



INFORMATION FOR EVALUATING COMMITTEES

University Regulations Rectoral Decree Reg. no. 755/2020 and 795/2020 effective as of 29 October 2020

**Comparative call procedure for full/associate professors
pursuant to article no. 18, paragraph 1, of the Law no. 240/2010**

In order to appoint the Evaluating Committee, the Department's Board, in the session reserved for full professors, with the favorable vote of the majority of those who are entitled, must decide on the members proposal after the deadline for the submission of applications.

For the identification of the commissioners for full and associate professors selection procedures, with regard to the provisions of article no. 6 of the University Regulations (Rectoral Decree Reg. no. 755/2020 and 795/2020) effective as of 29 October 2020, please remember that:

1. the Committee should be composed of **three tenured university professors of the recruitment field** of the selection procedure who hold the threshold values to participate in Committees for the obtainment of the National Scientific Qualification (ASN), from different universities, also foreign ones, with a high scientific profile, also at the international level;
2. in the event of **tenured members from foreign Universities**, the Department's Board should attest the adequacy of their scientific CV for the recruitment field of the selection procedure and the correspondence of their role with that of full professor, also on the basis of ministerial correspondence tables for Italian and foreign academic positions, as well as their high scientific profile at the international level;
3. at least one of the Committee members must belong to the **same academic field** identified in the call [*cf. point 6*];
4. **should enough professors** belonging to the recruitment field **not be available**, the choice of commissioners may take place within the macro-area, provided that they possess the threshold values to participate in Committees for the obtainment of the National Scientific Qualification (ASN) in one of the recruitment fields included in the macro-area;
5. gender balance must be guaranteed;
6. **a member**, who belongs to the academic field provided for in the call (profile) also from another Department of the University or from another University, **will be appointed** by the Department's Board;
7. **two members will be drawn by lot**, on the basis of four candidates proposed by the Department with respect for gender balance (two women and two men);
8. pursuant to article no. 6, paragraph 4, of the University Regulations, Committees may not include those who:
 - a) have obtained a negative evaluation by their University pursuant to article no. 6, paragraph 8, of the Law no. 240/2010; [*commissioners who lack the updated positive evaluation issued by their University may not be admitted. Each aspiring Commissioner, if lacking an updated evaluation, must contact their University*]





about issuing the abovementioned evaluation as it constitutes a legal obligation in order to take part in Evaluating Committees]

- b) have been sentenced, even without a final judgment, for the offenses against the Public Administration provided for in book 2, title 2, chapter 1 of the Italian Criminal Code;
- c) are members of the National University Council (CUN), pursuant to article no. 1, paragraph 8, of the law no. 18 of 16 January 2006
- d) are members of the Committees which are in charge of National Scientific Qualification (ASN) procedures;
- e) have been appointed in the same year in two local Committees, both comparative and evaluative, at the University of Insubria for professors and/or researchers positions which may be extended to three Committees for smaller fields or in case of lack of availability of commissioners who hold the requirements described above;
- f) entertain collaboration relations with the candidates which, because of their systematic, stable and continuous nature, constitute a real professional partnership;
- g) are co-authors of almost all of the candidates' publications;
- h) have common economic interests arising from a stable professional collaboration.

With reference to the theme of co-authorship in publications among commissioners and candidates, the relevant circumstance, on the basis of an established juridical opinion, is the presence of a percentage of publications in common higher than 50% of the publications submitted by the candidate among those to assess.

In order to check requirements and instances of incompatibility, a declaration that each aspiring commissioner will have to make, in order to be included in the resolution of the Department's Board regarding the identification of aspiring members for the appointment of the Committee on the part of the Rector, has been provided for.

The Department's deliberation, together with the declarations issued by the subjects who have been proposed to participate in the Committee, will have to be forwarded for the relevant provisions to the Recruitment and Careers Office.

Application of article no. 6, paragraphs 7 and 8, of the Law no. 240/2010 for tenured professors from foreign Universities (cf. point 2 above)

The legal status of tenured professors from foreign Universities is regulated by their Country's current regulations.

Article no. 6, paragraphs 7 and 8, of the Law no. 240/2010 does not apply to them. In order to take part in Evaluating Committees they must be active professors in Universities and/or research centers in OECD Countries, and have a high scientific profile, regardless of the positive evaluation required by academic regulations for the employees of Italian Universities.

Conflict of interest and incompatibility



The theme of the appointment of Evaluating Committees to access academic careers and of the relations among commissioners and candidates is the subject of a number of court rulings which are continuously evolving, of resolutions of the National Anti-Corruption Authority (cf. specifically the 2017 National Anti-Corruption Plan approved by National Anti-Corruption Authority (ANAC) resolution no. 1208 of 22 November 2017, and by ANAC provision no. 25 of 15 January 2020) and of the Ministry of Education, University and Research (MIUR) guiding act no. 39 of 14 May 2018.

“The stability and/or systematic nature of the relation and the existence of a common economic interest need to emerge during the procedure in order to allow the University to verify the existence of the hypotheses described in article no. 51 of the Italian Civil Procedure Code, as provided for by the law.

[...] Indeed, as it is the duty of the administrations to verify the self-certifications issued by the commissioners for the purposes of the abovementioned article no. 51, indicating the type of all past and on-going relations would allow the administration to carry out a strict verification, in the light of the abovementioned hypotheses of concrete application of the provision.

This would allow the combination of a correct application of article no. 51 of the Italian Civil Procedure Code, with the criteria behind the provisions on the prevention of corruption described in law no. 190/2012 and of the principles of article no. 97 of the Italian Constitution.

[...] Specifically, the Authority has underlined that the “irregular appointment of committees or the presence of conflicts of interest between members and candidates may compromise the impartiality of the selection procedure. The legislative provisions do not discipline the rules for the appointment of committees, nor the development of their works, thus referring to the university regulations” and recommended that universities provide in their regulations for a draw procedure in order to identify the members of committees [...]” (cf. ANAC provision no. 25 of 15 January 2020 point 1.”

However, the reference standard remains article no. 51 of the Italian Civil Procedure Code and articles no. 6 and 7 of the Decree of the President of the Republic no. 62/2013 “Code of conduct for civil servants”. The Recruitment and Careers Office, once the candidates’ and commissioners’ names proposed by the interested Department have been received, will check that the requirements provided for by general regulations and by the University Regulations have been followed, on the basis of the Departments’ provisions, of the commissioners’ self-certifications and of the documents they collected.

The mere existence of collaboration relations of a scientific nature within the academic community does not represent cause for incompatibility in itself, except when there exist conflict of interest situations, even potential, among commissioners and candidates that the University is not aware of, which may compromise the impartiality of the decision (e.g.: serious hostility and/or prejudices, close personal relations which may raise doubts on an impartial evaluation, professional partnerships characterized by common economic interests, stable and regular collaboration, also in the context of academic or publishing activities, particularly strong shared interests etc...).

The Evaluating Committee appointment provision, instead, will be published, so that candidates may verify possible challenges causes.

The nonexistence of conflicts of interest, even if potential, will then be self-certificated by the Commissioners themselves once they have learned the candidates’ names after the preliminary meeting for the decision of the evaluation criteria [*Attachment B*], and will



also be stated in the second meeting's minutes [*on the part of the Office after the appointment of the Committee*].

Selection Phase

The Committees, with the members' absolute majority deliberation, will identify the most highly qualified candidate to hold the position at the end of the comparative evaluation made on the basis of the candidates' publications, CVs and teaching activities and of the discussion, if provided for in the call. The evaluation will take place on the basis of the criteria that were predetermined by the Committee, following the qualitative standards recognized at the international level. At the end, the Committee will compile a ranking list of the worthier candidates which is valid only in case of withdrawal of the most qualified candidate or for failure to take service. In such cases the Department may make a new call proposal on the basis of the ranking list.