

Approved by
Rector of NTU “KhPI”
professor E. I. Sokol
_____ 2019

REGULATIONS
on electing and hiring academic teaching workers at
National Technical University “Kharkiv Polytechnic Institute”

1. General provisions

1.1. These regulations define the procedure for competitive appointment and assignment of academic teaching workers of the University to vacant positions, namely deans of faculties, directors of educational and academic institutes, director of the library, heads of departments, professors, associate professors, senior instructors, instructors, assistants, and are based upon the Laws of Ukraine “On education”, “On higher education”, Statute of NTU “KhPI”, NTU “KhPI” Staff Agreement, the Order of the Ministry of education and science of Ukraine № 1005 of 05.10.2015 “On adoption of the Recommendations on competitive appointment of academic teaching workers to vacant positions and concluding employment agreements (contracts) with them”.

Contest is a special form of selecting academic teaching staff in higher educational institutions (hereinafter HEIs), which aims at staffing a HEI with individuals who best meet the demands of modern higher education.

1.2. Vacancy contest is announced by the Rector of the University, on which an order is issued. A contest for an academic teaching worker vacancy on a competitive basis is announced no later than two months after it becomes vacant, and on election basis – no later than three months before expiration of the agreement (contract) with the academic teaching worker.

1.3. The announcement on the contest, its dates and conditions are published on the official site of the HEI, and in case of competitive selection or competitive election to positions of heads of departments or director of the library, it is also published in mass media. The announcement must contain: the full name of the HEI and its level of accreditation, vacancy position titles, requirements for applicants, applications and documents submission deadlines, the address and telephone numbers of the HEI. The announcement issue date is considered the first day of the contest announced.

1.4. Upon the change of the contest conditions or its cancellation, an order is issued by the Rector of the University.

2. Contest terms and conditions

2.1. The period for applications and contest documents submission cannot be less than 30 days from the date of the contest announcement in media.

The contest documents must include: a contest application written by hand, documents on education, scientific degree, academic title, a list of scientific works, inventions, publications, documents on advanced training within the last five years and other documents certifying professional qualities of the applicant.

Taking part in the contest cannot be rejected without substantiation.

The contest application can be rejected provided the documents submission deadline is violated.

If an applicant does not meet the requirements of the announced contest, they are not allowed to participate in it, which is reported in a written substantiated rejection of the contest committee. The decision to reject the participation in the contest can be appealed in accordance with the procedure established by law.

2.2. As a rule, positions of academic teaching workers are competitively filled by individuals holding scientific degrees or academic titles, as well as Master, PhD and Doctorate graduates.

2.3. The contest for academic teaching vacancies is held:

- for vacant positions;
- on completion of electoral period provided that the academic teaching worker is performing their duties within an employment agreement (contract), whose term is expiring and an agreement with the head of the institution on prolongation of the employment relationship has not been reached.

A position is considered vacant on dismissal of the academic teaching worker on grounds provisioned for by labour law, as well as on introduction of a new position into the staff list of the HEI.

2.4. The contest is not held in the following cases:

- if a position is occupied by pregnant women or those on pregnancy or maternity leave; by women who have children under 3 years old; by single mothers if their child is under 14 or/and disabled;
- if a position is temporarily unoccupied while the employee holding it is transferred to Doctorate, to scientific positions for completing doctor's thesis, to an internship;
- if a position is part-time.

2.5. PhD graduates can occupy positions of assistants and instructors out of contest the year of graduation. After a three-year term of occupying the given positions, the PhD graduates can prolong the employment relationship on contract (employment agreement) basis.

2.6. In exceptional cases, the Rector has the right to appoint individuals to academic teaching positions on employment agreement basis before competitive appointment, but no longer than for a year.

Individuals who are not elected on a competitive basis within the specified period (1 year) are to be dismissed in accordance with the procedure established by law.

In case of vacant positions of the dean of a faculty, director of an educational and academic institute and head of a department, performing of the duties is assigned by the Rector's order to the corresponding individual for no longer than 3 months.

2.7. The right to take part in the contest is granted to individuals who have relevant higher education, have received special pedagogical training, have scientific achievements and whose professional qualifications and moral qualities meet the requirements for academic teaching staff established by the Laws of Ukraine "On education", "On higher education" and the conditions of the announced contest, namely:

- regularly improve their professional and scientific level, pedagogical expertise;
- maintain high scientific and methodological level of teaching the subject(s) within the educational programme of the corresponding field of training and/or corresponding specialty;

- follow the standards of pedagogical ethics and morality, respect honour and dignity of individuals who study at the University, instill in them love to Ukraine, educate them in the spirit of Ukrainian patriotism and respect of the Constitution of Ukraine;

- follow the Laws of Ukraine "On education", "On higher education", the requirements of the Statute of NTU "KhPI", internal code of conduct, collective agreement of NTU "KhPI".

2.8. Applicants for an academic teaching worker position should be acquainted with these Regulations and professional and qualifications requirements of the corresponding position. To define the qualification level of a competitor, the following issues are taken into account:

- availability and level of the scientific degree (candidate of sciences, doctor of sciences);

- availability and level of the academic title (associate professor, professor);

- complete higher education on the department profile;

- the total number of scientific works in professional editions of the relevant field of science and published educational works within the last 10 years, as well as inventions;

- the scientific and methodological level of the delivered lectures (seminars) if any.

2.9. Besides, applicants are to meet definite position requirements:

- for the position of the dean of a faculty, director of an educational and academic institute: to have a scientific degree of candidate or doctor of sciences, an academic title according to the faculty or educational and scientific institute profile, not less than 5-year employment at NTU "KhPI";

- for the position of the head of a department: to have a scientific degree of candidate or doctor of sciences, an academic title, not less than 5-year employment at higher educational institutions of III-IV level of accreditation, textbooks and monographs in the field of study;

- for the professor position: to have a scientific degree of candidate or doctor of sciences, an academic title, not less than 10-year academic employment, textbooks and monographs in the field of study;

- for the position of associate professor: as a rule, to have a scientific degree of candidate or doctor of sciences, an academic title, complete higher education on the department profile, not less than 5-year academic employment, scientific works in the field of study;

- for the position of senior instructor: as a rule, to have a scientific degree of candidate or doctor of sciences, complete higher education on the department profile, not less than 2-year academic employment at higher education institutions of III-IV level of accreditation, scientific works in the field of study;

- for the position of instructor: as a rule, to have a scientific degree of candidate of sciences, education in the field of study (preferably post-graduate programme) or complete higher education on the department profile, scientific works in the field of study;

- for the position of assistant: complete higher education (Master, Post-graduate programme), aptitude for academic work, scientific works on the department profile.

2.10. An applicant for a position of an academic teaching worker is to submit the following materials to human resources department:

- a contest application form (written by hand),

- the individual's personnel record card from the current or previous workplace (for non-NTU "KhPI" applicants);

- copies of complete higher education and scientific degree diplomas, certificates of the titles of associate professor, senior scientist, professor (for non-NTU "KhPI" applicants);

- a list of scientific works (for non-NTU "KhPI" applicants);

- a list of scientific works published within the previous working period (for NTU "KhPI" applicants);

- materials on advanced training or practical training within the last 5 years;

- an autobiography (for non-NTU "KhPI" applicants);

- a reference from the latest or current workplace (for non-NTU "KhPI" applicants);

- an extract of the department meeting protocol recommending the election;

- a report on the previous working period (for applicants who worked at NTU "KhPI" before being elected);

- the originals of all the documents, which are necessary to verify the materials submitted by the applicant to the human resources department of NTU "KhPI" (for non-NTU "KhPI" applicants).

2.11. To hold the contest, a contest committee is formed by the Rector's order.

The contest committee consists of: the vice-rector for academic affairs – the head of the committee, the head of the human resources department, the head of the law department, the head of the planning and finance department, the chief accountant, a representative of the HEI's trade union, other academic teaching workers of the University.

The main task of the contest committee is to provide the Rector of NTU "KhPI" and the academic council with justified proposals on the applicants for the corresponding academic teaching positions.

2.12. The departments and educational and academic institutes can create their own contest committees, whose members are appointed by the Rector.

2.13. Upon the contest application deadline, within two weeks, the contest committee is to analyze the materials submitted by the position applicants, and make a conclusion on feasibility for each of the applicants to take part in the contest. The decision of the contest committee is made by a simple majority of the open vote. If the votes are divided equally, the decision supported by the head of the committee is to be adopted. Based on the vote outcomes, a protocol is completed on applicants' admission to the contest.

2.14. Prior to the academic council meeting, the applicants for positions of an assistant, instructor, senior instructor, associate professor, professor, head of a department are discussed at a department meeting in their presence.

2.15. To assess the professional qualification of an applicant, a department may suggest them to give a trial lecture or practical classes.

If they so wish, applicants may be given a possibility to get acquainted with the department where they intend to work.

Conclusions of the department on professional and personal qualities of the applicants should be approved by secret ballot and submitted to the contest committee together with selected findings of the meeting participants, which are presented in writing.

2.16. Based on the conclusions as to the discussion with the applicants, the contest committee develops proposals for the academic council.

The conclusions of the department on professional and personal qualities of the applicants and the corresponding recommendations are submitted to the academic council.

2.17. The department meeting where applicants to the position of the head of the department are discussed is chaired by a vice-rector of the university or the dean of the faculty or the director of the educational and academic institute.

The applicants must be informed of the conclusions of the department before the academic council meeting.

2.18. The department's negative conclusion does not give the right to reject the applicant being considered by the contest committee and academic council.

2.19. Preliminary discussion of the applicants aiming at the position of the director of the library may be held at staff meetings (in the presence of the applicants). Staff meetings can be chaired by the head of the higher educational institution – the Rector, or by a deputy chief of the institution (a vice-rector) assigned by the Rector. The staff meeting's conclusions on professional and personal qualities of the applicants are justified by secret ballot and submitted to the contest committee.

2.20. The academic council elects academic teaching workers by secret ballot. Before each of the applicants for the corresponding position is voted, the department's conclusion and the contest committee's proposal are announced and the discussion is held in their presence.

The decision of the academic council on the contest is considered valid if not less than $\frac{2}{3}$ of the academic council members have taken part in the vote. Elected is the applicant who has gained more than 50% of votes of the academic council members present.

The names of all applicants for the corresponding position are put down on one voting ticket for secret ballot. Each member of the academic council has the right to vote for only one applicant. In all other cases, the voting tickets are considered null and void.

2.21. If in a contest with two or more applicants there is equality of votes, repeat voting is held at the same meeting of the academic council. If the same result is obtained, the contest is considered failed and is re-announced.

2.22. If there were no applicants for the corresponding position or none of the applicants has gained more than 50% of votes of the members of the academic council, the contest is also considered failed and is re-announced.

2.23. Competitive selection is also held when there is only one applicant for a vacant academic teaching position.

2.24. Secret ballot is held by the academic council to consider competitive selection or re-election of heads of departments, professors, director of the library, and to approve candidates to vice-rectors suggested by the Rector. Competitive selection of associate professors, senior instructors, instructors, assistants is considered by the academic council of a faculty or educational and academic institute.

2.25. Procedures on competitive selection of the heads of scientific and research institutions which are part of NTU "KhPI" are regulated by the law "On scientific and research activity" of 26.11.2015 № 848-VIII.

2.26. The head of the higher educational institution – the Rector – supported by the majority of the whole staff of public self-government body of a faculty (educational and academic institute) of the HEI assigns the head of a department (educational and academic institute) for a term of up to five years and concludes a contract with them.

Other issues on assignment procedures of the head of a faculty (educational and academic institute) are regulated by the statute of the higher education institution.

2.27. The head of a department (educational and academic institute) performs their duties on a permanent basis.

2.28. The head of a faculty (educational and academic institute) can be dismissed from their position by the head of the higher education institution based on a submission of the academic council of the higher educational institution or public self-government body of the faculty grounded on the conditions defined by the Law on Labour, the statute of the higher educational institution, the contract terms and conditions. A proposal on dismissal of the head of a faculty (educational and academic institute) is submitted to the public self-government body of a faculty (educational and academic institute) by not less than a half of the votes of statutory membership of the academic council of the faculty (educational and academic institute). A proposal on dismissal of the head of a faculty (educational and academic institute) is adopted by not less than two thirds of the votes of statutory membership of the public self-government body of the faculty (educational and academic institute). Other issues on dismissal procedures of the head of a faculty (educational and academic institute) are regulated by the statute of the higher educational institution.

2.29. The head of the higher educational institution, where a new faculty (educational and academic institute) is formed, can assign an acting head of this faculty (educational and academic institute) for a term not exceeding three months.

2.30. The same individual cannot serve as the head of a faculty (educational and academic institute), college, affiliated structural unit of the given higher education institution more than 10 years.

2.31. Assignment and dismissal of the head of an affiliated structural unit of the higher educational institution or a college which is a structural unit of the higher educational institution is effected according to a procedure established for the head of a faculty (educational and academic institute).

2.32. Provided an individual occupying a position opened for contest has not applied for the contest or has not gained more than 50% of votes of the members of the academic council present, they are to be dismissed in accordance with law.

2.33. A decision of the academic council is the basis for concluding an employment agreement (contract) with the elected individual and issuing the Rector's order on their recruitment or prolongation of employment relationship.

2.34. According to the current legislation, when academic teaching workers are recruited, an employment agreement or a contract can be concluded for a period of up to 5 years. The length of the employment agreement (contract) is established by consent of the parties, but not exceeding 5 years. Propositions concerning the length of the employment agreement (contract) can be submitted by either party except for positions of the heads of faculties, directors of educational and academic institutes, heads of departments.

2.35. Labour disputes between the parties are resolved in accordance with procedures established by current law.

2.36. Employment agreements (contracts) which were concluded with academic teaching workers before adoption of the Law “On higher education” and have not expired are considered valid.

3. Procedure for concluding and contents of an employment agreement (contract)

3.1. The basis for concluding an employment agreement (contract) with an elected individual and issuing an order by the head of the HEI on appointment to the corresponding position is the decision of the academic council on election of an academic teaching worker to the given position.

3.2. In accordance with the law of Ukraine, an employment agreement (contract) is concluded in writing and is signed by the head of the HEI and the individual who is appointed to the position of an academic teaching worker.

3.3. An employment agreement (contract) is concluded for a period of 1-5 years. A concrete duration of the contract is determined by agreement of the parties except for positions of the deans of faculties, directors of educational and academic institutes, heads of departments in accordance with part one of article 43 and part six of article 35 of the Law of Ukraine “On higher education”.

3.4. An employment agreement (contract) is issued in two copies, which have the same legal effect and are kept by both parties. On consent of the employee, a copy of the employment agreement (contract) concluded with them is transferred to the trade union or other organ commissioned to represent interests of the employee in order to monitor the employment agreement (contract) compliance.

3.5. An employment agreement (contract) contains its duration; rights, obligations and responsibilities of the parties in case of failure to meet its conditions; salary and job arrangement conditions; additional - compared to those determined by law - conditions of employment relationship termination; social, material and other conditions required for functioning of an academic teaching worker given specific nature of the higher educational institution, regional features and financial capacities of the HEI.

3.6. Conditions of an employment agreement (contract) which worsen the situation for the academic teaching worker compared to those of the current legislation, contracts and local regulating acts of the HEI are considered invalid.

3.7. Salary conditions of academic teaching workers which are defined in the employment agreement (contract) are to be determined in direct dependence on the branch level, the results of academic, research, methodological, industrial and commercial activity of the HEI. Besides, the basic salary of an academic teaching worker cannot be lower than the minimal basic salary defined for this position by the decision of the Government of Ukraine.

3.8. An employment agreement (contract) can also define conditions and procedure of incentives and criteria by which the reward for academic teaching workers is established in accordance with normative acts of the HEI but within one budget year.

3.9. Provided the employment agreement (contract) involves transfer to work in another location, the parties define guarantees and compensations paid in amounts not less than those determined by current legislation.

3.10. Upon non-performance or improper performance by the parties of the obligations imposed by the employment agreement (contract), it can be terminated prematurely in two-months' notice of the corresponding party.

3.11. An academic teaching worker who works at the HEI and applies for prolongation of the employment relationship reports at the department on their pedagogical, scientific and methodological activity performed within the employment agreement (contract) not less than three months prior to the expiration of the employment agreement (contract).

3.12. The head of the higher educational institution can conclude short-term employment agreements with foreign citizens in accordance with the legislation.

4. Termination of employment relationship

4.1. Termination of employment relationship with academic teaching workers can occur if there are definite grounds and in accordance with the procedure established by law.

4.2. Provided an academic teaching worker is not re-elected for a new term on a competitive basis, employment relationship with them is terminated due to expiration of the employment agreement (contract). Individuals who do not wish to participate in a contest for a new term are dismissed due to expiration of the employment agreement (contract).

4.3. An employment agreement (contract) can be also terminated before the expiration date on grounds specified by law. In such cases, the dismissal is carried out by an order of the head of the HEI in accordance with current legislation on labour.

Approved by the NTU “KhPI” Academic Council meeting
Minutes № 8 of 27.09.2019.