



**UNIVERSITÀ
DEGLI STUDI
DI BERGAMO**

Area
Risorse Umane

Servizio Carriere e Concorsi
Personale Docente e Ricercatori

Data that can be deduced from the registration in the protocol:
Repertoire Number, Protocol Number, Title,
Class File Attachments and References

CHANCELOR DECREE

PUBLIC SELECTION PROCEDURE FOR THE RECRUITMENT OF NO. 1 I LEVEL PROFESSOR BY CALL AS PER S. 18, PARA 1 AND 4-TER, OF LAW NO. 240 OF 30.12.2010, FOR GSD 12/GIUR-05 – CONSTITUTIONAL AND PUBLIC LAW, SSD GIUR-05/A – CONSTITUTIONAL AND PUBLIC LAW AT THE DEPARTMENT OF LAW AT THE UNIVERSITY OF BERGAMO – PICA CODE 24P0004.

THE CHANCELLOR

HAVING CONSIDERED Law 7.8.1990, no. 241 as amended and supplemented;
HAVING CONSIDERED D.P.R. 28.12.2000, no. 445 "Consolidating act on legislative and regulatory dispositions in terms of administrative documents" as amended and supplemented;
HAVING CONSIDERED D.Lgs. 30.3.2001, no. 165 as amended and supplemented;
HAVING CONSIDERED Law 15.4.2004, no. 106 containing "Norms relating to the legal safekeeping of documents with cultural interest destined to public use";
HAVING CONSIDERED D.P.R. 3.5.2006, no. 252 "Regulations relating to the legal safekeeping of documents with cultural interest destined to public use";
HAVING CONSIDERED D.Lgs. 11.4.2006, no. 198 rules in terms of equal opportunities for men and women;
HAVING CONSIDERED Law 30.12.2010, no. 240 regulating "Norms in terms of organization of universities, of academic personnel and their recruitment, as well as mandate to the Government to subsidize quality and efficiency of academic systems";
HAVING CONSIDERED Law 12.11.2011, no. 183 (Financial Act 2012) and, especially, its s. 15 holding instructions in terms of certifications and sworn declarations/affidavit;
HAVING CONSIDERED D.M. 4.8.2011, no. 344 concerning "Disciplinary criteria, on the side of Athenaeums, for the evaluation of fixed-term researchers holding national scientific qualification, for the purpose of calls for the role of associated professor";
HAVING CONSIDERED Law 23.11.2012, no. 215 containing provisions in terms of equal opportunities in the composition of contest commissions at public bodies;
HAVING CONSIDERED D.L. 9.2.2012, no. 5 "Urgent dispositions in matter of simplification and development" later converted with amendments by Law 4.4.2012, no. 35;
HAVING CONSIDERED D.Lgs. 29.3.2012, no. 49 instructing the discipline for the organization, the monitoring and the evaluation of budgetary policies and recruitments at Athenaeums;
HAVING CONSIDERED the Ministerial Decree of 30 October 2015, No. 855 "Redefinition of group of academic recruitment fields and academic recruitment fields" and Ministerial Decree of 22 June 2016, No. 494 of rectification of Annex D of the Ministerial Decree 855/2016;
HAVING CONSIDERED the D.M. n. 639 of 2nd of May 2024 containing the "Determination of the scientific-disciplinary groups and the related declarations, as well as the rationalization and updating of the scientific-disciplinary sectors and the attribution of the latter to the scientific-disciplinary groups, pursuant to art. 1, of law 30 December 210 n. 240, published on Gazzetta Ufficiale no. 107 on May 9th, 2024;



HAVING CONSIDERED that, starting from the date of adoption of Ministerial Decree no. 639/2024, references to the academic recruitment fields and the groups of academic recruitment fields refer to the Academic discipline groups;

HAVING CONSIDERED EU Regulation 2016/679 and D.Lgs 30.6.2003, no. 196 "Code regarding the protection of personal data" and further modifications;

HAVING CONSIDERED the D.L. 29.10.2019 no. 126 published in the Official Gazette on 30.10.2019 on "Extraordinary necessity and urgency measures regarding the recruitment of school staff and research institutions and teachers' qualifications" converted with amendments by Law 20 December 2019, no. 159 (in the Official Gazette 28/12/2019, no. 303);

HAVING CONSIDERED the D.P.C.M. 25.07.2022 "Salary adjustment for non-contractual staff starting", published on Gazzetta Ufficiale no. 213 of 12.09.2022;

HAVING CONSIDERED the Statute of the University of Bergamo issued with DR rep. n. 570/2023 of 1.08.2023;

HAVING CONSIDERED the Athenaeum's Regulations determining the procedures for the call of the I and II level professors in accordance with Law 240/2010 dispositions, published with Chancellor's decree Rep. 505 of 6.11.2012 and following amendments;

HAVING CONSIDERED the University regulations for research integrity and ethics, enacted with D.R. deed No. 387/2016 of 18 July 2016;

HAVING CONSIDERED The Athenaeum's Ethic Code published with Chancellor Decree protocol no. 14405/I/3 of 19.7.2011, as amended with Chancellor Decree Rep. no. 262/2018, of 12.04.2018;

HAVING CONSIDERED current legislation regulating the legal and economic status of academic and research staff at Universities;

HAVING CONSIDERED the request for the covering of I level university professor position deliberated by the Department of Law in the June 19, 2024 session;

HAVING ACKNOWLEDGED that, with decision of the Board of Governors of July 10, 2024 session, upon favourable opinion expressed by the Academic Senate on its July 8, 2024 session, the planning of the position requested by the Department was approved and the issuance of an announcement for the recruitment by call, in compliance with s. 18, para 1 and 4-ter, of Law 30.12.2010, no. 240 was authorized;

HAVING CONSIDERED the art. 18 paragraph 4-ter of the aforementioned Law 240/2010 which expressly provides that: "Each university, within the scope of the three-year planning, binds the resources corresponding to at least one fifth of the available first-tier professor positions to the call of scholars in possession of the qualification for the scientific-disciplinary group. First level professors already in service are not eligible to participate in these proceedings. The provisions of this paragraph do not apply to special secondary schools."

HAVING CONSIDERED the budget forecast for the year 2024 and the three-year budget for the period 2024-2026 approved by resolution of the Board of Directors of 20 December 2023 and financial availability having been verified;

HAVING ASCERTAINED the financial resources;

HEREBY DECREES

Section 1

Announcement of the selection procedure

The public selection procedure is released for the recruitment by call, in compliance with s. 18, para 1 and 4-ter, of Law 30.12.2010, no. 240 and with current Athenaeum Regulations, regarding the following position of no. 1 I level Professor at the University of Bergamo:

➤ DEPARTMENT OF LAW



Positions: no. 1

Academic discipline group: 12/GIUR-05 – Constitutional and Public Law

Academic discipline: GIUR-05/A – Constitutional and Public Law

Elements of didactic and scientific qualification:

- **Didactic qualification:** the required profile falls within the sector that includes the scientific and teaching activities relating to the discipline of Constitutional Law: in particular, solid and consolidated teaching experience in the field of constitutional law is required, gained in three-year and master's degree courses.
- **Scientific qualification:** the candidate must have and demonstrate high scientific skills to carry out research concerning Constitutional law.

Specific functions required:

- **Teaching commitment:** the resource will have to carry out teaching activities with regard to the official teachings of Constitutional Law and Advanced Constitutional Law.
- **Scientific commitment:** The scientific commitment will be aimed at the production of publications of high scientific level consistent with the academic discipline

Commitment: full time

Service location: Bergamo

Maximum number of publications: 10

Language Expertise Scrutiny: English

Section 2

Requirements for attending the selection

The following candidates will be admitted to the selection procedure:

- a) candidates who have been awarded the National scientific qualification pursuant to Article 16 of Law 240/2010 for the Academic discipline group/Academic recruitment field for the area and for the functions covered by the procedure;
- b) candidates who have obtained the qualification of university professor of the first rank pursuant to Law no. 210/1998, limited to the period of validity thereof;
- c) scholars who are permanently engaged abroad in research or teaching activities at university level, provided that they hold the National scientific qualification referred to in Article 16 of Law 240/2010 for the Academic discipline group/Academic recruitment field of the position advertised and for the functions covered by the procedure;

The following candidates will not be admitted to the selection procedure:

- in compliance with the provisions of Article 18, paragraph 4-ter of Law 240/2010, first-rank professors already in service as well as scholars permanently engaged abroad in research or teaching activities at university level in positions at the same level as the one being advertised;
- those who are excluded from enjoying civil and political rights;
- those who were removed or discharged from office by any Public Body for insufficient yield, or were dismissed from any other public engagement, in accordance with s. 127 para d) of D.P.R. 10.1.1957, no. 3;
- candidates having any relationship or kinship, up to and including three times removed relatives, either with a professor belonging to the Department issuing the call or with the Chancellor, the Director General and any member of the Board of Directors at the Athenaeum.

The requirements needed to obtain admission must be owned up to the deadline of the application submission period.

This Administration guarantees parity and equal opportunities to both men and women for access and treatment on the job.



Section 3

Disqualification from selection

The following reasons cause disqualification:

- failure to sign the application form;
- lack of admission requirements as per s. 2;
- failure to meet the deadline and procedures for submitting the application (including attachments and publications);
- sending a number of publications higher than the requested number.

The candidates may be admitted subject to verification in case of supplementary investigation requirements; in this case, they are asked to regularize their application within the terms peremptorily assigned.

The Administration may arrange, at any moment, the exclusion of candidates lacking one of the requirements needed for this announcement; the exclusion will be declared by Chancellor's decree and delivered to the person concerned by registered mail with return receipt or equivalent.

Section 4

Application procedure and submission deadline

Under penalty of exclusion applications for participation in the competition, along with the relevant qualifications held and the relevant scientific publications, shall be submitted online through the following online application procedure:

<https://pica.cineca.it/unibg/>

The candidate will be able to register and access the platform using the Public Digital Identity System (SPID - security level 2). In case the candidate does not have one, he or she can request it according to the procedure indicated on the website www.spid.gov.it. Alternatively, the candidate can register and log in using the credentials released directly by the PICA platform.

It is of utmost importance to provide a valid email address in order to enable the registration process on the electronic procedure.

Applicants shall upload all personal and professional data as requested by the application procedure; all documents must be uploaded in PDF format (.pdf).

Each applicant can produce the maximum number of publications allowed by the call and a maximum of no. 10 other documents.

Failure to comply with the online application procedure will result in exclusion of the applicant.

Prior to final submission, and within the given deadline for applications submission, the online application procedure allows to modify and save the inserted information in a draft copy.

Confirmation of final submission date will be certified by an automatic notification email.

Submissions after the given deadlines will not be accepted by the system, as the online application procedure won't be accessible.

Each application will be given a registration number. For all further communications, the registration number shall be quoted along with the code of the competition.

The online application and submission procedure shall be completed **by August 29, 2024 until 12:00 (noon) (Italian time).**

The submission of the online application must be completed and finalized:

- **no digital signature:** in this case the candidate have to download the pdf file of the application by the system; the PDF file shall not be modified in any way, It is to printed, signed in original, scanned in a pdf file and uploaded again on the website;
- **sign the application on the server using ConFirma service:** in order to sign digitally the application, it is necessary to have an hardware (e.g. smart card or USB with digital signature certificate issued by an approved certification body) compatible with ConFirma service; after signing, applicants can download the signed pdf application;
- **sign the application digitally on your PC:** In order to sign digitally the application it is necessary to have an hardware (e.g. smart card or USB with digital signature certificate



issued by an approved certification body) and a software for digital signatures in order to create a pdf.p7m file from the pdf file downloaded from this site. The pdf.p7m file must be uploaded in the website again;

- **In case of submission of the application through SPID**, it will not be necessary to sign the application form as it is automatically acquired by the procedure.

The application must contain all the required data by the system and must be signed and accompanied by a valid identification document of the candidate, under penalty of exclusion.

For any technical problems, contact support through the link available in the footer.

Section 5 Application form

The applicant, filling the application, must declare, under his/her own responsibility, pursuant to what provided for by Presidential Decree 445/2000 and following amendments and integrations, his first and last names, date and place of birth, tax code and address of residence; a mailing address, elected for the purpose of the application, must also be mentioned along with a phone contact and an electronic mail address, eventually PEC.

The candidate must also declare that he/she:

- a) his/her citizenship;
- b) enjoys civil and political rights;
- c) for Italian citizens: is listed in election rolls, specifying the municipality or eventually indicating the reasons why he is not listed or why he was removed from them; for foreign citizens (citizens of the European Union member States, or their families or citizens of third Countries as shown in the preceding letter) enjoys civil and political rights in the Country of citizenship or origin or else the reasons why he/she cannot enjoy them;
- d) was not removed or discharged from office by any Public Bodies on the basis of persistently insufficient yield, that is, was not dismissed from any public employment, as provided by s. 127, letter d) of the Presidential Decree (D.P.R.) 10.01.1957, no. 3;
- e) has not been found guilty of criminal offences and does not have any pending criminal proceedings, otherwise he/she must list such convictions indicating the details of all related judgements and any pending criminal proceedings;
- f) his position in terms of compulsory military service, only for Italian male citizens born within 1985.

In the application form, the candidate will also specifically indicate:

- a) to belong to one of the following categories:
 - candidates who have been awarded the National scientific qualification pursuant to Article 16 of Law 240/2010 for the Academic discipline group/Academic recruitment field for the functions covered by the procedure;
 - candidates who have obtained the qualification of university professor of the first rank pursuant to Law no. 210/1998, limited to the period of validity of the same;
 - Scholars who are permanently engaged abroad in research or teaching activities at university level, provided that they hold the National scientific qualification referred to in Article 16 of Law 240/2010 for the Scientific disciplinary group/academic recruitment field of the position advertised and for the functions covered by the procedure;
- b) in accordance with the provisions of Article 18, paragraph 4-ter of Law 240/2010, to be not already serving as a first-rank professor and to be not permanently engaged abroad in research or teaching activities of the same level as the one being advertised;
- c) does not have any relationship or kinship, up to and including three times removed relatives, either with any professor belonging to the Department issuing the call or with the Chancellor, the Director General and any member of the Board of Directors at this University.

Candidates wishing to apply for several places, must submit separate applications and any attachments for each of them, taking care to indicate the selection code relating to the application of interest.



Any address changes must be promptly reported to the *Area Risorse Umane – Office Servizio Carriere e Concorsi Personale Docente e Ricercatori (Human Resources Area – Careers and Selections Office for Professors and Researchers)*

Candidates with non-Italian citizenships shall also have to declare to possess an adequate knowledge of the Italian language.

The following must be attached to the application form:

1. photocopy of a valid identification document;
2. *curriculum vitae* describing educational and scientific activity, dated and signed;
3. numbered list, dated and signed, of all produced scientific publications (Annex A);
4. publications and works that the candidate wishes to assert to the purpose of the procedure, numbered in progressive order matching the relating numbered list;
5. any independent-opinion cover letter (maximum three) signed by Italian or foreign experts, external to the University of Bergamo, about the scientific activity of the candidate;

The University Administration assumes no responsibility in case the addressee is unreachable or unavailable or in case of dispersion of notices caused by inaccurate indication of the mailing address on the candidate side or on cases of missed or late notice of changes in the mailing address mentioned in the application. Furthermore, the Administration cannot be held responsible for missed or late deliveries of notices related to the selection on grounds that are not attributable to the Administration itself, such as post or telegraph mishandlings, third-party faulty behaviour, fortuitous or force majeure events

The Administration reserves the right to proceed with suitable checks on the veracity of the contents shown in sworn declarations, as ruled by D.P.R. 445/2000.

We inform you that, as of 1st January 2012 in accordance with the dispositions of Law 183/2011, it is forbidden for public bodies and for public service overseers to request the exhibition or the submission of certificates issued by other public bodies in matters of personal status, features and facts. Therefore, the Athenaeum may not accept, nor request, any certificate in replacement of sworn declarations and affidavits, which must be submitted in substitution of such certificates (sample forms are available in Annexes C and D of this announcement).

The certificates issued by the bodies in charge of the foreign applicant's Country must be compliant with current regulations of that Country and, also, must be sworn before and certified by the Italian consulate in charge.

A translation into Italian must be attached to acts and documentation that are issued in foreign languages, after certification by an Italian diplomatic or consular delegation.

Referring to documents or publications previously surrendered to this or to other administrations or referring to any documentation attached to applications for other selections is not allowed.

Section 6 Publications

The scientific publications that the candidate wishes to enforce to the purposes of the comparative procedure, numbered in progressive order in accordance with the related list (cf. annex A), must be uploaded on IT platform with the application within the peremptory deadline fixed by s. 4.

The list must match the publications supplied to the purposes of the procedure.

Only publications and texts that are accepted for publication in accordance with current Laws are considered appreciable, as well as essays included in collectanea and articles issued in journals, either printed or in electronic form, with the exception of internal notes and departmental reports.

The publications or articles accepted for publication, by the deadline of the announcement, must be submitted together with the publisher's acceptance document.

The date and place of publication or, alternatively, an ISBN code or equivalent must appear for works printed abroad.

All works printed in Italy up to 1st September 2006 must meet the requirements provided by the Royal Lieutenant Legislative Decree of 31 August 1945 no. 660; as of 2nd September 2006 the requirements of Law 106/2006 and of D.P.R. 252/2006 must be met. The fulfilling of the above obligations must be certified by suitable documentation attached to the list of publications or by a sworn declaration issued by the candidate under his own responsibility as ruled by D.P.R. no. 445/2000.



Publications must be submitted in their original language form and translated into one of the following languages: Italian, English, French, German or Spanish. The translated texts can be supplied in typewritten form along with the printed text in the original language. For comparative evaluation procedures referring to linguistic subjects, the submission of publications will be accepted in the original language or in one of the languages for which the announcement is made, even if different from those shown in the preceding paragraph

Section 7 Commission of Evaluation

For each selective procedure, by chancellor decree, based on the proposal submitted by the department requesting contract activation, a Commission of Evaluation is nominated formed by three members chosen among I and II level professors, or equivalent level, belonging to the same academic recruitment field. For the composition and the modalities of the constitution of the Commission, is to refer to the current University Regulations on the subject.

The composition of the Commission is made official when published on the website of the Athenaeum of the chancellor decree designating the Commission. Candidates may elect to decline any of the commissioners within 10 days from the date of publication.

The Commission elects a President and a Secretary among its Members.

The Commissions operates in a collegial way, acquiring its own absolute majority decisions, and may avail itself of telecommunication devices.

Section 8 Selective procedure processing method

The Commission, upon its first assembly, after each member about declares the lack of incompatibility causes for his nomination and the lack of any conflicts of interest thereabout, foreordains the evaluation criteria for each *curriculum vitae*, scientific publications and research and teaching activities.

Such criteria shall have to be established in respect of internationally renowned quality standards, taking into account the guidelines established by D.M. 4.8.2011, no. 344 as well as any teaching and scientific qualification elements required by the Department and considered to be necessary for covering the position.

The adopted criteria will be rendered public by publishing them on the website's special section "*Concorsi e selezioni*" (Announcements and contests); after that, the Commission may proceed with its work.

The Commission states a motivated judgement on the *curriculum vitae*, on the scientific publications and on the teaching and research activity of each candidate; should there be a multiplicity of candidates, the evaluation procedure shall be executed with modalities that guarantee their comparison.

The Commission, at the end of their work, formulates a merit ranking and indicates the winner following the decision reached by the majority of the members, by selecting the best-qualified candidate qualified for the teaching and the scientific functions recalled by the announcement.

Section 9 Works of the Commission

The Commission completes its works within three months since the Chancellor's decree of appointment.

The Chancellor may extend, only once and for not more than one month, the deadline for the completion of the selection on the grounds of proven reasons pointed out by the President of the Commission.

If, after the deadline, the resulting acts are not produced, the Chancellor will proceed to dismiss the Commission and will nominate a new one in replacement.



Section 10

Verification of act regularity

The acts surrendered by the Commission are approved with Chancellor's decree within thirty days from delivery to the office in charge.

Should the Chancellor observe any irregularity in the acts relating to the procedure, he will return them to the Commission with a motivated provision, fixing a deadline for supplementary investigation. The deeds will be published on the Athenaeum's website.

Section 11

Call of the selected candidate

Once the procedure is complete, the Department Council proposes the selected candidate's call within 60 days from act approval.

The Department's proposal resolution is adopted according to the methods described in s. 12, paras 2, 3 and 4 of Athenaeum Regulations, ruling procedures for the call of I and II level professors in compliance with the provisions of Law 240/2010.

Section 12

Statutory rights, duties, compensation and welfare treatment

The statutory rights and duties of the professor are those provided by current law in terms of teaching staff legal status, and those contained in the current Ethic Code.

The professor is required to observe the provisions of the University regulations in force as regards the research integrity and ethics.

Compensation and welfare treatment are the ones owed to I level professors as provided by the laws regulating this subject.

Section 13

Handling of personal data

In accordance with articles 13 and 14 of Regulation (EU) 2016/679 (GDPR), on the protection of personal data, and with D. Lgs. no. 196 /2003 and subsequent amendments, it is made known that data is controlled and managed by the legal representative of the University of Bergamo, via Salvecchio 19, - 24129 Bergamo.

Data will be collected exclusively for the present bid purposes and will be kept only for the necessary time to complete the relevant procedures. The data treatment controller will be appointed within the managing unit in charge of bidding procedure, who will carry out the treatment with all due respect of propriety, legitimacy, scope, transparency and confidentiality of the treatment; and data will be used exclusively for purposes connected to the selection and to the possible contract drafting, as well as management of the following employment position, in compliance with current regulations. Data will be kept for the necessary time to accomplish the selection purposes, subject to the application of norms on document retention, and will be transferred uniquely to public administration bodies directly concerned with the juridical and economic position of the selected applicant, treated in compliance with current regulations and used for personal, welfare, insurance and fiscal position management. Data will be handled by appointed staff through the acquisition of printed and electronic documents and using, even digitalised, filing procedures, to guarantee confidentiality; data treatment will be carried out through a coordinated organization and processing system, applying elevated safety standards. Furthermore, data will not be used for profiling. Applicants who have provided their personal data will be able to access it and exercise their rights as by art. 16 to 22 of GDPR UE 2016/679. Any safeguard request can be addressed to the University Data Protection Officer, who can be contacted through the university website (Privacy and Personal Data Protection section), e-mail dpo@unibg.it. In addition to the right of complaint which can be presented to the Italian Data Protection Authority, Piazza Venezia 11, 00187 Roma.



By presenting their application, candidates thereby authorise and fully consent to publication on the University institutional website of all information concerning the current bid, their own data and the contents of their CV in accordance with 111-bis of D.Lgs.196/2003 stating that, within the scope limits defined by art. 6, par. 1, letter b), of the Regulation, consent is not due for personal data present in a submitted CV.

Section 14 Advertisement

This announcement is published in the Gazzetta Ufficiale IV Special Series - Contests and exams, on the MIUR and European Union websites as per s. 18, para 1 letter a) of Law 240/2010 in form of notice and in the Official Register of the University of Bergamo.

The full contest announcement and any related forms will be published online at the University website <http://www.unibg.it> in the special section "*Concorsi e selezioni*" (*Announcements and Selections*).

The link to the announcement is also published on the Piattaforma Integrata Concorsi Atenei (PICA), at the following address: <https://pica.cineca.it/unibg/>, from which it will be possible to send the online application to the procedure.

Section 15 Manager of the procedure

The person in charge for the selection procedure in this announcement is Dr. Eugenio Bianchi, Manager in charge of Servizio Carriere e concorsi – Personale Docente e Ricercatori, at Palazzo Rezzara, viale Papa Giovanni XXIII, 106 - 24121 Bergamo, telephone 035 2052 876, electronic mail address: selezionipersonale@unibg.it

Section 16 Final provisions

Anything not explicitly provided by this announcement is ruled by Law 240/2010 as amended and supplemented and by University Regulations, in relation to procedure disciplines for calls of I and II level professors, as provided by the above-mentioned Law or by any other norm on the subject.

Bergamo, as per protocol registration

The Chancellor
Digitally signed document
pursuant to Art. 24 of Legislative Decree 82/2005