



Universitat
de les Illes Balears

OFFICIAL GAZETTE

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Agreement:

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No. 539 - Year XXXVII - I. GENERAL PROVISIONS Friday 29th July 2022

Governing Council

14540. REGULATORY AGREEMENT of 15th June 2022 that approves the regulation governing the recruitment of research staff under chapter 6 allocation of the university budget, as well as technical or operational research staff.

With a view to ensuring open, transparent, and merit- and skill-based recruitment processes for research staff, and in accordance with the principles set out in the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers the University of the Balearic Islands , through the present regulations aligns itself with European Union principles aimed at developing a European labour market for researchers that is appealing, open and viable, and where general conditions enable highly qualified research staff to be hired and retained in environments that foster performance and productivity.

In this sense, the UIB formally committed to the European Commission to adhere to the principles set out in the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers on 19th February 2018. In turn, on 14th November 2019 the UIB sent the necessary documentation to the European Commission to pass the first implementation stage of the Human Resources Strategy for Researchers (HRS4R).

The European Commission, through EURAXESS, granted the UIB the HR Excellence in Research Award on 26th July 2020. A period of two years then commenced for full implementation.

In light of the above, the Governing Council, meeting in ordinary session on today's date, using the powers granted to it in articles 24.2.13 and 32 of the university statutes, and on the motion of the Executive Council, has approved the regulation governing recruitment of research staff under chapter 6 allocation in the university budget, as well as technical or operational research staff, in accordance with the following terms:

Article 1. Purpose and Excluded Contracts

1. The purpose of the present regulation is to manage the selection and recruitment process for research staff and technical and/or operational research staff under research projects, agreements, accords or similar structures with chapter 6 funding from the budget of the University of the Balearic Islands.
2. Recruitment funded by staff recruitment calls regulated by specific regulations that set out the selection, employment and financial terms for hiring research staff is expressly excluded from this regulation.
3. For cases where administration and services staff (PAS) are required to cover structural positions in administrative services or units, recruitment shall be in line with the procedure set out in Regulatory Agreement 12005/2016 of 20th September that approves the recruitment procedures for interim civil servants and temporary contract staff, and the general criteria for employment pool management for PAS at the University of the Balearic Islands.

Article 2. Definitions

1. In accordance with Act 14/2011 of 1st June on Science, Technology and Innovation, and for the purposes of this regulation, research staff are deemed to be those holding the corresponding qualification and undertaking research activity, understood as creative work that is systematically undertaken to expand knowledge, including that relating to human beings, culture and society, as well as the use of this knowledge to create new applications, and transfer and disseminate them.
2. Technical staff are deemed to be those who undertake tasks for which technical knowledge and experience are necessary, and which require the application of operational concepts and methods under the supervision of research staff.
3. Operational research staff are those who undertake non-experimental logistical or support tasks under the supervision of research staff.
4. The term 'framework activity' is used for the project, subsidy, agreement, accord, donation or similar structures with chapter 6 funding from the university budget whose purpose is research, and that totally or partially finances recruitment.
5. The principal investigator in the framework activity is deemed to be the supervisor for recruitment. Principal investigators may formally delegate this responsibility to another teaching and research staff member with a permanent link to the UIB.

Article 3. Legal Framework

Recruitment of staff subject to this regulation shall be governed by what is set out in the terms and conditions for each recruitment call. The signed employment contracts must be in line with current labour regulations, the specific requirements set out in research projects, agreements or accords, and the circumstances underpinning them. Moreover, and where applicable, the following regulations shall apply:

- a. Organic Law 6/2001 of 21st December on Universities, and later amendments
- b. Act 14/2011 of 1st June on Science, Technology and Innovation
- c. Royal Legislative Decree 5/2015 of 30th October that approves the recast text of the Basic Statute Act for Public Employees
- d. Royal Legislative Decree 5/2015 of 23rd October that approves the recast text of the Statute of Workers' Rights
- e. The Statutes of the University of the Balearic Islands, approved by Decree 64/2010 of 14th May
- f. Royal Decree 103/2019 of 1st March that approves the Statute of Pre-doctoral

- Research Staff in Training
- g. Royal Decree-Law 32/2021 of 28th December on Urgent Measures for Labour Reform, Employment Stability Guarantee and Labour Market Transformation
 - h. Royal Decree-Law 8/2022 of 5th April that adopts urgent measures in job recruitment for the Spanish Science, Technology and Innovation System
 - i. Act 31/1995 of 8th November on Occupational Hazard Prevention
 - j. Organic Law 3/2018 of 5th December on Data Protection and the Guarantee of Digital Rights
 - k. Any other regulation that may apply.

Article 4. Recruitment Proposal

1. Recruitment proposals are organised in calls spread across the academic year. The Research Support Office (OSR) website shall publish the deadlines for processing proposals, publishing job offers and recruiting staff governed by this regulation on an annual basis.
2. In order to begin recruitment procedures, the supervisor must fill in the recruitment proposal form available on the Research Staff Portal (PPI) at the University of the Balearic Islands (<https://pps.uib.cat/>).
3. Recruitment proposals may be registered up to six working days prior to the publication date of the call. The deadline period to submit recruitment proposals shall be published on the OSR website (<https://osr.uib.cat/>) for each recruitment call.
4. As a minimum requirement, the recruitment proposal must state the category, duration, working hours, schedule, location of service provision, supervisor, purpose and area of recruitment, the framework activity reference, the salary and other items required for publication on platforms such as EURAXESS.
5. The recruitment proposal form may be filled out in Catalan, Spanish and English.

Article 5. Administrative Review, Language Editing and Translation of Proposals

1. Recruitment proposals shall be subject to administrative review to look at their financial viability and suitability for the proposed funding source.
2. Recruitment proposal files shall be submitted to the OSR or the service responsible for managing research.
3. Where the OSR does not have documentation regarding the framework activity that enables the technical and financial viability of the recruitment, it shall request it from the supervisor.
4. Where applicable, the Language Service—or the service with the corresponding duties—shall translate and edit the recruitment offer text in Catalan and English.
5. Recruitment proposals that pass administrative review shall be notified to the corresponding administrative services, who shall reserve an allocation of funds.

Article 6. Publicising Job Offers

1. After passing administrative review, allocating funds and making the corresponding texts available in Catalan, Spanish and English, the OSR will publish the job offer on the university website, as well as the EURAXESS portal from the European Commission (<https://euraxess.ec.europa.eu/jobs/>) or similar portals.
2. The job offer must include the recruitment process, selection criteria, members of the selection committee and, where applicable, the number of available positions and outlook for career development.

3. The default deadline for submitting applications will be ten days from the date the call is published. Nevertheless, this deadline may be extended at the request of the recruitment supervisor, who must provide reasons for this in the proposal.

Article 7. Candidate Applications

1. Those interested in being recruitment candidates must apply online by filling in the application form available in the procedure catalogue on the UIB e-services portal (<https://seu.uib.cat/ca/Serveis/Categ-de-procediments/>), in accordance with what is set out in Article 25 of Regulatory Agreement 14427/2022 of 23rd March that approves the Regulations for Implementing Electronic Administration at the University of the Balearic Islands. No alternative methods to register or express interest shall be formally admitted.
2. Interested parties must provide mandatory personal details on the application form, such as their date of birth, nationality, national ID number (DNI, NIF, passport), qualification and awarding university, postdoctoral work experience and, optionally, their gender, ethnicity or country of birth for the statistical purposes and assessing target attainment.
3. Candidates' CVs must be attached to the application. Where applicable, the selection committee may request total or partial supporting documents pertaining to merits listed on the CV or a statement of responsibility signed by the interested party.
4. Within three days from the application submission deadline, the OSR shall publish the provisional list of admitted and excluded candidates on the official noticeboard of the UIB e-services portal, including the reason for their acceptance or exclusion, where applicable.
5. Possible amendments or claims regarding the provisional list must be submitted over the UIB e-services portal within three days, starting from the day after the list is published. Where all applications are admitted, this procedure and deadline shall not apply, which must be stated in the award decision.
6. The final official list of admitted and excluded candidates shall be published on the e-noticeboard on the next working day after the deadline set out in the point above, and be signed by the relevant Pro-Vice-Chancellor for research (or delegated representative).

Article 8. Candidate Selection

1. Candidate selection shall be carried out by a selection committee whose members shall be established for each call, where applicable. The selection committee must include members with different levels of experience and abilities, be gender-balanced and, wherever possible, have members from different sectors (public and private) and disciplines, and even from other countries with suitable experience to assess candidates.
 - a. The selection committee shall comprise:
 - i. The relevant Pro-Vice-Chancellor for research (or delegated representative) as chair
 - ii. The supervisor (or delegated representative)
 - iii. The members of the Research Support Office Assessment Committee (CAOSR)
 - iv. One or more expert members in the topic pertaining to the recruitment and chosen by the chair of the committee, where applicable
 - v. The head of the OSR (or delegated representative), as secretary, who may speak but not vote
 - b. The selection committee members shall be subject to the recusal and abstention reasons set out in Act 39/2015. All committee members must sign a statement that they have no conflicts-of-interest

- c. In the event of absence or illness, or where a committee member has recused or abstained her/himself, the affected members shall be replaced by alternate members from the CAOSR
 - d. All selection committee members must sign and adhere to the principles set out in the Code of Conduct for the Recruitment of Researchers. These principles must, amongst other duties, ensure compliance with transparency in the recruitment process and equality for all candidates, especially with regard to developing an appealing, open and sustainable European job market for research staff. They complement those set out in the European Charter for Researchers
 - e. The committee members must have received suitable OTM-R training (Open, Transparent and Merit-based Recruitment) to sit on the selection committee.
2. The selection committee may, subject to requirements, invite external experts in the topic pertaining to the recruitment proposal from the public and private sectors.
 3. Selection committee meetings may be held either in-person or remotely.
 4. The general deadline for the selection committee to meet in order to analyse the corresponding applications and decide on which candidate to hire shall be five working days from the publication date of the final list of admitted and excluded candidates.
 5. The selection committee may call candidates to a personal interview.
 6. Selection committee decisions shall be made by simple majority.
 7. All candidates shall be assessed impartially and objectively.
 8. A position may not be filled where the committee deems no candidate fulfils the requirements to be awarded said position.
 9. In turn, the selection committee may decide to establish a list of up to five alternates who also fulfil all requirements to be awarded the position in strict order of ranking, where the initially selected candidate withdraws from the position for whatever reason. In this instance, and no later than one year after the initial recruitment date, the proposal to hire one of the alternates shall be automatic, following the established order of ranking and without any need to begin a new recruitment process.
 10. The committee secretary shall write up minutes which shall serve as the provisional decision and be digitally signed by all selection committee members.

This document shall state the list of assessed and selected candidates with their respective scores, where applicable. The provisional decision shall, where applicable, identify the selected candidate and possible alternates (DNI, NIE, passport or similar) with the order of ranking set by the selection committee, as well as the score awarded.

Article 9. Selection Process Result

1. The selection committee shall publish the provisional decision with the selection process result on the official e-noticeboard on the UIB e-services portal the day after the decision was agreed.
2. Candidates shall be sent an individual report including the result of the selection process and an assessment of their application, with particular focus on the application's strengths and weaknesses.
3. Candidates may appeal against the provisional decision by writing to the chair of the selection committee within three days from the day after the decision is published.
4. Where positions are not filled, the reasons for this must be specifically provided.
5. The final selection decision shall be published no later than five days from the day following publication of the provisional decision.
6. Candidates may appeal against the final selection decision by writing to the Vice Chancellor within one month from the day after the decision is published.

Article 10. Contact and Document Submission

1. The service responsible for recruitment shall contact the selected candidate from the day the selection result is published.
2. The successful candidate shall have three days to accept the appointment from the date the final selection decision is published on the official e-noticeboard. Where the candidate accepts the position, s/he must provide and formalise all required documentation for recruitment up to five working days before the effective start date. In any event, the successful candidate shall always have two working days to provide the documentation.
3. After the stated deadline, if the successful candidate has not specifically accepted the appointment, it may be deemed that s/he has withdrawn.
4. In the event that the successful candidate withdraws, the next person on the list by order of ranking shall, where applicable, be contacted and have five working days to accept the position, provide the relevant documentation and formalise her/his recruitment.

Article 11. Contract

1. After the necessary documentation has been submitted, the relevant procedures shall be undertaken to formalise the employment contract.
2. Particular attention must be paid to candidates who sign an employment contract for work done outside the University of the Balearic Islands. In this instance, the interested parties must come to the corresponding service before they leave to sign their contract or extension. Where this procedure can be done online, this will be the preferred method.
3. In exceptional circumstances, and always where justified, documentation may be processed where the candidate is located.
4. Employment contracts must include a compliance clause with ethical and professional principles:
 - a. Performance of the research tasks subject to the contract must be in line with international principles and current applicable legislation on bioethics, animal experiments, biosafety, environmental protection, natural heritage and biodiversity, historical and cultural heritage, and data protection, and must respect the fundamental principles set out in the Declaration of Helsinki (World Medical Association), the Council of Europe Convention on Human Rights and Biomedicine and the UNESCO Universal Declaration on the Human Genome and Human Rights
 - b. In turn, the protocols and standards established by the University of the Balearic Islands with regard to the UIB Code of Integrity (<https://seu.uib.cat/fou/acord/13593/>) and the UIB Research Integrity Code (<https://seu.uib.cat/fou/acord/13105/>) shall be adhered to.

Article 12. Contract Length and Working Hours

1. Employment contracts signed within the scope of this regulation are always linked to the performance period of the tasks subject to the contract or the performance period for the framework activity or the corresponding funding source.
2. Employee working hours may be:
 - a. Full-time, equivalent to the maximum working day of University of the Balearic Islands staff
 - b. Part-time, for working hours below the aforementioned amount.

Article 13. Budgetary Appropriation

Employment contracts signed within the scope of this regulation are always conditional to budgetary appropriation. Consequently, the non-existence or lack (initial or sudden) of a budgetary commitment may be a justified reason to withdraw the contract and terminate the service of the interested parties.

Article 14. Notification of the Conclusion of the Contract or Framework Activity Performance Period

The relevant service for recruitment shall notify the recruited staff and supervisors regarding the termination of the current contract or the conclusion date for the tasks subject to the contract at least 30 working days in advance. The conclusion notification will include an initial indication as to whether the contract will be definitively terminated or extended:

- a. If the supervisor states that the contract must be definitively terminated, the service will perform the corresponding procedures
- b. In the event that the supervisor states her/his intention to extend the contract term, this indication shall not mean that the corresponding accounting procedures are automatically carried out: they must be done in line with the PPI proposal procedure
- c. Where the recruitment supervisor has not made any indication by the contract termination date or the conclusion date for the tasks subject to the contract, the contract termination procedure shall be started and, consequently, the employment relationship shall be terminated. This will represent an end to all obligations regarding service provision, social security contributions and salary for the interested party.

Article 15. Contract Extension

Where applicable, contract extension requests must be submitted by the recruitment supervisor in line with the procedure established on the Research Staff Portal (<https://ppi.uib.cat>). This documentation shall be submitted for validation to the OSR. The submission deadline period for contract extensions is fifteen working days before the conclusion date of the performance period for the tasks subject to the current contract.

Article 16. Contract Termination

In the event of early termination of the employment contract, and as long as it has been indicated in the selection process, the next alternate on the list of candidates in order of ranking may take over the position without a new recruitment procedure or new publicity for the job offer having to be undertaken.

Alternates may be hired no later than one year from the initial start date of the position and where there are six or more months left to run until the date set out in article 12 of this regulation. The alternate shall be hired in the same conditions and for the time remaining of the performance period for the tasks subject to the contract, or for the performance period of the framework activity or corresponding funding source, in accordance with the call.

Where at the end of the fixed-term contract—due to expiry of the agreed term—the statutory redundancy payment is due, it should preferably be linked to the project, agreement, accord or similar. With regard to permanent contracts, the necessary mechanisms shall be established to be in accordance with current labour law.

Additional Provisions

One. Salary

The Executive Council shall approve and publish a salary table specifying the corresponding categories and full monthly salary, alongside the proportional amount for extraordinary compensation, for full-time staff within the scope of this regulation.

In the case of part-time contracts, the amounts set in each instance must be pro-rated in accordance with the following formula:

(Full amount for full-time position / full-time weekly working hours) × Number of weekly working hours.

Two. Designations

All designations of governing bodies, representation, posts, duties and members of the academic community, as well as any that appear in this regulation in masculine or feminine, shall be understood as referring without distinction to the individual in question, regardless of gender.

Three. Implementation

The Executive Council is authorised to set standards and criteria it deems appropriate with regard to the application and interpretation of this regulation.

Four. Additional Legislation

For all issues not covered by this regulation, the provisions set out in Act 39/2015 shall apply.

Final Provision

Sole. Effective Date

This regulation shall come into effect the day after it is published in the *Official Gazette of the University of the Balearic Islands*.

In witness whereof and for all relevant purposes, I publicly circulate this document.

Palma, on the date shown in the electronic signature.

The Vice Chancellor,
Jaume Carot

RESOLUTION of the Office of the Vice Chancellor of 25th July 2022 whereby the list of agreements, protocols and general contracts ratified by the Governing Council on 8th February 2022 is made public.

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