

**ACT**  
**of 27 July 2005**  
**Law on Higher Education**

**Part I**  
**Higher Education System**

**Chapter 1**  
**General Provisions**

**Article 1**

1. This Act shall apply to public and non-public higher education institutions.
2. This Act shall not apply to higher education institutions and higher education seminaries administered by churches and denominational organisations, except the Catholic University of Lublin (*Katolicki Uniwersytet Lubelski*), unless this Act or an agreement between the Government and the authorities of churches or denominational organisations provides otherwise.

**Article 2**

1. The terms used in this Act shall mean:
  - 1) higher education institution: a school providing degree programmes, established in accordance with the procedure laid down in this Act;
  - 2) public higher education institution: a higher education institution established by the State as represented by a competent authority or public administration body;
  - 3) non-public higher education institution: a higher education institution established by a natural person or a corporate body other than a corporate body administered by national or local authorities;
  - 4) founder of a non-public higher education institution: a person or body referred to in subsection 3 that has established a higher education institution;
  - 5) degree programmes: programmes of study provided by a higher education institution authorised to offer such programmes, and leading to a corresponding degree;
  - 6) degree: the degree of *licencjat*, *inżynier*, *magister* or an equivalent degree;
  - 7) first-cycle programmes: undergraduate programmes providing knowledge and skills in a specific area of study, preparing for work in a specific profession, and leading to the degree of *licencjat* or *inżynier*;
  - 8) second-cycle programmes: graduate programmes providing specialist knowledge in a specific area of study as well as preparing for creative work in a specific profession, and leading to the degree of *magister* or an equivalent degree;
  - 9) long-cycle programmes: graduate programmes open to applicants holding a secondary school leaving certificate, providing specialist knowledge in a specific area of study as well as preparing for creative work in a profession, and leading to the degree of *magister* or an equivalent degree; the completion of such a programme provides access to third-cycle programmes;
  - 10) third-cycle programmes: doctoral programmes open to applicants holding the degree of *magister* or an equivalent degree, providing advanced knowledge in a specific area or discipline of science, preparing for independent research and creative activity, and for the award of the academic degree of *doktor*;
  - 11) non-degree postgraduate programmes: programmes other than degree programmes or doctoral programmes which are designed for holders of a higher education diploma;

- 12) full-time programmes: a form of study in which the curriculum comprises courses requiring direct participation of academic staff and students, with the course load defined in the degree programme requirements for this form of study, and which is specified by the senate of a higher education institution in accordance with Article 169, section 2;
  - 13) part-time programmes: a form of study other than full-time programmes complying with the degree programme requirements defined for this form of study, and specified by the senate of a higher education institution in accordance with Article 169, section 2;
  - 14) field of study: a distinct area of study;
  - 15) macro-field of study: an area of study combining fields of study which have similar degree programme requirements;
  - 16) interdisciplinary programme: a degree programme provided jointly in various fields of study by authorised organisational units of one or more higher education institutions;
  - 17) form of study: a mode of study and organisation of study;
  - 18) degree programme requirements: a set of regulations for degree programmes provided in various forms within fields of study, macro-fields of study or as interdisciplinary programmes;
  - 19) matriculation: the act of admission of a student to a higher education institution;
  - 20) student: a person enrolled on a first-cycle, second-cycle or long-cycle programme;
  - 21) doctoral student: a participant in a doctoral programme;
  - 22) university-type higher education institution: a higher education institution in which at least one organisational unit is authorised to confer the academic degree of *doktor*;
  - 23) non-university higher education institution: a higher education institution providing first-cycle, second-cycle or long-cycle programmes which is not authorised to confer the academic degree of *doktor*;
  - 24) military higher education institution: a public higher education institution supervised by the Minister of National Defence;
  - 25) government service higher education institution: a public higher education institution supervised by the minister responsible for home affairs;
  - 26) higher education institution for art studies: a public higher education institution supervised by the minister responsible for culture and national heritage protection;
  - 27) medical higher education institution: a public higher education institution supervised by the minister responsible for health matters;
  - 28) higher education institution for maritime studies: a public higher education institution supervised by the minister responsible for maritime economy;
  - 29) basic organisational unit: a faculty or another organisational unit of a higher education institution as defined in its statutes, providing degree programmes in at least one field of study or doctoral programmes in at least one discipline of science;
  - 30) science and research: also, where appropriate, art and artistic creativity;
  - 31) academic degree of *doktor* and academic degree of *doktor habilitowany*: also, where appropriate, the academic degree of *doktor sztuki* (in art) and the degree of *doktor habilitowany sztuki* (in art);
  - 32) academic title of *profesor*: also, where appropriate, the academic title of *profesor sztuki* (in art);
  - 33) place of primary employment: a higher education institution in which an academic staff member is employed on a full-time basis, and which is indicated as the place of primary employment in a document providing the basis for employment.
2. Whenever reference is made in this Act to:
    - 1) programmes without any further specification, this shall mean degree programmes;
    - 2) an association of higher education institutions, this shall mean an association of public higher education institutions or an association of non-public higher education institutions.
  3. In a higher education institution which has no basic organisational units, the provisions of this Act concerning such units shall apply accordingly to the entire institution.

### **Article 3**

1. The word “university” may be used in the name of a higher education institution whose organisational units are authorised to confer the academic degree of *doktor* in at least twelve disciplines, including at least two in humanities, social or theological sciences, in mathematical, physical or engineering and technological sciences, natural sciences and in legal or economic sciences.
2. The words “technical university” may be used in the name of a higher education institution whose organisational units are authorised to confer the academic degree of *doktor* in at least twelve disciplines, including at least eight in engineering and technological sciences.
3. The word “university” together with another adjective or adjectives added to define the profile of a higher education institution may be used in the name of a higher education institution whose organisational units are authorised to confer the academic degree of *doktor* in at least six disciplines, including at least four in the areas covered by the profile of the institution.
4. The words “university of technology” may be used in the name of a higher education institution whose organisational units are authorised to confer the academic degree of *doktor* in at least six disciplines, including four in engineering and technological sciences.
5. The word “academy” may be used in the name of a higher education institution whose organisational units are authorised to confer the academic degree of *doktor* in at least two disciplines.

### **Article 4**

1. A higher education institution shall be autonomous in all areas of its activity pursuant to the rules laid down in this Act.
2. Activities of higher education institutions shall be governed by the principles of freedom of teaching, freedom of research and freedom of artistic creativity.
3. In fulfilling their mission of discovering and conveying the truth through the conduct of research and the teaching of students, higher education institutions shall constitute an integral part of the national education and research system.
4. Higher education institutions shall co-operate with the economic environment, in particular by selling or providing on a free-of-charge basis results of their research and development work to entrepreneurs and by promoting the idea of entrepreneurship in the academic community, within the framework of economic activity to be pursued as organisationally and financially separate from the activity referred to in Articles 13 and 14.
5. Central government administration bodies and bodies of local government units may take decisions concerning higher education institutions only in cases provided for in Acts of Parliament.

### **Article 5**

1. Military higher education institutions shall also operate as military units within the meaning of the Act of 21 November 1967 on the General Obligation to Defend the Republic of Poland (*Dziennik Ustaw* 2004, No. 241, item 2416, and No. 277, item 2742) and shall perform tasks related to national defence.
2. The scope of activities of a government service higher education institution as an organisational unit of the respective service shall be defined in separate legislation.

### **Article 6**

1. A higher education institution shall have in particular the right to:
  - 1) define the conditions of admission to degree programmes, including the number of places available for students, except in medical fields of study;
  - 2) establish study plans and curricula, while respecting degree programme requirements laid down in the legislation adopted on the basis of Article 9, subsections 2 and 3;
  - 3) verify the knowledge and skills of students;

- 4) issue national higher education diplomas confirming the award of a degree, and certificates confirming the completion of doctoral programmes, non-degree postgraduate programmes and retraining courses.

2. Authorised organisational units of a higher education institution may confer the academic degrees of *doktor* and *doktor habilitowany*, and apply for the conferment of the academic title of *profesor* pursuant to the rules laid down in the Act of 14 March 2003 on Academic Degrees and Academic Title and Degrees and Title in Art (*Dziennik Ustaw* No. 65, item 595).

3. In consultation with the minister responsible for higher education, the minister responsible for health matters shall specify, by regulation, the maximum student enrolment level for each field and form of medical studies in individual higher education institutions, while taking into account the teaching capacity of the institutions concerned and the demand for graduates in these fields of study.

#### **Article 7**

A higher education institution may pursue economic activity, as organisationally and financially separate from the activity referred to in Articles 13 and 14, in so far as provided for, and in the forms defined, in its statutes.

#### **Article 8**

1. A higher education institution may provide degree programmes, doctoral programmes, non-degree postgraduate programmes and retraining courses.

2. Degree programmes in a higher education institution shall be provided within fields of study; a student shall be enrolled on a degree programme in a specific field of study not later than after the end of the first academic year, subject to sections 3 and 4. A degree programme in a given field of study may be provided by a basic organisational unit of a higher education institution or jointly by several such units, subject to Article 11, section 1.

3. Upon the consent of the minister responsible for higher education to be given after consultation with the State Accreditation Committee, a higher education institution may provide degree programmes in a macro-field of study, subject to Article 11, section 4. The provisions of this Act concerning a field of study shall apply accordingly to a macro-field of study.

4. After consultation with the State Accreditation Committee and at the request of the senate of a higher education institution complying with the requirements laid down in Article 56, section 2 or Article 58, section 4, the minister responsible for higher education may give permission to such an institution for the provision of an interdisciplinary programme, subject to Article 11, section 4. A request for permission to establish such a programme shall include details necessary to determine that degree programme requirements defined on the basis of Article 9, subsection 2 or 3 are respected.

5. In a higher education institution training for the teaching profession, first-cycle students specialising in teacher education shall be prepared to teach two subjects (types of courses), with one of them being the main subject and the other one being an additional subject. This requirement shall not apply to the teacher education specialisation track as part of a first-cycle programme provided in the area of religion, which may prepare students for the teaching of one subject.

6. A higher education institution may provide non-degree postgraduate programmes in areas related to the fields of study covered by its degree programmes.

7. Where the curriculum of a non-degree postgraduate programme extends beyond the scope defined in section 6, the provision of such a programme shall require the consent of the minister responsible for higher education to be given after consultation with the General Council for Higher Education.

#### **Article 9**

The minister responsible for higher education shall specify by regulation:

- 1) the names of fields of study, including the names of fields of study for degree programmes offered as first-cycle programmes or first-cycle and second-cycle programmes, or long-cycle programmes, while having regard to the existing fields of study and demands of the labour market;

- 2) the degree programme requirements for each field and level of study, including educational profiles of graduates, framework curriculum contents, duration of degree programmes and practical placements, requirements for each form of study, as well as the procedure for the establishment of interdisciplinary programmes and degree programmes in macro-fields of study and requirements to be fulfilled by a higher education institution in order to provide such programmes, while taking into account the curricular contents for each field of study covered by a macro-field or by an interdisciplinary programme, and having regard to the quality of education;
- 3) the requirements for programmes preparing for the teaching profession, including:
  - a) the educational profile a graduate;
  - b) teacher training and education courses;
  - c) training for the teaching of two subjects (types of courses);
  - d) training in information technology, including its use in the specialisation areas for which students are trained;
  - e) foreign language courses to be provided to an extent which enables the development of foreign language skills at an advanced level;
  - f) the duration of programmes, and the duration and organisation of practical placements;
  - g) curricular contents and skills required;
    - while having regard to the demand of the labour market;
- 4) the requirements to be fulfilled by organisational units in order to provide degree programmes in a specific field and at a specific level of study, and in particular the number of academic staff employed on a full-time basis, holding an academic title or an academic degree, and included in the minimum staff resources required – while bearing in mind that one academic staff member may be counted towards the minimum staff resources for degree programmes in up to two fields of study, but only in one field of a second-cycle programme or one field of a long-cycle programme; and that, when a basic organisational unit of a higher education institution provides both first-cycle and second-cycle programmes in a given field of study, the minimum staff resources for the first-cycle programme may also include academic staff who are counted towards the minimum staff resources of the second-cycle programme – as well as the ratio of those staff members to students in a given field of study;
- 5) the detailed requirements for the establishment and operation of a branch campus of a higher education institution, its basic organisational unit in another location and teaching centre in another location, including the following requirement to be fulfilled for each field of study separately:
  - a) a branch campus or a basic organisational unit in another location shall provide staff resources necessary to establish and offer a degree programme in a given field of study and at a specific level of study;
  - b) a teaching centre in another location shall provide staff resources necessary to deliver two thirds of courses as part of a first-cycle programme.

#### **Article 10**

1. At the request of the General Council for Higher Education, the minister responsible for higher education may define, by regulation, degree programme requirements for a given field of study different from those defined on the basis of Article 9, subsection 2, including the educational profile of a graduate, framework curriculum contents, duration of a degree programme and practical placements, as well as requirements for each form of study.
2. Degree programme requirements defined on the basis of section 1 may be applied in a basic organisational unit of a higher education institution complying with the requirements referred to in Article 3, section 1 or 2, if a given unit is authorised to confer the academic degree of *doktor habilitowany* and the field of study where the degree programme requirements defined on the basis of section 1 would be applied corresponds to the disciplines in which that academic degree may be conferred.
3. A decision to apply the degree programme requirements defined on the basis of section 1 shall be taken by the senate of a higher education institution which shall forthwith inform the minister responsible for higher education thereof.

4. Applying the degree programme requirements defined on the basis of section 1 to a given field of study in a basic organisational unit referred to in section 2 shall preclude the same organisational unit from applying the degree programme requirements defined on the basis of Article 9, subsection 2 to that field of study.

#### **Article 11**

1. Organisational units of a higher education institution which does not comply with the requirements laid down in Article 56, section 2, or Article 58, section 4 or organisational units of an association of higher education institutions, or inter-institutional units or joint units of higher education institutions, which do not comply with those requirements may be authorised to provide degree programmes in a given field and at a specific level of study by a decision of the minister responsible for higher education to be given after consultation with the State Accreditation Committee.

2. A basic organisational unit of a higher education institution complying with the requirements laid down in Article 56, section 2, or Article 58, section 4, if itself complying with the requirements laid down on the basis of Article 9, subsection 4, may provide degree programmes in a given field and at a given level of study without requesting a decision referred to in section 1.

3. A basic organisational unit of a higher education institution complying with the requirements laid down in Article 56, section 2, or Article 58, section 4, if itself authorised to confer the academic degree of *doktor* and complying with the requirements laid down on the basis of Article 9, subsection 4, may, at the request of the senate of the institution and upon the consent of the minister responsible for higher education to be given after consultation with the General Council for Higher Education, provide degree programmes in a field of study other than the one defined on the basis of Article 9, subsection 1 and the degree programme requirements presented by the senate of the institution.

4. Basic organisational units of a higher education institution complying with the requirements referred to in Article 3, sections 1 to 4 may provide degree programmes in macro-fields of study or as interdisciplinary programmes on the basis of a resolution of the senate of the institution if they are authorised to provide degree programmes in the fields of study which are covered by such programmes. The resolution of the senate shall establish in particular study plans and curricula which must be based on the relevant degree programme requirements.

5. The rector shall inform the minister responsible for higher education, within a maximum three-month time limit, about the fact that any organisational unit has ceased to comply with the requirements for the provision of degree programmes, including any changes in the staffing level affecting the authorisation to provide degree programmes. If the organisational unit which has ceased to comply with the requirements still fails to fulfil them twelve months thereafter, the minister responsible for higher education shall suspend, by decision, the authorisation of the organisational unit to provide degree programmes in a given field and at a given level of study. The minister responsible for higher education shall suspend the authorisation of an organisational unit of a higher education institution to provide degree programmes in a given field of study should the rector fail to inform the former within the specified time limit about the fact that the unit concerned has ceased to comply with the requirements for the provision of degree programmes.

6. Should a negative assessment of the quality of education be given by the State Accreditation Committee, the minister responsible for higher education, taking into account in particular the type and scope of infringements reported, shall withdraw or suspend, by decision, the authorisation to provide degree programmes in a given field and at a given level of study.

7. During the period of suspension of the authorisation of an organisational unit to provide degree programmes in a given field and at a given level of study, the enrolment of students on degree programmes in that field and at that level of study shall be suspended. The minister responsible for higher education shall specify a time limit, of up to three years, for the organisational unit to fulfil the requirements for the re-granting of the suspended authorisation, and detailed rules for the continuation of courses by students and the conduct of final examinations during that period. Should these requirements be not fulfilled within the time limit specified by the minister responsible for higher education, the authorisation of the organisational unit to provide degree programmes in a given field and at a given level of study shall expire after the last day of the time limit.

8. The authorisation to provide degree programmes in a given field and at a given level of study suspended on the basis of sections 5 to 7 shall be re-granted pursuant to the rules and procedures applicable to the granting of authorisations.

## **Article 12**

A higher education institution shall have legal personality.

## **Article 13**

1. Subject to sections 2 and 3, the primary tasks of a higher education institution shall be:
  - 1) teaching students to prepare them for employment;
  - 2) educating students in the spirit of responsibility for the Polish State, consolidation of democratic principles and respect for human rights;
  - 3) conducting research and development work, and providing research services;
  - 4) training and advancement of academic staff;
  - 5) disseminating, and contributing to, achievements of science, national culture and technology, among other things by collecting and making available library and information resources;
  - 6) providing training to enable the acquisition and development of knowledge;
  - 7) creating conditions for the physical development of students;
  - 8) conducting activities benefiting local and regional communities.
2. A non-university higher education institution providing only first-cycle programmes shall not be obliged to perform the tasks referred to in section 1, subsections 3 and 4.
3. A medical higher education institution or a basic organisational unit of a higher education institution working in the area of medical or veterinary sciences may also be involved, as part of its tasks, in the provision of medical or veterinary care services, with the scope and forms of such services defined in the legislation on health care institutions and the legislation on veterinary care institutions for animals.

## **Article 14**

A higher education institution may have student dormitories and student canteens.

## **Article 15**

1. Pursuant to the rules laid down in this Act, public authorities shall provide public higher education institutions with funding necessary for the performance of their tasks, and shall provide support to non-public higher education institutions in so far as, and in the forms, specified in this Act.
2. Funding necessary for the General Council for Higher Education, the State Accreditation Committee and the disciplinary committee at the General Council for Higher Education to conduct their activities shall be provided as part of the State budget which is administered by the minister responsible for higher education.
3. The minister responsible for higher education shall specify by regulation:
  - 1) the arrangements for administrative and financial services to be provided to the General Council for Higher Education and the disciplinary committee at the General Council for Higher Education, while aiming to ensure efficient administrative support for the General Council for Higher Education and the disciplinary committee at the Council;
  - 2) the remuneration for the members of the General Council for Higher Education, the State Accreditation Committee, the disciplinary committee at the General Council for Higher Education and reviewers appointed by them, while bearing in mind that the remuneration for the members of the General Council for Higher Education, the State Accreditation Committee and the disciplinary committee at the General Council for Higher Education will be determined in relation to the minimum rate of the basic remuneration of a *profesor zwyczajny*, as fixed on the basis of Article 151, section 1, and at the level corresponding to the tasks performed;
  - 3) the conditions for the reimbursement of travelling expenses to the members of the General Council for Higher Education, the State Accreditation Committee, the disciplinary committee at the General Council for Higher Education and reviewers, while bearing in mind that travelling expenses will be reimbursed on the basis of generally applicable regulations concerning the amount of, and conditions for determining, allowances payable to an employee of a State-budget unit administered by national or local authorities for international and in-country business travels.

#### **Article 16**

1. The academic honorary title shall be the title of *doctor honoris causa*.
2. The title of *doctor honoris causa* shall be conferred by the senate or, in a non-public higher education institution, by a collective body indicated in the statutes, at the request of a basic organisational unit of a higher education institution authorised to confer the academic degree of *doktor habilitowany*.
3. Detailed requirements for the conferment of the title of *doctor honoris causa* and the relevant procedure shall be laid down in the statutes of a higher education institution.

#### **Article 17**

Any matters related to the activities of higher education institutions which are not regulated in this Act shall be governed by the statutes of higher education institutions, hereinafter referred to as "the statutes".

### **Chapter 2 Establishment and Liquidation of Higher Education Institutions**

#### **Article 18**

1. A public university-type higher education institution shall be established and liquidated, change its name and merge with another public higher education institution by an Act of Parliament.
2. A public non-university higher education institution shall be established and liquidated, change its name and merge with another public non-university higher education institution by a regulation of the Council of Ministers.
3. The liquidation of a public higher education institution, a change of its name and its merger with another public higher education institution shall take place after consultation with the senate or senates of the institution(s) concerned.
4. The establishment of a public non-university higher education institution, its liquidation, a change of its name and its merger with another public non-university higher education institution shall take place at the request of:
  - 1) the minister responsible for higher education;
  - 2) the province parliament in consultation with the minister responsible for higher education.
5. The request referred to in section 4 shall be accompanied by a notarial deed containing the commitment to transfer the ownership of real estate assets necessary for the proper performance of tasks to a public non-university higher education institution as of the date of its establishment.
6. The provisions of sections 1 to 5 shall apply accordingly to the merging of a public higher education into another public higher education institution. A public non-university higher education institution shall be merged into a public university-type higher education institution by an Act of Parliament.

#### **Article 19**

1. The legal act establishing a public higher education institution shall specify its name and seat.
2. The first rector of a public higher education institution shall be appointed by the minister responsible for higher education.
3. The first statutes of a public higher education institution shall be provided by the minister responsible for higher education, and shall remain in force until new statutes are adopted by the senate of the institution or approved by the competent minister.
4. The first term of office of the bodies of a newly established public higher education institution shall last until 31 August of the year following the academic year in which the institution was established.
5. The powers of the minister responsible for higher education as defined in sections 2 and 3 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.

6. The provisions of sections 1 to 5 shall apply accordingly to a merger of a public higher education institution with another public higher education institution.

#### **Article 20**

1. A request for a permit to establish a non-public higher education institution may be submitted to the minister responsible for higher education by a natural person or a corporate body other than a corporate body administered by national or local authorities.

2. The establishment of a non-public higher education institution and the authorisation to provide degree programmes in a given field and at a given level of study for that institution shall require a permit from the minister responsible for higher education.

3. The permit referred to in section 2 shall specify the founder of the higher education institution, its name and seat, the fields of study in which, and the level of study at which, degree programmes are provided, as well as the minimum amount and type of assets which the founder is obliged to allocate for the establishment and operation of the institution, with 500 thousand Polish zlotys as the minimum amount of funding required.

4. The minister responsible for higher education shall refuse to grant a permit if the request for a permit indicates that the non-public higher education institution concerned or its organisational units will not comply with the requirements necessary to provide degree programmes as laid down in this Act and in implementing regulations to be adopted on its basis.

5. The minister responsible for higher education shall refuse to grant a permit to a natural person who:

- 1) has been convicted of an intentional offence by a valid court judgement;
- 2) has been entered into the register of bad debtors of the National Court Register;
- 3) has overdue liabilities to the State Treasury.

6. The minister responsible for higher education shall refuse to grant a permit to a corporate body when:

- 1) it has been placed into liquidation;
- 2) it has been declared bankrupt;
- 3) it has been entered into the register of bad debtors of the National Court Register;
- 4) it has overdue liabilities to the State Treasury;
- 5) at least one of its legal representatives is in any of the situations referred to in section 5.

7. Decisions referred to in sections 5 and 6 shall be taken by the minister responsible for higher education without consultation with the State Accreditation Committee.

8. The first permit referred to in section 2 shall be issued for a period of five years.

9. After consultation with the State Accreditation Committee, the minister responsible for higher education may extend the permit:

- 1) for an indefinite period of time if degree programmes provided in all fields of study have been given a positive assessment by the State Accreditation Committee;
- 2) for a fixed period of time in any other case.

10. The minister responsible for higher education may refuse to extend the permit if activities of a non-public higher education institution are in contravention of the law or the degree programmes provided hitherto in all fields of study have been given a negative assessment by the State Accreditation Committee, as referred to in Article 49, section 1, subsection 2.

11. The minister responsible for higher education shall refuse to extend the permit in the case of gross violations of the law by a non-public higher education institution or its founder.

12. The minister responsible for higher education shall refuse to extend the permit if the founder is in one of the situations referred to in sections 5 and 6 respectively.

#### **Article 21**

A fee related to the costs of the consultation process shall be charged in connection with the proceedings for the issue of a permit to establish a non-public higher education institution. The fee shall constitute revenue to the State budget.

## **Article 22**

The minister responsible for higher education shall specify, by regulation, the details to be included in a request for a permit to establish a non-public higher education institution, as well as the procedure for collecting, and the amount of, the fee to cover the expenses related to the consultation process, together with a list of documents to be enclosed with the request, including a list of documents concerning the founder of the institution and documents concerning financial commitments and guarantees as well as organisational arrangements and teaching aims of the institution, while aiming to ensure that higher education institutions are established by persons or bodies qualified to do so and guaranteeing the proper performance of duties of the founder, and bearing in mind that the fees charged should cover the actual costs incurred in connection with the proceedings conducted.

## **Article 23**

1. Having obtained the permit referred to in Article 20, section 2, the founder shall submit a declaration of intent to establish a non-public higher education institution, hereinafter referred to as “the founding act”, in the form of a notarial deed. The founding act shall indicate in particular the founder, name, seat and detailed scope of activities of the institution, the value of assets allocated for the establishment of the institution, including the value of assets transferred for its ownership, the date of their transfer and arrangements for further financing of the institution.
2. The minister responsible for higher education shall withdraw the permit if:
  - 1) the founder fails to submit the founding act referred to in section 1 within three months of the date of obtaining the permit;
  - 2) the founder fails to provide assets referred to in section 1 within three months of the date of the entry of the higher education institution into the register;
  - 3) the non-public higher education institution fails to commence teaching courses to students within one year of the date of its entry into the register referred to in Article 29, section 1.

## **Article 24**

1. The first statutes of a non-public higher education institution shall be provided by its founder.
2. The first rector of a non-public higher education institution shall be appointed by the founder of the institution. The first term of office of the rector of a newly established higher education institution shall last until 31 August of the year following the academic year in which the institution was established.
3. The founder of a non-public higher education institution may take decisions concerning the institution only in cases provided for in its statutes.

## **Article 25**

The provisions of Articles 20 to 24 shall apply accordingly to the merger of a non-public higher education institution with another non-public higher education institution.

## **Article 26**

1. Upon the consent of the minister responsible for higher education, the founder may liquidate a non-public higher education institution once arrangements have been made to ensure that students may continue their studies.
2. A non-public higher education institution shall be placed into liquidation on the date when the decision refusing to extend the permit referred to in Article 20, sections 10 to 12 becomes final or on the date specified in the decision taken on the basis of Article 37, section 2, or on the date of the expiry of the permit; that date shall be the opening date of liquidation proceedings.
3. At the request of the person or body that has been granted a permit to establish a non-public higher education institution, the minister responsible for higher education may transfer, by decision, the permit to another natural person or corporate body if the latter accepts all conditions contained in the permit.
4. The provisions of section 3 shall apply accordingly to the transfer of a permit at the request of the person or body to whom the permit for the establishment of a non-public higher education institution has been transferred on the basis of a decision.

## **Article 27**

1. The liquidation of a non-public higher education institution shall involve the disposing of its tangible and intangible assets once its creditors, in particular staff members and students, have been satisfied or secured.
2. The assets of a non-public higher education institution remaining after its creditors have been satisfied shall be used for the purposes specified in the statutes.
3. The liquidation of a non-public higher education institution shall be conducted by a liquidator appointed in accordance with the procedure laid down in the statutes, subject to Article 37, section 3.
4. The opening of liquidation proceedings for a non-public higher education institution shall result in:
  - 1) the liquidator taking over the powers of the bodies of the higher education institution relating to the disposal of its assets;
  - 2) the higher education institution ceasing admissions to programmes.
5. The programmes which are in progress on the opening date of the liquidation proceedings may continue to be provided only until the end of the academic year in which the proceedings were opened.
6. The costs of the liquidation of a non-public higher education institution shall be covered by its assets with priority over the claims of its creditors.
7. The liquidator shall forthwith inform the minister responsible for higher education of the conclusion of the liquidation proceedings. The non-public higher education institution concerned shall be struck from the register referred to in Article 29, section 1 as of the closing date of the liquidation proceedings.
8. The procedure for the liquidation of a non-public higher education institution, in so far as not regulated in this Act, shall be laid down in its statutes.

## **Article 28**

1. For joint performance of the tasks referred to in Article 13, an association of public higher education institutions or an association of non-public higher education institutions may be established in accordance with the procedure applicable to the establishment of public higher education institutions or non-public higher education institutions.
2. An association of higher education institutions shall have legal personality.
3. An association of higher education institutions shall be established by a legal act as required for the establishment of its member institutions, subject to section 4, after the adoption by the competent collective bodies of the institutions concerned of an identical resolution establishing the association, and specifying in particular the members of the association, its tasks and assets transferred by the members in order to perform the tasks of the association.
4. An association of university-type and non-university higher education institutions shall be established by a legal act as required for the establishment of a university-type higher education institution.
5. The legal act establishing an association of higher education institutions shall specify: its members, system of governance, including single-person authorities and collective bodies, procedures for electing and dismissing them and filling vacancies therein, and their powers; the rules for the employment of staff by the association, including staff who are members of the association; operational arrangements and the rules for the financing of the association by the funds of its members; as well as the rules and procedure for the liquidation of the association, including the use of its assets remaining after liquidation.
6. The legal act establishing an association of higher education institutions shall also specify operational rules for student self-government and doctoral student self-government of the association. Article 202, sections 3 and 4 shall apply accordingly.
7. An association of higher education institutions may be transformed into a higher education institution pursuant to the procedure applicable to the establishment of public higher education institutions or non-public higher education institutions, with section 3 applied as appropriate.

## **Article 29**

1. A non-public higher education institution and an association of non-public higher education institutions shall acquire legal personality upon their entry into the Register of Non-Public Higher Education Institutions and Associations of Non-Public Higher Education Institutions, hereinafter referred to as “the Register”.
2. A higher education institution shall be entered into the Register at the request of its founder and an association of higher education institutions at the unanimous request of all founders of the member institutions.
3. The Register shall be kept by the minister responsible for higher education.
4. The minister responsible for higher education shall refuse to enter a non-public higher education institution or an association of non-public higher education institutions into the Register if the founding act or the statutes, or the legal act establishing the association fails to comply with the law or the permit granted.
5. The Register shall be open to the public. Every person shall have the right to:
  - 1) access the data contained in the Register;
  - 2) obtain certified copies, extracts and certificates concerning the data contained in the Register.
6. A fee shall be charged for the issue of copies, extracts and certificates referred to in section 5, subsection 2. The fee shall constitute revenue to the State budget.
7. The minister responsible for higher education shall specify by regulation:
  - 1) the method of keeping the Register, listing the details to be given in a request for the entry of a non-public higher education institution or an association of non-public higher education institutions to the Register, including the type of documents to be attached to the request by the founders, the names of sections in the Register, the procedure for making entries and changes in the Register, and the conditions for striking a non-public higher education institution or an association from the Register of Non-Public Higher Education Institutions;
  - 2) the detailed procedure for accessing the Register, including the method of making and issuing copies, extracts and certificates referred to in section 5, subsection 2, and the amount of fees charged for the issue thereof.

## **Article 30**

The following shall be effected by an administrative decision: granting or refusing to grant a permit to establish a non-public higher education institution or an association of non-public higher education institutions; withdrawing a permit to establish a non-public higher education institution or an association of non-public higher education institutions; granting or refusing to grant an authorisation to provide degree programmes in a given field and at a given level of study; obtaining, suspending and withdrawing an authorisation to provide degree programmes in a given field and at a given level of study; extending or refusing to extend the validity of a permit to establish a non-public higher education institution or an association of non-public higher education institutions; granting a permit to merge non-public higher education institutions; approving or refusing to approve the statutes of a non-public higher education institution; entering or refusing to enter a non-public higher education institution or an association of non-public higher education institutions into the Register; ordering entry into the Register; suspending activities or ordering the liquidation of a non-public higher education or an association of non-public higher education institutions; ordering the cessation of activities in contravention of the provisions of this Act, the statutes or the permit, and the reversal of the consequences thereof.

## **Article 31**

1. A higher education institution may establish inter-institutional units or joint units on the basis of an agreement with other higher education institutions.
2. A higher education institution may also establish joint units together with other entities, in particular research institutions, including foreign entities, in accordance with the procedure laid down in section 1.

3. An agreement referred to in section 1 shall specify the organisation, operational rules and method of financing of an inter-institutional unit or a joint unit, the rules for the provision of degree programmes and other forms of education and training, as well as the rules for the award of higher education diplomas and certificates of completion of other forms of education and training.

4. The award of higher education diplomas or certificates in the case of other forms of education and training provided in units referred to in sections 1 and 2 shall require the consent of the minister responsible for higher education.

5. Non-university higher education institutions may co-operate with university-type higher education institutions, in particular by concluding agreements to ensure the high-quality teaching of core courses, the development of the research competence and career of academic staff, the continuation of studies by graduates and the support to be offered to non-university higher education institutions by highly qualified staff.

### **Article 32**

1. The minister responsible for higher education shall publish in the ministry's official journal a list of higher education institutions and associations of higher education institutions, announcements of establishment and liquidation of higher education institutions, as well as information about the suspension and withdrawal of authorisations for the provision of degree programmes by higher education institutions.

2. The minister responsible for higher education shall publish the details referred to in section 1 on the websites of the relevant ministry.

## **Chapter 3 Supervision of Higher Education Institutions**

### **Article 33**

1. The minister responsible for higher education shall supervise the activities of higher education institutions in respect of their compliance with the law, the statutes and the permit granted for the establishment of a non-public higher education institution, as well as the propriety of expenditure of public funds. The minister responsible for higher education may request information and clarification from the bodies of a higher education institution and the founder of a non-public higher education institution, and may conduct inspections of higher education institutions.

2. The supervisory powers of the minister responsible for higher education referred to in section 1 shall be exercised by:

- 1) the Minister of National Defence with regard to military higher education institutions,
- 2) the minister responsible for home affairs with regard to government service higher education institutions,
- 3) the minister responsible for culture and national heritage protection with regard to higher education institutions for art studies,
- 4) the minister responsible for health matters with regard to medical higher education institutions,
- 5) the minister responsible for maritime economy with regard to higher education institutions for maritime studies.

3. Public theological higher education institutions and faculties of theology of public higher education institutions shall also be supervised by the authorities of churches and denominational organisations in so far as provided for in the international agreement concluded with the Holy See, Acts of Parliament regulating the relations between the Republic of Poland and other churches and denominational organisations, and in the statutes of the higher education institutions concerned.

### **Article 34**

1. Inspections referred to in Article 33, section 1 shall include the examination of compliance of the activities of the bodies of a higher education institution with the law, the statutes and the authorisations obtained and, in the case of a non-public higher education institution, also with the permit granted for the establishment of the institution, as well as of the propriety of expenditure of public funds. An inspection may also include the examination of conditions for the teaching process. A report shall be drawn up at the end of an inspection.

2. The inspection report shall be forwarded to the higher education institution concerned within one month of the end of the inspection. The higher education institution may submit its comments and objections to the statements contained in the report within one month of the receipt thereof.
3. In consultation with the Minister of National Defence and the ministers responsible for home affairs, culture and national heritage protection, health matters, and maritime economy, the minister responsible for higher education shall specify, by regulation, the detailed procedure for the conduct of inspections in higher education institutions and associations of higher education institutions, including:
  - 1) the method of conducting and documenting inspections, and drawing up inspection reports,
  - 2) the procedure for considering comments and objections from higher education institutions and associations of higher education institutions;– while having regard to the need to ensure efficient and impartial conduct of inspections.

### **Article 35**

1. The rector of a higher education institution shall submit an annual report on the activities of the institution, together with information on the staff resources available for the fields of study in which degree programmes are offered, to the minister responsible for higher education by 15 October of the year following the reporting year.
2. The rector of a public higher education institution and the rector of a non-public higher education institution shall submit, respectively, a report on the execution of the activity-and-finance plan or a report on the use of funds allocated on the basis of Article 94, sections 4 and 5 to the minister responsible for higher education by 30 June of the year following the reporting year.
3. The rector of a higher education institution shall forward to the minister responsible for higher education resolutions of the relevant bodies of the institution concerning the following matters within one month of their adoption:
  - 1) the adoption of, or amendment to, the statutes;
  - 2) the establishment or abolition of a degree programme in a field of study, together with information on the staff resources available in the fields of study in which degree programmes are offered,
  - 3) the establishment of an organisational unit in another location, together with information on the facilities and staff resources available in the unit,
  - 4) the approval of the senate of the institution, referred to in Article 62, section 2, subsection 4, if the activities approved by the senate result in financial commitments of the institution exceeding the value referred to in Article 62, section 2, subsection 4 (a);
  - 5) the adoption of, or any amendment to, the study regulations for degree programmes or doctoral programmes and the rules and procedure for the admission to degree programmes and doctoral programmes, together with resolutions of the institutional legislative body of the student self-government adopted on the basis of Article 161, section 2 or the institutional legislative body of the doctoral student self-government adopted on the basis of Article 161, section 2 in connection with Article 196, section 2 respectively.
4. The provisions of sections 1 to 3 shall apply accordingly to the governing body of an association of higher education institutions.
5. The provisions of sections 1 to 3 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall apply to the respective ministers referred to in Article 33, section 2.

### **Article 36**

1. The minister responsible for higher education shall render invalid any resolution of a collective body of a higher education institution or any decision of the rector of a higher education institution, except for an administrative decision, where these are found to be in contravention of the law or the statutes of the institution, not later than within two months of the receipt of such a resolution or decision. The decision of the minister responsible for higher education rendering a resolution or decision invalid may be appealed against within thirty days of the receipt thereof to a competent administrative court. The legislation on appeals against decisions falling within the domain of public administration to an administrative court shall apply accordingly.

2. The powers of the minister responsible for higher education as defined in section 1 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.

3. In so far as provided for in the agreement, Acts of Parliament and statutes referred to in Article 33, section 3, the provision of section 1 shall apply accordingly to the powers of the competent authorities of churches and denominational organisations with regard to theological higher education institutions and faculties of theology of public higher education institutions.

#### **Article 37**

1. If a higher education institution or the founder of a non-public higher education institution conducts activities in contravention of the law, the statutes or the permit referred to in Article 20, section 2, the minister responsible for higher education shall request the bodies of the institution concerned or the founder of the non-public higher education institution to cease such activities and to reverse their consequences within a specified time limit.

2. If the activities of a higher education institution or the founder of a non-public higher education institution are in gross violation of the provisions of this Act, the statutes or the permit referred to in Article 20, section 2, the minister responsible for higher education shall initiate proceedings to liquidate the public institution or shall withdraw the permit for the establishment of the non-public institution and shall order its liquidation by the founder.

3. If the founder of a non-public higher education institution fails to initiate liquidation proceedings in due time and in accordance with the order referred to in section 2, the minister responsible for higher education shall appoint a liquidator for the institution and shall set the time limit for the closing of the liquidation proceedings. The costs of liquidation of the institution and the remuneration of the liquidator shall be covered by the assets of the institution.

4. Should it be established that:

- 1) a non-public higher education institution operates without the permit referred to in Article 20, section 2, the minister responsible for higher education shall order its liquidation by the founder; section 3 shall apply accordingly;
- 2) a natural person or corporate body provides degree programmes without the permit referred to in Article 20, section 2, the minister responsible for higher education shall order that person or body to cease the provision of degree programmes within a specified time limit.

5. Should it be established that a higher education institution has set up a unit in another location in contravention of this Act, the minister responsible for higher education shall order the unit to be liquidated. Section 3 shall apply accordingly.

6. The powers of the minister responsible for higher education as defined in sections 1 to 5 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.

#### **Article 38**

1. The minister responsible for higher education may submit to the senate of a higher education institution a motion to dismiss the rector if the activities of the latter are found to be in gross violation of the law or the statutes. Having given its opinion on the motion, the senate of the institution shall forward it to the body which is competent to dismiss the rector or to the founder of a non-public higher education institution if the dismissal of the rector falls within the latter's remit.

2. Motions to dismiss the rector shall be considered within thirty days of the submission thereof.

3. The minister responsible for higher education may suspend the rector until the motion for dismissal has been considered.

4. Rectors shall be suspended by virtue of law if they are the subject of criminal proceedings on indictment.

5. In the case of gross violations of the law by the rector, the minister responsible for higher education may dismiss the rector after consultation with the General Council for Higher Education and the Conference of Rectors of Academic Schools in Poland or the Conference of Rectors of Non-University Higher Education Institutions in Poland respectively, and set the date for by-elections.

6. The powers of the minister responsible for higher education as defined in sections 1, 3 and 5 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.

#### **Article 39**

The provisions of Article 33, Article 34, Article 36, section 1, Article 37 and Article 38 shall apply accordingly to an association of higher education institutions.

#### **Article 40**

1. After consultation with the senate of a higher education institution, the minister responsible for higher education may assign a specific task in the area of education or the training of research staff to a higher education institution, providing adequate funding for this purpose.

2. The powers of the minister responsible for higher education as defined in section 1 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.

### **Chapter 4 International Co-operation of Higher Education Institutions in the area of Education and Research**

#### **Article 41**

1. In consultation with the Minister of National Defence and the ministers responsible for home affairs, health matters, culture and national heritage protection, research, and maritime economy, the minister responsible for higher education shall co-ordinate co-operation between higher education institutions and foreign academic and research institutions within the framework of international agreements concluded by the Republic of Poland.

2. The minister responsible for higher education and the respective ministers referred to in Article 33, section 2 shall provide the higher education institutions under their supervision with funding for the performance of their tasks resulting from agreements referred to in section 1.

#### **Article 42**

1. Subject to section 2, the minister responsible for higher education shall specify, by regulation, the conditions for undertaking research, teaching and training assignments abroad and the specific entitlements of persons on such assignments, and in particular:

- 1) the forms of education and training courses which may be taken, and the conditions of eligibility for applicants;
- 2) the forms of financial support for persons on assignment abroad, including grants and travelling expenses to be reimbursed,
- 3) the periods of eligibility for payments that persons on assignment abroad are entitled to, and the rules for making such payments;
- 4) the conditions and procedure for cancelling assignments abroad;
- 5) the entitlements of employed persons during an assignment abroad;
  - while aiming to ensure the widest possible access to education or training and research opportunities abroad.

2. The conditions and procedure for staff, doctoral students and students of a higher education institution to undertake assignments for the purposes referred to in section 1 shall be laid down by the senate of the institution.

### Article 43

1. Persons who are not Polish nationals, hereinafter referred to as “non-nationals”, may enrol on, and follow, degree programmes, doctoral programmes and other forms of education or training, as well as participate in research and development work pursuant to the rules laid down in this Act, subject to section 2.

2. The following persons may enrol on, and follow, education or training courses and participate in research and development work referred to in section 1 pursuant to the rules applicable to Polish nationals:

- 1) non-nationals who have been granted a permit to settle;
- 2) non-nationals who have the status of refugee granted in the Republic of Poland,
- 3) non-nationals who have been granted temporary protection in the territory of the Republic of Poland,
- 4) migrant workers who are nationals of a Member State of the European Union or a member state of the European Free Trade Association (EFTA) – a party to the Agreement on the European Economic Area if they are or have been employed in Poland, as well as members of their families if residing in the territory of the Republic of Poland,
- 5) non-nationals who have been granted a residence permit of a European Community long-term resident in the territory of the Republic of Poland,
- 6) non-nationals who have been granted in the territory of the Republic of Poland a permit for fixed-term residence in connection with the circumstances referred to in Article 53, section 1, subsections 7, 13 and 14 of the Act of 13 June 2003 on Aliens (*Dziennik Ustaw* No. 128, item 1175, as amended by subsequent legislation<sup>1</sup>).

3. Subject to section 5, non-nationals who are not listed in section 2 may enrol on, and follow, education or training courses and participate in research and development work referred to in section 1 on the basis of:

- 1) international agreements, pursuant to the rules defined therein;
- 2) agreements concluded between higher education institutions and foreign entities, pursuant to the rules defined therein;
- 3) decisions of the minister responsible for higher education or the respective minister referred to in Article 33, section 2;
- 4) decisions of the rector of a higher education institution.

4. Non-nationals referred to in section 3 may enrol on, and follow, education or training courses and participate in research and development work referred to in section 1:

- 1) as holders of scholarships awarded by the Polish party;
- 2) on a fee-paying basis;
- 3) without a fee and scholarship benefits;
- 4) as holders of scholarships awarded by the sending party, without paying tuition fees;
- 5) as holders of scholarships awarded by higher education institutions.

5. Nationals of the Member States of the European Union or the member states of the European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area and members of their families who have funds necessary to cover the maintenance costs during the period of study may enrol on, and follow, degree programmes, doctoral programmes and other forms of education or training, as well as participate in research and development work either pursuant to the rules applicable to Polish nationals, with no entitlement however to a maintenance grant, special grant for disabled persons, accommodation grant, meals grant or aid payments, or pursuant to the rules laid down in sections 3 and 4.

6. Members of families of the persons referred to in section 2, subsection 4, and section 5 shall include persons listed in Article 2, subsection 2 of the Act of 27 July 2002 on the Rules and Conditions for Entry and Residence of Nationals of the Member States of the European Union and Members of

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<sup>1</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2004, No. 96, item 959 and No. 179, item 1842; and 2005, No. 90, item 757, No. 94, item 788 and No. 132, item 1105.

their Families in the Territory of the Republic of Poland (*Dziennik Ustaw* No. 141, item 1180, as amended by subsequent legislation<sup>2</sup>).

7. Non-nationals who comply with the requirements laid down in Article 5, sections 1 to 3, of the Act of 9 November 2000 on Repatriation (*Dziennik Ustaw* 2004, No. 53, item 532, and 2005, No. 94, item 788) and are enrolled in higher education in their country of residence may be holders of scholarships referred to in section 4, subsection 1.

8. Scholarship holders referred to in section 4, subsection 1, and section 7 shall be awarded scholarships by the minister responsible for higher education or the respective minister referred to in Article 33, section 2, who shall also determine the amount of such scholarships.

9. The Minister responsible for higher education and the respective ministers referred to in Article 33, section 2 shall publish in the official journals issued by them the maximum number of scholarships available for persons referred to in section 3, subsections 1 and 3, including – in consultation with the minister responsible for foreign affairs – the maximum number of scholarships available for persons referred to in section 7.

#### Article 44

1. The minister responsible for higher education shall specify by regulation:
  - 1) the forms of study and training courses which non-nationals may be enrolled on;
  - 2) the requirements to be fulfilled by non-nationals applying for admission to degree programmes, doctoral programmes and training courses or participation in research and development work, including the educational attainment to be a prerequisite for taking up a given form of study or training course, state of health and aptitude for study in specific fields, as well as the types of documents to be submitted;
  - 3) the method of calculating the amount of scholarships awarded within the limits referred to in Article 43, section 9, with the minimum rate of the basic remuneration for an *asystent* employed in a higher education institution as the basis for the calculation, and the procedure for the award, payment, suspension and withdrawal thereof;
  - 4) the method of calculating fees for degree programmes, doctoral programmes, training courses and participation in research and development work in public higher education institutions, taking into account envisaged teaching costs, and including any possible fee reductions and waivers, the bodies competent to make decisions in such matters, as well as the method of the payment of fees and cases in which fees are reimbursable,
    - while aiming to ensure the widest possible access to education or training and research opportunities in the territory of the Republic of Poland, and to realise the principle of equal treatment.
2. In consultation with the minister responsible for foreign affairs, the minister responsible for higher education shall specify by regulation:
  - 1) the requirements to be fulfilled by non-nationals referred to Article 43, section 7, taking into account their country of residence and the form and field of study;
  - 2) the procedure for awarding, and the method of calculating the amount of, scholarships available to persons referred to in Article 43, section 7;
    - while aiming to ensure the widest possible access to education or training and research opportunities in the country of residence, and to realise the principle of equal treatment.
3. Scholarships for holders referred to in Article 43, section 7 may be paid via Polish consular services or Polish non-governmental organisations.
4. The conditions for awarding scholarships to non-nationals referred to in Article 43, section 4, subsection 5, and their amounts shall be determined by the awarding institution.

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<sup>2</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2003, No. 128, item 1175; 2004, No. 96, item 959 and No. 173, item 1808; and 2005, No. 90, item 757.

## **Chapter 5 General Council for Higher Education**

### **Article 45**

1. The General Council for Higher Education (*Rada Główna Szkolnictwa Wyższego*), hereinafter referred to as “the Council”, shall be an elected representative body of higher education.
2. The Council shall co-operate with the minister responsible for higher education, and other authorities and public administration bodies in the development of national higher education policy, and in particular shall:
  - 1) put forward proposals for names of fields of study and degree programme requirements to be defined on the basis of Article 9, subsections 1 to 3;
  - 2) give opinions on its own initiative and submit proposals in all matters concerning higher education, research and culture, and may also raise such matters with public authorities and governing bodies of higher education institutions, among other things requesting clarification and information, while informing thereof the minister responsible for higher education;
  - 3) give its opinions on the matters presented by the minister responsible for higher education, and other authorities and public administration bodies;
  - 4) give its opinions on draft legislation concerning higher education and research, including legislation concerning the establishment, liquidation and change of names of higher education institutions, as well as on international agreements concerning higher education, research and the promotion of Polish science abroad concluded by the Republic of Poland;
  - 5) give its opinions on the part of the draft State budget which is administered by the minister responsible for higher education, and on the rules for the award of State-budget subsidies to higher education institutions.
3. Opinions on the matters referred to in section 2, subsections 3 to 5 shall be given by the Council not later than within one month of the receipt of a draft or proposal from the relevant body.
4. The Council may co-operate with national and international organisations active in the area of higher education.

### **Article 46**

1. The Council shall be composed of:
  - 1) twenty one representatives of academic staff holding the academic title of *profesor* or the academic degree of *doktor habilitowany*,
  - 2) six representatives of academic staff holding the academic degree of *doktor*,
  - 3) four representatives of students, and
  - 4) two representatives of doctoral students.
2. The term of office of the Council shall be four years and shall commence on 1 January.
3. The Council shall work at plenary sessions and through its bodies. Organisational arrangements and operational procedures for the Council, and its bodies and their powers shall be laid down in its statutes to be adopted by the Council at a plenary session.
4. Plenary sessions of the Council shall be attended, in an advisory capacity, by delegates of representative trade union organisations within the meaning of the Act of 6 July 2001 on the Tripartite Committee for Social and Economic Matters and Regional Committees for Social Dialogue (*Dziennik Ustaw* No.100, item 1080, as amended by subsequent legislation<sup>3</sup>) existing in higher education institutions, with one delegate from each organisation.
5. The rector may relieve a member of the Council partly or fully from teaching duties at the latter's request.
6. Administrative support for the Council shall be provided by organisational units of the office supporting the minister responsible for higher education.

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<sup>3</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2001, No. 154, items 1793 and 1800; 2002, No. 10, item 89 and No. 240, item 2056; and 2004, No. 240, item 2407.

## Article 47

1. The Council members referred to in Article 46, section 1, subsections 1 and 2 shall be chosen by electors gathered at national election meetings.
2. The electors shall be chosen in the proportion of one elector per each group of fifty academic staff holding the academic title of *profesor* or the academic degree of *doktor habilitowany* and employed in a higher education institution as the place of their primary employment, and one elector per each group of one hundred fifty other academic staff employed in the place of their primary employment.
3. The electors in the group referred to in Article 46, section 1, subsection 1 shall be chosen by academic staff holding the academic title of *profesor* or the academic degree of *doktor habilitowany*, and in the group referred to in Article 46, section 1, subsection 2 by academic staff holding the academic degree of *doktor*.
4. In higher education institutions for art studies, military higher education institutions and government service higher education institutions, the electors in the groups of academic staff referred to in section 2 shall be chosen in the proportion of one elector per each group of twenty and each group of fifty academic staff respectively.
5. The Council members referred to in Article 46, section 1, subsection 4 shall be chosen by electors gathered at a national election meeting for a period of two years. The electors shall be chosen by doctoral students in the proportion of one elector per each group of one hundred participants in doctoral programmes provided at a higher education institution.
6. Higher education institutions where no elector may be chosen in accordance with the rules laid down in sections 2, 3 and 5 shall form joint election districts in accordance with the election regulations referred to in section 10.
7. Academic staff members holding the functions of single-person authorities of a higher education institution, or of vice-rector or deputy head of a basic organisational unit shall not be eligible for election. The membership of the Council may not be combined with the membership of the State Accreditation Committee or the Central Commission for the Academic Degrees and Titles.
8. The mandate of Council members shall expire in the event of their death, resignation from membership, loss of status entitling them to be a member of the Council or the assumption of the function referred to in section 7.
9. Should the mandate of a member of the Council expire before completion of its term, the vacant mandate shall be taken by a person who obtained the second largest number of votes in the elections.
10. The method and procedure for choosing the electors and members of the Council shall be laid down in the election regulations to be adopted by the Council.
11. The Council members referred to in Article 46, section 1, subsection 3 shall be elected by the Students' Parliament of the Republic of Poland in accordance with the procedure laid down in its internal regulations and for a period of time specified therein.

## Chapter 6 State Accreditation Committee

### Article 48

1. The State Accreditation Committee (*Państwowa Komisja Akredytacyjna*), hereinafter referred to as "the Committee", shall be appointed by the minister responsible for higher education.
2. Members of the Committee shall be appointed by the minister responsible for higher education from among candidates proposed by the Council, the Conference of Rectors of Academic Schools in Poland, the Conference of Rectors of Non-University Higher Education Institutions in Poland, the Students' Parliament of the Republic of Poland, senates of higher education institutions, as well as national academic associations and employers' organisations. A member of the Committee may be any academic staff member holding at least the academic degree of *doktor* and employed in a higher education institution as the place of primary employment. When appointing members of the Committee, the minister responsible for higher education shall respect the requirement that the groups of fields of study listed in Article 50, section 4 shall be represented in the Committee.

3. The President of the Students' Parliament of the Republic of Poland shall be a member of the Committee by virtue of law.
4. A member of the Committee may be dismissed, at the request of the Committee Presidium, by the minister responsible for higher education.
5. The Committee shall include a minimum of sixty and a maximum of eighty members.
6. The term of office of the Committee shall be four years and shall commence on 1 January.
7. The rector may relieve a member of the Committee partially or fully from teaching duties at the latter's request.

#### **Article 49**

1. The Committee shall present to the minister responsible for higher education opinions and proposals concerning:
  - 1) the establishment of a higher education institution, and the authorisation for a higher education institution to provide degree programmes in a given field and at a given level of study;
  - 2) the assessment conducted by the Committee of the quality of education in a given field of study, including the training of teachers and the compliance with the requirements for the provision of degree programmes.
2. In connection with the matters referred to in section 1, the Committee may request clarification and information from higher education institutions, and conduct site visits in higher education institutions.
3. In justified cases, the minister responsible for higher education may request the Committee to assess the quality of education in a specific higher education institution or its organisational unit, and to present conclusions resulting from the assessment.
4. Opinions on the matters referred to in section 1, subsection 1 shall be given by the Committee not later than within four months of the date of the receipt of the request. In case an opinion is not given within this time limit, the minister responsible for higher education shall take a decision without such an opinion.
5. Assessments referred to in section 1, subsection 2, and section 3 shall be submitted by the Committee together with the justification and conclusions thereof within one month of the completion of the assessment procedure.
6. The Committee may co-operate with national and international organisations which are involved in the assessment of the quality of education and accreditation.
7. In performing its tasks referred to in section 1, subsection 2, and section 3, the Committee may process personal data of academic staff and students of the higher education institutions under assessment in so far as it is necessary for the performance of those tasks.

#### **Article 50**

1. The Committee shall work at plenary sessions and through its bodies.
2. The bodies of the Committee shall be:
  - 1) the President,
  - 2) the Secretary,
  - 3) the Presidium.
3. The Presidium shall be composed of:
  - 1) the President of the Committee,
  - 2) the Secretary,
  - 3) the Chairmen of the sections referred to in section 4,
  - 4) the President of the Students' Parliament of the Republic of Poland.

4. The Committee shall include sections for the following groups of fields of study:
  - 1) humanities,
  - 2) natural sciences,
  - 3) mathematics, physics and chemistry,
  - 4) agricultural, forestry and veterinary sciences,
  - 5) medical sciences,
  - 6) physical education,
  - 7) engineering and technology,
  - 8) economics,
  - 9) social sciences and law,
  - 10) fine arts,
  - 11) military sciences.
5. Each section shall be composed of at least five members of the Committee representing a group of fields of study, including at least three members holding the academic title of *profesor* or the academic degree of *doktor habilitowany* in the areas or disciplines of science related to a given group of fields of study.

#### **Article 51**

1. The President of the Committee and its Secretary shall be appointed and dismissed by the minister responsible for higher education.
2. The President of the Committee shall convene plenary sessions of the Committee, chair its sessions, represent it in external relations and sign resolutions of the Committee.
3. The Secretary shall ensure the efficient functioning of the Committee and the performance of its tasks.
4. The Chairmen of the sections shall be elected by their members from among themselves.

#### **Article 52**

1. The Presidium shall adopt resolutions on the matters referred to in Article 49, sections 1 and 3 on the basis of a report submitted by one of the sections referred to in Article 50, section 4.
2. A party not satisfied with a resolution of the Presidium adopted on the matters referred to in Article 49, sections 1 and 3 may request reconsideration of the matter. Such a request shall be submitted to the Committee within thirty days of the date of the receipt of the resolution.
3. A request referred to in section 2 shall be considered at a joint meeting of the relevant section and the Presidium of the Committee not later than within two months of the receipt thereof.

#### **Article 53**

1. Organisational arrangements and operational procedures of the Committee, the precise powers of its bodies, the procedure for the conduct of assessments referred to in Article 49, section 1, subsection 2, and section 3, and the method of the appointment of reviewers shall be laid down in the statutes to be adopted by the Committee at a plenary session.
2. Administrative support and financial services for the Committee shall be provided by the Bureau of the State Accreditation Committee, hereinafter referred to as "the Bureau".
3. The Bureau shall be a State-budget unit financed by the funds provided in the part of the State budget which is administered by the minister responsible for higher education.
4. The Director of the Bureau shall be appointed and dismissed by the President of the Committee. Other staff members shall be recruited by the Director.
5. A detailed scope of activities of the Bureau and its organisational arrangements shall be laid down in the organisational regulations to be provided by the President of the Committee.

## **Chapter 7 Conferences of Rectors**

### **Article 54**

1. University-type higher education institutions which account jointly for more than a half of the total number of students enrolled in university-type higher education institutions may establish a conference of rectors of Polish university-type higher education institutions (Conference of Rectors of Academic Schools in Poland – *Konferencja Rektorów Akademickich Szkół Polskich*).
2. Non-university higher education institutions which account jointly for more than a half of the total number of students enrolled in non-university higher education institutions may establish a conference of rectors of Polish non-university higher education institutions (Conference of Rectors of Non-University Higher Education Institutions in Poland – *Konferencja Rektorów Zawodowych Szkół Polskich*).
3. Without prejudice to the provisions of this Act, the provisions of Article 10, sections 1 and 2, Article 11, Articles 25, 28 and 29 and Articles 33 to 39 of the Act of 7 April 1989, The Law on Associations (*Dziennik Ustaw* 2001, No. 79, item 855; 2003, No. 96, item 874; and 2004, No. 102, item 1055) shall apply accordingly to the Rectors' Conferences referred to in sections 1 and 2.
4. The body supervising the Rectors' Conferences referred to in sections 1 and 2 shall be the minister responsible for higher education.
5. The statutes of the Rectors' Conferences referred to in sections 1 and 2 shall lay down in particular the rules for ordinary and associate membership, both individual and collective, and the criteria for the representation of the various types of member institutions in the bodies of the conferences.
6. The term of office of the bodies of the Rectors' Conferences referred to in sections 1 and 2 shall coincide with the term of office of the bodies of public higher education institutions.

### **Article 55**

1. The Rectors' Conferences referred to in Article 54, sections 1 and 2 shall promote the development of higher education, research and culture, and in particular shall:
  - 1) raise with public authorities any matters of major importance to higher education, research and culture, and those of vital importance to the academic community,
  - 2) give opinions on their own initiative and present proposals in matters related to higher education, research and culture.
2. Public authorities shall consult the Rectors' Conferences referred to in Article 54, sections 1 and 2 on the following matters:
  - 1) the principles governing higher education and the directions for its development, the research system, education and training of, and financial support for, students and doctoral students, management of higher education institutions, training of staff and research policy, and facilities available in higher education institutions;
  - 2) the part of the draft State budget concerning higher education;
  - 3) draft legislation concerning higher education, research and culture, as well as the promotion of Polish science abroad;
  - 4) arrangements in the school education system which are relevant to higher education.
3. Opinions on the matters referred to in section 2, subsection 2 to 4, shall be given within one month. In case an opinion is not given within this time limit, the requirement for consultation shall be considered fulfilled.

**Part II**  
**System of Governance of Higher Education Institutions**

**Chapter 1**  
**Statutes of Higher Education Institutions**

**Article 56**

1. The statutes of a public higher education institution shall be adopted by its senate, by at least a two-thirds majority of its members, after consultation with the trade unions active in the institution.
2. The statutes of a public higher education institution which is authorised to confer the academic degree of *doktor* in at least four disciplines or, in the case of a higher education institution for art studies, two disciplines shall enter into force on the date indicated in a resolution of the senate.
3. The statutes of a public higher education institution which does not comply with the requirements laid down in section 2 shall enter into force on the date of the decision of the minister responsible for higher education approving the statutes, unless a later date is given in the statutes. The statutes shall enter into force six months after the submission thereof to the minister responsible for higher education, unless the minister has refused to approve the statutes or requested the public higher education institution to rectify any shortcomings within this time limit.
4. The minister responsible for higher education shall refuse to approve the statutes where these are found to be in contravention of the law. Before taking a decision refusing to approve the statutes, the minister responsible for higher education shall request the public higher education institution concerned to remove the unlawful provisions therein. The minister shall approve the statutes not later than within six months of the receipt of the legally correct text of the statutes.
5. The provisions of sections 1 to 4 shall apply accordingly to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies, with the powers of the minister responsible for higher education to be exercised by the respective ministers referred to in Article 33, section 2.

**Article 57**

1. The minister responsible for higher education shall approve the statutes of a public theological higher education institution which does not comply with the requirements laid down in Article 56, section 2 in consultation with the competent authorities of churches and denominational organisations.
2. The statutes of a public theological higher education institution complying with the requirements laid down in Article 56, section 2 shall be adopted by the competent body of the institution in consultation with the competent authorities of churches and denominational organisations.
3. The provisions of sections 1 and 2 shall apply accordingly to other public higher education institutions which have a basic organisational unit teaching theology, with the competent authorities of churches and denominational organisations to be consulted, however, only on the provisions of the statutes relating to the activities of the basic organisational unit teaching theology.

**Article 58**

1. Subject to Article 24, section 1, the statutes of a non-public higher education institution shall be provided by its founder or adopted by its collective body indicated in the statutes.
2. The statutes of a non-public higher education institution shall lay down the procedure for taking over the function of the founder in the event of death, if a natural person, or liquidation, if a corporate body, as well as the rules and procedure for the liquidation of the institution, taking account of the commitments of the founder of the institution in the case of its liquidation. Taking over the function of the founder shall require the consent of the minister responsible for higher education to be given in the form of an administrative decision.
3. Subject to section 4, the statutes of a non-public higher education institution shall enter into force on the date of the decision of the minister responsible for higher education approving the statutes, unless a later date is given in the statutes.

4. The statutes of a non-public higher education institution which is authorised to confer the academic degree of *doktor* in at least four disciplines or, in the case of a higher education institution for art studies, at least two disciplines shall enter into force on the date indicated in a resolution of the senate or a decision of the founder.

5. The provisions of Article 56, sections 3 to 5 shall apply accordingly to the statutes of a non-public higher education institution.

#### **Article 59**

The provisions of Articles 56 to 58 shall apply accordingly to any amendments to the statutes.

### **Chapter 2 Governing Bodies of Higher Education Institutions**

#### **Article 60**

1. Subject to section 2, the collective bodies of a public higher education institution shall be the senate and boards of basic organisational units.

2. The statutes of a public non-university higher education institution may provide for a collective body other than the senate.

3. The provisions of this Act concerning the senate shall apply accordingly to the collective body referred to in section 2.

4. A public higher education institution may have a council in addition to the senate or the collective body referred to in section 2 if this is provided for in its statutes.

5. The collective bodies of a non-public higher education institution shall be specified in its statutes. The provisions of this Act concerning the senate shall apply accordingly to the highest collective body of a non-public higher education institution.

6. The single-person authorities of a higher education institution shall be the rector and heads of basic organisational units. The dean shall be the head of a faculty.

7. The statutes of a non-public higher education institution may provide for another single-person authority in addition to the rector.

8. The electoral bodies of a public higher education institution shall be electoral colleges.

9. The collective bodies of a higher education institution and the electoral bodies of a public higher education institution shall include representatives of academic staff, doctoral students, students and non-academic staff.

#### **Article 61**

1. The composition of the senate shall be defined in the statutes.

2. The statutes of a public higher education institution shall lay down the procedure for the election, and the percentage share, of representatives of academic staff, doctoral students, students and non-academic staff in the composition of the senate, without prejudice to section 3.

3. Representatives of students and doctoral students in the senate of a higher education institution shall account for at least 20% of its membership. The numbers of representatives of students and doctoral students shall be proportional to their total numbers in both groups in a given higher education institution, with each of the two groups having at least one representative.

4. In a public university-type higher education institution, academic staff holding the academic title of *profesor* or the academic degree of *doktor habilitowany* shall constitute more than a half of the statutory membership of the senate, and not more, however, than three fifths.

5. In a public non-university higher education institution, academic staff holding at least the academic degree of *doktor* shall constitute more than a half of the statutory membership of the senate; however, the statutes of a non-university higher education institution offering second-cycle programmes or long-cycle programmes may provide for a different composition of the senate.

6. The rector shall be the president of the senate.

7. Sessions of the senate of a public higher education institution shall be attended, in an advisory capacity, by the head of finance and administration, the bursar, the director of the central library and representatives of the trade unions active in the institution, one from each union.

8. In a public non-university higher education institution, the members of the senate shall include the head of finance and administration and a representative of the higher education institution nominated by the rector of the university-type higher education institution with which the public non-university institution co-operates on the basis of an agreement concluded.

#### **Article 62**

1. The senate of a higher education institution shall have the following powers:
  - 1) adopting the statutes, subject to Article 58, section 1;
  - 2) adopting study regulations for degree programmes, doctoral programmes and non-degree postgraduate programmes, and the rules for admission to degree programmes and doctoral programmes;
  - 3) defining the main lines of activity of the institution;
  - 4) laying down the principles governing the activities of the institution and guidelines for the boards of basic organisational units concerning the performance of primary tasks of the institution as defined in Article 13;
  - 5) assessing the performance of the institution, approving the rector's annual reports on its activities, and assessing the performance of the rector;
  - 6) adopting resolutions establishing a branch campus, a basic organisational unit in another location or a teaching centre in another location, and establishing and abolishing degree programmes in a given field of study;
  - 7) giving permission to the rector to conclude a co-operation agreement with a foreign entity, unless the statutes provide otherwise;
  - 8) giving permission for the establishment of an academic business incubator or technology transfer centre as an institutional-level unit, a foundation or a commercial partnership to deliver services, provide training or conduct research;
  - 9) conferring the title of *doctor honoris causa*;
  - 10) adopting resolutions on the matters defined in the legislation on health care institutions;
  - 11) voicing opinions of the academic community of the institution, and giving opinions on the matters referred to it by the rector, the board of a basic organisational unit or the number of the senate members as required by the statutes.
2. The senate of a public higher education institution shall also have the following powers:
  - 1) adopting activity-and-finance plans for the institution;
  - 2) approving financial reports of the institution in accordance with the legislation on accounting;
  - 3) laying down the rules for purchasing, selling and encumbering securities in so far as this is not regulated in the legislation on public finance and on securities trading;
  - 4) subject to Article 90, section 4, giving permission for:
    - a) purchasing, selling or encumbering assets of the value specified in the statutes;
    - b) joining a partnership, co-operative or another business organisation, and establishing a partnership or foundation.
3. In a higher education institution which has no basic organisational units, the senate shall also perform the functions of the board of a unit.

#### **Article 63**

1. The members of the council of a public higher education institution may include, in particular, representatives of:
  - 1) State authorities,
  - 2) local government bodies, and self-government bodies representing professions,
  - 3) academic, professional and artistic institutions and associations,
  - 4) employers' organisations and, if this is provided for in the statutes, business self-government organisations,

- 5) entrepreneurs and financial institutions.
2. The council of a public non-university higher education institution may include representatives of the university-type higher education institution with which the former co-operates.
3. The precise composition of the Council and the method of the appointment of its members, including representatives mentioned in section 1, shall be defined in the statutes.

#### **Article 64**

1. The powers of the council of a public higher education institution shall be defined in the statutes.
2. The statutes of a public higher education institution may define joint powers of the senate and the council, and the procedure for convening and chairing joint sessions and adopting joint resolutions.

#### **Article 65**

1. Resolutions of the senate of a public higher education institution adopted within its legislative remit shall be binding upon other bodies of the public higher education institution, its staff, doctoral students and students.
2. The rector of a public higher education institution shall suspend the implementation of any resolution of the senate infringing the provisions of this Act or the statutes of the institution and shall convene, within fourteen days of its adoption, a session of the senate in order to reconsider it. If the senate fails to amend or repeal the suspended resolution, the rector shall forward it to the minister responsible for higher education or the competent minister referred to in Article 33, section 2 for consideration pursuant to the procedure laid down in Article 36, section 1.
3. The rector of a public higher education institution shall suspend the implementation of any resolution jeopardising vital interests of the institution, and shall convene, within fourteen days of its adoption, a session of the senate in order to reconsider it. The suspended resolution shall enter into force if at least a three-quarters majority of the senate, with at least two thirds of its statutory membership present at the session, votes in favour of upholding it.
4. The provisions of sections 2 and 3 shall apply to a non-public higher education institution unless its statutes provide otherwise.

#### **Article 66**

1. The rector shall manage a higher education institution and represent it in external relations, and shall be the superior of the staff, students and doctoral students of the institution.
2. The rector of a public higher education institution shall take decisions in all matters concerning the institution, except for the matters reserved by this Act or the statutes for the remit of other bodies of the institution or the head of finance and administration, and in particular shall:
  - 1) take decisions concerning the assets and business matters of the institution;
  - 2) establish, transform and abolish organisational units referred to in the statutes;
  - 3) supervise the activities of the institution in the area of teaching and research;
  - 4) supervise the administration of the institution and the management of its business matters;
  - 5) ensure compliance with the law and security on the premises of the institution;
  - 6) define the scope of duties of the vice-rectors.
3. The rector of a public higher education institution shall be accountable, pursuant to the rules laid down in separate legislation, for infringement of the legislation on public finance by the institution.
4. The rector of a military higher education institution and a government service higher education institution shall be at the same time the commander of the institution within the meaning of the legislation on military service or the relevant government service respectively.
5. The powers of the rector of a non-public higher education institution shall include the matters referred to in section 2, subsections 3 and 5, and other matters as defined in the statutes of the institution.
6. The statutes of a non-public higher education institution may transfer the powers referred to in section 2, subsections 1 and 4 to the remit of the body referred to in Article 60, section 7.

#### **Article 67**

1. The composition of the board of a basic organisational unit shall be defined in the statutes.
2. The head of a basic organisational unit shall be the chairman of its board.
3. The statutes shall lay down the procedure for the election, and the percentage share, of representatives of academic staff, doctoral students, students and non-academic staff in the board of a basic organisational unit, without prejudice to sections 4 and 5.
4. Representatives of students and doctoral students in the board of a basic organisational unit of a higher education institution shall account for at least 20% of its membership. The numbers of representatives of students and doctoral students shall be proportional to their total numbers in both groups in a given basic organisational unit, with each of the two groups having at least one representative.
5. In a university-type higher education institution, academic staff holding the academic title of *profesor* or the academic degree of *doktor habilitowany* shall account for more than a half of the statutory membership of the board of a basic organisational unit.
6. Meetings of the board of a basic organisational unit shall be attended, in an advisory capacity, by representatives of the trade unions active in the higher education institution, one from each union.

#### **Article 68**

1. The powers of the board of a basic organisational unit shall include in particular:
  - 1) defining the general lines of activity of the unit;
  - 2) adopting study plans and curricula for degree programmes after consultation with the competent body of the student self-government and in accordance with the guidelines set by the senate of a public higher education institution or a collective body of a non-public higher education institution;
  - 3) adopting study plans and curricula for doctoral programmes after consultation with the competent body of the doctoral student self-government and in accordance with the guidelines set by the senate of a public higher education institution or a collective body of a non-public higher education institution;
  - 4) adopting study plans and curricula for non-degree postgraduate programmes and retraining courses in accordance with the guidelines set by the senate of a public higher education institution or a collective body of a non-public higher education institution.
2. The precise powers of the board of a basic organisational unit shall be defined in the statutes.
3. Resolutions of the board of a basic organisational unit on the matters falling within its remit shall be binding upon the head, staff, doctoral students and students of the unit.
4. The head of the unit may appeal against resolutions of the board of the unit to the senate of the higher education institution.
5. The senate shall repeal any resolution of the board of a basic organisational unit which is in contravention of this Act, the statutes, a resolution of the senate or the highest collective body of a non-public higher education institution, the regulations and other internal rules of the higher education institution, or which jeopardises vital interests of the institution.

#### **Article 69**

1. The procedure for convening meetings of the collective bodies of a higher education institution and their operational procedures shall be laid down in its statutes.
2. Resolutions of the collective bodies of a higher education institution shall be adopted by a simple majority of votes, with at least half of their statutory membership present, unless this Act or the statutes set higher requirements.

#### **Article 70**

1. The powers of the head of a basic organisational unit shall be defined in the statutes.
2. Appeal against a decision of the head of a basic organisational unit may be made to the rector.

3. The rector shall repeal any decision of the head of a basic organisational unit which is in contravention of this Act, the statutes, a resolution of the senate or the highest collective body of a non-public higher education institution, a resolution of the board of the basic organisational unit concerned, the regulations or other internal rules of the higher education institution, or which jeopardises vital interests of the institution.

#### **Article 71**

1. The statutes of a public higher education institution shall define the composition of the electoral college and the procedure for the election of its members, and the procedure for the election of single-person authorities, representatives for the collective bodies and persons for other elected positions, while respecting the following rules:

- 1) the single-person authorities shall be elected by electoral colleges; representatives of students and doctoral students shall account for at least 20% of the electoral college membership; the numbers of representatives of students and doctoral students shall be proportional to their total numbers in both groups in a given higher education institution or basic organisational unit, as appropriate, with each of the two groups having at least one representative;
- 2) the right to vote may be exercised by academic staff employed in a given higher education institution as the place of their primary employment, non-academic staff employed on a full-time basis, students and doctoral students;
- 3) the right to stand for election may be exercised by academic staff who have not reached retirement age and are employed in a given higher education institution as the place of their primary employment, non-academic staff employed on a full-time basis, students and doctoral students, subject to Article 72, sections 1 and 2, Article 75, section 2, and Article 76, section 2;
- 4) each voter referred to in subsection 2 shall have the right to propose candidates;
- 5) voting shall be by secret ballot;
- 6) candidates shall be considered elected if they have obtained more than a half of the valid votes, unless the statutes of the higher education institution require another qualified majority;
- 7) the time and place of elections shall be published at a date and in a way enabling a voter to take part in the elections;
- 8) elections shall be conducted by election committees to be established in accordance with the procedure laid down in the statutes.

2. The procedure for the election of, and the term of office for, representatives of students and doctoral students shall be laid down in the regulations of the student self-government and the regulations of the doctoral student self-government respectively.

3. The right to vote and the right to stand for election in public non-university higher education institutions may also be exercised by academic staff working in a given institution as the place of their additional employment.

4. The right to vote and the right to stand for election in public higher education institutions for art studies and basic organisational units teaching art within other public higher education institutions may also be exercised by staff employed at least on a half-time basis, and the right to stand for election by staff employed at least on a half-time basis who have not reached retirement age.

#### **Article 72**

1. The rector of a public higher education institution shall be elected from among academic staff holding the academic title of *profesor* or the academic degree of *doktor habilitowany*. The function of the rector in a university-type higher education institution may be held only by a person for whom that institution is the place of primary employment.

2. The rector of a non-public higher education institution must hold at least the academic degree of *doktor* and be employed in the institution as the place of primary employment.

3. The rector of a public higher education institution who does not comply with the requirement to be employed at the institution at the time of election shall be employed, by way of derogation from the requirements laid down in Article 121, section 3, in accordance with the conditions defined in section 1 on the date preceding the assumption of the function of rector at the latest.

4. In a newly established public higher education institution, the first rector shall be employed by the minister responsible for higher education or, in a military higher education institution, government service higher education institution, higher education institution for art studies, medical higher education institution or higher education institution for maritime studies, by the respective minister referred to in Article 33, section 2.

5. The rector of a public higher education institution for maritime studies may also be elected from among persons employed in the position of *profesor nadzwyczajny* and holding the highest officer rank as specified in the legislation on professional qualifications and the composition of the crew aboard Polish sea-going vessels, hereinafter referred to as "the highest officer rank". The rector of a public higher education institution for art studies may also be elected from among persons employed in the institution in the position of *profesor nadzwyczajny* and having outstanding artistic achievements.

6. The chairman of the election committee shall confirm the election of the rector in writing, and shall forthwith inform thereof the minister responsible for higher education or the respective minister referred to in Article 33, section 2.

#### **Article 73**

1. In a military higher education institution, the election of a rector who is not a regular soldier shall be subject to the approval of the Minister of National Defence, and an elected rector who is a regular soldier shall be nominated to the post by the Minister of National Defence.

2. A person elected the rector of a military higher education institution may also be a regular soldier complying with the requirements laid down in Article 72, section 1 who is not employed in that institution.

3. In exceptional cases, the Minister of National Defence may appoint the rector of a military higher education institution from among generals who do not comply with the requirements laid down in Article 72, section 1.

#### **Article 74**

1. The rector of a government service higher education institution shall be nominated by the minister responsible for home affairs from among functionaries of the relevant government service.

2. In exceptional cases, the minister responsible for home affairs may nominate the rector of a government service higher education institution from among officers who, while not complying with the requirements laid down in Article 72, section 1, hold a rank in the relevant government service equivalent at least to the rank of general.

3. The vice-rector to be responsible for the performance of tasks of a government service higher education institution as an organisational unit of the relevant service shall be nominated, at the request of the rector, by the minister responsible for home affairs from among functionaries of the relevant government service.

#### **Article 75**

1. The statutes shall define qualification requirements to be fulfilled by a candidate for a vice-rector, which may not be higher than the requirements laid down in this Act for a candidate for the rector.

2. A vice-rector or vice-rectors, with their number to be specified in the statutes of a public higher education institution and including a vice-rector for student affairs, shall be elected by the electoral college from among candidates proposed by the rector and chosen from among academic staff employed in institution.

3. A candidate for the vice-rector for student affairs must be approved by a majority of representatives of students and doctoral students in the electing body. Failure to adopt a position on the matter within the time limit specified in the statutes shall be regarded as approval.

4. Where a newly elected rector of a higher education institution for maritime studies does not hold the highest officer rank, at least one of the vice-rectors should hold that rank.

#### **Article 76**

1. The statutes shall define qualification requirements to be fulfilled by a candidate for the head of a basic organisational unit and a candidate for the deputy head, which may not be higher than the requirements defined in this Act for a candidate for the rector.

2. The posts of head and deputy head of a basic organisational unit may be held only by persons who are employed in a given higher education institution as the place of their primary employment.

3. The procedure for the election or appointment and the procedure for the dismissal of heads and deputy heads of basic organisational units shall be laid down in the statutes.

4. The dean and vice-deans of a faculty in a public higher education institution shall be chosen by election.

5. The provision of Article 75, section 3 shall apply accordingly to the election of the vice-dean for student affairs and, where the statutes provide for the election of deputy heads of basic organisational units which are not faculties, also to the election of the deputy for student affairs.

6. Where the statutes provide for the appointment of heads and deputy heads of basic organisational units, a candidate for the deputy head for student affairs must be approved by the body of the student self-government or the doctoral student self-government of a given basic organisational unit indicated in the regulations of the student self-government or the doctoral student self-government. If the student self-government and the doctoral student self-government fail to adopt a position on the matter within seven days, the candidate shall be considered approved.

#### **Article 77**

1. The term of office of the collective bodies and single-person authorities of a public higher education institution shall be four years, and shall commence on 1 September of the year of the elections and shall end on 31 August of the final year of the term.

2. The rector, vice-rector, head and deputy head of a basic organisational unit in a public higher education institution may not be elected to the same position for more than two successive terms.

3. The statutes of a public higher education institution shall specify cases in which the mandate of a collective body member and the mandate of a single-person authority expires before the end of the term, and shall lay down the procedure for by-election.

4. The collective bodies of a public higher education institution shall perform their functions until the bodies elected for a new term have been established.

#### **Article 78**

1. The rector and a vice-rector of a public higher education institution may be dismissed by the body which has elected them, subject to Article 38, section 5.

2. A motion to dismiss the rector may be submitted by at least a half of the statutory membership of the senate. A motion to dismiss a vice-rector may be submitted by the rector, and a written motion to dismiss the vice-rector responsible for student affairs may also be submitted by three quarters of representatives of students and doctoral students in the senate.

3. A resolution dismissing the rector shall be adopted by at least a three-quarters majority of votes, with at least two thirds of the statutory membership of the electing body present.

4. A resolution dismissing a vice-rector shall be adopted by an absolute majority of votes, with at least two thirds of the statutory membership of the electing body present.

#### **Article 79**

1. The functions of single-person authorities or their deputies in a higher education institution may not be held by a person who holds the function of a single-person authority in another higher education institution or is the founder of another non-public higher education institution.

2. The statutes may forbid combining the membership of a collective body in a higher education institution with the function of a single-person authority in another higher education institution, the status of the founder of another non-public higher education institution who is a natural person or the status of a member of a body in the corporate body which is the founder of another non-public higher education institution.

#### **Article 80**

1. The single-person authorities of a non-public higher education institution and their deputies shall be appointed and dismissed by the founder or the body indicated in the statutes after consultation with the senate of the institution.
2. The detailed procedure for the appointment and dismissal of the single-person authorities of a non-public higher education institution shall be laid down in the statutes.

#### **Article 81**

1. The head of finance and administration of a public higher education institution shall manage its administrative services and business matters in so far as this is provided for by the statutes and the rector.
2. The head of finance and administration of a public higher education institution shall be employed by the rector after consultation with the senate.
3. The head of finance and administration of a public higher education institution shall be accountable to the rector.

#### **Article 82**

1. The bursar of a public higher education institution shall hold the function of the chief accountant and shall be the deputy of the head of finance and administration. The duties and powers of the bursar as the chief accountant shall be regulated in separate legislation.
2. The bursar of a public higher education institution shall be appointed and dismissed by the rector at the request of the head of finance and administration.

#### **Article 83**

1. Organisational arrangements and operational rules for administrative services of a public higher education institution shall be laid down in organisational regulations, unless the statutes provide otherwise. The procedure for adopting the organisational regulations shall be laid down in the statutes.
2. Organisational arrangements and operational rules for administrative services of a non-public higher education institution shall be laid down in organisational regulations to be provided by the founder or the body indicated in the statutes.

### **Chapter 3 Organisation of Higher Education Institutions**

#### **Article 84**

1. Basic organisational units in a public higher education institution complying with the requirements laid down in Article 56, section 2 shall be established, transformed and abolished by the senate, and in other public higher education institutions by a decision of the minister responsible for higher education, at the request of the senate.
2. The powers of the minister responsible for higher education as defined in section 1 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.
3. A public higher education institution may establish other organisational units. The types of such units, and the conditions and procedure for their establishment, abolition and transformation shall be laid down in the statutes, subject to Article 85.

4. The types of organisational units of a non-public higher education institution, and the conditions and procedure for their establishment, abolition and transformation shall be laid down in the statutes, subject to Article 85.

#### **Article 85**

1. A higher education institution may establish an organisational unit in a location outside its seat as:
  - 1) a basic organisational unit of the institution,
  - 2) a branch campus which consists of at least two basic organisational units of the institution,
  - 3) a teaching centre in another location, in which the institution's basic organisational unit authorised to confer the academic degree of *doktor* or – upon the consent of the minister responsible for higher education to be given after consultation with the State Accreditation Committee – a unit authorised to offer second-cycle programmes or long-cycle programmes provides two thirds of its courses taught as part of a first-cycle programme, if the staffing requirements laid down on the basis of Article 9, subsection 5 (b) are fulfilled.
2. A higher education institution which has no basic organisational units and is authorised to confer the academic degree of *doktor* and – upon the consent of the minister responsible for higher education to be given after consultation with the State Accreditation Committee – a higher education institution authorised to offer second-cycle programmes or long-cycle programmes may establish a teaching centre in another location to provide most of its courses taught as part of a first-cycle programme, if the staffing requirements laid down on the basis of Article 9, subsection 5 (b) are fulfilled.
3. A higher education institution may also establish an organisational unit in a location outside its seat which has tasks other than teaching and which may also be of a different type than those given in section 1, subsections 1 and 2.
4. A public higher education institution shall establish, transform and abolish organisational units in another location pursuant to the rules laid down in Article 84, sections 1 and 2, subject to sections 5 and 6 below.
5. The establishment of an organisational unit of a higher education institution in another location abroad shall require the consent of the minister responsible for foreign affairs and the minister responsible for higher education.
6. Foreign higher education institutions may establish higher education institutions with their seat in the territory of the Republic of Poland upon the consent of the minister responsible for higher education to be given after consultation with the State Accreditation Committee.
7. Higher education institutions established by foreign higher education institutions shall be subject to the provisions concerning the establishment and activities of a non-public higher education institution, except for Article 9 and Article 110, sections 1 to 3.
8. The minister responsible for higher education shall specify, by regulation, the requirements to be fulfilled by higher education institutions established by foreign higher education institutions in order to provide degree programmes at a given level and in a given field of study, while taking into account academic titles and academic degrees awarded abroad, as well as the staffing and teaching quality requirements applicable to Polish higher education institutions.

#### **Article 86**

1. In order to ensure better use of the intellectual and technological potential of higher education institutions and the transfer of research findings to the economy, higher education institutions may operate academic business incubators and technology transfer centres.
2. An academic business incubator shall be established in order to support the economic activity of the academic community or staff and students of a higher education institution who are entrepreneurs.
3. An academic business incubator established as:
  - 1) an institutional-level unit shall operate on the basis of its regulations to be approved by the senate of the higher education institution concerned;
  - 2) a commercial partnership or a foundation shall operate on the basis of the relevant documents regulating its status.

4. A technology transfer centre shall be established in order to sell or transfer free of charge research and development findings to the economy.
5. A technology transfer centre established as:
  - 1) a institutional-level unit shall operate on the basis of its regulations to be approved by the senate of the higher education institution concerned;
  - 2) a commercial partnership or a foundation shall operate on the basis of the relevant documents regulating its status.
6. An academic business incubator or a technology transfer centre established as institutional-level organisational units shall have supervisory boards whose composition and powers shall be defined in their regulations.
7. The director of an academic business incubator or a technology transfer centre operating as an institutional-level organisational unit shall be appointed by the rector after consultation with the senate from among candidates proposed by the supervisory boards of such units.

#### **Article 87**

The status of teaching hospitals which are used as teaching and research facilities by medical higher education institutions or other higher education institutions providing teaching and conducting research in medical sciences shall be regulated by the provisions of the Act of 30 August 1991 on Health Care Institutions (*Dziennik Ustaw* No. 91, item 408, as amended by subsequent legislation<sup>4</sup>).

#### **Article 88**

1. A higher education institution shall have a library and information system based on the library. Organisational and operational arrangements of the library and information system in a higher education institution, including the rules on access thereto for persons other than staff, doctoral students or students of the institution, shall be laid down in the statutes.
2. The director of the library shall be employed by the rector after consultation with the senate of the higher education institution concerned. The director of the library in a university-type higher education institution shall be a person entitled to hold positions listed in Article 113 or holding an academic degree.
3. A higher education institution shall have a library board as a consultative body for the rector. The composition and powers of the library board and the procedure for its appointment shall be defined in the statutes of the institution.
4. In operating the library and information system, a higher education institution may process the type of personal data of its users specified in the statutes.
5. The set of personal data referred to in section 4 shall be exempt from the requirement for the registration of personal data sets referred to in Article 40 of the Act of 29 August 1997 on the Protection of Personal Data (*Dziennik Ustaw* 2002, No. 101, item 926, and No. 153, item 1271, and 2004, No. 25, item 219, and No. 33, item 285).
6. A higher education institution shall have archives. The archive services shall be regulated by the provisions of the Act of 14 July 1983 on National Archive Resources and Archives (*Dziennik Ustaw* 2002, No. 171, item 1396, as amended by subsequent legislation<sup>5</sup>).

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<sup>4</sup> Amendments to the Act were published in: *Dziennik Ustaw* 1992, No. 63, item 315; 1994, No. 121, item 591; 1995, No. 138, item 682; 1996, No. 24, item 110; 1997, No. 104, item 661, No. 121, item 769 and No. 158, item 1041; 1998, No. 106, item 668, No. 117, item 756 and No. 162, item 1115; 1999, No. 28, item 255 and 256, and No. 84, item 935; 2000, No. 3, item 28, No. 12, item 136, No. 43, item 489, No. 84, item 948, No. 114, item 1193, and No. 120, item 1268; 2001, No. 5, item 45, No. 88, item 961, No. 100, item 1083, No. 111, item 1193, No. 113, item 1207, No. 126, items 1382 to 1384, and No. 128, item 1407; 2002, No. 113, item 984; 2003, No. 45, item 391, No. 124, items 1151 and 1152, No. 171, item 1663, No. 213, item 2081, and No. 223, item 2215; and 2004, No. 210, item 2135, and No. 273, item 2703.

<sup>5</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2002, No. 241, item 2074; 2003, No. 137, item 1302; 2004, No. 173, item 1808, No. 202, item 2065, and No. 273, item 2703; and 2005, No. 10, item 69, and No. 64, item 565 and No. 163, item 1362.

## **Chapter 4 Assets and Finance of Higher Education Institutions**

### **Article 89**

The assets of a higher education institution shall include its property and other property rights.

### **Article 90**

1. The founding act of a public higher education institution shall indicate its assets or the body providing it with those assets.
2. The assets referred to in section 1 which are provided to a higher education institution in the process of its establishment shall include real estate allocated from the real estate resources of the State Treasury and local government units. The assets provided to a higher education established as a result of merging several higher education institutions shall include real estate owned by the merging institutions; it may also be provided with real estate allocated from the real estate resources of the State Treasury and local government units.
3. The State Treasury and local government units may provide higher education institutions with real estate pursuant to the procedure and rules laid down in the Act of 21 August 1997 on the Real Estate Management (*Dziennik Ustaw* 2004, No. 261, item 2603, and No. 281, item 2782, and 2005, No. 130, item 1087).
4. In order to conduct transactions involving fixed assets within the meaning of the legislation on accounting, in so far as provided for in the Act of 8 August 1996 on the Rules for Exercising Powers of the State Treasury (*Dziennik Ustaw* No. 106, item 493, as amended by subsequent legislation<sup>6</sup>), a higher education institution shall require the consent of the minister responsible for the State Treasury.
5. In the case of liquidation of a public higher education institution, once its liabilities have been discharged, its assets shall become, depending on the origin of such assets as specified in section 2, either the property of the State Treasury or the property of a local government unit. Decisions concerning the use of the assets of the liquidated public higher education institution shall be taken by the minister responsible for higher education or, in the case of a military higher education institution, government service higher education institution, higher education institution for art studies, medical higher education institution and higher education institution for maritime studies, the respective ministers referred to in Article 33, section 2.
6. The provision of section 5 shall apply accordingly to the assets transferred to a non-public higher education institution pursuant to the procedure laid down in section 3.
7. In the case of liquidation of a public teaching hospital established pursuant to the rules and procedure laid down in the legislation on health care institutions, once its creditors have been satisfied, its assets shall become the property of the State Treasury, or the property of a public medical higher education institution or a public higher education institution providing teaching and conducting research in medical sciences; decisions concerning their use shall be taken by the entity which has established the public health care institution concerned.

### **Article 91**

1. The activity of a higher education institution referred to in Article 13, section 1, and Article 14 shall be exempt from income tax, value added tax, real estate tax, agricultural tax, forestry tax and tax on civil law transactions pursuant to the rules laid down in separate Acts of Parliament.
2. A higher education institution shall be exempt from charges for the perpetual usufruct of the real estate owned by the State Treasury, except for charges specified in the legislation on the management of the agricultural real estate owned by the State Treasury.

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<sup>6</sup> Amendments to the Act were published in: *Dziennik Ustaw* 1996, No. 156, item 775; 1997, No. 106, item 673, No. 115, item 741, and No. 141, item 943; 1998, No. 155, item 1014; 2000, No. 48, item 550; 2001, No. 4, item 26; 2002, No. 25, item 253, and No. 240, item 2055; and 2004, No. 99, item 1001, No. 123, item 1291, and No. 273, item 2703.

## **Article 92**

Activities of a public higher education institution shall be financed by State-budget subsidies for its statutory tasks, and may be financed by its own revenues.

## **Article 93**

1. The remuneration part of the State-budget expenditure designated to finance activities of public higher education institutions shall be indexed on an annual basis at least by the average annual rate of salary growth in the State budget sector as fixed in the budgetary law for a given budgetary year.

2. The non-remuneration part of the State-budget expenditure designated to finance activities of public higher education institutions shall be indexed on an annual basis at least by the average annual growth rate of consumer prices as fixed in the budgetary law for a given budgetary year.

## **Article 94**

1. A public higher education institution shall receive State-budget subsidies for:
  - 1) the tasks related to the teaching of full-time students and full-time doctoral students, and the training of research staff, as well as to the maintenance of the higher education institution, including renovation work;
  - 2) the tasks of a military higher education institution related to national defence;
  - 3) the tasks of a government service higher education institution related to the safety of citizens;
  - 4) the tasks of a higher education institution for art studies related to cultural activity within the meaning of the legislation on the organisation and pursuance of cultural activity;
  - 5) the tasks of a higher education institution for maritime studies related to the maintenance of training ships and specialist training centres for maritime staff and the military training of students;
  - 6) the tasks of a higher education institution training aircraft personnel for civil aviation related to the maintenance of training aircraft and specialist training centres for aviation staff;
  - 7) the tasks related to non-reimbursable financial support for students as provided for in Article 173, section 1, and for doctoral students as provided for in Article 199, section 1;
  - 8) the tasks related to medical services delivered as part of the training of full-time students in a basic organisational unit of a medical higher education institution or another public higher education institution performing the tasks referred to in subsection 1 and conducting research in medical sciences under direct supervision of doctors or dentists who are authorised to practise the profession of doctor or dentist and are employees of the institution;
  - 9) the tasks related to the provision of postgraduate specialisation training for doctors, dentists, veterinary surgeons, pharmacists, nurses and midwives, and laboratory diagnosticians;
  - 10) the co-funding or funding of investments, including investment projects supported by public Community funds under regional development contracts referred to in the Act of 20 April 2004 on the National Development Plan (*Dziennik Ustaw* No. 116, item 1206, and 2005, No. 90, item 759);
  - 11) the tasks related to the teaching and medical rehabilitation of disabled students.
2. A public higher education institution may use the subsidy for financial support for students and doctoral students referred to in section 1, subsection 7 to co-finance the renovation of student dormitories and canteens.
3. The subsidies referred to in section 1 shall be granted from the part of the State budget which is administered by the minister responsible for higher education, except that:
  - 1) the subsidies referred to in section 1, subsections 1, 2 and 10 for a military higher education institution shall be granted from the part thereof which is administered by the Minister of National Defence, with the subsidy referred to in section 1, subsection 1, so far as it relates to the teaching of full-time students and full-time doctoral students, including regular soldiers or candidates to be regular soldiers;
  - 2) the subsidies referred to in section 1, subsections 1, 3 and 7, 10 and 11 for a government service higher education institution shall be granted from the part thereof which is administered by the minister responsible for home affairs;

- 3) the subsidies referred to in section 1, subsections 1, 4, 7, 10 and 11 for a higher education institution for art studies shall be granted from the part thereof which is administered by the minister responsible for culture and national heritage protection;
  - 4) the subsidies referred to in section 1, subsections 1, 5, 7, 10 and 11 for a higher education institution for maritime studies shall be granted from the part thereof which is administered by the minister responsible for maritime economy;
  - 5) the subsidies referred to in section 1, subsection 6 for a higher education institution training aviation personnel for civil aviation shall be granted from the part thereof which is administered by the minister responsible for transport;
  - 6) the subsidies referred to in section 1, subsections 1 and 7 to 11 for a medical higher education institution or another public higher education institution performing the tasks referred to in section 1, subsection 1, and conducting research in medical sciences shall be granted from the part thereof which is administered by the minister responsible for health matters.
4. A non-public higher education institution shall be granted a subsidy for the tasks related to non-reimbursable financial support for students as provided for in Article 173, section 1, and for doctoral students as provided for in Article 199, section 1.
5. A non-public higher education institution complying with the requirements laid down in the legislation adopted on the basis of Article 95, section 1 may be granted:
- 1) a subsidy to cover a part of fees paid by full-time students and full-time doctoral students;
  - 2) subsidies to contribute towards the costs of the tasks mentioned in section 1, subsections 1, 2, 4 and 5 and 8 to 11 which are not related to the teaching of full-time students and full-time doctoral students.
6. A higher education institution may be granted other funds from the State budget and budgets of local government units or their associations.
7. The provisions of sections 3, 4 and 5 shall apply accordingly to an association of higher education institutions.

#### **Article 95**

1. The minister responsible for higher education shall specify, by regulation, the requirements and procedure for non-public higher education institutions to apply for the subsidies referred to in Article 94, and the method of monitoring their use, taking into account the quality of education in a higher education institution, the number of academic staff for whom the institution is the place of primary employment, the number of full-time students and full-time doctoral students enrolled at the institution, the institution's own funds invested in the development of its facilities, and past achievements of the institution in the area of teaching. The subsidy for financial support shall take into account the number of full-time students and full-time doctoral students enrolled at the institution, and the number of students and doctoral students who are in a difficult financial situation.
2. The minister responsible for higher education shall grant the subsidies referred to in Article 94, sections 1, 4 and 5, specifying their amount and purpose. The subsidies referred to in Article 94, section 3 shall be granted by the competent minister referred to in Article 94, section 3 who shall also specify their amount and purpose.
3. The minister granting the subsidy referred to in Article 94, section 1, subsection 1 may allocate additional funds for degree programmes provided in specific fields of study, macro-fields of study or as interdisciplinary programmes to a public higher education institution where degree programmes are of a particularly high quality as confirmed by an assessment of the State Accreditation Committee. The total funds allocated for this purpose may not exceed 0.5% of the subsidy allocated for the tasks defined in Article 94, section 1, subsection 1.

#### **Article 96**

In consultation with the Minister of National Defence and the ministers responsible for home affairs, health matters, culture and national heritage protection, and maritime economy, the minister responsible for higher education shall specify by regulation:

- 1) the cost indices of full-time degree programmes provided in each field of study and macro-field of study or as interdisciplinary programmes, taking into account the staff resources required for the provision of degree programmes at a given level, as well as the cost indices of full-time doctoral programmes in each area of science, having regard to the type of necessary costs incurred to teach and conduct research in a given field of study and a given area of science, and to prepare a doctoral student for teaching, scientific and research activities;
- 2) the rules for the distribution of the subsidies referred to in Article 94, taking into account:
  - a) as regards the tasks referred to in Article 94, section 1, subsections 1 and 8: data on the number of full-time students, full-time doctoral students and academic staff, and on the cost indices of full-time degree programmes in each field of study and full-time doctoral programmes in each area of science;
  - b) as regards the financial support for students: data on the number of students, number of full-time students entitled to accommodation in student dormitories and number of students in a difficult financial situation;
  - c) as regards the financial support for doctoral students: data on the number of doctoral students, number of full-time doctoral students entitled to accommodation in student dormitories and number of doctoral students in a difficult financial situation;
 – while ensuring, within the limits of State budget funds available, the best possible functioning of higher education institutions.

#### **Article 97**

The rules and procedure for funding research and development work in a higher education institution eligible for finance from the funds designated in the State budget for research shall be laid down in the Act of 8 October 2004 on the Principles of Financing Science (*Dziennik Ustaw* No. 238, item 2390, and No. 273, item 2703, and 2005, No. 85, item 727).

#### **Article 98**

1. The revenues of a public higher education institution shall include in particular:
  - 1) the State-budget subsidies referred to in Article 94, section 1, subsections 1 to 6 and 8, 9 and 11,
  - 2) the State-budget funds for research referred to in the Act mentioned in Article 97,
  - 3) fees charged for educational services, in particular for part-time degree and doctoral programmes, and for artistic services delivered by higher education institutions for art studies,
  - 4) fees related to the admissions process,
  - 5) one-off fees for the issue of a diploma, certificate and any other document related to the progress of study,
  - 6) fees for research and specialist services, specialist and highly specialist diagnostic, rehabilitation or medical treatment services, as well as licence fees and revenues from cultural activity,
  - 7) revenues from economic activity,
  - 8) revenues from shares and interest,
  - 9) revenues from the sale of the institution's own assets, and fees for the use of such assets by third persons on the basis of a tenancy, leasing or other agreement,
  - 10) revenues in the form of gifts, inheritances, legacies and public donations,
  - 11) non-reimbursable funds from international sources,
  - 12) the funds referred to in Article 94, section 6.
2. The maximum amount of the fees referred to in section 1, subsections 4 and 5 shall be determined, by regulation, by the minister responsible for higher education for an academic year, bearing in mind that they may not exceed costs to be incurred as necessary in the process of registration and enrolment of students in a given field and at a given level of study.
3. Funds not used in a given year shall remain at the disposal of the higher education institution concerned.

#### **Article 99**

1. A public higher education institution may charge fees for its educational services related to:
  - 1) the teaching of part-time students and part-time doctoral students,
  - 2) the repetition of specific courses as part of full-time degree programmes and full-time doctoral programmes as a result of unsatisfactory learning achievements,
  - 3) the provision of programmes in a foreign language,
  - 4) the provision of courses which are not included in a study plan,
  - 5) the provision of non-degree postgraduate programmes and retraining courses.
2. The amount of fees referred to in section 1 shall be determined by the rector of a public higher education institution; however, the fees referred to in section 1, subsections 1 and 2 may not exceed the costs incurred by a given higher education institution as necessary to launch and provide, respectively, degree programmes or doctoral programmes referred to in section 1, subsection 1, and courses within degree programmes or doctoral programmes referred to in section 1, subsection 2, including depreciation and renovation costs.
3. The senate of a public higher education institution shall lay down detailed rules for charging the fees referred to in section 1, including the procedure and conditions for partial or full exemption from such fees of students or doctoral students, in particular those with outstanding achievements, as well as those in a difficult financial situation.
4. The rules for charging, and the amount of, fees in a non-public institution shall be determined by the body indicated in its statutes.

#### **Article 100**

1. A public higher education institution shall cover the costs of its activities, discharge its liabilities and ensure funding for its development and other needs using the revenues referred to in Article 98, section 1.
2. A public higher education institution shall manage its funds independently on the basis of an activity-and-finance plan and in accordance with the legislation on public finance and accounting.
3. A public higher education institution shall forward its activity-and-finance plan to the supervising minister and the minister responsible for public finance within fourteen days of its adoption.

#### **Article 101**

1. A public higher education institution shall establish:
  - 1) a capital fund,
  - 2) other funds provided for in separate legislation.
2. The net profit shall be allocated to the capital fund.
3. The net loss shall be covered by the capital fund.
4. The annual financial report of a public higher education institution shall be subject to examination by a certified auditor.

#### **Article 102**

1. The capital fund shall reflect the value of the assets of a public higher education institution.
2. Fixed assets and intangible assets of a public higher education institution, except for buildings and premises and civil engineering facilities, shall be subject to depreciation pursuant to the rules laid down in separate legislation.
3. Buildings, premises and civil engineering facilities shall be written off.

### **Article 103**

1. A higher education institution shall establish a financial support fund for students and doctoral students.
2. The fund referred to in section 1 shall be based on:
  - 1) the subsidy referred to in Article 94, section 1, subsection 7, and section 4, excluding funds for the minister's scholarships referred to in Article 173, section 1, subsections 4 and 5;
  - 2) fees for accommodation in student dormitories;
  - 3) fees for meals in student canteens;
  - 4) other revenues, including fees for renting premises in student dormitories and canteens.
3. The part of the financial support fund for students and doctoral students referred to in section 2, subsection 1 shall be used for grants, scholarships and aid payments, and, in the case of a public higher education institution, also for the renovation of student dormitories and canteens. The subsidy allocated for the financial support for doctoral students may not exceed 3% of the subsidy referred to in section 2, subsection 1.
4. The part of the financial support fund for students and doctoral students referred to in section 2, subsections 2 to 4 shall be used to cover maintenance costs of student dormitories and canteens, and, in the case of a public higher education institution, also the remuneration of its employees working in those dormitories and canteens, as well as for deductions for the institutional employee welfare benefits fund referred to in Article 157.
5. The part of the financial support funds for students and doctoral students referred to in section 2, subsections 2 to 4 may also be used for grants, scholarships and aid payments, and for the renovation and upgrading of student dormitories and canteens.
6. A part of the financial support fund for students and doctoral students, which must not however exceed 0.2% of the subsidy referred to in Article 94, section 1, subsection 7, and section 4 in a given budgetary year, may be used to cover the institutional costs of tasks related to the award and payment of grants, scholarships and aid payments for students and doctoral students.
7. Any sums in the financial support fund for students and doctoral students received from the source referred to in section 2, subsection 1 which remain unspent in a given budgetary year shall be carried over to the next year to be used for the purposes referred to in section 3, and any unspent sums from the sources referred to in section 2, subsections 2 to 4 for the purposes referred to in sections 4 and 5.

### **Article 104**

1. A higher education institution may establish its own scholarship fund for staff, students and doctoral students using funds other than those referred to in Article 94, sections 1 and 6. If this is provided for in the statutes, scholarships from such a fund may be awarded regardless of grants referred to in Article 173, section 1, and Article 199, section 1.
2. Scholarships referred to in section 1 shall be awarded to students and doctoral students in consultation with the institutional executive body of the student self-government indicated in the student self-government regulations or the institutional executive body of the doctoral student self-government indicated in the doctoral student self-government regulations respectively.

### **Article 105**

The Council of Ministers shall lay down, by regulation, the detailed rules for financial management in public higher education institutions, including:

- 1) the rules for drawing up an activity-and-finance plan;
- 2) the rules for establishing funds and changing the level of funding therein;
- 3) the rules for accounting for costs;
- 4) the method of adjusting financial management rules applied hitherto by higher education institutions to the provisions of this Act.

## **Article 106**

Teaching, scientific, research, experimental, artistic, sport, diagnostic, medical rehabilitation or treatment activities conducted by a higher education institution shall not constitute economic activity within the meaning of the provisions of the Act of 2 July 2004 on the Freedom of Economic Activity (*Dziennik Ustaw* No. 173, item 1807, as amended by subsequent legislation<sup>7</sup>).

## **Part III Employees of Higher Education Institutions**

### **Chapter 1 General Provisions**

#### **Article 107**

The employees of a higher education institution shall be academic staff and non-academic staff.

#### **Article 108**

Academic staff shall include:

- 1) research and teaching staff,
- 2) teaching staff,
- 3) research staff,
- 4) qualified librarians and qualified scientific documentation and information staff.

#### **Article 109**

1. Academic staff may be persons who:
  - 1) have the qualifications specified in this Act;
  - 2) have full legal capacity;
  - 3) have not been convicted of an intentional offence by a valid court judgement;
  - 4) have not been punished by a disciplinary penalty referred to in Article 140, section 1, subsection 4;
  - 5) enjoy full civic rights.
2. Academic staff may be employed at any one time in only one institution as the place of their primary employment.
3. Employment of a non-national as an academic staff member in a higher education institution shall not require permission or consent of an employment authority. Neither shall permission or consent be required in order to assign a non-national to other paid work within the scope of the tasks referred to in Article 111.
4. A person referred to in section 3 shall be subject to compulsory social security and health insurance, and shall be eligible for entitlements provided for in this Act as well as for other entitlements pursuant to the rules applicable to employees who are Polish nationals.

#### **Article 110**

1. Research and teaching staff and research staff shall be employed in the following positions:
  - 1) *profesor zwyczajny*,
  - 2) *profesor nadzwyczajny*,
  - 3) *profesor wizytujący*,
  - 4) *adiunkt*,
  - 5) *asystent*.

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<sup>7</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2004, No. 281, item 2777, and 2005, No. 33, item 289, No. 94, item 788 and No. 143, item 1199.

2. Teaching staff shall be employed in the following positions:
  - 1) *starszy wykładowca*,
  - 2) *wykładowca*,
  - 3) *lektor or instruktor*.
3. Teaching staff in a non-university higher education institution may also be employed in the positions listed in section 1, subsections 1 to 3 and 5.
4. The statutes of a higher education institution may provide for teaching staff to be employed in the position of *docent*. The staff holding this position shall be subject to the provisions of this Act concerning teaching staff employed in the position of *starszy wykładowca*, unless any specific provision of this Act stipulates otherwise.

#### **Article 111**

1. Research and teaching staff shall be required to:
  - 1) teach and educate students;
  - 2) conduct research and development work, and contribute to the development of science or artistic creation;
  - 3) participate in the performance of organisational tasks in their higher education institution.
2. Research staff shall have duties defined in section 1, subsections 2 and 3.
3. The duties of academic staff holding the academic title of *profesor* or the academic degree of *doktor habilitowany* shall also include the training of research staff.
4. Teaching staff shall be required to:
  - 1) teach and educate students;
  - 2) upgrade their professional skills;
  - 3) participate in the performance of organisational tasks in their higher education institution.
5. Academic staff employed in a non-university higher education institution may participate in research work. The conditions for conducting such work shall be laid down by the collective body of the institution indicated in the statutes.

#### **Article 112**

1. Academic staff employed in a medical higher education institution or another higher education institution conducting activities in the area of medical sciences shall be involved in the provision of health care by performing teaching and research tasks in connection with medical services delivered in teaching hospitals or wards of other health care institutions (hospitals) which are made available for such higher education institutions pursuant to the rules laid down in the legislation on health care institutions.
2. Academic staff shall be involved in the provision of medical services referred to in section 1 on the basis of a separate agreement concluded with a teaching hospital or another health care institution (hospital).
3. The provisions of sections 1 and 2 shall apply accordingly to basic organisational units of public higher education institutions active in the area of veterinary sciences.

#### **Article 113**

1. Qualified librarians and qualified scientific documentation and information staff shall be employed in the following positions:
  - 1) *starszy kustosz dyplomowany, starszy dokumentalista dyplomowany*,
  - 2) *kustosz dyplomowany, dokumentalista dyplomowany*,
  - 3) *adiunkt biblioteczny, adiunkt dokumentacji i informacji naukowej*,
  - 4) *asystent biblioteczny, asystent dokumentacji i informacji naukowej*.

#### **Article 114**

1. The position of *profesor zwyczajny* may be taken up by a person holding the academic title of *profesor*.
2. The position of *profesor nadzwyczajny* may be taken up by a person holding the academic degree of *doktor habilitowany* or the academic title of *profesor*.
3. The position of *profesor wizytujący* may be taken up by a person employed in another higher education institution who holds the academic degree of *doktor habilitowany* or the academic title of *profesor*, subject to Article 115, section 3.
4. The position of *profesor nadzwyczajny* in a higher education institution for maritime studies may also be taken up by a person holding the academic degree of *doktor* and the highest naval officer rank.
5. The position of *adiunkt* may be taken up by a person holding at least the academic degree of *doktor*.
6. The position of *asystent* may be taken up by a person holding at least the degree of *magister* or an equivalent degree.
7. The teaching staff positions referred to in Article 110, section 2 may be taken up by persons holding the degree of *magister* or an equivalent degree.
8. The position of *docent* referred to in Article 110, section 4 may be taken up by a person holding at least the academic degree of *doktor*.

#### **Article 115**

1. The position of *profesor nadzwyczajny* or *profesor wizytujący* may be taken up by a person who, while not complying with the requirements laid down in Article 114, sections 2 and 3 respectively, holds the academic degree of *doktor* and has significant and creative achievements in research, professional or artistic activity certified in accordance with the procedure laid down in the statutes.
2. A person referred to in section 1 may be employed in the position of *profesor nadzwyczajny* in a higher education institution subject to a positive opinion from the Central Commission for Academic Degrees and Titles.
3. The position of *profesor wizytujący* in a military higher education institution may be taken up by a person holding the rank of general or admiral.
4. When employing a person who is not a Polish national in the position referred to in section 1, the rector may derogate from the requirements laid down in Article 114, sections 2 and 3.
5. A person referred to in section 1 may take up the position of *profesor nadzwyczajny* only on the basis of a contract of employment.

#### **Article 116**

The statutes of a higher education institution may specify additional requirements and professional qualifications for persons employed in the positions referred to in Article 110.

#### **Article 117**

The minister responsible for higher education shall specify by regulation:

- 1) the requirements to be fulfilled by candidates for the positions of qualified librarians and qualified scientific documentation and information staff, including in particular the requirements concerning their educational attainment, period of service and research achievements, in order to be admitted to the qualifying process and the conditions for exemption therefrom;
- 2) the form of, and procedural arrangements for, the qualifying process providing the basis for the award of qualifications of qualified librarians and qualified scientific documentation and information staff, including the procedure for the appointment and operational rules of an examination board;
- 3) the requirements for the promotion of qualified librarians and qualified scientific documentation and information staff, including the requirements qualifying for professional promotion, a list of professional specialisation areas and their thematic scope;

- 4) a specimen certificate attesting to the professional qualifications acquired, taking into account the need to include all details confirming the professional qualifications acquired;
- while having regard in particular to the efficient operation of the library and information system of a higher education institution.

## **Chapter 2**

### **Employment Relationship of Employees of Higher Education Institutions**

#### **Article 118**

1. The employment relationship with academic staff shall be established on the basis of appointment or a contract of employment. Academic staff shall be employed by appointment only on a full-time basis.
2. The employment relationship with academic staff in a public higher education institution shall be established and terminated by the rector in accordance with the procedure laid down in the statutes, subject to Article 121, section 4.
3. The employment relationship with academic staff in a non-public higher education institution shall be established and terminated by the body of the institution indicated in the statutes, subject to Article 121, section 5, in accordance with the procedure laid down in the statutes.
4. The procedure preceding the employment of academic staff shall be laid down in the statutes.
5. Regular soldiers in a military higher education institution shall be nominated to the positions of academic staff in accordance with the rules and procedure laid down in the legislation on the military service of regular soldiers, and in compliance with the provisions of Articles 114 to 116.
6. Functionaries in a government service higher education institution shall be nominated to the positions of academic staff in accordance with the rules and procedure laid down in the legislation concerning the relevant service, and in compliance with the provisions of this Act.

#### **Article 119**

1. An appointment document for, and a contract of employment concluded with, academic staff shall specify the parties to such an agreement, its type, the date of its conclusion as well as the terms and conditions of employment and pay, including in particular:
  - 1) the type of work,
  - 2) the workplace,
  - 3) information on whether the higher education institution is the place of primary employment within the meaning of this Act,
  - 4) the remuneration for work corresponding to the type of work, including the remuneration components,
  - 5) the mode of employment,
  - 6) the starting date of employment.
2. In order to be employed on the basis of appointment, academic staff shall be required to submit a written declaration that the employing higher education institution is the place of their primary employment within the meaning of this Act.

#### **Article 120**

The period of employment in the position of *asystent* for a person who does not hold the academic degree of *doktor* and the period of employment in the position of *adiunkt* for a person who does not hold the academic degree of *doktor habilitowany*, as well as the conditions for reducing, extending and suspending such periods shall be specified in the statutes.

#### **Article 121**

1. The higher education institution where academic staff are employed on the basis of appointment shall be the place of their primary employment.
2. Appointment shall be for an indefinite or specific period of time.

3. The first appointment in a higher education institution shall take place upon qualification in a competition. The rules and procedure for such competitions and qualifying criteria shall be laid down in the statutes.
4. The person holding the function of rector of a public higher education institution shall be appointed to the position of *profesor zwyczajny* or *profesor nadzwyczajny* by the minister responsible for higher education at the request of the senate of the institution.
5. The provision of section 4 shall apply to a non-public higher education institution unless the statutes of the institution provide otherwise.
6. The powers of the minister responsible for higher education as defined in section 4 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.

#### **Article 122**

1. The rector shall issue staff identity cards to academic staff at their request.
2. Fees related to the issuing costs shall be charged for the issue of a staff identity card referred to in section 1; the amount of the fee may not exceed the costs of producing the document. The fees shall constitute revenue to the higher education institution.
3. The minister responsible for higher education shall specify, by regulation, a specimen staff identity card and the procedure for issuing staff identity cards referred to in section 1, having regard to the need to confirm employment in an academic staff position.

#### **Article 123**

1. The employment relationship with appointed academic staff may be terminated:
  - 1) by mutual agreement,
  - 2) by notice of termination given by either of the parties,
  - 3) without notice of termination.
2. The termination of the employment relationship with appointed academic staff by notice shall take effect at the end of a semester, while respecting a three-month period of notice.
3. In a military higher education institution, academic staff who are regular soldiers shall be dismissed from their position pursuant to the rules and procedure laid down in the legislation on the military service of regular soldiers.
4. In a government service higher education institution, the employment relationship with appointed academic staff who are functionaries of a government service shall be terminated pursuant to the rules and procedure laid down in the legislation concerning the respective service, and in compliance with the provisions of this Act.

#### **Article 124**

The rector may terminate the employment relationship with appointed academic staff by notice in the case of:

- 1) temporary incapacity for work due to illness if the period of incapacity exceeds the period covered by a sick leave benefit or, when an authorised doctor has established that improvement in the state of health allows the academic staff member concerned to return to work, if that period exceeds two years;
- 2) proceedings initiated to liquidate the higher education institution;
- 3) an academic staff member who has obtained two successive negative results in the performance appraisal referred to in Article 132, sections 1 and 2 within a period not shorter than one year;
- 4) an academic staff member who has taken up additional employment or pursues economic activity without the consent of the rector referred to in Article 129, section 1;
- 5) an academic staff member who has failed to notify the rector of additional employment or economic activity as required in accordance with Article 129, section 6.

### Article 125

The employment relationship with appointed academic staff may also be terminated for other legitimate reasons upon the consent of the collective body indicated in the statutes of a higher education institution.

### Article 126

The rector may terminate the employment relationship with appointed academic staff without notice in the case of:

- 1) permanent incapacity for work in the position held, confirmed by a certificate from a medical expert within the meaning of the legislation on pensions from the Social Security Fund, if it is not possible to employ the academic staff member concerned in another position, suitable for their state of health and professional qualifications, or if the academic staff member concerned refuses to be transferred to such a position;
- 2) an academic staff member who has failed to provide within a specified time limit a certificate confirming their capacity for work in the position held, issued by a doctor conducting periodical or follow-up medical examination;
- 3) an academic staff member who has committed:
  - a) an act referred to in Article 115 of the Act of 4 February 1994 on Copyrights and Related Rights (*Dziennik Ustaw* 2000, No. 80, item 904, as amended by subsequent legislation<sup>8</sup>) confirmed by a valid court judgement;
  - b) the following acts as confirmed by a valid judgement of a disciplinary committee:
    - appropriating the authorship, or giving misleading information as regards the authorship, of another person's complete work or artistic performance, or a part thereof;
    - distributing, without the name or pseudonym of the author, another person's work in its original version or an adapted form;
    - distributing, without the name or pseudonym of the author, another person's artistic performance or distorting in public such a work, artistic performance, phonogram, videogram or broadcast;
    - infringing in any other way another person's copyrights or related rights;
    - falsifying research or research findings, or committing any other academic fraud;
    - committing any other academic fraud;
- 4) an academic staff member who has been convicted of an intentional offence by a valid court judgement.

### Article 127

1. The employment relationship of appointed academic staff shall expire by virtue of law in the case of:
  - 1) an appointment found to be based on false or invalid documents;
  - 2) a valid court judgement depriving an academic staff member of civic rights;
  - 3) a valid disciplinary penalty depriving an academic staff member of the right to practise the profession of academic teacher either permanently or for a specific period of time;
  - 4) a valid penal measure prohibiting an academic staff member from holding a specific position if the judgment imposing the measure concerns the performance of duties of an academic teacher;
  - 5) the expiry of a three-month period of absence from work due to preventive detention;
  - 6) an academic staff member serving a sentence of imprisonment or restricted liberty;
  - 7) the expiry of the appointment period;
  - 8) the death of an academic staff member.
2. The employment relationship of appointed academic staff holding the position of *profesor zwyczajny* or *profesor nadzwyczajny* shall expire at the end of the academic year in which they reach the age of 70.

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<sup>8</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2001, No. 128, item 1402; 2002, No. 126, item 1068 and No. 197, item 1662; 2003, No. 166, item 1610; and 2004, No. 91, item 869, No. 96, item 959 and No. 172, item 1804.

3. The expiry of the employment relationship shall be confirmed by the rector.
4. The employment relationship of appointed academic staff holding the post of rector shall be transformed at the end of the academic year in which they reach the age of 70 into an employment relationship based on a contract of employment for the period remaining until the end of the rector's term.

#### **Article 128**

A contract of employment concluded with academic staff shall be terminated or shall expire pursuant to the rules laid down in the Act of 26 June 1974, The Labour Code (*Dziennik Ustaw* 1998, No. 21, item 94, as amended by subsequent legislation<sup>9</sup>), with the termination of the employment relationship by notice taking effect at the end of a semester.

#### **Article 129**

1. Work performed by academic staff under an employment relationship with more than one additional employer or economic activity pursued in combination with one additional employment without the prior consent of the rector shall provide the basis for the termination of the employment relationship by notice in the public higher education institution which is the place of their primary employment.
2. Academic staff who are single-person authorities or their deputies in a public higher education institution shall require prior consent of the competent collective body of the institution in order to take up additional employment or economic activity. Work performed under an employment relationship or economic activity pursued without the consent of the competent collective body by academic staff who are single-person authorities or their deputies in a public higher education institution shall result in the expiry of the mandate of the single-person authority or deputy in a public higher education institution.
3. The termination of the employment relationship by notice or the expiry of the mandate referred to in sections 1 and 2 shall take effect at the end of the month following the month in which the above-mentioned fact came to the knowledge of the rector or, with regard to the rector of a military higher education institution, government service higher education institution, higher education institution for art studies, medical higher education institution and higher education institution for maritime studies, to the knowledge of the respective minister referred to in Article 33, section 2, subject to Article 128.
4. The termination of the employment relationship by notice and the expiry of the mandate referred to in sections 1 and 2 shall be, respectively, effected or confirmed by the rector or, with regard to the rector of a public higher education institution, by the minister responsible for higher education or, with regard to the rector of a military higher education institution, government service higher education institution, higher education institution for art studies, medical higher education institution and higher education institution for maritime studies, by the respective minister referred to in Article 33, section 2, at the request of the senate, subject to Article 128.
5. The provisions of sections 1 and 2 shall apply accordingly to a non-public higher education institution unless the statutes provide otherwise.
6. Academic staff shall inform the rector of their additional employment and mode of employment or economic activity within seven days of taking up such additional employment or economic activity.
7. The provisions of sections 1 and 2 shall not apply to academic staff taking up employment in:
  - 1) government offices referred to in Article 1, section 1, and section 2, subsections 1, 2, 4 and 4a of the Act of 16 September 1982 on Employees of Government Offices (*Dziennik Ustaw* 2001, No. 86, item 953, as amended by subsequent legislation<sup>10</sup>),

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<sup>9</sup> Amendments to the consolidated text of Act the were published in: *Dziennik Ustaw* 1998, No.106, item 668, and No. 113, item 717; 1999, No. 99, item 1152; 2000, No.19, item 239, No. 43, item 489, No.107, item 1127, and No. 120, item 1268; 2001, No. 11, item 84, No. 28, item 301, No. 52, item 538, No. 99, item 1075, No. 111, item 1194, No. 123, item 1354, No. 128, item 1405, and No. 154, item 1805; 2002, No. 74, item 676, No. 135, item 1146, No. 196, item 1660, No. 199, item 1673, and No. 200, item 1679; 2003, No. 166, item 1608, and No. 213, item 2081; 2004, No. 96, item 959, No. 99, item 1001, No. 120, item 1252, and No. 240, item 2407; and 2005, No. 10, item 71, No. 68, item 610, and No. 86, item 732.

<sup>10</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2001, No. 98, item 1071, No. 123, item 1353, and No. 128, item 1403; 2002, No. 1, item 18, No. 153, item 1271, and No. 240, item 2052; 2003, No. 228, item 2256; and 2005, No. 10, item 71.

- 2) bodies of academic and professional associations,
- 3) judicial bodies,
- 4) cultural institutions,
- 5) governing bodies of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences.

#### **Article 130**

1. The working time of academic staff shall be determined by the scope of their teaching, research and organisational duties. The working time of academic staff involved in health care services referred to in Article 112 shall also be determined by the scope of their duties related to the provision of continuous care to patients of teaching hospitals or wards in other health care institutions.
2. The rules for defining the scope of duties for academic staff, the types of courses to be taught as part of such duties, including the workload related to teaching tasks for each position, and the rules for calculating teaching hours shall be laid down by the senate.
3. The annual teaching load shall be:
  - 1) between 120 and 240 teaching hours for research and teaching staff,
  - 2) between 240 and 360 teaching hours for teaching staff, subject to section 3,
  - 3) between 300 and 540 teaching hours for teaching staff employed in the positions of *lektor* and *instruktor* or equivalent positions.
4. When allocating to academic staff assignments of major importance to the higher education institution, the rector may reduce their teaching load, within the limits and under the conditions defined in the statutes, below the lower limit determined in accordance with section 3 for the duration of such assignments.
5. The precise scope of duties and workload of academic staff shall be determined by the head of the organisational unit indicated in the statutes.
6. Courses may also be taught outside a given higher education institution, and in particular in a lower secondary or upper secondary school administered by the higher education institution pursuant to the rules laid down by the senate.
7. The mandatory workload of the staff referred to in Article 113 as well as of the library staff and scientific documentation and information staff employed in the positions of *kustosz biblioteczny*, *starszy bibliotekarz* and *starszy dokumentalista* shall be 36 hours per week.
8. The statutes of a non-public higher education institution may lay down teaching loads and overall workloads different from those defined in sections 3 and 7 for the staff referred to in Article 113 as well as for the library staff and scientific documentation and information staff employed in the positions of *kustosz biblioteczny*, *starszy bibliotekarz* and *starszy dokumentalista*.

#### **Article 131**

1. In exceptional cases justified by the requirement to implement a curriculum, academic staff may be obliged to teach courses as overtime, which may not exceed one fourth or one half of the teaching load determined in accordance with Article 130, sections 3 and 4 for research and teaching staff, and teaching staff respectively.
2. Upon their consent, academic staff may be assigned to teach courses in excess of the number of overtime hours defined in section 1. The rules and procedure for such assignments shall be laid down by the senate.
3. Academic staff may not be assigned overtime duties without their prior consent during pregnancy or when taking care of a child of up to one year of age.

#### **Article 132**

1. The performance of all academic staff shall be subject to appraisal, in particular with regard to the proper performance of their duties referred to in Article 111.

2. Performance appraisal shall be conducted by the entity indicated in the statutes at least every four years or at the request of the head of the organisational unit in which an academic staff member is employed. The criteria and procedure for performance appraisal shall be laid down in the statutes.
3. The appraisal of academic staff in regard of the performance of their teaching duties shall involve consultation with students. The rules for consulting students and making use of their opinions shall be laid down in the statutes.
4. The period referred to in section 2 shall not include periods of absence from work due to a maternity leave, child care leave or health leave, and the period of military service or substitute service.

#### **Article 133**

1. Academic staff shall be entitled to holiday leave amounting to thirty six working days per year. Holiday leave should be taken in periods when courses are not taught.
2. Academic staff shall acquire entitlement to their first holiday leave on the last day preceding the summer break in courses, and to their second and subsequent leaves at the beginning of each successive calendar year.
3. The holiday leave entitlement of academic staff shall be proportional to the period of employment in the following cases:
  - 1) employment during a calendar year,
  - 2) cessation of the employment relationship during a calendar year,
  - 3) return to work after unpaid leave, child care leave or health leave.
4. The holiday leave entitlement of part-time academic staff shall be proportional to their mode of employment.
5. When holiday leave has not been taken due to the termination or expiry of the employment relationship, academic staff shall be entitled to receive pay for the period of leave not taken.
6. Days free of duty provided for in a timetable for a five-day working week shall not be included in holiday leave.
7. The procedure for granting holiday leave shall be laid down by the senate or the body indicated in the statutes.

#### **Article 134**

1. Appointed academic staff may be granted paid sabbatical leave amounting to up to one year every seven years of employment in a given higher education institution.
2. Academic staff preparing their thesis for the academic degree of *doktor habilitowany* may be granted paid sabbatical leave amounting to up to six months.
3. Academic staff preparing their thesis for the academic degree of *doktor* may be granted paid sabbatical leave amounting to up to three months.
4. Academic staff may be granted unpaid sabbatical leave upon the consent of the rector.
5. Full-time academic staff who have worked at least five years in a given higher education institution shall be entitled to paid health leave amounting to up to six successive months if, due to their state of health, they are required to refrain from work in order to undergo prescribed treatment. The total duration of health leave throughout the period of employment of academic staff may not exceed two years.
6. In consultation with the minister responsible for higher education, the minister responsible for health matters shall lay down, by regulation, the procedure for certifying that academic staff qualify for the health leave referred to in section 5, and the manner of keeping records relating to the issue of certificates of qualification for such leave, having regard in particular to the transparency of procedures for granting leave and the need to provide proper justification in certificates of qualification for health leave.
7. The rector shall grant academic staff the leave referred to in section 5 at their written request. Academic staff shall submit the request together with a certificate from the doctor responsible for their treatment as part of medical services under the national health insurance scheme.

8. The validity of certificates issued shall be verified pursuant to the rules laid down in separate legislation.
9. Academic staff shall not bear any costs related to medical certification in order to be granted health leave.
10. The staff benefiting from the types of paid leave referred to in sections 1 to 5 may not perform any other work under an employment relationship or pursue economic activity as self-employed for the duration of the leave.
11. The remuneration for the duration of the types of paid leave referred to in sections 1 to 5 shall be calculated according to the rules applicable to the pay for holiday leave.
12. The detailed rules and procedure for granting the types of leave referred to in sections 1 to 5 shall be laid down in the statutes.

#### **Article 135**

1. Non-academic staff of a higher education institution shall be employed on the basis of a contract of employment. A contract of employment shall be concluded by the rector or another body of the institution indicated in the statutes.
2. The provisions of Article 138, section 1 shall apply accordingly to non-academic staff.

#### **Article 136**

1. The provisions of the Act of 26 June 1974, The Labour Code, shall apply to any matters relating to the employment relationship of employees of a higher education institution which are not regulated in this Act.
2. Any disputes related to claims arising from the employment relationship of an employee of a higher education institution shall be decided by labour courts.

### **Chapter 3 Pensions of Academic Staff**

#### **Article 137**

1. Academic staff and members of their families shall be entitled to benefits pursuant to the legislation on pensions from the Social Security Fund, and in compliance with sections 2 and 3.
2. Academic staff who are regular soldiers shall be entitled to retirement benefits pursuant to the legislation on retirement benefits for regular soldiers and their families.
3. Academic staff who are government service functionaries shall be entitled to retirement benefits pursuant to the legislation on retirement benefits for functionaries of the Police, Internal Security Agency, Intelligence Service Agency, Border Guard, Government Protection Bureau, National Fire Service and Prison Service and their families if they comply with the conditions laid down therein.

#### **Article 138**

1. Academic staff retiring at the pension age or due to incapacity for work shall be entitled to a one-off retirement gratuity equivalent to an amount of triple basic remuneration as received for the final month of their employment.
2. Appointed academic staff who retire as reaching the age of 65 may not be re-appointed.

### **Chapter 4 Disciplinary Liability of Academic Staff**

#### **Article 139**

1. Academic staff shall be liable to disciplinary measures for conduct contrary to the duties of an academic teacher or detracting from the dignity of the teaching profession.
2. The liability as dealt with in this Chapter shall not exclude the disciplinary or professional liability provided for in separate legislation.

#### **Article 140**

1. Disciplinary penalties shall include:
  - 1) caution,
  - 2) reprimand,
  - 3) reprimand combined with a ban on holding management functions in the higher education institution for a period of up to five years,
  - 4) permanent or fixed-period ban on practising the profession of academic teacher.
2. A copy of the judgment imposing a disciplinary penalty together with its justification shall be placed in the personal file of the academic staff member concerned. Valid judgments imposing a penalty referred to in section 1, subsection 4 which are given by disciplinary committees for academic staff referred to in Article 142, section 1 shall be published by the minister responsible for higher education in the ministry's official journal.

#### **Article 141**

1. The penalty of caution for minor breaches of discipline shall be imposed by the rector after a hearing with the academic staff member concerned.
2. An academic staff member punished by the rector with a caution may lodge an appeal against the penalty to the institutional disciplinary committee for academic staff. An appeal may be lodged within fourteen days of the date of the receipt of the penalty notice.
3. In the case referred to in section 2, the committee may not impose a more severe penalty.

#### **Article 142**

1. Judgements in disciplinary cases involving academic staff shall be given:
  - 1) in the first instance, by the institutional disciplinary committee for academic staff to be composed of:
    - a) three members if the disciplinary prosecutor demands a penalty referred to in Article 140, section 1, subsections 1 to 3;
    - b) five members if the disciplinary prosecutor demands a penalty referred to in Article 140, section 1, subsection 4;
  - 2) in the second instance, by the disciplinary committee for academic staff at the General Council for Higher Education to be composed of:
    - a) three members if the case to be reviewed involves a penalty referred to in Article 140, section 1, subsections 1 to 3;
    - b) five members if the case to be reviewed involves a penalty referred to in Article 140, section 1, subsection 4.
2. If circumstances emerging in the course of proceedings justify the hearing of a case by five members, the committee judging the case shall decide for the case to be heard by such extended membership. New members of the committee shall be appointed by the chairman of the institutional disciplinary committee for academic staff or the disciplinary committee for academic staff at the Council.
3. The adjudicating panels of the committees referred to in section 1 should include at least one student.
4. The adjudicating panel of the committee referred to in section 1, subsection 2 should include at least one member holding a higher education diploma in law.
5. The chairman of the adjudicating panel should be an academic staff member holding a position which is not lower than that of the defendant.

#### **Article 143**

1. The disciplinary committee referred to in Article 142, section 1, subsection 1 shall be an elected body. The procedure for elections shall be laid down in the statutes.

2. The disciplinary committee referred to in Article 142, section 1, subsection 2 shall be elected by the General Council for Higher Education. The procedure for elections shall be laid down in the regulations to be adopted by the Council.
3. The disciplinary committees referred to in Article 142, section 1 shall be independent in their judgements.
4. The disciplinary committees referred to in Article 142, section 1 shall decide independently all factual and legal issues, and shall not be bound by decisions of other bodies administering the law, except for a valid sentence of a court of law.
5. Decisions and judgements of the adjudicating panel shall be made by a simple majority of votes.
6. The term of office of the disciplinary committee referred to in Article 142, section 1, subsection 1 shall be four years, and its commencement shall coincide with the commencement of the term of office of the bodies of a higher education institution.
7. The term of office of the disciplinary committee referred to in Article 142, section 1, subsection 2 shall be four years and shall commence on 1 January.
8. Administrative services for the disciplinary committee referred to in Article 142, section 1, subsection 2 shall be provided by organisational units of the office supporting the minister responsible for higher education.

#### **Article 144**

1. Disciplinary proceedings shall be initiated by the disciplinary committee at the request of the disciplinary prosecutor.
2. Disciplinary proceedings may not be initiated later than within six months of the date when the rector or, as appropriate, the minister responsible for higher education became aware of the commission of an act justifying the imposition of a penalty, and later than within five years of the commission of the act. If the act constitutes a legal offence, this period may not be shorter than the period of limitations for that act, subject to section 3.
3. The disciplinary prosecutor shall initiate an ex officio enquiry if an academic staff member is accused of an act which involves:
  - 1) appropriating of the authorship, or providing misleading information as regards the authorship, of another person's complete work or artistic performance, or a part thereof;
  - 2) distributing, without the name or pseudonym of the author, another person's work in the original version or an adapted form;
  - 3) distributing, without the name or pseudonym of the author, another person's artistic performance or distorting in public such a work, artistic performance, phonogram, videogram or broadcast;
  - 4) infringing another person's copyright or related rights in any other way;
  - 5) falsifying research or research findings, or committing other academic fraud;
  - 6) accepting any financial or personal benefit or the promise thereof in connection with the function or position held in a higher education institution;
  - 7) alluding to any influence in a higher education institution or a public or local government institution, or suggesting to another person, or strengthening their belief, that such influence may be exerted, and undertaking to act as an intermediary to arrange any matter in return for a financial or personal benefit or the promise thereof;
  - 8) providing or promising to provide any financial or personal benefit in return for mediation in arranging a matter in a higher education institution, which would involve exerting influence on a person holding a function or position in the institution to take a decision, to undertake action or to refrain from action in connection with the function or position held.
4. If disciplinary proceedings are initiated within the time limit referred to in section 2, any act justifying the imposition of a penalty shall cease to be punishable two years after the date of the initiation of the proceedings.
5. The period of limitations shall not apply to the initiation of disciplinary proceedings against academic staff accused of committing any act referred to in section 3, subsections 1 to 5.

6. The disciplinary penalties referred to in Article 140, section 1, subsections 1 to 3 shall be erased and a copy of the penalty judgment placed in the personal file of academic staff shall be removed three years or, in the case of the penalty referred to in Article 140, section 1, subsection 3, five years after the date of the receipt of a valid penalty judgment if they are not punished with a disciplinary penalty or sentenced by court for an intentional offence during that period.

#### Article 145

1. Disciplinary prosecutors in a higher education institution shall be appointed by the rector, and disciplinary prosecutors for the committee referred to in Article 142, section 1, subsection 2 by the minister responsible for higher education, from among academic staff holding at least the academic degree of *doktor habilitowany*.

2. Should the body which has appointed the disciplinary prosecutor become aware of the commission of an act justifying disciplinary measures, it shall forthwith instruct the disciplinary prosecutor to initiate an enquiry.

3. Disciplinary prosecutors shall be bound by instructions from the body which has appointed them.

4. The term of office of disciplinary prosecutors appointed by the rector shall be four years, and its commencement shall coincide with the commencement of the term of office of the bodies of a higher education institution.

5. The term of office of disciplinary prosecutors appointed by the minister responsible for higher education shall be four years and shall commence on 1 January.

#### Article 146

1. The defendant shall be entitled to have a defence counsel of their choice. If the disciplinary prosecutor demands the penalty referred to in Article 140, section 1, subsection 4, and the defendant does not have a defence counsel of their choice, the chairman of the adjudicating panel shall appoint a defence counsel from among academic staff of the higher education institution.

2. Should the defendant avoid attending the proceedings, the proceedings may be conducted in their absence.

3. Parties may appeal against a judgment of the institutional disciplinary committee for academic staff to the committee referred to in Article 142, section 1, subsection 2 within fourteen days of the date of the receipt of the judgement together with justification.

4. Parties may appeal against a valid judgement of the disciplinary committee referred to in Article 142, section 1, subsection 2 to the Court of Appeals in Warsaw – The Labour and Social Security Court. Appeals shall be subject to the provisions of the Act of 17 November 1964, The Code of Civil Proceedings (*Dziennik Ustaw* No. 43, item 296, as amended by subsequent legislation<sup>11</sup>), concerning appeals. Judgements of the Court of Appeals shall not be subject to cassation.

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<sup>11</sup> Amendments to the Act were published in: *Dziennik Ustaw* 1965, No. 15, item 113; 1974, No. 27, item 157, and No. 39, item 231; 1975, No. 45, item 234; 1982, No. 11, item 82, and No. 30, item 210; 1983, No. 5, item 33; 1984, No. 45, items 241 and 242; 1985, No. 20, item 86; 1987, No. 21, item 123; 1988, No. 41, item 324; 1989, No. 4, item 21, and No. 33, item 175; 1990, No. 14, item 88, No. 34, item 198, No. 53, item 306, No. 55, item 318, and No. 79, item 464; 1991, No. 7, item 24, No. 22, item 92, and No. 115, item 496; 1993, No. 12, item 53; 1994, No. 105, item 509; 1995, No. 83, item 417; 1996, No. 24, item 110, No. 43, item 189, No. 73, item 350, and No. 149, item 703; 1997, No. 43, item 270, No. 54, item 348, No. 75, item 471, No. 102, item 643, No. 117, item 752, No. 121, items 769 and 770, No. 133, item 882, No. 139, item 934, No. 140, item 940, and No. 141, item 944; 1998, No. 106, item 668, and No. 117, item 757; 1999, No. 52, item 532; 2000, No. 22, items 269 and 271, No. 48, items 552 and 554, No. 55, item 665, No. 73, item 852, No. 94, item 1037, No. 114, items 1191 and 1193, and No. 122, items 1314, 1319 and 1322; 2001, No. 4, item 27, No. 49, item 508, No. 63, item 635, No. 98, items 1069 to 1071, No. 123, item 1353, No. 125, item 1368, and No. 138, item 1546; 2002, No. 25, item 253, No. 26, item 265, No. 74, item 676, No. 84, item 764, No. 126, items 1069 and 1070, No. 129, item 1102, No. 153, item 1271, No. 219, item 1849, and No. 240, item 2058; 2003, No. 41, item 360, No. 42, item 363, No. 60, item 535, No. 109, item 1035, No. 119, item 1121, No. 130, item 1188, No. 139, item 1323, No. 199, item 1939, and No. 228, item 2255; 2004, No. 9, item 75, No. 11, item 101, No. 68, item 623, No. 91, item 871, No. 93, item 891, No. 121, item 1264, No. 162, item 1691, No. 169, item 1783, No. 172, item 1804, No. 204, item 2091, No. 210, item 2135, No. 236, item 2356, and No. 237, item 2384; and 2005, No. 13, item 98, No. 22, item 185, No. 86, item 732, No. 122, item 1024, No. 143, item 1199 and No. 150, item 1239.

5. Disciplinary proceedings concluded with a valid judgement may be reinstated if:
  - 1) a gross violation of the law has been committed in connection with the proceedings, and there are reasonable grounds to believe that this might have influenced the judgement;
  - 2) new facts or evidence unknown at the time of delivering the judgement have emerged, indicating that the defendant is innocent, was convicted of a different act or the decision of the committee to discontinue the proceedings was unjustified;
  - 3) regulations were violated in the course of proceedings, as a result of which the defendant was prevented from, or seriously impeded in, exercising their right to defence, or the composition of the committee did not comply with the requirements laid down in Article 142, or any member sitting on the committee should have been excluded therefrom.
6. Reinstatement may not take place for the reason referred to in section 5, subsection 1 if that reason has been examined by a court of appeals pursuant to the procedure laid down in section 4.
7. Disciplinary proceedings may not be reinstated to the disadvantage of the defendant after their death or three years after the commission of the act providing grounds for the judgement or, if the act was a legal offence, after the expiry of the limitations period for that offence, or if the punishment has been carried out and erased.
8. A request to reinstate disciplinary proceedings may be submitted, within thirty days of the date when reasons justifying the reinstatement come to their knowledge, by the defendant, defence counsel or disciplinary prosecutor and, after the death of the defendant or if there are grounds to question the sanity of the defendant, also by the defendant's spouse, direct relative, brother or sister.

#### **Article 147**

1. The rector may suspend academic staff from performing their duties when they are the subject of criminal or disciplinary proceedings, as well as during an enquiry if it is advisable to prevent them from performing their duties in view of the gravity and credibility of charges brought.
2. Academic staff shall be suspended from performing their duties by virtue of law as of the date of their preventive detention.
3. The period of suspension in the performance of duties shall not exceed six months unless criminal proceedings against the academic staff member concerned are still on-going.

#### **Article 148**

1. The basic remuneration of academic staff during the period of suspension in the performance of duties may be reduced, and that of academic staff under preventive arrest shall be limited by up to a half of the amount, depending on their family situation, as of the first day of the calendar month following the month in which the suspension took place. Academic staff shall not be entitled to any additional allowances or overtime pay during the period of suspension in the performance of duties.
2. If disciplinary or criminal proceedings are discontinued for lack of evidence of guilt or concluded with an acquittal, academic staff shall be paid the remaining part of their full remuneration.

#### **Article 149**

1. The minister responsible for higher education shall exercise the powers of the rector in enquiries and disciplinary proceedings if charges are brought against a rector, a vice-rector, the chairman of the committee referred to in Article 142, section 1, subsection 1 or the chairman and members of the committee referred to in Article 142, section 1, subsection 2.
2. The powers of the minister responsible for higher education as defined in section 1 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.
3. In consultation with the Minister of National Defence and the ministers responsible for home affairs, culture and national heritage protection, health matters, and maritime economy, the minister responsible for higher education shall lay down, by regulation, the detailed procedure for enquiries and disciplinary proceedings, including the course of enquiries and disciplinary proceedings, any possible cases in which disciplinary proceedings may be suspended and reinstated, the procedure and

conditions for summoning and examining the defendant, witnesses and experts and for presenting other evidence, as well as the method of exacting and erasing disciplinary penalties.

#### Article 150

The provisions of the Act of 6 June 1997, The Code of Criminal Proceedings (*Dziennik Ustaw* No. 89, item 555, as amended by subsequent legislation<sup>12</sup>), except for Article 82, shall apply to any matters related to disciplinary proceedings against academic staff which are not regulated in this Act.

### Chapter 5 Remuneration and Other Benefits of Employees of Higher Education Institutions

#### Article 151

1. In consultation with the minister responsible for labour, the minister responsible for higher education shall specify, by regulation, the conditions for the remuneration and eligibility for other work-related benefits of employees of a public higher education institution, for a period until they are covered by a collective bargaining agreement or remuneration regulations, including:

- 1) the minimum and maximum rates of the basic remuneration for each position and the amount of, and the eligibility conditions for, other components of the remuneration, so that the average monthly remuneration for each category of staff in a public higher education institution, in relation to the reference amount fixed in the budgetary law for the staff referred to in Article 5, subsection 1 (a) of the Act of 23 December 1999 on Remuneration in the State-Budget Sector and Amendments to Certain Acts (*Dziennik Ustaw* No. 110, item 1255, as amended by subsequent legislation<sup>13</sup>), is not lower than the following percentages of the reference amount as fixed in the budgetary law:
  - a) 391.8% for the category of *profesor* positions,
  - b) 261.2% for the category of positions including *docent*, *adiunkt* and *starszy wykładowca*, *starszy kustosz dyplomowany*, *starszy dokumentalista dyplomowany*, *kustosz dyplomowany* and *dokumentalista dyplomowany*, as well as *adiunkt biblioteczny* and *adiunkt dokumentacji i informacji naukowej*,
  - c) 130.6% for the category of positions including *asystent*, *wykładowca*, *lektor*, *instruktor*, *asystent biblioteczny*, *asystent dokumentacji i informacji naukowej*,
  - d) 130.6% for the category of non-academic staff,while bearing in mind that individual rates for each component of the remuneration for employees of a higher education institution are determined by the rector;
- 2) the remuneration components which are paid to academic staff in advance on a monthly basis and other components of their remuneration, while bearing in mind that the entitlement to the remuneration paid in advance expires on the last day of the month in which the employment relationship ceases, with an employee retaining the remuneration paid for that month;
- 3) a list of basic categories of positions and qualification requirements for non-academic staff, taking into account position titles currently existing in higher education institutions and academic traditions;
- 4) cases in which academic staff lose their entitlement to the function-related allowance, including the period during which functions are not performed;
- 5) periods of employment and other periods giving entitlement to the length of service allowance referred to in Article 154, section 3, while bearing in mind that the following are included:

<sup>12</sup> Amendments to the Act were published in: *Dziennik Ustaw* 1999, No. 83, item 931; 2000, No. 50, item 580, No. 62, item 717, No. 73, item 852, and No. 93, item 1027; 2001, No. 98, item 1071, No. 106, item 1149; 2002, No. 74, item 676; 2003, No. 17, item 155, No. 111, item 1061, and No. 130, item 1188; 2004, No. 51, item 514, No. 69, item 626, No. 93, item 889, No. 240, item 2405, and No. 264, item 2641; and 2005, No. 10, item 70, No. 48, item 461, No. 77, item 680, No. 96, item 821, No. 141, item 1181, No. 143, item 1203 and No. 163, item 1363.

<sup>13</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2000, No. 19, item 239; 2001, No. 85, item 924, No. 100, item 1080, and No. 154, items 1784 and 1799; 2002, No. 74, item 676, No. 152, item 1267, No. 213, item 1802, and No. 214, item 1805; 2003, No. 149, item 1454, No. 166, item 1609, No. 179, item 1750, No. 199, item 1939, and No. 228, item 2256; and 2004, No. 116, item 1203, No. 240, item 2407, and No. 273, item 2703.

- a) completed employment periods,
  - b) other periods to be included on the basis of separate legislation as periods determining employee entitlements,
  - c) periods of preparatory courses for holders of the *asistent* position, undertaken on the basis of the legislation laying down rules and conditions for the provision of such preparatory courses in higher education institutions,
  - d) periods of assignment abroad undertaken on the basis of the legislation on staff assignments undertaken abroad for research, teaching and training purposes;
- 6) the method of calculating an hourly rate of the basic remuneration and various allowances which are based on monthly rates and tied to the grade assigned to individual academic and non-academic staff members, while bearing in mind that monthly rates are divided by the number of hours to be worked in a given month or by 156 for academic staff, and taking into account the amount of the remuneration and allowances based on the monthly rate;
- 7) the method of determining the number of working hours and recognising the hours worked, including overtime hours assigned for a period of justified absence from work, in order to calculate the remuneration payable for that period, while taking into account the following rules:
- a) during a period of illness or other unpredictable and justified absence of academic staff, the obligatory teaching hours which, according to the timetable, should be worked during that period of absence are recognised, for the purpose of calculating the number of teaching hours, as hours worked in accordance with the timetable;
  - b) the number of overtime hours is determined on the basis of hours actually worked;
  - c) in the case of academic staff who have no timetabled teaching hours due to their employment period commencing during the academic year, foreseen absence from work related in particular to a longstanding illness, unpaid leave or other leave of absence, military service, maternity leave or the cessation of the employment relationship before the end of the academic year, the number of teaching hours worked is calculated as one-thirtieth of the annual teaching load assigned to a given position per each week of absence in the period when courses are taught in a higher education institution;
- while taking into account the mandatory workload as defined in the relevant provision of this Act.

2. The remuneration of the rector of a public higher education institution shall be determined by the minister responsible for higher education or by the respective minister referred to in Article 33, section 2 for the rector a military higher education institution, government service higher education institution, higher education institution for art studies, medical higher education institution or higher education institution for maritime studies.

3. The remuneration of rectors, vice-rectors, heads of finance and administration and bursars in public higher education institutions shall be disclosed and shall not be subject to personal data protection.

4. The amount of funds to be allocated for the remuneration of employees in a public higher education institution shall be determined by the senate within the limits of funding available in the institution.

5. The remuneration and other benefits for employees of military higher education institutions who are regular soldiers shall be determined in the legislation on the military service of regular soldiers.

6. The remuneration and other benefits for employees of government service higher education institutions who are government service functionaries shall be determined in the legislation applicable to the respective service.

7. During an assignment given in accordance with Article 130, section 4, a part of the remuneration related to such assignments may also be financed by funds from sources other than the State budget, including those allocated for this purpose by foreign entities.

8. The senate of a higher education institution may allocate additional funding to increase remuneration, also above the ceiling determined on the basis of a regulation referred to in section 1, if the institution has obtained funding for this purpose from sources other than those referred to in Article 94, section 1. The rules for the distribution of such funds shall be laid down while respecting the powers of trade unions.

#### **Article 152**

1. A supra-institutional collective bargaining agreement for civilian employees of public higher education institutions shall be concluded on behalf of employers by the minister responsible for higher education, and by the competent minister referred to in Article 33, section 2 for military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies.
2. A supra-institutional collective bargaining agreement shall regulate the matters referred to in Article 151, section 1.
3. The legislation adopted on the basis of Article 151, section 1 shall cease to apply to the employees covered by a collective bargaining agreement or remuneration regulations on the date of their entry into force.

#### **Article 153**

1. Academic staff on holiday leave shall be entitled to the remuneration which they would receive when working. The variable remuneration components shall be calculated on the basis of the average remuneration for twelve months preceding the month in which the holiday leave commences. If the period of employment is shorter, the average remuneration shall be calculated for the entire period, taking into account the remuneration rates applicable during the period of holiday leave.
2. The minister responsible for higher education shall specify, by regulation, the method of calculating the remuneration for a period of holiday leave and the pay for a period of holiday leave not taken, bearing in mind in particular that the amount of such pay is determined in accordance with the rules applied to calculate the remuneration for a period of holiday leave.

#### **Article 154**

1. Academic staff shall retain their entitlement to remuneration during a period of justified absence from work.
2. During a period of incapacity for work resulting from illness or isolation due to a contagious disease, an accident on the way to or from work, or illness during pregnancy, as well as when undergoing medical examination, as required of cell, tissue or organ donor candidates, and a cell, tissue or organ extraction procedure, academic staff shall retain the entitlement to remuneration and sick pay, calculated pursuant to the rules laid down in Article 92 of the Act of 26 June 1974, The Labour Code; however, the entitlement to a function-related allowance for academic staff may be retained for a maximum period of three months.
3. Employees of a higher education institution shall be entitled to a length of service allowance amounting to 1% of the basic remuneration for each year of employment, to be paid on a monthly basis as from the fourth year of employment, which may not however exceed 20% of the basic remuneration.

#### **Article 155**

1. Academic staff may be granted awards for their research, teaching or organisational achievements, or lifetime achievements by the rector or the minister responsible for higher education.
2. Academic staff employed in a military higher education institution, government service higher education institution, higher education institution for art studies, higher education institution for maritime studies or medical higher education institution may be granted awards for their research, teaching or organisational achievements, or lifetime achievements by the rector or the respective minister referred to in Article 33, section 2 pursuant to the rules and procedure laid down in sections 3 to 7.
3. State-budget funds designated for the minister's awards referred to in sections 1 and 2 shall account for 0.05% of the planned annual subsidy referred to in Article 94, section 1, subsection 1. These funds shall remain in the parts of the State budget which are administered by the competent ministers pursuant to Article 94, section 3.
4. Funds designated for the rector's awards referred to in sections 1 and 2 in a public higher education institution shall account for 2% of the annual academic staff costs budgeted for by the institution.

5. In consultation with the Minister of National Defence and the ministers responsible for home affairs, culture and national heritage protection, health matters, and maritime economy, the minister responsible for higher education shall lay down, by regulation, the detailed rules and procedure for granting the ministers' awards referred to in sections 1 and 2, including:

- 1) the types of awards and their amounts, fixed in relation to the minimum salary rate for a *profesor zwyczajny*, with the latter to be determined pursuant to Article 151, section 1, subsection 1;
- 2) the qualifying procedure.

6. Rules and procedures for granting the rector's awards shall be laid down in the regulations to be adopted by the senate of a public higher education institution.

7. Non-academic staff may be granted the rector's awards for their professional achievements.

8. Funds designated for the rector's awards referred to in section 7 in a public higher education institution shall account for 1% of the annual non-academic staff costs budgeted for by the institution. Rules for allocating and granting such awards shall be laid down in the statutes.

#### **Article 156**

1. Employees of a public higher education institution shall be entitled to anniversary awards for a long period of service amounting to:

- 1) 75% of the monthly remuneration for 20 years of service,
- 2) 100% of the monthly remuneration for 25 years of service,
- 3) 150% of the monthly remuneration for 30 years of service,
- 4) 200% of the monthly remuneration for 35 years of service,
- 5) 300% of the monthly remuneration for 40 years of service,
- 6) 400% of the monthly remuneration for 45 years of service.

2. The minister responsible for higher education shall specify, by regulation, periods of service and other periods giving entitlement to an anniversary award and the method for the calculation and payment of such awards, bearing in mind that:

- 1) for an employee in more than one employment relationship at a time, periods giving entitlement to an award shall be determined for each employment relationship separately;
- 2) the award shall be calculated on the basis of the remuneration payable to a given employee on the date of the award payment or, if more advantageous to the employee, the remuneration payable on the date when they become eligible for the award, taking into account all remuneration components and other benefits provided under the employment relationship which are included to calculate the pay for holiday leave;
- 3) the award shall be paid immediately when the employee has become eligible for it;
- 4) should the employment relationship be terminated by retirement of an employee at the pension age or due to incapacity for work, the award shall be paid on the date of the termination of employment if less than twelve months remain until the date when the employee would become eligible for it.

3. An employee of a public higher education institution shall be entitled to an additional annual bonus pursuant to the rules laid down in the legislation on additional annual bonuses for employees in the State-budget sector.

#### **Article 157**

1. Public higher education institutions shall make deductions for an institutional employee welfare benefits fund, with these amounting to 6.5% of the annual staff costs budgeted for by the institution.

2. Public higher education institutions may establish employee pension schemes using up to 30% of the institutional welfare benefits fund for this purpose.

3. A deduction for the institutional welfare benefits fund per one pensioner formerly employed in a public higher education institution shall amount in a given calendar year to 10% of the lowest annual pension for the previous year as fixed in accordance with Article 94, section 3, subsection 1 (a) of the

Act of 17 December 1998 on Pensions from the Social Security Fund (*Dziennik Ustaw* 2004, No. 39, item 353, as amended by subsequent legislation)<sup>14</sup>.

4. The deductions referred to in sections 1 and 3 shall constitute a single fund in a public higher education institution.

5. The legislation on the institutional welfare benefits fund shall apply to any matters which are not regulated in sections 1, 3 and 4.

#### **Article 158**

The provisions of Part III of this Act shall not apply to soldiers in active military service, designated for non-military assignments, holding academic staff positions in the military training section of a higher education institution or other organisational units of a higher education institution.

### **Part IV Studies and Students**

#### **Chapter 1 Organisation of Degree Programmes**

#### **Article 159**

Degree programmes in a higher education institution shall be provided as first-cycle or second-cycle programmes, or as long-cycle programmes.

#### **Article 160**

1. The organisation and schedule of degree programmes and related rights and duties of a student shall be laid down in the study regulations.

2. Degree programmes in a higher education institution shall be provided in accordance with study plans and curricula.

3. The conditions for the payment of tuition fees shall be laid down in a written agreement to be concluded between a higher education institution and a student.

#### **Article 161**

1. The study regulations shall be adopted by the senate of a higher education institution at least five months before the beginning of the academic year.

2. The study regulations shall enter into force at the beginning of the academic year, upon agreement reached with the institutional legislative body of the student self-government. If the senate of the higher education institution and the institutional legislative body of the student self-government fail to reach agreement on the contents of the regulations within three months of their adoption, the regulations shall enter into force on the basis of a resolution of the senate re-adopted by at least a two-thirds majority of its statutory membership.

3. In higher education institutions which do not comply with the requirements laid down in Article 56, section 2 or Article 58, section 4, the study regulations shall enter into force upon approval by the minister responsible for higher education or, in military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies, by the respective minister referred to in Article 33, section 2. The minister shall refuse to approve the regulations where they are in contravention of the law or the statutes. The provisions of Article 56, sections 3 and 4 shall apply accordingly.

4. The provisions of sections 1 to 3 shall apply accordingly to any amendment to the study regulations.

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<sup>14</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2004, No. 64, item 593, No. 99, item 1001, No. 120, item 1252, No. 121, item 1264, No. 144, item 1530, No. 191, item 1954, No. 210, item 2135, and No. 236, item 2355.

#### **Article 162**

The minister responsible for higher education shall specify, by regulation, the conditions to be fulfilled by the provisions of the study regulations in higher education institutions which do not comply with the requirements laid down in Article 56, section 2 or Article 58, section 4, including:

- 1) the duration of the academic year,
- 2) the conditions and rules for attending courses,
- 3) the grading scales to be applied,
- 4) the procedure for striking students from the register,
- 5) the requirements for:
  - a) studying in accordance with an individualised study plan and curriculum,
  - b) granting leave,
  - c) resuming study,
  - d) transferring to another field of study or mode of study,
  - e) taking examinations and obtaining credits for coursework,
  - f) admitting to the final examination,
  - g) graduating.

#### **Article 163**

1. Degree programmes in a higher education institution shall be provided as full-time programmes or part-time programmes.
2. The number of full-time students in a public higher education institution may not be smaller than the number of part-time students.

#### **Article 164**

1. Lectures in a higher education institution shall be open to the public unless the statutes provide otherwise.
2. Courses in a higher education institution and examinations assessing knowledge or skills, as well as final examinations, may be conducted in a foreign language in so far as provided for, and pursuant to the requirements laid down, in the study regulations. Knowledge or skills examinations held for admission to degree programmes may also be conducted, and final theses may also be prepared, in a foreign language. A higher education institution enrolling non-nationals shall organise Polish language courses for them.
3. Courses taught as part of degree programmes may also be delivered using distance education methods and techniques.
4. The minister responsible for higher education shall lay down, by regulation, the requirements to be fulfilled in order to deliver courses referred to in section 3, while aiming to ensure that higher education institutions provide adequate access for students to courses delivered using distance education methods and techniques, and that such courses account for a suitable proportion of the total course load for, as appropriate, full-time programmes and part-time programmes.

#### **Article 165**

1. The organisation and schedule of degree programmes shall allow for the transfer and recognition of results obtained by students in an organisational unit of their home institution or in another institution, including a foreign institution, in accordance with the rules of a learning achievement transfer system.
2. The minister responsible for higher education shall lay down, by regulation, the requirements and procedure for transferring learning achievements, taking into account – with comparability and compatibility ensured between the degree programme requirements and the duration of degree programmes followed in various national and foreign higher education institutions – credit-based methods of expressing student learning achievements, requirements for their transfer and accumulation and the procedure for the recognition of such achievements, and having regard to the need to ensure the continuity of education.

#### **Article 166**

1. First-cycle programmes leading to the degree of *licencjat* shall last between six and eight semesters, and first-cycle programmes leading to the degree of *inżynier* shall last seven or eight semesters.
2. The duration of first-cycle programmes including, as provided for in the degree programme requirements applicable, a practical placement may be extended by the duration of the placement.
3. The senate of a higher education institution may lay down conditions for exempting students from an obligatory practical placement.
4. Second-cycle programmes shall last three or four semesters.
5. Long-cycle programmes shall last between nine and twelve semesters.
6. Part-time programmes may last one or two semesters longer than the corresponding full-time programmes.

#### **Article 167**

1. Degree programme graduates shall obtain national higher education diplomas confirming the award of a corresponding degree. Persons who have completed doctoral programmes, non-degree postgraduate programmes or retraining courses shall obtain certificates of completion of such programmes or courses.
2. The date of completion of degree programmes shall be the date of the final examination or, in the fields of Medicine, Medicine and Dentistry, and Veterinary Medicine, the date of the final examination as required by the study plan, or, in the field of Pharmacy, the date of completion of the final internship provided for in the study plan.
3. The minister responsible for higher education shall specify by regulation:
  - 1) the types of degrees awarded to graduates of first-cycle and second-cycle programmes and graduates of long-cycle programmes, taking into account the existing degrees and the level of study;
  - 2) the conditions for the award of, and specimens of, diplomas, including the Diploma Supplement, and certificates referred to in section 2, taking into account the form of study for degree programmes, non-degree postgraduate programmes or retraining courses and the cycle of degree programmes;
  - 3) the conditions for the award of, and specimens of, diplomas of completion of programmes provided jointly by various higher education institutions and other academic institutions, also foreign institutions, including the Diploma Supplement, and certificates referred to in section 2, taking into account the form of study for degree programmes, non-degree postgraduate programmes or retraining courses and the cycle of degree programmes.

#### **Article 168**

1. Degree programmes may be provided jointly by various, including foreign, higher education institutions and other academic or research institutions on the basis of an agreement concluded between them.
2. The rules and procedure for the organisation of programmes referred to in section 1 and rules for the award of a joint diploma confirming the completion of such programmes shall be laid down in the regulations for such programmes to be included in an agreement referred to in section 1, subject to Article 167, section 3.
3. Programmes referred to in section 1 may also lead to the award of a diploma of one higher education institution. Information about the involvement of the other higher education institutions and academic or research institutions in the implementation of the curriculum shall be given in a supplement to that diploma.
4. A higher education institution which does not comply with the requirements laid down in Article 56, section 2 or Article 58, section 4 shall require the consent of the minister responsible for higher education in order to conclude an agreement referred to in section 1 and to award a diploma referred to in section 3.

## Article 169

1. Access to degree programmes in a higher education institution is open to persons who:
  - 1) hold a secondary-school leaving certificate, if applying for admission to a first-cycle programme or a long-cycle programme, or
  - 2) hold the degree of *magister*, *licencjat*, *inżynier* or an equivalent degree and fulfil the requirements laid down on the basis of section 2, if applying for admission to a second-cycle programme,and fulfil admission conditions defined by a given higher education institution.
2. The senate of a higher education institution shall specify admission conditions and procedures as well as forms of study for each field of study. A relevant resolution of the senate shall be published not later than by 31 May of the year preceding the academic year which it refers to, and shall be forwarded to the minister responsible for higher education.
3. Admission to first-cycle programmes and long-cycle programmes shall be based on results of the secondary-school leaving examination. The senate of a higher education institution shall specify, pursuant to the procedure laid down in section 2, which results of the secondary-school leaving examination provide the basis for admission to degree programmes. Upon the consent of the minister responsible for higher education, a higher education institution may conduct additional entrance examinations, pursuant to the procedure laid down in section 2, only when it is necessary to assess the knowledge or skills which are not assessed by the secondary-school leaving examination or when an applicant holds a secondary-school leaving certificate obtained abroad.
4. If admission to degree programmes is based on results of the secondary-school leaving examination, the senate of a higher education may set entrance examinations pursuant to the procedure laid down in section 2.
5. The provisions of section 3 relating to the secondary-school leaving examination and results thereof shall apply accordingly to the international examination which leads to an International Baccalaureate (IB) diploma, awarded by the International Baccalaureate Organisation based in Geneva, and results thereof.
6. Detailed rules for admission to degree programmes in a public higher education institution applicable to winners and finalists in national-level school contests shall be laid down by the senate of a higher education institution for a period of at least three years.
7. Where admission to degree programmes is subject to fulfilment of additional conditions, student enrolment shall be carried out by admissions committees appointed by the head of a given organisational unit or other body indicated in the statutes. Admissions committees shall decide matters related to student enrolment.
8. A decision of an admissions committee may be appealed against within fourteen days of the date of the receipt thereof to the institutional admissions committee to be appointed in accordance with the procedure laid down in the statutes. An appeal may only be based on a claimed breach of admission conditions and procedures laid down in accordance with section 2. Decisions in such cases shall be taken by the rector after having considered a request from the institutional admissions committee. Decisions of the rector shall be final.
9. Results of the admissions process shall be published.
10. In a military higher education institution and a government service higher education institution, admission conditions and procedures applicable to candidates to become regular soldiers and government service functionaries shall be laid down, at the request of the senate, by the Minister of National Defence or the minister responsible for home affairs.

## Article 170

A person enrolled on a degree programme shall acquire student rights at the time of matriculating and taking the oath, the text of which shall be given in the statutes of a higher education institution.

## **Chapter 2 Rights and Duties of Students**

### **Article 171**

1. Students may follow a degree programme in more than one field of study or other courses, also in more than one higher education institution. The rules and procedure for taking up study based on such arrangements shall be laid down in the study regulations.
2. Students may follow an individualised study plan and curriculum pursuant to the rules laid down by the board of a basic organisational unit or other body indicated in the statutes.
3. Students may transfer from another higher education institution, including a foreign institution, upon the consent of the head of the basic organisational unit of the receiving institution, to be given in the form of a decision, if they have fulfilled all requirements laid down in the regulations applicable in the institution which they are leaving.

### **Article 172**

1. Students may be granted leave from courses in a higher education institution pursuant to the rules and procedure laid down in the study regulations.
2. Students shall retain student rights during the period of leave unless the study regulations or the legislation on financial support provide otherwise.

### **Article 173**

1. Students may apply for State-budget financial support in the following forms:
  - 1) a maintenance grant,
  - 2) a special grant for disabled persons,
  - 3) a scholarship for learning or sporting achievements,
  - 4) a scholarship for learning achievements awarded by the minister,
  - 5) a scholarship for outstanding sporting achievements awarded by the minister,
  - 6) a meals grant,
  - 7) an accommodation grant,
  - 8) an aid payment.
2. Students may apply for accommodation in a student dormitory of their higher education institution or meals in a student canteen of their higher education institution.
3. Students may apply for accommodation for their spouse and children in a student dormitory of their higher education institution.

### **Article 174**

1. The benefits referred to in Article 173, section 1, subsections 1 to 3 and 6 to 8 shall be granted from the financial support fund for students and doctoral students referred to in Article 103.
2. The subsidies referred to in Article 94, section 1, subsection 7, and section 4, shall be distributed by the rector in consultation with the institutional student self-government body and the institutional doctoral student self-government body.
3. The financial support fund in a newly established higher education institution shall be distributed by the rector for a period of one year.
4. The amount of funds allocated from the subsidies referred to in Article 94, section 1, subsection 7, and section 4, for grants and other welfare benefits referred to in Article 173, section 1, subsections 1 and 6 to 8 may not be smaller than the funds allocated for scholarships for learning or sporting achievements referred to in Article 173, section 1, subsection 3.

#### **Article 175**

1. In a higher education institution which has basic organisational units, the benefits referred to in Article 173, section 1, subsections 1 to 3 and 6 to 8 shall be granted at the request of students by the head of their basic organisational unit; however, a scholarship for learning achievements may also be awarded without submission of an application by a student.
2. Students may appeal against a decision of the head of their basic organisational unit to the rector within fourteen days of the date of the receipt of the decision.
3. At the request of the competent student self-government body, the head of a basic organisational unit or the rector shall delegate the powers referred to in sections 1 and 2 to a grants committee or a grants appeal committee respectively.

#### **Article 176**

1. In a higher education institution which has no basic organisational units and in a non-university higher education institution, the benefits referred to in Article 173, section 1, subsections 1 to 3 and 6 to 8 shall be granted at the request of students by the rector; however, a scholarship for learning achievements may also be awarded without submission of an application by a student.
2. Students may appeal against a decision of the rector by submitting to the rector a request for reconsideration of the matter within fourteen days of the receipt of the decision.
3. At the request of the competent student self-government body, the rector shall delegate the powers referred to in section 1 to a grants committee and, as regards the consideration of requests referred to in section 2, to a grants appeal committee.

#### **Article 177**

1. The grants committee and the grants appeal committee referred to in Article 175, section 3 shall be appointed by the head of a basic organisational unit or the rector respectively from among students delegated by the competent student-self government body and staff of the higher education institution.
2. The grants committee and the grants appeal committee referred to in Article 176, section 3 shall be appointed by the rector from among students delegated by the competent student self-government body and staff of the higher education institution.
3. Students shall constitute a majority of the membership of the committees referred to in sections 1 and 2.
4. Decisions taken by the grants committees and the grants appeal committees referred to in Article 175, section 3, and Article 176, section 3 shall be signed by the chairmen of the committees or deputies acting on their behalf.
5. The grants committee and the grants appeal committee referred to in Article 175, section 3 shall be supervised by the head of a basic organisational unit and the rector respectively, and the committees referred to in Article 176, section 3 by the rector.
6. In exercising their supervisory powers referred to in section 5, the head of a basic organisational unit or the rector respectively may repeal any decision of the grants committee or the grants appeal committee which is in contravention of this Act or the regulations referred to in Article 186, section 1.

#### **Article 178**

1. The minister's scholarships for learning achievements and outstanding sporting achievements shall be awarded by the minister responsible for higher education at the request of the board of a basic organisational unit or, in the case of a higher education institution which has no basic organisational units and a non-university higher education institution, at the request of the senate of the institution as submitted by its rector.
2. The powers of the minister responsible for higher education as defined in section 1 with regard to military higher education institutions, government service higher education institutions, higher education institutions for art studies, medical higher education institutions and higher education institutions for maritime studies shall be exercised by the respective ministers referred to in Article 33, section 2.

## Article 179

1. A maintenance grant may be awarded to a student in a difficult financial situation.
2. The level of per capita income in the student's family giving entitlement to a maintenance grant, meals grant and accommodation grant shall be determined by the rector in consultation with the institutional student self-government body.
3. The income referred to in section 2 may not be lower than the amount referred to in Article 8, section 1, subsection 2 of the Act of 12 March 2004 on Social Welfare (*Dziennik Ustaw* No. 64, item 593, as amended by subsequent legislation<sup>15</sup>) and higher than the sum of the amounts given in Article 5, section 1, and Article 6, section 2, subsection 3 of the Act of 28 November 2003 on Family Benefits (*Dziennik Ustaw* No. 228, item 2255, as amended by subsequent legislation<sup>16</sup>).
4. The income giving a student the entitlement to a maintenance grant, meals grant and accommodation grant shall be calculated as including the income received by:
  - 1) the student;
  - 2) the student's spouse, as well as the student's or their spouse's dependent minor children, children in education or training until they have reached 26 years of age or, if the 26<sup>th</sup> year of age falls in the final year of a degree programme, until the completion of the programme, and disabled children regardless of their age;
  - 3) parents, legal or actual guardians of the student and their dependant minor children, children in education or training until they have reached 26 years of age or, if the 26<sup>th</sup> year of age falls in the final year of a degree programme, until the completion of the programme, and disabled children regardless of their age.
5. The monthly per capita income in the student's family giving entitlement to a maintenance grant, meals grant and accommodation grant shall be calculated pursuant to the rules laid down in the Act of 28 November 2003 on Family Benefits, without prejudice to section 4, excluding however:
  - 1) the income referred to in section 4, subsection 3 if the student is financially independent;
  - 2) the benefits referred to in Article 173, section 1;
  - 3) benefits received under the Integrated Operational Regional Development Programme, Activity "Ensuring equal educational opportunities through scholarship schemes";
  - 4) financial support benefits for pupils received pursuant to the Act of 7 September 1991 on the School Education System (*Dziennik Ustaw* 2004, No. 256, item 2572, as amended by subsequent legislation<sup>17</sup>).
6. Students shall be considered financially independent if they or their spouse fulfil all of the following conditions:
  - 1) they had a regular income in the last tax year;
  - 2) they have a regular income in the current year;
  - 3) their monthly income in the periods referred to in subsections 1 and 2 is not lower than the minimum wage, as published on the basis of the legislation on the minimum wages, in the last month of the last tax year as regards the student's income in the last tax year, and in the month of the submission of an application for a grant;
  - 4) they did not submit a declaration on having a joint household with at least one parent.
7. Should the income giving a student the entitlement to a maintenance grant, meals grant and accommodation grant be calculated as including the income from farming, this income shall be determined on the basis of the area of arable land in hectare equivalents and the average income from work on an individual farm from 1 hectare equivalent, as published on the basis of Article 18 of the Act of 15 November 1984 on the Agricultural Tax (*Dziennik Ustaw* 1993, No. 94, item 431, as

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<sup>15</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2004, No. 99, item 1001 and No. 273, item 2703, and 2005, No. 64, item 565 and No. 94, item 788.

<sup>16</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2004, No. 35, item 305, No. 64, item 593, No. 99, item 1001, and No. 192, item 1963; and 2005, No. 64, item 565, No. 86, item 732, No. 94, item 788, No. 95, item 806 and No. 143, item 1199.

<sup>17</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2004, No. 273, item 2703 and No. 281, item 2781, and 2005, No. 17, item 141, No. 94, item 788, No. 122, item 1020 and No. 131, item 1091.

amended by subsequent legislation<sup>18</sup>). Should income be earned from both farming and non-farming sources, the income from both sources shall be added together.

#### **Article 180**

A special grant for disabled persons may be awarded to a student with a disability confirmed by a certificate from a competent authority.

#### **Article 181**

1. A scholarship for learning or sporting achievements may be awarded to a student who has obtained a high average mark for a year of study or has been highly placed in international or national sport contests.

2. The minister's scholarship for learning achievements may be awarded to a student who has outstanding learning achievements as well as research achievements, and the minister's scholarship for outstanding sporting achievements to a student who has been highly placed in international or national sports contests and has completed a successive year of study.

3. Students may apply for the scholarships referred to in sections 1 and 2 only upon successful completion of the first year of study.

4. A scholarship for learning or sporting achievements, the minister's scholarship for learning achievements and the minister's scholarship for outstanding sporting achievements may also be applied for by students in the first year of a second-cycle programme, if undertaken within one year of the completion of a first-cycle programme, who fulfilled the criteria defined in section 1 and 2 respectively in the final year of the first-cycle programme.

5. Students may be awarded either a scholarship for sporting achievements referred to in Article 173, section 1, subsection 3 or the minister's scholarship for outstanding sporting achievements referred to in Article 173, section 1, subsection 5, or a scholarship awarded on the basis of Article 22, section 3 of the Act of 18 January 1996 on Physical Culture (*Dziennik Ustaw* 2001, No. 81, item 889, as amended by subsequent legislation<sup>19</sup>).

6. Students may be awarded either a scholarship for learning achievements referred to in Article 173, section 1, subsection 3 or the minister's scholarship referred to in Article 173, section 1, subsection 4 in any one academic year.

#### **Article 182**

1. Full-time students in a difficult financial situation may obtain an accommodation grant when living in a student dormitory or a facility other than a student dormitory if the daily travel from their place of permanent residence to the higher education institution prevented them otherwise from, or significantly hindered them in, studying.

2. In the case referred to in section 1, full-time students may also obtain an accommodation grant when living with their unemployed spouse or child in a student dormitory or a facility other than a student dormitory.

3. Students in a difficult financial situation may obtain a meals grant.

#### **Article 183**

1. An aid payment may be granted to students who are temporarily in a difficult financial situation for reasons beyond their control.

2. Students may obtain an aid payment referred to in section 1 twice in an academic year.

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<sup>18</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 1994, No. 1, item 3; 1996, No. 91, item 409; 1997, No. 43, item 272, and No. 137, item 926; 1998, No. 108, item 681; 2001, No. 81, item 875; 2002, No. 200, item 1680; 2003, No. 110, item 1039, and No. 162, item 1568; and 2005, No. 143, item 1199.

<sup>19</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2001, No. 102, item 1115; 2002, No. 4, item 31, No. 25, item 253, No. 74, item 676, No. 93, item 820, No. 130, item 1112, and No. 207, item 1752; 2003, No. 203, item 1966; 2004, No. 96, item 959, and No. 173, item 1808; and 2005, No. 85, item 726.

#### **Article 184**

1. Students may obtain grants and scholarships referred to in Article 173, section 1, subsections 1 to 7 for a period of up to ten months in an academic year.
2. Grants and scholarships referred to in Article 173, section 1, subsections 1 to 3, 6 and 7 shall be awarded for one semester or one academic year, and the minister's scholarships referred to in Article 173, section 1, subsections 4 and 5 for one academic year, except when the final year of study, as provided for in the study plan, includes only one semester.
3. Grants and scholarships referred to in section 2 shall be paid every month.
4. Students following simultaneously degree programmes in more than one field of study may be awarded grants and scholarships referred to in Article 173, section 1, subsections 1 and 4 to 7 and a scholarship for sporting achievements referred to in Article 173, section 1, subsection 3 in one of those fields of study as chosen, whereas a special grant for disabled persons and a scholarship for learning achievements may be awarded in each of those fields of study.
5. Students who, upon completion of a degree programme in one field of study, continue to follow a degree programme in another field of study shall not be eligible for a maintenance grant, meals grant or accommodation grant unless, upon completion of a first-cycle programme, they continue their studies to obtain the degree of *magister*, though not longer than for a period of three years.
6. The total monthly amount of the grants and scholarships referred to in Article 173, section 1, subsections 1, 3, 6 and 7 may not be larger than 90% of the lowest basic remuneration of an *asystemt* in the previous month as fixed in the legislation on the remuneration of academic staff.

#### **Article 185**

1. When granting entitlement to accommodation in a student dormitory of a public higher education institution, priority shall be given to students of that institution who would otherwise be prevented from, or significantly hindered in, studying by the daily travel to the institution and who are in a difficult financial situation.
2. When granting entitlement to meals in a student canteen, priority shall be given to students referred to in section 1.

#### **Article 186**

1. Detailed regulations for calculating, awarding and paying the student financial support benefits referred to in Article 173, section 1, subsections 1 to 3 and 6 to 8, including detailed criteria and procedures for granting financial support benefits to students, a specimen application form for a maintenance grant and the method of documenting the financial situation of a student, shall be laid down by the rector in consultation with the institutional student self-government body.
2. The regulations referred to in section 1 for a newly established higher education institution shall be provided by the rector for a period of one year.

#### **Article 187**

The minister responsible for higher education shall specify, by regulation, the detailed conditions and procedure for the award and payment of the minister's scholarships referred to in Article 173, section 1, subsections 4 and 5, the maximum amount of such scholarships and a specimen application form for the minister's scholarship, including:

- 1) the minimum average mark required in order to be eligible to apply for the minister's scholarship, taking into account marks obtained in all years of study and various grading scales in a higher education institution;
- 2) the types of research achievements and research activities to be considered for the award of the minister's scholarship, such as participation in activities of research-interest groups, publications, studies, papers, participation in conferences, research work, participation in research projects, co-operation with other academic or research institutions, awards and distinctions, enrolment in a degree programme in a second field of study, individualised curriculum, practical placements, internships, certified knowledge of foreign languages, contests;

- 3) the types of sporting achievements to be considered for the award of the minister's scholarship for outstanding sporting achievements, including participation in Olympic games, world championships, European championships, international student Olympics, world academic championships, European academic championships;
- 4) the deadlines for the submission of applications;
- 5) the method for the payment of the minister's scholarship, including in the case of early completion of a degree programme and enrolment on a degree programme in another higher education institution.

#### **Article 188**

1. Students shall be entitled to a 50% reduction in urban public transport fares.
2. Entitlements to reduced fares for public railway and bus transport shall be laid down in separate legislation.

#### **Article 189**

1. Students shall be required to conduct themselves in accordance with the oath taken and the study regulations.
2. Students shall be required in particular:
  - 1) to attend courses and participate in organisational activities in accordance with the study regulations;
  - 2) to take examinations, undertake practical placements and fulfil other requirements as provided for in the study regulations;
  - 3) to observe regulations applicable in a given higher education institution.

#### **Article 190**

1. The head of a basic organisational unit shall strike from the register of students a student who:
  - 1) has not taken up study;
  - 2) has withdrawn from study;
  - 3) has not submitted the thesis or has not taken the final examination within the specified time limit;
  - 4) has been punished with the disciplinary penalty of expulsion from the higher education institution.
2. The head of a basic organisational unit may strike from the register of students a student who:
  - 1) has made no progress in learning;
  - 2) has not completed successfully a semester or academic year within the specified time limit;
  - 3) has not paid tuition fees.
3. Decisions referred to in sections 1 and 2 may be appealed against to the rector. Decisions of the rector shall be final.

#### **Article 191**

Students in the final year of a second-cycle programme or long-cycle programme may, pursuant to the rules laid down in the statutes of their higher education institution, undertake a practical placement preparing them to take up duties of an academic teacher and obtain a scholarship financed by the institution's own funds in accordance with the rules laid down in the statutes.

#### **Article 192**

1. The minister responsible for higher education shall specify, by regulation, the manner of keeping records of study, making corrections and issuing duplicates, endorsing documents for legal transactions with other countries, as well as the amount of, and the manner of collecting, fees for such operations, and for the issue of a student record book, student identity card, diploma and documents certifying the completion of a degree programme, including:

- 1) the method of keeping personal files of students;
  - 2) the method of keeping the student register and the diploma register;
  - 3) a specimen student record book and student identity card;
  - 4) the responsibility for, and the manner of, keeping records of study;
  - 5) the method of producing and issuing duplicates of documents;
  - 6) the method of making corrections in documents, and changing personal data of students or graduates in documents kept and issued by higher education institutions;
  - 7) the procedure for, and method of, endorsing documents;
  - 8) the method of storing and rules for issuing documents;
  - 9) the fees for the endorsement of documents, the issue of a diploma, the issue of copies in foreign languages, a certificate, student record book, student identity card, and for the issue of duplicates of such documents,
    - while having regard to the need to ensure that documents necessary to record the progress of study and monitor the teaching process are drawn up and collected in a correct manner.
2. The rules for the recognition of higher education diplomas obtained abroad as equivalent to diplomas obtained in Poland shall be laid down in international agreements.
3. In the absence of international agreements, higher education diplomas obtained abroad may be recognised as equivalent to diplomas obtained in Poland on the basis of a special nostrification procedure, subject to section 4, subsections 1 and 3.
4. The minister responsible for higher education shall specify by regulation:
- 1) the procedure for nostrification, including in particular any possible cases of, and conditions for, exemption from the entire procedure or a part thereof;
  - 2) the bodies appointed to conduct nostrification proceedings;
  - 3) the conditions under which diplomas may be recognised for the purpose of further study without nostrification proceedings;
  - 4) the types of documents which should be attached to an application for the recognition of a higher education diploma through the nostrification procedure;
  - 5) the time limits for nostrification proceedings;
  - 6) the conditions for charging fees for nostrification proceedings, including any possible reductions in fees or exemptions therefrom and the procedure for the payment of fees;
  - 7) a specimen certificate to be issued after the completion of nostrification proceedings;
    - while having regard to the need to ensure the efficiency of the proceedings and the transparency of the procedures.

#### **Article 193**

The competent body shall, by decision, render invalid any proceedings for the award of a degree if an applicant has appropriated the authorship of a major part or other elements of another person's work or research findings in the thesis which provides the basis for the award of that degree.

#### **Article 194**

The provisions of Articles 171 to 187 and Articles 190 and 191 shall not apply to students who are candidates to be regular soldiers.

### **Chapter 3 Doctoral Programmes**

#### **Article 195**

1. Organisational units of a higher education institution which are authorised to confer either the academic degree of *doktor habilitowany* or the academic degree of *doktor* in at least two different disciplines of a given area of science may provide doctoral programmes in the corresponding disciplines.
2. Doctoral programmes may be provided as partnership-based programmes by units referred to in section 1 in co-operation with other organisational units. The tasks of each organisational unit and the financing of doctoral programmes shall be specified in agreements concluded between the units involved.

3. The provisions of Article 164 shall apply accordingly to doctoral programmes and doctoral students.
4. Doctoral programmes shall be provided as full-time programmes or part-time programmes.
5. More than a half of the curriculum of a full-time doctoral programme shall require the presence of participants therein in the organisational unit providing the programme, and shall comprise courses and research work requiring direct participation of academic staff or research tutors and doctoral students. Part-time doctoral programmes shall be organised in such a way as to ensure that doctoral programmes may be followed by persons in an employment relationship.
6. Doctoral programmes shall be established by the rector at the request of the board of an organisational unit referred to in section 1.
7. Doctoral programmes shall be academically supervised by the board of the organisational unit providing such programmes.
8. No tuition fees shall be charged for full-time doctoral programmes in public higher education institutions.
9. The amount of tuition fees for part-time doctoral programmes in public higher education institutions, where such fees are charged, shall be determined by the rector.

#### **Article 196**

1. Access to doctoral programmes shall be open to persons who hold the degree of *magister* or an equivalent degree and fulfil admission conditions laid down by a given higher education institution. The provisions of Article 169, sections 2 and 7 to 10, and Article 170 shall apply accordingly.
2. The organisation and schedule of doctoral programmes, in so far as not regulated by this Act or separate legislation, shall be laid down in the doctoral study regulations. The provisions of Articles 161 and 162 shall apply accordingly.

#### **Article 197**

1. Doctoral students shall be required to conduct themselves in accordance with the oath and the doctoral study regulations. The provision of Article 189, section 2 shall apply accordingly.
2. The primary duties of doctoral students, in addition to those defined pursuant to section 1, shall include following the curriculum of the doctoral programme, and conducting research and submitting reports on the progress therein.
3. Doctoral students shall also be required to undertake internships involving the teaching of courses or participation in the teaching of courses. The maximum teaching load for participants in doctoral programmes may not exceed 90 teaching hours per year.
4. Doctoral students failing to fulfil their duties referred to in sections 1 to 3 may be struck from the register of doctoral students. A decision to strike from the register shall be taken by the head of the relevant doctoral programme.
5. A decision referred to in section 4 may be appealed against to the rector. The decision of the rector shall be final.

#### **Article 198**

1. Doctoral students shall be entitled to holiday leave, amounting to up to eight weeks per year, which should be taken in the period when courses are not taught.
2. Doctoral students shall be entitled to social security and national health insurance pursuant to the rules laid down in separate legislation.
3. Upon the award of the academic degree of *doktor*, doctoral students shall have the duration of their doctoral studies, which however may not exceed four years, included in the period of service determining employee entitlements.
4. Upon the award of the academic degree of *doktor*, doctoral students shall also have the duration of their full-time doctoral studies included in the period of service referred to in section 3 if such studies were interrupted by the student in order to take up employment as an academic teacher or as a researcher in a research institution.

#### **Article 199**

1. Doctoral students may be awarded financial support in the form of:
  - 1) a maintenance grant,
  - 2) an aid payment,
  - 3) a scholarship for learning achievements,
  - 4) a meals grant,
  - 5) an accommodation grant,
  - 6) a special grant for disabled persons.
2. The benefits referred to in section 1 shall be granted from the financial support fund for students and doctoral students referred to in Article 103 pursuant to the rules laid down by the rector in consultation with the institutional doctoral student self-government body and the institutional student self-government body.
3. Subject to section 4, the provisions relating to the financial support for students shall be applied accordingly when granting the benefits referred to in section 1.
4. A scholarship for learning achievements:
  - 1) may be awarded to a doctoral student in the first year of a doctoral programme who achieved very good or good results in the admissions process;
  - 2) may be awarded to a doctoral student in the second and further years of a doctoral programme who fulfilled all of the following conditions in the academic year preceding the award of a scholarship:
    - a) achieved very good or good results in examinations provided for in the curriculum of the doctoral programme;
    - b) demonstrated progress in research work and in the preparation of the doctoral thesis;
    - c) demonstrated particularly strong commitment to teaching.

#### **Article 200**

1. Full-time doctoral students may be awarded a doctoral scholarship.
2. The minimum amount of a doctoral scholarship referred to in section 1 may not be lower than 60% of the minimum basic remuneration of an *asystent* as fixed in the legislation on the remuneration of academic staff.
3. The decision awarding a doctoral scholarship, which shall also specify the period of entitlement thereto and the amount thereof, shall be taken by the rector.
4. Doctoral students receiving a scholarship referred to in section 1 may take up only part-time paid work.
5. Scholarships referred to in section 1 shall be financed by the funds referred to in Article 98, section 1.

#### **Article 201**

The minister responsible for higher education shall lay down, by regulation, the requirements and procedure for the organisation of doctoral programmes, the provision of, and attendance at, such programmes, as well as the procedure, conditions and criteria for the award of doctoral scholarships and financial support benefits to doctoral students and amounts thereof, including:

- 1) the duration of doctoral programmes and any possible extension thereof, including entitlement to an additional extension of the period of doctoral studies for the duration of maternity leave as provided for in separate legislation, while having regard to the need for proper preparation for the procedure leading to the conferment of the academic degree of *doktor*;
- 2) the admission procedure, while having regard to the need to select best applicants;
- 3) the precise powers of the body establishing a doctoral programme, the board of an organisational unit and the head of a doctoral programme, while having regard to the need to ensure efficient conduct of doctoral studies and a high quality of education;

- 4) a specimen doctoral student identity card and the fees for the issue of an identity card, while bearing in mind that the fees charged may not exceed the costs of issuing the document;
- 5) the eligibility criteria for means-tested maintenance grants to be awarded on the basis of the per capita income in the doctoral student's family, while bearing in mind that the qualifying procedure should identify doctoral students in the most difficult financial situation;
- 6) the types of documents confirming the income of a doctoral student and members of their family and the procedure for the submission of such documents, while having regard to the need to ensure impartial and reliable assessment of the financial situation of a doctoral student;
- 7) the periods of entitlement to benefits and the maximum and minimum amounts thereof, in relation to the minimum basic remuneration of an *asystent* as fixed in the legislation on the remuneration of academic staff, while taking into account the mode and duration of doctoral programmes;
- 8) the procedure for the assessment of applications by the doctoral student self-government bodies, while bearing in mind that the procedure should identify doctoral students who are in the most difficult financial situation.

## **Chapter 4 Student Self-Government and Organisations**

### **Article 202**

1. Students enrolled on first-cycle, second-cycle and long-cycle programmes provided by a higher education institution shall establish student self-government.
2. The bodies of the student self-government shall be the sole representative of the entire student community in a higher education institution.
3. The student self-government shall operate on the basis of this Act and regulations to be adopted by the institutional legislative body of the student self-government, specifying organisational arrangements and operational procedures for the self-government, including the types of collective bodies and single-person authorities, the method of their appointment and their powers. The student self-government shall act in accordance with the statutes of a higher education institution.
4. The student self-government regulations shall enter into force once the senate of a higher education institution has verified their compliance with this Act and the statutes of the institution. The first student self-government regulations in a newly established higher education institution shall be adopted by the senate of the institution at the request of the body indicated in the statutes referred to in Article 203, section 4.
5. The student self-government shall deal with student affairs, including student welfare issues and cultural activities, within a higher education institution.
6. The student self-government bodies shall take decisions concerning the distribution of funds allocated for student matters by the bodies of a higher education institution. The student self-government bodies shall submit a report on the distribution of funds together with a financial statement to the bodies of their higher education institution at least every academic year.
7. The rector shall repeal any resolution of the student self-government body which is in contravention of the law, the statutes of the higher education institution, the study regulations or the self-government regulations.
8. A higher education institution shall provide funding necessary for the operation of the student self-government bodies.

### **Article 203**

1. Representatives of institutional student self-government organisations shall establish the Students' Parliament of the Republic of Poland, hereinafter referred to as "the Students' Parliament", representing the entire student community in Poland.
2. The Students' Parliament shall have the right to voice opinions and present proposals in matters relating to the entire student community, including the right to be consulted on legislation concerning students. Draft legislation shall be submitted to the Students' Parliament by the minister responsible for higher education. An opinion on a draft legislative act shall be given within one month of the date of the submission thereof.

3. The highest body of the Students' Parliament shall be the convention of delegates representing student self-government organisations of individual higher education institutions, hereinafter referred to as "the Convention of Delegates".
4. Organisational arrangements and operational procedures of the Students' Parliament, including the types of collective bodies and single-person authorities, the method of their appointment and their powers, shall be laid down in the statutes to be adopted by the Convention of Delegates. The statutes shall enter into force once their compliance with the law has been verified by the minister responsible for higher education.
5. The provision of section 4 shall apply accordingly to any amendments to the statutes of the Students' Parliament.
6. The minister responsible for higher education shall provide the Students' Parliament with the funding necessary for its operation on an annual basis.

#### **Article 204**

1. Students shall have the right to establish and join student organisations within a higher education institution, and in particular research-interest groups, artistic groups and sports clubs, pursuant to the rules laid down in this Act.
2. Student organisations in a higher education institution, as well as associations existing in the institution which bring together either only students or students and academic staff, shall have the right to submit proposals to the bodies of the higher education institution or the student self-government bodies in the matters relating to the students of their institution.
3. The bodies of a higher education institution may allocate funds to its student organisations and associations referred to in section 2. The organisations concerned shall submit a report on the use of the funds allocated together with a financial statement to the authorities of the institution at least every semester.

#### **Article 205**

1. Student organisations in a higher education institution, except student organisations established on the basis of the Act of 7 April 1989, The Law on Associations, shall be subject to registration. The register of student organisations existing in a higher education institution shall be open to the public.
2. The rector shall be the authority registering student organisations existing in a higher education institution and keeping the register thereof. Registration decisions of the rector may be appealed against to the minister responsible for higher education.
3. The registration of a student organisation in a higher education institution shall be conditional upon the compliance of its statutes (internal regulations, founding declaration) with the law and the statutes of the institution.
4. The rector shall repeal any resolution of a body of the student organisation in a higher education institution which is in contravention of the law, the statutes of the institution or the statutes (internal regulations, founding declaration) of the organisation.
5. At the request of the rector, the senate of a higher education institution shall dissolve a student organisation existing in the institution if its activities are in gross or persistent violation of the statutory legislation, the statutes of the institution or the statutes (internal regulations, founding declaration) of the organisation.

#### **Article 206**

1. A student self-government organisation, including the Students' Parliament, or a national-level association representing solely students may undertake a protest action, without violating the regulations applicable in a higher education institution, in support of their demands where these are the subject of a collective dispute and relate to vital student matters or interests.

2. The decision to undertake a protest action, which will also determine its form, shall be taken by an absolute majority of votes, depending on the geographical extent of the protest, by a body of the student self-government or of an association referred to in section 1. The competent body shall notify the rector or the head of a basic organisational unit of its decision not later than three days before the commencement of the protest action.

3. A student strike (with students refraining from attendance at courses and possibly staying on the premises of a higher education institution) may be staged only by the student self-government or an association referred to in section 1 if prior negotiations with the rector or forms of protest other than a strike have not resulted in the resolution of a conflict.

4. Participation in a strike or any other protest action shall be voluntary and shall not be a violation of the duties of a student if the strike or any other protest is staged in accordance with this Act.

5. The organiser of a strike or any other protest action shall ensure that such action does not pose a threat to human health or life, or the property of the higher education institution concerned or other persons, and does not violate any rights of employees of the institution or students not taking part in the action.

6. The provisions of sections 1 to 5 shall not apply to military higher education institutions and government service higher education institutions.

#### **Article 207**

1. Decisions referred to in Article 169, sections 7 and 8, and decisions of the bodies of a higher education institution concerning individual students and doctoral students as well as matters related to the supervision of student organisations and student self-government in a higher education institution shall be governed by the provisions of the Act of 14 June 1960, The Code of Administrative Proceedings (*Dziennik Ustaw* 2000, No. 98, item 1071, as amended by subsequent legislation<sup>20</sup>) and the legislation concerning appeals against decisions to an administrative court.

2. Decisions taken by the rector in the first instance shall be final. Article 127, section 3 of the Act of 14 June 1960, The Code of Administrative Proceedings, shall apply accordingly in such cases.

3. The rector of a higher education institution shall be the competent body for reinstating proceedings to award a degree or diploma, and for rendering invalid any decision awarding a degree or diploma.

4. The provision of section 1 shall also apply to decisions taken by the grants committee and the grants appeal committee referred to in Article 175, section 3, and Article 176, section 3.

### **Chapter 5 Doctoral Student Self-Government and Organisations**

#### **Article 208**

1. Participants in doctoral programmes provided in a higher education institution shall establish doctoral student self-government.

2. The provisions of Article 202, sections 2 to 8, and Articles 206 and 207 shall apply accordingly to the doctoral student self-government.

#### **Article 209**

1. Representatives of doctoral student self-government organisations existing in higher education institutions may establish a national organisation representing doctoral students.

2. Organisational arrangements and operational rules and procedures for a national organisation representing doctoral students shall be laid down in its statutes to be adopted by a convention of delegates of doctoral student self-government organisations existing in higher education institutions.

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<sup>20</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2001, No. 49, item 509; 2002, No. 113, item 984, No. 153, item 1271, and No. 169, item 1387; 2003, No. 130, item 1188, and No. 170, item 1660; 2004, No. 162, item 1692; and 2005, No. 64, item 565, and No. 78, item 682.

3. The national organisation representing doctoral students shall have the right to voice opinions and present proposals in matters relating to the entire doctoral student community, including the right to be consulted on legislation concerning doctoral students. Draft legislation shall be submitted to the national doctoral student organisation by the minister responsible for higher education. An opinion on a draft legislative act shall be given within one month of the date of the submission thereof.

#### **Article 210**

1. Doctoral students shall have the right to establish and join doctoral student organisations within a higher education institution, and in particular research-interest groups, artistic groups and sports clubs, pursuant to the rules laid down in this Act.

2. The provisions of Article 204, sections 2 and 3, and Articles 205 to 207 shall apply accordingly to doctoral student organisations in a higher education institution and associations whose members are exclusively doctoral students, students and staff of the institution.

### **Chapter 6 Disciplinary Liability of Students**

#### **Article 211**

1. Students shall be liable to disciplinary measures before a disciplinary committee or a student disciplinary panel of the student self-government, hereinafter referred to as “the student disciplinary panel”, for any breach of the regulations in force in a higher education institution and any acts demeaning the dignity of the student.

2. Students may not be punished for the same act by both the student disciplinary panel and a disciplinary committee.

#### **Article 212**

Disciplinary penalties shall include:

- 1) caution,
- 2) reprimand,
- 3) reprimand with a warning,
- 4) suspension of certain student rights for a period of up to one year,
- 5) expulsion from the higher education institution.

#### **Article 213**

1. Disciplinary cases involving students shall be decided by a disciplinary committee and a disciplinary appeals committee, to be appointed for a term of office from among academic staff and students of a higher education institution pursuant to the procedure laid down in the statutes.

2. The term of office of the committees referred to in section 1 shall be specified in the statutes.

3. Disciplinary committees shall be independent in their judgements.

4. Disciplinary committees shall resolve independently any factual and legal issues, and shall not be bound by judgments of other bodies administering the law, except for a valid sentence of a court of law.

5. Judgements of a disciplinary committee shall be given by its adjudicating panel to be composed of the chairman of the panel, who shall be an academic staff member, and equal numbers of academic staff and students.

#### **Article 214**

1. Acting on their own initiative or at the request of the student self-government body indicated in the self-government regulations, the rector may refer a case to the student disciplinary panel rather than to a disciplinary prosecutor. The student disciplinary panel may not impose the penalties listed in Article 212, sections 4 and 5.

2. For a minor disciplinary breach, the rector may – without referring to the disciplinary committee or the student disciplinary panel – punish a student with a caution after a hearing with the defendant or their defence counsel.

3. A student punished by the rector with a caution, or the student self-government body referred to in section 1, may lodge an appeal with the disciplinary committee or the student disciplinary panel. An appeal shall be lodged within fourteen days of the receipt of the penalty notice. The disciplinary committee and the student disciplinary panel may impose only the penalty of caution in this case.
4. Should a student be suspected of committing an act which involves the appropriation of the authorship of a major part or other elements of another person's work, the rector shall forthwith order an enquiry.
5. Should there be justified suspicion that a student has committed a legal offence, the rector, when ordering an enquiry, may also suspend the rights of the student pending a judgment of the disciplinary committee.
6. If the evidence collected during an enquiry confirms that the act referred to in section 4 has been committed, the rector shall suspend the procedure for the award of a degree pending a judgment of the disciplinary committee, and shall submit formal notice of commission of a legal offence.

#### **Article 215**

1. An enquiry shall be conducted by a disciplinary prosecutor for students to be appointed by the rector from among academic staff of the higher education institution for a term of office corresponding to the term of the institution's bodies.
2. The rector may appoint more than one disciplinary prosecutor for students.
3. The disciplinary prosecutor for students shall act as a prosecutor before the disciplinary committee and shall be bound by instructions from the rector.

#### **Article 216**

1. The disciplinary prosecutor for students shall initiate an enquiry upon the instruction of the rector and shall report the findings of the enquiry to the rector.
2. Upon the conclusion of an enquiry, the disciplinary prosecutor for students shall either discontinue the proceedings or submit a request to the disciplinary committee to impose a penalty. The disciplinary prosecutor may also submit a request to the rector to impose the penalty of a caution or to refer the case to the student disciplinary panel.
3. A decision to discontinue an enquiry shall be given by the disciplinary prosecutor for students and shall be approved by the rector. If refusing to give such approval, the rector may instruct another disciplinary prosecutor for students to submit a request for punishment. A second decision of the disciplinary prosecutor for students to discontinue an enquiry shall be final.

#### **Article 217**

1. Disciplinary proceedings shall be initiated by the disciplinary committee at the request of the disciplinary prosecutor for students.
2. A penalty imposed on a student for the same act in criminal proceedings or proceedings conducted in petty offence cases shall not preclude proceedings to be initiated before the disciplinary committee.
3. Disciplinary proceedings may not be initiated six months after the date on which the rector became aware of an act justifying a penalty or three years after the date when it was committed. If an act constitutes a legal offence, that period may not be shorter than the period of limitations for prosecuting the act.
4. The period of limitations for judgments shall also expire one year after the date when the student left a higher education institution.
5. The period of limitations shall not apply to the initiation of disciplinary proceedings against a student who is accused of plagiarism.
6. Disciplinary proceedings concluded with a valid judgement may be reinstated if:
  - 1) a gross violation of the law has been committed in connection with the proceedings, and there are reasonable grounds to believe that this may have influenced the judgment;
  - 2) new facts or evidence unknown at the time of delivering the judgment have emerged, indicating that the defendant is innocent, was convicted of a different act or the decision of the committee to discontinue the proceedings was unjustified;

- 3) regulations were violated in the course of proceedings, as a result of which the defendant was prevented from, or seriously impeded in, exercising their right of defence, or the composition of the committee did not comply with the requirements laid down in Article 213, section 5, or any member sitting on the committee should have been excluded therefrom.
7. A request to reinstitute disciplinary proceedings may be submitted by the punished person or the disciplinary prosecutor for students within thirty days of the date on which they became aware of reasons justifying reinstatement.

#### **Article 218**

1. The defendant shall be entitled to have a defence counsel of their choice.
2. Should the disciplinary prosecutor for students demand the penalty referred to in Article 212, section 5 and the defendant not have a defence counsel of their choice, the chairman of the adjudicating panel shall appoint a defence counsel from among academic staff or students of the higher education institution.

#### **Article 219**

1. A trial before the disciplinary committee or the student disciplinary panel shall be open to the public.
2. The disciplinary committee shall decide to hold the proceedings in part or in whole in camera if the openness of the proceedings could be an offence to public decency or if this is required to protect the interest of the defendant, the higher education institution concerned or third parties. The decision to proceed in camera shall not include the pronouncement of the judgment.
3. The disciplinary committee shall give a judgment after a trial during which it shall hear the disciplinary prosecutor for students and the defendant or their defence counsel.
4. After a hearing with the disciplinary prosecutor for students, the rector or the disciplinary committee may suspend the rights of a student for repeated unjustified non-attendance when summoned by the disciplinary prosecutor for students during the enquiry or at sessions of the disciplinary committee despite correctly delivered summons.
5. The provisions of section 3 shall also apply to proceedings before the student disciplinary panel.

#### **Article 220**

1. Judgements of the disciplinary committee and the student disciplinary panel may be appealed against by the parties involved.
2. An appeal shall be lodged with the disciplinary appeals committee or the student disciplinary panel of the second instance, as appropriate, within fourteen days of the date of the receipt of the judgement.

#### **Article 221**

An appeal against a valid judgement of the disciplinary appeals committee may be filed with an administrative court.

#### **Article 222**

1. A disciplinary penalty shall be erased by virtue of law three years after the judgment imposing the penalty became valid.
2. The body which inflicted the disciplinary penalty may decide to erase it at the request of the punished person to be submitted not earlier than one year after the judgment imposing the penalty became valid.

#### **Article 223**

The provisions of the Act of 6 June 1997, The Code of Criminal Proceedings, except for Article 82, shall apply accordingly to any matters related to enquiries and disciplinary proceedings involving students, except for proceedings before the student disciplinary panel, which are not regulated by this Act.

#### **Article 224**

The minister responsible for higher education shall lay down, by regulation, detailed procedures for enquiries and disciplinary proceedings, including those for:

- 1) the discontinuation of an enquiry by the disciplinary prosecutor, in particular when:
  - a) the period of limitations has expired;
  - b) it has been established that disciplinary proceedings concerning the same act committed by the same person have been concluded with a valid decision or were initiated earlier and are still on-going;
  - c) negligible harm has resulted from the act committed;
- 2) cases in which disciplinary proceedings may be suspended by the disciplinary committee, in particular when criminal proceedings or petty offence proceedings have been initiated in connection with the same act, and cases in which the disciplinary committee may reinstitute the proceedings suspended;
- 3) the reinstatement of the time limit for an appeal to be lodged by a student punished with a caution within seven days of the date of the cessation of the reason resulting in the failure to meet the specified time limits;
- 4) proceedings before disciplinary committees in a higher education institution and before a disciplinary appeals committee where a request is considered by the adjudicating panel at a session in camera and at a trial;
- 5) the rejection of a student's appeal by the chairman of the disciplinary appeals committee when it has been submitted after the time limit referred to in Article 220, section 2 or by an unauthorised person;
- 6) the procedure for summoning and examining the defendant, witnesses and experts, and for presenting other evidence.

#### **Article 225**

Organisational arrangements and detailed rules for proceedings held before the student disciplinary panel shall be laid down in the student self-government regulations.

### **Chapter 7 Disciplinary Liability of Doctoral Students**

#### **Article 226**

1. Doctoral students shall be liable to disciplinary measures for any breach of the regulations in force in a higher education institution and any acts demeaning the dignity of the doctoral student. Subject to sections 2 and 3, the provisions of Articles 211 to 224 shall apply accordingly to the disciplinary liability of doctoral students.
2. Judgements in cases involving doctoral students shall be made by an adjudicating panel of the disciplinary committee to be composed of the chairman of the panel, who shall be an academic staff member, and equal numbers of academic staff and doctoral students.
3. Organisational arrangements and detailed rules for proceedings held before the doctoral student disciplinary panel shall be laid down in the doctoral student self-government regulations.

### **Part V Maintenance of Order and Security on the Premises of Higher Education Institutions**

#### **Article 227**

1. The rector shall be responsible for maintaining order and security on the premises of a higher education institution.
2. The premises of a higher education institution shall be defined by the rector in consultation with the competent local government body.

3. Government services responsible for maintaining public order and internal security may enter the premises of a higher education institution only when called upon by the rector. These services may, however, enter the premises of a higher education institution on their own initiative in cases of direct threat to human life or natural disaster, forthwith notifying the rector thereof.

4. Agreements concluded between the rector and the competent bodies of the services referred to in section 3 may define other cases related to the maintenance of order and security which justify the presence of such services on the premises of a higher education institution.

5. The services referred to in section 3 shall leave the premises of a higher education institution either immediately once the reasons justifying their entry to the premises of a higher education institution have ceased to exist or at the request of the rector.

#### **Article 228**

1. The rector shall provide safe and healthy conditions for persons studying in a higher education institution or undertaking practical and technical training, or working for the institution.

2. In consultation with the minister responsible for labour, the minister responsible for higher education shall lay down, by regulation, regulations for health and safety at work in higher education institutions, including:

- 1) the duties of the rector in terms of providing safe and healthy conditions for work and study;
- 2) requirements concerning equipment in buildings and premises of a higher education institution, including laboratories, workshops, specialist laboratories and student dormitories, in order to ensure that they are safe for users;
- 3) the conditions for suspending courses in a higher education institution for safety reasons.

#### **Article 229**

1. Should any circumstances occur which prevent normal functioning of a higher education institution, the rector may suspend temporarily courses in the institution or its organisational units, or order a temporary closure of the institution or its organisational unit.

2. A decision taken on the basis of section 1 shall be forthwith submitted by the rector to the senate for approval. Should the senate refuse to approve such a decision, the rector shall order the resumption of courses or the re-opening of the higher education institution or its organisational unit, or shall refer the matter to the minister responsible for higher education who shall take a decision within seven days.

#### **Article 230**

1. Staff, doctoral students and students of a higher education institution shall have the right to organise gatherings on the premises of the institution. The consent of the rector shall be required in order to organise a gathering in the premises of a higher education institution.

2. The intention to organise a gathering shall be notified to the rector by its organisers at least twenty four hours before the commencement of the gathering. In cases justified by the urgency of the matter, the rector may accept shorter notice.

3. The rector shall refuse the consent referred to in section 1 or shall forbid organisation and holding of any gathering if its purposes or programme are in contravention of the law.

4. The rector may delegate a representative to attend a gathering.

5. The statutes of a higher education institution shall lay down regulations for holding gatherings.

6. Organisers of gatherings shall be accountable for the progress thereof to the bodies of a higher education institution.

7. The rector of a higher education institution or their representative, after notifying the organisers, shall terminate a gathering if its progress is in contravention of the law.

**Part VI**  
**Amendments to Legislation in Force, and Transitional and Final Provisions**

**Article 231**

Article 12, section 2, subsection 1 of the Act of 15 November 1984 on the Agricultural Tax (*Dziennik Ustaw* 1993, No. 94, item 431, as amended by subsequent legislation<sup>21</sup>) shall be replaced by the following:

“1) higher education institutions,”.

**Article 232**

In Article 2, section 4 of the Act of 25 July 1985 on Research and Development Units (*Dziennik Ustaw* 2001, No. 33, item 388, as amended by subsequent legislation<sup>22</sup>), a comma and the words “pursuant to the rules laid down in the Act of 27 July 2005, The Law on Higher Education (*Dziennik Ustaw* No. 164, item 1365)” shall be added after the words “non-degree postgraduate programmes”.

**Article 233**

In Article 4 of the Act of 6 April 1990 on the Police (*Dziennik Ustaw* 2002, No. 7, item 58, as amended by subsequent legislation<sup>23</sup>), the following shall be added as section 3a after section 3:

“3a. The organisation and scope of activities of the Police School (*Wyższa Szkoła Policji*) in Szczytno as a higher education institution, as well as the procedure for the appointment and dismissal of its rector and the appointment, election and dismissal of its vice-rectors shall be laid down in the Act of 27 July 2005, The Law on Higher Education (*Dziennik Ustaw* No. 164, item 1365)”.

**Article 234**

Article 7, section 2, subsection 1 of the Act of 12 January 1991 on Local Taxes and Fees (*Dziennik Ustaw* 2002, No. 9, item 84, as amended by subsequent legislation<sup>24</sup>) shall be replaced by the following:

“1) higher education institutions, with their taxable assets used for the purpose of economic activity to be excluded from the exemption,”.

**Article 235**

Article 1 of the Act of 14 June 1991 on the State-Budget Funding for the Catholic University of Lublin (*Katolicki Uniwersytet Lubelski*) (*Dziennik Ustaw* No. 61, item 259) shall be replaced by the following:

“Article 1

The Catholic University of Lublin (*Katolicki Uniwersytet Lubelski*) shall receive subsidies and other funds from the State budget pursuant to the rules laid down for public higher education institutions, with the exception of funds to cover the construction costs of fixed assets to be used in the teaching process.”.

**Article 236**

The Act of 26 July 1991 on Personal Income Tax (*Dziennik Ustaw* 2000, No. 14, item 176, as amended by subsequent legislation<sup>25</sup>) shall be amended as follows:

<sup>21</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 1994, No. 1, item 3; 1996, No. 91, item 409; 1997, No. 43, item 272, and No. 137, item 926; 1998, No. 108, item 681; 2001, No. 81, item 875; 2002, No. 200, item 1680; 2003, No. 110, item 1039, and No. 162, item 1568; and 2005, No. 143, item 1199.

<sup>22</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2002, No. 74, item 676, No. 113, item 984, No. 153, item 1271, No. 200, item 1683, and No. 240, item 2052; and 2003, No. 238, item 2390.

<sup>23</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2002, No. 19, item 185, No. 74, item 676, No. 81, item 731, No. 113, item 984, No. 115, item 996, No. 176, item 1457, and No. 200, item 1688; 2003, No. 90, item 844, No. 113, item 1070, No. 130, items 1188 and 1190, No. 137, item 1302, No. 166, item 1609, No. 192, item 1873, and No. 210, item 2036; 2004, No. 171, item 1800, No. 179, item 1842, No. 210, item 2135, No. 273, item 2703, and No. 277, item 2742; and 2005, No. 10, item 70.

<sup>24</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2002, No. 200, item 1683; 2003, No. 96, item 874, No. 110, item 1039, No. 188, item 1840, No. 200, item 1953, and No. 203, item 1966; 2004, No. 92, items 880 and 884, No. 96, item 959, No. 123, item 1291, and No. 281, item 2782; and 2005, No. 130, item 1087 and No. 143, item 1199.

- 1) Article 6, section 4, subsection 3 shall be replaced by the following:

„3) children enrolled in schools referred to in the legislation on the school education system or the provisions of the Law on Higher Education until they reach the age of 25, if they have not obtained income, except for non-taxable personal income, a family pension and income of an amount that is not liable to tax,”;

- 2) Article 21, section 1, subsections 39 and 40 shall be replaced by the following:

“39) scholarships awarded on the basis of the legislation on academic degrees and academic title and degrees and title in art, doctoral scholarships awarded on the basis of the provisions of the Law on Higher Education, and other academic scholarships for learning achievements which are awarded in accordance with the rules approved by the minister responsible for higher education after consultation with the General Council for Higher Education or the minister responsible for school education;

40) financial support benefits for pupils, students, participants in doctoral programmes and persons in other forms of education or training financed by the State budget, budgets of local government units and schools' and higher education institutions' own funds, and awarded on the basis of the legislation on the school education system, the Law on Higher Education and the legislation on academic degrees and academic title and degrees and title in art,”.

### Article 237

Article 17, section 1 of the Act of 24 August 1991 on the National Fire Service (*Dziennik Ustaw* 2002, No. 147, item 1230, as amended by subsequent legislation<sup>25</sup>) shall be replaced by the following:

“1. The organisation and scope of activities of the Central Fire Service School (*Szkoła Główna Służby Pożarniczej*) in Warsaw as a higher education institution, as well as the procedure for the appointment and dismissal of its rector and the appointment, election and dismissal of its vice-rectors shall be laid down in the Act of 27 July 2005, The Law on Higher Education (*Dziennik Ustaw* No. 164, item 1365).”.

### Article 238

The Act of 30 August 1991 on Health Care Institutions (*Dziennik Ustaw* No. 91, item 408, as amended by subsequent legislation<sup>27</sup>) shall be amended as follows:

- 1) in Article 6, section 3, Article 8, section 1, subsection 3a, Article 43e, sections 1 and 2, Article 44a, section 2a, Article 44c, sections 1 and 3, Article 45, section 1, subsection 2 (e), Article 53a, section 2, Article 55, section 3, Article 56, section 2, Article 60, section 6, Article 66, section 1, and Article 67, section 3a, the word “State” used twice shall be replaced by the word “public”;

<sup>25</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2000, No. 22, item 270, No. 60, item 703, No. 70, item 816, No. 104, item 1104, No. 117, item 1228, and No. 122, item 1324; 2001, No. 4, item 27, No. 8, item 64, No. 52, item 539, No. 73, item 764, No. 74, item 784, No. 88, item 961, No. 89, item 968, No. 102, item 1117, No. 106, item 1150, No. 110, item 1190, No. 125, items 1363 and 1370, and No. 134, item 1509; 2002, No. 19, item 199, No. 25, item 253, No. 74, item 676, No. 78, item 715, No. 89, item 804, No. 135, item 1146, No. 141, item 1182, No. 169, item 1384, No. 181, item 1515, No. 200, item 1679, and No. 240, item 2058; 2003, No. 7, item 79, No. 45, item 391, No. 65, item 595, No. 84, item 774, No. 90, item 844, No. 96, item 874, No. 122, item 1143, No. 135, item 1268, No. 137, item 1302, No. 166, item 1608, No. 202, item 1956, No. 222, item 2201, No. 223, item 2217, and No. 228, item 2255; 2004, No. 29, item 257, No. 54, item 535, No. 93, item 894, No. 99, item 1001, No. 109, item 1163, No. 116, items 1203, 1205 and 1207, No. 120, item 1252, No. 123, item 1291, No. 162, item 1691, No. 210, item 2135, No. 263, item 2619, and No. 281, items 2779 and 2781; and 2005, No. 25, item 202, No. 30, item 262, No. 85, item 725, No. 86, item 732, No. 90, item 757, No. 102, item 852, No. 143, items 1199 and 1202, and No. 155, item 1298.

<sup>26</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2002, No. 153, item 1271; 2003, No. 59, item 516, and No. 166, item 1609; 2004, No. 210, item 2135, and No. 273, item 2703; and 2005, No. 100, item 836.

<sup>27</sup> Amendments to the Act were published in: *Dziennik Ustaw* 1992, No. 63, item 315; 1994, No. 121, item 591; 1995, No. 138, item 682; 1996, No. 24, item 110; 1997, No. 104, item 661, No. 121, item 769 and No. 158, item 1041; 1998, No. 106, item 668, No. 117, item 756 and No. 162, item 1115; 1999, No. 28, item 255 and 256, and No. 84, item 935; 2000, No. 3, item 28, No. 12, item 136, No. 43, item 489, No. 84, item 948, No. 114, item 1193, and No. 120, item 1268; 2001, No. 5, item 45, No. 88, item 961, No. 100, item 1083, No. 111, item 1193, No. 113, item 1207, No. 126, items 1382 to 1384, and No. 128, item 1407; 2002, No. 113, item 984; 2003, No. 45, item 391, No. 124, items 1151 and 1152, No. 171, item 1663, No. 213, item 2081, and No. 223, item 2215; and 2004, No. 210, item 2135, and No. 273, item 2703.

- 2) In Article 36a, section 1, the word “State” used four times shall be replaced by the word “public”.

#### **Article 239**

The Act of 4 February 1994 on Copyrights and Related Rights (*Dziennik Ustaw* 2000, No. 80, item 904, as amended by subsequent legislation<sup>28</sup>) shall be amended as follows:

- 1) The following shall be added as Article 15a after Article 15:

##### “Article 15a

A higher education institution, as defined in the legislation on higher education, shall have a prior right to publish the final thesis of a student. If a higher education institution has not published the final thesis within six months of the date of the defence thereof, it may be published by the student who has prepared it, unless the final thesis is a part of collective work.”;

- 2) Article 93 shall be replaced by the following:

##### “Article 93

The provisions of Article 15a and Article 33, subsection 10 of the Family and Care Code shall apply accordingly to the right to artistic performance.”;

- 3) Article 122 shall be replaced by the following:

##### “Article 122

The legal offences referred to in Article 116, sections 1, 2 and 4, Article 117, section 1, Article 118, section 1, Article 118<sup>1</sup> and Article 119 shall be prosecuted at the request of the aggrieved person.”.

#### **Article 240**

Article 3, section 1 of the Act of 11 April 1997 on the disclosure of work or service in the State security bodies or collaboration with such bodies between 1944 and 1990 of persons holding public functions (*Dziennik Ustaw* 1999, No. 42, item 428, as amended by subsequent legislation<sup>29</sup>) shall be replaced by the following:

“1. The persons holding public functions within the meaning of this Act shall include: the President of the Republic of Poland, a Member of Parliament, a senator and any person appointed, elected or nominated to a public executive position, as specified in other Acts, by the President of the Republic of Poland, the Sejm (the lower house of the Parliament), the Sejm Presidium, the Senate, the Sejm and the Senate, the Speaker of the Sejm, the Speaker of the Senate or the Prime Minister; the head of the Civil Service, a director general in a ministry, central government body or province-level body, and a judge, public prosecutor and attorney at law, as well as a rector, vice-rector, head of a basic organisational unit in a public and non-public higher education institution, a member of the General Council for Higher Education, and a member of the State Accreditation Committee, a member of the Central Committee for Degrees and Titles.”.

#### **Article 241**

Article 36, section 4 of the Act of 25 April 1997 on the Polish Academy of Sciences (*Polska Akademia Nauk*) (*Dziennik Ustaw* No. 75, item 469, as amended by subsequent legislation<sup>30</sup>) shall be replaced by the following:

<sup>28</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2001, No. 128, item 1402; 2002, No. 126, item 1068, and No. 197, item 1662; 2003, No. 166, item 1610; and 2004, No. 91, item 869, No. 96, item 959, and No. 172, item 1804.

<sup>29</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 1999, No. 57, item 618, No. 62, item 681, and No. 63, item 701; 2000, No. 43, item 488, and No. 50, item 600; 2002, No. 14, item 128, No. 74, item 676, No. 84, item 765, No. 153, item 1271, and No. 175, item 1434; 2003, No. 44, item 390, and No. 99, item 921; and 2004, No. 25, item 219.

<sup>30</sup> Amendments to the Act were published in: *Dziennik Ustaw* 1997, No. 141, item 943; 1999, No. 49, item 484; 2004, No. 238, item 2390; and 2005, No. 10, item 71.

“4. An institute may provide:

- 1) doctoral programmes pursuant to the rules laid down in the Act of 14 March 2003 on Academic Degrees and Academic Title and Degrees and Title in Art (*Dziennik Ustaw* No. 65, item 595),
- 2) non-degree postgraduate programmes and other courses of study, except for doctoral programmes, pursuant to the rules laid down in the Act of 27 July 2005, The Law on Higher Education (*Dziennik Ustaw* No. 164, item 1365).”.

#### **Article 242**

Article 1 of the Act of 26 June 1997 on the State-Budget Funding for the Pontifical Academy of Theology (*Papieska Akademia Teologiczna*) in Cracow (*Dziennik Ustaw* No. 103, item 650) shall be replaced by the following:

“Article 1

The Pontifical Academy of Theology (*Papieska Akademia Teologiczna*) in Cracow shall receive subsidies and other funds from the State budget pursuant to the rules laid down for public higher education institutions, with the exception of funds to cover the construction costs of fixed assets to be used in the teaching process.”.

#### **Article 243**

Article 1, section 1, subsection 1 of the Act of 17 July 1998 on Student Loans and Credits (*Dziennik Ustaw* No. 108, item 685, as amended by subsequent legislation<sup>31)</sup>) shall be replaced by the following:

“1) students of higher education institutions referred to in the Act of 27 July 2005, The Law on Higher Education (*Dziennik Ustaw* No. 164, item 1365).”.

#### **Article 244**

Article 9 of the Act of 7 October 1999 on the Polish Language (*Dziennik Ustaw* No. 90, item 999, as amended by subsequent legislation<sup>32)</sup>) shall be replaced by the following:

“Article 9

The Polish language shall be the language of instruction and the language of examinations and final theses in all types of public and non-public schools, and in educational establishments and other educational institutions, unless specific provisions provide otherwise.”.

#### **Article 245**

The Act of 23 December 1999 on Remuneration in the State-Budget Sector and Amendments to Certain Acts (*Dziennik Ustaw* No. 110, item 1255, as amended by subsequent legislation<sup>33)</sup>) shall be amended as follows:

- 1) Article 2, subsection 1 shall be replaced by the following:

“1) the State-budget sector: this shall refer to State budget units, State budget institutions, support service establishments of State budget units which manage their funds pursuant to the rules laid down in Articles 18 to 20 of the Act of 26 November 1998 on Public Finance (*Dziennik*

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<sup>31</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2000, No. 48, item 550; 2004, No. 146, item 1546 and No. 152, item 1598; and 2005, No. 23, item 187.

<sup>32</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2000, No. 29, item 358; 2002, No. 144, item 1204; 2003, No. 73, item 661; 2004, No. 92, item 878; and 2005, No. 17, item 141.

<sup>33</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2000, No. 19, item 239; 2001, No. 85, item 924, No. 100, item 1080, and No. 154, items 1784 and 1799; 2002, No. 74, item 676, No. 152, item 1267, No. 213, item 1802, and No. 214, item 1805; 2003, No. 149, item 1454, No. 166, item 1609, No. 179, item 1750, No. 199, item 1939, and No. 228, item 2256; and 2004, No. 116, item 1203, No. 240, item 2407, and No. 273, item 2703.

*Ustawa* 2003, No. 15, item 148, as amended by subsequent legislation<sup>34</sup>), hereinafter referred to as “the Act on Public Finance”;

2) Article 9, section 3 shall be replaced by the following:

“3. The Council of Ministers shall specify, by regulation, the cases in which the amount of the remuneration paid in State budget institutions and support service establishments of State budget units and the remuneration financed by incentive funds may exceed the level of remuneration fixed in accordance with Article 6, while taking into account:

- 1) the provisions of the Acts establishing incentive funds,
- 2) proceeds exceeding the target level which are obtained in State budget units and support service establishments,
- 3) commission-based remuneration for executory proceedings,
- 4) adjustments to reach the amount of the minimum wage as fixed on the basis of separate legislation,
- 5) organisational changes.”.

#### **Article 246**

Article 30, section 4 of the Act of 25 July 2001 on the National Medical Rescue Service (*Dziennik Ustaw* No. 113, item 1207, as amended by subsequent legislation<sup>35</sup>) shall be repealed.

#### **Article 247**

Article 7, section 2, subsection 1 of the Act of 30 October 2002 on the Forestry Tax (*Dziennik Ustaw* No. 200, item 1682 and No. 216, item 1826, and 2005, No. 143, item 1199) shall be replaced by the following:

“1) higher education institutions;”.

#### **Article 248**

Article 3, section 3 of the Act of 27 February 2003 establishing the Academy of National Defence (*Akademia Obrony Narodowej*) (*Dziennik Ustaw* No. 56, item 496, and 2004, No. 152, item 1598) shall be repealed.

#### **Article 249**

Article 3, section 3 of the Act of 27 February 2003 establishing the Jarosław Dąbrowski Military University of Technology (*Wojskowa Akademia Techniczna im. Jarosława Dąbrowskiego*) (*Dziennik Ustaw* No. 60, item 534, and 2004, No. 152, item 1598) shall be repealed.

#### **Article 250**

Article 3, section 4 of the Act of 27 February 2003 establishing the Westerplatte Heroes Naval Academy (*Akademia Marynarki Wojennej im. Bohaterów Westerplatte*) (*Dziennik Ustaw* No. 60, item 533, and 2004, No. 152, item 1598) shall be repealed.

#### **Article 251**

The Act of 14 March 2003 on Academic Degrees and Academic Title and Degrees and Title in Art (*Dziennik Ustaw* No. 65, item 595) shall be amended as follows:

1) the following section 5 shall be added to Article 6:

“5. In justified cases, the Central Commission may accept that persons representing related areas of science or art, including related disciplines of science and art, comply with the requirements laid down in sections 1 to 3.”;

<sup>34</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2003, No. 45, item 391, No. 65, item 594, No. 96, item 874, No. 166, item 1611, and No. 189, item 1851; 2004, No. 19, item 177, No. 93, item 890, No. 121, item 1264, No. 123, item 1291, No. 210, item 2135, and No. 273, item 2703; and 2005, No. 14, item 114, and No. 64, item 565.

<sup>35</sup> Amendments to the Act were published in: *Dziennik Ustaw* 2001, No. 154, item 1801; 2002, No. 241, item 2073; 2003, No. 45, item 391 and No. 124, item 1152; and 2004, No. 210, item 2135.

- 2) in Article 9:
- a) section 5 shall be repealed;
  - b) section 6 shall be replaced by the following:  
“6. Resolutions of the Central Commission on the matters referred to in section 2, subsections 2 and 3, and section 4, shall be published by the Central Commission in the Official Journal of the Republic of Poland “*Monitor Polski*”.”;

- 3) Article 19 shall be replaced by the following:

“Article 19

1. A resolution conferring the academic degree of *doktor habilitowany* shall become valid upon its adoption.
2. Should a resolution conferring the academic degree of *doktor habilitowany* adopted by the board of the organisational unit not be approved, the board of the organisational unit or the candidate for the degree may, within three months of the date of the receipt of the decision, submit a request to the Central Commission for reconsideration of the matter.
3. The Central Commission shall consider the request referred to in section 2 within four months of the date of the receipt thereof.
4. The proceedings referred to in section 3 may involve reviewers appointed for the procedure leading to the conferment of the academic degree of *doktor habilitowany*.”;

- 4) in Article 20:

- a) section 2 shall be replaced by the following:

“2. Those eligible to take part in the voting referred to in section 1 shall be members of the board of the organisational unit concerned holding the academic title of *profesor* or the academic degree of *doktor habilitowany*.”;

- b) section 5 shall be replaced by the following:

“5. At least two reviewers shall be appointed for the procedure leading to the conferment of the academic degree of *doktor*, and four reviewers shall be appointed for the procedure leading to the conferment of the academic degree of *doktor habilitowany*, including not more than one who is employed in the same higher education institution or another research institution where the candidate for the degree of *doktor* or *doktor habilitowany* is employed, or who is a member of the board of the organisational unit conducting the procedure.”;

- c) the following sections 5a and 5b shall be added:

“5a. For the procedure leading to the conferment of the academic degree of *doktor habilitowany*:

- 1) two reviewers shall be appointed by the board of the organisational unit concerned, and
- 2) two reviewers shall be appointed by the Central Commission.

5b. The reviewers referred to in section 5a shall take part in the procedure for the conferment of the academic degree of *doktor habilitowany* on an equal basis.”;

- d) section 6 shall be replaced by the following:

“6. Advisors in the procedure for the conferment of the academic degree of *doktor* and reviewers of theses submitted for the academic degree of *doktor* or *doktor habilitowany* may be persons holding the academic title of *profesor* or the academic degree of *doktor habilitowany* in a given or related area of science or art.”;

- 5) Article 23 shall be replaced by the following:

“Article 23

1. Employees other than academic staff or research staff who are preparing a thesis for the academic degree of *doktor* or *doktor habilitowany* shall be entitled, at their own request and at the time agreed to by their employer, to leave of absence amounting to twenty eight days, which are considered their working days within the meaning of separate legislation, in order to prepare for the

defence of the *doktor* thesis or for the *doktor habilitowany* oral examination, as well as to leave of absence in order to defend the *doktor* thesis or to take the *doktor habilitowany* oral examination.

2. For the duration of the periods of absence referred to in section 1, employees shall be entitled to remuneration calculated as the pay for holiday leave.”;

6) Article 27, section 4 shall be replaced by the following:

“4. Four reviewers shall be appointed for the procedure leading to the conferment of the academic title of *profesor*, including not more than one who is employed in the same higher education institution or another research institution where the candidate for the title of *profesor* is employed, or who is a member of the board of the organisational unit conducting the procedure. Reviewers may be persons holding the academic title of *profesor* in a given or related area of science or art. Reviewers shall be appointed by the board of the organisational unit concerned and the Central Commission, two by each, and shall take part in the procedure for the conferment of the title of *profesor* on an equal basis.”;

7) Article 28 shall be replaced by the following:

“Article 28

1. Following the adoption of a resolution supporting the request for the conferment of the academic title of *profesor*, the board of the organisational unit concerned shall forward the request together with the records of the proceedings to the Central Commission within one month of the adoption of the resolution.

2. The Central Commission shall adopt a resolution proposing or refusing to propose a candidate for the academic title of *profesor* within six months of the date of the receipt of the above resolution.

3. The Central Commission shall submit a request for the conferment of the academic title of *profesor* to the President of the Republic of Poland within one month of the adoption of the resolution proposing the candidate for the title.

4. Should a resolution declining to propose the candidate for the academic title of *profesor* be adopted, the board of the organisational unit concerned or the candidate for the title may, within three months of the date of the receipt of the decision, submit a request to the Central Commission for reconsideration of the matter.

5. The Central Commission shall consider the request referred to in section 4 within six months of the date of the receipt thereof.

6. The proceedings referred to in section 5 may involve the reviewers appointed under the procedure leading to the conferment of the academic title of *profesor*.”;

8) Article 29, section 1 shall be replaced by the following:

“1. The provisions of the Code of Administrative Proceedings shall apply accordingly to proceedings for the conferment of the academic degrees of *doktor* and *doktor habilitowany* or the academic title of *profesor*, and proceedings for the granting, restricting, suspending or withdrawing of the authorisation to confer these degrees and title, in so far as these matters are not regulated by this Act. Appeals against decisions taken in such proceedings shall be subject to the regulations concerning appeals against administrative decisions to an administrative court.”;

9) The following Article 29a shall be added after Article 29:

“Article 29a

1. The board of the organisational unit concerned or the Central Commission, as appropriate, shall, by decision, render invalid any proceedings for the conferment of the academic title or the academic degree if the candidate for the title or degree has appropriated the authorship of a major part or other elements of another person’s work or research finding in the thesis which provides the basis for the conferment of the title or degree.

2. Decisions referred to in section 1 shall not preclude disciplinary, criminal or civil liability.”;

10) The following second sentence shall be added in Article 33, section 2:

“An opinion on the employment of a person who does not hold the degree of *doktor habilitowany* in the position of *profesor nadzwyczajny* in a higher education institution shall be given within three months of the date of the submission of the request.”;

11) Article 35, sections 3 and 4 shall be replaced by the following:

“3. The Central Commission shall adopt its resolutions after consultation with at least one reviewer. Resolutions declining to approve resolutions on the conferment of an academic degree or declining to propose a candidate for the academic title of *profesor* in cases referred to in Article 15, section 2, and Article 28, section 4 may be adopted after consultation with at least two reviewers, including at least one who is not a member of the Central Commission.

4. The Central Commission shall adopt resolutions in cases referred to in Article 15, section 3, and Article 19, section 2 after consultation with at least one reviewer.”;

12) Chapter 6 shall be replaced by the following:

#### “Chapter 6

#### Doctoral Programmes in Research Institutions

#### Article 37

1. Doctoral programmes as defined in this Act, hereinafter referred to as “doctoral programmes”, may be provided by research institutions other than higher education institutions which are authorised to confer the academic degree of *doktor habilitowany*. Research institutions other than higher education institutions shall be understood as including research institutes of the Polish Academy of Sciences and research institutes operating on the basis of the legislation on research and development units.

2. Doctoral programmes shall prepare for the award of the academic degree of *doktor*.

3. Doctoral programmes in a research institution shall be established by its head.

4. Doctoral programmes shall be academically supervised by the board of the research institution providing such programmes.

5. Doctoral programmes shall be provided as full-time or part-time programmes.

6. More than a half of the curriculum of a full-time doctoral programme shall require the presence of participants therein in the organisational unit providing the programme, and shall comprise courses and research work requiring direct participation of doctoral students and their research tutors. Part-time doctoral programmes shall be organised in such a way as to ensure that doctoral programmes may be followed by persons in an employment relationship.

7. No tuition fees shall be charged for full-time doctoral programmes.

8. The amount of tuition fees for part-time doctoral programmes, where such fees are charged, shall be determined by the head of the research institution providing such programmes.

9. Doctoral programmes may be provided as partnership-based programmes by institutions referred to in section 1 in co-operation with other organisational units. The tasks of the research institution and other organisational units and the financing arrangements for doctoral programmes shall be specified in agreements concluded between the research institution and the units involved.

#### Article 38

1. The primary duties of participants in doctoral programmes shall include:

- 1) following the curriculum of the doctoral programme and taking examinations as required;
- 2) conducting research or artistic activity, and submitting reports on the progress therein.

2. Participants in doctoral programmes failing to fulfil their duties as referred to in section 1 may be struck from the register of doctoral students. A decision to strike from the register shall be taken by the head of the relevant doctoral programme. Such a decision may be appealed against to the head of the research institution providing the doctoral programme within fourteen days of the date of the receipt thereof.

3. Participants in doctoral programmes shall be liable to disciplinary measures pursuant to the rules laid down for participants in doctoral programmes provided in higher education institutions.

#### Article 39

1. Participants in doctoral programmes shall be entitled to:

- 1) annual holiday leave, amounting to eight weeks, during the holiday period;
- 2) social security and national health insurance pursuant to the rules laid down in separate legislation.

2. The duration of doctoral programmes, regardless of the date of their completion, but not longer than four years, shall be included in the period of service determining employee entitlements if the *doktor* thesis was defended within one year of the date of the completion of the programme.

3. The period of service determining employee entitlements shall also include the duration of full-time doctoral studies if they were interrupted by the student in order to take up employment as an academic teacher or researcher and the student was awarded the academic degree of *doktor* during the period set for such studies. The provision of section 2 shall apply accordingly.

4. Participants in doctoral programmes shall also be entitled to use the institutional welfare benefits fund if this is provided for in the regulations referred to in Article 8, section 2 of the Act of 4 March 1994 on the Institutional Welfare Benefits Fund (*Dziennik Ustaw* 1996, No. 70, item 335, as amended by subsequent legislation<sup>36</sup>).

#### Article 40

1. A participant in doctoral programmes may be awarded a doctoral scholarship.

2. The minimum amount of a scholarship referred to in section 1 may not be lower than 60% of the minimum basic remuneration of an *asystent* as fixed in the legislation on the remuneration of academic staff.

3. The decision awarding a doctoral scholarship, which shall also specify its amount, shall be taken by the head of the research institution providing the programme.

4. Participants in full-time doctoral programmes may take up paid work, subject to section 5. Such work should not interfere with courses to be attended in accordance with the curriculum of a doctoral programme.

5. Participants in full-time doctoral programmes receiving a scholarship may take up only part-time paid work upon the consent of the head of the programme.

#### Article 41

In consultation with the minister responsible for research, the minister responsible for higher education shall lay down, by regulation, the requirements and procedure for the organisation of doctoral programmes as defined in this Act, the provision of, and attendance at, such programmes, and for the award of scholarships to persons enrolled on them, including:

- 1) the duration of doctoral programmes and any possible extension thereof, including entitlement to an additional extension of the period of doctoral studies for the duration of maternity leave as provided for in separate legislation;
- 2) the admission procedure;
- 3) the precise powers of the head of the institution providing doctoral programmes, the board of the institution and the head of a doctoral programme;
- 4) a specimen identity card for a participant in a doctoral programme and specimen certificate of completion of such a programme;
- 5) the amount of fees for the issue of an identity card and a certificate.”.

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<sup>36</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 1996, No. 118, item 561, No. 139, item 647, No. 147, item 686; 1997, No. 82, item 518, and No. 121, item 770; 1998, No. 75, item 486, No. 113, item 717; 2002, No. 135, item 1146; and 2003, No. 213, item 2081.

#### **Article 252**

1. The State and non-State higher education schools existing on the date of entry into force of this Act shall become public and non-public higher education institutions, respectively, within the meaning of this Act.
2. The State and non-State non-university higher education schools existing on the date of entry into force of this Act shall become public and non-public higher education institutions, respectively, within the meaning of this Act.
3. The military academies existing on the date of entry into force of this Act shall become military higher education institutions – public university-type higher education institutions.
4. The higher education officer schools existing on the date of entry into force of this Act shall become military higher education institutions – public non-university higher education institutions.
5. The Police School (*Wyższa Szkoła Policji*) in Szczytno and the Central Fire Service School (*Szkoła Główna Służby Pożarniczej*) in Warsaw existing on the date of entry into force of this Act shall become government service higher education institutions.
6. Whenever reference is made in separate legislation to State or non-State higher education schools, this shall be understood as referring to public and non-public higher education institutions respectively.

#### **Article 253**

The Medical Postgraduate Training Centre (*Centrum Medyczne Kształcenia Podyplomowego*) with its seat in Warsaw shall continue to be authorised to provide doctoral programmes and non-degree postgraduate programmes in medical sciences pursuant to the rules laid down in this Act. In order to provide such programmes, the Medical Postgraduate Training Centre shall receive State-budget subsidies from the funds administered by the minister responsible for health matters.

#### **Article 254**

The faculties of church sciences of the Cardinal Stefan Wyszyński University (*Uniwersytet Kardynała Stefana Wyszyńskiego*) shall be subject to the provisions of this Act concerning faculties of theology.

#### **Article 255**

1. The names of higher education institutions shall be adjusted in accordance with the requirements laid down in Article 3 by 30 June 2010.
2. The Council of Ministers shall submit a bill adjusting the names of public university-type higher education institutions in accordance with the requirements laid down in Article 3 by 30 June 2009.
3. The Council of Ministers shall adjust, by regulation, the names of public higher education institutions established on the basis of a regulation and public non-university higher education institutions in accordance with the requirements laid down in Article 3.
4. The founders or competent bodies of non-public higher education institutions shall submit a request for the adjustment of the name of their institution in accordance with the requirements laid down in Article 3 to the minister responsible for higher education by 31 March 2009.
5. The name of a non-public higher education institution whose competent body or founder fails to comply with the obligation referred to in section 4 shall be changed by the minister responsible for higher education. A decision changing the name shall be taken on an ex officio basis.

#### **Article 256**

1. As of the date of entry into force of this Act, any State Treasury land held in perpetual usufruct by a public higher education institution shall become its property. The value of such land shall be added to the capital fund of the public higher education institution concerned.
2. The acquisition of the ownership right referred to in section 1 shall be confirmed by a decision of the respective province governor.

#### **Article 257**

1. Higher education schools which do not comply with the requirements laid down in Article 2, section 1, subsection 22 on the date of entry into force of this Act shall become non-university higher education institutions within the meaning of this Act.
2. Degree programmes which commenced before the date of entry into force of this Act, subject to sections 3 and 4, shall be subject to the legislation hitherto in force.
3. Undergraduate programmes which are provided on the date of entry into force of this Act shall become first-cycle programmes within the meaning of this Act.
4. Students following long-cycle programmes who were enrolled thereon before the date of entry into force of this Act may either complete such programmes in accordance with the procedures applicable thereto or transfer to a corresponding first-cycle programme or, once they have fulfilled the requirements laid down in the study regulations, to a corresponding second-cycle programme.
5. Doctoral programmes which commenced before the date of entry into force of this Act shall be subject to the provisions of this Act.

#### **Article 258**

1. Day-time programmes provided by higher education institutions on the date of entry into force of this Act shall become full-time programmes within the meaning of Article 2, section 1, subsection 12, and evening, extension and extramural programmes shall become part-time programmes within the meaning of Article 2, section 1, subsection 13.
2. Higher education institutions providing special degree postgraduate programmes on the date of entry into force of this Act may continue to provide them until the completion of a full cycle of study.

#### **Article 259**

1. Initiated and on-going proceedings in cases:
  - 1) concerning:
    - a) permits for the establishment of higher education institutions pending an opinion from the State Accreditation Committee, and
    - b) authorisations to provide degree programmes in a specific field of study pending an opinion from the State Accreditation Committeeshall be conducted pursuant to the rules and procedure laid down in this Act;
  - 2) concerning:
    - a) permits for the establishment of higher education institutions where the State Accreditation Committee has given its opinion, and
    - b) authorisations to provide degree programmes in a specific field of study where the State Accreditation Committee has given its opinionshall be conducted pursuant to the rules and procedure laid down in the legislation hitherto in force;
  - 3) where the proceedings concluded with a decision without legal force shall be conducted in accordance with the legislation hitherto in force.
2. If a request for a permit to establish a non-university higher education institution does not comply with the requirements laid down in Article 20, it may be supplemented and shall be considered pursuant to the procedures and rules laid down in this Act within a period of one year of the date of entry into force of this Act. After the expiry of this time limit, the on-going proceedings concerning the establishment of non-university higher education institutions which do not comply with the requirements laid down in Article 20 shall be terminated.

#### **Article 260**

Higher education institutions which do not comply with the requirements laid down in Article 56, section 2, or Article 58, section 4 on the date of entry into force of this Act shall obtain authorisations which, according to the provisions of this Act, are linked to the compliance with these requirements, if they comply with the requirements laid down in Article 12, section 1 or 2 of the Act referred to in Article 276, subsection 2 on the date of entry into force of this Act. Those higher education institutions shall

lose the above-mentioned authorisations as of 31 August 2010, unless they fulfil the requirements laid down in Article 56, section 2, or Article 58, section 4 before that date.

#### **Article 261**

A public post-secondary school existing on the date of entry into force of this Act which provides vocational education courses of at least two-year duration may be transformed by a regulation of the minister responsible for higher education, acting at the request of the managing body of the school, into a higher education institution providing first-cycle programmes, once it has fulfilled the requirements of this Act for the establishment of a non-university higher education institution. A non-university higher education institution established pursuant to this procedure shall be subject to the provisions of this Act.

#### **Article 262**

1. Requests concerning changes in the internal structure of higher education institutions which were submitted but not yet considered by the date of entry into force of this Act shall be considered pursuant to the procedure and rules laid down in this Act.
2. The competent bodies of higher education institutions shall bring their teaching centres in other locations into conformity with the requirements of this Act within one year of the date of its entry into force. Within the same time limit, the rector shall forward to the minister responsible for higher education information on organisational units in other locations, including details necessary to establish whether such units comply with the requirements laid down in Article 85, section 1 or 2 and the legislation adopted on the basis of Article 9, subsection 5 (b).
3. Teaching centres in other locations which do not comply with the requirements of this Act shall be abolished after the expiry of the time limit specified in section 2.

#### **Article 263**

Administrative directors of State higher education institutions shall become heads of finance and administration of public higher education institutions.

#### **Article 264**

1. Employment relationships established before the date of entry into force of this Act shall be subject to its provisions.
2. A person employed in the position of *profesor zwyczajny* or *profesor nadzwyczajny* by permanent appointment before the date of entry into force of this Act shall remain appointed to that position.
3. A person holding the academic degree of *doktor habilitowany* and employed in the position of *profesor nadzwyczajny* by appointment for an indefinite period of time before the date of entry into force of this Act shall remain appointed to that position.
4. A person holding the academic degree of *doktor habilitowany* and employed in the position of *profesor nadzwyczajny* by fixed-term appointment before the date of entry into force of this Act shall remain appointed to that position until the end of the appointment period.
5. Appointed academic staff employed in the position of *docent* in accordance with Article 188, section 5 of the Act referred to in Article 276, subsection 2 shall remain appointed to that position. The competent authority in matters concerning the employment relationship of a *docent* shall be the rector of the employing higher education institution. The employment relationship with holders of the *docent* position shall expire at the end of the academic year in which they reach the age of 65 if their period of service gives entitlement to retirement. If persons holding the position of *docent* are not entitled to retirement at the age of 65, their employment relationship shall expire at the end of the academic year in which they become entitled to retirement or reach the age of 70.
6. Appointed academic staff holding the positions of *adiunkt*, *starszy wykładowca*, *wykładowca* or *asystent* shall remain appointed for an indefinite period of time to those positions, subject to Article 120.
7. Persons employed in the positions of *starszy kustosz dyplomowany* and *starszy dokumentalista dyplomowany*, *kustosz dyplomowany* and *dokumentalista dyplomowany*, *adiunkt biblioteczny* and *adiunkt dokumentacji i informacji naukowej*, *asystent biblioteczny* and *asystent dokumentacji i*

*informacji naukowej, kustosz biblioteczny, starszy bibliotekarz and starszy dokumentalista* by appointment before the date of entry into force of this Act shall remain appointed to the same positions and on the same terms.

8. Rectors of higher education institutions shall adjust documents establishing the employment relationship with academic staff and other appointed staff in accordance with the provisions of this Act within three months of the date of its entry into force.

9. Employment relationships of teaching staff employed on the basis of a contract of employment in accordance with the provisions of the Act referred to in Article 276, subsection 2, and of research and teaching staff as well as teaching staff in non-public higher education institutions, shall be adjusted in accordance with the provisions of this Act within three months of the date of its entry into force.

10. Academic staff employed in *profesor* positions in non-university higher education institutions on the date of entry into force of this Act shall remain employed in non-university higher education institutions in the positions of *profesor nadzwyczajny* referred to in Article 114, section 2.

#### **Article 265**

1. Academic staff who took up additional employment with more than one employer before the date of entry into force of this Act may remain in that employment for a maximum period of one year after the date of entry into force of this Act, provided that they notify thereof the competent body in accordance with Article 129, section 6 within three months of the date of entry into force of this Act.

2. Academic staff who took up economic activity before the date of entry into force of this Act and combine it with additional employment under an employment relationship may continue to pursue this activity for a maximum period of one year after the date of entry into force of this Act, provided that they notify thereof the competent body in accordance with Article 129, section 6 within three months of the date of entry into force of this Act.

3. Failure on the part of academic staff to notify the competent body of their higher education institution of the additional employment taken up under an employment relationship, or the economic activity pursued, within the time limit specified in sections 1 and 2 shall provide the basis for the termination of the employment relationship by notice in the higher education institution which is the place of their primary employment.

4. The obligation to notify the rector of additional employment shall be considered fulfilled for academic staff who notified the rector before the entry into force of this Act in accordance with Article 103 of the Act referred to in Article 276, subsection 2.

#### **Article 266**

1. Proceedings in disciplinary liability cases against students, doctoral students and academic staff which were not concluded by the date of entry into force of this Act shall be conducted on the basis of the legislation hitherto in force.

2. Leave for research, artistic or training purposes, health leave and leave for the preparation of a thesis for the academic degree of *doktor* or *doktor habilitowany* granted before the date of entry into force of this Act shall be taken pursuant to the rules laid down, and for the duration provided for, in the legislation hitherto in force.

#### **Article 267**

Academic staff born before 31 December 1948 may retire at their own request if they have reached the age of 60 and have worked 30 years, including 20 years in the education or research sector, in the case of men, or have reached the age of 55 and have worked 25 years, including 20 years in the education or research sector, in the case of women.

#### **Article 268**

1. Rectors of higher education institutions who, on the date of entry into force of this Act, do not comply with the requirement laid down in Article 72:

- 1) section 1, the second sentence, in the case of the rector of a public higher education institution or
- 2) section 2, in the case of the rector of a non-public higher education institution,

shall hold their function until the end of their term of office.

2. Where the statutes of a non-public higher education institution do not provide for a term of office, rectors who do not comply with the requirement laid down in Article 72, section 2 shall hold their function for a maximum period of four years after the date of entry into force of this Act.
3. The single-person authorities of higher education institutions and their deputies who do not comply with the requirement laid down in Article 76, section 2, and Article 79 shall hold their function until the end of their term of office. The provision of section 2 shall apply accordingly.

#### **Article 269**

1. Students enrolled on degree programmes before the entry into force of this Act and in the academic year 2005/2006 shall pay tuition fees pursuant to the rules applicable hitherto throughout the duration thereof as provided for in the curriculum for their degree programme.
2. The agreements referred to in Article 160, section 3 shall enter into force in the academic year 2006/2007.

#### **Article 270**

1. The General Council for Higher Education and the State Accreditation Committee elected on the basis of the Act referred to in Article 276, subsection 2 shall hold their functions until the end of the terms of office for which they were elected.
2. Should the mandate of a member of the collective body referred to in section 1 expire before the end of the term of office, a successor member shall be elected for a period not longer than until the end of the term for which the entire membership of the collective body was elected.
3. A member of the collective body elected pursuant to the rules laid down in section 2 may be elected for the next term of office pursuant to the rules laid down in this Act.
4. The single-person authorities and collective bodies elected on the basis of the provisions of the Acts referred to in Article 276 in a State higher education institution transformed into a public higher education institution in accordance with Article 252 shall hold their function until the end of the term of office for which they were elected.
5. The bodies referred to in section 4 may be elected for the next term of office without prejudice to Article 77, section 2, and subject to sections 6 and 7 below.
6. The term of office of collective bodies in a public higher education institution commencing on 1 September 2006 shall end on 31 August 2008.
7. A person holding the function of a single-person authority of a public higher education institution whose term of office ends on 31 August 2006 may be re-elected for a two-year term.

#### **Article 271**

Proceedings for the conferment of the academic degree of *doktor habilitowany* and the academic title of *profesor* initiated and not concluded before the date of entry into force of this Act shall be subject to the provisions of the Act amended in Article 251 which were applicable before the entry into force of this Act.

#### **Article 272**

1. The Bureau of the State Accreditation Committee shall be established on 1 January 2006.
2. Until 31 December 2005, administrative support for the State Accreditation Committee shall be provided by organisational units of the office supporting the minister responsible for higher education.

#### **Article 273**

The Students' Parliament of the Republic of Poland, existing on the date of entry into force of this Act and operating on the basis of the Act referred to in Article 276, subsection 2, shall become the Students' Parliament of the Republic of Poland referred to in Article 203, with its statutes requiring however the approval by the minister responsible for higher education.

#### **Article 274**

1. The competent bodies of higher education institutions which fulfil the requirements laid down in Article 56, section 2, or Article 58, section 4 shall adopt statutes complying with the provisions of this Act by 30 June 2006.
2. The competent bodies of public higher education institutions which do not fulfil the requirements laid down in Article 56, section 2, or Article 58, section 4 shall submit statutes complying with the provisions of this Act to the competent ministers for approval by 30 March 2006 at the latest.
3. The founders or the competent bodies of non-public higher education institutions shall submit statutes complying with the provisions of this Act to the minister responsible for higher education for approval by 30 March 2006 at the latest.
4. Should a higher education institution fail to comply with the obligation referred to in sections 1 to 3, the competent minister shall provide it with statutes by administrative decision.

#### **Article 275**

1. Article 24 of the Act referred to in Article 276, subsection 2, and Article 22 of the Act referred to in Article 276, subsection 3 shall remain in force until 31 December 2006.
2. Articles 75 to 139 of the Act referred to in Article 276, subsection 2, and Articles 49 to 70 of the Act referred to in Article 276, subsection 3 shall remain in force until 31 August 2006.
3. The implementing regulations hitherto in force adopted on the basis of Article 4, section 3a, Article 4a, section 2, subsections 1 and 2, Article 4a, section 2, subsection 3, Article 4a, section 2, subsection 4, Article 4a, section 2, subsection 5, Article 16, section 6, Article 33, section 2, Article 33b, section 1, Article 143, section 3, Article 149, section 2, Article 149, section 3, Article 152i, Article 176, section 1 and Article 178<sup>1</sup>, section 2 of the Act referred to in Article 276, subsection 2, shall remain in force until the entry into force of implementing regulations to be adopted on the basis of Article 6, section 3, Article 9, subsections 1 and 4, Article 9, subsection 2, Article 9, subsection 3, Article 9, subsection 5, Article 29, section 7, Article 42 section 1, Article 44, Article 162, Article 167, section 3, Article 187, Article 192, section 1, Article 224, Article 228, section 2 of this Act, and the implementing regulations hitherto in force adopted on the basis of Article 25, section 2, and Article 30 of the Act referred to in Article 276, subsection 2 shall remain in force until the date of entry into force of implementing regulations to be adopted on the basis of Article 95, section 1, and Article 105 of this Act, but not longer than until 31 December 2006.
4. The implementing regulations hitherto in force adopted on the basis of Article 11, section 4 of the Act referred to in Article 276, subsection 3 shall remain in force until the entry into force of implementing regulations to be adopted on the basis of Article 22 of this Act, and the implementing regulations hitherto in force adopted on the basis of Article 24, section 2 of the Act referred to in Article 276, subsection 3 shall remain in force until the date of entry into force of implementing regulations to be adopted on the basis of Article 95, section 1 of this Act, but not longer than until 31 December 2006.
5. The implementing regulations hitherto in force adopted on the basis of Article 9, section 3 of the Act of 23 December 1999 on Remuneration in the State-Budget Sector and Amendments to Certain Acts shall remain in force as amended by this Act until the entry into force of new implementing regulations to be adopted on the basis of Article 9, section 3.
6. The implementing regulations hitherto in force adopted on the basis of Article 41 of the Act of 14 March 2003 on Academic Degrees and Academic Title and Degrees and Title in Art shall remain in force as amended by this Act until the entry into force of implementing regulations to be adopted on the basis of Article 41.

## Article 276

The following shall be repealed:

- 1) the Act of 31 March 1965 on Military Higher Education (*Dziennik Ustaw* 1992, No. 10, item 40, as amended by subsequent legislation<sup>37</sup>),
- 2) the Act of 12 September 1990 on Higher Education (*Dziennik Ustaw* No. 65, item 385, as amended by subsequent legislation<sup>38</sup>),
- 3) the Act of 26 June 1997 on Schools of Higher Vocational Education (*Dziennik Ustaw* No. 96, item 590, as amended by subsequent legislation<sup>39</sup>).

## Article 277

This Act shall enter into force on 1 September 2005, except that:

- 1) Article 94 and Article 151 shall enter into force on 1 January 2007;
- 2) Articles 107 to 150 and Articles 152 to 158 shall enter into force on 1 September 2006;
- 3) Article 99, section 1, subsections 3 and 4, and Article 199 shall enter into force on 1 October 2006.

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<sup>37</sup> Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 1996, No. 7, item 44; 1997, No. 96, item 590, No. 107, item 688, No. 115, item 741, No. 121, item 770; 1998, No. 106, item 668; 2002, No. 74, item 676, and No. 141, item 1184; 2003, No. 179, item 1750; and 2005, No. 100, item 836.

<sup>38</sup> Amendments to the Act were published in: *Dziennik Ustaw* 1992, No. 54, item 254, No. 63, item 314; 1994, No. 1, item 3, No. 43, item 163, No. 105, item 509, No. 121, item 591; 1996, No. 5, item 34, No. 24, item 110; 1997, No. 28, item 153, No. 96, item 590, No. 104, item 661, No. 121, item 770, No. 141, item 943; 1998, No. 50, item 310, No. 106, item 668, No. 162, items 1115 and 1118; 2000, No. 120, item 1268, No. 122, item 1314; 2001, No. 85, item 924, No. 103, item 1129, No. 111, items 1193 and 1194, No. 126, item 1383; 2002, No. 4, items 33 and 34, No. 150, item 1239, No. 153, item 1271, No. 200, item 1683; 2003, No. 65, item 595, No. 128, item 1176, No. 137, item 1304, and No. 213, item 2081; 2004, No. 96, item 959, No. 116, item 1206, No. 152, item 1598, and No. 179, item 1845; and 2005, No. 10, item 71, No. 23, item 187 and No. 94, item 788.

<sup>39</sup> Amendments to the Act were published in: *Dziennik Ustaw* 1998, No. 106, item 668; 2000, No. 120, item 1268, No. 122, item 1314; 2001, No. 85, item 924, No. 111 item 1194; 2002, No. 4, item 33, No. 150, item 1239; 2003, No. 65, item 595, No. 137, item 1304, and No. 213, item 2081; 2004, No. 96, item 959, No. 116, item 1206, No. 152, item 1598, and No. 179, item 1845; and 2005, No. 10, item 71, and No. 23, item 187.