

THE CODE

GOOD PRACTICES IN UNIVERSITIES

WITH THE ADDENDUM



CRASP

Conference of Rectors
of Academic Schools in Poland



THE CODE GOOD PRACTICES IN UNIVERSITIES

DEVELOPED BY

the Polish Rectors Foundation

ADOPTED BY

the Plenary Assembly
of the Conference of Rectors of Academic Schools in Poland (CRASP)
on 26 April 2007

expanded with

Supplements no. 1 and 2

developed in collaboration with
the CRASP Strategic Problems of Higher Education Committee,
the Polish Rectors Foundation,
and the CRASP Committee for Good Practices

adopted by

the Plenary Assembly
of the Conference of Rectors of Academic Schools in Poland
on 9 June 2022

Warsaw, 2023

CONTENT EDITING

2007 Code

Committee of Experts of the Polish Rectors Foundation (PRF)
chaired by Rev. Prof. Andrzej Szostek

Addendum to the Code: Supplements no. 1 and 2

Committee of Experts of the Polish Rectors Foundation
in collaboration with the CRASP Strategic Problems of Higher Education Committee
chaired by Prof. Jerzy Woźnicki

CRASP Committee for Good Practices chaired by Prof. Jan Szmidt

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FOREWORD

BY THE PRESIDENT OF CRASP

In anticipation of the upcoming celebrations of the 10th anniversary of the foundation of the Conference of Rectors of Academic Schools in Poland, established on 7 July 1997 at the Jagiellonian University in Kraków by a group of 73 Rectors of Polish academic institutions, a process aimed at drafting and adopting the original document: *The Code Good Practices in Universities* was initiated in 2005 by Prof. Jerzy Woźnicki, President of the Polish Rectors Foundation and implemented with the support of CRASP. The work on this CRASP Code was carried out by a committee of experts from the Polish Rectors Foundation under the supervision of Rev. Prof. Andrzej Szostek. The goal was to formulate and announce cultural rules primarily applicable to the functioning of university bodies themselves, rather than principles of professional ethics and good practices in the work of academic teachers or research institutions staff, as in other, similar documents. The initiative of the Polish Rectors Foundation was undertaken following the Stock Exchange's code of good practice for public companies regarding the promoted actions of company bodies.

The CRASP Code, after its announcement during the celebrations of the 10th anniversary of CRASP foundation in June 2007 at the Jagiellonian University in Kraków, was translated into English, and, later in the same year, it was presented by the then President of CRASP Prof. Tadeusz Luty to the European University Association, becoming the first such document to be published in Europe.

The publication of the Code inspired others in Europe, as showcased by the recent document Code for Good Governance in Dutch Universities,¹ presented in 2019 by the Association of Universities in the Netherlands (VSNU).

In 2022, the Jubilee Year of the 25th anniversary of CRASP foundation, the Plenary Assembly at a special session at the University of Warsaw accepted the Addendum to the 2006 Code consisting of Supplements no. 1 and 2. The text of CRASP Code, including the supplements, was published and presented to the Rectors in 2023 and its electronic version is available on CRASP website.²

After the CRASP Code was announced in 2007, the Presidium, starting from the term of office 2008-2012, has appointed the Committee for Good Practices,

¹ https://www.universiteitenvannederland.nl/files/documenten/Domeinen/Governance/VSNU_CodeGoodGovernance_English_definitief_04122019.pdf

² www.krasp.org.pl



chaired in the first term by Rev. Prof. Andrzej Szostek, and then ex officio by subsequent Honorary Presidents of CRASP. As time went by, the role of the Committee for Good Practices became defined by the Statutes of CRASP, which included the following statements:

The task of the CRASP Committee for Good Practices is to promote the observance of the principles of professional ethics in the academic community, including the Code 'Good Practices in Universities' adopted by the Plenary Assembly of CRASP on 26 April 2007.

The CRASP Committee for Good Practices shall cooperate with the Presidium in respecting the ethical principles, academic values and ethos of an academic teacher as referred to in § 16 (f).³

Therefore, the mission of the CRASP Committee for Good Practices is to promote cultural rules and professional ethics principles with reference to values that stem from centuries-old university traditions.

President of CRASP
Prof. Arkadiusz Mężyk

³ Statut KRASP: § 16 lit. f) : dbanie o przestrzeganie zasad etycznych, wartości akademickich i etosu nauczyciela akademickiego.



CRASP AND PRF COURSE OF ACTION LEADING TO SUPPLEMENTING THE 2007 CODE

Excerpt from the Report from the CRASP Committee for Good Practices session of 9 February 2022

(...)

It was proposed that "The Code Good Practices in Universities" be expanded with a supplement on 'Good Practices of University Councils'. It was agreed that a draft of this document, in the form of a supplement to the existing Code, would be developed under the guidance of Prof. Jerzy Woźnicki as part of the activities of the CRASP Strategic Problems of Higher Education Committee, adopted by the Committee for Good Practices after assessment by the University Councils Cooperation Centre at the Polish Higher Education Business Forum, and submitted for approval to the Presidium and for adoption to the CRASP Plenary Assembly, so that the announcement of the Code with the new supplements could take place at a special session to mark the 25th anniversary of CRASP foundation on 10 June 2022.

It was decided that the text of the Code of 2007 would remain unchanged due to the historical nature of the document and that the new content would be added in the form of approved Supplements. This also applies, for example, to the document 'Proposals for the Code of Ethics in the Education Process and Public Communication for Academic Teachers' adopted by the CRASP Presidium in 2021.

(...)

President of the CRASP Committee for Good Practices

Prof. Jan Szmidt



TEXT OF THE CODE ADOPTED IN 2007

The Code Good Practices in Universities was developed on the initiative of the Polish Rectors Foundation, supported by the Conference of Rectors of Academic Schools in Poland in June 2005. A draft of the Code was drawn up by a Committee, appointed by and working within the Polish Rectors Foundation from October 2005 to December 2006, composed of: Rev. Prof. A. Szostek (Chairman), Prof. E. Chmielecka (Secretary), Prof. W. Gasparski, Prof. A. Koźmiński, Prof. Z. Szawarski, Prof. J. Woźnicki, and M. Chałupka, MA. The members of the Committee did not receive any remuneration for their work on the Code, treating their task as a pro publico bono activity.

The Code was twice discussed during meetings of the Assembly of the Founders of the Polish Rectors Foundation and the Institute of Knowledge Society in September 2005 and September 2006. The work on the Code had been preceded by a debate by the members of the Founders Assembly, in which Prof. G. Domański and Prof. M. Grabski, among others, had taken part, presenting reports opening the discussion.

In January 2007 the Code was submitted to the Presidium of CRASP and – after the amendments suggested during consultations with the academic community were incorporated – it was adopted on 26 April 2007 by the Plenary Assembly of CRASP, which decided to solemnly announce it on 8 June 2007 at the Jagiellonian University in Kraków during the celebrations of the 10th anniversary of the establishment of CRASP.



GOOD PRACTICES IN UNIVERSITIES

GENESIS

Universities belong to the institutions whose social prestige and effectiveness to a large extent depend on their ethos. The ethos does not come down to the postulate of respecting the law and rules listed in the statutes of the individual universities and in other specific regulations. Good manners in science, reflecting the centuries-long tradition of academic life, unite the formal and informal prescriptions and rules relating to issues of key significance for the shaping and maintenance of the ethos. It is because of the concern for the cultivation and spreading of the manners that attempts to formulate the basic principles determining the standard of good manners have been made.⁴ These important and needed documents mainly relate to the personal behaviour of the members of academic and research staff working at universities. However, also the university governance bodies play an important part, as they make decisions of major significance. For this reason, the documents drawn up so far need to be supplemented with a catalogue of good practices that the bodies governing universities should follow.

This made the Polish Rectors Foundation feel inclined to undertake the initiative of developing a new document relating to universities. First of all, the document should include rules and requirements regarding the governance of universities by single-person authorities and collective bodies. The initiative was supported by CRASP, as expressed in the resolution of 23 May 2005 with the following content: *The Plenary Assembly of the Conference of Rectors of Academic Schools in Poland, aiming to consolidate the traditional academic values in the life of universities, indicates the need to develop and announce a document called The Code of Good Practices in Universities. The Code would contain the rules of proceeding for single-person authorities and collective bodies of universities and their departments, as well as academic teachers and students. The Plenary Assembly welcomes the commencement of work on such a Code by the Polish Rectors Foundation and appeals to the future CRASP authorities to support this valuable initiative.*

⁴ Such an attempt was made, among others, by the Committee for Ethics in Science, appointed in 1992 by PAN (Polish Academy of Sciences), which in 1994 issued a set of principles and guidelines, under the title *Good Manners in Science*; the document was twice amended (latest edition 2001). Many universities developed similar, brief ethical codes (cf. *Academic Code of Values*, adopted by the Senate of the Jagiellonian University on 25 June 2003). Finally, the Committee for Ethics in Science, appointed at the Ministry of Scientific Research and Information Technology in 1998, published the recommendations *Good Practices in Scientific Research* (adopted by the Committee for Scientific Research).



In September 2005, the Polish Rectors Foundation appointed a committee for the development of *The Code Good Practices in Universities*. The committee was composed of: Rev. Prof. A. Szostek (Chairman), Prof. E. Chmielecka (Secretary), Professors: W. Gasparski, A. Koźmiński, Z. Szawarski and J. Woźnicki, and M. Chałupka, MA – a representative of the Students' Parliament of the Republic of Poland, (members). The initial draft prepared by the committee was brought under public debate at universities and among rectors. The editorial team discussed in detail the amendments proposed. The amended version of the draft was then submitted to the Plenary Assembly of CRASP, which accepted *The Code Good Practices in Universities* and decided to announce it during the celebration of the CRASP 10th Anniversary Jubilee in Kraków. The Code will be presented to the individual universities with a request for their Senates to declare its adoption, in part or in its entirety, along with providing a justification for the decision. The establishment of a Committee for Good Practices in Universities by CRASP will properly complement the implementation of the Code. The Committee will consider requests concerning both possible amendments to the Code and cases of its violation. The Code has also been presented to the Conference of Rectors of Post-Secondary, Non-University Vocational Schools in Poland (KRZaSP), so as to serve the entire academic community.

PREAMBLE

Truth is the fundamental value of the academic ethos. The vocation of universities is to seek and document it in a reliable way (research aims), to educate the young generation in the methodical acquisition of truth, to support their intellectual and moral development, and to prepare the future graduates for holding public and professional functions in a democratic state (educational and upbringing aims), as well as to support the cultural and civilisation development of the entire society (social aims). In pursuing these aims, universities must be open and enterprising and, in this respect, they should seek ways to implement the fundamental humanistic values, while collaborating with other social entities, taking the traditions of their respective countries and regions into consideration, and meeting the challenges of the changing world. By fulfilling these tasks, universities shape their own, particular institutional culture. Its standard and influence depend on the attitude of the entire university community. However, this institutional culture should be of special concern to those who govern the university: the Rector, the Senate, and – to an appropriate extent – to lower level single-person authorities and collective governance bodies (deans and faculty councils, directors and councils of the individual institutes, etc.). Their culture of activity contributes, to a large extent, to the culture of the entire university, shapes its image, integrates the academic community, has a positive effect on the environment of the university. Therefore, it is very important to lay down the fundamental rules and good manners in university governance that go beyond the requirements of the common law and other regulations relating to universities.



FUNDAMENTAL PRINCIPLES

1. **The public service principle.** In accordance with the best academic traditions, the vocation of universities is to fulfil the mission of investigating and spreading the truth. A properly construed university culture requires that this mission be fulfilled pro publico bono. A university aware of its key social importance endeavours to ensure that, both through the reliability of the conducted research and through the education of the future cultural and political elite, it contributes to enhancing the common good of the country and to strengthening the mature democracy.
2. **The impartiality in public affairs principle.** Universities enjoy the privilege of a respected public institution. The activity of a university involves great social responsibility. This requires universities to behave in an impartial and objective way when participating in public life, and especially when taking a position on important social issues.
3. **The legalism principle.** In their activity, universities not only obey the law, to which they are obliged in a law-observing state, but also they promote, among students and the entire academic community, a culture of respect for law and impartial application of its rules and procedures. Also, possible discontent with the binding regulations should be demonstrated in a way that complies with the law.
4. **The autonomy and responsibility principle.** The autonomy due to every university, defined in the statutory law, includes the right to an independent adoption of its mission and the consequential individual aims and tasks, as well as other regulations relating to the university policy. In exercising its autonomy, however, the university must construe the consequential rights so as to take responsibility, in its own way and in the best possible and most effective manner, for the common good.
5. **The authority division and balance principle.** An important element of good practices in university governance are the bylaws and cultural rules that apply in practice the principle of division and balance of competences between the Rector, as a singleperson authority, the Senate, as a collective body, and the peer tribunal and disciplinary committees, which are independent in giving verdicts. With this regard, it should be emphasised that in particular the Rector and the Senate are two separate and distinct bodies and neither of them has authority over the other. The separation of the two bodies is reflected and confirmed in the statutory regulations, pursuant to which neither the Rector is entitled to appoint members of the Senate, nor is the Senate authorised to elect the Rector; this is done by the appropriate election bodies. In fulfilling their tasks, both the Rector and the Senate should rely on formal and legal conditions, but also on the prerequisites arising from the institutional culture of the particular university, the observance of which requires respecting the good practices in the activity of the both bodies.



6. **The creativity principle.** Managing the university or its organisational unit (faculty, institute, etc.) requires creativity. The latter does not allow one to confine oneself to passively upholding the existing directions of activity, while it expresses itself in undertaking initiatives aimed at university development. The initiatives should be of strategic character, should be undertaken responsibly, and should consistently aim at the completion of the tasks assumed. They are determined by the university bodies after considering their merits, the university financial and personnel capabilities, as well as the prospects of cooperation with other institutions. Creativity, confirmed by previous achievements, should be an important criterion in elections or competitions for executive functions.
7. **The transparency principle.** In order to consolidate the university reliability, especially in the rational use of funds, and to avoid nepotism, corruption and other cases of abuse of power, it is necessary that all procedures relating to education or research tasks and initiatives, competitions for various functions, promotion and awards for the employees, admission and distinctions for students, should be overt and just.
8. **The subsidiary principle.** The authorities should conform to the subsidiary principle which obliges to respect the competences and initiatives of the lower level authorities and individual employees. At the same time, this principle requires all parties to use the official channels when arranging an issue, always with retaining the right for appeals when a disputable matter arises. The appeals institution is obliged to give timely and factual replies to the objections raised by the employees.
9. **The tolerance and respect for dignity principle.** In view of the dignity and reputation of all members of the academic community, universities follow the rules of trust, respect, and tolerance for all views, attitudes, and lifestyles that are in conformity with the law. The right to privacy should be respected and disputes should be settled by way of debates between parties which should respect each other and accept each other's rights.
10. **The universalism of research and education principle.** The traditional and contemporary mission of the University requires it to be a public institution contributing, through research and education, to the achievements of science on a global scale and to the concern for the well-being of mankind. University authorities – the Rector and the Senate – should endeavour to ensure that all the enterprises and tasks undertaken are of such character. International contacts of the universities should be encouraged and efforts to ensure their due position in the international academic community should be made.



GOOD PRACTICES IN THE ACTIVITY OF THE RECTOR AND THE SENATE. INTRODUCTION

A proper understanding of and respect for the division of competences and the rules of cooperation between the Rector and the Senate play a key part in the appropriate and effective management of the university. The division of competences is reflected, inter alia, in the following:

- the Rector's activity is subject to assessment by the Senate;
- the Rector ex officio presides over the Senate and retains the right to suspend the execution of a Senate resolution if, in his/her opinion, it violates key interests of the university;
- the Senate expresses the opinion of the university academic community, but it is the Rector who presents this opinion to the public;
- the Rector represents the university and is the superior of the staff, students and doctoral students;
- the Senate's resolutions are binding for the other bodies of the university, as well as for its staff, students, and doctoral students, when they have been adopted within its scope of competences which are open to the public and strictly defined in the Law and in the Statutes, but it is the Rector who makes decisions on all matters concerning the university, with the exception of matters reserved, either in the Law or in the Statutes, for other bodies or the head of finance and administration (and in this sense, the competence presumption rule applies to the Rector).

The competences of the Senate, which is not superior to the Rector, include determining the principles, instructions, and guidelines for faculty councils, as well as consenting to decisions of substantial significance for the university, laid down in the relevant regulations, whereas the Rector is concerned with the execution thereof. Thus, on the one hand, the Senate should not take over the Rector's competences and on the other hand, the Rector should not shift the responsibility for decisions belonging to him/her onto the Senate, even in the form of a request for the Senate's opinion, which might be construed as binding for the Rector. At the same time, the Rector's activity should always be based on the university activity directions, as well as on the decisionmaking rules and procedures concerning the decisions made by single-person authorities or their plenipotentiaries, adopted by the Senate.

It should be borne in mind, however, that governing, managing, and representing the university is not all that it is required from the Rector. He/she should also, maybe to an even larger extent, be the leader of the academic community. In this sense, the Rector is a guard of the ethos of the academic community, stimulating its efforts to ensure and maintain high quality of the university work and to attain ambitious developmental objectives.



GOOD PRACTICES IN THE ACTIVITY OF THE RECTOR

1. **Responsibility for university development.** The Rector, as a single-person authority responsible for the governance of the university and for planning its development, at the beginning of his/her term of office presents the Senate with an activity plan that he/she commits himself/herself to fulfil, which is then defined in detail at the beginning of each academic year. The objective of such an activity plan, accepted by the Senate, is to solve the essential problems of the university and encourage the development of the university in accordance with its mission. For a non-public university, this rule applies if it does not infringe the statutory rights of the founder.
2. **The division of competences.** The Rector determines, by means of an order, the areas of responsibility of his/her deputies (Vice-rectors) and the authority granted to them. A similar procedure is applied in the case of his/her plenipotentiaries. By respecting their competences determined in this way (in accordance with the subsidiary principle), the Rector intervenes only in extraordinary cases and only after notifying the Vice-rector or plenipotentiary, as the case may be, and after explaining the reasons for such an intervention.
3. **The conduct of Senate sessions.** The Rector, as the chairperson of the Senate, takes care of the order and conduct during Senate sessions, and in particular:
 - follows the session agenda, rejecting items submitted irrespective of the accepted procedure;
 - presents the Senate members with document drafts early enough and ensures the opportunity for a factual discussion;
 - welcomes the initiatives and comments of the Senate members, even if they are critical of his/her own opinions and intentions;
 - observes the rule that in personal cases, a secret ballot is held, whereas in substantive cases, a public voting is held.
4. **Financial liability.** The Rector, while respecting finance discipline rules, assigns funds and makes other university resources available in accordance with the rules adopted by the Senate. If no such rules exist, the Rector requests for such rules to be established. The rules of funds distribution (including funds for research) should be in agreement with the strategic development plan of the university. The Rector takes due care to ensure diverse sources of financing (including the financing of development projects and scientific research projects): national and international, public and private, ensuring, however, that the collaboration with other entities does not make the university dependent on them or jeopardise its reputation. The Rector ensures sustainable development of the university, creating conditions that allow its organisational units to look for external sources of financing.



5. **Avoiding decisions in matters that concern oneself.** The Rector does not make decisions in matters concerning himself/herself. Acting within his/her authority, the Rector does not misuse the competence presumption principle and does not favour the organisational unit that he/she works in as an academic teacher. The Rector should not be a member of any group of stakeholders at the university.
6. **Avoiding conflicts of norms and interests.** The sense of responsibility for the office held obliges the Rector to avoid such forms of involvement in activities outside the university that would substantially hinder fulfilling his/her duties, even if they are not performed under full employment. The Rector and the Vice-rectors submit a declaration to the Senate that there is no conflict of norms or interests between the university and their outside activities. In the same way, persons holding functions as single-person authorities and their deputies undertake to restrain from activity that would be in competition to the activity of the university. A proved concealment of the truth in this matter or a violation of this commitment constitutes a sufficient reason to dismiss the person from the function. In public post-secondary, non-university vocational schools, this rule is also applied, unless contrary to the law in force.
7. **Concern for research quality.** The strength of a university is determined by its creative, original and high quality research. The Rector supports it, ensuring appropriate conditions for conducting such research, avoiding overloading academic teachers with teaching duties and supporting researchers by looking for proper financing, as well as inspiring and facilitating their collaboration. The Rector should also be concerned about the development conditions of the young research staff, and in particular doctoral students. The Rector opposes pathologies in the university, as well as in the entire science community. To this end, he/she promotes the standards established in the ethical codes for the entire Polish academic community⁵ in his/her university, as well as supports initiatives by individual universities aiming to create and adopt their own ethical codes which take the university-specific conditions into account.
8. **Concern for the quality of teaching.** The educational mission of the university obliges the Rector to be concerned about the high quality of teaching. The Rector does this, inter alia, by ensuring proper teaching staff selection criteria and an adequate system of teaching quality control, respecting the Ministry requirements, as well as by promoting creative and useful initiatives in this area, undertaken by academic teachers. To fulfil these obligations effectively, the Rector initiates the establishment of and supervises the university's education quality assurance system that introduces standards and procedures securing effective fulfilment of the objectives.

⁵ This especially concerns the two documents mentioned earlier: Good Manners in Science and Good Practices in Research.



9. **Supporting student organisations.** Bearing in mind that an important role of the university is to ensure personal development of the students and prepare them for active and responsible participation in a democratic society, the Rector supports not only student scientific circles, but also organisations established by the students and doctoral students which aim to develop a prosocial attitude in their members and allow them to acquire organisational skills and widen their cultural interests. The Rector also encourages students to submit projects with such aims and supports their implementation.
10. **Respect for university traditions.** Making decisions about untypical and unprecedented problems, the Rector takes into consideration the university institutional policy already shaped, reinforcing its best traditions and avoiding solutions in clear conflict with them.
11. **Contacts with the university community.** In contacts with members of the university community, the Rector endeavours to reconcile a kind openness to new ideas with the respect for order and with the strategic plans for the development of the university; firmness in exacting the fulfilment of duties with sensitivity to personal problems of the employees; impartiality in settling disputes with concern for the protection of the weaker party; concern for the common good of the university with the respect for the dignity of each member of the academic community. When holding his/her function, the Rector obtains access to personal information about the staff and students, as well as their activities unrelated to the university, either from them personally, or from third parties. Such information may not be disclosed to outsiders or used for university management. Denunciations, and especially anonymous ones, should, depending on their content, either be ignored or sensibly handed to the person they concern.
12. **Election campaign.** In order to prevent a contemptible bidding of promises that are unfeasible or harmful to the university, made by candidates to the Rector post to various electorates, including students, the Rector should actively disseminate during the election campaign reliable information on the situation of the university, its achievements, prospects, and limitations. The Rector should not abuse his/her rights in the election campaign for the new authorities of the university, neither against his/her opponents (if he/she runs for a consecutive term of office), nor when he/she definitely ceases to hold the function. In particular, the Rector may not use the information available solely to him/her to enhance the election chances of himself/herself or a candidate favoured by him/her. This principle is valid if applicable in the light of the statutory provisions in force.



13. Election of the Rector by the Assembly of Electors. The election of the Rector requires special concern for proper conduct. This includes:

- the election campaign transparency principle. Candidates for the Rector post should not make promises to only a specific part of the academic community and known only to it. This entails the obligation to announce the commitments made during secret or closed meetings with the particular elector groups, including students. Respecting this condition is of utmost importance in the case of commitments the fulfilment of which could infringe the vital interests of the university, as well as the principles and rules of proceeding, arising from this Code;
- the statutory requirement of election act confidentiality. To meet this requirement, proper conditions for voting should be ensured, including providing the appropriate ballot paper content and the ways of marking the candidate by each voter. A voting mode should be adopted that prevents violation of voting confidentiality, as a result of the collusion of voters or exerting group pressure on them;
- refraining from debate during the election session of the Electoral College. In accordance with the statutory law, the elections are of indirect character and the individual members of the Electoral College should make a free choice, in accordance with their conscience. This does not restrict the possibility of communication between the electors before voting. At the election meeting of the Electoral College, a substantive debate is not conducted and the sole aim of such a meeting is to perform the very act of electing the Rector or, at the Rector's request, the Vice-rectors, in accordance with the election procedures agreed upon earlier. An election debate, open to all members of the academic community, may be held no later than on the day preceding the election meeting of the Electoral College;
- observing the pre-election silence applying to the entire university, at least on the election day. Substantive debates may, and in accordance with the electoral law even should, be conducted in the period directly preceding the election day. The aim of the pre-election silence on the election day is to enable the electors to assemble without any accompanying agitation or pressure from the supporters of the respective candidates;
- abstaining from voting on the matter concerning oneself by candidates for the Rector post. If the candidate is a member of the Assembly of Electors, he/she should not actively participate in the meeting electing the Rector. If he/she takes part in such a meeting, he/she should abstain from voting;



- retaining the Rector elect's right to nominate candidates for Vice-rectors. Pursuant to the Law, candidates for all Vice-rector functions are nominated by the Rector elect. In the case of the Vice-rector for student affairs, the Rector seeks acceptance by the appropriate group of students for his/her candidate. However, under no condition should he/she leave the choice to students.

- 14. Cooperation with predecessors.** Acting to respect the continuity of rule over the university, which requires a balance between the need for continuation and the necessary changes in the functioning of the university, the Rector treats with due respect the achievements of his/her predecessors and asks them for advice and support if required by the situation. At the same time, a former Rector avoids informal interference in the activity of his/her successor. In this way, the successive Rectors take part in creating the institutional culture of the university, thus contributing to shaping the customary law in the process of handing over and assuming all executive functions in the university.
- 15. The Rector as a representative of the university.** In public speeches, the Rector watches over the reputation and position of his/her university, including its properly understood competitiveness, avoiding, however, the use of contemptible methods of rivalry against other universities. The Rector does not intertwine the interests of the university with his/her own involvement in social issues and does not take advantage of the university authority to enhance his/her public image. All the more, the Rector may not take advantage of his/her university to run any political campaign.
- 16. Concern for the adequate role of the university in public life.** Taking into consideration the social importance of the university and its political neutrality, the Rector, on the one hand, encourages social sensitivity of the staff and students and even their active participation in public life and on the other hand, he/she ensures that this sensitivity is not used for political purposes. Speeches by politicians and political debates at the university are allowed only if they are of academic character (lectures, seminars, scientific sessions, meetings). In particular, the dissemination of all forms of xenophobia, as well as imposing political ideologies, religious fundamentalism, and fanatic attitudes that exclude debate should be avoided. The Rector may consent to political meetings being held in the university on condition, however, that the use of the university premises is performed under general rules and does not bind the university with any political option. The Rector does his/her best to ensure that political views are not exposed during classes and does not allow to display slogans and posters of political character in the university, protecting also university symbols from being used for such a purpose.



GOOD PRACTICES IN THE ACTIVITY OF THE SENATE

1. **Cooperation of the Senate with the Rector.** Exercising their authority, members of the Senate collaborate with the Rector for the benefit of the entire university. This cooperation requires that the attendance as well as thoughtful and active participation in the Senate sessions are treated as a priority duty. In particular, members of the Senate are obliged to prepare for the sessions, which includes acquainting oneself with the materials prepared.
2. **Cooperation of the Senate with faculty councils.** Faculty councils enjoy wide independence in performing the fundamental tasks of the university. This autonomy should however be motivated by concern for the common good of the university as a whole. Exercising its statutory authority to set down guidelines for faculty councils on performing fundamental tasks of the university, the Senate supports useful initiatives. However, the Senate should prevent actions that aim to transform the university into a federation of faculties guided by their respective particular interests, which constitutes a threat to the unity of the academic community and to implementing the university mission.
3. **Participation of students in the Senate sessions.** Students are full members of the Senate and the self-government of students and doctoral students is a constitutive element of the academic self-government. Students take part in making all decisions pertaining to the university (not only on issues of interest to students) and the Rector, as the Senate chairperson, as well as all the members of the Senate, do their best to provide the students with appropriate conditions for the full and real participation of student Senators in the proceedings of the Senate and its committees. Student Senators and the university student self-government bodies are obliged to participate actively and responsibly in the work of the Senate.
4. **Responsibility for curricula.** Exercising its statutory authority, the Senate supports, as well as supervises, the initiatives undertaken by faculties and institutes that aim to adjust the curricula to the state of knowledge to date and to strengthen the university specializations. All should ensure, however, that such changes really promote high quality of studies and are not justified solely by the interest of the individual academic teachers.
5. **The Senate initiative.** Members of the Senate, bearing the responsibility for the university along with the Rector, exercise their authority to submit their own initiatives for the benefit of the university. When undertaking such initiatives on significant matters, they should, however, inform the Rector and ask him/her for opinion before raising them during a session of the Senate. Initiatives raised during a session of the Senate without prior notification of the Rector, may be adopted in the protocol and be the subject of appropriate actions before the next Senate session.



6. **Respecting the accepted session agenda.** The Senate adopts resolutions on issues covered by the agenda accepted at the beginning of the session. Cases of extending the agenda require a formal acceptance by the Senate. Proposing changes to the agenda at the end of the Senate session should be avoided, especially if part of the members have already left the session for justified reasons. A member of the Senate may request extending the agenda at the beginning of the session. In such a case, however, he/she should inform the Rector before the session, as well as acquaint all the members of the Senate with a draft resolution if the proposed amendment to the agenda stipulates voting on it.
7. **The voting mode.** In accordance with the Statutes, resolutions are adopted by a public voting or a secret ballot. Voting against a given draft resolution should be preceded by a presentation of the reasons for rejecting it. Non-participation in the discussion and requesting for a secret ballot to reject the draft resolution is to be considered an unacceptable practice.
8. **Assessment of the Rector's activity.** The rule of frank debate preceding the adoption of a resolution applies especially in the case of substantial issues, which include the assessment of the Rector's activity. Members of the Senate should properly prepare themselves for the debate about the Rector's report and should undertake a substantive and directional discussion on it, not confining themselves to suggesting editorial and procedural adjustments.
9. **The confidentiality principle.** The academic community is entitled to obtain information on the matters discussed during the Senate session, with the exception of personal issues not included in the official protocol of the session and which the parties involved might wish not to be disclosed.

FINAL PROVISIONS

1. **Applicability of the Code.** The above fundamental rules and good practices in university governance apply also to respectively the lower-level single-person authorities and collective bodies (deans and faculty councils, institute directors and institute councils, etc.), preserving the competence differences stemming from the Statutes or other regulations.
2. **The university committee for good practices.** It is stipulated that in the universities which have adopted, by a Senate voting, a part of this Code or its entirety, the Senate should appoint – on the request of the Rector – a suitable committee whose aim will be to control the compliance of the activity of university authorities with the Code. The Senate may also assign this task to an already existing committee of appropriate competence. The committee should submit periodical reports on its activity to the Senate and could also propose amendments to the Code.



3. **Amending the Code.** It is presumed that the Code will be periodically amended on the initiative of individual universities, Rectors' conferences (CRASP, KRZaSP), the Students' Parliament of the Republic of Poland or the National Representation of Doctoral Students (KRD). The amendments shall be effected by the Committee for Good Practices, appointed by CRASP.



ADDENDUM TO THE CODE: SUPPLEMENTS NO. 1 and 2 ADOPTED in 2022

INTRODUCTION

Supplements no. 1 and 2 expand the content of *The CRASP Code Good Practices in Universities* announced at the Jagiellonian University on 7 June 2007 during the celebrations of the CRASP 10th Anniversary Jubilee. The document was drafted by a committee of experts appointed by the Polish Rectors Foundation. Its English version was presented at the meeting of the General Assembly of the European University Association, and then submitted to the EUA.

The content of the CRASP Code from 2007 provides the basis of cultural rules applied in a number of cases, including the Rector election process. They have also been referred to in the process of drawing up documents to be adopted by CRASP laying out fundamental principles, standards of professional ethics, traditional academic values and freedoms, respected and cultivated by the academic community.

As time went by, the changing landscape of higher education showed the need of amending the CRASP Code. The Committee for Good Practices decided to do this by adding successive supplements to the document, leaving its original text of 2007 intact, because of its historical value.

For these reasons, in the jubilee year of 2022, when CRASP celebrated the 25th anniversary of its foundation, an initiative was undertaken to supplement the Code with two Supplements, no. 1 and 2, presented chronologically in the text.

Supplement no. 1 *Proposals for the Code of Ethics in the Education Process and Public Communication for Academic Teachers* was adopted in 2021 by the CRASP Presidium, after having received a favourable opinion from the Committee for Good Practices. The preparation of the document following the motion from the President of CRASP was related to the need resulting from the public debate and the proposals of the Ministry of Education and Science devoted to academic freedom at higher education institutions, especially as confronted with constitutional canons concerning liberty and civil rights.

Supplement no. 2 *Good Practices in the Work of the University Council* was prepared in response to the establishment of the new, third statutory governing body, the University Council, by the Act of 20 July 2018 The Law on Higher Education and Science. The document was created by the Polish Rectors



Foundation in collaboration with the CRASP Strategic Problems of Higher Education Committee based on the monograph *Rady Uczelni: Regulacje i Praktyki (University Councils: Regulations and Practices)* published by the Nicolaus Copernicus University Press in 2021.

After the Supplement draft was amended and received a favourable opinion from the Programme Board of the University Councils Cooperation Centre at the Polish Higher Education Business Forum, it was presented to the Committee for Good Practices, and then, favourably assessed by Committee, to CRASP governing bodies. Then the document was adopted, along with Supplement no. 2, by the Plenary Assembly of CRASP at the University of Warsaw on 9 June 2022.

The proposals included in both Supplements are not of an instructional nature. The intention behind their publication in the Code of Good Practices is to preserve their optional character, yet, with reference to arguments for the suggested *modus operandi*. In the case of good practices of University Councils, the adopted solutions will probably remain diverse at various institutions of higher education, especially if the Council of a given institution has so far worked differently. In the future, the proposed solutions may manifest in the activity of University Councils, nevertheless, some of them may be disputed by Council members when confronted with specific situations. But generally, the presented addendum to the CRASP Code improves the capability of critical assessment of procedures and solutions adopted by higher education institutions so far.

The adoption of the new, amended version of *The CRASP Code Good Practices in Universities* was announced during the jubilee celebrations of the 25th anniversary of CRASP foundation on 10 June 2022 at a special session in the Royal Castle in Warsaw.

Warsaw, 10 June 2022

President of the Polish Rectors Foundation
President of the CRASP Strategic Problems of Higher Education Committee
Prof. Jerzy Woźnicki



Supplement no. 1

Proposals for the Code of Ethics in the Education Process and Public Communication for Academic Teachers

PREAMBLE

The document *Proposals for the Code of Ethics in the Education Process and Public Communication for Academic Teachers* was designed to emphasise the role of ethical standards in the work of an academic teacher. This includes issues related to standards of reliability, with the special focus on preparing and teaching classes, providing academic supervision to students and doctoral students as well as assessment of progress in the learning process and assistance in achieving this progress. This also refers to cultural requirements, including maintaining appropriate relations with participants in the learning process, respecting their dignity, privacy and integrity.

The content of the document devoted to the issue of professional ethics of an academic teacher, after its adoption by CRASP as an supplement to *The Code Good Practices in Universities*, will be promoted among members of the academic community, especially those taking active part in the educational process.

1. RELIABILITY IN THE PREPARATION AND TEACHING OF CLASSES, PROVIDING ACADEMIC SUPERVISION, AND VERIFICATION OF LEARNING OUTCOMES AS WELL AS READINESS TO PROVIDE ASSISTANCE TO PARTICIPANTS IN CLASSES

- observing the principles of reliability in the process of preparation to and teaching of classes, as well as providing academic supervision to students and doctoral students, including improving teaching methods, observing the principle of copyright, supplementing and updating one's own scholarly knowledge, and not going beyond the scope of this knowledge in classes;
- respecting the contents of the syllabus in relation to the learning content and the timetable for its provision to students as well as the announced method of verification of learning outcomes;
- respecting the principles of work discipline (including punctuality and judicious reliance on substitute teaching or class postponement);



- being open to assisting learners, including those with disabilities, in making progress in their learning;
- not participating in the public presentation and promotion of content that is contrary to what is taught during the educational process and to academic knowledge, in situations where one's academic position is invoked and referred to.

2. CULTURE OF RELATIONS WITH PARTICIPANTS IN THE EDUCATIONAL PROCESS AND RESPECT FOR THEIR RIGHTS

- adherence to principles of politeness (including avoiding aggressive behaviour, intimidation, humiliation and insulting the participants in the educational process);
- adherence to the principle of equal treatment, taking into account the requirements of the specific higher education institution, also in the educational process, in particular on the grounds of nationality, ethnic origin, gender, sexual orientation, disability, religion, or beliefs;
- respecting privacy, dignity and rights of participants in the educational process, including their personal integrity and their freedom of expression (both during the classes/lectures and about the courses);
- avoiding exploiting participants in the educational process for any advantage unrelated to the requirements of the teaching process;
- respecting the original work results of the participants of educational process as their own achievements.



Supplement no. 2

Good Practices in the Work of the University Council⁶

1. LEGAL BASIS AND RULES OF PROCEDURE OF THE UNIVERSITY COUNCIL

Within the scope of the powers conferred upon it, the University Council shall act exclusively on the basis of the applicable legislation.

The subject matter of the regulations to be adopted by the University Council shall pertain to matters of order and organisation. It may not encroach upon the matters regulated by the statutes in accordance with the act regulating the rules and mode of functioning of the University Council. However, if the statutes are limited to regulating the principles, and only partially the mode of functioning of the Council, then in accordance with its statutory power to specify the mode of its functioning in its rules of procedure, the Council shall do so in the part in which the statutes have not done so.

If other acts in force in a public university do not regulate these matters, the rules of procedure of the University Council should specify in particular:

- the duty to respect the mission and traditions of the university;
- the principle of performing its duties responsibly and acting for the benefit of the university;
- ethical principles, in particular the principles of impartiality, reliability, transparency, diligence and conscientiousness in the performance of its duties;
- postulates concerning speech politeness;
- principles of avoiding conflicts of interest, especially the obligation of a Council member to abstain from participation in proceedings and from voting on matters where a conflict of interest may arise and the obligation to disclose the existence of, suspicion of, or potential for a conflict of interest in the activities of a Council member, as well as procedures to be followed when a conflict of interest has arisen;
- rules on the use of remote communication methods and techniques to ensure confidentiality and security of information.

⁶ The text includes references to parts of the publication: Jerzy Woźnicki, 'Rekomendowane procedury, dobre praktyki i dylematy w działaniach rady uczelni' (pp. 33-44) [in:] Jerzy Woźnicki (ed.) *Rady uczelni: regulacje i dobre praktyki*; FRP-KRASP 2021; WN UMK; 2021.



2. REQUESTING ACCESS TO UNIVERSITY DOCUMENTS AND INFORMATION SECURITY

The Council's power to request access to university documents as part of the performance of the Council's tasks cannot be based on regulations defining the mode of functioning of the University Council, which should not establish these rules for itself. In the absence of regulation by state law, the university statutes are applicable, and the Rector is obliged to implement these regulations.

The members of the Council, as a rule, are obliged to maintain confidentiality with regard to information obtained in connection with performing their duties in a governing body of a higher education institution, in particular non-publicly disclosed technical, technological, legal, financial and organisational information, or other information of economic value or protected by copyright. Members of the University Council should respect the principle of confidentiality of proceedings and openness of documents, including resolutions of the Council. This especially applies to personal matters.

3. PROCEDURE FOR THE ELECTION OF THE UNIVERSITY COUNCIL

The nomination of candidates from outside the university and from the university itself follows the same procedure. The nomination procedure provides for acting on one's own initiative and for one's own assessment of a given candidate, without the need to submit the nomination following any prior procedure (e.g. competition, or procedure known as 'searching').

Membership in the Council shall be restricted in the case of persons from the community of the university who are responsible or co-responsible for the areas of university governance, financial management and strategy implementation. Membership in the University Council shall not be combined with a management function, the position of Chancellor, Bursar or their deputies. Combining these functions would lead to a conflict of interest, as the person in charge of the university's economy and responsible for finances, as authorised by the Rector, would at the same time be expected to supervise, assess and monitor these activities.

The application is addressed to the university electoral committee or, if there is no such committee, to the dedicated committee appointed by the Senate to carry out the process of selecting candidates for the Council. It should be emphasised that all candidacies that meet the requirements and are duly submitted by eligible entities should be accepted.



4. PROCEDURE FOR THE DISMISSAL OF THE UNIVERSITY COUNCIL OR ITS MEMBERS

It is desirable to indicate in the statutes the grounds for dismissal of the University Council or its members, although this is not required by the Act. These may include, for example: a gross or persistent non-compliance with the university statutes or the rules of procedure of the Council; a breach - confirmed by the Senate - of the principle that a member/members of the Council is/are guided by the welfare of the university or the obligation to act for its benefit; a gross violation of the ethical principles governing the work of the Council (including the relevant principles of good practice); or acting under circumstances of a personal conflict of interest.

Similarly, the statutes should contain, in particular, the grounds or conditions for dismissal of the chairperson, e.g. a negative opinion on the chairperson's annual report on the activities of the University Council and the following version of that report; gross violation of the university statute or the rules of procedure of the Council; or inactivity within the indicated scope, despite a motion submitted by the Council or the Rector obliging the chairperson to take a specific action.

The statutes should also specify the procedure for the dismissal of the Council, its member(s) or the chairperson, on the condition, however, that such decisions may be taken after the Senate debate on the subject with the participation of the Council members, introduced into the agenda at the request of: the Minister (in the case of shortening of the term of office), the Rector, a group of Senate members numbering no less than, for example, 25% of the total number of Senate members, as defined by the university statutes, or the Council itself.

5. ELECTION OF THE CHAIRPERSON OF THE UNIVERSITY COUNCIL

The election of the chairperson should be carried out not by the Council itself but by the Senate. It is appropriate that the Senate first elects the members of the Council, acting in accordance with the statutes, pursuant to the procedure and rules hitherto applied in similar cases. This would be followed by election of the chairperson of the Council from among its members by the Senate. It is not advisable that the mandate of the candidate for chairperson or the chairperson already elected by the Senate is confirmed in any way by the Council members.

If no candidate (both in the case of a single candidate and a group of them) obtains the required absolute majority in a secret ballot, another candidate shall be put forward. This procedure should continue until an election is made. Nominating only one candidate in a given vote and thus avoiding electoral competition between the candidates makes personal conflict in the Council less likely, which prevents potential tensions of a personal nature in the work of what is, after all, a small council in terms of number of members.



6. RULES AND PROCEDURES OF NOMINATING CANDIDATES FOR THE RECTOR BY THE UNIVERSITY COUNCIL

It is recommended that the rules and procedures to be followed by the University Council in the proceedings leading to the nomination of candidates for the Rector for a given term of office be set out in a separate published document. In this document, the Council should present, among other things:

- a detailed plan of its work up to the nomination of a candidate/candidates for the Rector, distinguishing between the two necessary actions – presenting the candidate(s) to the Senate for its assessment and the nomination of the candidate(s) after considering the Senate's opinion;
- a detailed timetable of the procedure;
- substantive criteria to be applied to the candidates.

Preferred procedures:

- the Senate should express its opinion only in the form of the number of votes cast for each candidate;
- the Council shall decide, by secret ballot, whether or not to nominate, in a sequence, each of the candidates for Rector proposed by the Council, nominated and assessed by the Senate. The candidates nominated by the Council are deemed to be those who have obtained an absolute majority of the votes of the Council members in the secret ballot;
- it is appropriate for the Council to meet in full and without the presence of non-members;
- the members of the Council should keep the internal discussions concerning the individual candidates confidential.

After receiving the opinion of the Senate, expressed by a vote of the members of this body, which should not contain statements of a qualifying nature, after a debate among the Council members only, taking into account the opinion of the Senate but also referring to its own (previously announced) substantive criteria, the University Council shall nominate the individual candidates.

The Council decides internally in advance on the order of voting. The following order is recommended: from the candidate with the highest number of votes of the Senate members to the candidate with the lowest number of votes.



7. SCOPE OF ACTIVITY OF THE UNIVERSITY COUNCIL, INCLUDING TASKS WHICH DO NOT EXPLICITLY FOLLOW FROM THE ACT

The statutes of a university should define in more detail the scope of the Council's activities within its remit.

Possibly the University Council should e.g. play a greater role in designing the university's development strategy already at an early stage, instead of just giving an opinion on its final draft. It might also be worth consideration whether the competences of the University Council should include:

- giving opinions on the Rector's annual reports on the activities of the university;
- giving opinions on matters presented by the Rector or the Senate;
- submitting to university bodies proposals and recommendations concerning the functioning of the institution, but not binding for the Rector;
- monitoring the management control system at the request of the Rector. If the Council, in accordance with the university statutes, gives an opinion on the Rector's annual report and the opinion is not positive, the Rector may amend his/her report, but is not obliged to do so. It is for the Senate to consider the Rector's report.

8. REGULATORY RULES AND PROCEDURES FOR THE UNIVERSITY COUNCIL

Examples of additional internal rules of a procedural nature recommended for introduction in the statutes or rules of procedure of the Council:

- the Rector, at the request of the chairperson of the University Council, shall submit to the Council the documents concerning its statutory tasks which are necessary for the fulfilment of these tasks;
- the Council shall express opinions on matters belonging to its statutory tasks within a period of two months, unless a shorter period is warranted by important interests of the university indicated by the Rector;
- the University Council shall hold ordinary meetings at least every two months or, alternatively, every three months;
- at the request of a majority of the members, the chairperson shall convene an extraordinary session of the Council, with the possibility of using an on-line mode if warranted by special circumstances related to the operation of the university or the Council, as indicated in the invitation to that session. It should be noted that the regulations of the Council should provide for the possibility of adopting substantive resolutions by remote voting, which, however,



should apply only to resolutions announced in the proposed session agenda. The on-line mode should be used only exceptionally, so that the collegial character of the Council sessions is fully preserved. This does not apply to sessions held in a hybrid mode;

- the chairperson of the University Council shall submit to the Senate an annual report on the activities of the Council;
- the remuneration for the members and the chairperson of the Council shall be set by the Senate for their term of office. In exceptional cases, it may change this remuneration after considering the chairperson's annual report on the Council's activities. When making the change, the Senate should provide a justification for this decision.

9. MODUS OPERANDI OF THE UNIVERSITY COUNCIL AND ITS RELATIONSHIP WITH THE RECTOR, THE SENATE, AND THE UNIVERSITY COMMUNITY

The following principles are promoted in the relationship of the University Council with other bodies:

- cooperation rather than rivalry between the university bodies;
- readiness to share responsibilities, respecting the principle of non-transferability of competences of statutory bodies;
- acting on the basis of documents;
- meeting the requirements of a legal university: supporting the Rector in his or her efforts to define the internal organisational order and governance of the university and ensure the compliance, that is, legality of the work of the bodies of the university, avoiding the related risks, while respecting the traditions of the university.

In accordance with the requirements of the institutional culture of the university, the University Council, like other bodies, should conduct its activities while respecting its agency and identity, as well as the principles of transparency, good practices and academic traditions.⁷

The principle of transparency implies that the Council should announce in advance the adopted principles and mode of functioning, taking into account the possibility of the Council to communicate with members of the university community in conditions ensuring the transparency of decision-making and adopting resolutions.

⁷ See e.g. Statut Politechniki Warszawskiej, Załącznik do uchwały nr 362/XLIX/2019 Senatu PW z dnia 26 czerwca 2019 r., <https://www.bip.pw.edu.pl/var/pw/storage/original/application/ae33f1fc5948e0ebc7ea91cb8a14172f.pdf>



By its activities, the Council should not provide grounds for the attribution to it of any bias or submission to any external influence or pressure from certain individuals, coteries, lobbies or political circles.

In the process of adopting resolutions, the University Council should take into account the opinion of the Senate on their content, if the Senate has provided it, not of university staff groups, either formal or informal. This does not mean that the Council is bound by the opinion of the Senate. Recommendations formulated by the Senate in accordance with its statutory competences should not deprive the Council of the possibility to act independently, in accordance with its rights and obligations to implement its tasks, as defined by the statutes and state law. The Council can expect the Senate to be regularly informed about its activities.

The Council shall adopt its rules of procedure and present them to the members of the university community.

10. TASKS OF THE UNIVERSITY COUNCIL IN MONITORING THE FINANCIAL MANAGEMENT AND GOVERNANCE OF THE UNIVERSITY, INCLUDING RULES FOR MAKING DECISIONS ON THE RECTOR'S EARNINGS

The University Council, when undertaking monitoring activities in the area of financial management and governance of the university, including the approval of financial statements or reports on the implementation of the material and financial plan, conducts its activities in this area referring to the knowledge about the management processes in the university acquired by the Council members, especially the information allowing them to understand the content of these statements and reports.

In this regard, it is appropriate to routinely collaborate with the university's internal auditor, and to invite representatives of the audit firm analysing the university's financial statements to a meeting of the Council in order to obtain the necessary explanations.

No separate budget funds should be placed at the disposal of the chairperson of the Council. The Council may request the Rector to cover the legitimate costs of its activities.

In granting the Rector the permission to pursue an additional gainful activity during his/her term of office, the Council should be guided by the best interests of the university and the principles indicated in the statutes or the Council's rules of procedure. Such a permission should be granted for specific types of activities and not generally, for all additional activities.⁸

⁸ See Act of 20 July 2018 The Law on Higher Education and Science: Art. 125, section 4.



It should be noted that is not desirable or even possible for a person to abruptly and completely give up all his/her previous academic and professional activities upon assuming the function of a Rector, in particular the research projects conducted, or commitments previously undertaken in relation to doctoral procedures, habilitations, etc.

The University Council shall particularly endorse the following rules:

- in fulfilling his or her duties, the Rector shall not be relieved of the need to continue his or her activities as a university teacher;⁹
- the pursuit of an additional gainful activity by the Rector shall not entail a conflict of interests and obligations;
- the gainful activity should not limit the Rector's capability to fulfil his or her duties as a university's governing body or lead to a relationship between the university and commercial entities involving their promotion or participation in their advertising;
- this activity should not lead to actions that are not in keeping with the dignity of the university or that restrict its ability to act autonomously;
- the activities of the Rector carried out as part of the additional gainful activity should generally not be related to full-time employment.

When submitting a proposal on the Rector's basic remuneration and special duty allowance to the Minister, the University Council should take into account such factors as the solutions previously adopted at the university and the conditions related to the requirements for comparability with other universities in this respect. When granting the Rector a special duty allowance, the Council should assess in particular the scope of the Rector's tasks resulting from the adopted strategic documents, taking into account the size and position of the university and the scope and scale of its activities.

When giving its permission, within the scope of its statutory powers, regarding the university's management of its fixed assets, the University Council has the right to expect to be provided with the necessary documents, including expert opinions and a justification demonstrating the compliance of the planned actions with the university development strategy. When deciding on this issue, the Council must not be restricted by previous decisions or solutions on the matter under consideration, including in particular the results of a public procurement procedure that has already been conducted.

⁹ See Act of 20 July 2018 The Law on Higher Education and Science: Art. 115 and 116, sections 5-7. Note: There are doubts as to whether the required permission may be given in general for certain types of activities, including the performance of duties of an academic teacher formally defined in the Act and the statutes of a university – which would be part of good practice – or for the performance by the Rector of each individual additional gainful activity. This doubt may be removed either as a result of an amendment to Article 125 of the Law on Higher Education and Science or following an interpretation of section 4 of that article, confirmed by well-established trends in case law.



CONCLUDING REMARKS

1. The electronic version of the document is available on the CRASP (www.krasp.org.pl) and PRF (www.frp.org.pl) websites.
2. The Code can be further amended and appended. It may be expanded in the future by the decision of the CRASP Plenary Assembly with further Supplements including content of significant importance for the academic culture and practical functioning of universities, especially in areas and issues of particular interest or sensitivity to members of the academic community.

www.krasp.org.pl/en

www.frp.org.pl/en