

# The Quota Law applied to faculty recruitment competitions in institutions in Rio Grande do Sul



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## Abstract

The Quota Law for admission to federal public service is an important legal instrument that enables black representation. It is worth problematizing the teaching competitions with regard to the application and outcomes of the law. In order to verify these results, through bibliographic and documentary research, we analyzed the public notices published between 2020 and 2024 and the appointments at three universities in Rio Grande do Sul: Federal University of Rio Grande do Sul, Federal University of Pelotas, and Federal University of Rio Grande, seeking to outline the implementation of the law and the results obtained. As a result of the analyses, it was found that only one of the Federal Higher Education Institutions analyzed has achieved results close to those expected, which highlights the need to rethink the structure of the calls for applications in order to achieve better results.

## Keywords

federal public service; faculty quotas; affirmative action; Law No. 12,990.

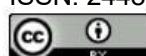
## A Lei de Cotas aplicada a concursos docentes em instituições do Rio Grande do Sul

## Resumo

A Lei de Cotas para o ingresso no serviço público federal é um importante instrumento legal que viabiliza a representatividade negra. No entanto, cabe problematizar os concursos para docentes no que diz respeito à aplicação e resultados obtidos através da lei. Com a finalidade de verificar esses resultados, através da realização de uma pesquisa bibliográfica e documental, analisaram-se os editais publicados entre 2020 e 2024 e as nomeações em três universidades do Rio Grande do Sul: Universidade Federal do Rio Grande do Sul, Universidade Federal de Pelotas e Universidade Federal do Rio Grande, buscando traçar um panorama da implementação da lei e dos resultados obtidos. Como resultado das análises, pôde-se verificar que apenas uma das Instituições Federais de Ensino Superior analisadas tem obtido resultados próximos ao esperado, o que torna necessário que se repensem os moldes dos editais dos concursos para que se alcancem melhores resultados.

## Palavras-chave

serviço público federal; cotas para docentes; ações afirmativas; Lei n.º 12.990.



## La Ley de Cuotas aplicada a concursos docentes en instituciones de Rio Grande do Sul

### Resumen

La Ley de Cuotas para el ingreso en el servicio público federal es un instrumento legal importante que permite la representación negra. Sin embargo, vale la pena problematizar los concursos para profesores con respecto a la aplicación y los resultados obtenidos a través de la ley. Para verificar estos resultados, a través de una investigación bibliográfica y documental, se analizaron las convocatorias públicas publicadas entre 2020 y 2024 y las nominaciones en tres universidades de Rio Grande do Sul: Universidad Federal de Rio Grande do Sul, Universidad Federal de Pelotas y Universidad Federal de Rio Grande, buscando una visión general de la implementación de la ley y los resultados obtenidos. Como resultado de los análisis, se comprobó que solo uno de las Instituciones Federales de Enseñanza Superior analizadas ha obtenido resultados cercanos a lo esperado, lo que hace necesario repensar los moldes de las convocatorias públicas de los concursos para conseguir mejores resultados.

### Palabras clave

servicio público federal; cuotas para docentes; acciones afirmativas; Ley 12.990.

## 1 Introduction

The Brazilian civil service represents a privileged space, given issues such as stability, remuneration, career prospects, and other advantages. As a field highly sought after, it constitutes an increasingly desirable and hard-to-access segment of the labor market. In a country marked by unemployment, inflation, and social inequality, the stability provided by a job in the public service is a dream for many people.

Research already conducted on black people in the civil service points to important issues that call into question the application of legal norms, including to public competitions for teachers, such as the application of Law No. 12,990 of 2014.

Libório and Santana (2020) refer to the underreporting of data in the civil service, highlighting the impossibility of monitoring affirmative action, for example. As in studies also developed on public notices for municipalities in the southern region of Rio Grande do Sul, there is a problem with the implementation of affirmative action policies for public spaces and the extent to which public spaces are neglecting the management of these policies (Diogo; Paixão, 2023).

According to Coutinho and Arruda (2022), reserving positions in faculty recruitment competitions represents the third wave of affirmative action in Brazil, preceded by quotas



in undergraduate education (first wave) and in graduate education (second wave), a process built after decades of struggles in spaces for the discussion of affirmative action.

Santos *et al.* (2021) addresses the discussion related to low racial diversity in teaching at Brazilian federal universities, especially in a scenario where institutions are now receiving more black people due to the Social and Racial Quota Law in Higher Education (Law No. 12.711 /2012, amended by Law No. 14.723/2023).

In all spaces where there are disadvantages marked by skin color, the pursuit of material equality must be effective. One such space concerns the low racial diversity of teaching staff at federal universities. A university that has begun to welcome more and more Black students, due to quota laws in higher education, remains monochromatic in its teaching staff (Santos *et al.*, 2021, p. 2).

By proposing a discussion on affirmative action policies, we aim to reconsider the potential that representation can bring to transforming curricula and pedagogical practices. Coutinho and Arruda (2022) highlight that reserving faculty positions is an essential agenda item for recognizing the underrepresentation of Black, Indigenous, and Quilombola people in academia.

This leads us to the work of Gomes (2020), who highlights the importance of analyzing how institutions have implemented Law No. 12,990, since “[...] the institutional perspective plays a decisive role in both implementing and prohibiting racial quotas in the federal public service” (Gomes, 2020, p. 115).

In Gomes's (2020) work, we find an analysis of the implementation of the Quota Law for faculty at two universities in southern Rio Grande do Sul: the Federal University of Rio Grande (FURG) and the Federal University of Pelotas (UFPel). The author highlights how much parameterization, interpretation, and institutional engagement are decisive for the success of the law. When analyzing the public notices published between 2014 and 2019 by these institutions, the author observes that at FURG, no positions were reserved for Black faculty members. In contrast, at UFPel, 18.59% of positions were reserved for Black people, which demonstrates greater compliance with the minimum percentage determined by the law. Among the reasons why FURG did not comply with the Quota Law, as identified when interviewing the institution's managers, is the publication of public notices as soon as the demand from the academic units was received, often with only one vacancy, which made it numerically impossible to reserve vacancies.

In the case of FURG, where the counting of reserved vacancies was carried out in a fragmented manner and in the absence of prior planning for the distribution of vacancies in the public notices, throughout the period surveyed, there was a failure to implement the policy in relation to the teaching career, with zero vacancies reserved for black candidates (Gomes, 2020, p. 128).

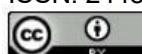
Thus, there is a clear need for planning, organization, and attention to compliance with the law on the part of management in order to achieve effective social change. It is not enough to simply follow the “letter of the law” without a real institutional discussion about what affirmative action policies are and the objectives proposed for their implementation in public spaces. It is essential to monitor the results obtained by the legislation, as stated by Oliveira and Severo (2022, p. 24) when discussing racial quotas for undergraduate admission, a thought that applies to other types of quotas: “Like all public policies, racial quotas must be monitored in order to verify the expected results of their implementation and analyze the necessary complementary policies.”

In this article, we propose, through bibliographic and documentary research, to study the period following the work of Gomes (2020), which is of vital importance for the discussion of public notices in universities, highlighting the importance of analyzing public notices for competitive examinations, pointing out the need to closely observe this situation in Rio Grande do Sul, as well as to problematize issues raised by Diogo and Paixão (2023, p. 17), who, when studying public notices for civil service examinations in the municipalities of Pelotas and Rio Grande, also highlight that “[...] affirmative action policies have both a social and a philosophical-political-historical rationale”:

The participation of Black people in public bodies aims not only to enable social mobility and break the hegemonic white pattern of maintaining power and the *status quo*, but above all, it is a way of developing critical racial literacy that reaches the field of reflection and action of all public servants (Diogo; Paixão, 2023, p. 18).

Thus, in addition to bibliographic research, we will use documentary research based on the public notices for teaching positions at the following institutions: FURG, UFPel, and UFRGS published between 2020 and 2024<sup>1</sup>, seeking to outline a brief overview of how institutions have implemented Law No. 12,990, as well as whether they have managed to achieve the minimum results determined by current legislation.

<sup>1</sup> We will consider nominations made by the end of April 2025.



We also emphasize that the quantitative data was obtained by consulting the universities' *websites*, where such information is available for public access. Therefore, none of the candidates had their names disclosed or referenced, maintaining the confidentiality and ethics of the research work.

## 2 A brief overview of affirmative action in Brazil

According to data from the National School of Public Administration (Enap, 2021), the first proposal for affirmative action with regard to racial quotas for entry into public service (federal, state, municipal, and in all agencies and entities that make up the public service) was made in 1983 by former federal deputy, intellectual, and black movement activist Abdias do Nascimento. In his bill, Abdias do Nascimento proposed reserving 40% of positions for black people, with 20% for women and 20% for men, a reservation that should mainly apply to positions of greater prestige and remuneration. In his proposal, Abdias also considered the need to monitor and verify the implementation of the law. Unfortunately, the bill was not approved, and the 1988 Federal Constitution only considered reserving positions in federal civil service exams for people with disabilities.

The discussion on the racial agenda, even though it emerged in the 20th century, only found a place on the Brazilian state's political agenda after years of discussion by black movements, which resulted in the renewal of the agenda to combat racism at the Third World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, where the state recognized the need to create affirmative action for the social inclusion of the black population. According to Oliveira (2021, p. 23), "Even with the recognition that Brazil is a racist country and the commitment made by the Federal Government to promote racial equality, we only see effective political advances in 2001."

One of the main advances in terms of racial affirmative action policy was evidenced by the reservation of places in State Higher Education Institutions, due to the existence of state law, as in the cases of the State University of Rio de Janeiro (UERJ) and the State University of Norte Fluminense (UENF), which implemented racial quotas for undergraduate admission in 2003. This was followed by the pioneering work of the

University of Brasília (UnB), which was the first federal public university to implement reserved places for black people in undergraduate courses in 2003.

In its initial proposal, the Racial Equality Statute (Law No. 12,288/2010) considered the creation of reserved places for black people in public positions and jobs, in companies with more than 20 employees, in higher education, and in elected positions. but these quotas were replaced in the final text by proposals that mainly considered income criteria (Enap, 2021).

In 2012, Law No. 12,711 was implemented, which determined that 50% of the places offered in public higher education institutions should be reserved for students graduating from public schools, with 50% of these places being allocated to students from families with a *per capita* income of up to 1.5 minimum wages. The text of the law also stipulated that the reserved places should be filled by course and shift by self-declared black, brown, indigenous, and disabled students, in proportion to the federative unit in which the educational institution is located (this proportion being in accordance with data from the latest census by the Brazilian Institute of Geography and Statistics – IBGE). In its update in 2023 (Law No. 14,723/2023), the law began to include quotas for quilombola students, as well as changing the *per capita* family income limit to a maximum of one minimum wage.

In November 2013, negotiations began on the Quota Law for the federal public service, through Bill (PL) No. 6,738, which determined the reservation of 20% of vacancies in public competitions for permanent positions and public- y jobs within the scope of the Direct and Indirect Administration of the Federal Executive Branch. According to Enap (2023), this percentage was determined based on the 2010 IBGE census. The study also states that the census "[...] pointed to a significant discrepancy between the percentage of the black population in the country's total population and that of civil servants in the Executive Branch" (Enap, 2023, p. 17).

It is worth noting that public competitions are based on meritocratic criteria, which ultimately does not result in equal treatment between black and white people due to the history of slavery, exclusion, and racist oppression suffered by the Brazilian black population, which has resulted in persistent racial inequality in Brazil.

According to the bill, this data would show that, although public competitions are an equal, meritocratic, and transparent selection method, their use alone has not been sufficient to guarantee equal treatment between races, failing to promote the redemption of Brazil's historical debt to the black population (Enap, 2023, p. 17).

In 2014, Law No. 12,990 was implemented, which reserves 20% of positions in public competitive examinations for permanent positions and public jobs within the scope of "[...] the federal public administration, autonomous agencies, public foundations, public companies, and mixed-capital companies controlled by the Union" (Brazil, 2014).

In 2016, the Ministry of Planning, Development, and Personnel Management published Normative Guideline No. 3, which provides guidance on the procedure for hetero-identification through phenotype, due to reports of fraud occurring because Law No. 12,990/2014 only determines racial self-declaration as a criterion for competing for reserved positions. In 2017, the Federal Supreme Court (STF) ruled on the Constitutionality Challenge to Law No. 12,990, deciding in favor of its constitutionality and also indicating complementary actions to enforce the legal provision, namely the agglutination and reservation of positions in all phases of the competitive examination.

According to the STF's interpretation, competitive examinations with a low number of vacancies should, whenever possible, combine the vacancies available so that the reservation of vacancies for black people can be applied. It should also be noted that the minimum percentage of 20% of reserved vacancies must apply to all stages of the competition, not only to the final stage, and to all vacancies offered, including vacancies that may arise during the competition period (Enap, 2021, p. 14).

In 2021, the Quantitative Report on the Implementation of Law No. 12,990/2014 in the Federal Executive Branch was published, a study conducted by Enap, which considered the entry of black quota civil servants between 2014 and 2019. According to the report, there are some obstacles to monitoring the results of the law's application, including the lack of regulation of the law, the lack of mandatory registration of the entry of racial quota civil servants, and the lack of standards for their evaluation and monitoring. The report also cites the absence of black people enrolled, concluding that there is a minimum threshold determined by law, but that it is not yet achieving satisfactory results.

According to the information disclosed in the report, only 0.53% of those appointed to the position of higher education professor in the period analyzed entered through vacancies reserved for black people, which is far from the 20% percentage determined by law. It should be noted that the bill estimated that the problem of low black representation

in the civil service would be resolved within at least ten years of the quotas being in force. However, ten years after their implementation, this is far from being the case.

According to data from the Institute of Applied Economic Research (IPEA) from 2020, 67% of higher education teachers are white, while 23% are black, even though the black population represents 56% of the Brazilian population, according to data from the 2022 IBGE Census. A very important criticism of the text of the Quota Law for the federal public service, according to Santos *et al.* (2021), is that the 20% quota reserved for black people does not represent the reality of Brazil's racial composition, as it only approximates the percentages of black and brown people in the southern region of the country, being negligible in regions such as the Northeast and North.

On average, only the states in the South have percentages of black and brown people below 20%. In this case, there would be a small reparation by adding a number of black people to the teaching profession that exceeds their regional representation. In other regions, especially the Northeast and North, the 20% percentage would continue to represent material inequality, despite the redress (Santos *et al.*, 2021, p. 6).

Law No. 12,990/2014, which had an initial term of ten years ending in 2024, was maintained through a Precautionary Measure in Direct Unconstitutionality Action No. 7,654, and its revision was sanctioned by President Luiz Inácio Lula da Silva through Law No. 15,142/2025 on June 3, 2025. Among the main changes, the new text included quilombolas and indigenous people in the quota system, in addition to black people (black and brown), which increased from 20% to 30% of places. The text of the law also provides for its revision within ten years of its entry into force.

### 3 Methodology

This article proposes to conduct a bibliographic and documentary research on the implementation of Law No. 12,990/2014 regarding admission to teaching positions in some of the Higher Education Institutions (HEIs) located in the state of Rio Grande do Sul, namely: FURG, UFPel, and UFRGS. According to Lakatos and Marconi (2017, p. 200), "Bibliographic research, or secondary source research, covers all the bibliography already made public in relation to the subject of study," while documentary research is characterized by "[...] taking

as a source of data collection only documents, written or otherwise, which constitute what are called primary sources. These may have been made at the time the event or phenomenon occurred, or afterwards" (Lakatos; Marconi, 2017, p. 193).

Thus, studies relevant to the topic in question were analyzed, followed by public notices and appointments made in public competitions for teachers published between 2020 and 2024. We emphasize that this study does not aim to exhaustively analyze the issue raised here, but rather to provide a brief overview of how these institutions have implemented the law and what results they have achieved. It should be noted that some public notices are still in progress and the analysis was based on the estimated percentage of black people appointed by April 2025. Thus, we sought to identify how institutions have applied Law No. 12,990/2014 for the admission of civil servants to teaching positions and what results they have obtained.

To this end, we first used an analysis of the parameters set out in the public notices for competitive examinations for teaching positions at institutions, analyzing the notices published in 2020, 2021, 2022, 2023, and 2024, initially seeking to identify how these institutions parameterize their notices in relation to Law No. 12,990. Next, we sought to estimate, using the information available on the institutions' websites, the percentage of people appointed through open competition and for positions reserved for racial quotas for the positions in question, seeking to identify whether or not the minimum number of reserved positions determined by law was reached.

Thus, in the first stage, we sought to identify specific issues through the public notices published by the universities: the forecast for the reservation of positions in accordance with Law No. 12,990/2014, the forecast for the hetero-identification procedure, and other information relevant to the application of the racial quota policy.

Next, we sought to identify the number of candidates appointed through open competition and the number of candidates who were appointed through the racial quota policy. Based on this information, we calculated the percentage of Black people appointed in each of the years analyzed, combining the results obtained from the analysis of each public notice.

It is worth noting the different ways in which each institution publishes information about the competitions and appointments made. We highlight the way in which UFPel

publishes its appointments, in a single list for each public notice, which includes the name of the candidate, as well as their mode of entry, which facilitates the monitoring of the implementation of public policy.

Our questions seek to discuss the underrepresentation of Black people in university teaching positions, as well as to verify whether HEIs are complying with the legal provisions determined by Law No. 12,990/2014 and achieving the expected results, and to point out possible good practices for obtaining the results expected from its implementation.

#### 4 Results and discussion

##### 4.1 Competitive examinations at FURG

FURG is a public higher education institution with a *multi-campus* structure, located in Rio Grande, Santo Antônio da Patrulha, São Lourenço do Sul, Santa Vitória do Rio Grande, and Palmar. Most of its courses are taught in the city of Rio Grande, in Rio Grande do Sul (RS). The institution was founded with the creation of the School of Industrial Engineering in 1955, becoming a university 14 years later. Its institutional *website* states that the institution offers 61 undergraduate courses, with more than 9,000 students enrolled in on-campus undergraduate courses, more than 300 students enrolled in distance learning undergraduate courses, and approximately 2,500 students enrolled in postgraduate courses. The university also has around 900 teaching staff and 1,200 technical and administrative staff in education (FURG, 2025).

To conduct this research, we analyzed the announcements for faculty competitions available on *the website* of the Office of the Dean of Human Resources (Progep), where we first reviewed the announcements and then the appointments made. using the names of the appointed individuals, we searched the list of applicants for publications on the hetero-identification panel, verifying whether the candidate had entered through open competition or through a vacancy reserved for racial quotas.

Based on our analysis, we found that the announcements published by FURG between 2020 and 2024 provided for the reservation of places for black people, as required by law. Among the parameters listed by FURG, we highlight the provision for the reservation of 20% of the places in the announcement for black candidates; the requirement for self-

declaration of race in order to compete for reserved places; the provision for a hetero-identification procedure prior to the approval of the final results of the competition; and that candidates approved within the open competition places will not be counted for the purpose of filling the places reserved for racial quotas. FURG also stipulates in its announcements that candidates who do not have their self-declaration of race confirmed by the hetero-identification panel or who do not attend the procedure will not be eliminated from the competition and will compete for the positions open to the general public. FURG also determines that black candidates compete on equal terms with other candidates.

We highlight that, in the analysis of the 2021 announcements, five of them were published on the same day, in a fragmented manner. When viewing this situation, we focus on what Coutinho and Arruda (2022, p. 13) affirm: that it is the machinery of racial exclusion being activated:

The different fragmentation strategies developed by organizations, based on their discretion, reveal the existence of a perfect mechanism for excluding the black population from access to the prerogatives of the Democratic Rule of Law.

If the notices in question had been combined, a very plausible hypothesis, since they were published on the same day, it would have enabled more black people to be appointed, given the wider range of appointment possibilities among the areas of knowledge covered by the notices. The Enap document (2023) addresses the problem of dividing vacancies as a strategy to circumvent compliance with Law No. 12,990/2014. In the case of FURG, the provision for reserving vacancies exists, but by fragmenting them, it makes it impossible to appoint black people outside the area defined in each notice, a situation that could be minimized if the notices were combined.

[...] the splitting of vacancies is the main reason for non-compliance with Law 12.990/2014 in the competitive examinations in question. It is standard practice for universities to almost always hold competitive examinations through notices offering fewer than three vacancies, thus circumventing the provision of paragraph 10 of Article 1 of the Law. When they offer three or more vacancies, these are divided by specialization, ignoring or circumventing the application of the 20% stipulated in the law, which should apply to the total number of vacancies in the public notice and not to each specific area/sector of knowledge (Enap, 2023, p. 10).

For a better view of the data on appointments, we have prepared Table 1, which contains information from FURG.

**Table 1** – Appointments in competitive examinations for teachers from 2020 to 2024 – FURG<sup>2</sup>

Year	Total appointments	Number of Black people appointed	Percentage of Black people appointed	Number of nominees in open competition (AC)	Percentage of AC nominees
2020 <sup>3</sup>	-	-	-	-	-
2021	38	2	5.3%	36	94.7%
2022	20	1	5	19	95
2023	27	3	11.1	24	88.9
2024	6	0	0	6	100
<b>Totals</b>	<b>91</b>	<b>6</b>	<b>6.6%</b>	<b>85</b>	<b>93.4</b>

Source: Prepared by the authors (2025).

From the analysis of appointments related to public notices published between 2021 and 2024, it became quite evident that FURG has not reached the minimum percentage of 20% of black people hired, which, in 2021, reached 5.3% of black people hired; in 2022, this percentage was further reduced to only 5%, improving only in 2023, reaching 11.1%, which represents just over half of the minimum determined by law. In 2024, FURG did not appoint any Black people to teaching positions, although it should be noted that some calls for applications are still ongoing. From an analysis of the period from 2020 to 2024, the institution managed to hire only one-third of the Black people who should have been hired by law, which shows that the Quota Law is not being properly applied by the institution.

We also emphasize that the "equal competition" advocated in its public notices has been one of the ways in which institutional racism has been articulated in order to maintain the white and privileged *status* of the institution's teaching positions. We highlight the fact that, in 2025, the institution's public notices for teaching positions remain basically the same, including only in their text that the reservation of positions will occur regardless of location and area of knowledge.

<sup>2</sup> Data collected through April 2025.

<sup>3</sup> We emphasize the fact that, in 2020, FURG did not hold any teaching competitions.

## 4.2 Competitions at UFPel

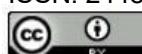
UFPel is a federal higher education institution located in southern Brazil, more precisely in the city of Pelotas, 250 kilometers from Porto Alegre, the state capital. UFPel was created in 1969. Its history dates back to the Rural University of the South (URS), whose emergence in 1960 was the result of efforts by professors from the Eliseu Maciel School of Agronomy, who had been fighting for its creation since 1957<sup>4</sup>.

According to data available on the university's website, at the end of 2023, it had 16,461 undergraduate students, 2,603 graduate students, 1,356 faculty members, 1,332 technical and administrative staff, and 99 substitute teachers (UFPEL, 2025). We found that, in 2021, UFPel did not hold any competitive examinations for permanent faculty members, so we analyzed the competitive examinations that took place in 2020, 2022, 2023, and 2024.

We looked at the competition notices available on the university's website, identifying the forecast of 20% of places reserved for black people, as well as the forecast for the hetero-identification procedure, among other things. We highlight that UFPel adopts compensatory criteria for the examination of qualifications for people enrolled in affirmative action vacancies and for candidates who have given birth to or adopted children in the last six years, and does not eliminate candidates enrolled as people with disabilities (PWD) or black people in the first phase, which is the written test. UFPel also brings together vacancies from a wide range of academic units in a single announcement, facilitating the reservation of vacancies.

We also highlight the fact that UFPel prioritizes the filling of positions by black people, requiring only that they have been approved in the competition, which is of utmost importance and demonstrates the institutional commitment to affirmative action policy. By prioritizing the hiring of black professionals, the university promotes compensation for approved black people and demonstrates the relevance of their presence in its teaching staff.

<sup>4</sup> More information at: <https://portal.ufpel.edu.br/historico>. Accessed on: Jan. 10, 2025.



**Table 2** – Appointments in competitive examinations for faculty from 2020 to 2024 – UFPel<sup>5</sup>

Year	Total appointments	Number of Black people appointed	Percentage of Black people appointed	Number of ACs appointed	Percentage of ACs appointed
2020	46	1	2.2%	45	97.8%
2021	-	-	-	-	-
2022	40	9	22.5%	31	77.5
2023	27	5	18.5	22	81.5
2024	45 <sup>6</sup>	10	22.2	33	73.3%
<b>Total</b>	<b>158</b>	<b>25</b>	<b>16</b>	<b>131</b>	<b>82.9</b>

Source: Prepared by the authors (2025).

It is worth noting from the analysis of appointments that the consolidation of vacancies alone did not result in greater hiring of Black personnel in teaching positions at UFPel. This fact became evident in 2020, when, of the 46 people appointed, only one person entered through the racial quota system, representing only 2.2% of the total vacancies available. This fact can be justified, in part, by the low number of applicants for positions reserved for black people, but also by the procedures adopted by the competitive examinations, which were divided into two phases, as explained below.

At UFPel, phase I is a theoretical test, which is eliminatory/classificatory in nature, while phase II consists of a descriptive written test, a teaching test, and an examination of qualifications. For some positions, there was also a practical test in this phase. In phase I of the competitions held in 2020, there were nine black people approved among the two published notices. In phase II, there was only one black candidate approved, who was appointed.

It is worth noting a significant change that occurred between 2020 and 2022 regarding the criteria for passing to phase II of the competitive examinations for UFPel faculty members. In 2020, the criteria for passing to phase II were as follows:

8.4.4. Up to ten (10) candidates per area with the highest scores and who achieve a minimum of 50% (fifty percent) on the exam, as per Table I of this notice, WILL ADVANCE TO STAGE II, ranked in decreasing order of scores. 8.4.4.2. As provided for in subitem 8.4.4, if there are up to five (5) classified candidates, with no candidates from the racial quota (CR) and People with Disabilities (PcD), one (1) vacancy will be reserved for CR candidates and one (1) vacancy for PcD, per area. 8.4.4.3. As provided for in subitem 8.4.4, if there are between six (6) and ten (10) classified candidates, and there are no candidates from racial quotas (CR) or people with

<sup>5</sup> Data collected through April 2025.

<sup>6</sup> There were two appointments of people with disabilities.



disabilities (PcD), two (2) places will be reserved for candidates from racial quotas (CR) and one (1) place for people with disabilities (PcD) per area (UFPEL, 2025).

Black candidates, like the others, had to achieve a minimum of 50% on the theoretical test (phase I) to qualify for phase II; if there were no candidates who met this criterion, reservations were determined in proportion to those who passed the open competition (see items 8.4.4.2. and 8.4.4.2.). In 2022, the notices began to set the following parameters:

8.5. The written test will be eliminatory in nature, with up to ten (10) candidates from the open competition per vacancy with the highest scores advancing to the next tests, regardless of the minimum score obtained. [...] 8.5.2. In addition to the candidates indicated in *the caput*, all candidates registered as quota holders, CR, and PcD will proceed to the next tests (UFPEL, 2025, emphasis added).

By not eliminating black candidates in phase I, the institution allows more black candidates to advance to phase II of the competitive examinations, effectively increasing the chances of hiring black people for its staff and engaging in a "real discussion" of what defines an affirmative action policy.

Disregarding the academic areas/units to which the notices refer, there is a significant increase in the appointment of black professors by UFPel between 2022 and 2024, in which, by modifying the parameters of the notices, the institution went from 2.2% of black people hired in 2020 to 22.5% in 2022, 18.5% in 2023, and 22.2% in 2024, which demonstrates a very significant improvement in reaching the minimum determined by law. The change in phase I of the competition, combined with the preference in filling vacancies, the grouping of vacancies in public notices, and the compensatory criteria in the qualification exams, can be highlighted as fundamental to this positive increase in the hiring of black people by the institution.

When analyzing the changes in the public notices, we highlight UFPel's pioneering role in implementing 30% (Brazil, 2024) racial quotas in its teaching competitions starting in 2024. This initiative is in line with the university management's recognition that it is necessary to advance affirmative action policies in order to promote racial equality, with the aim of filling the vacancies that have not been filled by black people in teaching competitions since the implementation of the law.

### 4.3 Competitive Examinations at UFRGS

UFRGS is located in the city of Porto Alegre, capital of the state of Rio Grande do Sul, and was founded in 1955 through State Decree No. 5,758, beginning its history with the founding of the School of Pharmacy and Chemistry in 1895. According to data available on the institution's website, at the beginning of 2024, UFRGS had approximately 32,000 undergraduate students, 12,000 graduate students, 2,982 faculty members, and 2,373 technical and administrative staff (UFRGS, 2025).

Upon reviewing the published notices regarding faculty competitions, we found that no notices were published in 2020 and 2021. With regard to the notices published in 2022, 2023, and 2024, we found that the parameters for reserving places for racial quotas are very similar to the model adopted by FURG, describing the reservation of 20% of places for black people, the provision for a hetero-identification committee, as well as admission through open competition, if the candidate has a sufficient score for this, not being counted in the reserved places.

It is worth noting, however, some elements that differentiate UFRGS announcements from FURG announcements. One of them is the provision that at least 20% of black candidates are guaranteed to qualify for the second phase of the competition, which consists of a teaching test, an examination of qualifications and work, a defense of intellectual production, and a practical test, if applicable. To qualify, candidates must obtain a minimum score of 7, as must all other candidates, regardless of the category in which they are competing.

§4 - At least 20% of self-declared black and brown candidates and at least 20% of candidates with disabilities will be guaranteed classification for the second phase, subject to the provisions of §1 in addition to the limit on vacancies established by the Department concerned, as provided for in §2. (Wording given by Resolution No. 089, of April 18, 2022) (UFRGS, 2021, p. 2).

UFRGS also determines the exclusion of individuals who do not attend the hetero-identification procedure.

**Table 3** – Appointments in competitive examinations for teaching positions from 2020 to 2024 – UFRGS<sup>7</sup>

Year	Total appointments	Number of Black people appointed	Percentage of Black people appointed	Number of ACs appointed	Percentage of ACs appointed
2020	-	-	-	-	-
2021	-	-	-	-	-
2022	48	4	8.3%	44	91.7%
2023	89 <sup>8</sup>	5	5.6	83	93.3%
2024	17	0	0	17	100
<b>Total</b>	<b>154</b>	<b>9</b>	<b>5.8</b>	<b>144</b>	<b>93.5</b>

Source: Prepared by the authors (2025).

With regard to the only teaching vacancy notice published in 2022, it can be seen that four people were appointed to positions reserved for self-declared black and brown people, which represents, as of April 2025, only 8.3% of the total appointments from competitive examinations whose notices were published in 2022. In 2023, this number fell, leading to the hiring of only five black people, totaling 5.6% of appointments to date. In 2024, considering that the announcements and appointments are still in progress, there were no appointments of black people.

As in the case of FURG, it is reasonable to assume that, by then, at least 31 Black teachers should have been hired, which, compared to the nine people appointed, represents a negative difference of at least 22 Black teachers who were not hired by the institution.

## 5 Final considerations

The quota policy for black people in the federal civil service is one of the affirmative action policies aimed at providing greater representation for black, quilombola, and indigenous people in areas where these populations are underrepresented. By opening the discussion to greater access for the black population to the public service, which includes teaching careers, it is possible to envision new possibilities and horizons for them.

By questioning the institution's operating standards, we are proposing a rethinking of the "..." rules that privilege certain racial groups, because racism is part of the social

<sup>7</sup> Data collected until 4/2025.

<sup>8</sup> There was one appointment of a person with disabilities.

order. It is not something created by the institution, but it is reproduced by it" (Almeida, 2019, p. 31). The evidence presented here helps us to think about institutional racism, even if it is not something specific to these institutions, but a reproduction of the social structure. It is also worth thinking about the silent pact that allows such situations to persist, when analyzing the results through the theorization of Bento (2022, p. 18), who says that:

Public, private, and civil society institutions define, regulate, and transmit a mode of operation that makes not only processes, tools, and value systems homogeneous and uniform, but also the profile of their employees and leaders, who are mostly male and white. This transmission spans generations and does little to alter the hierarchy of domination embedded therein. This phenomenon has a name, whiteness, and its perpetuation over time is due to an unspoken pact of complicity among white people, which aims to maintain their privileges.

Thus, in our discussions on competitive examinations held for faculty positions at three universities in the state of Rio Grande do Sul, we observed that there are still gaps between what the law determines and what is effective, which is the appointment of Black candidates. Simply reserving places, without administrative measures to remedy the difficulties encountered in filling them, still shows the need for new approaches, a fact that is particularly evident when we look at the data from FURG and UFRGS. It is necessary to rethink the models for publishing public notices, to question, through the management of institutions, the planning of the publication of public notices and the processing of the process until appointment and hiring.

It is worth highlighting the case of UFPel, which, through its internal regulations and procedures, exceeded the minimum percentage of 20% hiring of black people for teaching positions in 2022, complying with the law. Such success would certainly not have been possible without institutional engagement, which has adopted measures to not bar the approval of black candidates, by including compensatory criteria in the qualification assessment and prioritizing their hiring, provided they are approved, demonstrating that the institution recognizes the material and symbolic disadvantage to which the black population is subject, as well as the need to adopt complementary measures in order to achieve the necessary result, which is a change in the ethnic composition of its teaching staff. In 2024, the institution recognized the need to advance affirmative action for the hiring of teaching staff and then determined to increase the percentage of positions reserved for

black people from 20% to 30%, which represents a huge advance, given that the legislation at the time still provided for only 20% of positions to be reserved for this group.

Finally, we emphasize that the procedural and normative decisions of institutions are not solely the responsibility of the rector, as stated by Santos *et al.* (2021), but also to the higher councils and collegiate bodies, which occupy administrative decision-making spaces in universities and must also be concerned with the effectiveness of affirmative action policies, since they are the ones that will promote racial equity and diversity in institutions.

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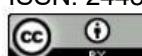
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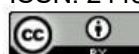


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## DATA AVAILABILITY

The entire dataset supporting the results of this study has been published in the article itself.

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