

**Instruction May 14, 2018, from the Rector of the University of Zaragoza on the collaboration of associate professors in university research activities.**

The particular circumstances that have occurred in recent times regarding the recruitment of staff by public administrations in general and universities in particular have raised some doubts, while cautious, about the activities to be carried out by certain public employees according to the subject-matter of their contract and the impact of certain legal provisions. This problem has been especially significant in terms of associate professors hired by the University.

The Organic Law 4/2007 of 12 April (LOU), in its articles 47 and 48.2, as well as Article 131 of the Statutes of the University of Zaragoza, consider associate professors as “teaching and research staff of the Public Universities” (PDI). On the other hand, the LOU proclaims that research is a right and duty of the IDP within the limits established by the legal system (Article 40.1), which are none other than those relating to research capacity and the regulations on incompatibilities. In the same vein, there are several statutory provisions on the possibility of developing research activities by associate professors. Article 118 of the Statutes of the University recognises the obligation to develop research through the faculty, without distinction. And Article 133 (a) establishes the right of all IDPs to freedom of investigation. For its part, Article 83 of the LOU expressly provides for the possibility for university teachers to conclude contracts with third parties for the performance of scientific, technical or artistic work; activity compatible independently of the system of dedication, in accordance with the provisions of Article 4.3 of Law 53/1984, of 26 December, on incompatibilities of staff in the service of public administrations.

On the other hand, the Cloister of the University of Zaragoza, in its December 2017 session, spoke clearly about the possibility of associate professors collaborating in the most specific tasks of the university in their entirety, including research activities. This possibility is reinforced in the light of the recent legal report evacuated in this regard by the legal services of this University.

In this sense, the University has begun to adopt measures such as lifting some restrictions in the calls for professors. It is therefore necessary to complement them with instructions aimed at ensuring that associate teachers can develop or collaborate effectively in the

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research activities, resolving any doubts that may arise for such purposes. This recognises the possibility that these university staff can perform these tasks accompanied by a caution that avoids possible irregular actions and their corresponding responsibilities in the case of activities that may concur with the professionals who justified their recruitment as associates.

By virtue of the powers conferred on me by Article 66 of the Statutes of the University of Zaragoza, approved by Decree 1/2004 of 13 January, of the Government of Aragon (Official Gazette of Aragon No. 8 of 19 January) and having regard to this, I resolve to issue the following instruction:

**First**, the associate professors hired by the University of Zaragoza, due to their membership of the PDI, may participate in research activities (projects, contracts, groups, etc.) both as principal researchers, as part of the research teams, with the conditions and limitations that may be established by the funding entities and the specific calls.

**The** conclusion, where appropriate, of contracts under Article 83 of the LOU and managed through the OTRI may not concern those activities that directly and substantially correspond to the professional activity under which he was hired as an associate professor by the University.

**Third**, it will facilitate the granting of permits to attend congresses, seminars, conferences and, in general, to enable the performance of some research tasks, as long as they do not collide with their teaching activities and, in particular, outside the school period.

Zaragoza, 14 May 2018

THE RECTOR

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