

RESOLUTION of the Chair of the Valencian Institute of Modern Art (IVAM), publishing the rules for the selection procedure for the Director of the IVAM.

Implementing an institutional policy to promote, encourage and disseminate modern art, taking into account the unique aspects of cultural manifestations, and the need to work together with the various social stakeholders, culminated in the creation of the Valencian Institute of Modern Art (IVAM), as a public law entity subject to private law and with its own legal personality, which under the Valencian Regional Government, would provide greater agility and efficiency to the competences entrusted to it.

This is how the IVAM was originally created, to pay special attention to Valencian artistic production and promote its dissemination, while stimulating and energising society's awareness of modern art produced outside the Autonomous Region of Valencia.

Since then, more than 37 years after it was founded, the IVAM has faced numerous transformations and challenges, some resulting from the transformation of society itself and society's conception of what museums should do, and others derived from the institution's own internal structural changes.

Thus, the enactment of the Valencian IVAM Act [*Ley 1/2018, de 9 de febrero, de la Generalitat, reguladora del IVAM*] made a profound change to the IVAM's organisational structure that updated its legal regime, creating a new Board of Trustees and reformulating its competencies to those it currently holds. This reorganisation was reflected in the IVAM Organisation and Functioning Regulations [*Reglamento de organización y funcionamiento del IVAM*] enacted by the Regional Government's Decree 20/2023 of 3 March.

This means that the IVAM is now an institution under Valencian public law according to section 155 of the Valencian Public Finance, Public Sector and Subsidies Act [*Ley 1/2015, de la Generalitat, de 6 de febrero, de hacienda pública, del sector público instrumental y de subvenciones*], under the Regional Ministry of Culture.

Consequently, Additional Provision 1 of the Regional Government's Decree 186/2023, of 17 October, which enacted the Organisational and Functional Regulations of the First Vice-Presidency and Regional Ministry of Culture and Sport [*Reglamento orgánico y funcional de la Vicepresidencia primera y Conselleria de Cultura y Deporte*], placed the IVAM under that department.

In general, the IVAM is governed by private law, except in the formation of the decisions of its bodies, in the exercise of the administrative powers attributed to it,

and in the aspects specifically regulated under the Region's public sector legislation.

Section 2(1) IVAM Act states that the purpose of the IVAM is to develop the Region of Valencia's cultural policy with regard to awareness, protection, promotion and dissemination of modern and contemporary art, due to its international and avant-garde nature.

To fulfil this purpose, the organisation's organisational structure includes its Board of Trustees, whose members must be selected in accordance with the principles of merit and ability and on criteria of suitability, through procedures that are ensured to be public and competitive, in accordance with the Code of Good Practices of Valencian Culture [*Código de Buenas prácticas de la Cultura Valenciana*].

Likewise, the Valencian Public Officials Rules, Limitations and Transparency Regulations enacted by Region of Valencia Decree 95/2016, of 29 July [*Decreto 95/2016, de 29 de julio, del Consell, de regulación, limitación y transparencia del régimen del personal directivo del sector público instrumental de la Generalitat*] stipulates that directors are considered to be those who are ultimately responsible for the entity and its managers. Their selection must be based on, among other criteria, their academic, professional, technical or artistic standing, their experience in positions of responsibility in public or private management, their leadership, communication and negotiating skills, their training in gender equality, their knowledge of languages or other specific criteria related to the duties they will perform.

Directors must be appointed and dismissed by Regional Government Decree, at the proposal of the Regional Government's official in charge of cultural matters, following an opinion from the Board of Trustees.

The IVAM's Board of Trustees is responsible for approving the IVAM's functional organisation and its basic human resources guidelines, in accordance with section 7 of the IVAM Organisation and Functioning Regulations.

Consequently, the IVAM's Board of Trustees passed the resolutions laying down the rules governing the process for selecting the Director of the IVAM, as head of the institution and the remuneration to be paid for the position, which will remain the same as the remuneration now paid to the current Director. All of this is subject to obtaining favourable reports from the General Directorates of European Funds and Public Sector and the General Directorate of Budgets of the Regional Ministry of Finance, Economy and Public Administration, and subsequent authorisation by the Valencian Regional Government, in accordance with section 6 Valencian Public Officials Rules, Limitations and Transparency Regulations and section 30 of the

Valencian Regional Government 2024 Budget Act [*Ley 8/2023, de 27 de diciembre, de presupuestos de la Generalitat para el ejercicio 2024*].

The Directorate General of European Funds and the Public Sector and the Directorate General of Budgets issued those favourable reports on 6 and 14 May 2024 respectively, and on 20 May 2024 authorisation was given by Resolution of the Regional Government.

In view of the above, in use of the powers conferred on the Chair of the IVAM by the Board of Trustees at its meeting held on 28 June 2024, which approved the rules governing the process for selecting Directors of the IVAM, it was resolved to publish them, which read as follows:

One.- Purpose of the call for applications

The purpose of this call for applications is to establish the rules that will govern the process for nominating and appointing the Director of the IVAM.

Two.- Duties

The Director of the IVAM is responsible for the day-to-day management of the Institute. Specifically, under the Valencian IVAM Act and the IVAM Organisation and Functioning Regulations, the Director of the IVAM has the following duties:

- The artistic management of the IVAM in accordance with the decisions of the Board of Trustees.
- Carrying out the resolutions of the Board of Trustees and the Advisory Board.
- Drawing up the annual activities plan and submitting the annual report.
- In accordance with Valencian cultural heritage legislation, approving temporary loans (regardless of their destination) of artistic works owned by the IVAM to outside facilities.
- Accepting works of art loaned by other museums. The Director must report on these actions to the Board of Trustees at the plenary session following their adoption.
- Maintaining the museum's protocol and institutional relations, without prejudice to the powers of the Chair.
- Any other duties others entrusted or delegated to the Director by the Board of Trustees.

Three. - Requirements for participation

Candidates must meet the following requirements by the deadline for applications:

1. Holding a bachelor's level university degree or equivalent.
2. Candidates of any nationality may apply. For nationals of non-EU countries, appointment will be conditional upon obtaining legal residence in Spain, and submitting documentary proof of this.
3. Not having been dismissed from service as a career civil servant, or having had an appointment as an interim civil servant revoked in disciplinary proceedings in any public administration, public body, consortium, public university or constitutional or statutory body; and not having been barred under a judgment (no longer subject to appeal) from holding any type of public office or any of the body's specific offices or any office with, as applicable, the category, professional civil service group or set of posts covered by the call for applications.

Personnel with labour contracts must not have been barred by a judgment (no longer subject to appeal), or due to disciplinary dismissal, from holding offices similar to those of the professional category being applied for.

Nationals of other States must not have been barred from office or the equivalent, and must not have been subject to disciplinary or equivalent sanctions that would prevent them from holding public office on the same terms in their own State.

4. At least three years' experience in management positions or positions with responsibility in fields related to modern and contemporary art in the public or private sector. Applicants must prove they meet this requirement by submitting their curriculum vitae detailing their professional career and experience (maximum 5 pages, DIN A-4 format, Arial 12 font).
5. At least three references must be attached from persons of recognised international prestige in modern and contemporary art, whom the Jury may contact to request information to verify their suitability for the post offered in this call for applications.

Four. - Submission of applications

1. The deadline for submitting applications is 20 business days (excluding Saturdays, Sundays and public holidays) from the day after this call for applications is published in the Official Gazette of the Valencian Regional Government [*Diari Oficial de la Generalitat Valenciana*].

Applications may only be submitted and registered electronically, taking into account the candidate pools' professional profile and technical ability to access and use electronic media.

2. Those who wish to participate in this selection process must submit their application for registration through the Valencian Regional Government's unified general application procedure https://www.gva.es/es/inicio/procedimientos?id_proc=G95565 indicating "IVAM Director Selection Procedure", together with the following documents:

- National identification card or passport.
- Bachelor's-level university degree or equivalent.

For university degrees obtained abroad, accreditation must be provided in accordance with the Spanish Foreign University Degree Accreditation Act enacted by Royal Decree 889/2022, of 18 October [*Real Decreto 889/2022, de 18 de octubre, por el que se establecen las condiciones y los procedimientos de homologación, de declaración de equivalencia y de convalidación de enseñanzas universitarias de sistemas educativos extranjeros.*].

- An affidavit by the candidates stating that they are nationals of an EU member state, or that they fulfil the requirement of holding legal residence in Spain, and another affidavit stating that they not having been barred from public office or dismissed as career civil servants, and that they have not been dismissed as interim civil servants as referred to in Rule 3.

In any case, applicants who need to obtain legal residence in Spain must accredit this before signing the senior management contract and being appointed by Decree to hold the position of Director of the IVAM.

- Curriculum vitae, showing that the applicant has experience in management positions or positions with responsibility in areas related to modern and contemporary art, together with any information considered relevant in relation to the merits to be assessed and to carrying out the duties of the post of Director.
- Documentation accrediting the facts in the curriculum vitae.
- The candidate's vision for managing the IVAM, which should be drawn up taking Rule 5 of this resolution into account.

3. However, any applicants who cannot submit their candidacy through the above procedure may submit their candidacies by the deadline indicated in subsection 1 above, by any of the means provided for in section 16(4) of the Spanish Administrative Procedure Act [*Ley 39/2015, de 1 de octubre, de Procedimiento Administrativo Común de las Administraciones Públicas*].

In this case, they must also send an email at the same time to sgcoordinaciocultural@gva.es indicating this circumstance.

4. Applicants who do not submit their applications correctly will be given 10 business days to rectify the error or submit the required documents, although if they fail to do so they will be considered to have withdrawn their application, following a decision to be issued in accordance with section 21 Administrative Procedure Act.

5. By submitting their candidacies, applicants accept these rules.

Five. - Leadership vision

Candidates' leadership vision must have as their starting point the concept of a museum developed by the International Council of Museums as a permanent non-profit institution at the service of society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage. Open to the public, accessible and inclusive, museums foster diversity and sustainability. Engaging communities, museums operate and communicate ethically and professionally, offering varied experiences for education, enjoyment, reflection and exchanging knowledge.

The leadership vision must cover a five-year period, must be no longer than 30 pages long (single-spaced, Arial 12 font) and must be written in one of the two official languages of the Autonomous Region of Valencia and in English. A summary in English must also be provided, with a maximum length of two pages.

The leadership vision must take the IVAM's budget and human resources into account, setting out the main lines of action to achieve the objectives marked in the vision, and the defining lines of the programming proposed by the candidate.

However, particular attention should be paid to reaching the following milestones:

1. An avant-garde space designed for artistic creativity

The IVAM as a space for promoting culture, creativity and cutting-edge artistic expressions, reflections and research, avoiding sectarianism, meeting the societal needs the museum was created to address, and facilitating and transforming interactions with visitors.

In this sense, emphasis will be placed on vitalising the exhibition programme and setting up exhibition spaces in new environments, as well as on the territorial capillarity of the vision, and on synergy and exchanges with other Spanish exhibition spaces.

2. Management of the collection

Taking the IVAM's own collection as the fundamental basis of its programming and the heart of the museum, moving forward on the various means of disseminating its own collection, and on the various activities carried out by the institution.

Special attention must be paid to using digital technologies to manage the collection, facilitating visitors' engagement and access to the museum's information.

3. Internationalisation process

Developing contact and cooperation networks with other institutions and professionals in the international museum community to boost the IVAM's influence abroad and promote the internationalisation of its collections.

4. IVAM-Alcoy

Based on the special characteristics of the IVAM's branch museum and managing that space's instruments, the submitted vision must pay special attention to the Alcoy Art Centre as a multidisciplinary space in the scheduling of contemporary art exhibitions, but also as a space to get to know the region's cultural creators and personalities.

5.- Managing the process of purchasing artistic works to complete the IVAM collection's discourse

Six. - Jury

A Jury will be formed as a selection body that will assess the candidatures presented in accordance with the Code of Good Practices of Valencian Culture, which will be ensured include representatives from the public administration, members of civil society and experts and scientists, with the following composition:

- 2 members from the current administration: the Regional Government's cultural official in charge of coordinating, supervision and controlling the entities that make up the instrumental public cultural sector, who will be the head of the Jury and cast the tie-breaking vote in the event of a tie; and the General Directorate's official in charge of Museum Affairs.

- 2 members from civil society: Salomé Cuesta Valera (Vice Chancellor of Art, Science, Technology and Society of the Polytechnic University of Valencia) and Ester Alba Pagán (Vice Chancellor of Culture and Sport of the University of Valencia)

- 3 experts and/or scientists: Rosa Castells González (Head of the Contemporary Art Museum of Alicante [MACA] and curator of the municipal collections of Alicante);

Pablo González Tornel (Director of the Valencia Museum of Fine Arts) and Guillermo Solana Díez (Director of the Thyssen Museum in Madrid).

The Secretary's duties will be carried out by the person in charge of the Cultural Coordination Service of the Regional Ministry of Culture, with the right to speak but not to vote. Furthermore, since the competition is international, the Jury may make use of a simultaneous interpretation service.

The Jury will have technical discretion to assess the applications submitted by the applicants with its members always acting individually, and its rules of order will be subject to the rules for collegiate bodies under the Spanish Public Sector Act [*Ley 40/2015, de 1 de octubre, de régimen jurídico del sector público*].

Seven. Selection criteria and merits to be assessed

The selection will be made on the basis of the candidate's suitability, which will be based on criteria of academic, professional, technical, scientific or artistic solvency; experience holding positions of responsibility in public or private management; leadership capacity to plan, implement and review strategies, policies and programmes that will enable the organisation to achieve its mission and objectives through management using indicators; communication and negotiating skills; training in gender equality; languages spoken, especially the co-official languages of the Autonomous Region of Valencia; or other specific criteria related to the assigned duties, in accordance with section 3(1) Valencian Public Officials Rules, Limitations and Transparency Regulations.

In this regard, the following merits will be assessed:

1. Training and specialisation in modern and contemporary art, accredited by having carried out artistic and/or cultural activities and holding qualifications in the field. Any topical scientific work, research and publications will also be valued.
2. Professional experience proving the candidate's ability to network and carry out joint projects with other institutions or bodies so that the organisation can achieve the missions and objectives entrusted to it, and familiarity with the various activities and personalities on the current museum scene.
3. Professional experience at managerial and/or senior level in cultural institutions, with special emphasis on experience in the public sector.
4. Familiarity with Valencian artistic production and involvement with it.
5. Training or participation in activities aimed at complying with section 26 of the Spanish Gender Equality Act [*Ley Orgánica para la igualdad efectiva de mujeres y hombres*].

6. Demonstrating, during the interview phase established in Rule 8 of this call for applications, a command of the co-official languages of the Valencian Community, and of foreign languages. Candidates who do not prove their command of the co-official languages must agree to learn them.

Eight. - Selection procedure

1. The structure of the selection procedure will be: verification that the candidate fulfils the stipulated requirements and then an assessment of their merits stated and duly accredited in their curricula vitae, of the leadership vision they submitted, and of their interview with the jury, in accordance with the selection criteria established in Rule 7.

2. Once the deadline for submitting applications has passed, the Jury will meet to examine the documents submitted by the applicants, verifying their compliance with the requirements for participation and assessing their claimed merits and their leadership vision. Taking into account the suitability of the candidates' profiles, the Jury will be free to select up to five candidates.

For this purpose, the maximum score applicants may obtain for their submitted merits and their leadership vision will be 60 points, representing 60 per cent of the total score of the selection procedure, with a minimum score of 40 points to move on to the interview phase.

3. The Jury will then call the selected candidates for an interview, in which each applicant will have the opportunity to present their curriculum vitae and answer questions related to their submitted leadership vision.

The maximum score applicants may obtain in the interview phase will be 40 points, which will make up 40% of the total score for the selection procedure.

4. During the selection procedure, a list of those who have been admitted and those who have been excluded (duly anonymised) and the results of the selection process will be posted on the IVAM's website.

5. The Jury may close the selection process leaving the opening for the post of Director vacant if none of the candidates reaches the level required to hold the post, in accordance with the requirements and criteria established in the Rules.

Nine. - Appointment and eligibility

1. The Jury will submit the candidate it selected to the head of the Regional Minister in Charge of Cultural Affairs who, following an opinion from the IVAM's Board of Trustees, will propose the Regional Government appoint the candidate by decree, which must be published in the *Official Gazette of the Valencian Government*, all in accordance with Additional Provision 7 of the Regional Government Administrative

Management Act [*Ley 19/2019, de 23 de diciembre, de la Generalitat, de medidas fiscales, de gestión administrativa y financiera y de organización de la Generalitat*] in relation to section 11 of the Regional Government Valencian Cultural Institute Act [*Ley 1/2018, de 9 de febrero, de la Generalitat, reguladora del Instituto Valenciano de Cultura*] and section 11 of the IVAM Organisation and Functioning Regulations.

2. The Director must carry out the duties of the position in accordance with the Valencian Public Officials Rules, Limitations and Transparency Regulations, the Region of Valencia Urgent Financial Measures for Public Sector Companies and Foundations Act [*Decreto Ley 1/2011, de 30 de septiembre, del Consell, de Medias Urgentes de Régimen Económico-Financiero del Sector Público Empresarial y Fundacional*], sections 54 and 55 of the Autonomous Region of Valencia Transparency and Good Governance Act [*Ley 1/2022, de 13 de abril, de Transparencia y Buen Gobierno de la Comunitat Valenciana*], and the Regional Government's Code of Good Governance [*Código de Buen Gobierno de la Generalitat*] enacted by Regional Government Decree 56/2016 of 6 May, and with the Region of Valencia Unelected Civil Servant Eligibility and Conflicts of Interest Act [*Ley 8/2016, de 28 de octubre, de la Generalitat, de incompatibilidades y conflictos de intereses de personas con cargos públicos no electos*] and any legislation that may come to replace it, without prejudice to the application of the rest of the legislation in force in this matter. Additional Provision 8 of the Spanish Labour Reform Act [*Ley 3/2012, de 6 de julio, de reforma laboral*] will also apply.

3. The appointee may not hold any other positions, and their pay will be equal to the amount currently paid to the Director of the IVAM.

4. Likewise, the appointee for this position must also sign a senior management contract, regulated by Royal Decree 1382/1985, of 1 August, which regulates the special employment relationship of senior managers [*Real Decreto 1382/1985, de 1 de agosto, por el cual se regula la relación laboral de carácter especial del personal de alta dirección*] or the legislation that replaces it.

In accordance with the Code of Good Practice, this signed contract must include, at least, the objectives to be met, the results to be achieved, the terms and deadlines for achieving them and the applicable indicators for measuring them.

The work of the appointed Director will be subject to annual evaluation by the Board of Trustees based on the objectives set in the selected leadership vision, in accordance with the Code of Good Practice.

Ten. - Confidentiality

All those involved in the selection process agree to maintain the absolute confidentiality of all the applicants' personal and professional data and to keep the

participation of those who are not selected strictly within the knowledge and assessment of the Jury. Only the selected candidate's name will be made public.

Eleven. - Data Protection

In accordance with data protection legislation, applicants are informed that their personal data will be processed to process their applications and thus include them in the selection process, applying the measures and safeguards regulated by data protection legislation, especially Regulations (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (GDPR), and the Spanish Data Protection Act [*Ley Orgánica 3/2018, de 5 de diciembre, de protección de datos personales y garantía de los derechos digitales*]. By submitting their applications, applicants are informed that their data may be shared with other administrations where required by law, and may be published on the website to ensure the transparency of the results, including both the list of those admitted and, once the process has completed, those accepted and those excluded.

2. In compliance with Article 13 GDPR, the information on data protection is as follows:

a) Data controller: First Vice Presidency and Regional Ministry of Culture and Sport, Plaza Nules 3 46003 Valencia. Email: vice1modernizacion@gva.es

b) Data Protection Office of the Valencian Regional Government. Paseo de la Alameda, 16. 46010 València. Email: dpd@gva.es.

3. In addition to any other administrative remedy or legal action, data subjects who believe their rights have not been satisfied or that the processing of their personal data has been violated, may submit complaints to the Data Protection Officer, either in person or online at <http://www.gva.es/proc22094>. They may also file a complaint with the Spanish Data Protection Agency (AEPD).

Appeals for reconsideration may be lodged against this resolution, which puts an end to the administrative proceeding, within one month before the same body that issued it, in accordance with sections 123 and 124 Administrative Procedure Act, or appeals for judicial review may be filed within two months of the day after it was published, with the Judicial Review Court in accordance with sections 8, 14(2) and 46 of the Spanish Judicial Review Act [*Ley 29/1998, de 13 de julio, Reguladora de la Jurisdicción Contencioso-Administrativa,*] without prejudice to any other appeals that may be lodged.

In Valencia.- The Chair of the IVAM