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THE RECTOR

having regard to Law 09.05.1989, no. 168 *“Establishment of the Ministry of the university and scientific and technological research”* and in particular Art. 6 *“Autonomy of universities”* which, at paragraph 6, provides that: *“6. University regulations and those internal to each structure are issued by decree of the Rector in compliance with the principles and procedures established by the statute”*;

having recalled the University Statute and in particular Art. 39 entitled *“General provisions”* and in particular paragraph 2 which provides that: *“All University regulations are resolved by absolute majority by the Academic Senate and by the Board of Directors, according to their respective competences and pursuant to the Statute. The regulations must, in any case, be proposed in their entirety to both Bodies...”*;

having regard to the Code of Conduct and the Code of Ethics of the University;

having regard to the current *“Regulation for the discipline of the procedures for the calling of first- and second-tier professors”*;

having regard to Decree Law 6 November 2021 no. 152, as converted, with amendments, by Law 29 December 2021 no. 233 and in particular Art. 26 paragraph 2 letter a) which, in Art. 7 of Law no. 240/2010, added paragraphs 5-bis, 5-ter and 5-quater;

having recalled Law no. 240/2010 and in particular Art. 15 entitled *“Scientific-disciplinary groups and sectors”* as replaced by the provisions of paragraph 6-bis of Art. 14 of Decree Law 30 April 2022 no. 36 converted into Law 29 June 2022 no. 79 which provides that: *“Within ninety days from the date of entry into force of this provision, the Minister, by his/her own decree of a non-regulatory nature, on proposal of the National University Council (CUN), defines, according to criteria of affinity and scientific, educational and cultural relevance, the scientific-disciplinary groups and the related declaratory statements”*;

having recalled paragraph 4 of Art. 18 of Law no. 240/2010 as amended by Art. 19 paragraph 1 letter d) of Decree Law 16/7/2020 no. 76, as converted into Law 11/9/2020 no. 120 which provides that: *“Each state university, within the framework of the three-year planning, binds the resources corresponding to at least one fifth of the available positions of tenured professor to the calling of those who, in the last three years, have not served as full professor, associate professor, permanent researcher, fixed-term researcher pursuant to Article 24, paragraph 3, letters a) and b), or have not been holders of research grants or enrolled in university courses in the same university or to the calling referred to in Article 7, paragraph 5-bis”*, thus clearly defining the recipients of the procedures reserved to *“external”* subjects;



having therefore ascertained the need, in consideration of the recent provisions referred to in paragraphs 5-bis, 5-ter and 5-quater aforementioned as well as of the provisions of paragraph 4 of Art. 18 of Law no. 240/2010 as amended, and pending the expected imminent issuance of the Ministerial Decree referred to in the above-mentioned Art. 15, to adapt to the cited provisions the *“Regulation for the discipline of the procedures for the calling of first- and second-tier professors”*;

having also recalled Law no. 240/2010 and in particular Art. 18 paragraph 1 letter b) last sentence which provides that: *“In any case, those who have a degree of kinship or affinity, up to the fourth degree inclusive, with a professor belonging to the department or to the structure which carries out the call or with the rector, the director general or a member of the board of directors of the university may not participate in the calling procedures”*;

having also recalled letter c) of paragraph 1 of Art. 18 of Law no. 240/2010 which provides that: *“c) application of the criteria referred to in letter b), last sentence, in relation to the awarding of research grants referred to in Article 22 and the conclusion of contracts referred to in Article 24 and of contracts under any title provided by the university”*;

considering that the aforementioned Art. 18 lays down the rules for the procedure of calling first- and second-tier professors, entrusting its regulation to university regulations to be issued in compliance with the criteria indicated by the same provision, including the aforementioned prohibition (paragraph 1, letters b and c);

considering that Law no. 240/2020, in Art. 18, does not expressly provide for the extension of the prohibition laid down by the same article to the evaluation procedures referred to in paragraphs 5 and 6 of Art. 24 of Law no. 240/2010;

considering the interpretative line of part of the case law existing on the matter which opts for the strict interpretation of the provision referred to in the aforementioned Art. 18, deriving from it the illegitimacy of university regulations that extend the prohibition referred to in paragraph 1 letters b) and c) of the same article to the recruitment procedures of professors referred to in Art. 24;

having therefore deemed it appropriate to adhere to the jurisprudential approach which interprets literally and in a strict manner the provisions referred to in paragraph 1 letters b) and c) of Law no. 240/2010, providing, for those who have a degree of kinship or affinity up to the fourth degree inclusive with a professor belonging to the department or to the structure carrying out the call or with the Rector, the Director General or a member of the Board of Directors of the university, the prohibition to participate only in the procedures referred to in Art. 18, in the awarding of research grants referred to in Article 22 and in the conclusion of contracts referred to in Article 24 of Law no. 240/2010 and of contracts under any title granted by the university;

having recalled the resolutions of the Board of Directors, meeting of 30 June 2022, and of the Academic Senate, meeting of 26 July 2022, by which amendments to the aforementioned Regulation were provided;

having therefore ascertained the need to proceed with the issuance of the *“Regulation for the discipline of the procedures for the calling of first- and second-tier professors”* of the University of Parma, in the final version coordinated with the amendments approved by the competent Governing



Bodies of the University in the above-mentioned meetings

decrees

for the reasons set out in the premises:

1. the “*Regulation for the discipline of the procedures for the calling of first- and second-tier professors*” of the University of Parma is issued, in the text attached to this decree, of which it forms an integral part;
2. the aforesaid Regulation enters into force on the day following the date of publication of this decree on the University website.

Prof. Paolo Andrei

Digitally signed pursuant to Legislative Decree no. 82/2005

U.O.R. - Unità Organizzativa Responsabile	Area Dirigenziale Personale e Organizzazione	
R.P.A. Responsabile del Procedimento Amministrativo	UO Amministrazione Personale Docente	Dott.ssa Marina Scapuzzi