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ACT

of 27 July 2005

Law on Higher Education

(Dziennik Ustaw - Official Journal of Laws of 2005, No.164, item 1365, as amended)

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 religious communities, with the exception of the Catholic University of Lublin (*Katolicki Uniwersytet Lubelski*), unless this Act or an agreement between the Government and the authority of a church or religious community provides otherwise.

Article 2

1. Throughout this Act:

- 1) higher education institution - shall mean an establishment providing degree level education, founded in compliance with the procedures laid down in this Act;

- 2) public higher education institution - shall mean a higher education institution established by the State, with the State represented by a competent authority or public administration body;
- 3) non-public higher education institution - shall mean a higher education institution established by a natural person or body corporate other than a State- or local authority-administered body corporate;
- 4) ⁽¹⁾ founder of a non-public higher education institution - shall mean a person or body referred to in subsection 3 that has established or operates a higher education institution pursuant to Article 26 section 3;
- 5) ⁽²⁾ degree programmes - shall mean first cycle or second cycle or long cycle programmes of study provided by higher education institutions authorised to provide such programmes;
- 6) ⁽³⁾ (repealed)
- 7) ⁽⁴⁾ first cycle programmes - shall mean a stage of learning open to holders of a certificate of secondary education (*świadectwo dojrzałości*) which leads upon successful completion to the award of a first cycle qualification;
- 8) ⁽⁵⁾ second cycle programmes - shall mean a stage of learning open to holders of a minimum first cycle qualification which leads upon successful completion to the award of a second-cycle qualification;
- 9) ⁽⁶⁾ long cycle programmes - shall mean a stage of learning open to holders of a certificate of secondary education (*świadectwo dojrzałości*) and leading upon successful completion to the award of a second cycle qualification ;
- 10) ⁽⁷⁾ third cycle programmes - shall mean doctoral programmes open to holders of second cycle qualifications and leading upon successful completion to the award of a third cycle qualification conferred by an authorised academic unit of a higher education institution, scientific institute of the Polish Academy of Sciences (*Polska Akademia Nauk*), a research institute or an international scientific institute established under other legislation and active on the territory of the Republic of Poland;
- 11) ⁽⁸⁾ non-degree postgraduate programmes - shall mean a level of education open to holders of first cycle qualifications and provided by a higher education institution, scientific institute of the Polish Academy of

Sciences, research institute or the Centre for Postgraduate Medical Studies (*Centrum Medycznego Kształcenia Podyplomowego*), leading upon successful completion to the award of postgraduate qualifications;

11a) ⁽⁹⁾ mode of study - shall mean full-time and part-time study programmes;

12) ⁽¹⁰⁾ full-time programmes – shall mean a mode of study wherein a minimum half of the study programme comprises courses which require the direct participation of academic staff and students;

13) ⁽¹¹⁾ part-time programmes – shall mean a mode of study other than full-time, as specified by the senate of a higher education institution;

14) ⁽¹²⁾ field of study – shall mean a distinct part of one or several areas of study covered by a specific programme provided by a higher education institution.

14a) ⁽¹³⁾ area of study - shall mean a body of knowledge and skills within one of the knowledge areas as specified by the regulations adopted pursuant to Article 3 section 1 of the Act of 14 March 2003, The Law on Academic Degrees and Title and Degrees and Title in the Arts. (*Dziennik Ustaw, No.65 item 596, with further amendments*);

14b) ⁽¹⁴⁾ programme of study - shall mean a statement of intended learning outcomes as defined by a higher education institution in compliance with the National Qualifications Framework for Higher Education (*Krajowa Rama Kwalifikacji dla Szkolnictwa Wyższego*) as well as a specification of the educational process resulting in the achievement of such outcomes, including ECTS credits allocated to individual components of a programme;

15) (repealed)

16) (repealed)

17) ⁽¹⁵⁾ (repealed)

18) ⁽¹⁶⁾ education and training standards - shall mean a set of guidelines governing the delivery of degree programmes preparing students for the practice of the teaching profession or for any other profession for which the requirements applicable to the relevant teaching process and learning outcomes are subject to legislation of the European Union;

18a) ⁽¹⁷⁾ National Qualifications Framework for Higher Education (*Krajowa Rama Kwalifikacji dla Szkolnictwa Wyższego*) shall mean a description,

expressed through relevant learning outcomes, of all qualifications awarded within the Polish higher education system;

18b) ⁽¹⁸⁾ qualifications - shall mean the overall results of a learning process evidenced by a diploma, certificate or another document awarded by a competent institution attesting to the achievement of expected learning outcomes;

18c) ⁽¹⁹⁾ learning outcomes – shall mean a body of knowledge, skills and social competencies acquired as a result of a process of learning;

18d) ⁽²¹⁾ ECTS (European Credit Transfer System) credits – shall mean credits defined by the European system for credit accumulation and transfer as a measure of a learner's average workload necessary to attain expected learning outcomes;

18e) ⁽²¹⁾ degree profile – shall mean either a practical profile comprising educational components which serve to equip students with practical skills or a general academic profile comprising components which serve to expand students' range of theoretical skills;

18f) ⁽²²⁾ first cycle qualifications – shall mean the degree of *licencjat*, *inżynier* or equivalent degree in a specific field and of a given profile of study, awarded as a result of completing a first cycle programme, as attested by an appropriate diploma;

18g) ⁽²³⁾ second cycle qualifications – shall mean the degree of *magister*, *magister inżynier* or equivalent degree in a specific field and of a given profile awarded as a result of completing a second cycle programme, as attested by an appropriate diploma;

18h) ⁽²⁴⁾ third cycle qualifications – shall mean the degree of *doktor*, awarded upon completion of a doctoral assessment process, conducted pursuant to Article 11 item 1, The Act of 14 March 2003, The Law on Academic Degrees and Title and Degrees and Title in the Arts and attested by an appropriate diploma;

18i) ⁽²⁵⁾ non-degree postgraduate qualifications – shall mean the attainment of expected learning outcomes of a given non-degree postgraduate programme, attested by an appropriate certificate;

18j) ⁽²⁶⁾ branch campus of a higher education institution – shall mean an academic unit of a higher education institution operating at a location other

than the main seat of the institution and comprising a minimum two academic units;

18k) ⁽²⁷⁾ student – shall mean a learner enrolled in a degree programme;

18l) ⁽²⁹⁾ doctoral student – shall mean a participant of a doctoral programme;

18m) ⁽²⁹⁾ non-degree postgraduate student – shall mean a participant of a non-degree postgraduate programme;

19) matriculation – shall mean the act of admission of a student to a higher education institution;

20) ⁽³⁰⁾ (repealed)

21) ⁽³¹⁾ (repealed)

22) university higher education institution – shall mean an establishment providing degree-level education with a minimum one academic unit authorised to confer the degree of *doktor*;

23) non-university higher education institution – shall mean an establishment providing first, second and long cycle programmes which does not have the authority to confer the degree of *doktor*;

24) military higher education institution – shall mean a public higher education institution under the supervision of the Minister of National Defence;

25) public services higher education institution – shall mean a public higher education institution under the supervision of the minister competent for internal affairs;

26) higher education institution for the arts – shall mean a public higher education institution under the supervision of the minister competent for culture and national heritage;

27) higher education institution for medical studies – shall mean a public higher education institution under the supervision of the minister competent for health;

28) higher education institution for maritime studies – shall mean a public higher education institution under the supervision of the minister competent for maritime economy;

29) ⁽³²⁾ academic unit – shall mean a faculty, or another organizational unit of a higher education institution as specified in its statutes, which provides

degree programmes in a minimum one field of study or conducts research or provides doctoral programmes in a minimum one discipline of science;

30) science and scientific research – shall apply also, where appropriate, the arts and artistic activity;

31) degree of *doktor* and degree of *doktor habilitowany* - shall apply also, where appropriate, to the degree of *doktor sztuki* and degree of *doktor habilitowany sztuki*;

32) academic title of *profesor*: - shall mean also, where appropriate, the academic title of *profesor sztuki*;

33) ⁽³³⁾ place of primary employment - shall mean a higher education institution or research unit where an academic staff member, a teacher or a research scientist, is employed on a full-time basis, and which is indicated as the primary place of employment in the document providing the basis for that employment; there may be only one place of primary employment at any one time;

34) ⁽³⁴⁾ research unit - shall mean a scientific institute of the Polish Academy of Sciences, a research institute or an international scientific institute established under another legislation and active on the territory of the Republic of Poland.

2. ⁽³⁵⁾ Whenever reference is made in this Act to:

1) programmes without any further specification, this shall mean degree programmes;

2) level of study, this shall mean a first cycle, second cycle or long cycle degree programme or a third cycle degree programme;

3) association of higher education institutions, without any further specification, this shall mean either an association of public or non-public higher education institutions;

4) degree, this shall mean the degree of *licencjat*, *inżynier*, *magister*, *magister inżynier*, or an equivalent degree;

3. In a higher education institution with no academic units, the provisions of this Act concerning such units shall apply accordingly to the entire institution.

Article 3

1.⁽³⁶⁾ The word ‘university’ may be included in the name of a higher education institution whenever its academic units have the authority to confer the degree of *doktor* in a minimum ten disciplines, including a minimum two fields of science from each of the following groups:

- 1) Humanities, Law, Economics and Theology;
- 2) mathematical sciences, physical sciences, earth sciences and technological sciences;
- 3) biological, medical, chemical, pharmaceutical, agricultural or veterinary sciences.

2.⁽³⁷⁾ The words ”university of technology” (*uniwersytet techniczny*) may be included in the name of a higher education institution if the academic units of the institution have the authority to confer the degree of *doktor* in a minimum ten disciplines, including for a minimum six fields within the area of technological sciences:

3. The word “university” (*uniwersytet*) together with one or more adjectives added to define the profile of a higher education institution may be included in the name of the institution when academic units have the authority to confer the degree of *doktor* in a minimum six disciplines, including a minimum four in the areas covered by the profile of the institution.

4) The word “polytechnic” (*politechnika*) may be included in the name of a higher education institution when its academic units have the authority to confer the degree of *doktor* in a minimum six disciplines, including a minimum four in technological sciences.

5) The word “academy” (*akademia*) may be included in the name of a higher education institution when its academic units have the authority to confer the degree of *doktor* in a minimum 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. ⁽³⁸⁾ Higher education institutions shall be governed by the principles of academic freedom in teaching, scientific research and artistic creativity.

3. In fulfilling the mission of discovering and disseminating truth through research and teaching, higher education institutions shall constitute an integral part of the national education and research system.

4. ⁽³⁹⁾ Higher education institutions shall co-operate with the socio-economic environment, in particular by conducting research and development for business entities on the basis of organizationally and financially independent economic structures, including the establishment of a special purpose vehicle (SPV), referred to in Article 86a, as well as through the involvement of employers' representatives in the development of study programmes and teaching processes.

5. Central and local government authorities 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 discharge tasks related to national defence.

2. The scope of activities of a public services higher education institution as an organizational unit of the respective service shall be defined in other legislation.

Article 6 ⁽⁴⁰⁾

1. A higher education institution in particular shall have the right to:

1) undertake scientific research and development activities and determine their direction,

2) co-operate in research and development activities with other, including foreign, academic and scientific bodies, on the basis of agreements, with the purpose of acquiring funding from conducting research, including its commercialization, and fostering the mobility of researchers,

3) foster research conducted by young scientists, in particular through competitions financed from the resources provided for in Article 13 of the

Act of 30 April 2010 on Funding Science (*Dziennik Ustaw*, No. 96, item 615 and 2011, No. 84, item 455),

4) provide degree programmes of the first, second and long cycle, as well as doctoral programmes, in compliance with their authorised powers, including,

a) defining the conditions of admission to degree programmes, including the number of places available for students in given fields and profiles of study, with the exception of the fields of medicine and dentistry, in so far as laid down by the regulations pursuant to Article 8 section 9,

b) developing curricula and programmes of study giving due regard to intended learning outcomes for areas of study as defined in regulations adopted pursuant to Article 9, section 1, subsection 2, and in compliance with the National Qualifications Framework for Higher Education (*Krajowa Rama Kwalifikacji*), hereinafter referred to as the 'National Qualification Framework'.

5) providing non-degree postgraduate programmes, extension and training courses.

6) awarding higher education diplomas confirming the successful completion of a degree programme, and certificates confirming the completion of doctoral programmes, or further training courses.

2. Authorised academic units of a higher education institution shall have the right to confer the 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 Title and Degrees and Title in the Arts.

Article 7

A higher education institution may pursue economic activity organizationally 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 ⁽⁴¹⁾

1. A degree programme shall be provided within a higher education institution in a defined field of study; a student shall be enrolled in a degree programme in a specific field of study not later than the end of the first year of study. Degree programmes in a defined field of study may be provided by one academic unit of a higher education institution or jointly with other such units.

2. Higher education institutions having the authority to confer the degree of *doktor habilitowany* in a minimum four fields of study may provide individualized multidisciplinary degree programmes encompassing a minimum of two areas of study, leading to the award of a diploma in a minimum one of the fields provided by an academic unit in the institution concerned which is authorised to confer the degree of *doktor* in the area of knowledge related to the field of study covered by the said programme.

3. The number of full-time students for each field of study to be financed from the State budget shall be determined, by resolution, by the senate of a higher education institution, guided by the level of available public funding and the principle of responsibility for the quality of education.

4. An increase in the total number of full-time students in a higher education institution beyond the threshold of two percent of the total number of students in the previous academic year shall be determined by the minister competent for higher education, by way of a decision, or upon consultation with the said minister, by a decision of the minister supervising the given institution, as referred to in Article 33, section 2, allowing for:

- 1) the number of students in individual fields of study, including fields of strategic priority for national development,
- 2) the State Accreditation Committee (*Polska Komisja Akredytacyjna*) assessment of the quality of degree programmes,
- 3) the principle of geographical equity in access to higher education programmes free of tuition fees.

5. The decision referred to in section 4 shall not apply to any increase in the total number of full-time students in a higher education institution under the supervision of the minister competent for culture and national heritage.

6. The Minister competent for higher education shall lay down, by regulation, the rules of procedure for the adoption of the decision, referred to in section 4, including the deadline for applications and the data necessary.

7. Higher education institutions may provide non-degree postgraduate programmes within the area of study which is represented by at least one field of study field covered by the programmes offered by these institutions.

8. In the case of the curriculum of a non-degree postgraduate programme falling outside the area of study referred to in section 7, the provision of such a programme shall require the consent of the minister competent for higher education following consultation with the Higher Education Council, (*Rada Główna Nauki i Szkolnictwa Wyższego*).

9. The maximum enrolment levels in the fields of medicine and dentistry provided by individual higher education institutions shall be determined by regulation of the minister competent for health, in consultation with the minister competent for higher education, having regard to the regulations of section 4, the teaching capacity of the higher education institution and the demand for graduates in these fields.

10. The maximum enrolment levels in each field of study for military service candidates in specific higher education institutions shall be determined by the Minister of National Defence, by regulation, giving due consideration to the teaching capacity of the higher education institution concerned and the demand for graduates in those fields of study.

11. The maximum enrolment levels in each field of study for fire service trainees and qualified firefighting service personnel shall be determined by the minister competent for internal affairs, by regulation, giving consideration to the teaching

capacity of the higher education institution concerned and the demand for graduates in these fields of study.

Article 8a ⁽⁴²⁾

Postgraduate programmes shall comprise a minimum two semesters. Study programmes therein shall be designed to enable students to accumulate a minimum sixty ECTS credits with higher education institutions being obliged to formulate associated learning outcomes as well as the required assessment procedure and documentation thereof.

Article 9 ⁽⁴³⁾

The minister competent for higher education shall determine by regulation:

- 1) requirements to be applied to the statement of qualifications of the first and second cycles, with due regard being given to their correspondence with particular areas, fields and disciplines of study, as specified pursuant to the provisions of the Act of 14 March 2003 on the Academic Degrees and Title and Degrees and Title in the Arts;
 - 2) National Qualifications Framework, including cycle- and profile-level descriptors for areas of study expressed in terms of learning outcomes.
2. Upon consultation with the Higher Education Council (*Rada Główna Nauki i Szkolnictwa Wyższego*) the minister competent for higher education shall specify by regulation, subject benchmark statements for selected fields of study, while having consideration for the level and profile within individual study areas.
3. The minister competent for higher education shall specify by regulation:
- 1) requirements to be fulfilled by academic units in order to provide degree programmes in a specific field and level of study, in particular:
 - a) the number of academic staff holding an academic title or degree, or persons awarded a degree equivalent to that of *doktor habilitowany*, pursuant to the provisions of Article 21a of the Act of 14 March 2003 on Academic Degrees and Title

and Degrees and Title in the Arts, and included in the minimum staffing requirement;

b) the ratio of academic staff, referred to in subsection a, to students enrolled in a programme in a given field of study.

- with due regard to the rules provided for in Article 9a and Article 112a;

2) requirements to be complied with when designing study programmes, including:

a) statements of expected learning outcomes,

b) characteristics of the process of learning leading to the attainment of the expected learning outcomes with the indication of the volume of ECTS credits allocated to individual programme components.

c) methodology for the assessment of learning outcomes;

3) criteria for the academic quality review, referred to in Article 48a, section 3, and in particular:

a) the fulfillment of requirements for the provision of programmes in a specific field, at a level and profile of study,

b) any accreditation or certification by international institutions,

c) the efficacy of internal quality assurance policy in reference to an analysis of the attainment of programme learning outcomes,

- having due regard to the provision of an accepted quality of learning;

4) criteria for the institutional audit, referred to in Article 48a, section 4, including, in particular:

a) the delivery and development of quality assurance systems,

b) accreditation or certification by international institutions,

c) judgements resulting from academic quality reviews for given fields of study carried out in an academic unit

- having due regard to the provision of an accepted quality of learning;

5) detailed requirements for the establishment and operation of a branch campus or an academic unit in another location, having regard to the obligation for the fulfillment of criteria pursuant to the provisions of section 1, to be fulfilled separately for each field of study.

Article 9a ⁽⁴⁴⁾

1. The minimum staffing requirement of an academic unit shall comprise only those academic staff members who are full-time employees therein, as indicated in a written declaration referred to in Article 112a submitted by the persons concerned.
2. Academic units providing first cycle programmes of a practical profile alternatively may substitute in their minimum staffing requirement two holders of the degree of *doktor* in the place of one holder of an academic title or the degree of *doktor habilitowany* or an equivalent degree awarded in compliance with the provisions of Article 21a of the Act of 14 March, 2003 on the Academic Degrees and Title and Degrees and Title in the Arts.
3. An academic unit of a higher education institution, referred to in section 2, alternatively may include in its minimum staffing requirement two holders of the degree of *magister* who can demonstrate considerable professional experience gained in an appropriate field outside academia, in the place of one holder of the academic degree of *doktor*.
4. The number of staff members referred to in sections 2 and 3 may not exceed 50% of staff members included in the minimum staffing requirement, as determined in the legislation pursuant to Article 9, section 3, subsection 1, and who hold the academic title of *profesor* or the degree of *doktor habilitowany* or equivalent to that of *doktor habilitowany* awarded in compliance with the provisions of Article 21a of the Act of 14 March, 2003 on the Academic Degrees and Title and Degrees and Title in the Arts, nor may this number exceed 50% of holders of the degree of *doktor* within the membership of academic staff.

Article 9b⁽⁴⁵⁾

14

1. The minister competent for higher education, in consultation with the minister competent for health, shall determine, by regulation, the standards of education and training for the fields of study of medicine, dentistry, pharmacy, nursing and midwifery, while being mindful of the programme and training requirements necessary for the practice of the professions of a medical doctor, dentist, pharmacist, nurse and midwife, as provided for in the relevant legislation of the European Union

2. The minister competent for higher education shall specify, by regulation, the standards of education training for the fields of veterinary science and architecture fields of study, while being mindful of the programme and training requirements necessary for the practice of the professions of a veterinary doctor and an architect, as provided for in the relevant legislation of the European Union.

Article 9c⁽⁴⁶⁾

The minister competent for higher education in consultation with the minister for education shall, by regulation, determine the standards for the education and training of students preparing for the profession of a teacher, while being mindful of the demands of the labour market, including in particular:

1) intended learning outcomes within the scope of:

- a) pertinent knowledge and an understanding of teaching methodology,
- b) knowledge of pedagogy and psychology, including human development and learning and the requirements of special needs teaching;
- c) training for the use of Information and Communications Technology (ICT) in teaching.
- d) foreign language competency.

2) the duration of graduate and postgraduate programmes, the extent and organization of practical placements;

Article 10⁽⁴⁷⁾

(repealed)

Article 11⁽⁴⁸⁾

1. An academic unit of a higher education institution authorised to award the degree of *doktor habilitowany*, in compliance with the requirements laid down in Article 9, section 3, subsection 1, may provide degree programmes in the fields and at the levels determined by a resolution of the senate, which correspond to the areas and disciplines of study in which such a unit is authorised to award the degree of *doktor habilitowany*. The resolution of the senate shall determine intended learning outcomes to be incorporated into the design of curricula and study programmes for given levels and profiles of learning.

2. An academic unit which holds no authority for the conferment of a *doktor habilitowany* degree may provide degree programmes in a given field, profile and level of study in compliance with :

1) subject benchmark statements for specific fields and levels of study as determined by regulations pursuant to Article 9, section 2, or

2) statements of learning outcomes for fields of study other than the fields specified in Article 9, section 2, as defined by the senate of the higher education institution concerned.

3. Academic units having no authority to award the degree of *doktor habilitowany* may acquire the authority to provide degree programmes referred to in section 2 by decision of the minister competent for higher education, to be taken upon consultation with the State Accreditation Committee (*Polska Komisja Akredytacyjna*) and the minister supervising the institution concerned, regarding the compliance with the regulations laid down pursuant to Article 9, section 3, subsection 1. In the case of a field of study other than that provided for in the regulations laid down pursuant to Article 9, section 2 an opinion of the State Accreditation Committee shall be required on the relevant statement of learning outcomes defined by the senate of the institution concerned.

3a.⁽⁴⁹⁾ The decision, referred to in section 3, granting the authority to provide programmes in the fields of nursing or midwifery, shall be contingent upon the granting of accreditation by the minister competent for health, pursuant to Article 59 of the Act of 15 July 2011 on the nursing and midwifery profession (*Dziennik Ustaw*, No. 174, item 1039).

4. Academic units referred to in section 2, complying with the requirements laid down in Article 9, section 3, subsection 1 and Article 9b or Article 9c may acquire the authority to provide degree programmes in the fields of study referred to in Article 9b by decision of the minister competent for higher education to be taken upon consultation with the State Accreditation Committee and the minister supervising the higher education institution concerned .

5. The provisions of sections 1 to 4 shall apply accordingly to degree programmes offered by inter-institutional or joint academic units as well as by organizational units of an association of higher educational institutions.

Article 11a⁽⁵⁰⁾

1. The rector shall notify the minister competent for higher education, the minister supervising the higher education institution and the State Accreditation Committee of the commencement of a programme in a given field of study, within one month from the date of the inception thereof.

2. The State Accreditation Committee shall conduct an academic quality review of a programme in a given field of study, while taking account of the intended learning outcomes and compliance with the provisions of Article 9a and regulations pursuant to Article 9, section 3, subsection 1 and Article 9b or Article 9c. Such a review may be also conducted at the request of the minister competent for higher education.

3. In case of doubt as to the compliance of any academic units referred to in Article 11 with the degree programme requirements defined in Article 9a and in the regulations pursuant to Article 9a, section 3 subsection 1 and Article 9c., the minister competent for higher education, upon notification by the rector on the

commencement of a specific degree programme, shall request without undue delay that the State Accreditation Committee conduct the review of the programme concerned.

Article 11b ⁽⁵¹⁾

1. Within a maximum three month time limit, the Rector shall notify the minister competent for higher education, the minister supervising the higher education institution and the State Accreditation Committee of any academic unit that has ceased to comply with the requirements for the provision of degree programmes, including any changes in the staffing level affecting the authorization of such provision. If the unit which has ceased to comply with such requirements fails to comply within twelve months, the minister competent for higher education shall suspend, by a decision, the authorization of the unit to provide programmes in a given field and at a given a level of study.

2. In the case of the rector failing, within the prescribed time limit, to notify the minister competent for higher education that an academic unit has ceased to comply with the requirements necessary for the provision of degree programmes, the minister shall suspend the authorization of the unit to provide programmes in a given field and at a given a level of study.

3. If a review of the academic quality of programme delivery results in a negative judgement of the State Accreditation Committee, the minister competent for higher education, taking into consideration the particular type and range of reported infringements, shall withdraw or suspend, by decision, the authorization to provide degree programmes in a given field and at a given level of study.

3a. ⁽⁵²⁾ The provisions of section 3 shall also apply in cases where the minister competent for health refuses to grant, or has withdrawn, an existing accreditation awarded pursuant to Article 59 of the Act of 15 July, 2011 on the nursing and midwifery profession.

4. Upon making a decision to suspend or withdraw the authorization of an academic unit to provide degree programmes, referred to in sections 1 to 3, or a decision about the expiry or revocation of the suspension of such authorization,

referred to in Article 11c, sections 4 to 6, the minister competent for higher education shall notify forthwith the State Accreditation Committee.

Article 11c ⁽⁵³⁾

1. Higher education institutions shall be obliged to eliminate any reported infringements, referred to in Article 11b, sections 1 to 3, within a period not exceeding twelve months from the date of the suspension of the authorization.

2. During the period an academic unit is subject to the suspension of the authorization for the provision of degree programmes in a given field and at a given level of study, the enrolment of students in that field and at that level of study shall be deferred.

3. The State Accreditation Committee shall give an opinion on the matter of the restoration of any suspended authorization within a period of time no longer than three months following the expiry of the time referred to in section 1.

4. Should the review by the State Accreditation Committee result in a negative judgement, the minister competent for higher education shall, by decision, pronounce the suspended authorization expired.

5. Should the authorization for a higher education institution to provide programmes in a given field and at a level of study referred to in section 4 and in Article 11b, section 3, expire or be withdrawn, the rector shall make appropriate arrangements in order to ensure that students may continue their programmes in given fields of study.

6. Should a positive evaluation be given by the State Accreditation Committee, the minister competent for higher education shall, by decision, revoke the decision on the suspension of an authorization.

7. Higher education institutions may submit a request to have their authorization for the provision of degree programmes in given fields, levels and profiles of study reinstated no sooner than twelve months from the withdrawal or expiry of any such authorization.

Article 11d ⁽⁵⁴⁾

1. Should academic units of higher education institutions consolidate, or change their names, the authorization for the provision of degree programmes in given fields of study shall remain valid for the newly consolidated or newly named academic unit, provided that they comply with the requirements laid down in legislation pursuant to Article 9 section 3, subsection 1.
2. In the event of non-commencement of a degree programme in a specific field and at a specific level of study within a period of two years from the date of the award of the authorization, referred to in Article 11, section 3, any such authorization shall be expired.
3. In the event of the division of an academic unit, the existing authorization for the provision of degree programmes shall remain valid for the newly created units which comply with the provisions of Article 9, section 3, subsection 1.
4. The rector of a higher education institution shall be required to notify the minister competent for higher education, the minister supervising the institution and the State Accreditation Committee about decisions on the matters referred to in section 1 or 3, within one month of the date of the adoption of the resolution by the senate.

Article 12

A higher education institution shall have legal personality.

Article 13

1. The principal objects of a higher education institution, subject to sections 2 and 3, shall be:
 - 1) ⁽⁵⁵⁾ providing education which enables students to acquire and advance their knowledge as well as gain competencies necessary for professional life;
 - 2) fostering through education a spirit of responsibility for the Polish State, the consolidation of democratic principles and a respect for human rights;

- 3) conducting research and development activities, and providing research services;
 - 4) training and development of academic staff;
 - 5) developing and disseminating advances in science, national culture and technology, and creating and managing archive and electronic information system resources;
 - 6)⁽⁵⁶⁾ providing non-degree postgraduate programmes and training to develop essential new skills to satisfy labour market demands through a system of life-long learning;
 - 7) creating conditions for the physical development of students;
 - 8) actively supporting local and regional communities;
 - 9)⁽⁵⁷⁾ creating conditions for the full participation of disabled persons in the processes of learning and research.
2. A non-university higher education institution providing only first-cycle programmes shall not be obliged to effectuate the objects referred to in section 1, subsections 3 and 4.
3. ⁽⁵⁸⁾ In effectuating its objects a medical higher education institution or an academic unit of a higher education institution operating in the area of medical or veterinary sciences may also be involved in the provision of medical or veterinary care services, in the scope and forms defined in the legislation on healthcare and on veterinary care institutions.

Article 13a ⁽⁵⁹⁾

With the aim of amending degree programme structure and curricula to meet the demands of the labour market, higher education institutions shall monitor the careers of their alumni, specifically at three and five year intervals following the date of graduation.

Article 14

A higher education institution may have halls of residence and student cafeterias.

Article 15 ⁽⁶⁰⁾

1. Public authorities shall provide public higher education institutions with the funding necessary for the effectuation of their objects, pursuant to the rules laid down in this Act, and shall provide support to non-public higher education institutions in the form and scope specified in this Act.

2. Funding necessary for the functioning of the State Accreditation Committee shall be provided from that part of the State budget administered by the minister competent for higher education. Funding necessary for the functioning of the Higher Education Council and the disciplinary committee of the said Council shall be provided as that part of the State budgets which are administered by the minister competent for higher education and the minister competent for research. Funding necessary for the Ombudsman for Graduate Affairs at the Higher Education Council shall be provided from the budget allocated to the Council.

3. The minister competent for higher education shall specify by regulation:

1) arrangements for administrative and financial support services to be provided to the Higher Education Council , disciplinary committee at the Higher Education Council and the Ombudsman for Graduate Affairs at the Higher Education Council, while aiming to ensure efficient administrative support for their necessary tasks;

2) remuneration of members of the Higher Education Council, the State Accreditation Committee, the disciplinary committee at the Higher Education Council and reviewers and experts appointed by them, disciplinary ombudsmen at the Higher Education Council and the Ombudsman for Graduate Affairs, while bearing in mind that the remuneration for the members of the Higher Education Council, the State Accreditation Committee, the Ombudsman for Graduate Affairs and the disciplinary committee at the Higher Education Council shall be determined in relation to the minimum rate of the basic pay of a *profesor zwyczajny* as regulated in the provisions on the remuneration of academic staff and at the level commensurate with the tasks performed.

4. The conditions for the reimbursement of travelling expenses to the members of the Higher Education Council, the State Accreditation Committee, the disciplinary committee at the Higher Education Council and appointed reviewers and experts, disciplinary ombudsmen at the disciplinary committee at the Higher Education Council and the Ombudsman for Graduate Affairs shall be reimbursed on the basis of executive regulations provided for in Article 77⁵ of The Labour Code of 26 June, 1974 (*Dziennik Ustaw* 1998, No. 21, item 94, with further amendments), applicable to employees of a State-budget unit administered by national or local authorities

Article 16

1. The honorary academic title shall be *doktor 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 collegial body indicated in the statutes, at the request of an academic unit authorised to award the academic degree of *doktor habilitowany*.
3. Detailed requirements for the awarding 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 themselves, hereinafter referred to as “the statutes”.

Chapter 2

Establishment and Liquidation of Higher Education Institutions

Article 18⁽⁶¹⁾

1. A public university higher education institution shall be established, liquidated or merged with another public higher education institution, or have its name changed, by an Act of Parliament, subject to section 6.
2. A public non-university higher education institution shall be established, liquidated or merged with another public non-university higher education institution or have its name changed by a regulation of the minister competent for higher education.
3. The liquidation of a public higher education institution, its merger with another public higher education institution or a change of its name shall be subject to consultation with the senate or senates of the institutions concerned.
4. The establishment of a public non-university higher education institution, its liquidation, or its merger with another public non-university higher education institution, or change of name, shall be effected respectively at the request of a regional assembly or the rector, or at the request of regional assemblies or rectors of higher education institutions.
5. The request referred to in section 4 shall be accompanied by a notarized deed containing the commitment to transfer the ownership of real estate assets necessary for the proper operation of a newly established public non-university higher education institution, as of the date of its establishment.
6. The provisions of sections 1 to 3 shall apply accordingly to the merging of a public higher education institution with another public higher education institution, however, in the case of a public non-university higher education institution being merged with a public university higher education institution, this shall be effected by the decision of the minister competent for higher education at the request of the rectors of the institutions concerned and after consultation with their senates .

7. The powers of the minister competent for higher education, referred to in section 2, shall be exercised by the Minister for National Defence in consultation with the minister competent for higher education, when establishing, liquidating, or merging a military higher education institution with another such institution, or when changing its name.

8. The powers of the minister competent for higher education, referred to in section 2, shall be exercised by the minister of the interior in consultation with the minister competent for higher education when establishing, liquidating or merging a public services non-university higher education institution with another such institution, or when changing its name.

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 competent for higher education.

3. The first statutes of a public higher education institution shall be provided by the minister competent 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 run until 31 August of the year following the academic year in which the institution was established.

5. The powers of the minister competent for higher education, defined in sections 2 and 3, shall be exercised by the competent ministers, as specified in Article 33, section 2, with regard to military higher education institutions, public services higher education institutions, higher education institutions for the arts, higher education institutions for medical and maritime studies.

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

Article 20

1. A request for permission to establish a non-public higher education institution may be submitted to the minister competent for higher education by a natural person or a body corporate other than a State- or local authority-administered body corporate.

2. The establishment of a non-public higher education institution and the authorization for the provision of degree programmes in a given field, and at a given level, of study, shall require the permission of the minister competent for higher education.

2a ⁽⁶²⁾ The permission referred to in section 2, for the provision of programmes in the fields of nursing and midwifery, shall be contingent upon the prior accreditation given by the minister competent for health as provided for in Article 59 of the Act of 15 July 2011 on the nursing and midwifery professions.

3. The permission referred to in section 2 shall specify the founder of the non-public higher education institution, its name and its seat, the degree programmes to be provided in the given fields and levels of study, 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 five hundred thousand (500,000) Polish zloty being the minimum amount of funding required.

4. The minister competent for higher education shall deny permission if the request indicates that the non-public higher education institution concerned or its units will not comply with the necessary requirements for the provision of degree programmes, as laid down in this Act, nor with the implementing regulations to be adopted pursuant to this Act.

5. The minister competent for higher education shall deny permission to a natural person who:

- 1) has been convicted of an intentional offence having the force of *res judicata*;
- 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 competent for higher education shall deny permission to a body corporate if:

- 1) it is in 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 outstanding liabilities to the State Treasury;
- 5) evidence exists that any of its plenipotentiaries remain in the circumstances referred to in section 5.

7. ⁽⁶³⁾ Decisions referred to in sections 5 and 6 shall be taken by the minister competent for higher education without consultation with the State Accreditation Committee.

8. ⁽⁶⁴⁾ The permission referred to in section 2 shall be issued for an indefinite period of time.

9. *(repealed)*

10. *(repealed)*

11. *(repealed)*

12. ⁽⁶⁵⁾ *(repealed)*

Article 21

A fee shall be charged related to the legal costs of processing a request for permission to establish a non-public higher educational institution. Such a fee shall constitute revenue to the State budget.

Article 22

The minister competent for higher education shall specify, by regulation, the details to be included in a request for permission to establish a non-public higher education institution, as well as the amount and collection procedure for a fee to cover the legal costs related to any necessary processing, together with a list of documents to

be enclosed with the request, including those concerning the founder of the institution as well as documents concerning financial commitments and guarantees and the organization and educational mission of the institution, while giving due regard to the concerns to ensuring that higher education institutions are established by suitably qualified bodies corporate or persons who can guarantee to discharge properly the duties of a founder, bearing in mind that chargeable fees shall cover the real costs incurred in processing the request.

Article 23

1. Following the receipt of permission, referred to in article 20, section 2, the founder shall submit a a notarized deed of the declaration of intent to establish a non-public higher education institution, hereinafter referred to as “the founding act”. The founding act shall in particular specify the founder, the name, seat and detailed scope of activities of the institution, the value of assets allocated for its establishment including the total value of assets transferred to its ownership, and the individual value of component assets, the date of their transfer and arrangements for continuing financing of the institution.

2. The minister competent for higher education shall withdraw permission if:

- 1) the founder fails to submit the founding act referred to in section 1 within three months of the date of the permission being given;
- 2) the founder fails to transfer the assets referred to in section 1 within three months of the registration date of the higher education institution concerned;
- 3) the non-public higher education institution fails to commence the provision of teaching within one year of the registration date 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. The first term of office of the rector of a newly established non-public

higher education institution shall run 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 as 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 permission of the minister competent for higher education, the founder may liquidate a non-public higher education institution, having made arrangements to ensure that students may continue their programmes.

2. ⁽⁶⁶⁾ A non-public higher education institution shall be considered in liquidation on the date that the withdrawal of the last authorization for the provision degree programmes is deemed as final, or on the date a decision is made to appoint a liquidator, pursuant to Article 37, section 4, that date being the opening date of the liquidation procedure.

3. ⁽⁶⁷⁾ At the request of a person, natural or a body corporate, which has been given permission to establish a non-public higher education institution, the minister competent for higher education may transfer, by decision, the permission to another natural person or body corporate person provided the latter accepts all conditions within the permission and the provisions of Article 20, sections 5 and 6 are not applicable.

4. The provisions of section 3 shall apply accordingly to the transfer of permission at the request of the person or body corporate to whom the permission for the establishment of a non-public higher education institution has been transferred.

Article 27

1. The liquidation of a non-public higher education institution shall involve the disposal of its tangible and intangible assets having first satisfied or secured its creditors, in particular staff members and students.
2. Following the satisfaction of its creditors, the remaining assets of a non-public higher education institution shall be used for the purposes specified in the statutes.
3. Subject to Article 37, section 3, the liquidation of a non-public higher education institution shall be effected by a liquidator appointed in accordance with the procedure laid down in the statutes.
4. The commencement of liquidation procedures for a non-public higher education institution shall entail:
 - 1) the liquidator assuming those powers of the bodies of the higher education institution relating to the management and disposal of its assets;
 - 2) the higher education institution discontinuing admissions to its programmes.
5. Degree programmes 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 liquidation procedure commenced.
6. The costs of the liquidation of a non-public higher education institution shall be covered by its assets, with priority given to the claims of its creditors.
7. The conclusion of the liquidation proceedings shall be notified to the minister competent for higher education by the, without undue delay. 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 procedure.
8. The procedure for the liquidation of a non-public higher education institution, in so far as it is not regulated by this Act, shall be laid down in the statutes of the institution.

Article 28⁽⁶⁸⁾

1. With a view to jointly discharging the objects referred to in Article 13, public higher education institutions or non-public higher education institutions may form inter-institutional associations to be set up in compliance with procedures applicable to the establishment respectively of public or non-public higher education institutions.

2. Any such association of higher education institutions shall have legal personality.

3. An association of public higher education institutions shall be established by a legal act as required for the establishment of its member institutions, subject to section 4, following the adoption by the competent collegial bodies of the institutions involved of an analogous resolution establishing the association, and specifying in particular the members of the association, its objects and the assets transferred by members in order to discharge the objects of the association and the statutes of the association.

3a. An association of non-public higher education institutions shall be established by a decision of the minister competent for higher education following the adoption by the competent collegial bodies of the institutions involved of an analogous resolution establishing the association, and specifying in particular the members of the association, its objects and assets transferred by members in order to discharge the objects of the association and the statutes of the association.

4. An association of university and non-university higher education institutions shall be established by a regulation of the minister competent for higher education.

5. The statutes of an association of higher education institutions shall specify: its members, its governance system including single-person authorities and collegial bodies, procedures for the appointment, dismissal and replacement of members, as well as their powers; the rules for the employment of staff by the association,

including staff who are employees of associate members; operational arrangements and the rules for the financing of the association from member funds; as well as the rules and procedures for the liquidation of the association, including the disposal of any remaining assets.

6. The rules for the operation of the self-governing students' union and the self-governing doctoral students' union active in an association of higher education institutions shall be determined by the regulations of the self-governing students' and doctoral students' unions respectively. The provisions of Article 202, sections 3 and 4 shall apply accordingly.

7. An association of higher education institutions may be reconstituted as a higher education institution in accordance with the procedures applicable to the establishment of public higher education institutions or non-public higher education institutions. The provisions of sections 3 and 3a shall apply accordingly.

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 maintained by the minister competent for higher education.

4. Should the founding act or the statutes of a non-public higher education institution, or the legal act establishing an association of non-public higher education institutions, fail to comply with the law or the consent granted, the minister competent for higher education shall disallow entry into the Register of the institutions or associations concerned.

5. The Register shall be publicly accessible. Any person shall have the right to:
 - 1) access data contained in the Register;
 - 2) acquire certified copies, extracts from and certificates pertinent to 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. Such a fee shall constitute revenue to the State budget.

7. The minister competent for higher education shall specify by regulation:
 - 1) ⁽⁶⁹⁾ the manner of keeping the Register, listing the details necessary for an entry into the Register of a non-public higher education institution or an association of non-public higher education institutions, including types of documents to be attached to the request by the founders, the description of sections in the Register, the procedures for making entries and changes in the Register, and the conditions for removing entries from the Register;
 - 2) the detailed procedures for accessing the Register, including the method of making and issuing copies, extracts and certificates referred to in section 5, subsection 2, and any fees to be charged.

Article 30 ⁽⁷⁰⁾

The following shall be effected by an administrative decision: the approval or denial of permission to establish a non-public higher education institution or an association of non-public higher education institutions; the granting or withdrawal of an authorization for the provision of degree programmes in a specific field and at a specific level of study; the acquisition, suspension or withdrawal of an authorization for the provision of degree programmes in a specific field and at a specific level of study; the granting of permission for the merger of non-public higher education institutions; the entry or refusal to enter into the Register a non-public higher education institution or an association of non-public higher education institutions; the order to make an entry in the Register; the suspension of activities or the order the liquidation of a non-public higher education or an association of non-public higher education institutions; the order to cease activities in

contravention of the provisions of this Act, the statutes or the permit, or to correct the effects of any such activities.

Article 31 ⁽⁷¹⁾

1. A higher education institution may establish research centres by agreement with other higher education institutions, also with scientific institutes of the Polish Academy of Sciences, research institutes including foreign research units and international institutes conducting research and development activities. A research centre shall be established by the rector who shall nominate an academic unit to be incorporated into such a centre. Research centres may also establish within the structure of higher education institutions.

2. The rector shall also nominate an academic unit of the higher education institution to be incorporated into a research centre of the Polish Academy of Sciences or into a scientific and industrial research centre established by a scientific institute.

3. The agreement referred to in section 1 shall specify:

- 1) the organizational arrangements, operational rules and the method of financing a research centre, including the ownership of research equipment, copyright or related rights and industrial property rights as well as the division of any revenue acquired as a result of the subsequent commercialization of research results;
- 2) regulations for the use of scientific infrastructure and other resources of the research centre for the provision of joint doctoral programmes.

4. The tasks of a research centre shall be to:

- 1) conduct, support and co-ordinate research and development activities;
- 2) initiate and co-ordinate the participation of higher education institutions and other scientific research units in international research programmes;
- 3) initiate the organization of, and supervise regional research laboratories;

- 4) collaborate with the academic community in providing partnership-based doctoral programmes.
- 5) foster the mobility of research staff at higher education institutions, research institutes, and scientific institutes of the Polish Academy of Sciences ;
- 6) develop fellowship programmes for holders of a degree of *doktor*; awarded by an institute of the centre concerned
- 7) attract and support international research projects, joint domestic projects and projects with European funding. .

5. Non-university and university higher education institutions may co-operate, in particular by entering into agreements to ensure the high-quality teaching of core subjects, the professional development of academic staff, graduate progression and the support of highly-qualified staff to be given to non-university higher education institutions.

Article 31a ⁽⁷²⁾

1. A higher education institution may establish by agreement inter-institutional units or joint units with other higher education institutions.
2. A higher education institution may also establish joint units with other entities, in particular research institutions, including foreign entities, in accordance with the procedures laid down in section 1.
3. An agreement referred to in section 1 shall specify the organizational arrangements, the operational rules and the method of financing an inter-institutional unit or a joint unit, the rules for the provision of degree programmes and other forms of education and training, as laid out in Article 13, section 1, subsection 6, as well as the rules for the awarding of diplomas attesting to the successful completion of a degree programme as well as certificates of completion of other forms of education and training.

Article 32

1. The minister competent for higher education shall publish in the official journal of the ministry a list of higher education institutions and associations of higher education institutions, notices of the establishment or liquidation of higher education institutions, as well as the suspension or withdrawal, of authorization for any higher education institutions to provide degree programmes.
2. The minister competent for higher education shall publish the details referred to in section 1 on the internet webpage of the competent ministry.

Chapter 3

Supervision of Higher Education Institutions

Article 33

1. The minister competent for higher education shall exercise supervision over the activities of higher education institutions with respect to their compliance with the law, with their statutes and with the requirements of the permission granted for the establishment of a non-public higher education institution, as well as the proper and correct expenditure of public funds. The minister competent for higher education may request information and clarification from the authorities of a higher education institution as well as from the founder of a non-public higher education institution, and may carry out inspections of higher education institutions.
2. The supervisory powers of the minister competent for higher education referred to in section 1 shall be exercised by:
 - 1) Minister of National Defence in the case of military higher education institutions,
 - 2) minister for internal affairs in the case of public services higher education institutions,
 - 3) minister for culture and national heritage in the case of higher education institutions for the arts,

- 4) minister for health in the case of medical higher education institutions,
- 5) minister competent for maritime economy in the case of higher education institutions for maritime studies.

3. Public theological higher education institutions and faculties of theology in public higher education institutions shall also be under the supervision exercised by the authorities of churches and religious communities, as provided for in the international agreement concluded with the Holy See, as well as in Acts of Parliament regulating the relations between the Republic of Poland and other churches and religious communities, and in the statutes of the higher education institutions concerned.

Article 34

1.⁽⁷³⁾ Inspections referred to in Article 33, section 1, shall include the examination of the activities of the bodies of a higher education institution to assess compliance with the law, with the statutes and with acquired authorizations and, in the case of a non-public higher education institution, with the permission granted for the establishment of the institution, as well as the proper and correct expenditure of public funds. An inspection may also include the examination of teaching conditions.

- 1a.⁽⁷⁴⁾ An inspection report may include conclusions and recommendations.
- 2.⁽⁷⁵⁾ (repealed)
- 3.⁽⁷⁶⁾ (repealed)

Article 34a⁽⁷⁷⁾

1. The minister competent for higher education shall maintain the Higher Education Information System (*System Informacji o Szkolnictwie Wyższym*) comprising data specified in Article 35, sections 1 and 2 and section 3, subsections 2 and 3, and the registers referred to in Article 129a and Article 170c. The system may be maintained in an electronic form.

2. In the case of the system being maintained in an electronic form, the minister competent for higher education may delegate to a research institute the

administration of the system data bases, while ensuring provision of funds necessary for the task.

Article 35

1. The rector of a higher education institution shall submit to the minister competent for higher education, by 15 October each year, an annual report of the activities of the institution during the previous reporting year, together with information on available staff resources relevant to the fields of study in which degree programmes are provided.

2. ⁽⁷⁸⁾ The rector of a higher education institution shall submit a report to the minister competent for higher education on the execution of the finance and operations plan, by 30 June of the year following the reporting year.

3. Within one month of their adoption, the rector of a higher education institution shall forward to the minister competent for higher education any resolutions of the relevant institutional bodies regarding the following:

- 1) adoption of, or amendment to, the statutes;
- 2) introduction or cessation of a degree programme in a given field of study, with information on the staffing resources available in the particular fields of study in which degree programmes are provided,
- 3) establishment of an academic unit in a location other than the institution's seat, with information on the facilities and staffing resources of the unit;
- 4) ⁽⁷⁹⁾ (repealed)
- 5) adoption of, or any amendment to, the study regulations for degree programmes or doctoral programmes and the rules and procedures for the admission to degree programmes and doctoral programmes, with resolutions of the legislative body of the self-governing students' union, adopted on the basis of Article 161, section 2 or the legislative body of the doctoral self-governing students' union, 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 concerning military higher education institutions, public services higher education institutions, higher education institutions for the arts, medical higher education institutions and higher education institutions for maritime studies, shall apply respectively to the ministers referred to in Article 33, section 2.

6. ⁽⁸⁰⁾ The bodies referred to in sections 4 and 5 also shall provide to the minister competent for higher education the detailed information specified in sections 1 and 2 and section 3, subsections 2 and 3.

7. ⁽⁸¹⁾ The minister competent for higher education in consultation with the Minister of National Defence, the minister for internal affairs, the minister for culture and national heritage, minister for health and the minister for maritime economy, by regulation, shall provide specimens of required reports, including those referred to in sections 1 and 2, while respecting the goals of the development policy for science and higher education.

Article 36

1. Any decision of a collegial body or of the rector of a higher education institution, with the exception of an administrative decision, found to be in contravention of the law or the statutes of the higher education institution concerned, shall be declared invalid by the minister for higher education, not later than two months from the receipt of such a resolution or decision. The decision of the minister competent for higher education declaring a resolution or decision invalid may be appealed against to a competent administrative court within thirty days of its receipt. The legislation on appeals to an administrative court of law against decisions which fall within the domain of public administration shall apply accordingly.

2. The powers of the minister competent for higher education, as defined in section 1, concerning military higher education institutions, public services higher education institutions, higher education institutions for the arts, medical higher

education institutions and higher education institutions for maritime studies shall be exercised respectively by the ministers referred to in Article 33, section 2.

3. As provided for in the agreement, in Acts of Parliament and in the statutes referred to in Article 33, section 3, the provisions of section 1 shall apply to the powers of the competent authorities of churches and religious communities with regard to theological higher education institutions and faculties of theology in public higher education institutions.

Article 37 ⁽⁸²⁾

1. If a higher education institution or the founder of a non-public higher education institution conducts activities in contravention of the law, of the statutes or of the permission referred to in Article 20, section 2, the minister competent for higher education shall request the authorities of the institution concerned, or the founder of the non-public higher education institution, to cease such activities and to correct any effects within a specified time limit.

2. In the case of a higher education institution or the founder of a non-public higher education institution, failing to comply with the conclusions or recommendations of the inspection of the institution's activities, referred to in Article 34 section 1, the provisions of section 1 shall apply accordingly.

3. In the case of a higher education institution or the founder of a non-public higher education institution being in gross violation of the provisions of this Act, of the statutes or of the permission referred to in Article 20, section 2, and in particular failing to comply with the conclusions or recommendations referred to in sections 1 and 2, the minister competent for higher education shall instigate proceedings to liquidate the public institution, or shall withdraw the permission granted for the establishment of the non-public institution and order its liquidation by the founder within a specified period of time.

4. If the case of the founder of a non-public higher education institution failing to instigate liquidation proceedings within the specified time and in accordance with the order referred to in section 3, the minister competent for higher education shall

appoint a liquidator for the institution and shall set a time limit for closure 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.

Article 37a ⁽⁸³⁾

1. Should it be established that a higher education institution organizes or provides teaching leading to the award of a diploma attesting to the successful completion of a degree programme without the required permission or authorization, as specified in this Act, the minister competent for higher education shall order the cessation of the provision of such a programme by the higher education institution concerned. Any such decision to cease the provision of degree programmes shall be enforceable with immediate effect.

2. The organization or provision of teaching leading to the award of a diploma attesting the successful completion of a degree programme without the required permission or authorization as specified in this Act, shall be the legal responsibility of the rector, as determined by the rules applicable to public officials.

3. Should it be established that a higher education institution has formed an academic unit in contravention of this Act, the minister competent for higher education shall order the unit to be liquidated. The provisions of section 1 shall apply accordingly.

4. The powers of the minister competent for higher education as defined in sections 1 to 3 and in Article 37, sections 1 to 3, concerning military higher education institutions, public services higher education institutions, higher education institutions for the arts, medical higher education institutions and higher education institutions for maritime studies shall be exercised respectively by the ministers referred to in Article 33, section 2, in consultation with the minister competent for higher education.

Article 38

1. Should it be established that the activities of the rector of a higher education institution are in gross violation of the law or of the statutes, the minister competent for higher education may submit to the senate of a higher education institution concerned a motion to remove the said rector from office. Having given its opinion on the motion, the senate of the institution shall forward it to the authority competent to remove the rector from office, or in the case of a non-public higher education institution, to the founder, if such a dismissal falls within the founder's remit.

2. A motion to remove a rector from office shall be considered within thirty days of its submission.

3. The minister competent for higher education may suspend the rector until a motion for removal from office has been considered.

4. In the case of being subject to criminal proceedings, upon indictment the rector shall be suspended by virtue of law.

5. ⁽⁸⁴⁾ In the case of gross violation of the law by the rector, the minister competent for higher education may remove from office the rector following consultation with the Higher Education Council (*Rada Główna Nauki I Szkolnictwa Wyższego*) and the Conference of Rectors of Polish University Higher Education Institutions (*Konferencja Rektorów Akademickich Szkół Polskich*) or the Conference of Rectors of Polish Non-University Higher Education Institutions (*Konferencja Rektorów Zawodowych Szkół Polskich*) respectively, and designate a date for the appointment of a rector in accordance with the procedures laid down in the statutes of the institution concerned.

6. The powers of the minister competent for higher education as defined in sections 1, 3 and 5 concerning military higher education institutions, public services higher education institutions, higher education institutions for the arts, medical higher education institutions and higher education institutions for maritime studies shall be exercised respectively by the 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. ⁽⁸⁵⁾ Following consultation with the senate of a higher education institution, the minister competent for higher education, or the minister competent for education in consultation with the minister for higher education, may assign to a higher education institution a specific task in the area of teaching or in the development of research staff, while ensuring provision of funds adequate for the task.

2. The powers of the minister competent for higher education as defined in section 1 regarding military higher education institutions, public services higher education institutions, higher education institutions for the arts, medical higher education institutions and higher education institutions for maritime studies shall be exercised respectively by the ministers referred to in Article 33, section 2.

3. ⁽⁸⁶⁾ Following consultation with the competent minister specified in Article 33, section 2, the minister competent for higher education or the minister competent for education may assign the task referred to in section 1 to a military higher education institution, a public services higher education institution, a higher education institute for the arts and higher education institutions for medical or for maritime studies.

4. ⁽⁸⁷⁾ In the event of the occurrence of a natural disaster or with the aim of fulfilling international obligations, the minister competent for higher education may also assign other tasks to higher education institutions while ensuring provision of funds adequate for such tasks.

Chapter 4

International Co-operation of Higher Education Institutions in the fields of Education and Research.

Article 41

1. In consultation with the Minister of National Defence and the ministers competent respectively for internal affairs, health, culture and national heritage, science, and maritime economy, the minister competent for higher education shall co-ordinate the collaboration of higher education institutions with foreign academic and scientific institutions, within the framework of international agreements concluded by the Republic of Poland.

2. The minister competent 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 discharge of tasks arising from the agreements referred to in section 1.

Article 42

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

- 1) types of education and training which may be undertaken, and the eligibility requirements for applicants;
- 2) types of financial support for persons on assignment abroad, including grants and reimbursable travelling expenses,
- 3) periods for which persons on assignment abroad are eligible for payments and the rules pertaining to such payments;
- 4) conditions and procedures for cancelling assignments abroad;
- 5) entitlements of employed persons during an assignment abroad;
 - while considering the need to ensure the maximum possible access to education, training and scientific research abroad.

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

Article 43

1. Persons who are not Polish nationals, hereinafter referred to as “non-nationals”, may pursue degree level education, doctoral programmes and other types 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 are eligible to pursue education or training and participate in research and development work, referred to in section 1, in compliance with the rules applicable to Polish nationals:

1) non-nationals who have been granted a residence permit.

1a) ⁽⁸⁸⁾ (repealed)

2) non-nationals who hold refugee status as granted by the Republic of Poland,

3) non-nationals who have been granted temporary protection in the territory of the Republic of Poland,

4) ⁽⁸⁹⁾ 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 -- and the members of their families if residing in the territory of the Republic of Poland,

5) non-nationals who in the territory of the Republic of Poland have been granted a European Community long-term residence permit.

6) non-nationals who in the territory of the Republic of Poland have been granted a fixed-term residence permit pursuant to 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, with further amendments¹);

¹ 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.

6a) ⁽⁹⁰⁾ non-nationals who have been granted subsidiary protection in the territory of the Republic of Poland;

7) ⁽⁹¹⁾ 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 - and members of their families, having the right of permanent residence.

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

- 1) international agreements, in compliance with the rules therein;
- 2) agreements concluded between higher education institutions and foreign entities, in compliance with the rules defined therein;
- 3) decisions of the minister competent for higher education or the competent 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 pursue education and training as well as participate in research and development work referred to in section 1:

- 1) as holders of scholarships awarded by a Polish partner ;
- 2) on a tuition fee-paying basis;
- 3) free of tuition fees and with no scholarship entitlement;
- 4) as holders of scholarships awarded by the sending partner, and free of tuition fees;
- 5) as holders of scholarships awarded by higher education institutions.

5. ⁽⁹²⁾ Nationals of the Member States of the European Union, of the Swiss Confederation, 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 their subsistence costs during a period of study, may pursue degree level education, doctoral programmes and other types of education and training, as well as participate in research and development work either in compliance with the rules applicable to Polish

nationals, with no entitlement to a maintenance grant, special grant for disabled persons and assistance grants, or in compliance with the rules laid down in sections 3 and 4.

5a. ⁽⁹³⁾ The holders of a valid Polish Charter card (*Karta Polaka*) may pursue degree level education, doctoral programmes and other types of education and training, as well as participate in research and development work, in compliance with either the rules applicable to Polish nationals or to the rules laid down in sections 3 and 4.

6. ⁽⁹⁴⁾ Members of families of the persons referred to in section 2, subsections 4 and 7, and section 5 shall include persons listed in Article 2, subsection 4 of the Act of 14 July 2006 on the rules and conditions for entry to and residence on the territory of the Republic of Poland of nationals of Member States of the European Union and members of their families.

6a. ⁽⁹⁵⁾ The rector of a higher education institution shall inform forthwith the minister competent for higher education and the Commander-in-Chief of the Border Guards (*Komendant Główny Straży Granicznej*) concerning:

- 1) admission to degree programmes of non-nationals referred to in section 3, subsections 2 and 4;
- 2) failure of non-nationals referred to in section 3 to commence their degree programmes, or of their removal from the list of students, providing their name and surname, date of birth, permanent address, whether they have been granted the Polish Charter card or have complied with the requirements laid down in Article 5, section 1 to 3, of the Act of 9 November 2000 of the Act on Repatriation (*Dziennik Ustaw* 2004, No. 53, item 532, with further amendments).

6b. ⁽⁹⁶⁾ The rector shall, by 15 January each year, forward to the minister competent for higher education registers of non-nationals, referred to in sections 3 and 4, complete up to the day of 31 December of the preceding year, indicating persons who hold a Polish Charter card or who comply with the requirements laid down in

Article 5, section 1 to 3, of the Act of 9 November 2000 on Repatriation, which shall comprise the following: the non-national's full name, country of residence, field and year of degree programme or other type of education or training, as well as the academic unit of a higher education institution attended, and the persons' financial arrangements.

7. ⁽⁹⁷⁾ Non-nationals complying with the requirements laid down in Article 5, sections 1 to 3, of the Act of 9 November 2000 on Repatriation and who are enrolled on higher education programmes in their country of residence, are eligible for the scholarships referred to in section 4, subsection 1.

8. Scholarship holders referred to in section 4, subsection 1, and section 7, shall have those scholarships awarded and their levels determined by the minister competent for higher education or respectively the minister referred to in Article 33, section 2.

9. The Minister competent for higher education, and respectively the ministers referred to in Article 33, section 2, shall publish in their respective official journals the number of scholarships available to persons to whom the provisions of section 3, subsections 1 and 3, apply, including, in consultation with the minister competent for foreign affairs, the number of scholarships available for persons referred to in section 7.

Article 44

1. The minister competent for higher education shall determine by regulation:

- 1) types of degree and training programmes to which non-nationals may be admitted;
- 2) the requirements necessary for non-nationals applying for admission to degree programmes, doctoral and training programmes or for participation in research and development work, considering the educational attainments required for admission to a given degree or training programme, the candidate's state of health and aptitude for a specific field of study, as well as types of documents to be submitted;

3) the method of calculating the amount of the scholarship awarded within the number available, referred to in Article 43, section 9, with the calculation based on the minimum basic pay for an *asystent* employed in a higher education institution, as well as the procedure for the award, payment, suspension or withdrawal of any such scholarship;

4) the method of calculating the level of fees for degree programmes, doctoral programmes training and participation in research and development work, considering anticipated teaching costs, the possibility for fee reductions and exemptions and the bodies competent to make decisions in such matters, as well as the method of fee payment and situations wherein fees are refundable,

– while considering the need to ensure the maximum possible access to education, training and scientific research in the territory of the Republic of Poland, and the application of principles of fair and equal treatment.

2. The minister competent for higher education, in consultation with the minister competent for foreign affairs, shall determine by regulation:

1) the requirements necessary for non-nationals referred to in Article 43, section 7, considering their country of residence as well as the mode and the field of study of a given degree programme;

2) the procedure for awarding, and the method of calculating the amount of the scholarship available to persons referred to in Article 43, section 7;

– while considering the need to ensure the maximum possible access to education, training and scientific research in the country of residence, and the application of principles of fair and equal treatment.

3. Scholarships for holders referred to in Article 43, section 7 may be paid through Polish consulates or Polish non-governmental organizations.

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 authority.

Chapter 5

Higher Education Council⁽⁹⁸⁾

Article 45⁽⁹⁹⁾

1. The Higher Education Council (*Rada Główna Szkolnictwa Wyższego*), hereinafter referred to as “the Council”, shall be an elected body representative of science and higher education.
2. All Council activities shall be governed by the principles of fairness, impartiality and transparency.
3. The Council shall co-operate with the minister competent for higher education, the minister competent for science and other authorities and public administration bodies in the development of national higher education policy; national science, research and innovation policy, and in particular shall:
 - 1) give opinions on its own initiative and in all matters concerning higher education, science and research, culture and education, and may, upon informing the minister competent for higher education, the minister competent for science and other ministers, raise such matters with public authorities, research units and higher education institutions, as well as requesting clarification and additional information;
 - 2) draw up opinions on its own initiative, or on matters raised by the minister competent for higher education, the minister competent for science or other authorities and public administration bodies;
 - 3) provide its opinions on draft legislation concerning higher education and the development of science and innovation as well as on any international agreements concerning higher education to be concluded by the Republic of Poland;
 - 4) give its opinions on that part of the draft State budget which is administered by the minister competent for higher education and the

minister competent for science, and on the rules for the awarding of State-budget grants to higher education institutions, as well as on matters relating to the funding of science and higher education from those parts of the State budget which are administered by the ministers specified in Article 33, section 2;

5) provide opinion on the annual plan and report of the National Science Centre (*Narodowe Centrum Nauki*) and of the National Centre for Research and Development (*Narodowe Centrum Badań i Rozwoju*)

6) assess applications for the funding of large-scale research infrastructure projects, as well as reports on the use of such funding, while being mindful of the relationship between Polish and European research infrastructure;

7) provide opinion on the National Qualifications Framework for individual areas of study;

8) provide opinions on the standards of education and training for degree programmes referred to in Article 9b and Article 9c;

9) present the minister competent for higher education with proposals regarding subject benchmark statements for specific fields of study while giving due regard to the level and profile of learning within given areas of study.

4. The Council may co-operate with national and international organizations active in the area of higher education and science.

Article 46 ⁽¹⁰⁰⁾

1. The composition of the Council shall be:

1) fourteen academic staff appointed by the Conference of Rectors of Polish Higher Education Institutions (*Konferencja Rektorów Akademickich Szkół Polskich*) and the Conference of Rectors of Polish Non-University Higher Education Institutions (*Konferencja Rektorów Zawodowych Szkół Polskich*) from the candidates elected by the institutions concerned, with the number of candidates proposed by each Conference being proportional to the total number of students enrolled at their member institutions;

- 2) five representatives of the Polish Academy of Sciences, nominated by its Presidium;
- 3) four representatives of research institutes, nominated by the Research Institutes Council (*Rada Główna Instytutów Badawczych*);
- 4) four students nominated by the Student Parliament of the Republic of Poland;
- 5) two doctoral students nominated by the National Representation of Doctoral Students;
- 6) three representatives of employers nominated by employers' organizations.

2. Candidates for membership of the Council may not be more than seventy years of age on the first day of the term of office of the Council.

3. Entities which nominate candidates for Council membership shall be guided by the principle of the balanced participation of women and men in Council activities and shall ensure similarly appropriate institutional and staffing representation.

Article 46a ⁽¹⁰¹⁾

1. Council membership may not be combined with membership of any of the following:

- 1) State Accreditation Committee (*Polska Komisja Akredytacyjna*);
- 2) Degrees and Titles Committee (*Centralna Komisja ds Stopni i Tytułów*);
- 3) Research Institutes Council (*Rada Główna Instytutów Badawczych*);
- 4) Research Unit Evaluation Committee (*Komitet Ewaluacji Jednostek Naukowych*).

2. A founder of a non-public higher education institution may not be a member of the Council nor may any person holding the following functions:

- 1) rector, vice-rector or head of an academic unit of a higher education institution;
- 2) chief operating officer of a higher education institution;
- 3) director of a scientific institute of the Polish Academy of Sciences;
- 4) director of a research institute;

- 5) president or vice-president of the Polish Academy of Sciences;
- 6) president or vice-president of the Polish Academy of Arts and Sciences (*Polska Akademia Umiejętności*);
- 7) director of the National Research and Development Centre (Narodowe Centrum Badań i Rozwoju) or the National Science Centre (*Narodowe Centrum Nauki*).

3. A member of the Council may be a person who:

- 1) enjoys their full rights as a citizen;
- 2) is a person of impeccable integrity and good repute who is dedicated to ethical scientific practices.
- 3) has not been convicted of an intentional or fiscal offence by a judgement having the force of *res judicata*.

4. A person may serve as a Council member for no more than two consecutive terms of office.

5. The term of office of the Council shall be four years and shall commence on 1 January. Student and doctoral student representatives shall be appointed as Council members for the period specified respectively in the statutes of the Student Parliament of the Republic of Poland and of the National Representation of Doctoral Students.

Article 46b ⁽¹⁰²⁾

1. The Council chairperson shall pronounce the mandate of a Council member to have expired in the following cases:

- 1) the death of the member,
- 2) the tendering of a resignation,
- 3) the failure to comply with any of the requirements specified in Article 46a,
- 4) the failure to participate in the Council activities for a period exceeding six months.

2. In the case of the mandate of a Council member expiring before completion of the term of the Council, a new member shall be appointed in accordance with the procedure laid down in Article 46 for the remainder of the term of office. An incomplete term of office shall not be a part of the period referred to in Article 46a, section 4.

Article 46c ⁽¹⁰³⁾

1. The Council shall exercise its functions through plenary sessions and through its bodies. Organizational arrangements and operational procedures for the Council, as well as Council bodies and their powers, shall be laid down in its statutes to be adopted by the Council at a plenary session.

2. Plenary sessions of the Council shall be attended, in an advisory capacity, by one delegate of each representative trade union organization, within the meaning of the Act of 6 July 2001 on the Tripartite Commission for Social and Economic Affairs and on Regional Commissions for Social Dialogue (*Dziennik Ustaw* No.100, item 1080, with further amendments), active in higher education institutions, research institutes and in the Polish Academy of Sciences.

3. A council member who is an academic staff member may be relieved from teaching duties, partly or fully, by their rector at the member's request.

Article 46d ⁽¹⁰⁴⁾

1. The Ombudsman for Graduate Affairs, appointed by the minister competent for higher education, shall exercise their functions within the Council structure.

2. The Ombudsman for Graduate Affairs shall collaborate with the Council with the aim of reducing barriers to graduate careers in professions corresponding to degree programmes completed. Accordingly, the Ombudsman shall survey the situation of graduates in the labour market and their level of access to given professions, and shall present conclusions to the Council and to the minister competent for higher education.

Article 47 ⁽¹⁰⁵⁾

1. The Council shall publish its resolutions on the matters referred to Article 45, section 3, on its internet webpage.
2. Administrative support for the Council and for the Ombudsman for Graduate Affairs shall be provided by organizational units of the office of the minister competent for higher education.

Chapter 6

State Accreditation Committee ⁽¹⁰⁶⁾

Article 48 ⁽¹⁰⁷⁾

1. The State Accreditation Committee, hereinafter referred to as “the Committee”, shall be established by the minister competent for higher education.
2. Members of the Committee shall be appointed by the minister competent for higher education from candidates nominated by the Council, the Conference of Polish University Higher Education Institutions (*Konferencja Rektorów Akademickich Szkół Polskich*), the Conference of Rectors of Polish Non-University Higher Education Institutions (*Konferencja Rektorów Zawodowych Szkół Polskich*), the Student Parliament of the Republic of Poland, senates of higher education institutions, as well as national academic associations and employers’ organizations.
3. A member of the Committee shall have a higher education institution as their place of primary employment and, at the minimum, be the holder of the degree of *doktor*.

4. When appointing members of the Committee, the minister competent for higher education shall respect the requirement that all areas of study are represented and shall ensure that the Committee membership is composed of a minimum thirty percent of women.

5. Candidates proposed for membership of the Committee shall not exceed seventy years of age on the commencement day of the term of office.

6. Article 46a, sections 1 to 4, shall apply to the members of the Committee accordingly.

7. The President of the Student Parliament of the Republic of Poland shall be a member of the Committee by virtue of law.

8. The Chairperson of the Committee shall pronounce a member's mandate to have expired for the reasons set out in Article 46b, section 1. The provisions of Article 46b, section 2, shall apply accordingly to the appointment of a new member.

9. At the request of the Committee Presidium, a member of the Committee may be dismissed by the minister competent for higher education. The provisions of Article 46b, section 2, shall apply accordingly to the appointment of a new member.

10. The Committee shall include a minimum of seventy and a maximum of ninety members.

11. The term of office of the Committee shall be four years and shall commence on 1 January.

12. A committee member who is an academic staff member may be relieved from teaching duties, in whole or in part, by their rector at the member's request.

Article 48a ⁽¹⁰⁸⁾

1. The Committee shall be an independent institution dedicated to enhancing the quality of education.

2. All Committee activities shall be governed by the principles of fairness, impartiality and transparency and shall be guided by the principle of the balanced participation of women and men.

3. The Committee shall conduct academic quality reviews of degree programmes, taking into consideration the correspondence of intended learning outcomes with

relevant benchmark statements for areas and fields of study as set out in the National Qualifications Framework, as well as the compliance of any such programmes with requirements necessary for their provision, as specified in the legislation pursuant to Article 9, section 3, subsections 1 to 4, and Articles 9b and 9c.

4. The Committee may conduct an institutional audit of the activities of an academic unit of a higher education institution, including an assessment of the quality of the third cycle degree programmes and postgraduate non-degree programmes; an institutional audit shall be conducted in an academic unit where the majority of study fields provided have already had their programmes reviewed.

5. The Committee shall conduct reviews and audits referred to in sections 3 and 4 on its own initiative,, at the request of a higher education institution, or at the request of the minister competent for higher education in cases specified in Article 11a, sections 2 and 3 and Article 49, section 4.

6. The provisions of Article 24 of the Act of 14 June 1960, The Code of Administrative Procedure (*Dziennik Ustaw*, 2000, No. 98, item 1071, as amended) shall apply accordingly to members and experts of the Committee. A member or an expert of the Committee may be excluded by the chairperson of the Committee..

Article 49 ⁽¹⁰⁹⁾

1. The Committee shall present to the minister competent for higher education opinions and proposals with regard to:

- 1) the establishment of higher education institutions, and the granting of authorization for a higher education institution to provide degree programmes in a given field and at a given level of study;
- 2) the academic quality review conducted by the Committee, including the training of teachers, as well as the institutional review and compliance with the requirements for the provision of degree programmes;
- 3) the re-instatement of suspended authorization for the provision of programmes in a given field and level of study;

4) the establishment of a higher education institution or a branch campus by a foreign higher education institution referred to in Article 85, section 5.

2. The Committee shall forward any opinions and proposals referred to in section 2, subsections 1 to 3, pertaining to military, public services, the arts, medical and maritime higher education institutions to the relevant ministers specified in Article 33, section 2.

3. The Committee may request clarification and information from higher education institutions on matters referred to in section 1 and may conduct site visits.

4. In justified cases, at the request of the minister competent for higher education the Committee may, additionally to its agreed agenda, conduct an academic quality review of a given higher education institution or its academic unit, referred to in section 1, subsection 2, or may conduct an institutional audit, referred to in Article 48a, section 4, specifically to consider the evidence for decisions referred to in Article 37, section 4.

5. The Committee may schedule a review or an audit of a higher education institution at the request of the institution concerned.

6. Upon an audit or review, referred to in section 1, subsections 2 and 4, the Committee shall present one of the following judgements: commendable, confidence, limited confidence or no confidence.

7. Opinions on the matters referred to in section 1, subsections 1, 3 and 5, shall be given by the Committee not later than four months from the date of receipt of request, whereas the judgements referred to in section 4, shall be given not later than three months from the date of receipt. When justified the chairperson of the Committee may request for this time limit to be extended.

8. Judgements referred to in section 1, subsection 2, shall be presented by the Committee forthwith together with supporting justifications and conclusions.

9. In performing the tasks referred to in sections 1 to 4, the Committee may access the personal data of academic staff and students of the higher education institutions under review or audit only in so far as it is necessary for the performance of those tasks.

Article 49a ⁽¹¹⁰⁾

The Committee shall co-operate with national and international institutions and organizations which are active within the higher education sector, in particular those involved in accreditation and the assessment of the quality of education.

Article 50

1. The Committee shall exercise its functions through plenary sessions and through its bodies.

2. The bodies of the Committee shall be:

- 1) the Chairperson,
- 2) the Secretary,
- 3) the Presidium,

3. The composition of the Presidium shall be:

- 1) the Chairperson of the Committee,
- 2) the Secretary,
- 3) the Chairpersons of the review teams referred to in section 4 below,
- 4) the President of the Student Parliament of the Republic of Poland,
- 5) ⁽¹¹¹⁾ two representatives of employers' organizations.

4. ⁽¹¹²⁾ The Committee shall include review teams dedicated to specific areas of study defined by legislation pursuant to Article 9, section 2, subsection 2.

5. ⁽¹¹³⁾ Each review team shall be composed of at least five members of the Committee representing an area of study, including at least three holding the title of *profesor* or the degree of *doktor habilitowany* in relevant disciplines, as well as a minimum one representative of employers' organizations.

Article 51

1. The Chairperson of the Committee and its Secretary shall be appointed or dismissed by the minister competent for higher education.
2. The Chairperson shall convene plenary sessions of the Committee, chair its sessions, represent it in external relations and sign Committee resolutions.
3. The Secretary shall ensure the efficient administration of the Committee and the proper performance of its tasks.
4. The Chairpersons of review teams shall be elected by its members.

Article 52

1. ⁽¹¹⁴⁾ The Presidium shall adopt resolutions on the matters referred to in Article 49, sections 1 and 4 on the basis of a reports submitted by the review teams referred to in Article 50, section 4.
2. ⁽¹¹⁵⁾ Any party not satisfied with a resolution of the Presidium on the matters referred to in Article 49, sections 1 and 4, may request the reconsideration of the matter. Such a request shall be submitted to the Committee within thirty days of the date of receipt of the relevant resolution.
3. A request referred to in section 2 shall be considered at a joint meeting of the relevant review team and the Presidium of the Committee within two months of receipt.

Article 53

1. ⁽¹¹⁶⁾ Organizational arrangements and operational procedures of the Committee, the particular powers of its bodies, the procedures for the conduct of reviews and audits and the method for the appointment of reviewers shall be laid down in the statutes to be adopted by the Committee at a plenary session.
2. ⁽¹¹⁷⁾ 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 from that part of the State budget which is administered by the minister competent for higher education.

4. The director of the Bureau shall be appointed or dismissed by the chairperson of the Committee. Support staff shall be recruited by the director.

5. The range of activities of the Bureau and its organizational arrangements shall be laid down in administrative regulations to be provided by the Chairperson of the Committee.

Article 53a ⁽¹¹⁸⁾

1. The Committee shall publish its resolutions regarding the quality of education, together with supporting justification, on its own internet webpage and in the official Public Information Bulletin (*Biuletyn Informacji Publicznej*).

2. The Committee may publish review team reports on its internet webpage.

Chapter 7

Conferences of Rectors

Article 54

1. University higher education institutions representing collectively more than 50% of the total number of active students enrolled in such institutions may establish a Conference of Rectors of Polish University Higher Education Institutions (*Konferencja Rektorów Akademickich Szkół Polskich*).

2. Non-university higher education institutions representing collectively more than 50% of the total number of students enrolled in such institutions may establish a Conference of Rectors of Polish Non-University Higher Education Institutions (*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 supervisory body for the Rectors' Conferences referred to in sections 1 and 2 shall be the minister competent for higher education.

5. The statutes of the Rectors' Conferences referred to in sections 1 and 2 shall determine the rules for ordinary and associate membership, both individual and collegial, and 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 encourage the development of higher education, science and culture, and in particular shall:

- 1) raise with public authorities any matters of major importance to higher education, science and culture, and those deemed of vital concern to the academic community;
- 2) on their own initiative offer opinions and present proposals on matters related to higher education, science and culture;
- 3) ⁽¹¹⁹⁾ support, monitor and encourage the continuous enhancement of the quality of education and promote high quality providers, which tasks may be exercised through their accreditation committees.

2. Public authorities shall consult the Rectors' Conferences referred to in Article 54, sections 1 and 2, on the following matters:

- 1) the principles of governing higher education and the strategy for its development; the system of research, teaching, training and financial support of students and doctoral students, the management of higher education institutions, staff development, and the facilities of higher education institutions;
- 2) that part of the draft State budget concerning higher education;
- 3) draft legislation concerning higher education, science and culture, as well as the promotion of Polish science abroad;
- 4) provisions in the school education system which are relevant to higher education.

3. Opinions on the matters referred to in section 2, subsections 2 to 4, shall be given within one month. In the case of an opinion not being 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 a minimum two-thirds majority of its members, following consultation with the trade unions operating in the institution.
 - 1a.⁽¹²⁰⁾ Trade unions shall provide their opinions within thirty days.
 - 1b.⁽¹²¹⁾ In the case of an opinion not being given within the time limit specified in section 1a, the requirement for consultation shall be considered fulfilled.
- 2.⁽¹²²⁾ The statutes shall enter into force on the date specified in the relevant resolution of the senate.
- 3.⁽¹²³⁾ (repealed)
- 4.⁽¹²⁴⁾ (repealed)

5. ⁽¹²⁵⁾ The statutes of military higher education institutions and public services higher education institutions shall enter into force on the date of the decision of approving the statutes by the Minister of National Defence or the minister competent for internal affairs, unless a later date is given in the statutes.

Article 57 ⁽¹²⁶⁾

1. The statutes of a public theological higher education institution shall be adopted by the competent body of the institution in consultation with the competent authorities of churches and religious communities. The statutes shall enter into force on the date specified in the relevant resolution.

2. The provisions of section 1 shall apply accordingly to other public higher education institutions where a theological academic unit operates, with the proviso that an agreement concluded with the competent authorities of churches and religious communities shall apply only to those regulations of the statutes which relate to the operational arrangements of the theological academic organizational unit concerned.

Article 58

1. ⁽¹²⁷⁾ Subject to Article 24, section 1, the statutes of a non-public higher education institution, upon consultation with the trade unions operating in a higher education institution, shall be provided by its founder or adopted by the internal collegial body indicated in the statutes.

1a. ⁽¹²⁸⁾ A trade union shall submit its opinion within thirty days.

1b. ⁽¹²⁹⁾ In the case of an opinion not being given within the time limit specified in section 1a, the requirement for consultation shall be considered fulfilled.

2. The statutes of a non-public higher education institution shall lay down the procedure for succession of the founder in the event of their death, if a natural person, or liquidation, if a body corporate, as well as the rules and procedures for

the liquidation of the institution, considering any commitments of the institution's founder. The successor of the founder shall require the consent of the minister competent for higher education to be given in the form of an administrative decision.

3. ⁽¹³⁰⁾ (repealed)

4. ⁽¹³¹⁾ The statutes of a non-public higher education institution shall enter into force on the date specified in the resolution of the collegial body referred to in the statutes or in the decision of the founder.

5. ⁽¹³²⁾ (repealed)

Article 59

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

Chapter 2

Governing Bodies of Higher Education Institutions

Article 60

1. Subject to section 2 below, the collegial bodies of a public higher education institution shall be the senate as well as the boards of its academic units.

2. ⁽¹³³⁾ The statutes of a public higher education institution may provide for a collegial body other than or instead of the senate.

3. ⁽¹³⁴⁾ The provisions of this Act concerning the senate may be applied to the collegial body within the scope specified in the statutes of the higher education institution concerned.

4. ⁽¹³⁵⁾ A public higher education institution may have a council in addition to the senate or the collegial body if this is provided for in its statutes.

4a. ⁽¹³⁶⁾ A public non-university higher education institution shall have a council.

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

6. The single-person authorities of a higher education institution shall be the rector as well as the heads of its academic units. The head of a faculty shall be the dean.

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. Academic staff, doctoral students, students and non-academic staff shall be represented in the collegial and electoral bodies of higher education institutions.

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 procedures for the election, and the percentile share in the senate, of representatives of academic staff, doctoral students, students and non-academic staff, without prejudice to section 3.

3. Student and doctoral student representatives in the senate of a higher education institution shall account for a minimum 20% of its membership. In a given higher education institution the number of representatives of students and doctoral students shall be in proportion to their total number in both groups, with each of the two groups having a minimum one representative.

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

5. In a public non-university higher education institution, academic staff holding at the minimum the degree of *doktor* shall comprise more than a half of the statutory membership of the senate whereas the statutes of a non-university higher education institution providing second-cycle or long-cycle programmes may allow an alternative composition to the senate.

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

7. Sessions of the senate of a public higher education institution shall be attended in an advisory capacity by the chief operating officer, the bursar, the chief librarian and one representative of each trade union operating at the institution.

8. In a public non-university higher education institution, the membership of the senate shall include the chief operating officer as well as a representative of the university higher education institution nominated by the rector of the latter with which the public non-university institution has a collaboration agreement

Article 62⁽¹³⁷⁾

1. The powers of the senate shall be laid down in the statutes of a higher education institution, with the exceptions provided for in this Act.

2. In a higher education institution with no academic units, the senate shall exercise the function of the board of such a unit.

3. Financial statements of a higher education institution shall be approved by its senate as in compliance with accounting regulations.

Article 63

1. The membership of the council of a public higher education institution may include, in particular, representatives of:

- 1) State authorities,
- 2) local government authorities, and autonomous professional organizations.

- 3) learned societies and professional and artistic institutions,
- 4) employers' organizations and, if provided for in the statutes, autonomous business organizations,
- 5) business and financial institutions.

2. The membership of the council of a public non-university higher education institution may include representatives of a university higher education institution with which it collaborates.

3. The specific composition of the Council and the method for the appointment of its members, including representatives mentioned in section 1, shall be defined in the statutes.

4. ⁽¹³⁸⁾ The Minister for National Defence shall specify, by regulation, the composition of the councils of non-university higher education institutions under the supervision of the ministry, while respecting the tasks of such higher education institutions as military units.

5. ⁽¹³⁹⁾ The minister competent for internal affairs shall specify, by regulation, the composition of the councils of non-university higher education institutions which are under the supervision of the ministry, while respecting the tasks of such higher education institutions as competent public services units.

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 for the senate and the council, as well as the procedures for convening and chairing joint sessions and adopting joint resolutions.

Article 65

1. Resolutions adopted within its legislative remit by the senate of a public higher education institution shall be binding for other bodies of the institution, and 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 which infringes 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 said resolution. Should the senate fail to amend or repeal such a suspended resolution, the rector shall forward it to the minister competent for higher education or to the competent minister referred to in Article 33, section 2 for consideration pursuant to the procedures laid down in Article 36, section 1.

3. The rector of a public higher education institution shall suspend the implementation of any resolution that imperils important interests of the institution, and, within fourteen days of its adoption, shall convene a session of the senate with the aim of reconsidering the said resolution. The suspended resolution shall enter into force subject to a minimum three-quarters majority of the senate voting in favour of upholding it, with at least two thirds of its statutory membership present.

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 be responsible for the governance of all affairs of a higher education institution and represent it externally, and shall be the senior of all staff, students and doctoral students of the institution.

1a. ⁽¹⁴⁰⁾ The rector shall provide leadership and a strategic development plan for the higher education institution, to be adopted by the collegial body indicated in the statutes. The funds to be allocated for the implementation of the strategic development plan, including financing from the institutional development fund may be determined by way of a resolution.

2. The rector of a public higher education institution shall take decisions in all matters concerning the institution, with the exception of those matters reserved by

this Act or the statutes for the remit of other bodies of the institution or the chief operating officer, and in particular shall:

- 1) ⁽¹⁴¹⁾ take decisions concerning the assets and business operations of the institution, including dispersal or encumbrance of assets to the value determined in Article 90, section 4;
 - 2) ⁽¹⁴²⁾ (repealed)
 - 3) oversee the teaching and research activities of the institution;
 - 3a. ⁽¹⁴³⁾ oversee the implementation and development of an internal system assuring the quality of education;
 - 4) oversee the administration and business operations of the institution;
 - 5) ensure security and legal compliance on the premises of the institution;
 - 6) define the scope of duties of vice-rectors.
3. ⁽¹⁴⁴⁾ (repealed)
4. The rector of a military higher education institution or a public services higher education institution shall concurrently serve as the commander of the institution, within the meaning of the provisions of the legislation on military service or the relevant public services.
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 allow for the transfer of 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 an academic unit shall be defined in the statutes.
2. The head of an academic unit shall be the chairperson of its board.

3. The statutes shall lay down procedures for the election, and the percentile share, of representatives of academic staff, doctoral students, students and non-academic staff in the board of an academic unit, without prejudice to sections 4 and 5.

4. Student and doctoral student representatives on the board of an academic unit of a higher education institution shall account for a minimum 20% of its membership. In a given academic unit the number of representatives of students and doctoral students shall be in proportion to their total number in both groups, with each of the two groups having a minimum one representative.

5. In a university higher education institution, academic staff holding the academic title of *profesor* or the degree of *doktor habilitowany* shall account for more than a half of the statutory membership of the board of an academic unit.

6. Meetings of the board of an academic unit shall be attended, in an advisory capacity, by one representative from each trade union operating in the institution.

Article 68

1. The powers of the board of an academic unit shall in particular include:

- 1) defining the general direction of the unit's activities;
- 2) ⁽¹⁴⁵⁾ adopting study programmes and curricula following consultation with the competent body of the student self-governing students' union and in compliance with the guidelines laid down by the senate of a public higher education institution or the collegial body of a non-public higher education institution;
- 3) adopting study programmes and curricula for doctoral programmes after consultation with the competent body of the doctoral students' union and in compliance with the guidelines laid down by the senate of a public higher education institution or a collegial body of a non-public higher education institution;
- 4) adopting study programmes and curricula for non-degree postgraduate programmes and extension courses in compliance with the guidelines laid

down by the senate of a public higher education institution or the collegial body of a non-public higher education institution.

2. The specific powers of the board of an academic unit shall be defined in the statutes.
3. Resolutions of the board of an academic 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. ⁽¹⁴⁶⁾ The senate shall repeal any resolution of the board of an academic unit which is in contravention of this Act, of the statutes, of a resolution of the senate, of the highest collegial body of a non-public higher education institution, of the regulations and other internal rules of the higher education institution, or which imperils important interests of the institution.

Article 69

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

Article 70

1. ⁽¹⁴⁷⁾ The powers of the head of an academic unit shall be defined in the statutes. These powers shall include in particular provide a strategy for the development of the unit in accord with the development strategy of the higher education institution.
2. An appeal against a decision of the head of an academic unit may be made to the rector.

3. The rector shall repeal any decision of the head of an academic unit which is in contravention of this Act, of the statutes, of a resolution of the senate or of the highest collegial body of a non-public higher education institution, of a resolution of the board of the academic unit concerned, of the regulations or other internal rules of the higher education institution, or which imperils important 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 also the procedures for the election of single person authorities, representatives for collegial bodies and persons for other elected positions, while conforming to the following rules:

- 1) single-person authorities shall be elected by electoral colleges; student and doctoral student representatives shall account for a minimum 20% of the electoral collegemembership; the numbers of student and doctoral student representatives shall be proportional to their total numbers in both groups in a given higher education institution or academic unit, with each of the two groups having a minimum one representative;
- 2) ⁽¹⁴⁸⁾ the right to vote may be exercised by academic staff for whom the given higher education institution is the place of their primary employment, by non-academic staff employed therein on a fulltime basis, by students and by doctoral students;
- 3) ⁽¹⁴⁹⁾ the right to stand for election may be exercised by academic staff under the age of sixty five, or under the age of seventy in the case of persons holding the title of *profesor*, and for whom the given higher education institution is the place of their primary employment, by non-academic staff employed therein on a full-time basis, and by students and doctoral students;
- 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 received more than a half of all valid votes, unless the statutes of the higher education institution specify another qualifying majority;
 - 7) the time and place of elections shall be made public within a time-frame and in a manner allowing voters to participate in the elections;
 - 8) elections shall be conducted by election committees established in accordance with procedures laid down in the statutes.
2. The procedures for the election of, representatives of students and doctoral students, and their term of office, shall be laid down respectively in the regulations of the self-governing students' and doctoral students' unions.
3. ⁽¹⁵⁰⁾ The right to vote in public non-university higher education institutions may also be exercised by academic staff working in a given institution which is the place of their supplementary employment.
4. The right to vote and the right to stand for election in public higher education institutions for fine arts and academic units teaching the arts within other public higher education institutions, may also be exercised by staff employed on a part-time basis, provided that their required workload amounts to a minimum 50% of full-time employment, whereas the right to stand for election of the aforementioned part-time staff may be exercised only by those who have not reached retirement age.

Article 72

1. ⁽¹⁵¹⁾ The rector of a public higher education institution may be appointed to that position by ballot or by competitive procedures.
2. ⁽¹⁵²⁾ The rector shall be a person who holds the degree of *doctor* at the minimum. The function of the rector in a public higher education institution may be held only by a person for whom that institution is the place of primary employment.

2a.⁽¹⁵³⁾ The method of the appointment of a rector, the detailed qualification requirements to be fulfilled by the candidate, as well as the rules and conditions for the competitive procedure shall be defined in the statutes.

3. The rector of a public higher education institution who does not comply with the requirement of being 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 compliance with the conditions set out in section 1 on the date preceding the assumption of the function of rector, at the latest.

4. In the case of a newly established public higher education institution, its first rector shall be appointed by the minister competent for higher education or in the case of a military higher education institution, a public services higher education institution, a higher education institution for fine arts, a medical higher education institution or a 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 be elected from among persons employed in the position of *profesor nadzwyczajny* and hold the highest officer rank as specified in the legislation on professional qualifications and the composition of crews on Polish ocean-going vessels, hereinafter referred to as “the highest officer rank”. The rector of a public higher education institution for fine arts may be elected from among persons employed in the institution in the position of *profesor nadzwyczajny* with outstanding achievements in the arts.

6. The chairperson of the election committee shall confirm the election of the rector in writing, and forthwith notify the minister competent for higher education or the respective minister referred to in Article 33, section 2.

Article 73⁽¹⁵⁴⁾

1. In a military higher education institution, the rector shall be nominated to the post by the Minister of National Defence from among serving military personnel who comply with the requirements laid out in Article 72, section 2.

2. In exceptional cases, the Minister of National Defence may nominate the rector of a military higher education institution from among officers who, while not complying with the requirements laid out in Article 72, section 2, hold the minimum military rank of Brigadier General or Rear Admiral.

3. The vice-rector to be responsible for the discharge of the tasks of the military higher education institution as a military unit shall, at the request of the rector, be appointed from among serving military personnel by the Minister of National Defence.

Article 74 ⁽¹⁵⁵⁾

1. The rector of a public services higher education institution, an organizational unit of a competent service, shall be nominated by the minister competent for internal affairs from officials of the relevant public service, in compliance with the requirements set out in Article 72, section 2.

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

3. The vice-rector to be responsible for the discharge of the tasks of a public services higher education institution as an organizational unit of the relevant service, shall be nominated, at the request of the rector, by the minister competent for internal affairs from officials of the relevant public service.

Article 75

1. ⁽¹⁵⁶⁾ A vice-rector of a public higher education institution shall be appointed through a ballot or competitive procedure. The method of the appointment of vice-rectors, their number, detailed qualification requirements as well as the conditions

and rules for the conduct of the competitive procedure shall be laid down in the statutes. The function of the vice-rector in a public higher education institution may be held only by a person for whom that institution is the place of primary employment.

2. ⁽¹⁵⁷⁾ (repealed)

3. ⁽¹⁵⁸⁾ A candidate for the vice-rector for student affairs must be approved by a majority of the student and doctoral student representatives in the electoral body or by a majority within the selection board determining the result of the competition. The failure of the electoral body or selection board to adopt a position on the matter within the time limit specified in the statutes shall be regarded as approval.

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

Article 76

1. ⁽¹⁵⁹⁾) In a public higher education institution, the head and deputy heads of an academic unit shall be appointed through a ballot or a competitive procedure.

2. The posts of the head or deputy head of an academic unit may be held only by persons whose primary employment is in the higher education institution concerned.

3. ⁽¹⁶⁰⁾ The method for the appointment of persons referred to in section 1, the number of deputy heads of an academic unit, the detailed qualification requirements as well as the conditions and rules for the conduct of the competitive procedure, shall be laid down in the statutes.

4. ⁽¹⁶¹⁾ (repealed)

5. The provision of Article 75, section 3 shall apply to the election of the vice-dean for student affairs and, if provided for in the statutes, to the election of deputy heads of academic units which are not faculties and the election of the deputy for student affairs.

6. If the statutes provide for the appointment of heads and deputy heads of academic units, a candidate for the deputy head for student affairs shall require the approval of a body of the self-governing students' union or the self-governing doctoral students' union of a given academic unit as indicated in the regulations of the students' and the doctoral students' unions. Should the students' union and the doctoral students' union fail to adopt a position on the matter within seven days, the candidature shall be considered approved.

Article 77

1. The term of office of the collegial 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 election and shall end on 31 August of the final year of the term.

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

2a. ⁽¹⁶²⁾ In a public higher education institution, no person may be a member of the senate or of the council for more than two successive terms. This shall not apply to persons who are *ex-officio* members of the senate or the council due to their position as a single-person authority within a given higher education institution.

2b. ⁽¹⁶³⁾ Restrictions deriving from section 2 shall not apply to public higher education institutions which remain under the supervision of the minister competent for culture and national heritage.

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

4. The collegial bodies of a public higher education institution shall exercise their functions until such time as the bodies elected for a new term have been established.

Article 78

1. ⁽¹⁶⁴⁾ An elected rector or vice-rector of a public higher education institution may be removed from office by the body which elected them, while a rector or a vice-rector who has been appointed following a competitive procedure may be removed from office by the qualified majority of two thirds of the statutory membership of the senate, subject to sections 5 and 6.
2. ⁽¹⁶⁵⁾ A motion to remove the rector from office may be submitted by a minimum of half of the statutory membership of the senate. A motion to remove a vice-rector may be submitted by the rector, and a written motion to remove the vice-rector responsible for student affairs may also be submitted by three quarters of the representatives of students and doctoral students in the senate.
3. A resolution to remove a rector from office shall be adopted by a minimum three-quarters majority of votes, with at least two thirds of the statutory membership of the electing body being present.
4. A resolution to remove a vice-rector from office shall be adopted by an absolute majority of votes, with at least two thirds of the statutory membership of the electing body being present.
5. ⁽¹⁶⁶⁾ The rector and vice-rector responsible for the discharge of the tasks of a military higher education institution as a military unit may be dismissed in accordance with procedures laid down in relevant legislation on military service for serving military personnel.

6. ⁽¹⁶⁷⁾ The rector and vice-rector responsible for the discharge of tasks of a public services higher education institution as an organizational unit of the relevant service may be removed from office by the minister for internal affairs in accordance with the procedures laid down in legislation for the officials of the relevant public service.

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 a non-public higher education institution.

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

Article 80

1. ⁽¹⁶⁸⁾ The single-person authorities of a non-public higher education institution and their deputies shall be appointed or dismissed by the founder or the body indicated in the statutes, after consultation with the senate of the institution. The founder shall convene a meeting of the senate in order to receive its opinion on the appointment or dismissal of single-person authorities and their deputies.

2. The specific 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 chief operating officer of a public higher education institution shall be responsible for the management of its administrative and business affairs in so far as this is provided for by the statutes and by the rector.

2. The chief operating officer of a public higher education institution shall be employed by the rector after consultation with the senate.

3. The chief operating officer of a public higher education institution shall be accountable to the rector.

Article 82

1. The bursar of a public higher education institution shall execute the function of chief accountant and that of deputy to the chief operating officer. The responsibilities and powers of the bursar as chief accountant shall be regulated in separate legislation.

2. The bursar of a public higher education institution shall be appointed or dismissed by the rector at the request of the chief operating officer.

Article 83

1. The rules for the organization and operation of the administrative services of a public higher education institution shall be laid down in organizational regulations, unless the statutes provide otherwise. The procedure for establishing organizational regulations shall be laid down in the statutes.

2. The rules for the organization and operation of the administrative services of a non-public higher education institution shall be laid down in organizational regulations to be provided by the founder or the body indicated in the statutes.

Chapter 3

Organization of Higher Education Institutions

Article 84

1.⁽¹⁶⁹⁾ Academic units of a higher education institution, including those established in locations other than the seat of the institution, shall be established, reconstituted or liquidated by the rector upon consultation with the senate.

2.⁽¹⁷⁰⁾ (repealed)

3. ⁽¹⁷¹⁾ A higher education institution may establish other organizational units. The types of such units, the conditions and procedures for their establishment, liquidation or reconstitution shall be laid down in the statutes, subject to Article 85 sections 1 to 4

3a. ⁽¹⁷²⁾ A higher education institution may establish an inter-faculty academic unit for the provision of individualized interdisciplinary degree programmes, referred to in Article 8 section 2, wherein study programmes and curricula shall be determined by the board of the unit concerned.

4. ⁽¹⁷³⁾ (repealed)

Article 84a ⁽¹⁷⁴⁾

1. An academic unit of a higher education institution, or a research centre operating within its structure, recognized as conducting research at the highest level in a given scientific discipline and providing related doctoral programmes of an exceptional quality may acquire the status of a National Centre of Scientific Excellence (*Krajowy Naukowy Ośrodek Wiodący - KNOW*), hereinafter referred to as a “KNOW”.

2. A research centre, referred to in Article 31 item 1, and a research consortium, referred to in the Act on the public funding of science of 30 April, 2010, may also acquire the status of a KNOW if they provide doctoral programmes jointly with an academic unit of a higher education institution .

Article 84b ⁽¹⁷⁵⁾

1. The status of a KNOW shall be granted for a period of five years by decision of the minister competent for higher education.

2. A KNOW shall be selected through a competitive procedure, within defined areas of knowledge and learning, to be announced by the minister competent for higher education and the minister competent for science.

3. The number of KNOWs in specific areas of knowledge and learning may not exceed three.

4. The competition procedure shall be conducted by a committee appointed by the minister competent for higher education from among national and international experts representing individual scientific disciplines.

5. The Minister competent for higher education shall determine, by regulation, the application criteria, conditions and procedures to be followed when applying for the status of a KNOW, with particular consideration being given to the quality of research and teaching as well as the level of co-operation with the socio-economic environment.

6. A KNOW shall be funded from the grant for the promotion of excellence referred to in Article 94b section 1, subsection 1.

7. The status of a KNOW shall be taken into account in any application process for State budget funds or European Union structural funds for investment in research equipment or teaching infrastructure.

8. Five years from the date of the award of KNOW status, the committee referred to in item 4, shall conduct an assessment of a KNOW's activities to be based upon a summative report presenting research results, including individual scientific achievements of staff members and doctoral students, the relationship between the teaching process and the socio-economic environment, as well as a full financial report.

Article 85 ⁽¹⁷⁶⁾

1. With the purpose of exercising its educational functions, a higher education institution may establish an academic unit in a location other than its seat, in the form of :

- 1) academic unit of a higher education institution,
- 2) branch campus.

2 An academic unit of a higher education institution may conduct educational activities in buildings located in the same metropolitan area as its seat, as referred to in the Law on planning and spatial planning of 27 March, 2003 (*Dziennik Ustaw*, No. 80, item 717 with further amendments) with no obligation for the establishment of an academic unit in a location other than its seat.

3. A higher education institution may also establish in another location than the institution's seat, a unit which has tasks other than educational and which may also assume an organizational form other than those given in section 1.

4. The establishment abroad of an academic unit of a higher education institution shall require the consent by decision of the minister competent for higher education, upon receiving a positive opinion from the minister competent for foreign affairs.

5. Foreign higher education institutions may establish higher education institutions and campus branches with their seat on the territory of the Republic of Poland upon the consent of the minister competent for higher education, following consultation with the minister competent for foreign affairs and the Committee.

6. Foreign higher education institutions in receipt of positive evaluation by an education quality assurance agency recognized in their home country or listed in the European Quality Assurance Register (EQAR) or an agency from another country, recognized by the Committee, may establish higher education institutions or branch campuses.

7. Without prejudice to sections 5 and 6, the provisions of this Act shall not apply to higher education institutions and branch campuses established by foreign higher education institutions.

Article 86

1. With a view to fostering the optimal use of the intellectual and technological potential of higher education institutions and the transfer of research findings to the economy, higher education institutions may establish academic business incubators and technology transfer centres.

2. An academic business incubator shall be established with the aim of supporting the economic activity of the academic community or staff and students of a higher education institution.

3. An academic business incubator established in the form of:

- 1) unit at the institutional level, shall operate on the basis of regulations to be approved by the senate of the higher education institution;
- 2) business entity or a foundation, shall operate on the basis of the relevant documents regulating its status.

4. A technology transfer centre shall be established with a view to trading research and development findings or transferring same to the economy without charge.

5. A technology transfer centre established in the form of :

- 1) unit at the institutional-level shall operate on the basis of regulations to be approved by the senate of the higher education institution concerned;
- 2) business entity 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 in the form of a unit at the institutional-level shall have a governing council whose composition and powers shall be laid down in their respectively regulations.

7. ⁽¹⁷⁷⁾ The director of an academic business incubator, or a technology transfer centre operating as a unit at the institutional level, shall be appointed by the rector from candidates proposed by the governing council of the unit, following consultation with the senate.

1. With a view to commercializing research and development findings, a higher education institution shall form a limited liability or a joint-stock company, hereinafter referred to as “a special-purpose vehicle (SPV)”. An special-purpose vehicle shall be established by the rector with the consent of the senate or another collegial body of the higher education institution concerned. The tasks of a special-purpose vehicle shall be, in particular, to acquire shares of business entities which are to be established for the purpose of exploiting research and development findings of the institution.
2. The rector may assign to an SPV, on the basis of an agreement, the management of industrial property rights of the higher education institution, with the intention of their commercialization.
3. With a view to exercising its functions, as defined in sections 1 and 2, a higher education institution shall transfer to an special-purpose vehicle its research and development findings and, in particular, any registered industrial property rights, as assets in kind.
4. Dividends derived by a higher education institution from shares in a special-purpose vehicle shall be allocated for the statutory activities of the institution concerned.

Article 86b ⁽¹⁷⁹⁾

1. A special-purpose vehicle may be established jointly by multiple public or non-public higher education institutions.
2. In cases referred to in section 1, any higher education institution thus involved may assign tasks defined in Article 86a, sections 1 and 2, to a special-purpose vehicle by way of a separate agreement to be concluded between the rector and the special-purpose vehicle concerned.

Article 86c ⁽¹⁸⁰⁾

The Senate of a higher education institution, or a body indicated in the statutes of a non-public higher education institution, shall adopt regulations to govern the management of copyright and related rights, and industrial property rights, as well as rules for the commercialization of research and development findings which shall determine the following:

- 1) rights and obligations of higher education institutions, academic staff, students and doctoral students with reference to the use and protection of copyright and related rights as well as industrial property rights;
- 2) rules of remuneration due to authors of intellectual property;
- 3) rules and procedures to govern the commercialization of research and development findings;
- 4) rules for the use of assets and facilities of a higher education institution for the purpose of commercialization of research and development findings, and for the provision of scientific and research services.

Article 87 ⁽¹⁸¹⁾

The status of hospitals which function as teaching and research facilities for medical higher education institutions or other higher education institutions conducting teaching and research in the medical sciences shall be regulated by legislation relating to health care activities.

Article 88

1. A higher education institution shall have a library which shall form the basis of an electronic information system. The organizational arrangements operational procedures for the library and electronic information system of the institution, including rules of access for persons other than staff, doctoral students or students of the institution, shall be laid down in the statutes.

2. The chief librarian shall be employed by the rector following consultation with the senate of the higher education institution concerned. The chief librarian in a university higher education institution shall be qualified to hold the positions listed in Article 113 or hold a degree.

3. A higher education institution shall have a library board functioning 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 electronic information system, a higher education institution may process the users' personal data as stipulated in its statutes.

5. The personal data set referred to in section 4 shall be exempt from the requirements 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 operation and associated 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 legislation²).

Chapter 4

Assets and Finances of Higher Education Institutions

Article 89

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

Article 90

1. The founding act of a public higher education institution shall record its assets or the body providing it with those assets.

² 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, No. 64, item 565 and No. 163, item 1362.

2. The assets referred to in section 1 which are provided to a higher education institution during its establishment shall include real estate transferred from resources of the State Treasury and local government. The assets accruing to a higher education institution established as a result of the merger of several such education institutions shall include real estate owned by the merging institutions; the merged institution may also be provided with real estate transferred from State Treasury and local government resources.

3. The State Treasury and local government authorities may provide higher education institutions with real estate pursuant to the procedures and rules laid down in the Act of 21 August 1997 on Real Estate Management (*Dziennik Ustaw* 2004, No. 261, item 2603, and No. 281, item 2782, and 2005, No. 130, item 1087).

4.⁽¹⁸²⁾ In conducting transactions involving fixed assets, within the meaning of the legislation on accounting and 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 legislation³); a public higher education institution shall require the consent of the minister competent for the State Treasury, whenever the market value of the asset involved exceeds the PLN equivalent of Euro 250,000, calculated on the basis of the mean exchange rate published by the National Bank of Poland on the date the request for consent is submitted. Any such request shall be supported by the consent granted by the senate of the institution concerned.

5. Following the discharge of its liabilities, the assets of a public higher education institution in liquidation shall become the property of either the State Treasury or of a local government authority, depending upon the origin of such assets, as specified in section 2. Decisions concerning the use of the assets of the liquidated public higher education institution shall be taken by the minister competent for higher

³ 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; 2004, No. 99, item 1001, No. 123, item 1291 and No. 273, item 2703; 2005, No. 169, item 1417 and No. 183, item 1538; 2006, No. 107, item 721; 2009, No. 157, item 1241 and No. 206, item 1590; 2010, No. 229, item 1496 and 2011, No. 34, item 171.

education or, in the case of a military higher education institution, public services higher education institution, higher education institution for the arts, medical higher education institution or higher education institution for maritime studies, the respective ministers referred to in Article 33, section 2.

6. The provisions 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.⁽¹⁸³⁾ (repealed)

Article 91

1. The activities of a higher education institution, as specified in Article 13, section 1, and Article 14, shall be exempt from income tax, value-added tax, property tax, agricultural tax, forestry tax and tax on civil law transactions, in compliance with the rules laid down in other Acts of Parliament.

2. A higher education institution shall be exempt from charges deriving from the perpetual usufruct of real estate in the ownership of the State Treasury, with the exception of charges determined in the legislation on the management of State-owned agricultural property.

Article 92⁽¹⁸⁴⁾

1. The statutory tasks of a public higher education institution shall be financed by State-budget grants, and may be additionally financed by its own revenues.

2. Revenues generated independently by public higher institutions shall be retained in separate banking accounts.

Article 93

1. State-budget expenditure apportioned to finance operations of public higher education institutions, allocated to remuneration, shall be annually index-linked by, at the minimum, the average annual rate of salary growth in the State budget sector as regulated in the annual budget act for a given budgetary year.

2. State-budget expenditure apportioned to finance operations of public higher education institutions not allocated to remuneration, shall be annually index-linked

by, at the minimum, the average annual growth rate of consumer prices as regulated in the annual budget act for a given budgetary year.

Article 94

1. A public higher education institution shall receive State-budget grants for:

- 1)⁽¹⁸⁵⁾ activities regarding the teaching of full-time students, including students referred to in Article 99, section 1a, with the exemption of teaching referred to in Article 99, section 1, subsection 1a, as well as the teaching of participants of full-time doctoral programmes and the training of research staff, and the renovation and maintenance of the institution's structures;
- 2) tasks of a military higher education institution regarding national defence;
- 3) tasks of a public services higher education institution regarding the safety and security of citizens;
- 4) tasks of a higher education institution for the arts regarding cultural activity, within the meaning of the legislation on the organization and pursuit of cultural activity;
- 5)⁽¹⁸⁶⁾ tasks of a higher education institution for maritime studies regarding the maintenance of training ships and specialist training centres for maritime staff;
- 6) tasks of a higher education institution training civil aviation personnel for the maintenance of training aircraft, as well as specialist training centres for other aviation staff;
- 7) tasks regarding non-refundable financial support for students as determined in Article 173, section 1, and for doctoral students as determined in Article 199, section 1;

8) ⁽¹⁸⁷⁾ tasks regarding medical services delivered as part of the training of full-time students in an academic unit of a medical higher education institution or other public higher education institutions wherein teaching and training is provided in the medical sciences under the direct supervision of academic staff qualified to exercise a medical profession relevant to the content of a given programme of study;

9) tasks regarding the provision of specialized postgraduate training for doctors, dentists, veterinary surgeons, pharmacists, nurses and midwives, and laboratory diagnosticians;

10) ⁽¹⁸⁸⁾ funding or co-funding of investments, including those which benefit students and doctoral students who are disabled persons, and which in particular are supported by the State budget, special-purpose State funds or the European Union development funds or from other foreign sources referred to in the Act of 6 December 2006 on Development Policy (*Dziennik Ustaw* No. 84, item 712 and No. 157, item 1241);

11) ⁽¹⁸⁹⁾ tasks regarding the provision of appropriate conditions for the full participation in the process of learning by students and doctoral students who are disabled persons.

2. A public higher education institution may use the grants for financial support for students and doctoral students referred to in section 1, subsection 7, to contribute to the renovation of student halls of residence and cafeterias.

3. The grants referred to in section 1 shall be given from that part of the State budget which is administered by the minister competent for higher education, whereas:

1) grants referred to in section 1, subsections 1, 2 and 10 for a military higher education institution shall be given from that part which is administered by the Minister of National Defence, with the proviso that the grant referred to in section 1, subsection 1, relates to the teaching of full-

time students and full-time doctoral students, including serving or candidate military personnel;

2) grants referred to in section 1, subsections 1, 3 and 7, 10 and 11, for a public services higher education institution, shall be given from that part which is administered by the minister competent for internal affairs;

3) grants referred to in section 1, subsections 1, 4, 7, 10 and 11, for a higher education institution for the arts shall be given from that part which is administered by the minister competent for culture and national heritage;

4) grants referred to in section 1, subsections 1, 5, 7, 10 and 11, for a higher education institution for maritime studies, shall be given from that part which is administered by the minister competent for maritime economy;

5) grants referred to in section 1, subsection 6 for a higher education institution training aviation personnel for civil aviation, shall be given from that part which is administered by the minister competent for transport;

6)⁽¹⁹⁰⁾ grants referred to in section 1, subsections 1 and subsections 7 to 11, for a medical higher education institution or another public higher education institution which has established or operates a health-care entity operating a hospital, in that part which refers to organizational units of the higher education institution conducting teaching and research in medical sciences, shall be given from that part which is administered by the minister for health.

4. A non-public higher education institution shall be given a grant for tasks regarding non-refundable financial support for students as determined in Article 173, section 1, and for doctoral students, in Article 199, section 1.

4a. ⁽¹⁹¹⁾ A non-public higher education institution shall be given a grant for the provision of appropriate conditions for the full participation in the process of learning by students and doctoral students who are disabled persons.

5. A non-public higher education institution which complies with the requirements laid down in legislation pursuant to Article 95, section 1, may be given:

- 1) grants to cover part of the fees paid by full-time students and participants in full-time doctoral programmes;
- 2)⁽¹⁹²⁾ grants contributing towards the costs of the tasks described in section 1, subsections 1, 2, 4 and 5 and subsections 8 to 11.

6.⁽¹⁹³⁾ A higher education institution may be given other funds from the State budget or from the budgets of local authorities and their associations, whereas purpose-specific grants may be allocated also from the budgets of local authorities and their associations for tasks referred to in section 1, provided that such funds support tasks of the given local authority.

7. The provisions of sections 3, 4 and 5 shall apply accordingly to an association of higher education institutions.

Article 94a⁽¹⁹⁴⁾

Grants for the tasks referred to in Article 94, section 1, subsection 7, and for doctoral students in academic units, as specified in Article 199, section 1, shall be given from that part of the State budget which is administered by the minister competent for higher education.

Article 94b

1.⁽¹⁹⁵⁾ The State budget shall designate an entity-specific grant for the promotion of excellence, which shall be allocated to:

1) supporting academic units with the status of a KNOW, including the allocation for a financial allowance to supplement employee remuneration, and for special scholarships for students and for full-time doctoral students;

2) supporting academic units which have been adjudged 'commendable' by the Committee on the quality of programme delivery, as referred to in Article 49, section 1, subsection 2, and subsection 5.

3) supporting academic units of higher education institutions in the implementation of programmes enhancing the quality of learning, and of the National Qualifications Framework;

4) financing tasks regarding the provision of full-time doctoral programmes offered in non-public higher education institutions, whereas any such grants shall not be given if:

a) a valid decision has been given within the last five years on the withdrawal of authorization for the provision of a programme in a field of study by a higher education institution, or

b) the financial stability of a higher education institution is under threat;

5) financing of increased-level doctoral scholarships referred to in Article 200a, available to a maximum 30% of all doctoral students in public and non-public higher education institutions.

2. The tasks specified in section 1, subsection 3, shall be financed through competitive procedures.

3. State budget expenditure designated for the grant referred to in section 1 shall be given from that part of the State budget which is administered by the minister competent for higher education.

Article 94c⁽¹⁹⁶⁾

Financial resources designated for the tasks specified in Article 94, section 1, subsections 1 to 9 and 11, and Article 94b, section 1, shall be provided as an entity-specific grant whereas funds for the financing or co-financing of investments, including the procurement of fixed assets for the provision of teaching and training students and doctoral students who are disabled persons, as specified in article 94, section 1, subsection 10, shall be given as a purpose-specific grant.

Article 95

1. ⁽¹⁹⁷⁾ Requirements and procedures for applications by non-public higher education institutions for the grants referred to in Article 94, and the method of monitoring their use with regard being given to the quality of education provided, the number of academic staff for whom the institution constitutes the primary place of employment, the number of active full-time students and full-time doctoral students at the institution, as well as the institution's own funds invested in the development of its facilities, and achievements of the institution in the area of teaching, shall be specified, by regulation, by the minister competent for higher education.

2. The grants referred to in Article 94, sections 1, 4 and 5, shall be given by the minister competent for higher education who shall specify their amount and purpose. The grants referred to in Article 94, section 3 shall be given by the competent minister referred to in Article 94, section 3 who shall also specify their amount and purpose.

3. ⁽¹⁹⁸⁾ (repealed)

Article 96 ⁽¹⁹⁹⁾

1. The minister competent for higher education shall specify by regulation:

1) method and procedure for establishing a funding formula for full-time degree programmes of the first and second cycle provided in each field and area of study, as well as a funding formula for full-time doctoral programmes in each scientific discipline, with consideration being given to the conditions necessary for the provision of such programmes;

- 2) rules for the distribution of the grants referred to in Article 94, section 1, subsection 7 and section 4, and Article 94a, with particular consideration being given to the number of students and doctoral students in difficult material circumstances, as well the number of students and doctoral students who are disabled persons;
- 3) procedures for allocating, and the rules and procedures of accounting for the grants referred to in Article 94, section 1, subsection 10,

- while aiming to ensure efficiency in the use of public funding and considering the provision of an appropriate quality of education.

2. Upon consultation with the Minister of National Defence and the ministers competent for internal affairs, health, culture and national heritage as well for maritime economy, the minister competent for higher education shall specify, by regulation, the mechanism for the distribution of the grants referred to in Article 94, section 1, subsections 1 to 6, 8, 9 and 11, and section 4a, while having particular regard to:

- 1) in the case of tasks referred to in Article 94, section 1, subsection 1 - formulaic allocations for full-time degree and doctoral programmes in each scientific discipline, as well as the quality of education and the number of active full-time students including doctoral students;

- 2) in the case of tasks referred to in Article 94, section 1, subsection 11, and section 4a – the data on the number of students who are disabled persons,

- while aiming to ensure efficiency in the use of public funding.

Article 96a ⁽²⁰⁰⁾

The minister competent for higher education shall determine, by regulation, the method and procedure for the distribution of the grants for the promotion of excellence, referred to in Article 94b, section 1, while having regard to:

- 1) in the case of tasks referred to in Article 94b, section 1, subsection 1 - the possibility of providing funding for a period of five years, with a

possible extension for a consecutive period of five years, while taking into account the number of staff including academic teachers, doctoral students and students active in academic units with the status of a KNOW;

2) in the case of tasks referred to in Article 94b, section 1, subsection 2 – the possibility of providing funding to no more than twenty-five academic units of a higher education institution over a period of three years while taking into account the number of academic staff, students and doctoral students active in academic units with the status of a KNOW;

3) in the case of tasks referred to in Article 94b, section 1, subsection 3 – the enhancement of the quality of learning as well as organizational and programme restructuring conducted in compliance with the National Qualifications Framework;

4) in the case of tasks referred to in Article 94b, section 1, subsection 4 – data on the numbers of full-time doctoral students, judgements received as a result of an academic review of degree programmes conducted by the Committee, while taking into account the withdrawal of funding in the eventuality of a no-confidence judgement being awarded to a non-public higher education institution or any of its academic units;

5) in the case of tasks referred to in Article 94b, section 1, subsection 5 – the possibility of increased-level doctoral scholarships,

- while having regard to the quality of scientific research and teaching as well as their international competitiveness.

Article 97 ⁽²⁰¹⁾

The rules and procedures for funding research and development work carried out in a higher education institution, and eligibility for finance from the funds designated in the State budget for research, are laid down in the Act of 30 April 2010 on public funding of science (*Dziennik Ustaw* No. 96, item 615).

Article 98

1. The revenues of a public higher education institution shall in particular include:

- 1)⁽²⁰²⁾ State-budget grants referred to in Article 94, section 1, subsections 1 to 6 and 8, 9 and 11, and Article 94b,
- 2) State-budget funds for research referred to in the Act mentioned in Article 97,
- 3)⁽²⁰³⁾ fees charged for educational services, referred to in Article 99, section 1, subsection 1a, as well as for part-time degree and doctoral programmes, and for artistic services provided by higher education institutions for the arts,
- 4) income derived from student admission,
- 5) income derived from payments for the issue of diplomas, certificates and other documents related to academic progress,
- 6) income derived from fees for research and specialist services, specialist diagnostic services, rehabilitation or medical treatment, as well as licence fees and cultural activities,
- 7) income derived from economic activity,
- 8) income derived from shares and accrued interest,
- 9) income derived from the sale of the institution's own assets, as well as fees for the use of such assets on the basis of tenancy, leasing or other agreements with third persons,
- 10) income derived from gifts, inheritances, legacies and public donations,
- 11) non-refundable funds from international sources,
- 12) funds referred to in Article 94, section 6.

2.⁽²⁰⁴⁾ The minister competent for higher education shall determine, by regulation, the maximum level of the fees referred to in section 1, subsection 4, for an academic year, considering the specificity of degree programmes, including the necessity to set any tests necessary to assess a candidate's artistic aptitude or physical fitness.

3. Funds unused in any given year shall remain available to the higher education institution concerned.

Article 99 ⁽²⁰⁶⁾

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,
 - 1a) the teaching of full-time students following a second or consecutive full-time degree programme,
 - 1b) the teaching of full-time students attending courses falling outside the ECTS limit, as defined in Article 170a, section 2;
- 2) the repetition of specific courses within full-time degree and full-time doctoral programmes resulting from unsatisfactory learning outcomes,
- 3) the provision of programmes in a foreign language,
- 4) the provision of courses which are not included in a study programme,
- 5) the provision of non-degree postgraduate programmes and extension courses.

1a. Full-time students referred to in section 1, subsection

1a, shall not include:

- 1) graduates of first-cycle degree programmes who continue learning with a view to attaining the degree of *magister* or equivalent;
- 2) students referred to in Article 170a, sections 3 and 4, enrolled on second full-time degree programmes, free of tuition fees,
- 3) students enrolled on degree programmes referred to in Article 170b, section 1.

1b. In the case of simultaneous enrollment on multiple full-time degree programmes in a public high education institution, fees shall be chargeable for the second degree programme as selected by the student concerned, unless the

student is eligible to attend courses free of tuition fees, as referred to in Article 170a, sections 3 and 4, as well as for each consecutive degree programme.

2. The fee levels 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, 1a and 2, may not be greater than the costs incurred in introducing and delivering respectively the degree or doctoral programmes referred to in section 1, subsections 1 and 1a, by a given higher education institution, nor the cost of courses provided within degree and doctoral programmes referred to in section 1, subsection 2, with costs of development and implementation of a given institutional strategic development plan, in particular the academic staff development, as well as the development of teaching and research infrastructure including renovation and depreciation costs.

2a. Notification of fee levels for educational services referred to in section 1, and the level of costs incurred in relation to the provision of the said services shall be made available on the webpage of the higher education institution concerned.

3. The senate of a higher education institution shall determine rules for fee charges, which shall be binding upon the rector when concluding agreements with students referred to in Article 160, section 3, as well as the procedure for part or full waiver conditions for students and doctoral students, particularly for those demonstrating outstanding achievements in learning or in the cases of those with difficult material circumstances.

4. Rules for the charging of, and the fee levels in, a non-public higher education institution shall be determined by the body indicated in the statutes; however, fees for educational services relating to the provision of degree and doctoral programmes, and fees for repeating courses within degree and doctoral programmes, may not be greater than the costs incurred for introducing and delivering any such courses in the institution concerned, respectively for degree and doctoral programmes, as well as courses within degree and doctoral programmes, with the inclusion of the costs of development and implementation of the

institution's strategic development plan and in particular the development of academic staff, as well as teaching and research infrastructure, including depreciation and renovation costs.

Article 99a ⁽²⁰⁷⁾

Higher education institutions shall not charge fees for registration on a consecutive semester or year of study, for sitting and re-sitting examinations, including an examination before a board of examiners or degree examination, issuance of a practical placement register, submission and assessment of a degree thesis, or the issuance of a Diploma Supplement.

Article 100 ⁽²⁰⁸⁾

1. The operating costs of a public higher education institution, the discharge of its liabilities, funding for its development and any other needs shall be covered by the revenues referred to in Article 98, section 1.

2. A public higher education institution shall manage its financial affairs independently based upon a finance and operations plan in accordance with the legislation on public finance and accounting.

2a. A non-public higher education institution shall manage its financial affairs independently, based upon a finance and operations plan to be approved by the collegial body indicated in the statutes of the institution, and in accordance with the legislation on accounting, while state budget funds shall be managed also in accordance with the legislation on public finance.

3. Within fourteen days from its adoption, the finance and operations plan shall be forwarded:

- 1) by a public-higher education institution, to the supervising minister and the minister competent for public finance;
- 2) by a non-public higher education, institution to the minister competent for higher education.

Article 100a ⁽²⁰⁹⁾

1. A public higher education institution which over the period of the previous five years accrued net losses exceeding 25% of the state budget grant given for tasks referred to in Article 94, section 1, subsection 1, and received in the year preceding the current budgetary year, shall be obliged to produce a recovery programme.
2. A recovery programme shall be produced by a public higher institution not later than three months from the loss referred to in section 1 being established.
3. A recovery plan shall include measures aimed at re-establishing financial stability through balancing planned activity costs with the revenues specified in Article 98, section 1, to be completed within a period of three years from the date of the adoption of the recovery programme concerned.
4. The senate of a public higher education institution shall adopt a recovery programme and submit it to the supervising minister. The senate of a public higher education institution shall submit to the minister periodical reports on the progress of the recovery programme supported by the finance and operations report referred to in Article 35, section 2. The first such report shall be submitted in the calendar year following the year of adoption of the recovery programme concerned.
5. Should a public higher education institution fail to introduce a recovery programme in compliance with the provisions of sections 2 to 4, or should the assessment of the recovery process presented in periodical reports referred to in section 4, indicate a failure to meet expected targets, the minister supervising the institution concerned shall appoint for a period no longer than three years an acting-rector to be responsible for the tasks of producing and implementing a recovery programme.
6. On the date of the appointment of the acting-rector:

1) the serving rector of a public higher education institution shall be suspended from all responsibilities; during the period of suspension the rector shall not be eligible for the service allowance additional to his remuneration;

2) the activities of any collegial body operating in a public higher education institution relating to financial decision-making, including the responsibilities specified in Article 90, section 4, shall be suspended; any other responsibilities of the said collegial bodies shall remain in place;

3) the acting-rector in a public higher education institution shall become the chairperson of its senate.

7. The suspension referred to in section 6, subsections 1 and 2, shall not affect the term of office of the serving rector or any members of the institution's collegial bodies. In the case of the expiry of the rector's term of office during the acting-rector's period of appointment, no competitive procedures or elections shall be held for the post of rector for a consecutive term.

8. The minister competent for higher education shall determine by regulation the extent and procedure for the implementation of a recovery programme ensuring the re-establishment of financial stability, taking into consideration the level of indebtedness and the specificity of the higher education institution concerned.

Article 101

1. A public higher education institution shall establish:

- 1) capital fund,
- 2) other funds, as provided for in separate legislation.

1a. ⁽²¹⁰⁾ A higher education institution may establish a development fund.

2. ⁽²¹¹⁾ Any net profit shall be allocated to the capital fund, and in the case of the establishment of a development fund, any such funds may also be allocated thereto.

3. Any net loss shall be covered from the capital fund.

4. The annual financial report of a public higher education institution shall be subject to a certified audit.

Article 102

1. The capital fund of a public higher education institution shall correspond to the value of its assets.
2. Fixed and intangible assets of a public higher education institution, with the exception of premises and other buildings as well as all related infrastructure, shall be subject to depreciation pursuant to the rules laid down in separate legislation.
3. Premises and other buildings as well as related infrastructure may be written off.

Article 103

1. A higher education institution shall establish a financial support fund for students and doctoral students.

2⁽²¹²⁾ The fund referred to in section 1 shall be based upon:

- 1) the grant referred to in Article 94, section 1, subsection 7, and section 4, excluding funds for the minister's scholarship referred to in Article 173, section 1, subsection 4;
- 2) fees for accommodation in student halls of residence;
- 3) fees for meals in student cafeterias;
- 4) other income, including fees for the renting of premises for student halls of residence and cafeterias.

3⁽²¹³⁾ The portion of the financial support fund for students and doctoral students referred to in section 2, subsection 1 shall be allocated to grants, scholarships and assistance grants, and in the case of a public higher education institution, also for the renovation of student halls of residence and cafeterias. The funding allocated for the financial support of doctoral students shall be in proportion to the number of

doctoral students relative to the overall number of students and shall not exceed 6% of the fund specified in section 2, subsection 1.

4. The portion of the financial support fund for students and doctoral students referred to in section 2, subsections 2 to 4, shall cover maintenance costs of student halls of residence and cafeterias, and in the case of a public higher education institution, also the remuneration of employees active in those halls of residence and cafeterias as well as provisions for the institutional employee welfare benefit fund referred to in Article 157.

5. The portion of the financial support fund for students and doctoral students referred to in section 2, subsections 2 to 4, may also be allocated for grants, scholarships and assistance grants, and for the renovation and upgrading of student halls of residence and cafeterias.

6. A part of the financial support fund for students and doctoral students, while not exceeding in a given budgetary year 0.2% of the grant referred to in Article 94, section 1, subsection 7, and section 4, may be allocated to cover costs related to the award and payment of grants, scholarships and assistance grants for students and doctoral students.

7. Any unspent monies remaining in a given budgetary year in the financial support fund for students and doctoral students, received from the budgetary source referred to in section 2, subsection 1, shall be carried over to the next year to be used for the purposes specified in section 3, while any unspent monies from the sources referred to in section 2, subsections 2 to 4, shall be used for the purposes specified 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 allocating funds other than those referred to in Article 94, sections 1 and 6. Scholarships from any such fund may be awarded without regard to the grants and scholarships referred to in Article 173, section 1, and Article 199, section 1, if such provisions are laid down in the statutes.

2. Scholarships referred to in section 1 shall be awarded to students and doctoral students in consultation with the executive body of the self-governing students' union as indicated in the regulations of the students' union or respectively with the executive body of the self-governing doctoral students' union as indicated in the regulations of the doctoral students' union .

Article 105

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

- 1) rules for the drawing up of a finance and operations plan;
- 2) rules for the establishment of funds and adjustment of funding levels;
- 3) rules for cost accounting;
- 4) the method of adjusting the rules of financial operations hitherto applied in higher education institutions in order to satisfy the provisions of this Act.

Article 106

The undertaking by higher education institutions of teaching, scientific research and experimentation, artistic, sporting, diagnostic, medical treatment and rehabilitation activities, 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, with further amendments⁴).

⁴ 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.

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 be:

- 1) research-teaching staff,
- 2) teaching staff,
- 3) research staff,
- 4) qualified librarians, qualified archive and electronic information system staff.

Article 109

1. Academic staff may be persons who:
 - 1) are qualified in accordance with the provision of this Act;
 - 2) have full legal capacity;
 - 3) have not been convicted of an intentional offence by a court judgement having the force of *res judicata*;
 - 4) have not been subject to a disciplinary penalty, referred to in Article 140, section 1, subsection 4;
 - 5) enjoy full rights of citizenship
2. ⁽²¹⁴⁾ (repealed)
3. Employment of a non-national as an academic staff member in a higher education institution shall not require the permission or consent of an employment

authority. Assigning to a non-national other paid work with regard to tasks specified in Article 111 also shall not require any permission or consent.

3a. ⁽²¹⁵⁾ When employing persons referred to in section 3, or Polish nationals who in another country have been awarded an academic, arts or other degree, a derogation may be made from the requirements laid down in Article 144.

4. A person referred to in section 3 shall be obliged to participate in the State social security and health insurance system, and shall be eligible to entitlements provided for in this Act as well as to other entitlements in accordance with the rules applicable to Polish nationals who are employed under a contract of employment.

Article 110

1. Research-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.*

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. ²¹⁶⁾ (repealed)

Article 111 ⁽²¹⁷⁾

1. Research-teaching staff shall be required to:

- 1) teach and mentor students, and provide academic and methodological supervision of student formative and summative assignments and the elaboration of degree theses.

- 2) undertake research and development work, and actively advance their scientific or artistic output;
 - 3) participate in the discharge of organizational tasks within the higher education institution.
2. Duties of research staff shall be specified in section 1, subsections 2 and 3.
3. The duties of academic staff holding the academic title of *profesor* or the degree of *doktor habilitowany* shall also include the development of research staff.
4. Teaching staff shall be required to:
- 1) teach and mentor students, and provide academic and methodological supervision of student formative and summative assignments and the elaboration of degree theses;
 - 2) further develop their professional competencies;
 - 3) participate in the discharge of organizational tasks within the higher education institution.
5. Academic staff employed in a non-university higher education institution may undertake research work. The conditions for such work shall be determined by the collegial body of the institution indicated in the statutes.

Article 112

1. ⁽²¹⁸⁾ Academic staff employed in a medical higher education institution, or another higher education institution conducting activities in the field of medical sciences, shall be engaged in the provision of health care by undertaking teaching and research tasks to be combined with medical services delivered in organizational units dedicated to teaching and research tasks which have been made available to such higher education institutions in accordance with the provisions of the legislation on health care institutions.
2. ⁽²¹⁹⁾ Academic staff delivering health care services referred to in section 1, shall be engaged under a separate agreement concluded with the provider of health care services to the units referred to in section 1.

3. The provisions of sections 1 and 2 shall apply accordingly to academic units of public higher education institutions active in the area of veterinary sciences.

Article 112a ⁽²²⁰⁾

1. Academic staff members shall submit a written statement requesting that they be included in the minimum core staff necessary in a selected academic unit for the provision in a specific field of study of a long-cycle degree programme or first- and second-cycle programmes, or respectively for only a first-cycle or only a second-cycle programme.

2. Academic staff members may submit to an academic unit of a given higher education institution or to an academic unit of another higher education institution only one additional statement requesting to be included in the minimum core staff necessary for the provision of a first cycle programme in one field of study.

3. The statements referred to in sections 1 and 2 shall be submitted prior to the commencement of an academic year, not later, however, than 30 June of the preceding academic year.

Article 113

1. Qualified librarians and qualified archive and electronic information system 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 held by a person with the academic title of *profesor*.

2. The position of *profesor nadzwyczajny* may held by a person with the degree of *doktor habilitowany* or the academic title of *profesor*.

3. The position of *profesor wizytujący* may be held by a person with the degree of *doktor habilitowany* or the academic title of *profesor*, employed in another higher education institution, subject to Article 115, section 3.
4. The position of *profesor nadzwyczajny* in a higher education institution for maritime studies may also be held by a person with the degree of *doktor* or the highest naval rank.
5. The position of *adiunkt* may be held by a person with at least the academic degree of *doktor*.
6. The position of *asystent* may be held by a person with at least the degree of *magister* or equivalent.
7. The teaching staff positions referred to in Article 110, section 2, may be held by persons with the degree of *magister* or equivalent.
8. ⁽²²¹⁾ (repealed)

Article 115

1. The position of *profesor nadzwyczajny* or *profesor wizytujący* may be held by a person who, while not in compliance with the requirements laid down in Article 114, sections 2 and 3 respectively, holds the academic degree of *doktor* and has demonstrated outstanding and original achievements in research, professional or artistic activity, attested in accordance with the procedure laid down in the statutes.
2. ⁽²²²⁾ (repealed)
3. ⁽²²⁴⁾ In a military higher education institution the position of *profesor wizytujący* may be held by a person with the minimum rank of Brigadier General or Rear Admiral.
- 3a. ⁽²²⁴⁾ In a public services higher education institution the position of *profesor wizytujący* may be held by a person holding a minimum rank in the relevant service equivalent to Brigadier General
4. ⁽²²⁵⁾ (repealed)
5. ⁽²²⁵⁾ (repealed)

Article 116

Additional requirements and professional qualifications for persons employed in the positions referred to in Article 110, may be determined in the statutes of the higher education institutions concerned.

Article 117

The minister competent for higher education shall specify by regulation:

1) the requirements to be fulfilled by candidates for the positions of *bibliotekarz dyplomowany* (qualified librarian) and *dyplomowany pracownik dokumentacji I informacji naukowej* (qualified archive and electronic information staff member), including in particular requirements concerning their qualifications, period of service and research achievements, being the prerequisite for admission to the selection procedure, and for the requirements for any exemption;

2) the method and administrative arrangements for the selection procedure constituting the basis for the award of *bibliotekarz dyplomowany* or the award of *dyplomowany pracownik dokumentacji i informacji naukowej*, including the procedure for the appointment and operation of an examination board;

3) the requirements for the promotion of *bibliotekarz dyplomowany* or *dyplomowany pracownik dokumentacji i informacji naukowej*, including the requirements qualifying for professional advancement, a list of career specialization areas and their thematic scope;

4) a specimen certificate attesting to the professional qualifications, considering the need for the inclusion of all data confirming the acquired professional qualifications,

– while having particular regard to the efficient operation of the library and electronic information system of a higher education institution.

Chapter 2

Employment Relationship of Employees of Higher Education Institutions

Article 118

1. ⁽²²⁷⁾ The employment relationship of academic staff shall be founded on the basis of an appointment or a contract of employment. Only academic staff who hold the academic title of *profesor* shall be employed by appointment. Employment by appointment shall be 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 compliance 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. ²²⁸⁾ (repealed)
5. Serving military personnel in a military higher education institution shall be nominated to academic staff positions in accordance with the rules and procedures laid down in the legislation on the military service of military personnel, and in compliance with the provisions of Articles 114 to 116.
6. Officials in a public services higher education institution shall be nominated to an academic staff position in accordance with the rules and procedures laid down in

the legislation concerning the relevant service, and in compliance with the provisions of this Act.

7. ⁽²²⁹⁾ A direct supervisor or subordinate relationship may not exist between members of academic staff employed at the same higher education institution as their spouses, their adopted children, their relatives by blood or marriage up to the second degree or persons for whom members of staff have the right to exercise wardship or guardianship. This shall not apply to persons who hold the office of single-person authorities of higher education institutions and who, under the provisions of this Act, shall be elected by ballot.

Article 118a ⁽²³⁰⁾

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1. Academic staff employed in public higher education institutions in positions referred to in Article 110 on a part-time basis with a minimum 50% of full-time working hours, for a fixed or indefinite period, shall be selected by an open competitive procedure. The conditions and procedures for the conduct of such a competition shall be laid down in the statutes.

2. The competitive procedures referred to in section 1 and in Article 72, section 1, Article 75, section 1 and Article 76, section 1 shall be advertised on the internet webpages of appropriate higher education institutions, of offices providing administrative support services to the minister competent for higher education and the relevant minister supervising those institutions as well as on the internet webpages of the European Commission devoted to the mobility of scientists and the advertising of research positions.

3. An academic staff member who has attained the age of retirement may be re-employed in the pre-retirement position at a given higher education institution without the conduct of a competitive procedure.

Article 119

1. A letter of appointment 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) nature of the work,
- 2) place of work,
- 3) information as to whether the higher education institution is the place of primary employment within the meaning of this Act,
- 4) remuneration appropriate to the nature of the work, including remuneration components,
- 5) working hours
- 6) starting date of employment.

2. The establishment an employment relationship on the basis of an appointment shall be contingent upon the academic staff member submitting a written statement declaring that the given 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 an *asystent* for a person who does not hold the degree of *doktor* and the period of employment in the position of an *adiunkt* for a person who does not hold the 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. ⁽²³¹⁾ (repealed)
2. An appointment shall be for an indefinite or for a fixed period of time.
3. ⁽²³²⁾ (repealed)
4. The appointment of a rector of a public higher education institution to the position of *profesor zwyczajny* or *profesor nadzwyczajny* shall be made by the minister competent 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 competent for higher education as specified by section 4 concerning military higher education institutions, public services higher education institutions, higher education institutions for the arts, medical higher education institutions and higher education institutions for maritime studies shall be exercised respectively by the ministers referred to in Article 33, section 2.

Article 122

1. At the request of academic staff, the rector shall issue staff identity cards.
2. A fee 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 production costs of the document. Such fees shall constitute revenue to the higher education institution.
3. The minister competent for higher education shall determine, by regulation, a specimen staff identity card and the procedure for issuing such cards as referred to in section 1, considering the need for employed staff to confirm their identity as academic staff members.

Article 123

1. The employment relationship with appointed academic staff may be terminated:
 - 1) by mutual agreement,
 - 2) with notice of termination given by either of the parties,
 - 3) without notice of termination.
2. The termination with notice of an employment relationship with appointed academic staff 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 serving military personnel shall be dismissed from their position in compliance with the rules and procedures laid down in the legislation on the service of military personnel.
4. In a public services higher education institution, an employment relationship with appointed academic staff who are officials of a public service shall be terminated in compliance with the rules and procedures laid down in the legislation concerning the respective service, and in accordance with the provisions of this Act.

Article 124 ⁽²³³⁾

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

- 1) temporary incapacity due to illness, if the period of incapacity exceeds the period covered by sick leave benefit or, if that period exceeds two years, if an authorised doctor establishes that an improvement in the state of health allows for the return to work of the academic staff member concerned;
- 2) proceedings being instigated to liquidate the higher education institution concerned;
- 3) an academic staff member receiving a negative assessment in the performance appraisal referred to in Article 132;
- 4) an academic staff member undertaking supplementary employment without the consent of the rector, as referred to in Article 129, sections 1 and 10.

2. The rector shall terminate an employment relationship with appointed academic staff when in receipt of two successive negative assessments in the performance appraisal, as referred to in Article 132.

Article 125 ⁽²³⁴⁾

The employment relationship with appointed academic staff may also be terminated on other compelling grounds upon the consultation with the collegial body indicated in the statutes of the higher education institution concerned.

Article 126

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

- 1) permanent incapacity to work in the position held, attested by a certificate from a medical examiner within the meaning of the legislation on pensions

and social security benefits from the Social Security Fund, provided employment in another position suitable for their state of health and professional qualifications is not possible, or if the academic staff member concerned refuses to be transferred to such a position;

2) failure of an academic staff member to provide within a specified time limit a certificate confirming their capacity for work in the position held, issued by a doctor responsible for periodic or follow-up medical examinations;

3) an academic staff member who has committed:

a) an act referred to in Article 115 of the Act of 4 February 1994 on Copyright and Related Rights (*Dziennik Ustaw* 2000, No. 80, item 904, as amended by subsequent legislation⁵) which has been the subject of a court judgement having the force of *res judicata*;

b) the following acts confirmed by the valid judgement of a disciplinary committee:

- appropriating the authorship, or misleading others as regards the authorship, of the entirety or a part of another person's work or artistic performance;
- disseminating without identifying the creator's name or pseudonym the original or a derivative version of a work;
- disseminating without identifying the creator's name or pseudonym the original or a derivative version of another person's artistic performance or distorting such work, an artistic performance, phonogram, videogram or broadcast.
- infringing another person's copyright or related rights in any other manner;

⁵

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.

- falsifying research or research findings, or any other academic fraud;
 - committing any other academic fraud;
- 4) an academic staff member who has been convicted of an intentional offence by a court judgement having the force of *res judicata*.

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 court judgement having the force of *res judicata* depriving an academic staff member of civil rights;
- 3) a valid disciplinary penalty depriving an academic staff member of the right to exercise the profession of an academic teacher, permanently or for a fixed period of time;
- 4) a valid penal measure prohibiting an academic staff member from holding a specific position if the said judgement concerns the discharged of the duties of an academic teacher;
- 5) the expiry of a three-month period of absence from work due to being the subject of a detention order;
- 6) an academic staff member serving a sentence of imprisonment or being subject to a restriction on personal liberty;
- 7) the expiry of the appointment period;
- 8) the death of the academic staff member.

2. ⁽²³⁵⁾ The employment relationship of appointed academic staff in a public higher education institution shall expire at the end of the academic year in which they attain the age of sixty-five. The employment relationship of appointed academic staff holding the academic title of *profesor* and employed at a public higher education institution in the position of *profesor nadzwyczajny* or *profesor zwyczajny* shall expire at the end of the academic year in which they attain the age of seventy.

3. The expiry of the employment relationship shall be confirmed by the rector.

4. The employment relationship of appointed academic staff holding the office of rector shall be restructured at the end of the academic year in which they attain the age of seventy as an employment relationship based on a contract of employment for the period remaining until the end of the term of office.

Article 128 ⁽²³⁶⁾

The termination or expiry of academic staff contracts of employment shall be effected in compliance with the rules laid down in the Act of 26 June 1974, The Labour Code, with the termination of an employment relationship with notice having effect at the end of a semester.

2. The rector may terminate with notice an employment relationship based on a contract of employment with academic staff also in the case specified in Article 124, section 2, subsection 3.

Article 129 ⁽²³⁷⁾

1. Academic staff employed in a public higher education institution may undertake or continue an employment relationship with one supplementary employer which conducts, teaching or research activities.

In order to undertake or continue an employment relationship with a supplementary employer, academic staff shall require the consent of the rector.

Supplementary employment undertaken or continued by academic staff without the consent of the rector shall provide the basis for the termination of the employment relationship, with notice, with the public higher education institution which is the place of their primary employment.

2. Should teaching or research services provided by academic staff to another employer diminish the capacity of a given higher education institution to discharge its functions effectively, or should it involve the use of the institution's technical infrastructure and facilities, the rector shall deny the consent referred to in section 1.

3. Academic staff shall inform the rector of the higher education institution which constitutes their primary place of employment of any economic activity they conduct.

4. The provisions of section 1 shall not apply to academic staff undertaking employment on the basis of contracts of employment in:

- 1) public offices referred to in Article 1, section 1 and section 2, subsections 1, 2 and 4a of the Act of 16 September 1982 on the employees of public offices (*Dziennik Ustaw* 2001, No. 86, item 953, as amended by subsequent legislation⁶);
- 2) authorities of learned societies and professional associations,
- 3) bodies of judicial authorities,
- 4) cultural institutions,
- 5) authorities of the Polish Academy of Sciences and The Polish Academy of Arts and Sciences,
- 6) boards of appeal within the higher education sector

5. In order to undertake or continue supplementary employment under a contract of employment, academic staff who are single-person authorities in a public higher education institution shall require the consent of the collegial body of the institution indicated in the statutes. The consent shall be given for the duration of the term of office. In the case of the appointment of academic staff to the office of a single-person authority for a consecutive term of office, the duration of such consent shall be extended by four months.

6. The consent to a request to undertake or continue the supplementary employment, referred to in section 1, shall be given within two months of the date of its delivery, and in the case of the consent referred to in section 5, within two months of the starting date of the term of office of the single-person authority.

⁶ 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; 2005, No. 10, item 71 and No. 169, item 1417; 2006, No. 45, item 319, No. 170, item 1218, No. 218, item 1592 and No. 220, item 1600; 2007, No. 89, item 589; 2008, No. 157, item 976 and No. 227, item 1505; 2010, No. 165, item 1118, No. 182, item 1228 and No. 229, item 1494 and 2011, No. 82, item 451.

7. Should a competent collegial body deny its consent to academic staff to continue supplementary employment, under a contract of employment, the staff concerned shall be obliged to cease such employment within a period of four months from the date of the receipt of the denial. Failure to cease such supplementary employment shall result in the expiry of the mandate of the single person-authority in a public higher education institution.

8. The termination with notice of the employment relationship referred to in section 1 shall take effect at the end of the month following the month in which the fact of continued supplementary employment came to the notice of the rector or, with regard to the rector of a military higher education institution, public services higher education institution, higher education institution for the arts, medical higher education institution and higher education institution for maritime studies, to the notice respectively of the minister referred to in Article 33, section 2, subject to the provisions of Article 128, section 1. The expiry of the mandate, referred to in section 7, shall take effect on the date upon which the fact of the failure to cease supplementary employment is established.

9. The termination of the employment relationship with notice and the expiry of the mandate referred to in sections 1 and 7, respectively, shall be effected or confirmed by the rector or, where the case involves a rector of a public higher education institution, upon the request of the senate, the said termination shall be effected by the minister competent for higher education or, in the case of a rector of a military higher education institution, government service higher education institution, higher education institution for the arts, medical higher education institution and higher education institution for maritime studies, by the respective minister referred to in Article 33, section 2.

10. Serving military personnel holding the position of academic staff at military higher education institutions shall request the consent referred to in section 1 in compliance with the procedure laid down in the legislation on military service . Undertaking supplementary employment under a contract of employment with another employer without prior consent shall result in the rector requesting the

dismissal of the person concerned from the position of an academic staff member, in compliance with the provisions of the legislation on military service.

11. Unless their statutes provide otherwise, the provisions of sections 1 to 8 shall apply accordingly to non-public higher education institutions. The termination of the employment relationship, with notice, and the expiry of the mandate with concerning the rector of a non-public higher education institution shall be effected or confirmed by the founder. Provisions of Article 128, section 1 shall apply to the termination of the employment relationship.

12. In the case of academic staff undertaking supplementary employment in another higher education institution, scientific institute or subsidiary research unit of the Polish Academy of Sciences, a research institute or international scientific institute established under separate legislation and active on the territory of the Republic of Poland, the rector of the higher education institution or the director of the institute concerned shall be obliged to advise the minister competent for higher education of such facts within a period of fourteen days. Such advice shall include details of the academic unit of the new higher education institution or the institute where the academic staff undertook supplementary employment.

Article 129a ⁽²³⁸⁾

1. The minister competent for higher education shall maintain a central register of academic staff and research staff.
2. The central register of academic staff and research staff shall include the following details:
 - 1) name and surname of academic staff and research staff,
 - 2) PESEL numbers, or if such numbers are not available, the number of any document testifying to the identity of their holder, any professional or academic title, and degree,
 - 3) information on their primary and supplementary place of employment,
 - 4) if a person is a member of the minimum core staff required.

3. The details specified in section 2 shall be forwarded to the minister by higher education institutions, scientific institutes and subsidiary research units of the Polish Academy of Sciences, research institutes, state organizational units conducting scientific and research and development activities which are subordinate to the Minister of Justice, as well as international scientific institutes established under separate legislation and active on the territory of the Republic of Poland.

4. Access to the details recorded in the central register of academic staff and research staff shall be available to the competent ministers as specified in Article 33, section 2, directors of institutes and state organizational units which are subordinate to the Minister of Justice, referred to in section 3, as well as bodies of the Degrees and Titles Committee, the Council and the Committee.

5. The Minister competent for higher education shall determine by regulation:

- 1) manner of maintaining the central register,
 - 2) schedule within which higher education institutions and institutes, referred to in section 3, are obliged to transfer the specified details,
 - 3) detailed manner and method for providing access to the register,
- while considering the need to assure proper conduct of human resources policy at higher education institutions .

Article 130

1. ⁽²³⁹⁾ The working hours of academic staff members shall be determined by the responsibilities and duties of their teaching, research and administrative tasks.

2. The rules for determining the responsibilities and duties of academic staff, the particular types of courses to be taught within such duties, including the workload 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-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. ⁽²⁴⁰⁾ The rector may reduce the teaching load to a level below the lower limit determined in compliance with section 3 when assigning to academic staff significant tasks or the implementation of research projects or other undertakings which are provided for in the statutes.
5. The particular responsibilities and duties, and the workload of academic staff, shall be determined by the head of the academic unit indicated in the statutes.
6. Courses may also be taught outside a given higher education institution, in particular in a lower secondary or upper secondary school administered by the higher education institution concerned, in compliance with the rules laid down by the senate.
7. The mandatory workload of the staff referred to in Article 113 as well as that of the library staff and archive and electronic information systems staff employed in the positions of *kustosz biblioteczny*, *starszy bibliotekarz* and *starszy dokumentalista* shall be 36 hours per week.
8. For the staff referred to in Article 113, as well as for the library staff and archive and electronic information systems staff employed in the positions of *kustosz biblioteczny*, *starszy bibliotekarz* and *starszy dokumentalista*, the statutes of a non-public higher education institution may stipulate teaching loads and total workloads other than those determined in sections 3 and 7

Article 131

1. ⁽²⁴¹⁾ In specific cases wherein the need to complete a programme of study makes it necessary to exceed the teaching loads determined in accordance with Article 130, sections 3 and 4, academic staff may be obliged to teach on an overtime basis, however, for not more than one quarter of the regular teaching load for research-teaching staff or one half of the load for teaching staff, respectively.

2. Academic staff, with their consent, may be assigned to conduct teaching which exceeds the overtime hours determined in section 1. The rules and procedures for such assignments shall be laid down by the senate.

3. Academic staff during pregnancy, or when taking care of a child under the age of one, may not be assigned overtime duties without their prior consent.

Article 132 ⁽²⁴²⁾

1. The performance of all academic staff shall be subject to periodical appraisal, in particular with regard to the proper discharge of their duties referred to in Article 111 and respect for copyright and related rights, as well as industrial property rights.

2. Performance appraisal shall be conducted at least every four years by the entity indicated in the statutes or at the request of the head of the academic unit in which an academic staff member is employed. An academic staff member holding the academic title of *profesor* who has been appointed to their position, shall be appraised at least every four years. The criteria and procedures for the conduct of the performance appraisal shall be laid down in the statutes while allowing for the opinion of outside experts to be sought.

3. When conducting the appraisal of an academic staff member with regard to the discharge of their teaching duties, the entity referred to in section 2 shall include in its consideration the assessment provided by students and doctoral students at the completion of a course of study. The rules for the conduct and use of such an assessment shall be laid down in the statutes of a higher education institution.

4. The period referred to in section 2 shall not include periods of absence from work due to maternity leave, child care leave or healthcare leave, and a period of military service or substitute military service.

Article 133

1. Academic staff shall be entitled to paid annual leave amounting to thirty six working days. Annual leave is to be taken during the periods which are free of teaching duties.
2. Academic staff shall acquire entitlement to their first annual leave on the last day preceding the academic summer break, and to their second and subsequent leave at the beginning of each successive calendar year.
3. In the following cases the annual leave entitlement of academic staff shall be proportionate to their period of employment:
 - 1) employment commences during a calendar year,
 - 2) employment relationship ceases during a calendar year,
 - 3) return to work following a period of unpaid leave, childcare leave or healthcare leave.
4. Part-time academic staff shall be entitled to paid annual leave calculated on a *pro rata* basis in compliance with the terms and conditions of their employment.
5. In the case of annual leave entitlement not being taken due to the termination or expiry of the employment relationship, academic staff shall be entitled to financial compensation for the period of untaken leave.
6. Non-working days each week, resulting from a scheduled five-day working week, shall not count towards the period of paid leave.
7. ⁽²⁴³⁾ The procedure for granting annual leave shall be laid down by the senate or the body indicated in the statutes.

Article 134

1. Following any seven-year period of employment in a given higher education institution, appointed academic staff may be granted paid sabbatical leave for scientific pursuits amounting to a maximum one year.
2. ⁽²⁴⁴⁾ (repealed)
3. Academic staff may be granted a maximum three months paid leave for the preparation of a doctoral thesis.
4. With the consent of the rector, academic staff may be granted unpaid leave for research activities.
5. Following any five-year period of employment at a given higher education institution, full-time academic staff shall be entitled to paid healthcare leave

amounting to a maximum six consecutive months if, the state of their health necessitates that they cease working for the purpose of undergoing prescribed treatment. The total duration of healthcare leave over the entire period of employment of academic staff may not exceed two years.

6. The minister for health, in consultation with the minister competent for higher education, shall lay down, by regulation, the procedure for certifying academic staff eligibility for the healthcare leave referred to in section 5, and the manner of documenting the issue of certificates of eligibility for such leave, considering the transparency of procedures for granting such leave and the need to provide proper justification when issuing certificates for healthcare leave.

7. The leave referred to in section 5 shall be granted to academic staff by the rector upon a written request. The request shall be submitted together with a certificate from their State health insurance doctor.

8. The validity of certificates issued shall be subject to verification in compliance with the rules laid down in separate legislation.

9. Academic staff shall not bear any costs related to medical certification in the granting of healthcare leave.

10. ⁽²⁴⁵⁾ Staff benefiting from the paid leave referred to in section 5 may not undertake work under an employment relationship or pursue any economic activity for the duration of the leave.

11. ⁽²⁴⁶⁾ The remuneration for the periods of paid leave referred to in sections 1, 3 and 5 shall be calculated in compliance with the rules applicable to remuneration for paid annual leave.

12. ⁽²⁴⁷⁾ The detailed rules and procedures for granting leave referred to in sections 1, 3 and 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. Such a contract of employment shall be

concluded by the rector or a body indicated in the statutes of the higher education institution.

2. ⁽²⁴⁸⁾ The provisions of Article 138, section 7 and 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 concerning the employment relationship of staff of a higher education institution which are not provided for in this Act.

2. Any dispute arising from the employment relationship of a staff member of a higher education institution shall be considered by an employment tribunal.

Chapter 3

Academic Staff Pensions and Benefits

Article 137

1. Academic staff and members of their families shall be entitled to benefits pursuant to the legislation on pensions and benefits financed from the Social Security Fund, and in compliance with sections 2 and 3.

2. Academic staff who are serving military personnel shall be entitled to the occupational retirement provision pursuant to the legislation on retirement provision for military personnel and their families.

3. ⁽²⁴⁹⁾ Academic staff who are public services officials shall be entitled to the occupational retirement provision pursuant to the legislation on the retirement provisions for officials of the Police, the Internal Security Agency, Intelligence Service Agency, Polish Border Guard, Government Protection Bureau, National Fire Service and Prison Service, as well as their families, provided that they comply with the conditions laid down in the relevant legislation.

Article 138

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1. Academic staff who retire upon attaining pensionable age, or permanently cease work due to incapacity, shall be entitled to a one-off payment amounting to three-times the basic pay received for the final month of their employment.
2. Appointed academic staff who retire upon attaining the retirement 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 action if their work performance or their conduct is considered to breach accepted professional and ethical standards.
2. The liability referred to in this Chapter shall not exclude the disciplinary or professional liability provided for in separate legislation.

Article 140

1. Disciplinary penalties shall include:
 - 1) a caution,
 - 2) a reprimand,
 - 3) a reprimand combined with a ban, for a period of up to five years, on the holding of a management position in their higher education institution
 - 4) a temporary or permanent ban on exercising their relevant professional or academic responsibilities.
2. ⁽²⁵⁰⁾ A copy of the judgement imposing a disciplinary penalty, together with its justification, shall be included in the personal file of the academic staff member concerned. Valid judgements imposing a disciplinary penalty referred to in section 1, subsection 4, which are made by the disciplinary committees for academic staff

referred to in Article 142, section 1, shall be published by the minister competent for higher education in the official journal of the ministry.

Article 141

1. A caution for minor breaches of discipline shall be imposed by the rector following a hearing with the academic staff member concerned.
2. An academic staff member disciplined by the rector with a caution may lodge an appeal against the decision to the institutional disciplinary committee for academic staff. Any appeal must be lodged within fourteen days of the date of the receipt of the disciplinary decision.
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 which shall be composed of:
 - a) three members, if the disciplinary ombudsman demands the penalty referred to in Article 140, section 1, subsections 1 to 3;
 - b) five members, if the disciplinary ombudsman 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 Higher Education Council shall 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 arise in the course of proceedings justifying that the case be heard by five members, the disciplinary committee hearing the case shall make such a decision. New members of the committee shall be appointed by the chairperson of the institutional disciplinary committee for academic staff or of the disciplinary committee for academic staff at the Higher Education Council.

3. The competent formation of the disciplinary committee referred to in section 1 shall include a minimum one student.
4. The formation of the disciplinary committee referred to in section 1, subsection 2, should include at least one member holding a degree in law.
5. The chairperson of the competent formation of the committee 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 Higher Education Council. The procedure for such elections shall be laid down in 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. ⁽²⁵¹⁾ The disciplinary committees referred to in Article 142, section 1, shall decide independently all factual and legal matters, and shall not be bound by decisions of other bodies administering the law, except for a court judgement having the force of *res judicata* or an opinion of the Committee for Ethics in Science.
5. Decisions and judgements of the competent formation of the disciplinary committee shall be taken by a simple majority vote.
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 starting date of the term of office of the bodies of higher education institutions.

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 support for the disciplinary committee referred to in Article 142, section 1, subsection 2, shall be provided by organizational units of the office of the minister competent for higher education.

Article 144

1. Disciplinary proceedings shall be instigated by the disciplinary committee at the request of the disciplinary ombudsman.

2. Disciplinary proceedings may not be instigated later than six months from the date of the commission of the act justifying the imposition of a penalty coming to the knowledge of the rector or, when appropriate, to the minister competent for higher education, and not later than within five years of the commission of the said 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 ombudsman shall open an *ex officio* investigation if an academic staff member is accused of an act consisting of:

- 1) appropriating the authorship, or misleading others as regards the authorship, of the entirety or a part of another person's work or artistic performance;
- 2) disseminating, without identifying the creator's name or pseudonym, the original or a derivative version of a work;
- 3) disseminating, without identifying the creator's name or pseudonym, the original or a derivative version of another person's artistic performance or distorting such work, an artistic performance, phonogram, videogram or broadcast;
- 4) infringing another person's copyright or related rights in any other manner;
- 5) falsifying research or research findings, or any other academic fraud;

6) accepting any material or personal favour, or the promise thereof, directly related to the function or position held in a higher education institution;

7) implicating any undue influence in a higher education institution or a public or local government institution, or suggesting to another, or affirming their belief, that such influence may be exerted, or undertaking to act as an intermediary to arrange any matter in return for a material or personal favour or the promise thereof;

8) providing or promising to provide any material or personal favour in return for intermediation in the internal arrangements of a higher education institution which involve influencing decision-making or undertaking or refraining from an action relating to the function or position of a person in the institution concerned, 4. If disciplinary proceedings are instigated within the time limit referred to in section 2, the act for which the imposition of a penalty is justifiable shall cease to be actionable two years from the date of the instigation of the proceedings.

5. No limitation period shall apply to the instigation 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 effaced and a copy of the judgement placed in the personal file of academic staff shall be removed three years or, in the case of the disciplinary penalty referred to in Article 140, section 1, subsection 3, five years after the date of the receipt of the valid disciplinary judgement, if a disciplinary penalty or court sentence for an intentional offence is not imposed during that period.

Article 144a ⁽²²⁵⁾

In the case of a breach of discipline which is also considered to breach accepted professional and ethical standards in science, as specified in Article 144, section 3, subsections 1 to 5, the disciplinary committee may request that the Committee for Ethics in Science, referred to in Article 39, section 1 of the Act of 30 April 2010, The Law on the Polish Academy of Sciences (*Dziennik Ustaw*, Nr. 96, item 619)

submit an opinion on the matter of concern. Any such opinion submitted by the Committee for Ethics in Science shall be deemed as binding on the disciplinary committee when establishing the substance of the breach concerned.

Article 145

1. A disciplinary ombudsman in a higher education institution shall be appointed by the rector, and a disciplinary ombudsman for the Commission referred to in Article 142, section 1, subsection 2, by the minister competent for higher education, from academic staff holding at the minimum a degree of *doktor habilitowany*.

2. In the case of the body which has appointed a disciplinary ombudsman becoming aware of the commission of an act justifying disciplinary action, it shall instruct the disciplinary ombudsman forthwith to instigate an investigation.

3. A disciplinary ombudsman shall be bound by instructions from their appointing body.

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

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

Article 146⁽²⁵³⁾

1. Persons accused of a disciplinary breach shall be entitled to have legal representation of their choice. If the disciplinary ombudsman demands the penalty referred to in Article 140, section 1, subsection 4, and the defendant does not have a legal representation of their choice, the chairperson of the adjudicating panel shall

appoint such legal representation from academic staff of the higher education institution.

2. In the case of a person accused of a disciplinary breach failing to attend the proceedings, such proceedings may be conducted in their absence.

3. An appeal against a judgement of the institutional disciplinary committee for academic staff may be made 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. An appeal against a valid judgement of the disciplinary committee referred to in Article 142, section 1, subsection 2, may be made to The Labour and Social Security Tribunal of the Court of Appeals in Warsaw. Appeals shall be subject to the provisions of The Code of Civil Procedure concerning appeals. Judgements of the Court of Appeals shall not be subject to an appeal of cassation.

5. In cases of breach of discipline referred to in Article 144, section 3, subsections 1 to 5, disciplinary committees shall forward information on any valid judgements for the attention of the competent funding authority for science.

6. Disciplinary proceedings concluded with a valid judgement may be reinstigated if:

- 1) a gross violation of the law has been committed in connection with the proceedings, and reasonable grounds exist to believe that this may 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, has been convicted of another act or the committee unjustifiably discontinued proceedings;
- 3) regulations were violated in the course of proceedings resulting in the defendant being prevented from, or seriously impeded in, the exercise of their right of defence; or the formation of the committee did not comply with the requirements laid down in Article 142, or any member of the committee should have been excluded from participating in the proceedings.

7. Reinstigation may not take place for the reason referred to in section 6, 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 reinstigated 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. Within thirty days of the date that reasons justifying the reinstigation come to their knowledge, a request to reinstate disciplinary proceedings may be submitted by the defendant, their legal representative or a disciplinary ombudsman 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 or sibling.

Article 147

1. A rector may suspend academic staff from their duties if they are the subject of criminal proceedings or disciplinary action, or during a preliminary investigation if it is deemed necessary to prevent them from exercising their duties in view of the gravity and credibility of the charges brought.

2. Academic staff shall be suspended from exercising their duties by virtue of law as of the date of their provisional detention.

3. The period of suspension of duties shall not exceed six months unless criminal proceedings against the academic staff member concerned are being conducted.

Article 148

1. The basic pay of academic staff during the period of suspension in the exercise of their duties may be reduced, and that of academic staff under provisional detention shall be no less than half of the regular basic amount, depending on their family situation, as of the first day of the calendar month following the month in which the suspension took place. There shall be no entitlement to additional allowances or overtime pay during the period of suspension.

2. If disciplinary or criminal proceedings are discontinued for lack of evidence of guilt or brought to a conclusion with an acquittal, academic staff shall be paid the outstanding portion of their full pay.

Article 149

1. The minister competent for higher education shall exercise the powers of a rector in investigations and disciplinary proceedings if charges are brought against a rector, a vice-rector, the chairperson of the committee referred to in Article 142, section 1, subsection 1 or the chairperson and members of the committee referred to in Article 142, section 1, subsection 2.

2. The powers of the minister competent for higher education as defined in section 1 with regard to military higher education institutions, public services higher education institutions, higher education institutions for the arts, medical higher education institutions and higher education institutions for maritime studies, shall be exercised respectively by the ministers referred to in Article 33, section 2.

3. In consultation with the Minister of National Defence and the ministers competent for home affairs, for culture and national heritage protection, for health matters, and for maritime economy, the minister competent for higher education shall specify, by regulation, detailed procedures for preliminary investigations and disciplinary proceedings, including the specific course of preliminary investigations and disciplinary proceedings and any possible cases in which disciplinary action may be suspended or reinstigated, the procedures and conditions for summoning and examining a defendant, witnesses and experts and for presenting other evidence, as well as the methods of enacting and erasing disciplinary penalties.

Article 150

The provisions of the Act of 6 June 1997, The Code of Criminal Procedure (*Dziennik Ustaw* No. 89, item 555, as amended by subsequent legislation⁷), except for Article 82, shall apply to any matters related to disciplinary action 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. The minister competent for higher education, in consultation with the minister of labour, shall specify by regulation the conditions for the remuneration and eligibility for other work-related benefits of employees of public higher education institutions applicable for the period until such time that they are covered by a collective labour agreement or staff reward regulations, including:

1) ⁽²⁵⁴⁾ the minimum basic pay for each position and the amount of, and the eligibility requirements for, other components of the remuneration, so that the average monthly remuneration for each category of staff in public higher education institutions, expressed in relation to the base amount determined in the budgetary law for the civil service 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* 2011, No. 79, item 431), as amended by subsequent legislation¹³), is not lower than the following percentages of that base amount :

⁷ Amendments to the Act were published in: *Dziennik Ustaw* z 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 and 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.

- a) 391.8% for the professorial category of positions,
- b) 261.2% for the category comprising the positions of *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 comprising the positions of *asystent, wykładowca, lektor, instruktor, asystent biblioteczny, asystent dokumentacji i informacji naukowej*,
- d) 130.6% for non-academic staff positions,

- while being mindful 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 being mindful that 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 titles given to positions currently existing in higher education institutions as well as academic traditions;

4) cases in which academic staff lose their entitlement to a function-related allowance, including the period during which functions are not exercised;

5) periods of employment and other periods giving entitlement to the long service allowance referred to in Article 154, section 3, while being mindful that the following are included:

- a) completed employment periods,
- b) other periods to be included on the basis of separate legislation as periods determining employee entitlements,
- c) periods of a preparatory course for holders of the position of *asystent*, undertaken on the basis of the legislation specifying rules and conditions for the provision of such preparatory courses in higher education institutions,
- d) periods of assignment abroad undertaken under the provisions of relevant regulations pursuant to the legislation on staff assignments abroad for research, teaching and training purposes;

6) the method of calculating the hourly rate of basic pay and various allowances which are based on monthly rates and correlated to the grade assigned to individual academic and non-academic staff members, while being mindful 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 of recognising the hours worked, including overtime 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 recognized, for the purpose of calculating the number of teaching hours, as hours worked in adherence to the timetable;
- b) the number of overtime hours is determined on the basis of actual hours worked;
- c) in the case of academic staff in a higher education

institution 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 long-standing 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 shall be 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 ;

- while taking into account the mandatory working time regulations 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 competent for higher education or by the respective minister referred to in Article 33, section 2 for the rector a military higher education institution, public services higher education institution, higher education institution for the arts, medical higher education institution or higher education institution for maritime studies.

3. In public higher education institutions the remuneration of rectors, vice-rectors, chief operating officers and bursars shall be disclosed and 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 serving military personnel shall be determined in the legislation on the military service of such personnel.

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

7. During an assignment given in adherence to Article 130, section 4, a portion 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. ⁽²⁵⁵⁾ The senate of a higher education institution may allocate additional funding to increase remuneration, 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 with due respect to the role of trade unions.

Article 152

1. A supra-institutional collective labour agreement for civilian employees of public higher education institutions shall be concluded on behalf of employers by the minister competent for higher education, and by the competent minister referred to in Article 33, section 2 for military higher education institutions, public services higher education institutions, higher education institutions for the arts, medical higher education institutions and higher education institutions for maritime studies.

2. A supra-institutional collective labour agreement shall regulate those 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 employees covered by a collective labour agreement or staff reward regulations on the date of their coming into force.

Article 153

1. Academic staff on holiday leave shall be entitled to the remuneration which they would receive when working. Any variable remuneration components shall be calculated on the basis of the average remuneration for the twelve months preceding the month in which the holiday leave commences. If the period of employment is less than twelve months, 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 competent 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, being mindful in particular that the amount of such pay is determined in adherence to the rules applied to calculate the remuneration for a period of holiday leave. 144

Article 154

1. ⁽²⁵⁶⁾ (repealed)
2. ⁽²⁵⁷⁾ (repealed)
3. ⁽²⁵⁸⁾ Employees of a higher education institution shall be entitled to a long service allowance amounting to 1% of the basic pay for each year of employment, to be paid on a monthly basis, starting from the fourth year of employment, which may not, however, exceed 20% of the basic pay.

Article 155

1. Academic staff may be granted awards by the rector or by the minister competent for higher education for their research, teaching or organizational achievements, or lifetime achievements,
2. Academic staff employed in a military higher education institution, public services higher education institution, higher education institution for the arts, higher education institution for maritime studies or medical higher education institution may be granted awards for their research, teaching, organizational or lifetime achievements, by the rector or the competent 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 ministerial awards referred to in sections 1 and 2 shall account for 0.05% of the planned annual grant referred to in Article 94, section 1, subsection 1. These funds shall remain in those parts of the State budget which are administered by the competent ministers pursuant to Article 94, section 3.
4. In a public higher education institution funds designated for the rector's awards referred to in sections 1 and 2 shall account for 2% of the annual academic staff costs as budgeted by the institution.

5. The detailed rules and procedure for granting the ministerial awards referred to in sections 1 and 2, shall be laid down, by regulation, by the minister competent for higher education in consultation with the Minister of National Defence and the ministers competent for internal affairs, culture and national heritage, health, and maritime economy, including:

- 1) types of awards and their amounts, fixed in relation to the minimum pay rate for a *profesor zwyczajny*, with the amounts 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 regulations to be adopted by the senate of a public higher education institution.

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

8. Funds in a public higher education institution designated for the rector's awards referred to in section 7, shall account for 1% of the annual non-academic staff costs budgeted 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 long service allowances on the anniversary of such a 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 competent for higher education shall specify, by regulation, periods of service and other periods giving entitlement to a long service allowance and the method for the calculation and payment of such allowances, bearing in mind that:

1) for an employee in multiple employment relationships, periods giving entitlement to an allowance shall be determined for each employment relationship separately;

2) the allowance shall be calculated on the basis of the remuneration payable to a given employee on the date of the allowance payment or, if more advantageous to the employee, the remuneration payable on the date when they become eligible for the allowance, taking into account all remuneration components and other benefits provided under the employment contract which are included in order to calculate pay for holiday leave;

3) the allowance shall be paid without delay when the employee becomes eligible;

4) in the case of the employment relationship being terminated by the retirement of an employee at the pensionable 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 have become eligible for such an award.

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 establish an institutional employee welfare benefits fund and shall make deductions amounting to 6.5% of the annual staff costs budgeted for by the institution to be allocated to that fund.

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

3. ⁽²⁵⁹⁾ A deduction for the institutional welfare benefits fund for each 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* 2009, No. 153, item 1227, as amended by subsequent legislation⁸)

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

4a.⁽²⁶⁰⁾ Children of students and doctoral students may have the use of institutional nurseries and playgroups.

4b.⁽²⁶¹⁾ The fees, referred to in Article 58 of the Act of 4 February 2011 on childcare for children under the age of five (*Dziennik Ustaw*, No.45, item 235) shall contribute to an increase of the institutional employee welfare benefits fund.

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

Article 158⁽²⁶²⁾

The provisions of Part III of this Act shall not apply to personnel on active military service, designated for non-military assignments, holding academic staff positions in academic units of a higher education institution.

PART IV

STUDIES AND STUDENTS

Chapter 1

Organization of Degree Programmes

Article 159

⁸ Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2010, No. 40, item 224, No. 134, item 903, No. 238, item 1578 and No. 257, item 1726 and 2011, No. 75 item 398.

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

1a. ⁽²⁶³⁾ Study regulations shall define also the requirements and procedure for the attendance of exceptionally gifted students in those courses taught as part of degree programmes which are compatible with their aptitude, as well as the rules for the acquisition of credits for such coursework.

2. ⁽²⁶⁴⁾ Degree programmes in a higher education institution shall be provided in compliance with the study programmes and curricula.

3. ⁽²⁶⁵⁾ The conditions for the payment of tuition fees for degree programmes or educational services referred to in Article 99, section 1 shall be specified in a written agreement to be concluded between a higher education institution and a student.

Article 161

1. Study regulations shall be adopted by the senate of a higher education institution at least five months prior to the commencement of the academic year.

2. Study regulations shall apply from the commencement of the academic year, upon agreement reached with the institutional legislative body of the self-governing students' union. If the senate of the higher education institution and the institutional legislative body of the self-governing students' union 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. ⁽²⁶⁶⁾ The study regulations in military higher education institutions or government service higher education institutions shall enter into force upon approval by the Minister of National Defence or the minister competent for internal affairs, respectively.

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

Article 162 ⁽²⁶⁷⁾

The minister competent for higher education shall specify, by regulation, the conditions to be fulfilled by the provisions of the study regulations in higher education institutions including:

- 1) duration of the academic year,
- 2) requirements and rules for attending courses,
- 3) grading systems to be applied,
- 3a) ⁽²⁶⁸⁾ procedure for the final examination to be open to the public upon the request of the student;
- 4) procedure for striking students from the register,
- 5) requirements for:
 - a) ⁽²⁶⁹⁾ studying in accordance with an individualized study plan and curriculum,
 - b) granting leave,
 - c) resumption of study,
 - d) transfer to another field or mode of study,
 - e) sitting examinations and acquiring credits for coursework,
 - f) admittance to the final examination,
 - g) graduation.
- 6) ⁽²⁷⁰⁾ requirements for the adequate execution of the teaching process, while taking into account specific needs of disabled persons.

Article 163

1. Degree programmes in a higher education institution shall be provided either as full-time programmes or part-time programmes.

2. In a public higher education institution, the number of full-time students may not be smaller than the number of part-time students.

Article 164

1. Lectures in a higher education institution shall be open unless the statutes provide otherwise.

2. Courses in a higher education institution and examinations testing knowledge or skills, as well as final examinations, may be conducted in a foreign language as provided for, and pursuant to the requirements laid down, in the study regulations. Knowledge or skills tests for gaining admission to degree programmes may also be conducted and final theses prepared in a foreign language. A higher education institution enrolling non-nationals shall organize Polish language courses for them.

3. Courses taught as part of degree programmes may also be delivered using distance learning methods and techniques.

4. The minister competent for higher education shall define, by regulation, the requirements to be fulfilled so that courses referred to in section 3 can be delivered, while aiming to ensure that higher education institutions provide adequate access for students to courses delivered using distance learning methods and techniques, and that such courses account for a suitable proportion of the total course load appropriate for both full-time and part-time programmes.

Article 164a⁽²⁷¹⁾

1. Courses completed by students and taught as part of study programmes and curricula shall receive credits recognizable within the European Community Credit Transfer System (ECTS).

2. In order to acquire a first-cycle higher education diploma students shall be obliged to accumulate a minimum 180 ECTS credits, a minimum 90 credits for the second-cycle, and for a long-study cycle a minimum of 300 or 360 ECTS credits respectively for a five-year- or six-year-study programme.

3. The minister competent for higher education may determine by regulation a higher number of ECTS credits necessary to acquire a diploma, having regard to the area, field and level of study.

Article 165 ⁽²⁷²⁾

1. The study regulations shall allow for the transfer and recognition of credits acquired by students in an academic unit of a domestic higher education or other institution, including a foreign institution in compliance with the principles of the credit transfer system.

2. Students who transfer credits acquired for coursework attended in a higher education institution other than their original institution, including a foreign institution, shall have any such coursework results expressed in ECTS credits recognized at their original higher education institution.

3. The minister competent for higher education shall determine, by regulation, the conditions and the procedure applicable to the transfer of coursework results, including results expressed in ECTS credits, while having regard to the need to ensure continuity of learning and that 30 shall be the minimum mandatory number of ECTS credits for one semester.

Article 166

1. ⁽²⁷³⁾ First-cycle programmes leading to the degree of *licencjat* shall comprise a minimum of six semesters, and first cycle programmes leading to the degree of *inżynier* shall comprise a minimum of seven semesters.

2. ⁽²⁷⁴⁾ The duration of the first cycle programme and the long cycle Master's programme shall include the period of practical placements for students.

2a. ⁽²⁷⁵⁾ The duration of the first cycle, second cycle and long cycle Master's programmes for fire service trainees shall include the period of practical placements for students.

3. The senate of a higher education institution may determine conditions for exempting a student from an obligatory practical placement.
4. Second cycle programmes shall comprise three or four semesters.
5. Long cycle programmes shall comprise nine to twelve semesters.
6. Part time programmes may be one or two semesters longer than a corresponding full-time programme.

Article 167 ⁽²⁷⁶⁾

1. Graduates of degree programmes shall receive an institutional diploma attesting to the award of a relevant degree as well as a diploma supplement from their higher education institution. Persons who have completed non-degree postgraduate programmes or extension courses shall receive certificates of completion of such programmes or courses.

1a. A specimen diploma shall be approved by the senate of a given higher education institution. The rector shall forthwith forward the specimen diploma to the minister supervising the higher institution and to the minister competent for higher education.

2. The completion date of degree programmes shall be the date of the final examination or, in the fields of medicine, 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 practical placement provided for in the study plan.

2a. Persons who have graduated from first cycle programmes shall retain their student entitlements until the 30 September of the year of graduation.

3. The minister competent for higher education shall specify by regulation:

- 1) types of vocational or professional degrees to be awarded to graduates of first cycle and second cycle programmes and long cycle programmes, having regard to existing vocational and professional degrees;

- 2) requirements for the issuance of diplomas and their mandatory elements, including joint diplomas and certificates of non-degree postgraduate programmes, while taking into account the cycle and mode of study as well as the types of vocational and professional degrees.
- 3) specimen of the Diploma Supplement , while respecting the range of information necessary.

Article 168 ⁽²⁷⁷⁾

1. Degree programmes of the first and second cycle as well as long cycle programmes may be provided jointly by various higher education institutions, including foreign and other academic or research institutions on the basis of an agreement concluded between them.
2. Such an agreement may specify the fields and cycles of degree programmes to be provided jointly; however Polish academic units which are parties to the agreement, shall be required to have an authorization for the provision of degree programmes at cycles corresponding to those included in the agreement.
3. Graduates referred to in section 1 may be awarded a joint diploma in compliance with the requirements laid down pursuant to Article 167, section 3.

Article 168a. ⁽²⁷⁸⁾

1. Degree programmes of a practical profile may be provided by Higher education institutions with the involvement of commercial enterprises.
2. The manner of conduct and the organization of courses, referred to in section 1 shall be specified in a written agreement concluded between a higher education institution and a commercial enterprise. Such an agreement may specify:
 - 1) option for courses, particularly of a practical nature, to be taught by employees of commercial enterprises;

- 2) participation of commercial enterprises in the development of curricula;
- 3) manner in which funding for programmes are to be provided by commercial enterprises;
- 4) learning outcomes of such programmes;
- 5) manner of execution of practical placements and internships.

Article 169 ⁽²⁷⁹⁾

1. Access to a degree programme in a higher education institution shall be open to persons complying with the entrance requirements specified by a higher education institution and who:

- 1) hold a certificate of secondary education, 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,

2. The senate of a higher education institution shall lay down entrance requirements and procedures, including online enrolment, for particular fields of study. The relevant resolution of the senate shall be published not later than by 31 May of the year preceding the academic year to which it refers, and shall be forwarded to the minister competent for higher education.

In the event of the establishment of a new higher education institution or commencement of a degree programme in a new field of study, the senate of the higher education institution concerned shall adopt a relevant resolution and shall forward it to the minister competent for higher education and the minister supervising a given higher education institution, while making it available to the public forthwith.

3. Admission to first cycle programmes and long cycle programmes shall be subject to the results of the secondary education examination. The senate of a higher education institution shall specify, pursuant to the procedure laid down in section 2,

which results of the secondary education examination shall provide the basis for admission to degree programmes.

4. A higher education institution may set additional admission tests should it be deemed necessary to assess an artistic aptitude or physical fitness or other particular predispositions for a degree programme in a given field which falls outside the remit of the secondary education examination or when a candidate holds a foreign secondary education certificate . Any such tests may not include any subjects which lie within the remit of the secondary education examinations.

5. In the case of additional admission tests referred to in section 4, the entrance requirements and procedures shall take into consideration any particular needs of candidates who are disabled persons.

6. Where admission to a programme is subject to the results of the secondary education examination, the senate may adopt a resolution to carry out admission tests pursuant to the procedure laid down in section 2.

7. The provisions of sections 3 and 4 relating to the secondary education examination and results thereof shall apply accordingly to the secondary education examination evidenced with a secondary education certificate as referred to in the legislation laid down pursuant to Article 93, section 3 of the Act of 7 September 1991 on the system of education (*Dziennik Ustaw* 2004, No. 256, item 2572 as amended by subsequent legislation) and the examination conducted within the programme of international secondary education certificate which leads to an International Baccalaureate (IB) diploma, awarded by the International Baccalaureate Organization based in Geneva, Switzerland, and their results.

8. Detailed rules of admission to degree programmes in a public higher education institution to be applied to winners and finalists in the national-level knowledge competitions shall be laid down by the senate of a higher education institution for a minimum period of three years.

9. The senate may lay down detailed entrance rules to be applied to winners and finalists in international and national competitions, including competitions organized by the relevant higher education institution.

10. Student enrolment shall be carried out by enrolment committees appointed by the head of an academic unit or another body indicated in the statutes. Enrolment committees shall make decisions on admission to degree programmes.

11. Enrolment committees shall not be appointed in the event of the absence of entrance requirements. In such cases decisions on admission to programmes shall be made by the head of an academic unit or another body indicated in the statutes.

12. An appeal against the decision of an admissions committee may be lodged within fourteen days of the date of receipt and addressed to the institutional admissions committee appointed in accordance with the procedure laid down in the statutes.

13. An appeal against the decision of a head of an academic unit or another body indicated in the statutes may be made to the rector within fourteen days of receipt.

14. An appeal may be based only on a claimed breach of entrance requirements or procedures laid down in accordance with section 2.

15. In cases of requests submitted pursuant to the procedure laid down in section 12, and having considered the request a decision shall be taken by the institutional enrolment committee whereas in cases of requests submitted pursuant to the procedure laid down in section 13, having considered the request, decisions shall be made by the rector. Such a decision shall be final.

16. Results of the admissions process shall be publicly available.

17. In a military higher education institution and a public services higher education institution, entrance requirements and procedures applicable to candidates desiring to become professional military personnel and public service officials shall be laid

down, at the request of the senate, by the Minister of National Defence or the minister competent for internal affairs.

Article 170

At the time of matriculation and upon swearing an oath, the text of which is included in the statutes of a higher education institution, persons admitted to degree programmes shall acquire student rights.

Article 170a ⁽²⁸⁰⁾

1. A full time student in a public higher education institution shall be eligible to free tuition when attending courses which qualify the student for the allocation of ECTS credits referred to in Article 164a.

2. Outside the ECTS credit limit specified in Article 164a, a student, referred to in section 1, shall be eligible for free tuition when attending courses for which no more than 30 ECTS credits can be allocated, whereas a student attending an individualized multidisciplinary programme referred to in Article 8, section 2, shall be eligible for free tuition when attending courses for which no more than 90 ECTS can be allocated.

3. A student or graduate of a degree programme in a given field of study in a public higher education institution shall be eligible to enrol on a full-time degree programme free of tuition fees in another field of study in a public higher education institution.

4. Without prejudice to the provisions of Article 174, section 4, the entitlement to continue attending courses free of tuition fees in a successive year of a degree programme shall be subject to the fulfillment of the criteria specified in Article 181, section 1.

5. A student who during the first year of a degree programme, referred to in section 3, fails to fulfill the criteria referred to in Article 181, section 1, shall be obliged to pay a tuition fee for the first year of the programme, in compliance with an agreement referred to in Article 160, section 3 and the rules laid down by the senate as referred to in Article 99, section 3.

6. A student referred to in sections 3 and 4 shall be eligible to free tuition when attending courses for which the allocation of ECTS credit limit may be repeated once only, as referred to in Article 164a.

7. The entitlement, referred to in section 3 shall be valid once only.

8. Decisions on the entitlement of a student to attend courses free of tuition fees shall be made by the rector upon the request of the student and having received a relevant opinion from the head of an academic unit of the higher education institution.

9. A candidate for a full time degree programme in a higher education institution shall be obliged to submit a statement on the fulfillment of the criteria to enrol on or continue a programme free of tuition fees.

10. The minister competent for higher education shall specify, by regulation, a specimen of the student statement on the fulfillment of the criteria to enrol on or continue a degree programme free of tuition fees, while having regard to the range and manner the ECTS credits, referred to in Article 164a, to be used and to the entitlement to enrol on a second full time degree programme in a public higher education institution.

Article 170b ⁽²⁸¹⁾

1. Full time degree programmes in artistic disciplines requiring, due to their particularity and level, the knowledge and skills acquired on graduation from a prior second-cycle degree programme, may be attended in a public higher education institution free of tuition fees as a student's secondary full-time degree programme in another field of study.

2. The minister competent for culture and national heritage, in consultation with the minister competent for higher education, shall specify, by regulation, a catalogue of full time degree programmes in fields of study related to artistic disciplines which also may be attended as a full time degree programme, free of

tuition fees, in another field while having regard to the development of the arts and the provision of comprehensive education for artistic professions.

Article 170c ⁽²⁸²⁾

1. The minister competent for higher education shall keep a national register of students, with the exception of students of military higher education institutions who are serving military personnel.

2. The national register of students shall include the following institutional data for each student:

- 1) name and surname;
- 2) Personal Identification Number (PESEL), and if not available, the number of an official document confirming identity;
- 3) sum total of ECTS credits with their allocation to fields of study obtained by the student;
- 4) sum total of ECTS credits for which the student was eligible within all the courses attended without payment in a full time degree programme in a public higher education institution;
- 5) number of ECTS credits for which the student is eligible within the course of a full time degree programme in a public higher education institution without payment, as referred to in Article 170a, sections 1 and 2, without prejudice to the entitlements granted to such a student in a public higher education institution to attend a full time degree programme in another field, referred to in Article 170a, sections 3 to 5, and the entitlements referred to in Article 170a, section 1;
- 6) types of financial support granted by a public or a non-public higher education institution.

3. Access to the data contained in the national register shall be open to the competent ministers specified in Article 33, section 2, to rectors of all higher education institutions, the Council and the Committee.

4. The minister competent for higher education shall determine by regulation:

- 1) detailed range of the data referred to in section 2;
 - 2) closing date for data transfer to be effected by higher education institutions,
- while taking care to ensure equal access to education free of tuition fees, as well as access to financial support.

Chapter 2

Rights and Duties of Students

Article 171

1. ⁽²⁸³⁾ (repealed)
2. Students may follow an individualized study plan and curriculum pursuant to the rules laid down by the board of an academic unit or another body indicated in the statutes.
3. Students may transfer from another higher education institution, including an institution abroad, with the consent of the head of the academic unit of the receiving institution, to be given in the form of a decision, provided they have fulfilled all requirements specified in the regulations applicable in the institution which they are leaving.

Article 172

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

Article 173

1. Students shall be entitled to apply for State-budget financial support of the following types:
 - 1) maintenance grant,
 - 2) special grant for disabled persons,
 - 3) ⁽²⁸⁴⁾ scholarship as an outstanding student, awarded by a rector,
 - 4) scholarship for academic achievement awarded by the minister,

5) scholarship for outstanding sporting achievement awarded by the minister,

6) ⁽²⁸⁵⁾ (repealed)

7) ⁽²⁸⁶⁾ (repealed)

8) assistance grants.

2. Students shall be entitled to apply for accommodation in a student dormitory of their higher education institution and for meals in a student cafeteria of that institution.

3. Students shall be entitled to apply for accommodation for their spouse and children in a student dormitory of their higher education institution.

Article 173a ⁽²⁸⁷⁾

1. Financial support for students may be granted by local government authorities.

2. A local government authority shall determine by way of a resolution:

1) types of financial support;

2) manner in which applications are to be submitted and their closing date;

3) manner in which students are to be selected for grants;

4) maximum amount of financial support a student shall be entitled to request.

Article 173b ⁽²⁸⁸⁾

1. Scholarships for academic attainment may be awarded to students by natural persons or by bodies corporate who are neither State- nor local government-administered bodies corporate.

2. ⁽²⁸⁹⁾ The rules for granting scholarships referred to in section 1 shall be approved by the minister competent for higher education upon consultation with the Council.

3. ⁽²⁹⁰⁾ The rules for awarding scholarships, referred to in section 1, to students of military higher education institutions, government service higher education institutions, higher education institutions for the arts, medical higher education institutions and higher education institutions for maritime studies, shall be approved

by the minister competent for higher education upon consultation with the relevant ministers as specified in Article 33, section 2, and with the Council.

Article 174

1. ⁽²⁹¹⁾ 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 grants referred to in Article 94, section 1, subsection 7, and section 4, shall be distributed by the rector in consultation with the institutional self-governing students' union and the institutional self-governing doctoral students' union.
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. ⁽²⁹²⁾ The specific amounts from the grants referred to in Article 94, section 1, subsection 7, and section 4, to be designated for the rector's scholarships for outstanding students, constituting no more than 10% of the total number of students in each field of study provided by a higher education institution, shall account for a maximum of 40% of the total amount to be allocated by the rector to outstanding students as well as for for maintenance and financial assistance grants.

Article 175 ⁽²⁹³⁾

1. In a higher education institution which has academic units, the benefits referred to in Article 173, section 1, subsections 1 to 2 and 8, shall be granted by the head of their academic unit at the request of a student.
2. A rector's scholarship for an outstanding student shall be granted by the rector at the request of such a student.
3. Within fourteen days of receipt students may appeal to the rector against decisions on maintenance grants, special grants for disabled students and financial assistance grants taken by the head of their academic unit. Students shall be entitled

to request a reconsideration of any decision taken by the rector regarding scholarships for an outstanding student.

4. At the request of the competent body of the self-governing students' union, the head of an academic unit or the rector shall delegate the powers to award maintenance grants, special grants for disabled students, financial assistance grants and rector's scholarships for outstanding students to a grants committee or a grants appeals committee respectively.

Article 176⁽²⁹⁴⁾

1. In a higher education institution which has no academic units the benefits referred to in Article 173, section 1, subsections 1 to 3 and 8 shall be granted by the rector at the request of a student.

2. Within fourteen days of receipt, a student may appeal against a decision of the rector by submitting to the rector a request for reconsideration of the matter.

3. At the request of the competent body within the self-governing students' union, the rector shall delegate the powers referred to in section 1 to a grants committee and, with regard to the consideration of requests referred to in section 2, to a grants appeals committee.

Article 177

1. The grants committee and the grants appeals committee referred to in Article 175, section 3 shall be appointed by the head of an academic unit or the rector from students nominated by the competent body of the self-governing students' union and the staff of the higher education institution.

2. The grants committee and the grants appeals committee referred to in Article 176, section 3 shall be appointed by the rector from students delegated by the competent body of the self-governing students' union and the staff of the higher education institution.

3. Students shall comprise 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 appeals committees referred to in Article 175, section 3, and Article 176, section 3 shall be signed by the chairpersons of the committees or deputies acting on their behalf.

5. The grants committee and the grants appeals committee referred to in Article 175, section 3 shall be under the supervision of the head of an academic unit or the rector respectively, and the committees referred to in Article 176, section 3, of the rector.

6. In execution of their supervisory authority referred to in section 5, the head of an academic unit or the rector respectively may repeal any decision of the grants committee or the grants appeals committee which is in contravention of this Act or of the regulations referred to in Article 186, section 1.

Article 178

1. The minister's scholarships for academic achievement and for outstanding sporting achievement shall be awarded by the minister competent for higher education at the request of the board of an academic unit or, in the case of a higher education institution which has no academic 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 competent for higher education as defined in section 1 with regard to military higher education institutions, government service higher education institutions, higher education institutions for fine arts, 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 ⁽²⁹⁵⁾

1. A maintenance grant may be awarded to a student in difficult material circumstances.

2. In consultation with the self-governing students' union in a higher education institution the rector shall determine the per capita family income level which qualifies a student to apply for a maintenance grant..

3. The income referred to in section 2 may not be lower than a factor of 1.30 of the amount referred to in Article 8, section 1, subsection 2 of the Act of 12 March 2004 on Social Welfare (*Dziennik Ustaw* 2009, No. 175, item 1362, as amended by subsequent legislation⁹) 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* 2006, No. 139, item 992, as amended by subsequent legislation¹⁰).

4. The income level qualifying a student to apply for a maintenance grant shall be calculated to include 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 until 26 years of age or, if the 26th 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 dependent minor children, children in education until 26 years of age or, if the 26th 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. Having regard to section 4, the monthly per capita income in the student's family qualifying entitlement to a maintenance grant shall be calculated pursuant to

⁹ Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2009, No. 202, item 1551, No. 219, item 1706 and No. 221, item 1738; 2010, No. 28, item 146, No. 40, item 229, No. 81, item 527, No. 125, item 842 and No. 217, item 1427 and 2011, No. 81, item 440.

¹⁰ Amendments to the consolidated text of the Act were published in *Dziennik Ustaw* 2006, No. 222, item 1630; 2007; No. 64, item 427, No. 105, item 720, No. 109, item 747, No. 192, item 1378 and No. 200, item 1446; 2008, No. 70, item 416, No. 138, item 872 and 875, No. 223, item 1456 and No. 237, item 1654; 2009, No. 97, item 800 and No. 219, item 1706 and 2010, No. 50, item 301.

the rules laid down in the Act of 28 November 2003 on Family Benefits, excluding the following:

- 1) the income referred to in section 4, subsection 3, if the student is financially independent;
 - 2) financial support benefits for students and doctoral students received under the provisions of this Act;
 - 3) scholarships awarded to pupils, students and doctoral students from:
 - a) European Union structural funds,
 - b) non-returnable aid funds provided by Member States of the European Free Trade Agreement (EFTA)
 - c) international agreements and associated executive programmes, and international scholarship programmes;
 - 4) financial support benefits for pupils received pursuant to the Act of 7 September 1991 on the School Education System;
 - 5) benefits referred to in Articles 173a, 173b, 199a and Article 200, section 1.
6. Students shall be considered financially independent if they or their spouse fulfil all of the following conditions:
- 1) received a regular income in the last tax year;
 - 2) receive a regular income in the current year;
 - 3) monthly income in the periods referred to in subsections 1 and 2 is not lower than a factor of 1.30 of the sum of the amounts noted in Article 5, section 1, and Article 6, section 2, subsection 3 of the Act of 28 November 2003 on Family Benefits;
 - 4) failed to submit a declaration on membership of a joint household with at least one parent.
7. In the case that the income qualifying a student to the entitlement of a maintenance grant is calculated to include 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* 2006, No. 136, item 969, as amended by subsequent legislation¹¹). If income is earned from both farming and non-farming activities, the income from both shall be compounded.

8. In justified cases the head of the academic unit or of the grants committee or the grants appeals committee, referred to in Article 177, may request that the opinion of a social welfare unit responsible for determining income and material circumstances of persons and families is provided and taken into consideration.

Article 180

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

Article 181

1. ⁽²⁹⁶⁾ A rector's scholarship for an outstanding student may be awarded to a student who has earned a high average mark for a year of study or has demonstrated exceptional academic or artistic achievement, or has been highly placed in international or national sporting contests.

2. The minister's scholarship for academic achievement may be awarded to a student who has demonstrated academic excellence and scientific achievement, and the minister's scholarship for outstanding sporting achievements may be awarded to a student who has been highly placed in international or national sports contests and has successfully completed a year of study.

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

¹¹ Amendments to the consolidated text of the Act were published in: *Dziennik Ustaw* 2006, No. 191, item 1412, No. 245, item 1775 and No. 249, item 1825; 2007, No. 109, item 747; 2008, No. 116, item 730 and No. 237, item 1655; 2009, No. 56, item 458 and 2010, No. 96, item 620 and No. 226, item 1475.

4. ⁽²⁹⁷⁾ The rector's scholarship for an outstanding student or the minister's scholarship for academic achievement shall be open also to students in the first year of a second-cycle programme, if undertaken within one year of the completion of a first-cycle programme, and who in the final year of the first-cycle programme fulfilled the criteria defined in section 1 and 2 respectively.

5. ⁽²⁹⁸⁾ (repealed)

6. ⁽²⁹⁹⁾ Students may receive simultaneously the rector's scholarship for outstanding achievement and the minister's scholarship for academic achievement. Receiving those scholarships shall not prejudice student entitlement to financial benefits or the receipt of grants awarded by local government authorities or by employers, or grants under the structural funds of the European Union.

Article 182 ⁽³⁰⁰⁾

1. Full-time students in difficult material circumstances may be entitled to an increased maintenance grant when living in a student dormitory or other premises, when the daily travel from their place of permanent residence to the higher education institution prevents or significantly hinders them from studying.

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

Article 183

1. An assistance grant may be awarded to students who for reasons beyond their control find themselves temporarily in difficult material circumstances.

2. Students may obtain the assistance grant referred to in section 1 twice in any academic year

Article 184

1. ⁽³⁰¹⁾ Students may receive grants and scholarships referred to in Article 173, section 1, subsections 1 to 3 for a maximum period of ten months in any academic year, and for a maximum period of five months if the final year of study comprises one semester only.

2. Grants and scholarships referred to in Article 173, section 1, subsections 1 to 3 may be awarded for a period of one semester or for an academic year, whereas the minister's scholarships referred to in Article 173, sections 1 to 4 may be awarded for the period of an academic year, with the exception of when, in compliance with the study plan, the final year of study comprises one semester only.

3. ⁽³⁰³⁾ Grants and scholarships referred to in Article 173 shall be paid on a monthly basis.

4. ⁽³⁰⁴⁾ Students simultaneously following degree programmes in more than one field of study may be awarded maintenance grants, special grants for disabled persons, assistance grants, the rector's grant for an outstanding student and the minister's grant for academic achievement in only one field of study, as selected by the student.

5. ⁽³⁰⁵⁾ A student who, upon completion of a degree programme in one field of study, continues to follow a degree programme in another field of study shall not be eligible for the benefits referred to in Article 173 unless, upon completion of a first-cycle programme, they progress to the next stage of learning in order to obtain the degree of *magister* or equivalent within a period not exceeding three years.

6. ⁽³⁰⁶⁾ The total monthly amount of the grants and scholarships referred to in Article 173, section 1, subsections 1 to 3 may not be more than 90% of the lowest basic pay of an *asystent* as regulated by the legislation on the remuneration of academic staff.

7. ⁽³⁰⁷⁾ Students shall be obliged to submit a statement testifying that financial support benefits have been received while attending courses in no more than one field of study.

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, or significantly hindered from studying by daily travel to the institution and who are also in difficult material circumstances.

2. When granting entitlement to meals in a student cafeterias, priority shall be given to students referred to in section 1.

Article 186

1. ⁽³⁰⁸⁾ In consultation with the self-governing students' union the rector shall determine detailed regulations for calculating, awarding and paying the student financial support benefits referred to in Article 173, section 1, subsections 1 to 3 and 8, including detailed criteria and procedures for granting such benefits, a specimen application form for a maintenance grant , a specimen statement form testifying to the receipt of financial support benefits in no more than one field of study, as well as the method of documenting the material circumstances of a student.

2. In a newly established higher education institution the regulations referred to in section 1 for shall be provided by the rector for a period of one year.

Article 187

The minister competent for higher education shall specify, by regulation, the detailed conditions and procedures 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) minimum average mark required to be eligible to apply for the minister's scholarship, taking into account marks obtained in all years of study and the various grading systems in a higher education institution;
- 2) types of scientific achievements and activities to be considered for the award of the minister's scholarship, such as participation in special interest groups, publication of studies and papers, conference participation, scientific work, collaboration in research projects, co-operation with other academic or research institutions, awards and distinctions, following a degree programme in a secondary field of study or an individualized curriculum, practical placements,

internships, certified knowledge of foreign languages, knowledge competitions ;

3) types of sporting achievements to be considered for the award of the minister's scholarship for outstanding sporting achievement, including participation in Olympic games, world championships, European championships, international student Olympics, World and European Student Games;

4) closing dates for the submission of applications;

5) method for the payment of the minister's scholarship, including in the case of early completion of a degree programme or enrolment on a degree programme in another higher education institution.

Article 187a ⁽³⁰⁹⁾

Under the "Diamond Grant" (*Diamentowy Grant*) programme of the minister competent for research, exceptionally talented graduates of first-cycle programmes, and engineering degree programmes, as well as students who have completed the third year of their long-cycle programmes, together not more than one hundred and ten persons, may obtain by competition, funds for research provided from the part of the State budget allocated for science.

Article 188

1. ⁽³¹⁰⁾ Students shall be entitled to a 50% reduction in urban public transport fares. Persons who have completed first-cycle programmes shall retain this entitlement until 31 September of the year of completion of their programme.

1a. ⁽³¹¹⁾ Local government authorities may take decisions to reduce fares for urban public transport for doctoral students.

2. Entitlements to reduced fares for public railway and bus transport shall be laid down in separate legislation.

Article 188a ⁽³¹²⁾

1. Academic textbooks may be subsidized from the funds provided in that portion of the State budget administered by the minister competent for higher education.

2. If the case of the Budget Act providing subsidies for academic textbooks, the minister competent for higher education in consultation with the minister competent for public finance shall determine, by regulation, the amounts, detailed manner and procedure for granting and accounting for any such subsidies, while having due regard to facilitating student access to educational material.

Article 189

1. Students shall be required to conduct themselves in compliance with the sworn oath and prevailing study regulations.
2. Students shall be required specifically to:
 - 1) attend courses and participate in institutional activities in compliance with the study regulations;
 - 2) sit examinations, undertake practical placements and fulfil other requirements as provided for in the study regulations;
 - 3) observe prevailing regulations in the higher education institution.

Article 190

1. The head of an academic unit shall strike from the student register any student who:
 - 1) has not taken up their study programme;
 - 2) has withdrawn from such study;
 - 3) has not submitted a 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 an academic unit may strike from the student register a student who has:
 - 1) demonstrated no progress in learning;
 - 2) not completed successfully a semester or academic year within the specified time limit;
 - 3) 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

173

Pursuant to the rules laid down in the statutes of their higher education institution, students in the final year of a second-cycle programme or long-cycle programme, may undertake a practical placement preparing them to take up the teaching duties of an academic staff member and receive a scholarship provided for from the institution's own funds in accordance with the rules laid down in the statutes.

Article 191a ⁽³¹³⁾

1. A diploma awarded by an authorised higher education institution operating within the higher education system of a member state of the European Union, of the Organization for Economic Co-operation and Development (OECD) or of the European Free Trade Agreement (EFTA) - party to the agreement on the European Economic Area,- which confirms graduation from:

- 1) three-year long degree programme or a first cycle degree programme of a three-year duration – shall be evidence in the territory of the Republic of Poland of graduation from a first cycle degree programme;
- 2) second cycle degree programme - shall be evidence in the territory of the Republic of Poland of graduation from a second cycle degree programme;
- 3) long cycle degree programme of four-year duration at the minimum - shall be evidence of graduation from a second cycle degree programme, if such a diploma is considered in its country of origin to be equivalent to a diploma providing evidence of graduation from a second cycle degree programme.

2. The provisions of section 1 shall apply accordingly to diplomas certifying graduation from degree programmes provided jointly by higher education institutions operating within the higher education systems of member states of the European Union, Member States of the Organization for Economic Co-operation and Development (OECD) or of the European Free Trade Agreement (EFTA) - party to the agreement on the European Economic Area.

3. Whenever a diploma certifying graduation from a degree programme provided in another country confers the right to pursue further study or to initiate a doctoral assessment process within the higher education system of the country wherein the diploma awarding higher education institution operates, such a diploma shall also respectively confer the right to pursue further studies at:

- 1) second cycle degree programmes or non-degree postgraduate programmes in Polish higher education institutions, scientific institutes of the Polish Academy of Sciences (*Polska Akademia Nauk*) or research institutes,
- 2) third cycle degree programmes in Polish higher education institutions, doctoral programmes in research units or to initiate a doctoral process in Polish higher education institutions or research units.

4. Whenever a diploma certifying graduation from degree programmes provided jointly by higher education institutions abroad confers the right to pursue further studies or to initiate a doctoral assessment process in the higher education system of a minimum one country wherein the relevant degree programme was conducted, such a diploma shall also confer the right to pursue further studies at:

- 1) second cycle degree programmes or non-degree postgraduate programmes in Polish higher education institutions, scientific institutes of the Polish Academy of Sciences or research institutes;
- 2) third cycle degree programmes in Polish higher education institutions, doctoral programmes in research units or to initiate a doctoral assessment process in Polish higher education institutions or research units.

5. Diplomas certifying graduation from degree programmes provided in another country shall not confer the rights referred to in sections 1 to 4 in the territory of the Republic of Poland unless:

1) the awarding institution or institutions which provided the relevant degree programmes:

a) on the date the diploma was awarded the relevant institutions were either not accredited higher education institutions or they provided a degree programme without accreditation, within the meaning of the internal law of the countries in whose higher education system those institutions operate,

b) do not operate within the system of higher education of any country, or

2) the entirety or a part of a relevant degree program was conducted in contravention of the law of the country within whose system the relevant institution operated.

6. In the case of any concern regarding the characteristics of a diploma or the status of a higher education institution operating in another country, upon the request of an interested entity, the minister competent for higher education or an authorised entity shall produce an opinion or certification regarding the matter. The provisions of the Act of 14 June 1960, The Code of Administrative Procedure, shall apply accordingly, while the period referred to in Article 217, section 3 of this Act shall be twenty one days.

7. Diplomas certifying graduation from a degree programme and a degree or title awarded abroad may be recognized as equivalent to corresponding Polish diplomas and degrees or titles, pursuant to the provisions laid down by an international agreement determining equivalence, and when no such agreement exists, by the procedure of recognition of qualifications.

8. The minister competent for higher education shall determine by regulation:

1) procedure for the recognition of qualifications,

2) bodies appointed to conduct such recognition procedures,

3) types of documents to accompany applications for the recognition of a diploma attesting to the completion of a degree programme.,

- 4) time framework for the conduct of the recognition procedure,
 - 5) conditions for charging recognition procedure fees, including possible reductions or exemptions, and for their payment;
 - 6) specimen certificate to be issued upon completion of the recognition procedure,
- while being mindful of the need to ensure efficient and transparent rules of conduct.

9. Persons who had their degrees or titles recognized as equivalent to corresponding Polish degrees and titles by the procedure of the recognition of qualifications or pursuant to the provisions of international agreements may use relevant Polish degrees or titles.

10. The rules on the recognition of professional and vocational qualifications acquired in member states of the European Union shall be determined by separate legislation.

Article 192

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

- 1) the manner of keeping personal files of students;
- 2) the manner of keeping the student register and the diploma register;
- 3) the specimen student record book and student identity card;
- 4) the responsibility for, and the manner of keeping records of study;
- 5) the manner of producing and issuing duplicates of documents;
- 6) the manner 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 manner of, endorsing documents;
- 8) the manner 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;
- 10) ⁽³¹⁴⁾ the manner of the archiving of study records and the rules for issuing documents attesting to the completion of degree programmes when a higher education institution is liquidated,
 - while having regard to the necessity of ensuring that the documentation necessary to record the progress of study and monitoring of the teaching process is correctly originated and collected.

2-4 ⁽³¹⁵⁾ (repealed)

Article 192a ⁽³¹⁶⁾

In the case of the liquidation of a higher education institution, the liquidator shall forward all the documentation regarding the records of study to a competent local State archive. Storage costs of the documentation shall be provided for from the assets of the higher education institution under liquidation.

Article 193

The competent body, by decision, shall render the procedure for the award of a degree invalid if in the work which forms the grounds for the award the candidate has appropriated the authorship of a significant part or other elements of another person's work or research findings.

Article 194 ⁽³¹⁷⁾

The provisions of Articles 172 to 187 and Article 191 shall not apply to students who are serving military personnel, candidates to become serving military personnel, or public services officials.

Chapter 3

Doctoral Programmes

Article 195 ⁽³¹⁸⁾

1. Academic units of a higher education institution which are authorised to award the degree of *doktor*, in at least two different fields of science, or the degree of *doktor habilitowany*, may provide doctoral programmes in the corresponding disciplines.
2. Academic units of higher education institutions and research units may provide partnership-based doctoral programmes. The tasks of each academic 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 students and doctoral programmes provided by academic units of higher education institutions and research units.
4. Doctoral programmes shall be provided as either full-time or part-time programmes.
5. More than a half of the curriculum of a full-time doctoral programme shall require the presence of programme participants in the establishment of the unit providing the programme, and shall comprise courses and research work requiring direct participation of academic staff or research supervisors and doctoral students. Part-time doctoral programmes shall be organized so as to ensure that doctoral programmes may be followed by persons in employment.
6. Doctoral programmes shall be established by the rector at the request of the board of an academic unit and in research units by the director, at the request of the scientific council of the unit.

7. Doctoral programmes shall be academically supervised by the board of the academic unit or the scientific council of the research institution providing such programmes.

8. No tuition fees shall be charged for full-time doctoral programmes in public higher education institutions or in public research units.

9. Tuition fees may be charged for part-time doctoral programmes. The amount of tuition fees, which should not exceed the costs of provision of such programmes, shall be determined by the rector of a higher education institution or the director of the research unit providing the programmes.

10. The conditions for charging fees for doctoral programmes shall be determined in a written agreement concluded between higher education institutions or research units and doctoral students

Article 196 ⁽³¹⁹⁾

1. Access to doctoral programmes shall be open to persons who hold the degree of *magister* or equivalent.

2. Enrolment on doctoral programmes free of tuition fees shall be subject to a competitive process. Entrance requirements and procedures as well as modes of study applicable to doctoral programmes in a higher education institution shall be determined by the senate and in a research unit by the scientific council of the unit. The provisions of Article 169, section 5 shall apply accordingly. The relevant resolution shall be made public not later than 30 April of the calendar year wherein the academic year commences.

3. Doctoral student enrolment shall be conducted by an admissions committee appointed by the head of the academic unit of a higher education institution or the director of a research unit. Admissions committees shall take decisions on admissions to doctoral degree programmes.

4. A decision of an admissions committee may be appealed against to the rector or to the director of a research unit respectively, within fourteen days of the date of receipt. An appeal may be based only on a claimed breach of entrance requirements or procedures for doctoral programme referred to in section 2. Decisions of the rector or director of a research unit shall be final.

5. Admission results shall be made public.

6. Doctoral study regulations shall apply to matters regarding the organization and schedule of doctoral programmes which are not regulated in this Act or by separate legislation. The regulations shall be adopted by the rector in a higher education institution and by the director in a research unit, a minimum five months before the commencement of programmes. Provisions of Articles 161 and 162 shall apply to the adoption of the regulations.

Article 196a⁽³²⁰⁾

A person admitted to a doctoral degree programme shall acquire the rights of a doctoral student at the time of swearing the oath, the text of which shall be included in the statutes of the higher education institution or research unit.

Article 197

1. Doctoral students shall be required to conduct themselves in compliance with the sworn oath and with doctoral study regulations. The provisions of Article 189, section 2, shall apply accordingly.

2. Additional to the obligations of section 1, doctoral students shall follow doctoral curricula, carry out research and present research reports.

3. ⁽³²¹⁾ Participants in doctoral programmes in a higher education institution shall be also required to undertake practical internships involving teaching or participation in the delivery of teaching. The maximum teaching load for doctoral students shall not exceed ninety teaching hours in any year.

4. ⁽³²²⁾ Doctoral students failing to comply with the requirements referred to in sections 1 and 2 may be struck from the register of doctoral students. Decisions on striking a student from the register shall be made by the head of a programme.

5. ⁽³²³⁾ Students may appeal against decisions referred to in section 4 respectively to the rector or to the director of the research unit providing the programme. Decisions of the rector or director of the research unit shall be final.

Article 198

1. Doctoral students shall be entitled to leave of a duration not exceeding a period of eight weeks in any year and which should be taken in the periods free of teaching duty

2. Doctoral students shall be entitled to social security and health insurance laid down in regulations pursuant to separate legislation.

3. Upon the award of the degree of *doktor*, the duration of the doctoral programme, not exceeding four years, shall be included in the period of service of a degree holder contributing to employee entitlements.

4. Upon the award of the degree of *doktor*, the duration of the doctoral degree programme referred to in section 3, shall also be included in the period of service if the doctoral programme was interrupted to allow the doctoral student to take up employment in research institutions.

Article 199 ⁽³²⁴⁾

1. Doctoral students may be entitled to State-budget financial support of the following types:

- 1) maintenance grant,
- 2) assistance grant,
- 3) scholarship for outstanding doctoral students,
- 4) special grant for disabled persons,
- 5) scholarship for outstanding achievement awarded by the minister.

2. The benefits referred to in section 1, subsections 1 to 4 and 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 self-governing doctoral students' union.

3. In the case of doctoral programmes provided by a research unit the benefits referred to in section 1, subsections 1 to 4, shall be granted from the financial support fund for doctoral students, referred to in Article 103, pursuant to the rules laid down by the director of the unit in consultation with the self-governing doctoral students' union.

4. Subject to section 5, the provisions regarding the financial support for students, except for Article 174, section 4, shall apply accordingly when granting the benefits referred to in section 1, subsections 1 to 4.

5. The scholarship referred to in section 1, subsection 3, may be awarded to:

- 1) doctoral students in the first year of a doctoral programme who achieved excellent results during the admissions process;
- 2) doctoral students in the second and further years of a doctoral programme who have fulfilled all of the following conditions in the academic year preceding the award of a scholarship:
 - a) achieved excellent or good results in examinations provided for in the curriculum of the doctoral programme,
 - b) demonstrated progress in research work and in the elaboration of their doctoral thesis,
 - c) demonstrated a commitment to teaching during the doctoral programme provided by a higher education institution.

Article 199a ⁽³²⁵⁾

Financial support for students may be granted by local government authorities pursuant to the rules laid down in Article 173a.

Article 199b ⁽³²⁶⁾

Scholarships for academic achievement may be awarded to doctoral students by natural persons and bodies corporate who are neither State- nor local government-administered bodies corporate pursuant to the rules laid down in Article 173a..

Article 200

1. Full-time doctoral students may be entitled to 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 pay of an *asistent* as regulated by the legislation on the remuneration of academic staff.
3. ⁽³²⁷⁾ The decision to award a doctoral scholarship, which shall also specify the period of entitlement and the amount, shall be taken in a higher education institution by the rector and in a research unit by the director.
4. ⁽³²⁸⁾ (repealed)
5. ⁽³²⁹⁾ In a higher education institution, scholarships referred to in section 1 shall be financed from the funds referred to in Article 98, section 1, whereas in a research unit they shall be financed from the funds allocated specifically for academic staff development under the legislation on the public funding of science

Article 200a ⁽³³⁰⁾

1. Doctoral students outstanding in both their academic work and teaching may have the amount of their doctoral scholarship increased under the provisions of the fund for the promotion of excellence, referred to in Article 94b, section 1, subsection 5. The procedure for granting a doctoral scholarship at an increased level shall be determined by the regulations laid down by the rector upon consultation with the competent body of the self-governing doctoral students' union while being mindful of the rule limiting the granting of scholarships to a maximum 30% of all students in each year of a doctoral programme.

2. A doctoral student included in the 30% group who was not awarded a doctoral scholarship shall be granted funding equal to the amount of the increase in the scholarship referred to in section 1. This amount shall constitute the doctoral scholarship.

Article 201⁽³³¹⁾

The minister competent for higher education shall determine, by regulation, the requirements and procedures for the organization of doctoral programmes, the provision of and attendance at such programmes, as well as the awarding of an increased level of doctoral scholarship from the grant for the promotion of excellence and the level of the minimum increase to the value of the doctoral scholarship, including:

- 1) duration of doctoral programmes and any possible extension, including entitlement to an additional extension of the period of doctoral studies to cover maternity leave as provided for in separate legislation, while mindful of the necessity for proper preparation and conduct of a doctoral procedure;
- 2) particular powers of the body establishing a doctoral programme, of the board of an academic unit and of the head of a doctoral programme, while mindful of the necessity of the efficient conduct of doctoral studies and provision of high standard of education;
- 3) requirement to provide academic supervision and teaching by staff with original research published within the previous five years;
- 4) specimen doctoral student identity card;
- 5) fees for the issue of an identity card, while being mindful that the fees charged may not exceed the costs of issuing the document;
- 6) procedure and the time framework for granting doctoral scholarships.

2. The minister competent for higher education shall determine, by regulation:

- 1) guidelines for doctoral programmes, giving consideration to intended learning outcomes and the requirements for their attainment;
 - 2) optional courses for the development of teaching or professional skills, the minimum course hours as well as the number of ECTS credits,
 - 3) duration of internships, including internships involving teaching within a doctoral programme provided by a higher education institution,
 - 4) requirements for individual modes of study available at a doctoral level
- while having regard to the necessity of providing the highest standard of education leading to the award of the third-cycle qualifications, as specified in Article 2, section 1, subsection 18h.

Chapter 4

Self-Governing Students' Unions and Other Student Organizations

Article 202

1. Students enrolled on first-cycle, second-cycle and long-cycle programmes provided by a higher education institution shall establish a self-governing students' union (*samorząd studencki*).
2. The self-governing students' union shall be the sole representative of the student community in a higher education institution.
3. The self-governing students' union shall operate on the basis of this Act and regulations to be adopted by the legislative body of the self-governing students' union, specifying the organizational and operational procedures for self-governance, including collegial bodies and single-person authorities, the method of their appointment and their powers. The students' union shall act in compliance with the statutes of the higher education institution.

4. The regulations for the self-governing students' union shall enter into force upon the senate of a higher education institution verifying their compliance with this Act and the statutes of the institution. The first regulations for the self-governing students' union 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. Within a higher education institution the self-governing students' union shall act on matters relating to student affairs including student welfare issues and cultural activities.

5a. ⁽³³²⁾ A self-governing students' union in a higher education institution shall develop and promote a code of ethics for students.

6. Self-governing students' unions shall make decisions concerning the distribution of funds allocated for student matters by the bodies of a higher education institution. Students' unions shall submit a report on the distribution of funds, together with a financial statement, to the authorities of the higher education institution concerned at least every academic year.

7. The rector shall repeal any resolution of the students' union which is in contravention of the law, of the statutes of the higher education institution, of the study regulations or of the self-governance regulations.

8. A higher education institution shall provide funding necessary for the operation of a self-governing students' union.

Article 203

1. Representatives of self-governing students' unions operating within higher education institutions shall establish the Student Parliament of the Republic of Poland (*Parlament Studentów Rzeczypospolitej Polskiej*) hereinafter referred to as "the Student Parliament", representing the student community within Poland.

2. The Student Parliament shall have the right to give opinions and present proposals in matters relating to the student community, including the right to be consulted on legislation concerning students. Draft legislation shall be submitted to the Student Parliament by the minister competent for higher education. An opinion on a draft legislative act shall be given within one month of the date of receipt.

3. The highest authority of the Student Parliament shall be the convention of delegates representing the self-governing students' unions of individual higher education institutions, hereinafter referred to as "the Convention of Delegates".

4. Organizational arrangements and operational procedures of the Student Parliament, including the types of collegial and single-person bodies with their powers and the method of their appointment, 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 competent for higher education.

5. The provision of section 4 shall apply accordingly to any amendments to the statutes of the Student Parliament.

6. ⁽³³³⁾ (repealed)

Article 203a ⁽³³⁴⁾

1. The Student Parliament shall have a legal personality.

2. Without prejudice to the provisions of this Act, the provisions of Article 10, sections 1 and 2, Article 11, Article 25, Article 29, Articles 33 to 35 of the Act of 7 April 1989, The Law on Associations (*Dziennik Ustaw* 2001, No. 79, item 855; 2003, No.96, item 874; 2004, No. 102, item 1055 and 2007, No. 112, item 766) shall apply accordingly to the Student Parliament.

3. The minister competent for higher education shall be the supervisory authority of the Student Parliament.

4. Funds necessary for the functioning of the Student Parliament, including the exercising of its responsibilities as defined in Article 170, section 3 shall be provided as a grant by the minister competent for higher education.

Article 204

1. Students shall have the right to associate in student organizations within a higher education institution, and in particular, in special interest groups, artistic ensembles and sports clubs, pursuant to the rules laid down in this Act.
2. Student organizations in a higher education institution, as well as associations within the institution with membership comprising exclusively students, or students and academic staff, shall have the right to submit proposals to the authorities of the higher education institution or to the self-governing students' unions with regard to matters relating to student affairs.
3. The authorities of a higher education institution may allocate funds to the student organizations and associations referred to in section 2. The organizations concerned shall submit a report on the use of those funds together with a financial statement to the authorities of the institution at a minimum once every semester.

Article 205

1. Student organizations in a higher education institution shall be subject to registration, with the exception of such organizations established under the provisions of the Act of 7 April 1989, The Law on Associations. The higher education institution register of student organizations shall be public.
2. The authority registering student organizations operating within a higher education institution and maintaining the register thereof shall be the rector. Registration decisions of the rector may be appealed against to the minister competent for higher education.
3. The registration of a student organization in a higher education institution shall be contingent upon compliance to its statutes (internal regulations, founding declaration) with the law and the statutes of the institution.
4. The rector shall repeal any resolution of a student organization 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 organization itself.

5. At the request of the rector, the senate of a higher education institution shall dissolve a student organization operating within 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 organization itself.

Article 206

1. A self-governing students' union, as well as the Student Parliament or a national-level association representing solely students, may hold 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 matters or interests vital to students.

2. The decision to hold and to determine the nature and extent of a protest action, shall be taken, by an absolute majority of votes, by the authorities of a students' union or by the authorities of an association referred to in section 1, depending upon the particular dispute. The competent authorities shall notify the rector or the head of an academic unit of its decision not later than three days before the commencement of the protest action.

3. A student strike wherein students refrain from attending courses and reserve the option to remain on the premises of the institution, may be staged by the self-governing students' union or the association referred to in section 1 only if prior negotiations with the rector or forms of protest other than a strike have not resolved the 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 compliance with this Act.

5. The organizer of a strike or any other protest action shall ensure that such action does not threaten human health or life, or present a risk to the property of the higher

education institution concerned or to other persons, and does not violate the rights of employees of the institution or non- participating students.

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

Article 207

1. ⁽³³⁵⁾ Decisions referred to in Article 169, sections 10 and 11 and Article 196, section 3 and decisions of the bodies of a higher education institution, head of a doctoral programme or director of a research unit, concerning individual students and doctoral students as well as matters related to the supervision of student organizations and self-governing students' and doctoral students' unions in a higher education institution, shall be governed by the provisions of the Act of 14 June 1960, The Code of Administrative Procedure and the legislation concerning appeals to an administrative court against such decisions.

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 Procedure, shall apply accordingly in such cases.

3. The rector of a higher education institution shall be the competent body for reinstating procedures for the awarding of a degree or diploma, and for annulling decisions on the award of a degree or diploma.

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

Chapter 5

Self-Governing Doctoral Students' Unions and Other Doctoral Student Organizations

Article 208

1. ⁽³³⁶⁾ Students of doctoral programmes provided in a higher education institution shall establish a self-governing doctoral students' union.
- 1a. ⁽³³⁷⁾ Self-governing doctoral students' unions shall develop and promote a code of ethics for doctoral students .
2. The provisions of Article 202, sections 2 to 8, and Articles 206 and 207 shall apply accordingly to the self-governing doctoral students' union.

Article 209 ⁽³³⁸⁾

1. Representatives of self-governing doctoral students' unions in higher education institutions and research units shall establish the National Representation of Doctoral Students (*Krajowa Reprezentacja Doktorantów*).
2. The National Representation of Doctoral Students shall have legal personality.
3. The National Representation of Doctoral Students shall have the right to voice opinions and present proposals in matters relating to the doctoral student community, including the right to be consulted on legislation concerning doctoral students. Draft legislation shall be submitted to the National Representation of Doctoral Students by the minister competent for higher education. An opinion on a draft legislative act shall be given within one month of the date of receipt.
4. The highest body of the National Representation of Doctoral Students shall be the convention of delegates.
5. The provisions of Article 203, sections 4 and 5 and Article 203a, sections 2 and 3 shall apply accordingly to the National Representation of Doctoral Students.

6. The funds necessary for the functioning of the National Representation of Doctoral Students shall be provided as a grant by the minister competent for higher education. 192

Article 210

1. Doctoral students shall have the right to associate in doctoral student organizations within a higher education institution, particularly in special interest groups, artistic ensembles 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 organizations in a higher education institution and associations with membership comprising exclusively doctoral students or students and staff of the institution.

Chapter 6

Disciplinary Liability of Students

Article 211

1. Students shall be liable to disciplinary action before a disciplinary committee or a student disciplinary panel of the self-governing students' union, hereinafter referred to as "the student disciplinary panel", for any breach of the regulations in force in a higher education institution and any conduct considered to breach accepted ethical standards.

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 academic staff and students of a higher education institution in compliance with the procedure determined 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 matters, and shall not be bound by judgements of other bodies administering the law, except for a court judgement having the force of *res judicata*.
5. The competent formation of the disciplinary shall include the chairperson, 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 self-governing students' union, as indicated in the self-government regulations, the rector may refer a case to the student disciplinary panel rather than to a disciplinary ombudsman. 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– without referring to the disciplinary committee or the student disciplinary panel – may discipline a student with a caution following a hearing with the defendant or their legal representative.
3. A student disciplined by the rector with a caution, or the students' union 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. In such cases, the disciplinary committee and the student disciplinary panel may impose only the penalty of a caution.

4. In the case of a student being suspected of an act which involves the appropriation of the authorship of a significant portion or other elements of another person's work, the rector shall forthwith order an enquiry.

5. In the case of justified suspicion that a student has committed a legal offence, the rector, when ordering a preliminary investigation, may also suspend the rights of the student pending a judgment of the disciplinary committee.

6. If the evidence collected during a preliminary investigation confirms the commission of the act referred to in section 4, the rector shall suspend the procedure for the award of any degree pending a judgment of the disciplinary committee, and shall submit formal notice of the commission of a legal offence.

Article 215

1. A preliminary investigation shall be conducted by a disciplinary prosecutor for student affairs to be appointed by the rector from 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 ombudsman for student affairs.

3. The disciplinary ombudsman for student affairs shall act as a prosecutor before the disciplinary committee and shall be bound by instructions from the rector.

Article 216

1. The disciplinary ombudsman for student affairs shall initiate an enquiry upon the instruction of the rector and shall report the findings of the preliminary investigation to the rector.

2. Upon the conclusion of a preliminary investigation, the disciplinary ombudsman for student affairs shall either discontinue the proceedings or submit a request to the disciplinary committee to impose a penalty. The disciplinary ombudsman 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 ombudsman for student affairs and shall be approved by the rector. If refusing to give such approval, the rector may instruct another disciplinary ombudsman for student affairs to submit a request for the imposition of a penalty. A second decision of the disciplinary ombudsman for student affairs to discontinue a preliminary investigation shall be final.

Article 217

1. Disciplinary proceedings shall be instigated by the disciplinary committee at the request of the disciplinary ombudsman for student affairs.

2. A penalty imposed on a student for the same act resulting from criminal proceedings, or proceedings conducted in petty offence cases, shall not preclude proceedings being instigated before the disciplinary committee.

3. Disciplinary proceedings may not be instigated more than six months from the date on which the rector became aware of an act justifying a penalty or three years from the date of its commission. If an act constitutes a legal offence, that period may not be shorter than the limitation period for prosecuting the act.

4. The limitation period for judgments shall also expire one year from the date of the student leaving a higher education institution.

5. The limitation period shall not apply to the instigation of disciplinary proceedings against a student who is accused of plagiarism.

6. Disciplinary proceedings concluded with a valid judgement may be reinstigated if:

- 1) a gross violation of the law has been committed in connection with the proceedings, and reasonable grounds exist to believe that this may have influenced the judgement;
- 2) new facts or evidence unknown at the time of delivering the judgment have emerged, indicating that the defendant is innocent,

has been convicted of another act or the committee unjustifiably discontinued the proceedings;

3) regulations were violated in the course of proceedings, resulting in the defendant being prevented from, or seriously impeded in, the exercise their right of defence, or the formation of the committee did not comply with the requirements laid down in Article 213, section 5, or any member of the committee should have been excluded from participating in the proceedings.

7. Reinstigation of proceedings may be requested by the person disciplined or the disciplinary ombudsman for student affairs within thirty days of the date on which they became aware of reasons justifying reinstigation.

Article 218

1. The defendant shall be entitled to have legal representation of their choice.

2. In the case of the disciplinary ombudsman for student affairs demanding the penalty referred to in Article 212, section 5 and the defendant not having a legal representative of their choice, the chairperson of the adjudicating panel shall appoint a defence counsel from academic staff or students of the higher education institution.

Article 219

1. A hearing 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 wholly in camera if the openness of the proceedings could constitute an offence against accepted principles of morality or if the best interest of the defendant, the higher education institution concerned or third parties requires it. The conduct of proceedings in camera shall not apply to the pronouncement of the judgment.

3. The disciplinary committee shall give a judgment following a hearing during which the disciplinary ombudsman for student affairs and the defendant or their legal representative shall each present their case.

4. After a hearing with the disciplinary prosecutor for student affairs, the rector or the disciplinary committee may suspend the rights of a student for repeated unjustified non-attendance when correctly summoned by the disciplinary prosecutor for student affairs during the preliminary investigation or at sessions of the disciplinary committee.
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 a public administrative court.

Article 222

1. Three years after the judgment imposing a penalty becomes valid, a disciplinary penalty shall be erased by virtue of law
2. The body which imposed the disciplinary penalty may decide to erase it at the request of the disciplined person 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 Procedure, except for Article 82 thereof, shall apply accordingly to any matters related to preliminary investigations and disciplinary proceedings involving students, which are not

regulated by this Act, with the exception of proceedings before the student disciplinary panel.

Article 224

The minister competent for higher education shall lay down, by regulation, detailed procedures for preliminary investigations and disciplinary proceedings, including those for:

- 1) the discontinuation of an investigation by the disciplinary ombudsman, 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 instigated 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 instigated in connection with the same act, and cases in which the disciplinary committee may reinstate the proceedings suspended;
- 3) the reinstatement of the time limit for an appeal to be lodged by a student disciplined 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 hearing;
- 5) the rejection of a student's appeal by the chairperson 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 procedures for summoning and examining the defendant, witnesses and experts, and for presenting other evidence.

Article 225

Organizational arrangements and detailed rules for proceedings held before the student disciplinary panel shall be laid down in the regulations of the self-governing students' union.

Chapter 7

Disciplinary Liability of Doctoral Students

Article 226

1. Doctoral students shall be liable to disciplinary action for any breach of the regulations in force in a higher education institution and any conduct considered to breach accepted ethical standards. Subject to sections 2 and 3, the provisions of Articles 211 to 224 shall apply accordingly to the disciplinary liability of doctoral students.

2. The competent formation of the disciplinary committee making judgements in cases involving doctoral students shall include the chairperson, who shall be an academic staff member, and equal numbers of academic staff and doctoral students.

3. Organizational arrangements and detailed rules for proceedings held before the doctoral student disciplinary panel shall be laid down in the regulations of the self-governing doctoral students' union.

4.⁽³³⁹⁾ Doctoral students shall be liable to disciplinary action for any breach of regulations in force in a research unit or any conduct considered to be in breach of accepted ethical standards, pursuant to the regulations laid down in sections 1 to 3.

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. Public 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. Such 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, notifying the rector forthwith.
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

201

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 and at the institution.

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

- 1) 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 halls of residence, in order to ensure that they are safe for users;
- 3) circumstances under which courses in a higher education institution shall be suspended for safety reasons.

Article 229

1. Should any circumstance arise to prevent the normal functioning of a higher education institution, the rector may temporarily suspend courses in the institution or its academic units, or order a temporary closure of the institution or any of its academic units.

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

3.⁽³⁴⁰⁾ The decision referred to in sections 1 and 2, taken due to the existence of a serious threat to the safety of people or property, together with justification, shall be forwarded forthwith by the rector to:

- 1) bodies responsible for security, civil protection and crisis management, as referred to in separate legislation, which are competent for the geographical territory in which a given higher education institution or its organizational units are located;
- 2) competent supervising minister, as indicated in Article 33.

Article 230

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

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

3. The rector shall refuse the consent referred to in section 1 or shall forbid the organizing 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. Organizers of gatherings shall be accountable for their progress to the bodies of a higher education institution.

7. The rector of a higher education institution or their representative, after notifying the organizers, 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 legislation¹²⁾ 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 legislation¹³⁾, 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 legislation¹⁴⁾), the following shall be added as section 3a after section 3:

¹² 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.

¹³ 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.

¹⁴ 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, item 1188 and item 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.

“3a. The organization and scope of activities of the Police Academy (*Wyższa Szkoła Policji*) in Szczytno as a higher education institution, as well as the procedure for the appointment and removal from office of its rector and the appointment, election and removal from office 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 legislation¹⁵) 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 grants 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 legislation¹⁶) shall be amended as follows:

¹⁵ 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, item 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.

¹⁶ 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, item 1363 and 1370 and No. 134, item 1509; 2002, No. 19, item 199, No. 25,

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 attain the age of 25, if they have not earned any 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 title and degrees and title in the arts, 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 competent for higher education after consultation with the Higher Education Council or the minister competent for school education;

40) financial support benefits for pupils, students, participants in doctoral programmes and persons in other types of education or training financed by the State budget, budgets of local government authorities 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 title and degrees and title in the arts,”.

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, item 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, item 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, item 1199 and 1202 and No. 155, item 1298.

Article 237

206

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 legislation¹⁷) shall be replaced by the following:

“1. The organization 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 removal from office of its rector and the appointment, election or removal from office 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 Healthcare Institutions (*Dziennik Ustaw* No. 91, item 408, as amended by subsequent legislation¹⁸) 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”;
- 2) In Article 36a, section 1, the word “State” used four times shall be replaced by the word “public”.

¹⁷

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.

¹⁸ 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, item 1382-1384 and No. 128, item 1407; 2002, No. 113, item 984; 2003, No. 45, item 391, No. 124, item 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

Article 239

207

The Act of 4 February 1994 on Copyright and Related Rights (*Dziennik Ustaw* 2000, No. 80, item 904, as amended by subsequent legislation¹⁹) 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 its defence, it may be published by the student who has prepared it, unless the final thesis is a part of a 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 of 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 118¹ 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 legislation²⁰) shall be replaced by the following:

¹⁹ 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 z 2004 ; No. 91, item 869, No. 96, item 959 and No. 172, item 1804.

²⁰ 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.

“1. The persons holding public functions within the meaning of this Act shall include: the President of the Republic of Poland, members of Parliament, senators 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 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 an academic unit in a public and non-public higher education institution, a member of the Higher Education Council, and a member of the State Accreditation Committee, a member of the Degrees and Titles Committee.”

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 legislation²¹) shall be replaced by the following:

“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 Title and Degrees and Title in the Arts (*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).”

²¹ 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.

Article 242

209

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 grants 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 legislation²²) 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 legislation²³) 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.”.

²² 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.

²³ 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.

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 legislation²⁴) shall be amended as follows:

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

“1) the State-budget sector: this shall mean 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 Ustaw* 2003, No. 15, item 148, as amended by subsequent legislation²⁵), 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

²⁴ 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, item 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.

²⁵ 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 z 2004, No. 210, item 2135.

units and support service
establishments,

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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 Emergency Service (*Dziennik Ustaw* No. 113, item 1207, as amended by subsequent legislation²⁶⁾) 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 Title and Degrees and Title in the Arts (*Dziennik Ustaw* No. 65, item 595) shall be amended as follows:

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

“5. In justified cases, the Committee may deem the requirements, defined in section 1 to 3, as fulfilled by persons representing related fields of science and the arts, including related scientific and artistic disciplines.”;

2) in Article 9:

a) section 5 shall be repealed;

b) section 6 shall be replaced by the following:

“6. Resolutions of the Committee on the matters referred to in section 2, subsections 2 and 3, and section 4, shall be published by the Degrees and Titles Committee in the Official Journal of the Republic of Poland “*Monitor Polski*”.”;

3) Article 19 shall be replaced by the following:

“Article 19. A resolution on the award of the 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 unit not be approved, the board of the 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 Degrees and Titles Committee

3. The Degrees and Titles Committee shall consider the request referred to in section 2 within four months of the date of its receipt.

4. The proceedings referred to in section 3 may involve reviewers appointed for the assessment

process leading to the award of the degree of *doktor habilitowany.*”;

4) in Article 20:

a) section 2 shall be replaced by the following:

“2. The members of the board of a competent organizational unit who hold the title of *profesor* or the degree of *doktor habilitowany* or equivalent, pursuant to Article 21a, shall be entitled to vote, as specified in section 1.”;

b) section 5 shall be replaced by the following:

“5. For a doctoral assessment process, at least two reviewers shall be appointed who are staff members of a higher education institution or academic unit external to that of the applicants’ own place of employment and who concurrently are not members of the board of the unit conducting this process”;

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

“5a. For a doctoral assessment process leading to the award of the degree of *doktor habilitowany*:

1) two reviewers shall be appointed by the board of the academic unit concerned, and

2) two reviewers shall be appointed by the Committee.

5b. The reviewers referred to in section 5a shall take part in the doctoral assessment process on an equal basis.”;

d) section 6 shall be replaced by the following:

“6. Supervisors and reviewers of the doctoral thesis in the doctoral assessment process may be persons holding the academic title of *profesor*

or the a degree of *doktor habilitowany*
in a given or related area of science or
art.”; 214

5) Article 23 shall be replaced by the following:

“Article 23. A person who is preparing a doctoral thesis and who is not a member of academic or researcher staff, shall be entitled, on application and at a time mutually agreed with the employer, to twenty eight working days of leave of absence, under the provisions of separate regulations, for the purpose of preparing and conducting the defence of his or her doctoral thesis.

2. For the duration of the periods of absence referred to in section 1, employees shall be entitled to remuneration calculated as calculated as **equivalent to that classified as annual holiday leave.**”;

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

“4. Four reviewers shall be appointed for the professorial process, including no more than one reviewer employed in the same higher education institution or another research institution wherein the professorial candidate is employed or who is a member of the board of the unit conducting the process. Reviewers may be persons holding the academic title of *profesor* in a given or related area of science or the arts. Reviewers shall be appointed by the board of the unit concerned and the Degrees and

Titles Committee, two by each, and shall
take part in the process for the conferment
of the title of *profesor* on an equal basis.”;

7) Article 28 shall be replaced by the following:

“Article 28. 1. Having adopted the resolution in support of the request for the conferment of the academic title of *profesor*, the board of the unit concerned shall forward the relevant request complete with the records of the process to the Degrees and Titles Committee within the one month of the adoption of the resolution.

2. The Degrees and Titles Committee shall adopt a resolution proposing or declining to propose a candidate for the academic title of *profesor* within six months of the date of the receipt of such a resolution.

3. The Degrees and Titles Committee shall submit a request for the conferment of the academic title of *profesor* to the President of the Republic of Poland within one month from the adoption of the resolution proposing the candidate for the title.

4. Should the Committee adopt a resolution declining to propose the candidate for the academic title of *profesor*, the board of the 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 Degrees and Titles Committee for the matter to be re-considered.

5. The Committee shall consider the request, referred to in section 4, within six months from the date of its receipt.

6. The proceedings referred to in section 5 may involve the reviewers **appointed to act in the professorial process** ”; 216

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

“1. The provisions of the Code of Administrative Procedure shall apply to the award processes of the degrees of *doktor* and *doktor habilitowany* and the title of *professor* as well as to the procedure for the granting, limiting, suspending or withdrawing of the authorization to award these degrees and title, whenever unregulated by the Code. Appeals against decisions taken in the course of such award processes shall be subject to the regulations concerning appeals against administrative decisions to an administrative court of law.”

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

“Article 29a. 1. The board of the relevant academic unit, or respectively, the Committee, shall, by decision, render invalid any processes for the conferment of the academic title or degree if the publication or research work presented in support of such a process, in its essential part or sections thereof has been wrongfully ascribed by the candidate as of his or her own authorship.

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 such a request.”;

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

“3. The Degrees and Titles Committee shall adopt its resolutions after consultation with at least one reviewer. Resolutions declining to approve resolutions on the conferment of a degree or declining to propose a candidate for the academic tile 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 Degrees and Titles Committee.

4. The Degrees and Titles Committee 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 degree of *doktor habilitowany*. Research institutions other than higher education institutions shall mean scientific 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 degree of *doktor*.

3. Doctoral programmes in a research institution shall be established by the director of the institution concerned.
4. Doctoral programmes shall be academically supervised by the scientific council 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 in the establishment of the programme provider, and shall comprise courses and research work requiring direct participation of doctoral students and their research supervisors. Part-time doctoral programmes shall be organized so as to ensure that doctoral programmes may be undertaken by persons in employment.
7. No tuition fees shall be charged for full-time doctoral programmes.
8. The amount of tuition fees for part-time doctoral programmes, if such fees are charged, shall be determined by the director 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 units. The tasks of the research institution and other 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) undertaking research or artistic activity, and submitting reports on their progress.
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 a participant from the register shall be taken by the head of the relevant doctoral programme. Such a decision may be appealed against to the director of the research institution providing the doctoral programme within fourteen days of the date of receipt.

3. Participants in doctoral programmes shall be liable to disciplinary action in compliance with 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. Upon the award of the degree of *doktor*, the duration of the doctoral programme, regardless of the date of its completion, not exceeding four years, shall be included in the period of service of a degree holder determining their employee entitlements.

3. The period of service determining employee entitlements shall also include the duration of full-time doctoral studies if the doctoral programme was interrupted to allow a doctoral student to take up employment as an academic teacher or researcher provided the degree of *doktor* was awarded 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 legislation²⁶).

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 pay of an *asystent* as regulated by the legislation on the remuneration of academic staff.

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

²⁶

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

4. Without prejudice to section 5, doctoral students may undertake paid work. However, the performance of any such work should not conflict with the course work scheduled in the doctoral programme of study.

5. Full-time doctoral students in receipt of a doctoral scholarship may undertake paid work solely on a part-time basis, having first received permission from the head of the doctoral programme.

Article 41

In consultation with the minister competent for science, the minister competent for higher education shall determine, by regulation, the requirements and procedure for the organization of doctoral programmes as defined in this Act, the provision of, and attendance at, such programmes, as well as the awarding of scholarships to persons enrolled on them, including:

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

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 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 Academy (*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 public services higher education institutions.

6. Whenever reference is made in separate legislation to State or non-State higher education schools, this shall mean respectively public or non-public higher education institutions.

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 the 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 grants from the funds administered by the minister responsible for health matters.

Article 254

The faculties of theological 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⁽³⁴¹⁾

1. The names of higher education institutions shall be changed in accordance with the requirements laid down in Article 3 by 30 June 2010.

2. The Council of Ministers shall submit by 30 June 2009 a bill changing the names of public university higher education institutions in compliance with the requirements laid down in Article 3.

3. The Council of Ministers shall change, 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 to the minister responsible for higher education by 31 March 2009 a request for the change of the name of their institution in accordance with the requirements laid down in Article 3.

5. If the competent body or founder of a non-public higher education institution fails to comply with the obligation referred to in section 4, the name of such an institution shall be changed by the minister competent for higher education. Such a decision 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 competent provincial 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 commenced their studies before the date of entry into force of this Act may either complete such programmes in accordance with the relevant procedures or transfer to a corresponding first cycle programme or, having 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

223

1. Day 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 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. Instigated and proceedings in progress in the following cases:
 - 1) concerning:
 - a) permission for the establishment of higher education institutions pending an opinion from the State Accreditation Committee, and
 - b) authorizations to provide degree programmes in a specific field of study pending an opinion from the State Accreditation Committee shall be conducted pursuant to the rules and procedure laid down in this Act;
 - 2) concerning:
 - a) permission for the establishment of higher education institutions where the State Accreditation Committee has given its opinion, and
 - b) authorizations to provide degree programmes in a specific field of study where the State Accreditation Committee has given its opinion shall be conducted pursuant to the rules and procedure laid down in the legislation 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 permission 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 authorizations which, according to the provisions of this Act, shall comply with these requirements, provided 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. Such higher education institutions shall lose the above-mentioned authorizations, as of 31 August 2010, unless the institutions fulfil the requirements laid down in Article 56, section 2, or Article 58, section 4 before that date.

Article 261⁽³⁴²⁾

(repealed)

Article 261a⁽³⁴³⁾

1. The minister competent for higher education acting at the request of the body which operates an education provider may, by regulation:

- 1) restructure a public post-secondary school, a college for foreign language teachers or a public services college, into a public higher education institution providing vocational education courses.
- 2) incorporate the educational establishments referred to in section 1 into a public higher education institution upon the consent of the senate of the institution concerned;
- 3) merge the educational establishments referred to in section 1 into a public higher education institution providing vocational education courses,

- while specifying the manner of the transfer of the employees and students of such educational establishments, as well as determining the fields of study and degree

specializations, which may be continued and the manner of the completion of first-cycle degree programmes, being mindful of the need to guarantee a high standard of education.

2. In the case of educational establishments referred to in section 1 being incorporated into public higher education institutions:

1) minimum staffing levels necessary for the provision of a degree programme in a given field of study, or the provision of programmes in a location other than the seat of a given higher education institution, shall be individually established for academic units receiving employees and students for a temporary period of time, which shall not, however, be longer than three years;

2) study programmes of a practical specialization shall be established for the transferred students, with curricula which, within a period not exceeding three years, may vary from the accepted standard of education in a given field of study;

3) when a public higher education institution provides vocational education, the provision of such education may be continued in the current location, which is other than the seat of the given institution, for a period not longer than three years, following the fulfillment of individual requirements referred to in section 1, and provided the vocational character of the programme specialization is maintained.

3. During the period between the acquisition of an educational establishment, referred to in section 1, and the end of the budgetary year in which the acquisition took place, the local government authority hitherto operating the establishment, referred to in section 1, shall by agreement transfer to the higher education institution concerned, as a special-purpose grant, the funding which shall not be lower than the amount allocated for the duration of this period, to the operation of such an establishment and is provided from that portion of the State's general educational subsidy allocated to the local government authority; such an agreement may also determine the conditions applicable to the transfer of various assets of the entity concerned.

4. In the case of the merger referred to in section 1, subsection 3, the provisions of sections 2 and 3 shall apply accordingly.

5. In the case of non-public establishments, the conditions laid down in sections 1 and 2 shall be taken into consideration when granting permission to the establishments concerned for the provision of higher vocational education.

Article 261b⁽³⁴⁴⁾

Agreements concluded between higher education institutions and bodies operating colleges for foreign language teachers, teacher training and public services colleges, in so far as they enable their graduates, after passing a qualifying examination, to apply for admission to examinations in higher education institutions and for completion of degree programmes leading to the award of the degree of *licenjat*, shall be repealed with effect from 30 September 2015.

Article 262

1. Requests concerning changes to the internal organisation of higher education institutions which were submitted but not yet considered by the date of entry into force of this Act shall be considered in compliance with the procedures and regulations laid down in this Act.

2. The competent bodies of higher education institutions shall bring their teaching centres in locations other than their seat 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 competent for higher education, information on 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 chief operating officers 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 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 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 attain the age of 65 if their period of service grants 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 attain the age of 70.
6. Appointed academic staff holding the positions of *adiunkt*, *starszy wykładowca*, *wykładowca* or *asystent* shall remain appointed to those positions for an indefinite period of time, 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 adapt documentation establishing employment relationships 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 adapted in accordance with the provisions of this Act within three months of the date of its entry into force.

10. Academic staff employed in positions of *profesor* 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 supplementary 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 that date, provided that they notify the competent body concerned in accordance with Article 129, section 6, within three months of the date of entry into force of this Act.

2. Academic staff who undertook economic activity before the date of entry into force of this Act and combine it with supplementary 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 the competent body concerned 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 supplementary employment undertaken under an employment relationship, or economic activity pursued, within the time limit specified in sections 1 and 2, shall provide grounds 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 supplementary employment shall be considered as 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

229

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 attained 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 attained 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 Higher Education Council 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 collegial 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 collegial body was elected.
3. A member of the collegial 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 collegial 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 collegial 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

Any process for the conferment of a 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 organizational units of the office supporting the minister competent for higher education.

Article 273

The Student 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 Student Parliament of the Republic of Poland referred to in Article 203, with its statutes, however, requiring the approval by the minister competent 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, Article 117a, Article 121 and Article 122 of the Act referred to in Article 276, subsection 2, and Article 22 and Article 66a of the Act referred to in Article 276, subsection 3 shall remain in force until 31 December 2006.
- 2.⁽³⁴⁶⁾ Articles 75 to 117, Article 118, Article 119 and Articles 124 to 139 of the Act referred to in Article 276, subsection 2, and Articles 49 to 66 and Articles 67 to 70 of the Act referred to in Article 276, subsection 3 shall remain in force until 31 August 2006.

2a.⁽³⁴⁷⁾ In the period from 1 September 2006 to 31 December 2006 employees of public higher vocational institutions shall be entitled to special financial awards and access to the institutional welfare benefits fund, in compliance with the regulations hitherto in force.

2b. Employees of public higher vocational education institutions shall be entitled to an additional annual payment for the year 2005 and 2006 pursuant to the regulations laid down in the Act of 12 December 1997 on additional annual payment for employees of the State budget institutions (*Dziennik Ustaw* No.160, item 1080 with further amendments).

2c.⁽³⁴⁹⁾ Until 31 December 2006:

1) higher education institutions may obtain funds from the budgets of local governments and their associations;

2) the minister competent for higher education shall determine the amount of and shall award to :

a) Academy of National Defence referred to in Article 248,

b) Jarosław Dąbrowski Military University of Technology referred to in Article 249,

c) Westerplatte Heroes Naval Academy referred to in Article 250

- a subsidy for the provision of learning for civilians, taking into consideration the level of such a subsidy in relation to the cost of learning provided in higher education institutions under the supervision of the minister competent for higher education, and may also award the subsidies referred to in Article 24, section 1, subsection 2 of the relevant Act referred to in Article 276, subsection 2;

3) a higher education institution which operated in compliance with the provisions of the Act referred to in Article 276, subsection 3, shall be funded from the State budget as specified in Article 24, section 2, subsections 1, 1a and 2 and 6 of the Act referred to in Article 276, subsection 2;

4) a non-public higher education institution may obtain funds from the State budget, as referred to in Article 24, section 1, subsections 1a, 2 and 6 of the Act referred to in Article 276, subsection 2.

3..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 178¹, 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) Act of 31 March 1965 on Military Higher Education (*Dziennik Ustaw* 1992, No. 10, item 40, as amended by subsequent legislation²⁷),
- 2) Act of 12 September 1990 on Higher Education (*Dziennik Ustaw* No. 65, item 385, as amended by subsequent legislation²⁸),
- 3) Act of 26 June 1997 on Schools of Higher Vocational Education (*Dziennik Ustaw* No. 96, item 590, as amended by subsequent legislation²⁹).

Article 277

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

- 1) ⁽³⁵⁰⁾ Article 94, Article 151, Article 155 and Article 157 shall enter into force on 1 January 2007;
- 2) ⁽³⁵¹⁾ Articles 107 to 150 and Articles 152 to 154, Article 156 and Article 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.

²⁷ 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 and 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.

²⁸ Amendments to the Act were published in: *Dziennik Ustaw* 1992, No. 54, item 254 and No. 63, item 314; 1994, No. 1, item 3, No. 43, item 163, No. 105, item 509 and No. 121, item 591; 1996, No. 5, item 34 and No. 24, item 110; 1997, No. 28, item 153, No. 96, item 590, No. 104, item 661, No. 121, item 770 and No. 141, item 943; 1998, No. 50, item 310, No. 106, item 668 and No. 162, item 1115 and 1118; 2000 ; No. 120, item 1268 and No. 122, item 1314; 2001 ; No. 85, item 924, No. 103, item 1129, No. 111, item 1193 and 1194 and No. 126, item 1383; 2002 ,No. 4, item 33 and 34, No. 150, item 1239, No. 153, item 1271 and 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.

²⁹ Amendments to the Act were published in: *Dziennik Ustaw* 1998, No. 106, item 668; 2000, No. 120, item 1268 and No. 122, item 1314; 2001, No. 85, item 924 and No. 111, item 1194; 2002, No. 4, item 33 and 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.

