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### **Tallinn University Employment Relations Rules**

Tallinn University Senate Regulation No. 6 of 15 April 2019

This regulation is established on the basis of clauses 9 3) and 25) to 28) of the Tallinn University Statutes, in compliance with the Higher Education Act (RT I, 19.03.2019, 12) and the Tallinn University Act (RT I, 14.03.2019, 4) and on the basis of the proposal of the Academic Affairs and Research Committee of the Senate of 8 April 2019 and the proposal of the Development and Economic Affairs Committee of 9 April 2019.

## **Chapter 1 GENERAL PROVISIONS**

### **§ 1. Objective**

The objective of the Tallinn University (hereinafter the University or TLU) Employment Relations Rules (hereinafter the Rules) is to determine:

- 1) the positions, duties and workload of and job requirements for academic employees as well as the principles and procedure for creating and filling such positions;
- 2) the principles and procedure for the evaluation, retirement as emeritus and use of free semesters of academic employees;
- 3) the principles and procedure for filling the position of a head of the institution and an academic unit;
- 4) the guarantees, principles and procedure for granting time for individual professional development to the Rector, Vice-Rectors and heads of academic units.

### **§ 2. Terms and definitions used in the Rules**

(1) Terms and definitions are used in these Rules in the following meaning:

- 1) Academic Committee – a committee which consists of the University’s academic employees and is tasked with assessing the conformity of candidates with job requirements upon appointing a research professor in cases laid down in these Rules, and some of the members of which belong to the Research Professor Election Committee and some of the members of which belong to other committees referred to in these Rules. The Academic Committee is formed by the Senate on the basis of a proposal of the Rector. The committee acts on the basis of the statute established by the Rector; [Amended 09.09.2019]
- 2) an academic employee position– a position (also a career level position, hereinafter the career level), the duties of the regular academic employee or visiting employee holding which

involve teaching at a higher education level or research, development and creative (RDC) activities, or both;

3) an academic teaching portfolio – a compilation of materials related to an academic employee's teaching activities and the students' studying activities, in which the employee provides an overview of and analyses their teaching principles, teaching activities and teaching-related development;

4) a position description – a description of an academic employee position, indicating the title, the workload, the duties, including the study and/or research area, the location of work, the language skills expected from the holder of the position, and other position-specific job requirements which are specified in greater detail compared to the general job requirements established for academic employee positions;

5) the Estonian ENIC/NARIC or the Academic Recognition Information Centre is a structural unit of Foundation Archimedes, created for simplifying the correct and fair recognition of education obtained in a foreign country, and for facilitating academic and work-related mobility;

6) ETIS – *Eesti Teadusinfosüsteem* or the Estonian Research Information System is a national register which contains information about research and development institutions, research fellows, research projects and the results of various research activities and also acts as a channel for submitting various applications;

7) School Election Committee – a committee formed by the director of a School, which is tasked with assessing the conformity of candidates with job requirements upon filling the positions of research fellows and lecturers (including the career levels of those positions) and teachers by way of a public competition, organising, if necessary, the receipt of expert evaluations concerning the candidates, and preparing the elections; [Amended 09.09.2019]

8) a post-doctoral fellow – a research fellow who defended their doctoral degree or obtained an equivalent qualification in a foreign country not more than five years ago, excluding the time taken for maternity leave, parental leave and conscript service or alternative service. A post-doctoral fellow is employed as a research fellow and will under the instruction of a professor or an academic employee who meets the requirements of the highest career level of a research fellow conduct basic or applied research or development activities, independently carry out a research or development study topic or project or bear responsibility for the completion of essential parts thereof. A post-doctoral fellow may supervise doctoral students; [Amended 09.05.2022; entry into force 01.04.2022]

9) qualification – the required level of certified knowledge and skills specified as a part of the job requirements of an academic employee position;

10) Research Professor Election Committee – a committee formed by the Rector for the assessment of candidates for the position of a research professor upon filling the position by way of a public competition; [Amended 09.09.2019]

11) Tenure Committee – an extended academic committee with external members, which is tasked with assessing the need to create, eliminate and re-profile tenure system positions on the basis of the strategic development needs of the University, making proposals to the Rector for the appointment of experts in assessing candidates for a tenure system position, and assessing the conformity of candidates with job requirements upon filling a tenure system position by way of a competition. The committee acts on the basis of the statute established by the Rector;

12) a tenure system position – a professor's position with permanent job security, which covers the career levels of a professor on a career path and which is financed separately from the budgets of the units;

13) a unit – an academic unit, or a school or a college, an institution or a support unit.

(2) With regard to maternity leave, parental leave and conscript service or alternative service referred to in these Rules, similar instances prescribed by foreign law shall be considered

equivalent thereto. The equivalence requires the submission of documents under foreign law, which must indicate both the instance and the duration thereof. [Amended 09.05.2022; entry into force 01.04.2022]

## **Chapter 2** **ACADEMIC EMPLOYEE POSITIONS AND FILLING THESE**

### **Division 1** **Creation and elimination of academic employee positions and methods of and terms for filling these**

#### **§ 3. Academic employee positions**

(1) Regular academic employee positions are as follows:

- 1) a tenure system professor, the career levels of the career path of whom are: tenure track associate professor, professor and full professor;
- 2) a distinguished professor;
- 3) a research professor;
- 4) a research fellow, whose career levels are: junior research fellow, research fellow and research track associate professor;
- 5) a lecturer, the career levels of the career path of whom are: junior lecturer, lecturer and teaching track associate professor;
- 6) a senior lecturer;
- 7) a teacher.

(2) Visiting employees are: visiting professor, visiting research fellow and visiting lecturer.

(3) Academic employee positions are usually located in the academic units of the University. An academic position may also be located in an institution or support unit of the University, if this is necessary for the fulfilment of the University's objectives and duties and cannot be achieved via the academic positions located in academic units.

(4) The duties and the workload of and the job requirements for regular academic employee positions are established in annexes to these Rules; if necessary, the job requirements described in the annexes are specified in greater detail in the description of a particular position.

#### **§ 4. Formation of the Tenure Committee**

(1) The Tenure Committee shall be formed by the Senate on the basis of a proposal of the Rector. The Tenure Committee shall include all the members of the Academic Committee as well as 3 to 6 external experts the main place of employment of at least two of whom is outside Estonia. [Amended 09.09.2019]

(2) The mandate of the external members of the Tenure Committee shall be two years. The Senate may extend the mandates of the external members, if necessary.

(3) If the Tenure Committee is deciding matters related to a committee member or another situation arises which may entail a conflict of interests, the respective member shall not take part in the decision-making.

#### **§ 5. Establishment and elimination of academic positions**

(1) The establishment of a position means the creation of a new position.

(2) The elimination of a position means that a decision is made to no longer fill a fixed-term position after the expiry of the term, to prematurely discontinue the operation of a fixed-term position, or to discontinue the operation of a position established for an unspecified term. The position of a distinguished professor, a senior lecturer and a tenure system professor

established in accordance with the procedure prescribed in clause (5) 13) of this section shall be considered eliminated when the position is no longer filled.

(3) No new positions shall be established and no existing positions shall be eliminated upon an employee moving within the framework of the career levels on the career path of the position of a lecturer and a tenure system professor; the employee's position shall conform to a new career level as the requirements for moving forward on a career level are met.

(4) Depending on the position, a regular academic employee position shall be established and eliminated as follows:

1) the position of a tenure system professor shall be established and eliminated by the Senate in accordance with the procedure prescribed in subsection (5) of this section;

2) the fixed-term position of a research professor, which is financed from an external project in the extent of at least 75% or from study revenue outside activity support in the extent of 100%, shall be established and eliminated by the Rector on the basis of the proposal of the council of the academic unit;

3) the position of a distinguished professor shall be established upon the agreement between the head of the unit and the employee for persons whose employment contract in the position of a tenure system professor has been suspended in more than 5 consecutive years. The relevant tenure system position shall in such case be considered vacated;

4) other regular academic employee positions shall be established and eliminated by the head of the unit. The head of a support unit shall coordinate the decision with their immediate superior. The head of a sub-unit of an academic unit or the head of a study area may make a proposal to the head of the academic unit to establish and eliminate positions.

(5) The position of a tenure system professor shall be established and eliminated as follows:

1) the Senate shall approve the expected number of tenure system positions to be established in the calendar year on the basis of the proposal of the Rector by 1 March of the respective year;

2) the Rector shall approve the time schedule for the preparation of proposals to establish tenure system positions and determine the maximum number of tenure system positions for each academic unit, in the extent of which each unit can make establishment proposals;

3) the Rector shall negotiate with the School Councils with regard to the profiling of new and vacated tenure system positions;

4) a School Council shall submit to the Rector a justified proposal for the establishment of new tenure system positions and, if necessary, for the elimination or re-profiling of vacated tenure system positions;

5) the Rector shall forward the proposals to the Tenure Committee for feedback and assessment;

6) the Tenure Committee shall have the right to send the Schools' proposals back to the School Council once for making amendments;

7) the Tenure Committee shall forward its assessment and proposals to the Rector;

8) taking into account the assessment of the Tenure Committee, the Rector shall submit to the Senate a justified proposal for the establishment of tenure system positions and, if necessary, for the elimination or re-profiling of the vacated positions;

9) the Senate shall decide the establishment and, if necessary, the elimination or re-profiling of vacated positions;

10) if a tenure system position is vacated or the competition announced for a position fails and the position in question is intended to be filled later than within two years as of the position becoming vacant, the School Council shall within six months at the latest from the position becoming vacant or the competition failing submit to the Senate a justified plan for filling the position;

11) if the Senate does not approve the plan for filling the position or the unit fails to perform the activities prescribed in the plan for filling the position as approved by the Senate, the position shall be automatically eliminated;

12) if the School Council fails to submit a plan for filling the position within the term specified in clause 10) or fails to submit to the Rector a justified proposal for the elimination of a tenure system position, the vacated position shall be automatically eliminated upon the expiry of two years from the position becoming vacant;

13) in addition, the Senate may also establish a tenure system position outside the number of tenure system positions approved in accordance with clause (5) 1) of this section, if a research professor who has worked at the University for at least 11 consecutive years with a workload of at least 0.5 submits an application to the Rector for a transfer to a tenure system position and the Rector submits a respective proposal to the Senate. Such positions shall be established in compliance with clauses (5) 3)5)7) and 8) of this section.

(6) A proposal to establish a position shall contain an explanation of the necessity and funding for the position. A description of the position shall be annexed to the proposal. If the establishment of a position is decided without a respective proposal, the head of the unit shall rely on the description of the position, the necessity for the position, and the existence of funding for the position.

(7) A proposal to eliminate a position shall contain an explanation of the reasons and term for discontinuing the operation of the position. If the elimination of a position is decided without a respective proposal, the head of the unit shall rely on the work organisation needs of the unit and the possibilities of funding the position.

(8) The position of a visiting employee shall be established and eliminated in accordance with the visiting employee invitation regulation specified in Division 5 of this Chapter.

## **§ 6. Methods of filling academic employee positions**

(1) An academic employee position shall be filled by election by way of a public competition or in the manner prescribed in subsection (3) without a public competition.

(2) The following shall be considered equivalent to winning a public competition referred to in subsection (1):

1) the result of a public competition held outside the University, which entails funding for the research and development activities of the academic employee during the implementation of a research project, including completing post-doctoral studies;

2) in the case of filling the position of a junior research fellow – matriculation of the person in the doctoral studies of Tallinn University.

(3) The manners of filling an academic employee position without a public competition are as follows:

1) appointment;

2) movement on the career path;

3) invitation to be a visiting employee.

## **§ 7. Terms of the contracts of academic employees**

(1) An employment contract is concluded with an academic employee for an indefinite term, except in the cases specified in subsection (2).

(2) A fixed-term employment contract is concluded with an academic employee in the following cases and with the following terms:

1) the work to be carried out in the position is of temporary fixed-term nature – for up to five years, except if the research fellow holds the status of a post-doctoral fellow – then for 1 to 3 years, and in the case of a junior research fellow, until the end of their nominal period of doctoral studies. If a junior research fellow has been deleted from the matriculation register

due to the full completion of the study programme, the contract concluded with them may be extended for up to three months as of the deletion from the matriculation register; [Amended 09.05.2022; entry into force 01.08.2022]

2) the position is filled by appointment in the case of a failure of the competition – until the position is filled by way of a competition but not for longer than two years;

3) upon inviting a visiting employee – for up to five years.

(3) If a fixed-term employment contract is concluded for a term shorter than the maximum term, the employment contract may be extended once until the maximum term, if necessary. The employment contract of a junior research fellow is renewed in the cases provided for by the Higher Education Act. [Amended 09.05.2022; entry into force 01.08.2022]

(4) If an employment contract is concluded with a regular academic employee and at least two consecutive fixed-term employment contracts have been previously concluded with the same person for the performance of similar work, the employment relationship shall be considered as entered into for an indefinite term from the very beginning. The conclusion of fixed-term employment contracts shall be considered consecutive, if the period between the end of one employment contract and the conclusion of the subsequent one does not exceed two months. [Amended 09.05.2022; entry into force 01.08.2022]

### **§ 8. Term for completing career levels of positions**

(1) In the case of tenure system professor positions and lecturer positions, movement to a higher career level on the career path is expected through evaluation.

(2) The maximum terms for working on a career level are as follows:

1) a tenure system associate professor – 5 years;

2) a junior lecturer – 8 years;

3) a lecturer – 10 years.

(3) The term for completing a career level shall be agreed with the employee in the employment contract on the basis of the maximum term for completing the career level.

(4) A tenure track associate professor may apply for an evaluation before the agreed term for completing a career level, but not earlier than in the third year of employment. If the employee is assessed to meet the requirements of the next career level during the evaluation, the employment of the tenure track associate professor at the career level shall end before the agreed term in accordance with clause 37 (4) 2) of these Rules.

(5) An employee at the career level of a junior lecturer and lecturer may upon agreement with their immediate superior apply for an assessment of their conformity with the requirements of the next career level at an interim evaluation. If the employee is assessed to meet the requirements of the next career level, the employment of the junior lecturer or lecturer at the career level shall end before the agreed term in accordance with clause 37 (1) 2) of these Rules.

(6) The agreed term for completing a career level may be extended in the following cases:

1) on the basis of clause 37 (5) 1) or (6) 1) of these Rules;

2) by the period during which the employee is on maternity leave or parental leave or in conscript or alternative service, their employment contract is suspended due to them fulfilling the duties of the Rector, a Vice-Rector or the head of an academic unit, and if the employment contract of an employee is suspended upon the agreement of the parties in connection with the employee's international and cross-sectoral mobility activities. [Amended 09.09.2019; 09.05.2022; entry into force 01.08.2022]

## **Division 2**

### **Election of academic employees by way of public competition**

## **§ 9. Announcement of competitions**

(1) A public competition for filling a regular academic employee position shall be announced by the Rector on the basis of the proposal of the head of the unit. The head of a support unit shall agree the proposal with their immediate superior. The prior establishment of a position is the basis for making a proposal to announce a competition for the new position.

(2) The following shall be annexed to a proposal to announce a competition:

1) a description of the position, which is also submitted in English if it is a tenure system position or in the case of other positions if the person who is to hold the position is not expected to have Estonian language skills. In the case of an intention to announce a competition for a tenure system position more than six months after the creation of the position, the Rector shall have the right to forward the description of the position to the Tenure Committee for feedback and opinions;

2) an explanation of the necessity and funding of the position (except for new tenure system positions).

(3) A competition is generally announced either in February at the latest, if the position is to be filled from September, or in June at the latest, if the position is to be filled from January. A competition may, if necessary, also be announced at a different time, taking into consideration that it takes approximately six months from making a proposal to announce a competition until filling the position in the case of a tenure system position, approximately five months in the case of a research track associate professor position and approximately three months in the case of other positions.

(4) The Personnel Office shall organise the publication of the competition announcement. The announcement shall be published on the webpage of the University and, if necessary, through other information channels. The announcement for a tenure system position shall also be published through relevant international information channels. [Amended 20.09.2021]

(5) The term for submitting application documents shall be at least two weeks from the date of publication of the announcement.

## **§ 10. Job requirements for candidates**

(1) The job requirements for candidates are established in annexes to these Rules and, if necessary, specified in greater detail in the description of the position.

(2) The job requirements must be met by the term for submitting application documents.

## **§ 11. Submission of application documents**

(1) A candidate shall submit the following application documents:

1) a signed application-motivation letter addressed to the Rector, which contains an overview of the candidate's objectives in carrying out study and research and development or creative activities;

2) a curriculum vitae;

3) copies of a document certifying the qualification required from the position, and its annexes. The University shall have the right to request that the candidate submit the original or certified copies of the document certifying the qualification and its annexes. If higher education has been obtained abroad, the University shall have the right to request that the candidate submit the evaluation of the Estonian ENIC/NARIC concerning the conformity of the candidate's qualification with the requirements established for the position;

4) a list of research publications, separately highlighting research papers published in internationally distributed publications peer reviewed by an editorial board. It is recommended that a list of the candidate's research publications is also available in the Estonian Research Information System (ETIS);

- 5) a link to or, if that is impossible, a file with the full text of up to five representative research publications in the case of a candidate for a tenure system position and for a research professor position, up to three in the case of a candidate for a research track associate professor position and for a teaching track associate professor and one in the case of a candidate for a lecturer position and for a research fellow position; [Amended 09.09.2019]
  - 6) in the case of arts specialities, a list of creative works, separately indicating internationally recognised creative activities together with respective proof;
  - 7) in areas where publication can be considered equivalent to outstanding recognised results in speciality-specific development and creative activities on which the candidate wishes to rely, the candidate shall submit an overview and proof of such results;
  - 8) documents and materials to certify other knowledge and skills (including an academic teaching portfolio), if the competition announcement contains respective requirements or the candidate considers these important.
- (2) A candidate for a tenure system position shall submit the application documents both in Estonian and English. A candidate for a research track associate professor position may be requested to submit application documents both in Estonian and English. Candidates for other positions shall submit the application documents in Estonian. As an exception, the application documents may be submitted only in English, if the person to hold the position is not expected to have Estonian language skills.
- (3) The application documents shall be submitted electronically to the e-mail address indicated in the competition announcement or on paper to the Personnel Office.
- (4) If it is discovered in checking the conformity of the candidate's documents or assessing the conformity of the qualification with requirements that the candidate has failed to submit the required data or documents or there are other deficiencies, the candidate shall have the right to submit additional documents and clarifications within 3 working days.

## **§ 12. Assessment of candidates**

- (1) The Personnel Office shall forward the documents of a candidate who has submitted the required application documents and meets the education level requirements to one of the following committees for the assessment of conformity with job requirements, depending on the position to be filled (hereinafter jointly the Committee):
- 1) the Tenure Committee, which assesses candidates for tenure system positions;
  - 2) the Research Professor Election Committee, which assesses candidates for research professor positions;
  - 3) a School Election Committee, which assesses candidates for other academic positions.
- (2) If the position to be filled by way of a competition is in a college, institution or support unit of the University, the candidate shall be assessed by the Election Committee of the School specialised in the academic area of which the position is associated. The association with the area shall be determined by the head of the unit of the position to be filled.
- (3) The Research Professor Election Committee shall be formed and its chairperson shall be appointed by the Rector separately for every position to be filled. The Committee shall comprise at least five members, including academic employees and at least one member of the Academic Committee.
- (4) The School Election Committee shall be formed and its chairperson appointed by the head of the School for at least one year. The Committee shall comprise at least five members, including academic employees and at least one student nominated by the Student Council of the School. The head of the unit shall have the right to invite additional members to the Election Committee for the assessment of each particular position. [Amended 09.09.2019]
- (5) The Committee shall be in quorum when more than a half of the members of the Committee attend the meeting. The Committee shall adopt decisions by a simple majority of votes. In the case of an equal distribution of votes, the vote of the chairperson or their



substitute shall be decisive. If the Committee is deciding a matter related to a Committee member or another situation which may entail a conflict of interest occurs, the respective member shall not take part in voting and the composition of the Committee shall be thereby reduced. If the aforementioned situation concerns the chairperson of the Committee, the person or body authorised to form the Committee shall appoint a substitute of the chairperson for the duration of that competition.

(6) The Committee may involve experts of the area in the assessment, including on the basis of the terms and conditions established by the sponsor of the work of the position. In the case of a tenure system position, up to three experts of the respective area shall be involved, including, in the case of arts specialities, at least one external expert of the respective creative area. The experts to be involved in the Tenure Committee and the Research Professor Election Committee shall be appointed by the Rector on the basis of the proposal of the council of the relevant unit. The experts to be involved in a School Election Committee shall be appointed by the head of the relevant academic unit on the basis of the proposal of the Election Committee. Any conflicts of interest shall be avoided in the appointment of experts.

(7) The assessment of a candidate shall take into account the candidate's competence to fulfil the duties required of the position as well as the candidate's conformity with the job requirements of the position, whereas:

1) e-courses developed by the person and recognised with a quality label as well as development activities in the taught area shall be taken into account in assessing previous educational work;

2) if the candidate has been on maternity leave or parental leave or in conscript or alternative service, the period shall not be taken into account in assessing the candidate's academic activity and other such aspects; [Amended 09.05.2022; entry into force 01.04.2022]

3) if the candidate has previously worked in the position for which they are applying, their previous work and work performance in that position shall be assessed;

4) if the candidate lacks experience in the fulfilment of the duties prescribed for the position, their suitability for the performance of such work shall be assessed.

(8) The Committee shall form an opinion of every candidate's conformity with job requirements within one week at the latest from the submission of the application documents for assessment. If there are more than three conforming candidates for a position, a pre-selection can be made of the candidates, identifying the best with whom the assessment process is continued. The Committee shall forward the reasoned opinion and the pre-selection to the Rector and the council of the School, and in the case of candidates for a tenure system position and for the position of a research professor, also to the Senate. [Amended 20.09.2021]

### **§ 13. Non-admission of candidates to the competition**

(1) The Rector shall decide on the non-admission of a candidate to the competition on the basis of the application documents and the Committee's opinion and the pre-selection.

(2) The Personnel Office shall inform the candidate and the head of the unit of the position to be filled of the Rector's decision within two weeks from the adoption of the relevant decision.

(3) The documents of candidates not admitted to a competition shall be stored at the Personnel Office for one year from the term for submitting the documents. [Amended 02.03.2020]

### **§ 14. Expert assessments**

(1) Experts shall be involved in the assessment of candidates who meet the job requirements and have been pre-selected:

- 1) for the assessment of candidates for a tenure system position and a research professor position – at least three experts of whom at least two have their main place of employment outside Estonia and who may be members of the Tenure Committee;
  - 2) for the assessment of candidates for a research track associate professor position and a teaching track associate professor – at least two experts;
  - 3) for the assessment of candidates for other academic positions – at least two experts if there are more than one candidates for the position.
- (2) An expert is a person invited to assess the professional and/or creative competence of a candidate for a position from outside the University, who has at least equally high certified competence in the assessed area.
- (3) The experts for candidates for a tenure system position and a research professor position shall be appointed by the Rector on the basis of the proposal of the Tenure Committee and the Research Professor Election Committee. The experts for candidates for other academic positions shall be appointed by the head of an academic unit or institution on the basis of the proposal of the School Election Committee. If the position is in a support unit, the experts shall be appointed by the head of the School to the academic area of which the position is related. Conflicts of interest shall be avoided in the appointment of experts.
- (4) The term for the work of an expert shall be established by the chairperson of the Committee on the basis of the volume of the submitted application documents. The expert shall be given access to the candidates' application documents, job requirements for the position, and the part of these Rules concerning elections. The expert shall be given technical support by the Personnel Office in the case of assessing a tenure system position and by the School in the case of assessing other positions.
- (5) In assessing candidates and forming ranking lists, the expert shall take into account the candidates' competence to fulfil the duties prescribed for the position, and conformity with the job requirements for the position. The expert shall provide a written opinion on the suitability or unsuitability of candidates for the position, together with reasons. In the case of several candidates, the expert shall present a ranking list of candidates who meet the job requirements, providing reasons for the selection. The expert shall forward their assessment to the chairperson of the Committee.

#### **§ 15. Public lecture of candidates and meeting with candidates**

- (1) Before the elections, a public competition candidate for a tenure system position and a research professor position and the career level of a teaching track associate professor and of a research track associate professor shall give a public lecture (*venia legendi*). If the person is running as a candidate for several positions in one unit, one public lecture will suffice. [Amended 09.09.2019; amended 09.05.2022, entry into force 10.05.2022]
- (2) A public lecture shall be organised so that experts can also attend if they wish to do so. The secretary of the decision-making body of the electing academic unit or institution shall organise the announcement and the arrangement of the public lecture as well as the notification of experts.
- (3) The Committee may, if necessary, organise meetings with candidates to assess their suitability for the position so that the experts and the members of the electoral body as well as the employees of the unit and the representatives of students can attend if they wish to do so.

#### **§ 16. Preparation of elections**

- (1) On the basis of the application documents, the experts' assessments, the public lecture and the meetings with candidates, the Committee shall prepare a conclusion which shall be forwarded together with the application documents and the expert assessments to the electoral body for carrying out the elections. In the case of a tenure system position and a research

professor position, the conclusion and the documents shall also be forwarded to the School Council for providing an opinion on the candidates.

(2) The application documents together with the experts' assessments and the Committee's conclusion and, in the case of a tenure system position and a research professor position, the Council's opinion shall be made available to the members of the electoral body in accordance with the rules of procedure of the electoral body. [Amended 02.03.2020]

### **§ 17. Election procedure**

(1) The elections shall be held in the following electoral bodies, depending on the position to be filled:

- 1) a tenure system professor and a research professor shall be elected in the Senate;
- 2) the persons to hold other academic positions shall be elected in the council of the academic unit or institution. If the position is in a support unit, the person to hold the position shall be elected in the Council of the School to the academic area of which the position is related.

(2) Upon electing a professor in the Senate:

- 1) the conclusion of the chairperson of the Tenure Committee or the Research Professor Election Committee of the assessment results of every candidate shall be heard, and the chairperson shall answer the questions of the Senate members;
- 2) the School Council's opinion on the professor candidates shall be reviewed;
- 3) a discussion shall be held with regard to every candidate;
- 4) a secret ballot shall be held in accordance with the procedure established for processing draft acts of the Senate.

(3) Upon electing the persons to hold other academic positions in the council of the academic unit or institution:

- 1) if no public lectures have been held in the course of the election procedure all the candidates who wish to make presentations shall do so, providing an overview of the candidate's work-related objectives and, if the candidate has previously worked in an academic position, of the results of study and research and development or creative activities;
- 2) the chairperson of the Election Committee shall give an overview of the assessment results of every candidate and answer the questions of the council members;
- 3) a discussion shall be held with regard to every candidate;
- 4) a secret ballot shall be held in accordance with the procedure established in Annex 11 to these Rules.

(4) The candidate shall attend the session of the electoral body only during their presentation.

(5) The secretary of the electoral body shall forward the decision of the council of the academic unit or institution on the election results to the Personnel Office together with extracts from the election minutes concerning the voting results for every candidate within one week at the latest from the elections being held.

(6) The Personnel Office shall notify the candidates of the election results within two weeks at the latest from the elections being held.

### **§ 18. Challenge against elections results**

(1) If a candidate finds that the terms and conditions of or the procedure for conducting the competition have been violated, they may challenge the election results within one week from learning of the election results. The challenge shall indicate the committed violations. A candidate for a tenure system position and a research professor position shall present the challenge to the Senate via the Rector. Candidates for other academic positions shall present the challenge to the Rector.

(2) The Senate shall process the challenge as a matter presented to the Senate for discussion.

(3) The Rector shall make a decision on the challenge within one month from the receipt of the challenge.

(4) If it is determined in the course of reviewing the challenge that the terms and conditions of or the procedure for conducting the competition have been violated, but the violation could not have had an effect on the election results, the results shall remain valid.

(5) If it is determined in the course of reviewing the challenge that the terms and conditions of or the procedure for conducting the competition have been violated and the violation had an effect on the election results, the results shall be declared invalid.

(6) The Personnel Office shall notify the person who presented the challenge and the head of the position to be filled of the decision made on the challenge within one week from the relevant decision having been made.

#### **§ 19. Conclusion of employment contract with the successful candidate**

(1) An employment contract shall be concluded with the successful candidate.

(2) If the successful candidate decides not to take the position or the parties fail to reach an agreement on the terms and conditions of the employment contract and other candidates also took part in the elections, a new secret ballot may be held in the respective electoral body with the participation of all other candidates admitted to the competition. The organisation of a new voting procedure shall be decided within two weeks from the occurrence of the aforementioned circumstances by the Rector in the case of a tenure system position and a research professor position and by the head of the unit in the case of other positions. If the candidate is elected in the new ballot, a proposal shall be made to them to commence work as the successful candidate. [Amended 20.09.2021]

#### **§ 20. Failure of competition**

(1) A competition shall be considered failed if:

1) no candidates take part in the competition;

2) none of the candidates meet the job requirements;

3) none of the candidates are elected;

4) the election results of the competition are challenged and the results are declared invalid;

5) the successful candidate decides not to take the position or the parties fail to reach an agreement on the terms and conditions of the employment contract and there were no other candidates or no new ballot is organised for the election of the second best candidate.

(2) If a competition fails, the position (except a tenure system position) may be filled by appointment.

#### **§ 21. Declaring academic employees elected on the basis of the results of a public competition held outside the University**

(1) The list of public competitions held outside the University the winning of which is considered equivalent to winning a competition to elect an academic employee shall be established by the Vice-Rector for Research appointed by the Rector.

(2) In order to commence employment at the University, the winner of an external competition shall submit application documents to the head of the academic unit or institution in accordance with section 11 of these Rules, except for documents which have been submitted to the external competition and are available to the University.

(3) a winner of an external competition shall be employed in an academic employee position the University's job requirements for which they meet on the basis of the submitted application documents and the terms and conditions of the external competition. The suitability of a candidate for a research professor position shall be assessed by the Academic Committee and the suitability of candidates for other positions shall be assessed by the head of the respective unit. The suitability of a candidate for a junior research fellow position shall not be additionally assessed.

**Division 3**  
**Appointment of academic employees**

**§ 22. Filling positions by way of appointment**

(1) A regular academic employee position may be filled by appointing a person, who meets the job requirements, without announcing a public competition, if:

1) the election competition has failed (except for tenure system positions);  
2) the work to be performed in the position is of temporary fixed-term nature and filling the position without a public competition is justified considering the specifics of work, the financing terms, the high professional competence of the person to potentially fill the position or other such aspects. In the abovementioned situation, filling the position by way of appointment shall be decided by the council of the academic unit or institution on the basis of the proposal of the head of the unit, and if the position is in a support unit, by the council of the School to the academic area of which the position is related.

3) a distinguished professor position referred to in clause 5 (4) 3) of these Rules is being filled;

4) a tenure system professor position referred to in clause 5 (5) 13) of these Rules is being filled;

5) an employee is after a positive evaluation moving from the indefinite career level of a teaching track associate professor to the indefinite career level of a research track associate professor or vice versa. In order to apply for a transfer to another career level, the respective person shall submit a justified application to the head of the unit. The head of the unit shall decide the establishment of a relevant position.

(2) In order to be appointed, except in the cases prescribed in clauses (1) 3-5) of this section, the person who has received a respective proposal shall submit the documents specified in section 11 of these Rules to the head of the unit, who shall forward these for assessment in accordance with section 23 of these Rules.

**§ 23. Assessment of the person to be appointed**

(1) The conformity with the person to be appointed with job requirements shall be assessed depending on the position to be filled as follows:

1) a research professor position – the Academic Committee;

2) other academic employee positions – the head of the academic unit or institution. If the position is in a support unit, the person to be appointed shall be assessed by the head of the School to the academic area the position is related. If the position is financed from an external project, the Principal Investigator shall also be involved in the assessment.

(2) The person to be appointed shall be assessed in accordance with subsection 12 (6) of these Rules.

(3) The Academic Committee shall within two weeks from the submission of application documents for assessment present its opinion to the head of the unit on the conformity of the person with the job requirements.

**Division 4**  
**Movement of academic employees on career paths**

**§ 24. Movement on career paths**

- (1) The movement of employees on the career paths of a lecturer position and a tenure system professor position shall take place without the announcement of a public competition.
- (2) Employees shall move after positive evaluations in accordance with section 37 of these Rules.

## **Division 5**

### **Inviting visiting employees**

#### **§ 25. Visiting employees**

- (1) Without announcing a public competition, outstanding creative persons or outstanding practitioners of their speciality may be invited to carry out study work or research as an academic employee in the status of a visiting employee, if this is necessary for the achievement of the objectives of a study programme and the expected learning outcomes or for the implementation of the projects and service contracts of the unit.
- (2) A visiting employee is a visiting professor, a visiting research fellow or a visiting lecturer, depending on the planned activities, the level of education and the professional knowledge and experience of the invited person.
- (3) A person who has certified high-level competence in the subjects to be taught and meets at least one of the following requirements may be invited as a visiting professor:
  - 1) the person has worked as a professor at a university;
  - 2) the person's specialised knowledge, skills and experience in the area in which they are to be engaged in study, research or creative work are certified to be on the level of university professor. [Amended 09.09.2019]
- (4) A person who has certified competence in conducting (applied) research or whose specialised knowledge, skills and experience in the area in which they are to be involved in R&D activities are certified to be of a high level may be invited as a visiting lecturer.
- (5) A person who has certified high-level competence in the subjects to be taught may be invited as a visiting lecturer.
- (6) The invitation of a visiting professor shall be decided by the Rector on the basis of the proposal of the council of the unit. The invitation of a visiting research fellow and a visiting lecturer shall be decided by the council of the unit on the basis of the proposal of the head of the unit.
- (7) The proposal shall state the specific title of the visiting employee as well as the invitation term, a justification of the need for the invitation, and a description of the planned activities. Details of the education and professional experience of the person to be invited shall be annexed to the proposal.
- (8) An employment contract or another contract under the law of obligations shall be concluded with the visiting employee, depending on the nature of the planned activities.

## **Chapter 3**

### **FILLING POSITIONS OF THE HEADS OF INSTITUTION AND ACADEMIC UNIT**

#### **§ 26. Election of the heads by way of public competition, and job requirements for candidates**

- (1) The positions of a head of an institution and an academic unit (hereinafter jointly the Head) shall be filled by way of a public competition for a definite term of five years.
- (2) The same person may work in the position of the head of unit for the maximum of ten consecutive years.

(3) A candidate for the position of a Head must meet the following job requirements:

1) the head of an institution – a doctoral degree or an equivalent qualification and at least five years of management experience;

2) the head of a School – a doctoral degree or an equivalent qualification or, in the case of a recognised creative person or a recognised expert, at least a Master's degree or an equivalent qualification, as well as at least three years of management experience and at least five years of academic work experience in the area of activity of the School;

3) the head of a college – a Master's degree or an equivalent qualification and at least two years of management experience.

(4) The job requirements shall be specified in greater detail in the competition announcement, if necessary.

### **§ 27. Announcement of competitions and submission of application documents**

(1) A competition shall be announced by the Rector at least three months before the expiry of the term of office of the currently employed Head or, in the case the position of the Head is prematurely vacated, at the first opportunity.

(2) The Personnel Office shall organise the publication of the competition announcement. The announcement shall be published on the webpage of the University and, if necessary, in other information channels. The term for submitting application documents shall be at least three weeks from the date of publication of the announcement. [Amended 20.09.2021]

(3) The following documents shall be submitted in order to run for a position of a Head:

1) a signed application-motivation letter addressed to the Rector, providing an overview of the objectives in managing and developing the activities of the institution or academic unit;

2) a curriculum vitae;

3) copies of a document certifying the qualification required for the position, and of annexes thereto;

4) documents and materials to certify other knowledge and skills, if the competition announcement contains relevant requirements or the candidate considers these important.

(4) Application documents shall be submitted to the Personnel Office in the manner indicated in the competition announcement. The Personnel Office shall forward the documents of a candidate who has submitted the required application documents and meets the education level requirements to the council of the institution or to the electoral body of the academic unit for assessment of conformity with job requirements. [Amended 02.03.2020]

### **§ 28. Procedure for the election of Heads**

(1) The person to fill the position of a Head shall be elected as follows:

1) the head of an institution shall be elected by the council of the institution;

2) the head of an academic unit shall be elected by the electoral body of the respective academic unit.

(2) The electoral body shall hold a discussion on the conformity of the candidate with the requirements of the position and the suitability of the candidate for the position. The Head shall be elected by secret ballot in accordance with the procedure prescribed in Annex 11 to these Rules.

(3) The secretary of the electoral body shall forward the decision of the council of the institution or the electoral body of the academic unit on the election results to the Personnel Office together with extracts from the election minutes concerning the voting results for every candidate within one week at the latest from the elections being held. The Personnel Office shall notify the candidates of the election results within one week at the latest from the elections having been held.

### **§ 29. Conclusion of employment contract with the successful candidate**

(1) The Rector shall conclude an employment contract with the successful candidate. The Rector may refuse to conclude an employment contract, if the terms and conditions of or the procedure for conducting the competition have been violated.

(2) If the successful candidate decides not to take the position or the parties fail to reach an agreement on the terms and conditions of the employment contract and other candidates who met the requirements and are suitable for the position also took part in the elections, a new secret ballot may be held in the council of the institution or in the electoral body of the respective academic unit to vote on these candidates in accordance with the procedure prescribed in Annex 11 to these Rules. The organisation of a new ballot in the council of the institution shall be decided by the chairperson of the council and the organisation of a new ballot and the time of the meeting of the electoral body in the electoral body of the respective academic unit shall be decided by the chairperson of the electoral body within two weeks from the occurrence of the aforementioned circumstances. If a candidate is elected by voting, a proposal shall be made to them to commence work as the successful candidate. [Amended 09.09.2019]

### **§ 30. Failure of competition**

(1) A competition shall be considered failed in the cases listed in section 20 of these Rules as well as when the Rector refuses to conclude an employment contract due to the terms and conditions of or the procedure for conducting the competition having been violated.

(2) Upon the failure of a competition, the Rector shall appoint an acting Head of the institution or academic unit until the position is filled by way of a new competition, but not for longer than two years.

## **Chapter 4 DEVELOPMENT INTERVIEW AND EVALUATION OF ACADEMIC EMPLOYEES**

### **§ 31. Definition of development interview**

A development interview is an annual interview between an employee and their immediate superior aimed at giving an assessment on the employee's work and planning the employee's development, in the course of which the parties jointly discuss the employee's work results in the preceding period and agree on the detailed duties and volume and the expected results for the subsequent work period. The results of development interviews shall be recorded in the work overview environment.

### **§ 32. Definition of evaluation**

Evaluation is a periodic assessment of an academic employee's work results and conformity with the requirements established for the position with the aim to support the employee's development and career opportunities and determine the suitability of the evaluated employee for the position.

### **§ 33. Evaluated employee, evaluation term and assessment period**

(1) Employees with an indefinite employment contract shall be evaluated in every fifth year of employment from the commencement of work on the basis of the indefinite employment contract, except if the evaluation of the employee is scheduled for a different time or not required.

(2) An employee on the career level of a junior lecturer shall be evaluated depending on their term for completing the career level as follows:



1) if the term is longer than four years – in the fourth year of employment (interim evaluation) and in the last year of employment of the period;

2) if the term is up to four years (including) – in the last year of employment of the period.

(3) An employee on the career level of a lecturer shall be evaluated depending on their term for completing the career level as follows:

1) if the term is longer than five years – in the fifth year of employment (interim evaluation) and in the last year of employment of the period;

2) if the term is up to five years (including) – in the last year of employment of the period.

(4) An employee on the career level of a tenure track associate professor shall be evaluated in the last year of employment during the term for completing the career level or, upon the employee's request, before the last year of employment of the term, but not sooner than in the third year of employment.

(5) The following employees shall not be evaluated:

1) employees on the career level of a full professor;

2) academic employees working in any position, if the Senate has prior to their evaluation term adopted a decision on bestowing an emeritus status upon them, the employee has accepted the emeritus status and the employer has decided to terminate the employment contract with that employee in accordance with the regular procedure;

3) employees on the career level of a junior research fellow. A junior research fellow shall be evaluated as a doctoral student in accordance with the Tallinn University Regulations for Doctoral Studies and Defence of Doctoral Theses. [Amended 09.05.2022; entry into force 01.08.2022]

(6) The calculation of the years of employment that form a basis for evaluation shall be suspended for the duration of maternity leave and parental leave as well as conscript and alternative service, and for the period of individual professional development used on the basis of section 46 of these Rules. The calculation of the years of employment shall also be suspended, if the employment contract of the academic employee has been suspended due to the fulfilment of the duties of the Rector, a Vice-Rector or the head of an academic unit or if the employment contract of the academic employee has been suspended upon the parties' agreement in connection with the employee's international and cross-sectoral mobility activities or if the employment contract of a teacher or a lecturer has been suspended upon the parties' agreement for up to three years for the duration of working in the position of a research fellow under a fixed-term employment contract. [Amended 09.05.2022; entry into force 01.04.2022]

(7) The employees are generally evaluated during the spring semester.

(8) The assessment period taken as a basis upon the evaluation of employees shall be calculated as follows:

1) upon the first evaluation of an employee who has commenced work on the basis of an indefinite employment contract, the assessment period shall be calculated from the date of commencement of work until 31 December of the year preceding the evaluation term prescribed in subsections (2) to (4) of this section;

2) upon every subsequent evaluation, the assessment period shall be calculated from 1 January of the year of the previous evaluation until 31 December of the year preceding the new evaluation term.

(9) In the case of an employee with a fixed-term employment contract, the assessment of the employee's conformity upon them being elected or appointed shall be considered equivalent to an evaluation. Such employees shall be considered evaluated until the end of the period of election or appointment. In the case prescribed in subsection (4) of section 7 of these Rules, the evaluation term shall be calculated from the beginning of the employee's latest employment through election or appointment.

### **§ 34. Evaluation committee**

(1) The evaluation shall be conducted by an evaluation committee which shall be formed as follows, depending on the evaluated employee:

1) a tenure system professor shall be evaluated by an evaluation committee of at least five members, including at least two foreign experts, one member of the Academic Committee and one student on the basis of the proposal of the Student Council of the School;

2) a distinguished professor and a research professor shall be evaluated by an evaluation committee of at least three members, including at least one foreign expert and one student on the basis of the proposal of the Student Council of the School;

3) a research track associate professor shall be evaluated by an evaluation committee of at least three members, including at least one foreign expert and one student on the basis of the proposal of the Student Council of the School;

4) the employees of all the career levels of the position of a lecturer, and a senior lecturer shall be evaluated by an evaluation committee of at least three members, including at least one external expert and one student on the basis of the proposal of the Student Council of the School;

5) the employees of the career level of a research fellow shall be evaluated by an evaluation committee of at least three members, including at least one expert from outside the unit; [Amended 09.09.2019; 09.05.2022; entry into force 01.08.2022]

6) a teacher shall be evaluated by an evaluation committee of at least three members, including at least one student on the basis of the proposal of the Student Council of the School.

(2) If the position of the evaluated employee specified in clauses (1) 3) to 6) of this section is in a College, institution or support unit, the evaluation committee shall also include the head of the respective College, institution or support unit.

(3) If the evaluation committee is formed of the minimum number of members prescribed in subsections (1) and (2) of this section, every member of the committee, except for the student, must have certified competence of at least the same level as the evaluated employee. If the committee is formed of a larger number of members than the prescribed minimum, the rest of the committee members may have a lower qualification, but they must have the professional competence required of the assessed position.

(4) The evaluation committee shall be formed and its chairperson appointed by the Rector in the cases specified in clauses (1) 1) and 2) of this section and by the head of the School in the cases specified in clauses (1) 3) to 6) of this section. If the position of the evaluated employee is in a College, institution or support unit, the evaluation committee shall be formed by the head of the School to the academic area of which the position is related. Conflicts of interest shall be avoided in forming the committee.

### **§ 35. Information used as basis upon evaluation**

(1) In assessing the employee's work results and conformity with job requirements, the evaluation committee shall rely on the duties, the job requirements and the expected results of the position in accordance with Annexes 1 to 10 to these Rules, as well as the following data concerning the employee's assessment period:

1) the employee's written overview or an extract from the work overview environment concerning the results of educational and research and development or creative work and individual development together with the employee's assessment of the work results and their development and career aspirations. These shall be based on the development interviews conducted with the employee. A tenure system position employee, a distinguished professor, a lecturer, a senior lecturer and a teacher shall also submit their academic teaching portfolio; [Amended 09.05.2022; entry into force 10.05.2022]

- 2) students' feedback in the case of a person who conducts educational activity and is not specified in clause 1);
  - 3) a written assessment of the employee's work results by the employee's immediate superior which is based, inter alia, on the development interviews held with the employee; [Amended 09.05.2022; entry into force 10.05.2022]
  - 4) [Repealed 10.05.2022]
  - 5) the results of the previous evaluation;
  - 6) other materials which the employee or the committee members consider necessary.
- (2) If the period taken as a basis for the evaluation is shorter than five calendar years, the conformity of the employee's work results shall be assessed in proportion to the assessment period.
  - (3) If the employee has in the assessment period that forms a basis for the evaluation worked with a workload of less than 0.5, the conformity of the employee's work results shall be assessed in proportion to the workload.
  - (4) The evaluation committee shall meet with the evaluated employee. Foreign experts may take part in the meeting by using appropriate digital solutions.
  - (5) The employee shall have the right to review the data and materials gathered for their evaluation. The data and materials shall be made available to the employee in the document management system five days at the latest before the meeting with the evaluation committee.
  - (6) If the employee does not submit the data referred to in clause 1 of subsection 1 of § 35 by the deadline set by the evaluation committee without valid grounds, the employee and their work results shall be considered not to comply with the job requirements. [Amended 09.05.2022; entry into force 10.05.2022]

### **§ 36. Evaluation decision and recommendations**

- (1) The evaluation committee shall provide a reasoned assessment of the employee's work results and conformity with job requirements in the position filled by the employee, by assessing the level of the employee in three academic work areas on the basis of Annexes 9 and 10 to these Rules.
- (2) In addition to the assessment specified in subsection (1) of this section, the evaluation committee shall also provide an assessment of the employee's work results and conformity with the job requirements of another position in the following cases:
  - 1) an employee of the career level of a junior lecturer and a lecturer is requesting an assessment of their conformity with the next career level at an interim evaluation in accordance with subsection (5) of section 8 of these Rules;
  - 2) an employee of the career level of a teaching track associate professor is requesting an assessment of their conformity with the career level of a research track associate professor or vice versa in accordance with clause 22 (1) 5) of these Rules.
- (3) The evaluation committee shall adopt the following decisions:
  - 1) the employee and their work results meet the job requirements, including those of another career level in the case specified in subsection (2) of this section;
  - 2) the employee and their work results do not meet the job requirements, including those of another career level in the case specified in subsection (2) of this section.
- (4) The evaluation committee shall make the following recommendations:
  - 1) upon the evaluation of every employee, the committee may make recommendations concerning the employee's development and career;
  - 2) if the evaluation decision on an employee of the career level of a tenure track associate professor is negative, the committee may make a recommendation to extend the term of employment on that career level by up to three years, except if the evaluation was held at the employee's request before the last year of employment of the term of employment on that career level;

3) if the evaluation decision of an employee of the career level of a professor is positive and the work efficiency is remarkable, the committee may make a recommendation to transfer the employee to the next career level.

(5) The draft evaluation decision together with reasons and recommendations shall be drawn up in writing and forwarded to the employee. The employee shall have an opportunity to provide feedback on the draft evaluation decision within one week.

(6) The committee shall forward the evaluation decision to the Personnel Office within two weeks at the latest from making the decision. The Personnel Office shall forward it to the employee and the head of the employee's unit and, in the case of a tenure system position employee, to the Rector.

### **§ 37. Consequences arising from evaluation decisions**

(1) If an employee of the career level of a junior lecturer or a lecturer passes the evaluation:

1) in the last year of the term – the employee shall move to the next career level at the end of the term of employment on the career level specified in the employment contract;

2) in an interim evaluation and meets the requirements of the next career level of the position – the employee moves to the next career level starting from the semester following the evaluation, unless the parties agree on a different term;

3) in an interim evaluation and meets the requirements of the current career level of the position, but not the requirements of the next career level of the position – the employee shall continue working on the current career level.

(2) If an employee of the career level of a teaching track associate professor or of a research track associate professor in the case specified in clause 36 (2) 2) of these Rules:

1) passes the evaluation and meets the requirements of another career level, the employee shall move to the other career level starting from the semester following the evaluation, unless the parties agree on a different term;

2) passes the evaluation, but does not meet the requirements of another career level, the employee shall continue working on the current career level.

(3) If a tenure system employee passes the evaluation:

1) on the career level of a tenure track associate professor – the employee shall move from the career level of a tenure track associate professor to the career level of a professor;

2) on the career level of a professor – the employee shall continue working on the career level of a professor or move to the career level of a full professor, if upon the first evaluation of the employee on the career level of a professor the evaluation committee made a recommendation to promote the employee or if the employee passed the evaluation on the career level of a professor with a positive result for the second time;

(4) In the case specified in clauses (3) 1) and 2) of this section:

1) if the evaluation of an employee of the career level of a tenure track associate professor has been held in the last year of employment of the term – the employee shall move to the next career level at the end of the term of employment on the career level specified in the employment contract;

2) if the evaluation of an employee of the career level of a tenure track associate professor has been held before the last year of employment of the term – the employee shall move to the next career level starting from the semester following the evaluation, unless the parties agree on a different term;

3) in the case of an employee of the career level of a professor – the employee shall move to the next career level starting from the semester following the evaluation, unless the parties agree on a different term.

(5) If a tenure system professor does not pass the evaluation, the Rector shall, depending on the reasons for the failure to pass the evaluation, either:

1) agree the activities aimed at achieving conformity with the employee of the career level of a tenure track associate professor and, relying on the recommendation of the evaluation committee, extend the term of employment on the career level by up to three years and schedule a repeat evaluation in the last year of the extended term of employment on the career level;

2) agree the activities aimed at achieving conformity with the employee of the career level of a professor and schedule a repeat evaluation within two years at the latest;

3) or initiate an extraordinary termination of the employment contract concluded with the employee of the career level of a tenure track associate professor or a professor on the terms and conditions and in accordance with the procedure prescribed by law.

(6) If an employee, except for a tenure system employee, does not pass the evaluation, the head of the unit of the employee shall, depending on the reasons for the failure to pass the evaluation, either:

1) agree the activities and the time for achieving conformity with the employee and schedule a repeat evaluation within one year at the latest, but not sooner than in the subsequent calendar year;

2) or initiate an extraordinary termination of the employment contract concluded with the employee on the terms and conditions and in accordance with the procedure prescribed by law.

(7) Upon failure to pass the repeat evaluation, an extraordinary termination of the employment contract concluded with the employee shall be initiated.

(8) If the employment contract needs to be amended in connection with an evaluation, the amendments shall be initiated by the head of the unit of the employee.

### **§ 38. Challenge against evaluation decisions**

(1) If an evaluated employee finds that the terms and conditions of or the procedure for conducting evaluations have been violated, they may challenge the evaluation decision within one week from learning of the evaluation decision. The challenge shall be submitted to the Rector and it shall indicate the committed violation.

(2) The Rector shall make a decision on the challenge within one month from the receipt of the challenge.

(3) If it is determined upon reviewing a challenge that the terms and conditions of or the procedure for conducting evaluations have been violated, but the violation could not have had an effect on the evaluation decision, the evaluation decision shall remain valid.

(4) If it is determined upon reviewing a challenge that the terms and conditions of or the procedure for conducting evaluations have been violated and the violation had an effect on the evaluation decision, the Rector shall declare the evaluation decision invalid and set a term for the repeat evaluation of the employee.

(5) The Personnel Office shall inform the person who submitted the challenge, the head of the evaluation committee and the head of the unit of the evaluated employee of the decision made on the challenge within one week of the relevant decision having been made.

## **Chapter 5 BESTOWAL OF EMERITUS STATUS**

### **§ 39. Emeritus status**

(1) The Senate may bestow an emeritus status upon the following persons:

1) a regular professor who has attained retirement age and has worked at the University in the position of a regular academic employee for at least 15 years and at least 10 of these in the position of a regular professor;

2) a regular lecturer who has attained retirement age and has worked at the University in the position of a regular academic employee for at least 20 years and at least 10 of these on the career level of a teaching track associate professor;

3) a regular research fellow who has attained retirement age and has worked at the University in the position of a regular academic employee for at least 20 years and at least 10 of these on the career level of a research track associate professor.

(2) An emeritus status shall be bestowed by assigning the title of a professor emeritus, a lecturer emeritus or a research fellow emeritus.

(3) Employment in the position shall also include the time during which the employment contract with the employee has been suspended due to management duties related to academic activities.

(4) The aim of bestowal of emeritus status is to support a person's withdrawal from active RDC and study activities. Considering the long-standing high-level academic activities and competence of an emeritus, they are expected to continue contributing to academic activities also after the end of the employment relationship by participating in expert or advisory bodies and other such.

#### **§ 40. Assignment of title and fee**

(1) The assignment of the title of a professor emeritus, a lecturer emeritus or a research fellow emeritus shall be initiated on the basis of the employee's application in the unit where the employee works in a position which entitles them to an emeritus status. By submitting the application, the employee confirms their wish to withdraw from academic activities and accept an emeritus status, while also taking into account that pursuant to the law the employer has the right to terminate the employment contract with them due to the bestowal of emeritus status, giving at least two months' prior notification thereof.

(2) The unit shall forward the data to the Personnel Office for the verification of the prerequisites to the assignment of the title. If the prerequisites exist, the head of the unit shall submit the employee's application to the council of the unit for providing an opinion. The unit shall ensure the forwarding of the employee's application, the council's opinion and the relevant draft act to the Rector.

(3) The Rector shall present the draft act of assignment of title to the Senate.

(4) The University Senate shall decide the assignment of the title in every calendar year in June at the latest. The title shall be assigned and the emeritus fee paid as of 1 January of the calendar year following the decision of the Senate.

(5) The Senate shall establish the amount of the emeritus fee of a professor emeritus, a lecturer emeritus and a research fellow emeritus for every budgetary year. The Senate shall establish a higher emeritus fee compared to other professors emeriti and create additional opportunities to contribute to the work of the University for professors emeriti who retire as an emeritus from the position of a tenure system employee or whose employment contract as a regular professor has ended not later than within five years from attaining retirement age.

[Amended 20.09.2021]

## **Chapter 6 SABBATICAL LEAVE**

#### **§ 41. Right to sabbatical leave**

(1) Once in every five years, a regular academic employee, except junior research fellows, shall have the right to receive a semester free from educational work, during which their duties are related to improving professional skills, R&D activities or creative work. During

the sabbatical leave, the employee shall be paid the salary established in their employment contract. [Amended 09.05.2022; entry into force 01.08.2022]

(2) An academic employee, who is employed at the University for the first time, who has not previously worked in the same position and with whom an indefinite employment contract has been concluded, may receive a sabbatical leave after passing the first evaluation.

(3) An academic employee, who is employed at the University for the first time and with whom a fixed-term employment contract has been concluded for five years, may receive a sabbatical leave after at least two years of employment.

(4) The five-year period of using the sabbatical leave shall in the case of an employee working on the basis of an indefinite employment contract be calculated from the commencement of work on the basis of the indefinite employment contract. The calculation of the five-year period shall be suspended for the duration of maternity leave and parental leave as well as military service, and also in the case the employee's employment contract has been suspended due to the fulfilment of the duties of the Rector, a Vice-Rector or the head of an academic unit, or in the case the employment contract has been suspended upon the parties' agreement in connection with the employee's international and cross-sectoral mobility activities. [Amended 09.09.2019; 09.05.2022, entry into force 01.04.2022]

(5) The exact duration of the sabbatical leave shall be determined on the basis of the academic calendar of the academic year of granting the sabbatical leave. Depending on the interest of the organisation of study work and the employee's duties during the sabbatical leave, the sabbatical leave may be used in up to two parts according to the division of the semester into period, provided that the use of the parts shall start from the beginning of the respective semester period.

(6) It is recommended to use sabbatical leave at even intervals. The unused right to a sabbatical leave shall not be transferred forward.

#### **§ 42. Planning the use of sabbatical leave**

(1) The use of sabbatical leave by the regular academic employees of an academic unit shall be planned by the head of the academic unit, the head of the study area, the employee's immediate superior and the employee, considering the obligation to simultaneously ensure the possibility to use sabbatical leave and the conduct of studies.

(2) The use of a sabbatical leave shall generally be planned at least a year in advance. The time schedule of the use of sabbatical leave by the regular academic employees of an academic unit shall be prepared during the autumn semester for the subsequent autumn semester and during the spring semester for the subsequent spring semester.

#### **§ 43. Applying for sabbatical leave**

(1) In order to take a sabbatical leave, an employee shall submit an application to their immediate superior. The application shall preferably be submitted at least a year before the beginning of the sabbatical leave.

(2) The application shall state:

1) the time of taking the sabbatical leave;

2) the activities planned for the sabbatical leave, as well as the expected results and funding thereof.

(3) The employee's immediate superior shall forward the employee's application together with their own proposal for the conduct of studies in accordance with the study programme and for the substitution of the employee to the head of the academic unit within two weeks from the receipt of the application.

(4) The head of the academic unit shall decide on granting sabbatical leave within one month from the submission of the application. Depending on the possibilities of reorganising studies, the head may propose an alternative time for taking sabbatical leave.

(5) The time for taking sabbatical leave may be changed upon a trilateral written agreement of the employee, their immediate superior and the head of the academic unit a month before the beginning of the sabbatical leave at the latest.

(6) After deciding on granting sabbatical leave or agreeing on changing the time of sabbatical leave, the information concerning the employee's sabbatical leave shall be forwarded to the Personnel Office.

(7) During the sabbatical leave, the employee shall fulfil the duties described in the application for sabbatical leave.

#### **§ 44. Reporting on the use of sabbatical leave**

(1) The employee shall be responsible for the purposeful use of sabbatical leave.

(2) Within two weeks from the end of the sabbatical leave, the employee shall submit a written report on the results of the sabbatical leave to the immediate superior.

### **Chapter 7**

## **JOB SECURITY OF HEADS AND INDIVIDUAL PROFESSIONAL DEVELOPMENT**

#### **§ 45. Suspension of employment contract of academic employees for the duration of working as a Head**

If a person working at the University in a regular academic employee position on the basis of an employment contract is elected as the Rector, appointed as a Vice-Rector or elected as the head of an academic unit, their employment contract of an academic employee shall be suspended for the duration of working as a Head and they shall at the end of working as a Head have the right to resume employment in the position where they worked at the University before commencing work as a Head.

#### **§ 46. Definition and duration of individual professional development period**

(1) After the expiry of the mandate of the Rector, a Vice-Rector or the head of an academic unit, the Rector, a Vice-Rector or the head of an academic unit whose employment contract of an academic employee was suspended for the duration of their employment as a Head and who resumes their employment as a regular academic employee at the University shall have the right to receive a paid period for individual professional development in order to restore the academic qualification.

(2) The duration of the individual professional development period shall be five months for a five-year period of employment and ten months for a 10-year or longer consecutive period of employment. If the period of employment differs from the said terms, the duration of the individual professional development period shall be proportional to the period of employment in the position of a Head and shall be rounded up into full months.

(3) The annual holidays to which the employee gains the right for the period of employment during the respective period shall also be included in the duration of the individual professional development period.

#### **§ 47. Using individual professional development periods**

(1) In order to use the individual professional development period, the Rector, a Vice-Rector or the head of an academic unit shall submit a written application for using the individual professional development period, stating the beginning thereof, to the head of the academic unit where their employment relationship in an academic position shall resume. The head of the academic unit shall forward the employee's application to the Personnel Office.



(2) The Rector, a Vice-Rector and the head of an academic unit shall start using the individual professional development period immediately after the expiry of the mandate of the Rector, a Vice-Rector and the head of an academic unit or, as an exception for justified reasons, from the beginning of the subsequent semester at the latest.

(3) During the individual professional development period, the employee shall be paid the basic salary that they received in the position employment in which gave them the right to an individual professional development period. If the individual professional development period is granted for several consecutive periods of employment at once, including in different positions of a Head, the employee shall be paid the basic salary of the position the latest employment in which gave them the right to an individual professional development period.

#### **§ 48. Compensation upon the expiry of employment contract**

(1) If the Rector, a Vice-Rector or the head of an academic unit does not have an academic position in which to resume employment at the University after the expiry of the mandate of a Head, they shall be paid compensation upon the expiry of the employment contract of a Head:

1) to the Rector and a Vice-Rector – two months' basic salary for 2 to 5 years of employment, three months' basic salary for 6 to 10 years of employment and four months' basic salary for 11 and more years of employment;

2) the head of an academic unit – one month's basic salary for 2 to 5 years of employment, two months' basic salary for 6 to 10 years of employment and three months' basic salary for 11 and more years of employment.

(2) The provisions established in this section shall extend to a Head whose mandate expires upon the expiry of the term or upon the initiation of the University, whereas the expiry of the mandate is in the latter case not associated with lay-offs or the wrongful conduct of the employee.

#### **§ 48<sup>1</sup>. Establishment of additional guarantees**

Additional guarantees related to working in the position of the Rector, Vice-Rector or head of academic unit may be established by the Rector. [Amended 02.03.2020]

## **Chapter 8 TRANSITION PROVISIONS**

#### **§ 49. General provisions on transfer of positions**

(1) The positions and employment contracts of academic employees shall be brought into conformity with these Rules during the transition period. The transition period shall be from 1 September 2019 to 31 August 2024.

(2) The fixed-term employment contracts of academic employees concluded before 1 September 2019 shall remain in force until the end of the term established therein, except in the cases specified in section 52 of these Rules.

(3) A professor or an associate professor employed under an indefinite employment contract concluded before 1 September 2019 shall not be transferred to a position established in these Rules and their employment contract shall remain in force on the current terms and conditions until the expiry of the contract and the employee shall not be evaluated, if the following has taken place with regard to the employee before the evaluation term during the transition period: the Senate has on the basis of the employee's application made a decision to bestow

an emeritus status and the employer has decided to terminate the employment contract of the employee by regular procedure.

(4) In the case specified in subsection (3) of this section, the Senate may during the transition period bestow the title of a teaching track associate professor emeritus to an employee who has attained retirement age and has worked at the University as a teaching track associate professor for at least 15 years or who has worked as a teaching track associate professor for less than 15 years, but in the position of a teaching track associate professor and a professor at least 15 years in total. The title of a teaching track associate professor emeritus shall be bestowed in accordance with subsections (1) to (3) of section 40 of these Rules and the emeritus fee shall be paid from the month following the end of the employment contract in the amount established by the Senate for every budgetary year.

(5) The employees employed under an indefinite employment contract concluded before 1 September 2019, except for the employees specified in subsections (3) and (7) and section 52, shall be transferred to the positions established in these Rules through evaluation during the transition period on the terms and conditions and in accordance with the procedure prescribed in this chapter. The employees shall be evaluated pursuant to sections 27 to 30 and subsections 31 (1) and (3) of the Employment Relations Rules applicable until 31 August 2019, taking into account the specifications prescribed in sections 50 and 51 of these Rules. Upon the evaluation, the evaluation committee shall assess the employee's work results and conformity with requirements, and if:

1) the evaluation result is positive – the committee shall additionally assess the employee's level in three areas of academic work on the basis of Annexes 9 and 10 to these Rules, except in the case specified in clause 50 (3) 1) of these Rules;

2) the evaluation result is negative – the employment contract with the employee shall be terminated due to non-conformity.

(6) The employees shall submit the applications and notices related to the transfer of positions to the Personnel Office via the document management system.

(7) As these Rules do not substantively change the position of a teacher, the positions of the teachers employed under an indefinite employment contract concluded before 1 September 2019 shall be considered teacher positions in accordance with these Rules after the employees pass their first evaluation held during the transition period. The evaluations shall be subject to the provisions of sections 27 to 30 and subsections (1) and (3) of section 31 of the Employment Relations Rules applicable until 31 August 2019 and, with regard to the consequences arising from evaluation decisions, the provisions of subsections (6) and (7) of section 37 of these Rules.

(8) Upon the transfer of academic employees to the positions established in these Rules, the positions of tenure system employees shall change from the semester following the decision of the Senate and the positions of other employees from the semester following the evaluation, unless the parties agree on a different term.

#### **§ 50. Transfer of the positions of the professor and research professor**

(1) Upon the initial establishment of tenure system positions, the Senate shall on the basis of the proposal of the Rector approve the number of the tenure system positions to be created during the whole transition period, and the positions shall be established in accordance with clauses 5 (5) 2) to 9) of these Rules. In its decision concerning the establishment of tenure system positions, the Senate shall determine which of the established positions are equivalent to former indefinite positions of a professor or a research professor and which are new positions to be filled by way of a public competition.

(2) A professor or a research professor whose position has been made equivalent to a tenure system position, but who does not wish to continue employment in a tenure system position, shall notify the Personnel Office thereof within one month from the entry into force of the

Senate's decision specified in subsection (1) of this section. In the event of a good reason, the Rector may extend the said term.

(3) If a professor or a research professor, whose position has not been made equivalent to a tenure system position or who has notified that they do not wish to continue employment in a tenure system position, is:

1) a professor, who has less than five years remaining from the evaluation term arriving during the transition period until gaining the right to retire as an emeritus or who is employed in the position of a professor under an indefinite employment contract concluded before 1 September 2019 and has by the beginning of the transition period worked as a professor at the University for at least 11 consecutive years or whose indefinite employment contract has been suspended before the end of the transition period for the fulfilment of management duties for more than five consecutive years or who has worked as the Rector at the University – shall upon a positive evaluation result continue working in the new career model in the position of a distinguished professor;

2) a professor or a research professor, who is employed in a position which is in the extent of at least 75% financed from an external project or in the extent of 100% from study revenue outside activity support and who has received a positive evaluation result and has been assessed to be in conformity with the requirements for research professors in the new career model – shall continue working in the new career model in the position of a research professor;

3) a professor or a research professor, with regard to whom the circumstances specified in clauses 1) or 2) of this subsection are not present – shall upon a positive evaluation result and on the basis of the assessment be offered employment in the new career model on the career level of a teaching track associate professor or of a research track associate professor. The offered position shall be decided by the head of the unit on basis of the employee's work results and conformity with job requirements and considering the needs and possibilities of the unit. If the employee does not accept the offered position, they shall continue working in the current position until the end of the transition period when the operation of their position ends (lay-off). [Amended 09.09.2019]

4) [Repealed 09.09.2019]

(4) A professor or a research professor, whose position has been made equivalent to a tenure system position and who has not given notice that they do not wish to continue employment in a tenure system position:

1) shall be evaluated together with other employees whose positions have been made equivalent to that tenure system position. The evaluation term shall be determined on the basis of the evaluation term of the employee whose evaluation term will arrive first. With regard to employees with a positive evaluation result, the evaluation committee shall make a justified proposal to the Senate for the fulfilment of the tenure system position together with the ranking list of the employees and the conformity of each employee with the career level. The Senate shall choose the person to fill the position, who shall continue employment on the first or second career level of the tenure system position. Clauses 1) to 3) of subsection (3) of this section shall be applied to the employees who have not been chosen; [Amended 09.09.2019]

2) may non-recurrently apply for evaluation sooner than scheduled, if they are the only employee with a position that has been made equivalent to a tenure system position in the given area, but not earlier than on the third year of employment as of the commencement of employment under an indefinite employment contract, or if they have worked immediately before the beginning of the transition period as an elected regular professor or a research professor for at least two consecutive years; [Amended 13.04.2020]

3) may, if they are the only employee with a position that has been made equivalent to a tenure system position in the given area and their evaluation is held within the first two years

of the transition period and according to the evaluation result they meet the current requirements but not the requirements of the tenure system position, apply for the continuation of the employment contract until the end of the transition period and a repeat evaluation by the evaluation committee, which shall be held before the end of the transition period.

(5) A professor or a research professor, whose position has been made equivalent to a tenure system position and who has been assessed to be in conformity with the position, except in the case specified in clause 1) of subsection (4) of this section, shall be approved for the position by the Senate's decision and the employee shall continue employment on the first or second career level of the tenure system position.

#### **§ 51. Transfer of other positions**

(1) Academic employees not specified above who are employed under an indefinite employment contract concluded before 1 September 2019 and whose evaluation result in the transition period was positive shall on the basis of their assessment be offered employment in a position established under these Rules. [Amended 09.09.2019]

(2) An employee meets the requirements of the position a senior lecturer established under these Rules, if they are employed under an indefinite employment contract concluded before 1 September 2019:

1) in the position of a lecturer who has worked at the University as a lecturer for at least 11 consecutive years by the beginning of the transition period, does not hold a doctoral degree and their evaluation result in the transition period was positive;

2) in the position of a teaching track associate professor who has less than five years remaining from the evaluation term arriving during the transition period until gaining the right to retire as an emeritus, whose evaluation result in the transition period was positive, but who does not meet the requirements of the position of a teaching track associate professor specified in these Rules;

3) in the position of a teaching track associate professor who has worked at the University as a teaching track associate professor for at least 11 consecutive years by the beginning of the transition period, whose evaluation result in the transition period was positive, but who does not meet the requirements of the position of a teaching track associate professor specified in these Rules. [Amended 09.09.2019]

(3) The head of the unit shall decide the position to be offered to an employee on the basis of the employee's work results and conformity with job requirements, and taking into account the needs and possibilities of the unit. If the employee does not accept the offered position, they shall continue working in the current position until the end of the transition period when the operation of their position ends (lay-off).

#### **§ 52. Specifications of transfer of positions of academic employees fulfilling management duties**

(1) A member of the Rectorate, with whom a fixed-term employment contract of a professor has been concluded before 1 September 2019 which has been suspended for the duration of fulfilment of management duties, shall upon the employee's wish be transferred to an indefinite position of a distinguished professor as at 15 May 2021.

(2) The head of an academic unit, with whom a fixed-term employment of a professor or a lecturer has been concluded before 1 September 2019 which has been suspended for the duration of fulfilment of management duties, shall upon the employee's wish be transferred respectively to an indefinite position of a distinguished professor or an indefinite position of a senior lecturer as at 1 September 2020.

(3) In the cases prescribed in subsections (1) and (2), the employee shall notify the Personnel Office of their wish to be transferred via the document management system at least one month before the transfer term.

### **§ 53. Validity of employment contract of Heads**

(1) An employment contract concluded before 1 September 2019 for employment in the position of the director of a School shall remain in force until the end of the term established in the contract.

(2) An indefinite employment contract of the head of an academic unit concluded before 1 September 2019 shall pursuant to subsection (3) of section 49 of the Higher Education Act remain in force until 31 August 2024.

## **Chapter 9 IMPLEMENTING PROVISIONS**

### **§ 54. Amount of fee of professors emeriti and teaching track associate professors emeriti**

A person with regard to whom the Senate has made a decision to bestow the title of a professor emeritus or a teaching track associate professor emeritus on 30 June 2019 at the latest shall be paid the emeritus fee in the amount established by the Senate for every budgetary year.

### **§ 55. Fulfilment of prerequisites to the bestowal of emeritus status**

The period of employment in certain positions necessary for the bestowal of emeritus status as prescribed in clauses 39 (1) 1) to 3) of these Rules shall also include employment in comparable regular academic employee positions valid before 1 September 2019.

### **§ 56. Transfer from the research professor position to the tenure system professor position**

The 11-year period of employment prescribed in clause 22 (1) 4) of these Rules shall be calculated from 1 September 2019.

### **§ 57. Specification right of the Rector**

The Rector shall have the right to make specifications from the provisions of the Rules in the statutes of a unit or subunit, if such specifications arise from law or regulation.

### **§ 57<sup>1</sup>. Specifications of the employment contracts of junior research fellows**

If an employment contract has been concluded with a junior research fellow before August 1, 2022, they shall be subject to the Employment Relations Rules in force at the time of concluding the employment contract. In the case of a junior research fellow whose employment contract has been concluded in the period between September 1, 2019 and July 31, 2022, the specifications set in clause 1 of subsection 2, subsections 3 and 4 of section 7, clause 3 of subsection 5 of section 33, and subsection 1 of section 41 are taken into account. [Amended 09.05.2022; entry into force 01.08.2022]

### **§ 58. Repeal**

Regulation No. 22 of the Senate of 21 September 2015, "Tallinn University Employment Relations Rules" shall be repealed.

### **§ 59. Entry into force of regulation**

This regulation shall enter into force on 1 September 2019.

