



AMMINISTRAZIONE GENERALE  
AREA DEL PERSONALE  
SETTORE DIDATTICA E CONTRATTI  
UFFICIO RICERCATORI A TEMPO DETERMINATO

REP. 3398 PROT. 82345 del 19/06/2018

## THE DIRECTOR

**WITH REFERENCE TO** the rules referred to in Article 14 of the present call for application

## ORDERS

### Art. 1 – Purpose

A procedure of comparative evaluation by qualifications and public discussion is called for the recruitment of 1 researcher with a fixed-term employment contract full-time for the three-year - pursuant to art. 24 paragraph 3 letter b) (senior) of Law no. 240/2010 -. Sector competition reference 12/A1 - Private Law, Scientific sector IUS/01 - Private Law.

The job is activated for the needs of research and study of the Department of Legal Studies -DSG. Serving primarily at the Department of Legal Studies -DSG, in BOLOGNA.

The contract shall last three years. An annual gross total amount equal to € 41.878,00. The annual increase in this amount will be calculated according to the existing procedure for non-contracted personnel.

### Art. 2 – Activities to be performed

The contract includes 350 hours of supplementary teaching and assistance to students, for each academic year covered by the contract. The contract shall schedule 60 hours of teaching on annual basis.

Concerning the provisions of art. 10 regarding fixed term researchers, issued by Rectoral Decree no. 344 of 29/03/2011 and amendments, the researcher's activities must be linked to the development of the project entitled: "The Digital Inheritance".

The research program will focus on the issues of inheritance law addressed in the perspective of the c.d. digital inheritance, that is the process of handing over (personal) digital media in the form of digital assets and rights to (human) beneficiaries. The problem, poses to the interpreter complex issues in respect of which it is necessary to reconceive the existing rules and, in a de jure condendo perspective, the identification of rules specifically conceived according to the peculiarities that characterize the use of digital tools. The research will investigate - in the Italian, European and US regulations – the tools which allow the users to store encrypted emails, to be sent out at the time of their death, to protect the position of the heirs with respect to the phenomenon of deletion of de cuius's data, to regulate through the use of the post-mortem mandate the management of personal data and to outline the boundaries within which - in the absence of a specific de cuius's indication - it is possible to allow third parties to access the de cuius's data. The research activity will consist in the development of the topics indicated in the project. The digital inheritance will be investigated through the analysis of the Italian law rules and those of other European countries and US countries in order to identify solutions to emerging issues.

The objectives of scientific productivity of the researcher over the three years will be aimed at the publication of at least two essays in primary importance review, or, alternatively, of a book.



### **Art. 3 - Admission requirements**

The selection is open to applicants who have obtained national academic qualification as full or associate professor pursuant art. 16 della L. 240/2010, or to applicants who have had for at least three years, even if not consecutive, contracts as fixed-term researcher, for at least three years, pursuant to art. 24 paragraph 3 letter a) of Law 240/2010 (junior), or contracts as research fellow pursuant to art. 51 paragraph 6 of Law 449/97 and amendments, or pursuant to art. 22 of Law. 240/2010, or postdoctoral research scholarships pursuant to art. 4 of Law 398/89, or equivalent contracts or scholarships in foreign universities, or contracts as fixed-term researcher for at least three years pursuant to art. 1, paragraph 14 of Law 230/2005.

Applicants, including those who come from non-EU countries, must be in possession of:

- PhD in the field of SSD IUS/01 or equivalent qualification obtained either from an Italian or foreign university.

Applicants must be in possession of said qualification at the date of the deadline for the submission of applications to the present selection.

In case of PhD obtained abroad, please include -on pain of exclusion- a statement of equipollence with the Italian PhD title pursuant to art. 74 of D.P.R. 382/1980 or the statement of equivalence with the Italian PhD title pursuant to art. 38 of Legislative Decree. N. 165/2001. Pending the release of the only result of equivalence by the designated offices, it is possible to produce the delivery receipt of the request instance of the same (for the release procedure, see page: <http://www.cimea.it/it/servizi/procedure-di-riconoscimento-dei-titoli/riconoscimento-non-accademico.aspx>).

Applications from professors, associate professors, or researchers with tenure will not be accepted, even if the applicant is not in service.

The selection is not open to any persons who are related by blood or by marriage up to the fourth degree, to a professor or full-time researcher working in the Department of Legal Studies -DSG, or the structure proposing the activation of the contract, or to the Rector, Director General or a member of the Board of Governors of the University. Equally the selection is not open to the spouse or partner of a professor or full-time researcher working in the above-mentioned Department.

State employees may on unpaid leave for the entire duration of the contract, thus occupying a non-tenure position without pay or social security contributions, in cases where such a position is allowed by the structure of origin, likewise without pay or social security contributions.

### **Art. 4 – Application procedure**

The submission of the application for participation in the selection must be made exclusively via electronic procedure by accessing the following link:

<https://concorsi.unibo.it>

**Call deadline:** Tuesday 31.st July 2018 at 12:00 a.m. (Central European Time CET)

The application must be submitted at the same time with the insertion of all the attached documentation required.

The following documents shall be enclosed to the electronic application form (preferably files: PDF, other supported files: JPG, BMP, PNG):

1. identification document scanned (10MB max);
2. curriculum vitae with indication of the scientific-professional activity(10MB max);
3. reference letters, if any. Letters can be submitted directly by the candidate uploading it during the application, in case of possession (10MB max), or can be submitted by the referee. In this case candidates should provide the referee email address. The system will send an automatic request to the referee, referring to the candidate and the procedure. The referee must submit his letter through



the link into the email. At this address he/she will upload his/her letter by the application deadline in order to be considered as part of the candidate's application.

4. scientific publications (max 12: other supported files are TIFF and PS, 20MB max each document) which are already printed at the date of the call of application deadline, or scientific publications accepted for printed, together with the editor acceptance letter. While uploading each document will be asked to indicate the title, the authors' names, the editor, the year of publication. Optional information are the month, the ISBN code, the DOI code, the booklet number.

Pursuant to Ministerial Decree 243/11, the PhD thesis is considered a publication, and thus if presented by the candidate it shall be included in the maximum number indicated (12).

While applying, applicants shall declare under their own responsibility:

1. surname and name;
  2. place and date of birth;
  3. citizenship;
  4. residence address;
  5. (if Italian citizens) registration to electoral rolls. If any, the reasons why he/she is not registered or cancelled from them;
  6. that there have not been any criminal proceeding against them or current criminal proceedings; otherwise, applicants shall specify the proceedings against them (in addition, specify if, remission, pardon or expungement etc. were granted) and pending penal proceedings;
  7. possession of the qualification required pursuant to Art. 3 of this call for application and the mark obtained, if any;
  8. to be fit to the employment the selection refers to;
  - 9 that they are not, nor have been, professors, associate professors or researchers with tenure, even if not in service;
  - 10 That they are not related by blood or by marriage up to the fourth degree, to any professor or full-time researcher working in the Department of Legal Studies -DSG or the structure proposing the activation of the contract, or to the Rector, Director General or a member of the Board of Governors of the University of Bologna, nor they are the spouse or partner of a professor or full-time researcher working in the same Department.
  11. elected e-mail address for the purpose of the participation in this contest;
- Foreign citizens shall also declare to have a proper knowledge of Italian and to enjoy civil and political rights also in their origin countries or the reasons for loss of enjoyment.

Any modification shall be timely communicated to the Ufficio Ricercatori a tempo determinato.

In case of technical problems, contact the support: [assistenza.cesia@unibo.it](mailto:assistenza.cesia@unibo.it).

#### **Art. 5 – Applicants' obligations**

The penalty of exclusion from the selection shall apply in the following cases:

- Non compliance with the terms established for posting the application form;
- Lack of the requirement pursuant to art. 3 of the present call for application (qualification).

All applicants shall be admitted to the contest and the Administration reserves the right to check that they actually are in possession of the requirements necessary to apply for the selection; the Administration may, at any time and even after the exams, order the exclusion from the selection hereto.

#### **Art. 6 – Selection Board**

The Selection Board will be appointed upon administration resolution and will generally consist of at least three members chosen by the Department of Legal Studies -DSG from lecturers and



researchers in the scientific sector for which this selection is made Sector competition reference 12/A1 - Private Law.

The Commission finds inside a chairperson and recording secretary. The function of secretary may also be performed by an official, specially appointed.

The appointment will be published on Alma Mater Studiorum - University of Bologna website.

#### **Art. 7 – Selection procedure**

The selection procedure is carried out by the Board after a preliminary evaluation of each candidate's qualifications, curriculum and scientific production, including the doctoral thesis, according to the criterion identified by the MUIR in D.M. 243/2011.

The candidates chosen in the preliminary evaluation based on their comparative merits - between 10 and 20% of the number of applicants and not less than 6 - will then be called for interview. The interview will consist of a discussion of the candidate's qualifications and scientific production and may take the form of a seminar open to the public. If the total number of candidates is 6 or less all candidates will be interviewed.

Letters of reference will be considered.

The interview will be held in Italian. During the interview, candidates must also demonstrate suitable knowledge of the English language.

Following the interview, points will be assigned to each qualification and publication presented by the candidate.

The interview with the Board will be held in public session.

Confirmation of the date, time and address of the discussion and the list of candidates admitted for interview will be published at least 20 days before the interview on the University website at: <http://www.unibo.it/Portale/Personale/Concorsi/RicercatoriTempoDeterminato/default.htm>.

The publication on the University website will constitute official notification to all applicants, without any obligation for any further communication.

The publication will be communicated by email to the address indicated by the candidates in the application.

The Alma Mater Studiorum - University of Bologna does not assume any responsibility for the non-receipt or the not-read of the e-mail.

It is up to candidates to keep themselves informed by consulting the University website page to find necessary information about selection.

Candidates attending the interview must bring a valid identification document with them.

EU citizens shall bring their passport or an identity document issued by their country of origin. Non-EU citizens shall bring their passport.

#### **Art. 8 – Ranking List and recruitment**

After the exams, the Board shall prepare the general final list based on the merits.

On equal merits, priority will be allocated according to date of birth and the youngest one shall prevail.

The list based on merits is approved pursuant to the administration resolution and will last three years. It will be published in Alma Mater Studiorum – University of Bologna Official Bulletin.

The terms to raise any appeal shall start from the date of publication of said notice, in case the resolution has not been otherwise disclosed.

The use of the final candidate list is strictly bound to study and research related to the scientific sector SSD IUS/01 - Private Law-.

The Department of Legal Studies -DSG will propose recruitment by a majority vote of the professors and associate professors of the Department and approved by the Board of Governors. The Department will also propose the date of commencement of employment contract.

#### **Art. 9 – Employment procedures**



Following the conclusion of the recruitment procedure referred to in art. 8, the candidates will be asked to sign a fixed-term contract of full-time employment.

The employment relationship is governed by a personal contract, statutory laws and EC regulations. The personal contract shall specify any reasons for which it might be terminated, as well as the relevant periods of notice. In any case the contract will be terminated immediately and without notice in the event of the cancellation of the recruitment procedure to which it is inalienably linked.

The trial period shall last three months. At the end of the period, unless the employment relationship has been terminated by either of the parties, the employee is confirmed for service and the whole period worked from the beginning of the contract shall be calculated for seniority purposes.

#### **Art. 10 – Required documents**

All the documents written in any foreign language shall be accompanied by a true and correct translation into Italian, written by an Italian consular, a qualified diplomatic representative, or an official translator.

#### **Art. 11 Rights and duties of a researcher with a fixed-term contract of employment**

In accordance with the rights and duties of public employees prescribed by the Italian civil code, on signing the contract the researcher will be expected to perform all those activities mentioned in Art. 2. These activities will be carried out in respect of the existing hierarchy and in coordination with existing programmes and research projects.

The researcher will perform the requested activities in person, substitution is not permitted.

Existing Italian laws concerning maternity, injury and illness will be applied.

The researcher undertakes to fulfill the obligations of conduct prescribed by the code of conduct, issued by DPR 62/2013.

#### **Art. 12 Processing of personal data and person in charge for the contest**

Personal data sent by applicants through their application form for the purposes of the contest, under Leg. Decree no. 196/2003 and further modifications, will be treated for the purposes of the contest and any hiring procedure.

The person in charge of the contest is Mr. Gianfranco Raffaelli, Responsabile dell'Ufficio Ricercatori a tempo determinato - Piazza Verdi n. 3 - 40126 Bologna.

For further information, please contact: Ufficio Ricercatori a tempo determinato dell'Alma Mater Studiorum - Università di Bologna – Piazza Verdi n. 3 - Tel. +39 051 2099617 – 2098958 - 2098972, Fax 051 2086163; e-mail: [apos.ricercatoritempodeterminato@unibo.it](mailto:apos.ricercatoritempodeterminato@unibo.it).

#### **Art. 13 – Reference Regulations**

The present notice is issued based on the following regulations:

- Art. 24 of Law no. 240 dated December 30th, 2010;
- D.P.R. (Decree of the President of the Republic) no. 445 dated December 28th, 2000;
- Leg. Decree no. 165 dated March 30th, 2001;
- Law 241/1990;
- Regulation for fixed-term researchers of Alma Mater Studiorum – University of Bologna, (link: [http://www.normateneo.unibo.it/NormAteneo/Regolamento\\_ricercatori\\_a\\_tempo\\_determinato.htm](http://www.normateneo.unibo.it/NormAteneo/Regolamento_ricercatori_a_tempo_determinato.htm)).

Bologna, 19/06/2018

Per Il Dirigente dell'Area del Personale  
f.to Giovanni Longo