



Università
Ca'Foscari
Venezia

Rector Decree No. 938/2017

Prot. No. 60663 of December 18th, 2017

Title - VII/1

Subject: Public selection procedure for No. 1 fixed-term researcher in compliance with Art. 24, Par. 3, Letter a) of Italian Law No. 240, 30 December 2010, academic recruitment field 12/B1 - BUSINESS LAW scientific disciplinary sector IUS/04 - BUSINESS LAW.

The Rector

Having regard to the Italian Law 168, 9 May 1989;
Having regard to the Italian Law 241, 7 August 1990, as amended and supplemented;
Having regard to Pres. Decree 445, 28 December 2000, on administrative documentation, as amended and supplemented;
Having regard to the Italian Personal Data Protection Code adopted by Leg. Decree 196, 30 June 2003;
Having regard to the Italian Law 106, 15 April 2004, and related Pres. Decree 252, 3 May 2006;
Having regard to Art. 1, Par. 105 of Italian Law 311, 30 December 2004, providing for a three-year staff recruitment programme;
Having regard to the Min. Decree 363/1998 and Leg. Decree 81/2008 as amended and supplemented concerning safety at work;
Having regard to the Ethics Code of the University;
Having regard to the University Bylaws;
Having regard to the Decree of the General Director 4/2017;
Having regard to the Code of conduct of the university;
Having regard to the Italian Law 240, 30 December 2010, in particular Art. 24;
Having regard to the Min. Decree 242, 24 May 2011, on the "Criteria and parameters for the evaluation of teaching and research activities carried out by the holders of the contracts under Art. 24 of Law no. 240/2010";
Having regard to the Min. Decree 243, 25 May 2011, on the "Criteria and parameters recognized also at international level, for the preliminary assessment of the candidates recipients of contracts under Article 24 of Law 240/2010";
Having regard to Pres. Decree 232, 15 December 2011, on the Regulation governing the salaries of professors and researchers, in accordance with Law 240, 30 December 2010, Art 8, par. 1 and 3;
Having regard to Lgs. Decree 49, 29 March 2012, concerning: "Discipline for programming, monitoring and evaluation of budgetary and recruitment policies of universities";
Having regard to the Min. Decree 855, 30 October 2015, on the redetermination of academic recruitment fields, joined into groups of academic recruitment fields;
Having regard to the Regulations governing the public selections of fixed-term researchers in compliance with Art. 24 of the Italian Law 240/10;
Having regard to the resolution with which the Department of Economics requested the activation of the contract, confirming the financial backing on "Margini";
Having regard to the resolutions by the Board of Trustees of 9th June and 6th October 2017;
Acknowledging that the proposing structure has certified its compliance with Italian Law and University Regulations

DECREES

Art. 1

Announcement of public selection procedure

A public selection procedure is opened for No. 1 fixed-term (36 month) part-time researcher in compliance with Art. 24, Par. 3, Letter a) of Italian Law 240, 30 December 2010.

Academic recruitment field	12/B1 - BUSINESS LAW
Academic discipline	IUS/04 - BUSINESS LAW
Department	DEC - Department of Economics



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Work place	Ca' Foscari University of Venice, Department of Economics
Teaching activities, also integrative, and service provided to students and research activities	Teaching commitment as specified in the regulation enforced at the University Ca' Foscari University of Venice. In particular, it will be necessary to guarantee, as needed, courses included in the relative scientific sector, both at the undergraduate and the graduate level, with specific reference to English-taught courses. The scientific commitment and the research output will deal with the topics included in the statement of the Scientific Sector IUS/04, focussing on company law and bankruptcy law issues. The research activity will be carried out autonomously or in collaboration with other members of the department on topics given in the scientific commitment.
Foreign languages of which will be verified the knowledge	English
Language of the interview	Italian
Maximum number of published works which can be presented, in addition to the PhD dissertation	12
Other requirements	The scientific production of the candidate must show originality and methodologic rigor.

Art. 2

Requirements for admission to selection procedure

The Selection Procedure is open to both Italian and foreign applicants with a PhD or equivalent degree awarded either in Italy or abroad

Applicants must be in possession of the requirements laid down at the closing date for the submission of application to the selection. Exclusion from the selection procedure shall take place by means of a motivated order issued by the Rector and communicated to the candidates concerned.

The following are excluded: anyone with a contract for research fellowship or fixed-term research contract as provided in Arts. 22 and 24 of Italian Law 240/10 at Ca' Foscari or at other Italian Universities, whether public, private or online, or bodies under Par. 1 of Art. 22 of Italian law 240/10 for a period, in addition to the intended duration of the competition contract, exceeding a total of 12 years, even if not continuing. Maternity or sick leave as provided in the laws in force shall not be included in the duration of the aforementioned employment contracts. Also excluded from the selection procedures are those who have already had a fixed-term contract as a first or second tier university professor or as researchers, even if no longer in service.

Also belonging to the exclusion categories are those with a family relationship or affinity, up to the fourth degree, with professors belonging to the recruiting Department including the Rector, Administrative Manager, any member of the Board of Trustees, as provided in Art. 18, Par. 1, Letter b) and c), of Italian Law 240/2010.

The following shall not participate in the selection procedures:

- 1) Those who are not entitled to exercise civil and political rights;
- 2) Those who have been dismissed or relieved from office with a Public Administration for consistently poor performance;
- 3) Those who have been dismissed from a civil service job as provided in Art. 127, Letter d) of D.P.R. 10/1/1957, No. 3.

This Administration guarantees fairness and equal opportunity to men and women in access in to employment and employment conditions.

Art. 3

Application submission procedure



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To participate in the selection, candidates must submit their application only using the procedure available on the web at:

<http://static.unive.it/domandeconcorso-en/accesso/decreto938-2017>

within a deadline of 12.00 a.m. CET on the forty-fifth day following the date of publication of the call in the Official Gazette of the Italian Republic. If this deadline expires on a public holiday, it is extended to the next working day.

The application may be filled via web using any computer with Internet connection within the deadline.

Note: the candidate must fill out the application by completing all the required fields and by attaching all the files required. Only in this moment the procedure shall generate an individual alphanumeric code, which will be forwarded to the email address written in the application. Until the deadline indicated above, it is allowed to make changes to the application and replace the files attached, exclusively by returning in the proceedings with the alphanumeric code access.

Then, the link will be blocked and will no longer be possible to fill and modify the application.

No other forms of submission are allowed under penalty of exclusion.

For further information, candidates may contact Settore Concorsi phone: +39 0412348269- +39 0412348217- +39 0412347002, email: pdoc.concorsi@unive.it, excluding the university holiday period from 23rd December 2012 to 7th January 2018.

The application form shall clearly state the candidate's name and surname, date and place of birth and tax identification number. All candidates must, likewise, declare on their own account:

- 1- Their citizenship;
- 2- That they are in possession: of a PhD awarded in Italy or abroad;
- 3- That they do not have, nor have they had in the past, a contract for research fellowship or fixed-term research contract as provided in Arts. 22 and 24 of Italian Law 240/10 at Ca' Foscari or at other Italian Universities, whether public, private or online, or bodies under Par. 1 of Art. 22 of Italian Law 240/10 for a period, in addition to the intended duration of the competition contract, exceeding a total of 12 years, even if not continuing;
- 4- That they have not been employed with an open-ended contract as first or second tier university professor or researchers, even if no longer in service;
- 5- That they do not have a family relationship or affinity, up to the fourth degree, with professors belonging to the recruiting Department including the Rector, General Director or any member of the Board of Trustees;
- 6- That they have not been convicted of a crime nor are they aware of being subject to criminal proceedings or of any pending criminal proceedings against them;
- 7- That they are/are not employees in a Public Administration;
- 8- That they have not been dismissed from office with a Public Administration for consistently poor performance nor from a civil service job as provided in Art. 127, Letter d) of President Decree 3, 10.01.1957;
- 9- That they are aware that all communications to candidates shall be made by posting on the website of the University and that such publication has the value of notification in all respects.

The failure to make the declarations in the above paragraphs will cause elimination from participation in the selection procedure.

Italian candidates shall also state on their own account:

- In which electoral roll they are registered (municipality) and any reasons for non-registration or deletion from it;
- Their current situation with regard to military service.

Foreign candidates shall also state on their own account :

- That they exercise civil and political rights in their country or give the reasons for failure to do so;
- That they have adequate Italian language skills.

Candidates with disabilities shall specify which support (if any) they require with regard to their handicap to attend the interview.

In their applications candidates should also include the address for their notification, a telephone number, a mobile number and an e-mail address.

The University Administration declines all responsibility for the notifications due to the failure of the candidate to provide a correct address or a failure or delay in notifying about a change to the address given in the application or for any postal or telegraphic services misdeliveries, or due to third parties, unforeseeable events or force majeure.



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Candidates must also attach the following to their applications:

- Candidate's curriculum vitae listing their scientific and teaching activities, written in Italian and in English, signed with an original signature and declaration of veracity as provided in Arts. 46 and 47 of Pres. Decree 445/2000;
- Documents confirming the qualifications deemed useful for the selection procedure (except for qualifications issued by other Public Administrations for which candidates must submit the self-executed certificate) and a list signed with original signature;
- list of published works that candidate intends to submit for the purposes of Art. 1 of these competition regulations, signed with original signature;
- Photocopy of valid identity document.

According to the University's actions within the Human Resources Strategy for Researchers (HRS4R), candidates are invited to submit a cover letter to their CV.

Qualifications refer to academic qualifications, professional qualifications, specialisations, licenses, training, updates and so on.

European Union citizens may:

- Submit scanned copies of qualifications, that are certified copies of the originals with self-executed affidavit as provided in Arts 19 and 47 of Pres. Decree 445, 28 December 2000 (attachment A); if written in a foreign language, said qualifications shall include a sworn Italian translation performed by embassy or consulate translators or by an official translator;
- or
- Prove that they have the necessary qualifications using the self-executed certificate or self-executed affidavit (Attachment A). The latter mode is the only accepted for qualifications issued by other Public Administrations.

Non-EU citizens with a regular residence permit may submit scanned copies of qualifications, authenticated or true certified copies of the original. The self-executed certificates must be used in accordance with the procedure laid down for EU citizens whenever it is necessary to provide proof of status, facts or personal qualities certifiable or confirmable by Italian public agencies or if the production of self-executed certificates takes place under international agreements between Italy and the applicant's country of origin.

Non-EU citizens without a regular residence permit may submit scanned copies of qualifications, authenticated or true certified copies of the original.

Certificates issued by the relevant authorities of the applicant's Country of origin must be submitted together with a translation into Italian authenticated by the Italian consular authority certifying conformity with the original.

The Administration shall carry out a verification process on the contents of substitute declarations contained in the curriculum vitae.

No reference may be made to documents presented to this or other administrations or to documents attached to the application forms of other selection procedures.

Art. 4

Publications

Candidates must upload their publications in pdf, dividing them into the appropriate four fields of electronic procedure of the capacity of 50 MB each (in each field can be inserted multiple publications grouped into a single file or a .zip folder. It is recommended that the name of the single file or the ones in the compressed folder does not exceed 20 characters).

Published works not uploaded within the closing date shall not be taken into consideration by the Examining Board.

If a candidate presents more publications than required, the Commission will evaluate the publications, in the order specified in the list of publications produced by the candidate, up to the limit provided.

For the purposes of this selection procedure only published works or texts accepted for publication as provided in current law shall be accepted for assessment, along with essays in anthologies and articles published in hard copy or digital format magazines excluding internal notes or departmental reports.

For joint-authored publications the candidates may include a statement confirming their contribution. Otherwise, joint-authored publications may be evaluated provided it is possible to identify the individual contribution of the candidate on the basis of its coherence with their overall scientific activity.



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The Examining Board will have access to the publications in digital format only for competition purposes, taking into account the existing legislation concerning publishing and copyright.

Art. 5

Exclusion from selection procedure

Candidates are conditionally admitted to the selection procedure and may be excluded from the procedure at any time for failure to meet the requirements by means of a reasoned Rector's decree.

Failure to comply with requirements laid down in Arts. 2 and 3 herein represents a reason for exclusion from the selection procedure.

Art. 6

Composition of the Examining Board

The Board, made up of three members chosen from tenured professors, of which at least two from other universities (also foreign universities), shall be proposed by means of a resolution passed by the Department Board and appointed by a Rector's Decree. The Board may draw upon the support of one or more experts for the language proficiency assessment.

The appointment of the Examining Board must be carried on in compliance with Art. 7 of Regulations governing the public selections of fixed-term researchers

The appointment of the Board shall be published online on the University website.

Art. 7

Roles of the Examining Board

The Board shall carry out the preliminary assessment of candidates, providing motivated evaluations of qualifications, curriculum vitae and scientific work, including their doctoral thesis, according to criteria and parameters recognised at international level, identified by means of Ministerial Decree 243, 25 May 201, to be carried out in accordance with the guidelines for the evaluation in Annex no. 1 of the Regulations governing the public selections of fixed-term researchers in compliance with Art. 24 of the Italian Law 240/10.

Following the preliminary assessment the Board will admit the most worthy candidates - 10 to 20 per cent of the original candidates and no less than six in number - to participate in a public discussion of their qualifications and scientific work; all candidates shall be admitted to the discussion should their total number be equal to or less than six.

After the discussion the board will grade the qualifications and each of the published works presented by the candidates admitted to said discussion. The board will draw up a collective overall evaluation of the candidates admitted to the discussion of their qualifications and published works, stating whether they are eligible for the competition and expressing a concise evaluation.

The assessment of candidates involves no written or oral examinations apart from the oral examination testing their knowledge of a foreign language provided for under Art. 1 of the competition regulations; the oral examination shall take place on the occasion of the discussion of their qualifications and published works.

The University will publish on March, 6th 2018 on its website at the following address <http://www.unive.it/bandi-ric240> the discussion date, with details of candidates admitted, or the possible postponement of the publication. The said publication is equivalent to notification of the law in effect. Therefore, candidates are required to appear for the discussion, without notice, in the place, the day and hour specified in the notice. Failure to attend this discussion shall be considered explicit outright proof of their decision to withdraw from the selection process.

Attending candidates must present a valid identity document.

The Board may use electronic media if these are appropriate for the activities to be carried out.

The candidate admitted to the interview can be interviewed by electronic means (eg. Skype), communicating well in advance by email at pdoc.concorsi@unive.it . In this case, the interview should take place as follows:

- The candidate will provide in due time the Commission a Skype name in order to organize and test the electronic connection;



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- The candidate must be present and connected at the Italian date and time of the interview in an institutional place (University or other office) and be recognized by an official who will compile a statement that attest the identity of the candidate. The statement will be sent by email to the Commissioners together with the scanning of the identity documents of both (official and candidate). Alternatively, it is permitted the identification of candidate through direct knowledge on the part of one or more components of the Commission;

The Skype link is acceptable only if there is a guarantee that it is not subject to frequent interruptions. If unable to electronic connection, the candidate will be considered absent.

The Board must conclude its activities within three months of the appointment decree, unless otherwise specified. The closing date may be deferred for proven exceptional motives given by the Board Chair. In the case of failure to conclude activities by the date established, the Rector shall issue a reasoned decree giving rise to procedures for the replacement of members held to be responsible for the delay as well as establishing a new closing date for the conclusion of activities.

Art. 8 Validity of the proceedings

The Board proceedings are attested in the minutes of the meetings, together with the related attachments that shall be sent by the Board Chair to the ARU (Ca' Foscari Human Resources Area) – Ufficio Personale Docente e CEL Settore Concorsi within 7 days after the conclusion of the Board activities for assessment of the proceedings and approval of the minutes by Rector's Decree.

Once the minutes have been approved, the proceedings are sent to the recruiting Department Head and published by insertion in the University website at the following address <http://www.unive.it/bandi-ric240>. This insertion will be announced by notice in the Official Gazette (<http://www.gazzettaufficiale.it/index.jsp>). From the date of publication of this notice starts the deadline for any appeal.

Art. 9 Announcement of winner and appointment

Within two months of the receipt of the proceedings, the Department Board proposes to the Board of Trustees the choice of the candidate who is comparatively best among those declared eligible as shown by the proceedings of the Examining Board. In case of *ex aequo* evaluation, the choice must be based on the following criterion:

Priority will be given to scientific publications (namely books and/or articles published in top ranked journals and reviews), written in Italian or in English and relative to business law and economic law, and to the knowledge and competences acquired in professional experiences and relative to the same topics of the research programme.

The resolution will point out, anyhow, the precise reasons for the choice.

Art. 10 Drawing-up of contract

The Administration invites the person concerned to send all documentation required under current legislation and the competition regulations within 30 days of the drawing-up of the individual fixed-term employment contract. The contract shall be drawn up by the Rector or her/his representative on behalf of the University.

The gross annual pay for fixed-term full-time researcher amounts to Euro 34.898,06 in compliance with art 3, par. 6, DPR n. 232/2011.

The contract will specify the causes of termination; in any case is a cause of termination of the contract the annulment of the selection procedure, which is its prerequisite.

The employment start date, bound to the coverage on the external funds in the preamble, shall be established by the recruiting Department on the basis of research and teaching requirements, and depending on funding available and any legal constraints.

Should circumstances arise hindering recruitment - whether for legal, organisational or financial motives, prior to the completion of the selection procedures, this Administration reserves the right not to hire or to delay recruitment.

In the six months prior to the expiration of the research, the researcher is subject to evaluation of teaching and research activities carried out under the contract, even for a possible two-year extension of the contract. The assessment is made on the basis of the procedures, criteria and parameters established by



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art. 9 of the University Regulations governing the public selections of fixed-term researchers in compliance with Art. 24 of the Italian Law 240/10.

The Administration reserves the right, without prejudice to the legal and financial, to proceed with the extension of the contract as required by law.

Art. 11
Incompatibilities

The incompatibilities provided for the employees of public Administration and in particular those resulting from the provisions of Article 53 of Legislative Decree no. 165/2001 are applied to the employment contract established in accordance with this call.

Art. 12
Personal information processing

Personal information supplied by the candidates in the application form shall be collected by the offices of Università Ca' Foscari and processed for the purposes of the procedure and for the management of relations ensuing therefrom.

The provision of said information is compulsory and necessary for the correct implementation of the selection procedure.

The same information may be communicated only to Public Administrations directly involved in the economic and legal position of the candidate hired.

Candidates are entitled to exercise the rights provided in Art. 7 of Italian Leg. Decree 196/2003, including the right of access to the data concerning them, the right to amend, update, complete or delete erroneous or incomplete data or data collected in a manner that is contrary to law, and to object to processing for legitimate reasons.

These rights may be asserted with regard to the Università Ca' Foscari- Venezia, data controller.

Art. 13
Data supervisor

Data Manager: Mr. Patrik Sambo, Director of Teaching Staff Department (tel. +39 041/2348217, +39 041/2348269 e-mail: pdoc.concorsi@unive.it).

Art. 14
Final provisions

For any matters not expressly provided herein, the current provisions of law on the matter shall apply.

Venice, December 18th 2017

Signed The Rector
Prof. Michele Bugliesi