



## ORDINANCE 76, APRIL 14, 2010

THE PRESIDENT OF THE COORDINATION FOR THE IMPROVEMENT OF HIGHER EDUCATION PERSONNEL – CAPES, according to the attributions foreseen in art. 26, clauses II, III, and IX of the Statute approved by Decree 6.316, from December 20, 2007, and considering the demand to advance in the system of Social demand Program, determines:

Art. 1. To approve the new Regulation of the Social demand Program included in the Annex to this Ordinance.

Art. 2. This Ordinance comes into force on the date of its publication on the Union Official Journal and revokes the Ordinance 052, from September 26, 2002 as well as any contrary rules.

JORGE ALMEIDA GUIMARÃES

### ANNEX

#### REGULATION OF THE SOCIAL DEMAND PROGRAM – DS

##### OBJECTIVES OF THE PROGRAM AND CRITERIA FOR THE GRANTING OF SCHOLARSHIPS

Art. 1. The objective of the Social Demand Program – DS – is the training of the high-level human resources required in a national scope by providing the *stricto sensu* graduate programs with the proper conditions for the development of their activities.

Single Paragraph. The basic instrument of the DS is the granting of scholarships to *stricto sensu* graduate programs defined based on the results of the system of monitoring and evaluation coordinated by CAPES in order to maintain students of excellent academic performance in full-time dedication.

##### REQUIREMENTS TO ENTER THE PROGRAM

Art. 2. The institution that intends to participate in the DS must:

- I - have public legal personality and offer free education;
- II - maintain *stricto sensu* graduate program(s) evaluated by CAPES with score equal to or higher than 3 (three);
- III – assign responsibilities to the Dean Office, or equivalent body at the higher administration, to be represented before CAPES and maintain an infrastructure compatible to the respective implementation;
- IV – institute a Commission of Scholarships CAPES/DS in each Graduate Program – PPG. It will be to the discretion of the Program, to compose the Commission of Scholarships CAPES/DS with the own PPG collegiate;
- V – to establish a specific transference instrument along with CAPES to be applied in cases of non-federal IES,
- VI – to establish a cooperation term to regulate rights and duties of the parties involved (CAPES/participant IES) regarding the monitoring and payment of scholarship holders from each IES.

##### ATTRIBUTIONS OF THE PARTIES INVOLVED IN THE PROGRAM

###### Attributions of CAPES

Art. 3. Functions and powers of CAPES shall be:

- I – to define the scholarships to be granted to graduate programs and the share of the Dean Office;
- II – according to the budget availability, to transfer the resources required to implement the DS;
- III – to monitor and evaluate the Program performance do Program.

Functions and powers of the institutions shall be:

Art. 4. At the DS implementation, the functions and powers of the participant institutions shall be:

I – to formally assign the Dean Office, or equivalent unity, the responsibility to coordinate the Program implementation;

II – to represent the Institution before CAPES in the relations relevant to the Program;

III – to supervise the activities of the DS in the scope of the institution;

IV – to guarantee the functioning of the Commissions of Scholarships CAPES/DS in its facilities, which will be constituted of at least three members, including the Program Coordinator, a representative of the teaching staff and another student representative, who must be chosen by their pairs through a specific election according to the following requirements:

a) the teaching representative must integrate the permanent board of professors in the Program;

b) the student representative must participate in the activities of the Program as regular student for at least one year.

V – to prepare and send to CAPES all documents required to implement the Program;

VI – to proceed with the payment of the scholarship holders, where applicable, preventing delays and communicating with CAPES monthly on the respective dates of realization;

VII – to strictly adhere and publish among applicants and scholarship holders all rules of the Program and the content of relevant communication by CAPES;

VIII – to inform the scholarship holders that their period of studies is only accounted for purposes of retirement upon proof of contributions to the Social Security as "optional taxpayer", (art. 14 and 21, Law 8.212, from 24/07/91);

IX – to fully and immediately refund CAPES with all the resources applied without being in accordance with the DS rules, proceeding with the verification of possible violations in its work scope for retrogressive collection, where applicable;

X – to provide the Coordination of Social Demand Management - CDS/DPB, via on-line, until the 15<sup>th</sup> day of each month, with the alterations occurred regarding the current month in the board of the scholarship holders in the Program and communicate the cases of former CAPES scholarship holders who were withdrawn from Graduate Programs and did not complete their courses;

XI – to present, respecting the set deadlines, the report of purpose fulfillment, according to the current federal legislation;

XII – to interact with CAPES for the improvement of the Program and the development of the Graduate Program;

XIII – immediately present any reports requested by CAPES and practice all remaining actions required for the good functioning of the Program;

XIV – to largely publish on different media, including the specific website of the program or of the Higher Education Institution, the criteria to be applied in the selection of master and doctoral students in the Graduate Programs supported by the DS.

Functions and powers of the institutions of the Commission of Scholarships CAPES/DS shall be:

Art. 5. The functions and powers of the Commission of Scholarships CAPES/DS shall be:

I – to observe the rules of the Program and ensure that they are followed;

II – to examine, on the light of the criteria established, the requests of the applicants to scholarship;

III – to select the applicants to scholarships according to criteria that prioritize the academic merit by informing the Dean Office, or the Equivalent Unity, the criteria adopted and the individual data of the students selected;

IV - manter um system de monitoring do performance academic dos scholarship holders e do cumprimento das diferentes fases foreseen no Program de studies, apto a fornecer a qualquer momento um diagnóstico do traineeship do development do trabalho dos scholarship holders em relação à duração das scholarships, para verificação pela IES ou pela CAPES;

V – to maintain an updated file containing the individual administrative information on the scholarship holders permanently available to CAPES.

#### GENERAL AND OPERATIONAL RULES FOR THE GRANTING OF SCHOLARSHIPS

Art. 6. The information required to formalize the application as well as any other matter related to the granting of scholarships must be obtained by the parties interested directly at the Dean Office.

#### DEFINITIONS ON THE NUMBER OF SCHOLARSHIPS

Art. 7. The definition on the number of scholarships will be in accordance with the following requirements:

- I - policy of priority support to strategic areas established by CAPES;
- II - characteristic, location, dimension, and performance of the course,
- III – urgent training needs in the national scope indicated through diagnosis and studies.

Single Paragraph. The scholarships that had not used by the Graduate Programs will be collected by CAPES and redistributed among other Graduate Programs participating in the DS aiming at a better use of the scholarships.

Benefits encompassed in the granting of scholarships

Art. 8. The scholarships granted in the DS scope consist of:

I - payment of monthly fee for maintenance, whose value will be published by CAPES, considering the duration of the scholarships contained in this Regulation.

II - payment of complementary monthly fee for all teachers from the federal, state or municipal network who work in the scope of elementary education and earn allowed incomes according to the content in paragraph a, clause XI, art. 9 of this Regulation, corresponding to the complementation of gross remuneration to reach the value established in clause I of this article.

Single Paragraph. Each scholarship benefit must be attributed to one individual and its fractioning is prohibited.

#### REQUIREMENTS FOR THE GRANTING OF SCHOLARSHIP

Art. 9. To be granted with a scholarship, the graduate student must:

- I – dedicate entirely to the program activities;
- II – in case of employment bond, be discharged of all professional activities and not receive a salary;
- III – demonstrate satisfactory academic performance according to the rules defined by the institution that promotes the course;
- IV – not have any work relation with the institution that promotes the Graduate Program;
- V – carry out teaching traineeship according to the content of art. 18 in this regulation;
- VI – not be a member of any medical residency program;
- VII – in case of public server, only those who have stability can be granted with scholarships of master and doctorate, according to art. 318 of Law 11.907, from February 2, 2009;
- VIII – public servants granted with master and doctorate scholarships must remain in the performance of their duties after their return for a period equivalent to the work leave awarded (§ 4, art. 96-A, compounded by Art. 318 of Law n 11.907, from February 2, 2009, containing new wording on Law 8.112, December 11, 1990);
- IX – be classified in the selection process specifically established by the Higher Education Institution that promotes the course;
- X – to take up residence in the city where the course is held;

XI – not accumulate the amount of the scholarship with any other category of financial benefit or scholarship from any other program by CAPES, other funding agency that is either public, national or international, as well as any public or private company, except:

a) will be admitted as scholarship holder of master or doctorate the graduate student who receives gross remuneration lower than the value of the scholarship in the respective category derived from functional bond with the public network of elementary education or collective health, provided the integral and immediate liberation from the professional activity; in addition, the student must attend a graduate program course in the respective area;

b) CAPES scholarship holders enrolled in graduate programs in the country and selected to work as alternate professors in public institutions of higher education, under the proper approval by their supervisors and authorization by the Commission of Scholarships CAPES/DS of the respective graduate program, will be assured to maintain their scholarships. However, those who had been working as alternate professors will not be granted with scholarships from the Social Demand Program;

c) according to the content of Joint Ordinance 1 Capes/CNPq, from 12/12/2007, CAPES scholarship holders enrolled in graduate programs in the country can be granted with a scholarship by the Open University of Brazil – UAB, in case of working as mentors. The remaining agents of UAB will not be allowed to accumulate these scholarships.

Single Paragraph. The non-compliance by IES of the requirements in this article implies the immediate interruption of the transferances and refund to CAPES of the resources applied irregularly, as well as the withdrawal of the scholarship unduly used.

#### DURATION OF THE SCHOLARSHIPS

Art. 10. The scholarship will be granted over a maximum period of twelve months and can be renewed annually until reaching the limit of 48 (forty-eight) for doctorate and 24 (twenty-four) months for master's degree, provided that the following conditions are met:

I – recommendation by the Commission of Scholarships CAPES/DS based on the evaluation of the academic performance of the graduate student;

II – continuation of the personal conditions of the scholarship holder that allowed the previous granting;

§ 1 The verification of the duration limit of the scholarships also considers the installments previously received by the scholarship holder derived from another program of scholarships by CAPES and remaining agencies for the same course level, as well as the period of traineeship abroad supported by any agency or national or foreign body;

§ 2 The limits established in this article are unpostponable. Their extrapolation will imply a reduction in the number of scholarships available in the program proportionally to the violations verified by CAPES, without affecting the repetition of the undue payments and remaining pertinent measures.

§ 3 Before the attribution of the master or doctorate scholarship to a student, it is to the discretion of the Commission of Scholarships CAPES/DS to observe the content of the article 18 in this Regulation. Only the students presenting sufficient time for the performance of teaching traineeship must be granted with CAPES scholarships.

#### WITHDRAWAL OF SCHOLARSHIP

Art. 11. The maximum period of scholarship withdrawal, properly justified, will encompass eighteen months and be applied in the following cases:

I – up to six (6) months in case of severe disease that prevents the scholarship holder from participating in the course activities, in addition to labor or breastfeeding;

II – up to eighteen (18) months for the doctoral scholarship holder who will carry out traineeship abroad related to their course planning, supported by CAPES or any other Agency;

§ 1 Withdrawal based on the grounds foreseen in clause I in this article will not be accounted for the purpose of the scholarship duration.

§ 2 The substitution of the scholarship holder during the scholarship withdrawal is prohibited.

#### DATA COLLECTION OR TRAINEESHIP IN THE COUNTRY AND ABROAD

Art. 12. The withdrawal of the scholarship cannot occur when:

I – the master student, for a period not higher than six months, or the doctoral student, for a period not higher than twelve months, moves away from the location where the course is held to carry out traineeship in a national institution or collect data required to the elaboration of thesis or dissertation, provided that the need for the collection or traineeship is acknowledged by the Commission of Scholarships CAPES/DS for the development of the work plan proposed;

II – the doctoral student moves away to conduct studies referent to their dissertation for a period from two to six months, according to agreement established between CAPES and DAAD – German Service of Academic Interchange or remaining agreements of similar nature.

#### REVOCATION OF GRANTING

Art. 13. It will be revoked the granting of scholarship by CAPES implying the subsequent refund of all values of monthly fees and remaining benefits in the following cases:

I – if verified omission of required remuneration;

II – if presenting false declaration of inexistence of support of any nature by another Agency;

III – if verified any kind of fraud by the scholarship holder in which the scholarship granting was based.

Single Paragraph. The non-completion of the course will imply the obligation to refund the values expended with the scholarship, except in case of unforeseeable circumstances, major force, circumstances beyond their control or severe disease properly substantiated. The evaluation of this situations is conditioned to the approval by the Collegiate Directory of CAPES, on legal grounds.

#### TERMINATION OF SCHOLARSHIP

Art. 14. The termination of the scholarship, with immediate substitution with another student from the same Program, must be communicated to the Dean Office, which will monthly inform CAPES about the termination processes occurred.

Single Paragraph. The scholarship can be terminated at any given moment due to violation of the rules in this Regulation, which implies that the scholarship holder has to refund the investment unduly expended in their favor, according to the current federal legislation, and will remain unable to receive benefits by CAPES for a period of five years counting from the acknowledgement of the fact, without affecting the remaining administrative penalties, civil or criminal.

Art. 15. In the scope of the IES, the Commission of Scholarships CAPES/DS can proceed with, at any given moment, the substitution of scholarship holders, which must be communicated to CAPES.

#### CHANGE OF LEVEL

Art. 16. It is established in the event of change of level for the student enrolled in the Master's Degree to Doctorate, the following criteria must be met by the Graduate Program:

I – the change of level from master to doctorate must result from the acknowledgment of exceptional academic performance reached by yhe student until the eighteenth month from the beginning of the course;

II – the excellence of academic performance when obtaining credits during the development of the respective thesis must be unequivocally demonstrated and compatible with the highest standard demanded by the course for the early completion of the Master;

III – the collegiate of the graduate program must authorize the admittance of the student in the doctorate;

IV – the benefited student must have been enrolled in the course for up to 18 months and a CAPES scholarship holder uninterruptedly for at least 12 months.

§ 1. The student granted with level change will have a maximum period of three months to defend their master thesis counted from the date of selection for the mentioned promotion according to the rules established by the course for the unanticipated completion of the Master's Degree.

§ 2. The Dean Office will send CAPES, within a maximum period of 15 (fifteen) days counting from the date of the minute regarding the promotion to doctorate, the list of scholarship holders promoted for purposes of the conversion of the scholarship from master to doctorate.

§ 3. The annual limit for the granting of scholarships CAPES/DS that implies the conversion of level from master to doctorate will range 20% of the total for the Graduate Program in question, limited to a maximum number of three (3) annual promotions;

§ 4. The CAPES scholarship holders promoted by the Graduate Programs will have their scholarships complemented for the doctoral level for up to four years counting from the promotion in question.

§ 5. A change de level que trata este article implica em automática alteração do number de scholarships, com impact nas concessões dos exercícios posteriores.

#### CONVERSION OF SCHOLARSHIP LEVEL

Art. 17. Os Programs de Graduate program poderão ampliar o number de scholarships de doctorate granted pela CAPES, mediante a conversion de scholarships de Master, na proportion de 3 scholarships de Master para 2 de doctorate.

§ 1. Expenses will not be increased when the proportion at which three master scholarships are substituted with two doctoral ones.

§ 2. The requests of the intended conversion of scholarships by the institution must be referred to CAPES notified by the Dean Office of the Graduate Program or equivalent body for proper evaluation.

§3. The conversion encompassed in this article implies automatic alteration of the shares of scholarships with impact on the shares of further practices.

§4. At no time it will be authorized the conversion of scholarships from doctorate to master's degree.

#### TEACHING TRAINEESHIP

Art. 18. The teaching traineeship integrated the graduate student training aiming at preparing them to teach in the future, as well as their qualification in the scope of undergraduate education, and is mandatory to all scholarship holders from the Social Demand Program according to following criteria:

I – for the program to include both levels, master and doctorate, it is required the existence of doctorate course;

II – for the program to include only the master level, the teaching traineeship requirement is transferred to the Master's Degree;

III – the institutions that do not offer undergraduate courses must associated with other higher education institutions to meet the demands of the teaching traineeship;

IV – the teaching traineeship can be paid according to the discretion of the institution and it is prohibited the use of resources transferred by CAPES;

V – the minimum duration of the teaching traineeship encompasses one semester for master's degree and two semesters for doctorate, in which the maximum period for master's is two semesters, while for doctorate is three semesters;

VI – it is responsibility of the Commission of Scholarships CAPES/DS to register and evaluate the teaching traineeship for purposes of counting credits for the graduate students, as well as the definition regarding the supervision and monitoring of the traineeship;

VII – the higher education professor who confirm such activities will be dispensed from the teaching traineeship;

VIII – the activities of the teaching traineeship must be compatible with the research area in the graduate program covered by the graduate student.

IX – in case of specific articulation between the educational systems settled by the competent authorities and observed the remaining conditions established in this article, it will be admitted the completion of the teaching traineeship in the public network of education,

X – the maximum workload for the teaching traineeship will encompass 4 weekly hours.

Art. 19. Omission cases will be analyzed by CAPES.