabilità del contratto – i vizi del consenso
- 2) La responsabilità extracontrattuale oggettiva
- 3) Le modifiche di Statuto e la formazione dei Regolamenti nell'Università Ca' Foscari Venezia

INGLESE: lettura e traduzione del testo n. 7 allegato

INFORMATICA: L'Ufficio Legale deve trasmettere con urgenza all'Avvocatura Distrettuale dei documenti ma la PEC dell'Avvocatura non risulta attiva. Il/La candidato/a indichi se sia possibile utilizzare la PEC per inviare email a caselle di posta normali e, inoltre, se una email inviata da una casella normale ad una PEC sia certificata.

## Testo n. 1

### Article 10 - Rector's Duties

1. The Rector represents the University and is responsible for the achievement of its purposes according to criteria of quality and in compliance with the principles of effectiveness, efficiency, transparency and merit-based promotion. The Rector is a governing body of the University, ensuring the unity of the guidelines expressed by the Academic Senate and the Board of Governors, and promoting and coordinating their implementation.
2. In particular, the Rector:
  - a. is the University's legal representative;
  - b. convenes and chairs the Academic Senate and the Board of Governors, and ensures the execution of their deliberations;
  - c. appoints the members of the Board of Governors in accordance with the procedure established in Article 16, paragraph 2;
  - d. appoints the members of the Audit Committee in accordance with the procedure established in Article 18, paragraph 2;
  - e. proposes to the Board of Governors the person to be assigned the post of General Director, having heard the opinion of the Academic Senate
  - f. makes appointments to institutional offices;
  - g. proposes the University's three-year strategic programming document to the Board of Governors, considering the proposals and the opinion of the Academic Senate and the Evaluation Board;
  - h. submits the budget and the final accounts to the Board of Governors for approval;
  - i. guarantees the right of students to an appropriate education and transparency of administrative acts;
  - j. signs conventions and agreements in educational, scientific and cultural matters
  - k. issues the Charter and Regulations, as well as their modifications;
  - l. concludes contracts for teaching activities;
  - m. supervises the proper performance of research and teaching, providing guidance, initiative and coordination, and oversees the efficiency and correctness of administrative action, guaranteeing transparency and merit-based promotion;
  - n. initiates disciplinary proceedings against teachers, transmitting documents to the Disciplinary Board and making a motivated proposal. Initiates measures in the event of a violation of the Ethical Code and proposes the penalty to the Academic Senate where the matter does not fall within the competence of



the Disciplinary Board. Imposes disciplinary measures for any act that might give rise to a penalty not exceeding censure;

- o. uses the findings of the Evaluation Board in his/her guidance and control action;
  - p. performs any other duty entrusted to him/her by the University General Regulations, the Charter and the University Regulations, or not expressly attributed to other bodies by the Charter;
  - q. convenes a University meeting at least once each year to which the University development plan is submitted.
3. In the event of necessity and urgency, the Rector may adopt measures assigned to the Academic Senate and the Board of Governors submitting them for ratification at the next meeting.
  4. At the beginning of the academic year, the Rector may reduce or exempt educational commitments, notifying the Academic Senate.

## Testo n. 2

### Article 13 - Duties of the Academic Senate

1. The Academic Senate is a governing body of the University. It helps to develop the University's strategies; after consulting the Board of Governors, it approves the Charter and the University General Regulations; it approves the regulations within its competence under Article 47; and it performs programming, coordination and control duties for the University activities in the area of research and teaching.
2. In particular, the Academic Senate:
  - a. makes proposals and expresses a compulsory opinion on University multi-year development plans, including the three-year strategic programming document that the Rector submits to the Board of Governors, indicating priorities in the allocation of resources and the criteria for their allocation, in relation to the research and teaching objectives;
  - b. expresses a compulsory opinion on the University's budget and final accounts;
  - c. makes proposals and issues compulsory opinions on teaching, research and student services;
  - d. approves the Code of Ethics after consulting the Board of Governors;
  - e. expresses a compulsory opinion on the regulations within the competence of the Board of Governors in the cases foreseen by Article 47;
  - f. expresses a compulsory opinion on the general criteria for the determination of student tuition and fees and on any other measures intended to guarantee the right to an education;
  - g. expresses a compulsory opinion on the establishment, activation, modification and deactivation of Programmes, Seats, Departments, Schools and other educational and research structures, including inter-university structures, approved by the Board of Governors;
  - h. expresses an opinion to the Board of Governors on requests for teaching posts approved by the Department Boards, as well as the allocation of resources for the training of University technical administrative staff;
  - i. coordinates and serves as a link between the Departments, Schools and other University structures, and settles any disputes;
  - j. appoints the Chairman of the Audit Committee and the members of the Disciplinary Committee, based on a proposal of the Rector;
  - k. determines the Bodies and structures whose members may be remunerated for the performance of their duties, and emoluments of the members of the Board of Governors;
  - l. expresses opinions on the University's building programs, in view of Board of Governors deliberations;

- m. applies penalties in the event of a violation of the Code of Ethics, based on a proposal by the Rector and whenever the matter does not fall within the competence of the Disciplinary Board;
  - n. expresses opinions on all other subjects submitted to it by the Rector.
3. With a majority of at least two-thirds of its members, the Academic Senate may propose a censure motion to the electoral body against the Rector, not before two years have passed since the beginning of his/her term of office. Voters are determined in accordance with Article 11, paragraph 2, of the Charter. The censure motion against the Rector is approved by the electoral body with the favourable vote of the absolute majority of eligible voters.

## Testo n. 3

### Article 15 - Duties of the Board of Governors

1. The Board of Governors is a governing body of the University. It performs the duties of strategic policy and oversight of the University's administrative, financial and asset activities.
2. The Board of Governors expresses its compulsory opinion on the University Charter and on the University General Regulations, on the Ethical Code and any amendments thereto, and expresses its opinion on the Regulations referred to in Article 47 in the terms provided therein.
3. The Board of Governors approves:
  - a. the annual and three-year budgets and the final accounts, on a proposal by the Rector and after consulting the Academic Senate for the parts within its competence, and changes to the budget. The budget and the final accounts are submitted to the Ministry of Education, University and Research and to the Ministry of Economy and Finance;
  - b. the Regulations within its competence within the meaning of Article 47 and the related changes;
  - c. the University's building programs after consulting the Academic Senate;
  - d. measures relating to student tuition and fees after consulting the Academic Senate and the Student Assembly;
  - e. annual and three-year financial planning;
  - f. annual and three-year staff planning after consulting the Academic Senate;
  - g. proposed calls of teachers;
  - h. University conventions after consulting the Academic Senate for subjects of interest to it;
  - i. financial coverage of initiatives and activities approved by the Academic Senate. If not approved, the topic is submitted for review to the Academic Senate;
  - j. activation, modification and deactivation of Programmes, Seats, Departments, Schools and other educational structures, research, including inter-university research, after having obtained the compulsory opinion of the Academic Senate;
  - k. activation, modification and deactivation of structures and service centres, including inter-university;
  - l. projects and means of activating partnerships and mergers provided for by Article 3 of Law 240/2010, after consulting the Academic Senate;
  - m. all acts falling within the powers conferred upon it by the law, this Charter and the University regulations.

4. The Board of Governors discusses matters of disciplinary penalties on teachers in the absence of student representatives, as provided for by Article 19.
5. The Board of Governors approves multi-year University development plans, including the three-year strategic programming document, after hearing the proposals and the compulsory opinion of the Academic Senate in the order of priority for the destination and allocation of resources in relation to research and teaching objectives.
6. The Board of Governors also:
  - a. appoints the General Director and decides on his/her removal and termination;
  - b. appoints the members of the Evaluation Board;
  - c. approves all agreements and contracts involving expenses or revenue for the University exceeding a threshold determined by the Board of Governors;
  - d. determines the amount of remuneration for the Rector and for the subjects referred to in paragraph 2 m) of Article 13.
7. The Board of Governors is chaired by the Rector. The duties of the secretary are performed by the General Director or by the person appointed by him/her.

## Testo n. 4

### Article 16 - Composition of the Board of Governors

1. The Board of Governors is composed of:
  - a. the Rector;
  - b. four external members;
  - c. a representative of teachers, including from outside the University;
  - d. a representative of the technical administrative staff, contract staff and linguistic experts, including from outside the University;
  - e. two representatives elected by the students enrolled in a Bachelor's Degree, Master's Degree and PhD programme at the University.

The Vice-Rector and the General Director participate in meetings without the right to vote.

2. The members of the Board of Governors are appointed by a decree of the Rector. Applications for the members referred to in paragraph 1 b), c) and d) are collected by public tender procedures. They are screened for compliance with the requirements established in paragraph 4 below by a selection committee composed of a Chair, three internal experts and three experts from outside the university representing the economic, social and cultural worlds. The Selection Committee is appointed by the Rector after consulting the Academic Senate on the internal and external experts. The members referred to in the previous paragraph 1 b) are appointed by the Selection Committee. The members referred to in the previous paragraph 1 c) and d) are selected by the Academic Senate from among candidates considered suitable by the Selection Committee.
3. The external members of the Board of Governors may not have held a position with the University for at least three years prior to their appointment and may not hold a University position for the duration of their assignment. They may also not be students of Ca' Foscari University of Venice.
4. All members, with the exception of the student representatives must be chosen from:
  - a. persons having acquired their experience through the exercise of administrative, direction or supervision tasks at public or private companies or institutions, or having held executive positions in public or private administrations, and who are also representative of local economic, institutional, cultural and production organisations;
  - b. persons of high international scientific renown.

Members of the Board of Governors are selected in respect of the constitutional principle of equal opportunities between men and women in access to public offices.

5. The term of office of the Board of Governors is three academic years, with the exception of the student representatives whose term of office lasts two years. Its members may be immediately re-elected only once.
6. An ordinary meeting of the Board of Governors must be called by the Rector at least once every three months. It may be convened at any time by the Rector, or when requested by at least one-third of members.

## Testo n. 5

### Article 17 - Evaluation Board

1. The Evaluation Board is responsible for verifying the quality and effectiveness of the educational offering, including on the basis of indicators identified by the Joint Teaching Affairs Committees. It also verifies the research activities performed by the departments and the appropriateness of the scientific or professional curriculum of the those granted the teaching contracts referred to in Article 23 paragraph 1 of Law 240 of 30 December 2010. The Unit is also assigned the duties related to the activity of the ANVUR provided by Article 14 of Legislative Decree 150 of 27 October 2009, on procedures for the evaluation of staff and structures in order to promote merit and improve organisational and individual performance in universities, in full autonomy and with their own organisational arrangements.
2. The Evaluation Board performs all duties assigned to it by law, by this Charter and by University Regulations, operating in accordance with the provisions contained therein.
3. The University Evaluation Board is appointed by the Board of Governors and by a decree of the Rector. It is composed of five members, including a student representative. Its members, with the exception of the student representative, must have high professional qualifications and include at least two experts in the area of evaluation. The members must be primarily from outside the University and be selected considering the different scientific and disciplinary areas present in the University. Their curriculum vitae is published on the University website. The Evaluation Board's term is three years, except as provided for in Article 43, and its members may be immediately renewed only once. The Evaluation Board Coordinator appointed by the Rector with a unit appointment decree.
4. The University guarantees operative autonomy to the Evaluation Board, the right of access to necessary data and information as well as the publication and diffusion of the documents, in the respect of the confidentiality protection law.



## Testo n. 6

### Article 20 - Student Assembly

1. The Student Assembly is a collegiate body representing the students enrolled in Bachelor's and Master's Degree programmes. It has an advisory role and is a consultative body of the Academic Senate and the Board of Governors.
2. The Student Assembly is composed of the student representatives in the Academic Senate, the Board of Governors, Department Boards and the Interdepartmental School Board Committees.
3. The Student Assembly:
  - a. appoints the Student Advocate;
  - b. appoints the student representative of the Evaluation Board;
  - c. appoints the student representatives in the University Sport Committee;
  - d. adopts its own rules of procedure in accordance with the University regulations
  - e. expresses an opinion on:
    1. the University General Regulation, the Ethical Code and the Sustainability Commitments Charter, for the parts falling under its competence;
    2. the Regulations of educational activities managed by students and the University Educational Regulations;
    3. establishment of tuition and fees paid by students;
    4. interventions implementing the right to an education;
    5. the means of collaboration of students for service activities.
4. The Student Assembly drafts proposals on all matters of interest to students. In particular, it makes proposals on the matters referred to in paragraph 3 e) of this article. It performs any other duties assigned to it by the University regulations, this Charter and the Regulations.
5. The Student Assembly elects the Assembly President from among its representatives in the Academic Senate and the Board of Governors, for a term of two academic years.
6. The Assembly's operations and procedures to be used for the election of its members are established by the University General Regulations.
7. Assembly members are guaranteed access to the data necessary for the performance of their institutional tasks in compliance with the legislation in force.

## Testo n. 7

### Article 25 - General Director

1. In accordance with the directions provided by the Board of Governors, the General Director is responsible for the overall management and organisation of University services, material resources and technical administrative staff, and for the tasks provided for by the legislation in force concerning management in public administration. The General Director also:
  - a. oversees the implementation of programs and objectives, entrusting their Administrative Managers;
  - b. participates in the governing bodies of the University in accordance with this Charter;
  - c. verifies and oversees the activities of the Administrative Managers and exercises reserve power in case of inaction;
  - d. in the context of directives expressed by the Board of Governors, signs University agreements that are not reserved to the Rector and endorses the contracts necessary for management;
  - e. adopts acts engaging spending, within the framework of directives expressed by the Board of Governors.
2. The General Director submits an activity report annually to the Board of Governors, the Academic Senate and the Evaluation Board, attaching the reports of the individuals responsible for the services and structures, including decentralised ones.
3. Based on a proposal of the Rector after consulting the Academic Senate, the office of General Director assigned by the Board of Governors to a person with high professional qualifications and multi-year proven experience with managerial functions identified through a public selection. The term is for a fixed period of no more than four years and is renewable.
4. The General Director designates someone from among University Administrative Managers to replace him/her in case of absence or impediment.