

ACT  
of 20 July 2018  
**The Law on Higher Education and Science**

Recognising that the pursuit of truth and the transmission of knowledge from generation to generation is a particularly noble human activity and understanding the fundamental role of science in the creation of civilisation, the rules for the functioning of higher education and the conduct of scientific activities are hereby established based on the following principles:

- It is the duty of the public authorities to create optimal conditions for the freedom of scientific research and artistic creation, freedom of teaching and autonomy of the academic community,
- every scientist is responsible for the quality and reliability of research and for the education of the young generation,
- higher education institutions and other research institutions carry out a mission of particular importance for the country and the nation: they make a key contribution to the innovativeness of the economy, contribute to the development of culture as well as to the establishment of moral standards in public life.

PART I

**General provisions**

**Art. 1.** This Act shall lay down the rules for the functioning of the higher education system and science.

**Art. 2.** The mission of the higher education system and science is to provide the highest quality of education and scientific activity, to shape citizenship, and to participate in social development and the creation of an economy based on innovation.

**Art. 3. 1.** The basis of the system of higher education and science is the freedom

of teaching, artistic creation, research and publication of its results as well as the autonomy of higher education institutions.

2. The system of higher education and science shall respect international standards, ethical principles and good practice in education and research activities as well as take into account the particular importance of the social responsibility of science.

**Art. 4. 1.** Scientific activities include scientific research, development works and artistic creation.

2. Scientific research is an activity that includes:

- 1) basic research understood as empirical or theoretical works aimed primarily at gaining new knowledge about the foundations of phenomena and observable facts without focusing on any direct commercial application;
- 2) applied research, understood as works aimed at acquiring new knowledge and skills, focused on developing new products, processes or services or introducing significant improvements in them.

3. Development works are an activity involving the acquisition, combining, shaping and use of existing knowledge and skills, including those relating to IT tools or software, for production planning and the design and creation of altered, improved or new products, processes or services, excluding activities involving routine or periodic changes thereto, even if such changes constitute improvements.

4. Artistic creation shall be an activity comprising creative activities in the field of art, resulting in a material or immaterial work of art contributing to the development of culture, including artistic performance.

**Art. 5. 1.** Research and development works are carried out in the fields of science and scientific disciplines, and artistic creation in the field of art and artistic disciplines.

2. Higher education is conducted in scientific fields and disciplines or in the field of art and artistic disciplines.

3. The minister responsible for higher education and science shall specify, by way of a regulation, the classification of fields of science as well as scientific and artistic

disciplines, having regard to the taxonomy of the fields and disciplines adopted by Organisation for Economic Cooperation and Development (OECD), national security, the need to comply with the international obligations of the Republic of Poland and the objectives of the classification.

**Art. 6. 1.** The Council of Ministers shall determine the country's scientific policy.

2. The country's scientific policy is a strategic document indicating priorities in the functioning of the system of higher education and science.

3. The implementation of the country's scientific policy is evaluated at least every 5 years.

**Art. 7. 1.** The system of higher education and science is composed of:

- 1) higher education institutions;
- 2) federations of entities of the higher education system and science, hereinafter referred to as „federations”;
- 3) the Polish Academy of Sciences, acting on the basis of the Act of 30 April 2010 on the Polish Academy of Sciences, hereinafter referred to as „PAN”;
- 4) scientific institutes of PAN, acting on the basis of the Act referred to in point 3, hereinafter referred to as „PAN institutes”;
- 5) research institutes, acting on the basis of the Act of 30 April 2010 on research institutes;
- 6) international scientific institutes established on the basis of separate acts operating on the territory of the Republic of Poland, hereinafter referred to as „international institutes”;
- 6a) Łukasiewicz Centre, operating under the Act of 21 February 2019 on the Łukasiewicz Research Network;
- 6b) institutes operating within the Łukasiewicz Research Network, hereinafter referred to as „institutes of the Łukasiewicz Network”;
- 7) Polish Academy of Arts and Sciences, hereinafter referred to as „PAU”;
- 8) other entities conducting mainly scientific activities on an independent and con-

tinuous basis.

2. The following entities work for the benefit of the higher education system and science:

- 1) Polish National Agency for Academic Exchange, acting on the basis of the Act of 7 July 2017 on the Polish National Agency for Academic Exchange, hereinafter referred to as „NAWA”;
- 2) National Centre for Research and Development, acting on the basis of the Act of 30 April 2010 on the National Centre for Research and Development, hereinafter referred to as „NCBiR”;
- 3) National Science Centre, acting on the basis of the Act of 30 April 2010 on the National Science Centre, hereinafter referred to as „NCN”;
- 4) Medical Research Agency, operating under the Act of 21 February 2019 on the Medical Research Agency.

**Art. 8. 1.** The provisions of Parts II to IV, Part VI, Chapter 1, and Parts VII to IX and XII to XIV shall not apply to universities and higher education seminaries run by churches and other religious associations, except for the John Paul II Catholic University of Lublin, unless an act or agreement between the Council of Ministers and the authorities of the church or other religious association provides otherwise.

2. This Act shall not apply to higher education institutions and branches established by foreign higher education institutions, with the exception of Art. 47.

## PART II

### Higher education

#### Chapter 1

#### Higher education institutions

**Art. 9. 1.** A higher education institution shall have a legal personality.

2. A higher education institution shall be autonomous on the principles set out in the Act.

3. A higher education institution shall conduct studies in at least one field of study.

4. A higher education institution shall conduct its activities in its seat, and if the seat is located in the area of a metropolitan association – in this area. A higher education institution may conduct its activities outside its seat or this area – in its branch.

5. Public authorities may take decisions concerning higher education institutions only in the cases provided for in legislation.

**Art. 10. 1.** Employees of higher education institutions, doctoral students and students shall constitute a community of the higher education institution.

2. A member of the community of a higher education institution shall have the right to vote in the higher education institution.

**Art. 11. 1.** The basic tasks of higher education institutions shall be:

- 1) providing education as part of studies;
- 2) providing education as part of post-graduate studies or other forms of education;
- 3) conducting scientific activities, providing research services and transferring knowledge and technology to the economy;
- 4) providing education as part of doctoral studies;
- 5) educating and promoting the staff of a higher education institution;
- 6) creating conditions for people with disabilities to participate fully in:
  - a) the admission process to the higher education institution for the purpose of education,
  - b) education,
  - c) the conduct of scientific activities;
- 7) educating students in the sense of responsibility for the Polish state, national tradition, strengthening of democratic principles and respect for human rights;
- 8) creating conditions for the development of students' physical culture;
- 9) disseminating and multiplying scientific and cultural achievements, including through the collection and provision of library, information and archival collections;
- 10) acting for the benefit of local and regional communities.

2. The basic task of a non-university-type higher education institution is also to provide specialist education.

3. The tasks referred to in sec. 1 point 3, 4 and point 6 (c) do not constitute the primary tasks of a non-university-type higher education institution.

4. A higher education institution providing education in medical sciences or health sciences or in veterinary sciences may also be given the task of participating in the provision of medical or veterinary care within the scope and in the forms specified in the legislation on medical activities or animal health care facilities.

5. The higher education institution can run student dormitories and canteens.

**Art. 12.** A higher education institution may conduct economic activity which is separated organisationally and financially from the activity consisting in the performance of the tasks referred to in Art. 11, to the extent and in the forms specified in the statutes, in particular through the formation of capital companies.

**Art. 13. 1.** A higher education institution shall be:

- 1) a public higher education institution if it is established by a state authority;
- 2) a non-public higher education institution if it is established by a natural person or a legal person other than a local government unit or a state or local government legal person, hereinafter referred to as „the founder”.

2. A higher education institution shall be a university-type higher education institution or non-university-type higher education institution.

**Art. 14. 1. A higher education institution shall be a university-type higher education institution if it conducts scientific activity and has scientific category A+, A or B+ in at least 1 scientific or artistic discipline.**

**Sec. 1 of Art. 14 shall enter into force on 1/10/2021.**

2. A university-type higher education institution shall provide first-cycle programmes and second-cycle programmes or long-cycle programmes.

3. A university-type higher education institution may provide education for doctoral students.

4. A higher education institution providing specialist education, which became a uni-

versity-type higher education institution, shall provide such education on the basis of the existing rules, except that it shall not provide admissions to such education programmes.

**Art. 15. 1. A higher education institution shall be a non-university-type higher education institution if it provides education taking into account the needs of the socio-economic environment and does not fulfil the condition referred to in Art. 14 sec. 1.**

**Sec. 1 and 5-9 in Art. 15 shall enter into force on 1/10/2021.**

2. A non-university-type higher education institution shall provide education only as part of a practical profile studies.

3. A non-university-type higher education institution shall provide first-cycle programmes.

4. A non-university-type higher education institution may provide:

- 1) second-cycle programmes;
- 2) long-cycle programmes;
- 3) specialist education.

**5. A university-type higher education institution may submit a request to the minister responsible for higher education and science, hereinafter referred to as „the minister”, to be qualified as a non-university-type higher education institution.**

**6. Within 30 days, the minister may, by way of an administrative decision, qualify a higher education institution as a non-university-type higher education institution.**

**7. A university-type higher education institution which, as a result of an evaluation of the quality of research activities, does not fulfil the condition referred to in Art. 14 sec. 1, shall become a non-university-type higher education institution on the date on which the decisions on the award of scientific categories to that institution become final.**

**8. A higher education institution which became a non-university-type higher education institution shall adapt its education programme to the requirements laid down in sec. 2 within 12 months of the date on which it ceases to fulfil the**

**condition referred to in Art. 14 sec. 1, or the delivery of a decision on qualification to a group of non-university-type higher education institutions.**

**9. A higher education institution providing education for doctoral students which became a non-university-type higher education institution shall cease doctoral education at the end of the academic year in which it ceased to fulfil the condition referred to in Art. 14 sec. 1, or the day on which it received a decision on qualification to a group of non-university-type higher education institutions. The provisions of Art. 206 shall apply.**

**Art. 16. 1.** The word „academy” is reserved for the name of a university-type higher education institution.

2. The term „university of technology” is reserved for the name of a university-type higher education institution having the scientific category A+, A or B+ in at least 2 disciplines in the field of engineering and technical sciences.

3. The word „university” shall be reserved for the name of a university-type higher education institution having the scientific category A+, A or B+ in at least 6 scientific or artistic disciplines, hereinafter referred to as „disciplines”, falling within at least 3 fields of science or art, hereinafter referred to as „fields”.

4. In the case of obtaining an academic category necessitating a change of the name of a higher education institution pursuant to the rules laid down in sec. 1-3, the higher education institution may use its current name.

**Art. 17. 1.** The authorities of a:

- 1) public higher education institution are a council of the higher education institution, rector and senate;
- 2) non-public higher education institution are rector and senate.

2. The statutes of a higher education institution may also provide for other authorities of the higher education institution.

**Art. 18. 1.** The tasks of the council of the higher education institution include:

- 1) giving an opinion on the draft strategy of the higher education institution;

- 2) giving opinion on the draft statutes;
- 3) monitoring the financial economy of the higher education institution;
- 4) monitoring the management of the higher education institution;
- 5) identifying candidates for the rector, after the Senate has given its opinion;
- 6) giving an opinion on the report on the implementation of the strategy of the higher education institution;
- 7) performing other tasks specified in the statutes.

2. As part of monitoring the financial economy, the council of the higher education institution:

- 1) gives its opinion on the material and financial plan;
- 2) approves the report on the implementation of the material and financial plan;
- 3) approves the financial statements.

3. In the performance of its tasks, the council of the higher education institution may request access to the documents of the higher education institution.

4. When performing the activities related to the tasks referred to in sec. 1 and 2, the members of the council of the higher education institution shall be guided by and act for the benefit thereof.

5. The council of the higher education institution shall submit an annual activity report to the senate.

**Art. 19. 1.** The council of the higher education institution shall be composed of:

- 1) 6 or 8 people appointed by the senate;
- 2) the president of the student council.

2. Persons from outside the community of the higher education institution shall constitute at least 50% of the persons referred to in sec. 1 point 1,

**Art. 20. 1.** A member of the council of the higher education institution may be a person who:

- 1) has full legal capacity,
- 2) enjoys full civil rights;

- 3) has not been convicted of an intentional offence or intentional tax offence under a final and binding judgment;
- 4) has not been punished by disciplinary action;
- 5) did not work for the State security authorities, did not serve in them or cooperate with them in the period from 22 July 1944 to 31 July 1990 within the meaning of Art. 2 of the Act of 18 October 2006 on the disclosure of information about documents of the State security bodies from the years 1944-1990 and the content of these documents;
- 6) has graduated from a higher education institution – in the case of members of the council referred to in Art. 19 sec. 1 point 1;
- 7) has not reached the age of 67 by the date of commencement of the term of office.

2. The members of the council shall be bound by the provisions of Art. 19 of the Act of 16 December 2016 on the Principles of State Property Management.

3. Membership in the council of a higher education institution may not be combined with holding the function of a body of that institution or another institution, membership in the council of another institution or employment in public administration.

4. Membership in the council of the higher education institution shall expire in the event of death, resignation from membership, failure to submit the declaration referred to in Art. 7 sec. 1 of the Act of 18 October 2006 on the disclosure of information about documents of the State security bodies from the years 1944-1990 and the content of these documents, hereinafter referred to as a „vetting declaration”, the information referred to in Art. 7 sec. 3a of this Act, hereinafter referred to as the „vetting information”, or failure to continue to meet the requirements set out in sec. 1.

5. The termination of membership in the council of the higher education institution shall be stated by the President of the senate.

6. In the event of termination of membership in the council of the higher education institution, the senate shall immediately appoint a new member for the remainder of the term of office.

**Art. 21. 1.** The term of office of the council of the higher education institution shall be four years and it shall commence on 1 January of the year following the year in which the term of office of the senate began.

2. The same person may not be a member of the council of the higher education institution for more than 2 consecutive terms. The period referred to in Art. 20 sec. 6 shall not be included in the number of terms of office.

**Art. 22. 1.** The chairman of the council of the higher education institution shall be a member from outside the community of the higher education institution elected by the senate.

2. The council of the higher education institution shall adopt regulations laying down the mode of its operation.

3. The council of the higher education institution shall adopt resolutions at its meetings in the presence of at least half of its statutory members.

4. A member of the council of the higher education institution referred to in Art. 19 sec. 1 point 1 shall be entitled to a monthly salary, the amount of which may not exceed 67% of the minimum basic monthly salary for a professor in a public higher education institution as laid down in the regulations issued on the basis of Art. 137 sec. 2, hereinafter referred to as „professor’s salary”. The amount of salary shall be determined by the senate.

**Art. 23. 1.** The rector shall be responsible for matters concerning the higher education institution, except for matters reserved by this Act or the statutes for the competence of other authorities of the higher education institution.

2. The tasks of the rector include in particular:

- 1) representing the higher education institution;
- 2) managing the higher education institution;
- 3) preparing the draft statutes and the draft strategy of the higher education institution;
- 4) reporting on the implementation of the strategy of the higher education institution;
- 5) performing tasks required by the labour law;

- 6) appointing and dismissing persons holding managerial positions in the higher education institution;
- 7) implementing a personnel policy at the higher education institution;
- 8) creating studies in a specific field of study, level and profile;
- 9) creating doctoral schools;
- 10) conducting financial management of the higher education institution;
- 11) ensuring the implementation of regulations applicable in the higher education institution.

3. The rector shall provide organisational regulations, which shall specify:

- 1) the organisational structure of the higher education institution and the distribution of tasks within that structure;
- 2) organisation and rules of operation of the administration of the higher education institution.

4. Administrative decisions issued by the Rector are subject to an application for reconsideration.

5. The appointment of a person to perform a managerial function, whose duties include student or doctoral student issues, shall be agreed with the student or doctoral student council, respectively. Failure to adopt a position by the council within the time limit specified in the statutes shall be deemed to be consent.

6. The rector shall be responsible for their actions on the terms specified in the Act and in separate regulations.

**Art. 24. 1.** The rector may be a person who meets the requirements set out in Art. 20 sec. 1 point 1–6, and in a public higher education institution, a person who also has at least a degree of doktor and meets the requirements set out in Art. 20 sec. 1 point 7. The statutes may provide for additional requirements for the rector.

2. The rector of:

- 1) a public higher education institution is elected by the electoral college;
- 2) a non-public higher education institution is appointed by the founder or elected by

the senate or another authority of the higher education institution set out in the statutes, as referred to in Art. 17 sec. 2.

3. The election of the rector shall be made by an absolute majority of votes.

4. The minister shall be notified about the election results or the appointment of the rector:

- 1) in the case of a public higher education institution – by the president of the electoral college;
- 2) in the case of a non-public higher education institution – by the founder, president of the senate or another authority which decided on the election.

5. The provision of Art. 20 sec. 4 shall apply accordingly to the expiry of the tenure of the rector.

6. The expiry of the tenure of the rector:

- 1) of a public higher education institution shall be stated by the president of the electoral college;
- 2) of a non-public higher education institution shall be stated by the founder;

7. In the event of expiry of the rector's tenure, the new rector to remain in office until the end of the term shall be:

- 1) elected by the electoral college in a public higher education institution;
- 2) appointed by the founder or elected by the senate or another authority of the higher education institution set out in the statutes, as referred to in Art. 17 sec. 2, in a non-public higher education institution.

8. During the period between the expiration of the tenure and the date of election or appointment of a rector, the duties of the rector shall be performed by a person indicated in the statutes of the higher education institution, or, if no such person is indicated, by the oldest member of the senate holding at least the academic degree of a doctor.

9. The first rector of a:

- 1) public higher education institution shall be appointed for the period of one year by

the minister, who establishes an employment relationship with the rector and sets a deadline for the organisation and conduct of elections to the senate;

2) non-public higher education institution shall be appointed by the founder.

10. A person elected or appointed as rector shall be employed in the higher education institution as the primary place of employment within the meaning of this Act not later than on the date of the commencement of the term of office. The provision of Art. 119 section 1 shall not apply to the employment of that person.

**Art. 25. 1.** The composition of the electoral college in a public higher education institution and the mode of election of its members shall be laid down in the statutes, with a minimum of 20% of its members being students and doctoral students. The number of students and doctoral students shall be determined in proportion to the number of both these groups in the higher education institution, with each of these groups being represented by at least one representative.

2. A member of the electoral college may be a person who fulfils the requirements set out in Art. 20 sec. 1 points 1-5 and 7.

3. The provisions of Art. 20 sec. 3 and 4 shall respectively apply to the members of the electoral college.

4. The mode of appointing students and doctoral students to the electoral college and the duration of their membership in the electoral college shall be laid down in the regulations of the student council and the regulations of the doctoral student council, respectively.

5. The term of office of the electoral college shall be 4 years.

**Art. 26. 1.** The term of office of the rector of a public higher education institution shall be four years and shall commence on 1 September of the year in which the rector was elected.

2. The same person may not be the rector of a public higher education institution for more than 2 consecutive terms. The period referred to in Art. 24 sec. 7 and sec. 9 point 1 shall not be counted in the number of these terms of office.

3. In the case the rector is not elected before the date referred to in sec. 1, the provision of Art. 24 sec. 8 shall apply accordingly.

**Art. 27. 1.** The rector of a public higher education institution may be dismissed by the electoral college by a majority of at least three-quarters of the votes cast in the presence of at least two-thirds of its statutory members.

2. A motion to dismiss the rector of a public higher education institution may be submitted by the senate by a majority of at least half of the votes cast by the statutory members or by the council of the higher education institution.

3. The rector of a non-public higher education institution may be dismissed by the founder.

4. In the case of the rector's dismissal, the provision of Art. 24 sec. 8 shall apply accordingly.

**Art. 28. 1.** The senate's tasks include:

- 1) adoption of the statutes;
- 2) adoption of study regulations;
- 3) adoption of the strategy of the higher education institution and approval of the report on its implementation;
- 4) appointment and dismissal of members of the council of the higher education institution;
- 5) provision of opinions on the candidates for the rector;
- 6) evaluation of the functioning of the higher education institution;
- 7) formulation of recommendations for the higher education institution council and the rector with regard to the tasks performed by them;
- 8) granting of scientific degrees and degrees in art;
- 9) awarding of the title of doctor honoris causa;
- 10) establishment of the conditions, mode and date of commencement and completion of recruitment for studies and specialist education;
- 11) development of study programmes, postgraduate studies and specialist education;

- 12) development of curricula in doctoral schools;
  - 13) determination of the manner of verification of learning outcomes;
  - 14) indication of the candidates for representative institutions of the higher education and scientific community;
  - 15) performance of tasks related to:
    - a) assigning levels of the Polish Qualifications Framework, hereinafter referred to as „PRK”, for qualifications awarded after the completion of post-graduate studies,
    - b) inclusion of the qualifications awarded on completion of post-graduate studies and other forms of education in the Integrated Qualification System
- in accordance with the Act of 22 December 2015 on the Integrated Qualifications System;
- 16) performing other tasks specified in the statutes.

2. The study programme shall require consultation with the student council. In the event of the ineffective expiry of the period laid down in the statutes, the requirement to consult shall be deemed to have been met.

3. If the statutes of a non-public higher education institution so provide, the statutes may be enacted by the founder or by another authority of the higher education institution referred to in Art. 17 sec. 2.

4. The task referred to in sec. 1 point 8 may be carried out by another body of the higher education institution referred to in Art. 17 sec. 2. The statutes may specify only one body within a given discipline and, in the case of a higher education institution fulfilling the condition referred to in Art. 185 sec. 3, within a given field.

**Art. 29. 1.** The Senate shall be composed of:

- 1) in a public university-type higher education institution:
  - a) professors and professors of higher education institutions who make up no less than 50% of the senate,
  - b) students and doctoral students who make up no less than 20% of the senate,

c) academic staff employed in positions other than those referred to in letter (a) and non-academic staff, who make up no less than 25% of the senate;

2) in a public non-university-type higher education institution:

a) academic teachers having at least a degree of doktor, who make up at least 50% of the senate,

b) students, who make up no less than 20% of the senate,

c) academic staff who do not have a degree of doktor and non-academic staff, who make up not less than 25% of the senate.

2. The number of students and doctoral students shall be determined in proportion to the number of both these groups in the higher education institution, with each of these groups being represented by at least one representative.

3. Persons belonging to the groups referred to in sec. 1 elect senate members from among themselves. Any member of the community of a higher education institution may submit a candidate. The election is secret.

4. A member of the senate may be a person who meets the requirements set out in Art. 20 sec. 1 points 1-5 and 7.

5. The provisions of Art. 20 sec. 4 and 5 shall apply accordingly to members of the senate.

**Art. 30. 1.** The term of office of the senate shall be 4 years and it shall commence on 1 September.

2. In a public higher education institution, the same person may not be a member of the senate for more than two consecutive terms.

3. The mode of election of students and doctoral students to the senate and the duration of their membership in the senate shall be laid down in the regulations of the student council and the regulations of the doctoral student council, respectively.

**Art. 31. 1.** The rector shall be the president of the senate.

2. The senate shall adopt resolutions at its meetings in the presence of at least half of its statutory members.

3. A representative of each trade union operating in the higher education institution shall participate in the meetings of the senate in an advisory capacity.

4. Members of the senate who are professors and professors of higher education institutions shall take part in votes on the matters referred to in Art. 28 sec. 1 point 8. Resolutions shall be adopted in the presence of at least half of the statutory members.

**Art. 32. 1.** The provisions of Art. 20 sec. 1 points 1-6 and sec. 2-4 shall respectively apply to the authorities of the higher education institution referred to in Art. 17 sec. 2, and in the case of a public higher education institution, the provision of Art. 20 sec. 1 point 7 shall also apply. The statutes may provide for additional requirements.

2. With regard to the persons appointed to hold managerial positions in a higher education institution, referred to in Art. 23 sec. 2 point 6, the provisions of Art. 20 sec. 1 points 1-5 and sec. 4 shall apply accordingly.

**Art. 33.** Decisions of the authorities of the higher education institution shall not affect the rights of trade unions arising from relevant acts.

**Art. 34. 1.** The statutes shall lay down the rules for the organisation and operation of a higher education institution, in particular:

- 1) the manner of appointment and dismissal of authorities of the higher education institution, including entities authorised to submit candidates for the rector, and the method of organising elections to the authorities of the higher education institution;
- 2) the composition of the council of the higher education institution and the senate;
- 3) rules and mode of the functioning of the council of the higher education institution, senate and electoral college;
- 4) rules for internal supervision of documents issued by the authorities of the higher education institution;
- 5) types of organisational units of the higher education institution;
- 6) management functions in the higher education institution;
- 7) rules for the appointment and dismissal of persons to hold managerial positions in

the higher education institution;

- 8) mode of awarding of the title of doctor honoris causa;
- 9) rules of conducting business activity by the higher education institution;
- 10) rules of disposing of the property of the higher education institution;
- 11) mode of enacting organisational regulations;
- 12) order regulations for holding meetings.

2. The statutes of a public higher education institution shall be adopted by the senate by an absolute majority of votes in the presence of at least half of its statutory members after consultation with the council of the higher education institution, expressed by a majority of votes of the statutory members, and after consultation with the trade unions operating in the higher education institution. The trade unions shall submit their opinion within 30 days of receiving the draft statutes. In the event of the ineffective expiry of that period, the requirement to consult shall be deemed to have been met.

3. The statutes of a non-public higher education institution shall indicate a natural person or a legal person other than a local government unit or a state or local government legal person, who becomes its founder in the event of their death or loss of legal personality.

4. The statutes of a non-public higher education institution shall lay down the mode of liquidation of the higher education institution and the allocation of components of its property upon completion of the liquidation.

5. The types of organisational units of a higher education institution, referred to in sec. 1 point 5, may, in particular, include faculties, institutes, departments, units, centres and colleges.

**Art. 35. 1.** A public university-type higher education institution shall be established by way of an act.

2. The minister responsible for higher education and science shall, by way of a regulation, establish a public non-university-type higher education institution or change its name.

3. A public higher education institution may be established as a result of a merger of public higher education institutions, research institutes or institutes of PAN.

4. A public university-type higher education institution shall be incorporated into a public higher education institution by means of an act.

5. The minister responsible for higher education and science shall, in consultation with the minister responsible for the supervision of the higher education institution or research institute, after consultation with the director or scientific council of the research institute, incorporate the public non-university-type higher education institution or research institute into a public higher education institution by way of a regulation.

6. The minister responsible for higher education and science shall, by way of a regulation, at the request of the President of PAN or the director of a PAN institute, and after consultation with the department responsible for the scientific specialisation of the institute, incorporate a PAN institute into a public higher education institution.

7. The regulation on the establishment of a public non-university-type higher education institution shall specify:

- 1) the name of the higher education institution;
- 2) the seat of the higher education institution;
- 3) the components of the property that the higher education institution will be equipped with.

8. The first statutes shall be enacted by the minister.

9. A public higher education institution to which another higher education institution, research institute or a PAN institute is affiliated shall assume the rights and obligations of that higher education institution or institute, including the rights and obligations resulting from administrative decisions.

9a. A research institute incorporated into a public higher education institution shall be deleted from the National Court Register at the request of the rector of that higher education institution.

10. The regulation on the incorporation of a public non-university-type higher

education institution, research institute or PAN institute into a public higher education institution shall specify the effects of such incorporation, in particular:

- 1) expiry of the term of office of the collegiate and single-member bodies of the incorporated entity;
- 2) destination of the property of the incorporated entity;
- 3) possibility of conducting studies developed by an incorporated higher education institution;
- 4) conditions for the continuation of education by students of an incorporated higher education institution;
- 5) conditions for the continuation of the employment relationships of employees of the incorporated entity.

11. When issuing the Regulation referred to in sec. 2, 5 and 6, the needs resulting from the country's scientific policy and socioeconomic circumstances shall be taken into account.

**Art. 36. 1.** The minister responsible for higher education and science shall, by way of a regulation, abolish a public non-university-type higher education institution.

2. The liquidation of a public higher education institution shall consist in the disposal of tangible and intangible assets after the creditors, in particular employees, students and doctoral students, have been satisfied or secured, in order to terminate its activities.

3. The liquidation shall be carried out by a liquidator appointed by the Minister.

4. The liquidator is entitled to a monthly remuneration determined by the minister. The salary may not be higher than the basic salary of the rector of the liquidated higher education institution for the month preceding the date of its liquidation.

5. During the period of liquidation, the higher education institution shall use the name with the addition of the indication „in liquidation”.

6. The liquidator announces that the higher education institution is being liquidated in „Monitor Sądowy i Gospodarczy” [Court and Economy Monitor].

7. The liquidator shall, within 3 months from the date of appointment, submit a plan of revenues and costs related to the liquidation to the minister for approval.

8. The costs of liquidation shall be covered from the property of the institution being liquidated, or, where there are insufficient funds, from the State budget, from the part of the budget being at the disposal of the minister, on the basis of a plan of revenues and costs related to the liquidation.

9. The liquidation of the higher education institution results in the fact that:

- 1) on the date of appointment, the liquidator shall assume the powers of the authorities of the higher education institution;
- 2) the term of office of the authorities of the higher education institution shall expire on the date of appointment of the liquidator;
- 3) the higher education institution shall not provide admissions to studies, post-graduate studies, specialist education and other forms of education, as well as to doctoral schools;
- 4) the higher education institution shall not award scientific degrees and degrees in art;
- 5) the higher education institution shall lose the right to receive the financial resources referred to in Art. 365 point 1 (d), point 2 (e) and (f), points 4-7 and 9;
- 6) the financial resources referred to in art. 365 point 1 (a)-(c), point 2 (a)-(d) and point 3 shall be transferred to the higher education institution in so far as necessary.

10. In a higher education institution that has been put into liquidation:

- 1) the education conducted may be continued no longer than until the end of the academic year,
- 2) the employment relationships of academic teachers shall expire with the end of the academic year

– in which the higher education institution has been put into liquidation.

11. The liquidator shall ensure the possibility of continuation of the students' and doctoral students' education; the provisions of Art. 82 and Art. 206 shall apply accordingly.

12. Proceedings for the award of a scientific degree or a degree in the field of art, initiated and not completed by the date of putting the higher education institution into liquidation, shall be conducted by entities indicated by the Council of Scientific Excellence, hereinafter referred to as.

13. The liquidator shall, within 30 days from the date of completion of the liquidation proceedings, notify the minister of the completion of the liquidation and present a report on its course for approval.

14. The higher education institution shall lose its legal personality on the date of the announcement by the minister of the completion of liquidation in *Monitor Sądowy i Gospodarczy*.

15. The regulation on the liquidation of a public non-university-type higher education institution shall specify:

- 1) the mode of appointing and dismissing a liquidator;
- 2) the mode of liquidation;
- 3) the manner in which the liquidation activities are carried out.

16. When issuing the Regulation referred to in sec. 1, changes in the number of students shall be taken into account in the context of the socio-economic needs for education in a given higher education institution, as well as its financial situation, the needs arising from the State's scientific policy, and the need for efficient liquidation.

17. In case of liquidation of a higher education institution, once its liabilities have been paid, its property shall become the property of the State Treasury or the property of a local government unit, depending on the source of the property. The minister shall decide on the allocation of the property of the Treasury.

18. In case of liquidation of a higher education institution, the liquidator shall hand over the documentation concerning the course of studies for safekeeping to the entity conducting the activity referred to in Art. 51a sec. 1 of the Act of 14 July 1983 on the national archival resources and archives, providing funding for this purpose. The provisions of this Act shall apply to the storage of documentation.

**Art. 37. 1.** A non-public higher education institution shall acquire legal personality upon its entry into the register of non-public higher education institutions, hereinafter referred to as „the register”.

2. The register shall be kept by the minister in the system referred to in Art. 342 sec. 1.

3. The register includes:

- 1) number of the entry in the register;
- 2) date of entry;
- 3) name, surname and place of residence or name, number from the National Court Register or other relevant register and address of the founder;
- 4) name and address of the higher education institution;
- 5) name and surname and date of commencement and end of the rector’s term;
- 6) information on the final decision on the liquidation of the higher education institution;
- 7) date of removal from the register.

4. A non-public higher education institution or the founder shall notify the minister within 14 days of a change in the data referred to in sec. 3 points 3-5.

5. The minister shall make an entry in the register at the request of a non-public higher education institution or its founder or ex officio.

6. The entry in the register shall be the entry of a non-public higher education institution in the register, the change of the entry in the register and the removal of the non-public higher education institution from the register.

7. The entry in the register and the refusal of entry shall be made by way of an administrative decision, excluding the entry of the data referred to in sec. 3 points 5 and 6.

8. The entry consists in the entry of the data contained in the final decision into the system.

9. The register shall be public.

**Art. 38. 1.** The founder shall apply for the registration of a non-public higher education institution in the register and an application for a permit to establish a study

programme in a specific field of study, level and profile.

2. The justification for the application for entry in the register shall include the strategy of the higher education institution. The application shall be accompanied by draft statutes of the non-public higher education institution and a statement of the founder on the establishment of a non-public higher education institution, drawn up in the form of a notarial deed, containing the following information:

- 1) name, surname and address of residence or name, number from the National Court Register or other relevant register and address of the founder;
- 2) the name of the higher education institution;
- 3) the address of the higher education institution;
- 4) the amount of funds that the founder undertakes to provide to the higher education institution for its operation;
- 5) the list and value of items transferred to the higher education institution for ownership and the date of their transfer;
- 6) the manner of financing of the higher education institution.

3. The financial resources referred to in sec. 2 point 4, may not be less than PLN 3 000 000. Funds shall be transferred to the bank account of the higher education institution not later than 30 days after the date of entry in the register.

**Art. 39. 1.** After consultation with the Polish Accreditation Committee, hereinafter referred to as „PKA”, the minister shall enter a non-public higher education institution in the register by way of an administrative decision.

2. PKA may ask the founder for explanations and information as well as conduct visits.

3. The entry in the register shall be valid for 6 years.

4. The decision on entry in the register shall specify:

- 1) name, surname and address of residence or name, number from the National Court Register or other relevant register and address of the founder;
- 2) name and address of the higher education institution.

5. The decision on entry in the register shall be issued together with the permission to establish studies in a specific field of study, level and profile.

**Art. 40. 1.** The minister shall, by way of an administrative decision, refuse to enter a non-public higher education institution in the register if:

- 1) the founder was entered in the register of insolvent debtors of the National Court Register;
- 2) the founder has due liabilities to the State Treasury;
- 3) the founder has been convicted, by a final judgment, of an intentional offence or deliberate fiscal offence - if the founder is a natural person;
- 4) the founder has been put into liquidation or bankruptcy - if the founder is a legal person;
- 5) any of the persons authorised to represent the founder who is a legal person are subject to at least one of the conditions specified in points 1-3;
- 6) the draft statutes are inconsistent with the law;
- 7) PKA has issued a negative opinion on the entry in the register or on the permission to establish studies in a specific field of study, level and profile.

2. In instances referred to in sec. 1 point 1-6, the minister shall issue a decision without consulting the PKA.

**Art. 41. 1.** The founder shall submit a request for the renewal of the entry of a non-public higher education institution in the register not earlier than 12 months and not later than 6 months before its expiry.

2. If an application is not submitted within the time limit laid down in sec. 1, the minister shall initiate proceedings for the liquidation of the higher education institution according to the mode laid down in Art. 430.

3. After consulting the PKA, the minister shall, by way of an administrative decision, extend the validity of the entry in the register.

4. The Minister shall, by way of an administrative decision, refuse to renew the entry in the register if:

- 1) the higher education institution or the founder is in gross violation of the law;
- 2) PKA has issued a negative assessment of the quality of education in at least half of the fields of study offered by the higher education institution;
- 3) one of the conditions laid down in Art. 40 sec. 1 points 1-5 occurs.

5. The validity of the entry in the register shall be extended for an indefinite period.

**Art. 42. 1.** The founder shall, within 30 days of the date of entry of a non-public higher education institution into the register:

- 1) appoint the first rector;
- 2) enact the first statutes.

2. The founder may decide on matters concerning the higher education institution only in cases specified in the Act or the statutes.

3. In case of death of the founder or the loss of the founder's legal personality, the entity referred to in Art. 34 sec. 3 shall become the founder.

**Art. 43. 1.** A non-public higher education institution may merge with another non-public higher education institution, creating a new non-public higher education institution.

2. The application for entry in the register of a new non-public higher education institution shall be submitted by the rectors and the founders of the merging higher education institutions.

3. Upon the entry of the new non-public higher education institution into the register, the merged higher education institutions shall be removed from the register.

4. The provisions of Art. 38, sec. 2 shall apply accordingly to the application for the entry in the register of a new non-public higher education institution.

5. The new non-public higher education institution shall assume all the rights and obligations of the merged higher education institutions, including those resulting from administrative decisions.

**Art. 44. 1.** A non-public higher education institution may be incorporated into another non-public higher education institution.

2. The incorporation of a non-public higher education institution in another non-public higher education institution shall take place on the date of removal of the incorporated non-public higher education institution from the register.

3. A request for removal from the register of a non-public higher education institution incorporated in another non-public higher education institution shall be submitted by the rectors and founders of such higher education institutions.

4. A non-public higher education institution to which another non-public higher education institution has been incorporated shall assume the rights and obligations of that higher education institution, including the rights and obligations resulting from administrative decisions.

**Art. 45. 1.** The founder may liquidate the non-public higher education institution after obtaining the consent issued by the minister by way of an administrative decision.

2. The granting of consent shall be conditioned by ensuring the possibility for students and doctoral students to continue their education; the provisions of Art. 82 and Art. 206 shall apply accordingly.

3. Within three months of the receipt of consent, the founder shall submit to the minister an act confirming that the higher education institution is in liquidation.

4. A higher education institution shall be put into liquidation on the date indicated in the act referred to in sec. 3. As of that day:

- 1) the founder shall take over the competences of the authorities of the higher education institution;
- 2) the term of office of the authorities of the higher education institution shall expire;
- 3) the higher education institution shall not provide admissions to studies, post-graduate studies, specialist education and other forms of education, as well as to doctoral schools;
- 4) the higher education institution shall not award scientific degrees or degrees in art; the provision of Art. 36 sec. 11 shall apply accordingly;
- 5) the higher education institution shall lose the right to receive the financial resour-

ces referred to in Art. 365 points 2, 6, 7 and 9;

6) the financial resources referred to in Art. 365 point 3 shall be transferred to the higher education institution in so far as necessary.

5. In a higher education institution that has been put into liquidation:

- 1) the education conducted may be continued no longer than until the end of the academic year,
- 2) the employment relationships of academic teachers shall expire with the end of the academic year – in which the higher education institution has been put into liquidation.

6. A higher education institution put into liquidation shall use its name with the addition of an indication” in liquidation.”

7. The minister shall amend the entry in the register by adding the indication „in liquidation” to the name of the higher education institution.

8. In the event of failure to submit the act referred to in sec. 3 within the deadline set out in this provision, the obligation to put a higher education institution into liquidation shall be performed in the manner specified in the provisions of the Act of 17 June 1966 on enforcement proceedings in administration.

**Art. 46. 1.** The liquidation of a non-public higher education institution is aimed at ending its activity.

2. The liquidation shall be conducted by the founder.

3. The founder shall commence liquidation no later than 30 days after the date on which the higher education institution is put into liquidation.

4. The founder shall immediately notify the minister of the commencement of liquidation.

5. Should the founder fail to proceed to liquidation within the time limit laid down in sec. 3 or should the liquidation not be conducted, the obligation to proceed to, conduct or terminate the liquidation shall be performed in the manner specified in the provisions of the Act of 17 June 1966 on enforcement proceedings in administration.

6. The founder shall immediately notify the minister of the completion of liquidation.

7. The minister shall, within 3 months from the date of receipt of the notification referred to in sec. 6 remove the higher education institution from the register by way of an administrative decision.

8. The higher education institution shall lose its legal personality as of the date of its removal from the register.

9. The provision of Art. 36 sec. 17 shall apply accordingly to property transferred to the higher education institution in accordance with the mode laid down in Art. 423 sec. 1.

10. The costs of liquidation of the higher education institution shall be covered from its assets, with priority over creditors' claims.

11. Where the costs of liquidation of the higher education institution exceed the value of its assets, the liquidation costs shall be covered from the founder's assets.

12. In case of liquidation of the higher education institution, the founder shall forward the documentation concerning the course of studies and the personal and payroll documentation for safekeeping to the entity performing the activities referred to in Art. 51a sec. 1 of the Act of 14 July 1983 on the national archive resources and archives, providing financial resources for this purpose. The provisions of this Act shall apply to the storage of documentation.

13. The archives of the higher education institution shall be provided by the founder in the mode of the provisions of the Act of 14 July 1983 on the national archival resources and archives.

**Art. 47.** A foreign higher education institution may establish higher education institutions or branches based in the territory of the Republic of Poland. The establishment of a higher education institution or a branch requires:

- 1) the minister's permit, issued after consultation with the minister responsible for foreign affairs and the PKA;
- 2) a positive assessment of an agency assessing the quality of education recognised by the authorities of the country where the higher education institution is located,

or an agency registered in the European Quality Assurance Register for Higher Education (EQAR) or an agency of another country whose assessments are recognised by the PKA.

**Art. 48.** With regard to the proceedings in matters referred to in Art. 37 sec. 7, Art. 41 sec. 3, Art. 45 sec. 1, Art. 46, sec. 7 and Art. 47 point 1, the provisions of Art. 35-37, Art. 79a and Art. 96a-96n of the Act of 14 June 1960 – Code of Administrative Procedure, hereinafter referred to as ‘Code of Administrative Procedure’, shall not apply.

**Art. 49. 1.** A higher education institution shall provide the conditions, including infrastructure, necessary for the performance of the tasks referred to in Art. 11.

2. The higher education institution shall have a library and information system, the basis of which shall be the library. The higher education institution may process the personal data of persons using this system as specified in its statutes.

3. The higher education institution shall have an archive.

4. A higher education institution may run an academic career office as referred to in Art. 2 sec. 1 point 1 of the Act of 20 April 2004 on employment promotion and labour market institutions.

**Art. 50. 1.** The rector shall maintain order and safety on the premises of the higher education institution.

2. The premises of a higher education institution shall be determined 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 the higher education institution:

- 1) at the rector’s request;
- 2) without the rector’s request - in case of direct threat to human life or health or in the event of a natural disaster.

4. In the case referred to in sec. 3 point 2, the services shall immediately notify the rector of the entry into the premises of the higher education institution.

5. The rector may conclude an agreement with the competent body of the services,

specifying other cases related to the maintenance of order and security and justifying the presence of the services in the higher education institution.

6. The services shall be obliged to leave the premises of the higher education institution immediately after the reasons which justified their entry have ceased to exist or at the request of the rector.

7. The rector shall immediately report any circumstances preventing the proper functioning of the higher education institution which pose a threat to the safety of persons or property to a significant extent to:

- 1) authorities competent for security, civil protection and crisis management;
- 2) the minister.

**Art. 51. 1.** The rector ensures safe and hygienic working and education conditions, in particular by providing appropriate infrastructure and training.

2. In consultation with the minister responsible for labour, the minister responsible for higher education and science shall, by way of a regulation, specify how the conditions referred to in sec. 1 can be ensured, having regard to the specificity of the activity of the higher education institution and standards concerning occupational health and safety.

**Art. 51a.** In cases justified by exceptional circumstances endangering the life or health of members of the community of the higher education institution, the minister responsible for higher education and science may, by way of a regulation, temporarily restrict or suspend the operation of the higher education institution in the territory of the country or a part thereof, taking into account the degree of threat in the area concerned.

**Art. 52. 1.** Members of a higher education institution community shall have the right to organise gatherings on the premises of the higher education institution. The organisation of a gathering on the premises of the higher education institution shall require the consent of the rector.

2. The organisers shall notify the rector of their intention to organise a gathering at least 24 hours before the commencement of the gathering. In cases justified by the ur-

gency of the matter, the rector may accept a notice submitted within a shorter time limit.

3. The rector shall refuse to grant the consent referred to in sec. 1 or prohibit the gathering if its purpose or programme violates the law.

4. The rector may delegate their representative to attend the gathering.

5. The organisers of gatherings shall be accountable to the authorities of the higher education institution for their course.

6. After notifying the organisers, the rector or their representative shall dissolve the gathering if it is held in violation of the law.

## Chapter 2

### Conducting studies

**Art. 53. 1.** A higher education institution shall conduct studies in a specific field of study, level and profile. The higher education institution shall assign a field of study to at least 1 discipline.

2. If a field of study is assigned to more than one discipline, the leading discipline shall be indicated, as part of which more than half of the learning outcomes shall be achieved.

3. The establishment of studies in a specific field of study, level and profile shall require the minister's permission. The provisions of Art. 10, Art. 35-37, Art. 79a, Art. 81 and art. 96a-96n of the Code of Administrative Procedure shall not apply.

4. A higher education institution which, in the discipline referred to in sec. 1 or in the leading discipline, has a scientific category:

- 1) B – may obtain permission to establish studies in a field of study assigned to this discipline and at a specific level and profile;
- 2) C or does not have a scientific category – may obtain a permit to establish studies in a field of study assigned to this discipline and at a specific level and practical profile, with the exclusion of a permit to establish studies preparing for the teaching profession.

5. A higher education institution referred to in sec. 4 point 2 may obtain a permit to establish studies preparing for the teaching profession if it has concluded a coope-

ration agreement for the provision of such studies with a higher education institution referred to in sec. 7 point 1. A higher education institution referred to in sec. 7 point 1 may conclude such agreement in a given discipline only with one higher education institution referred to in sec. 4 point 2.

6. A permit to establish studies in medical or medical-dental faculties may be granted to a university-type higher education institution which has a scientific category A+, A or B+ in the discipline of medical or health sciences. The provisions of sec. 7–9 shall not apply to the establishment of studies in these fields of study.

7. A permit shall not be required to establish studies in a field of study assigned to the discipline referred to in sec. 1 or the leading discipline:

- 1) in which the higher education institution has a scientific category A+, A or B+;
- 2) which falls within the field referred to in Art. 243 sec. 7, with the exclusion of the establishment of studies preparing for the teaching profession.

8. A university-type higher education institution may establish studies in a field of study whose curriculum specifies learning outcomes within the disciplines in which the higher education institution has a scientific category A+, A or B+, falling within at least 3 fields. The provision of sec. 2 shall not apply.

**9. A university-type higher education institution may establish long-cycle programmes in a field of study assigned to the discipline referred to in sec. 1 or the leading discipline in which it has the scientific category A+ or A, or a discipline falling within the field referred to in Art. 243 sec. 7, except that in the case of studies preparing for the professions referred to in Art. 68 sec. 1 – if the possibility of education at this level results from regulations issued on the basis of Art. 68 sec. 3. The provisions issued on the basis of Art. 81 within the scope referred to in Art. 81 point 2 shall not apply.**

10. A higher education institution which has established studies in a specific field of study, level and profile or obtained permission to establish such studies may not establish or apply for a permit to establish studies in the same field of study level and

profile, or studies whose programmes define the same learning outcomes, assigned to the same discipline. This restriction shall not apply to the application for a permit to establish studies in a branch.

**Art. 54. 1.** A higher education institution shall apply for a permit to establish studies in a specific field of study, level and profile. The application shall be submitted no later than 6 months before the planned commencement of the studies.

2. The minister shall issue a permit after consultation with:

- 1) PKA on meeting the conditions for conducting studies in a specific field of study, level and profile of study and the relationship between studies and the strategy of the higher education institution;
- 2) the minister supervising the higher education institution;
- 3) the minister for health – in the case of medical, medical-dental and pharmacy studies.

3. The minister shall issue a permit if the higher education institution complies with the requirements laid down in the legislation issued on the basis of Art. 81.

4. A permit to establish studies in the fields of nursing or midwifery at a given level may be granted to a higher education institution accredited on the basis of Art. 59 of the Act of 15 July 2011 on the nursing and midwifery professions.

**Art. 55. 1.** The minister shall refuse to issue a permit for the establishment of studies in a given field of study, level and profile without the consultation referred to in Art. 54 sec. 2 point 1 if:

- 1) as of the date of application:
  - a) the rector has not entered into the system referred to in Art. 342 sec. 1 the data referred to in Art. 343 sec. 1, Art. 344 sec. 1 or Art. 345 sec. 1,
  - b) the higher education institution is in arrears on tax, social or health insurance contributions, other public levies, or if it has been entered in the register of insolvent debtors of the National Court Register,
  - c) the higher education institution has been put into liquidation,

- d) the higher education institution has due liabilities to the State Treasury in respect of a subsidy for the entities of the higher education system and science referred to in Art. 112 sec. 1 point 3a of the Act of 27 August 2009 on public finance, hereinafter referred to as the „subsidy”, or grant,
  - e) the public higher education institution is included in the recovery plan referred to in Art. 418 sec. 1 and there is no economic justification for the issue of a permit, or
  - f) the higher education institution does not implement the conclusions or recommendations prepared as a result of the inspection referred to in Art. 427 sec. 1;
- 2) within two years before the submission of a permit application, the minister has withdrawn the permit for the higher education institution to establish studies in the field of study assigned to the same discipline.

2. The minister may refuse to issue the permit without the consultation referred to in Art. 54 sec. 2 point 1 if, at the date of submitting the application, the studies in a given field of study do not meet the socioeconomic needs.

**Art. 56. 1.** The minister may withdraw the permission to establish studies in a specific field of study, level and profile if, with regard to such studies:

- 1) PKA issued a negative assessment of the quality of education;
- 2) the provision of education has not been commenced within 2 years from the date of issuing the permit;
- 3) no student has been accepted by way of recruitment for 2 consecutive academic years;
- 4) the higher education institution does not fulfil the conditions for their provision or no longer fulfils the conditions referred to in Art. 53 sec. 4 point 1, sec. 5 or 6;
- 5) the minister responsible for health has refused or withdrawn the accreditation granted pursuant to Art. 59 of the Act of 15 July 2011 on the nursing and midwifery professions.

2. The minister responsible for health shall notify the minister and the PKA on the refusal to grant or withdrawal of accreditation granted on the basis of Art. 59 of the Act

referred to in sec. 1 point 5.

3. In the event of withdrawal of the permit to establish studies in a given field of study, level and profile, the higher education institution shall discontinue such studies, except that the education may be continued until the end of the semester in which the decision becomes final. If there are less than 3 months of semester remaining, the higher education institution shall cease the conduct of studies at the end of the following semester.

**Art. 57. 1.** The establishment of studies in a specific field of study, level and profile outside the seat requires the minister's permission. The provisions of Art. 54 and Art. 55 shall apply accordingly.

2. The establishment of studies in a specific field of study, level and profile of study abroad requires a permit from the minister, issued after obtaining a positive opinion of the minister for foreign affairs. The provisions of Art. 54 and Art. 55 shall apply accordingly.

**Art. 58.** With regard to cases referred to in Art. 57, the provisions of Art. 35-37 and Art. 96a-96n of the Code of Administrative Procedure shall not apply, and in the cases referred to in Art. 56 sec. 1, those provisions as well as the provision of Art. 79a of the Code of Administrative Procedure shall not apply.

**Art. 59. 1.** A university-type higher education institution with scientific category A+ or A in at least four disciplines falling within at least two fields may provide individual interdisciplinary studies.

2. Individual interdisciplinary studies are studies organised in such a way as to enable the obtainment of a degree in more than one field of study.

**Art. 60. 1.** A higher education institution may provide joint degree programmes with another higher education institution, a PAN institute, a research institute, an international institute, a foreign higher education institution or a scientific institution. The rules of cooperation shall be laid down in a written agreement which shall, in particular, indicate the entity responsible for the entry into the system of the data referred to

in Art. 342 sec. 1 and entitled to receive funding for the education of students at joint full-time degree programmes.

2. A higher education institution may provide joint degree programmes if:

- 1) it has established studies on the basis of Art. 53 sec. 7 or
  - 2) obtained permission to establish studies
- in a field of study that is to be conducted jointly.

3. If joint degree programmes are conducted with a foreign higher education institution or scientific institution by the higher education institution which has established the programme on the basis of Art. 53 sec. 7, the provisions of Art. 73 sec. 2 and provisions issued pursuant to Art. 81 within the scope referred to in Art. 81 point 1 shall not apply.

4. A graduate of a joint degree programme may be awarded a joint diploma, which meets the requirements laid down in the provisions issued on the basis of Art. 81 within the scope referred to in Art. 81 point 9.

**Art. 61. 1.** A higher education institution may conduct studies in cooperation with the authority granting the right to pursue a profession, the authority conducting investigation procedures relating to the obtainment of the right to pursue a profession, a professional self-government body, a business organisation or a registration body. The rules of cooperation in conducting studies shall be specified in a written agreement.

2. The agreement may specify the participation of the entity referred to in sec. 1 in the development of the curriculum of the studies and the manner of conducting internships.

**Art. 62.** A higher education institution may implement dual degree programmes which are practical programmes conducted with the participation of the employer. The course of studies is specified in a written agreement.

**Art. 63. 1.** The studies are conducted in the form of:

- 1) full-time programmes, where at least half of the ECTS credits included in the curriculum are obtained in classes directly involving academic teachers or other lecturers and students;

2) part-time programmes indicated in a resolution of the senate, where less than half of the ECTS credits included in the curriculum may be obtained with the direct participation of academic teachers or other lecturers and students.

2. Classes in full-time programmes are conducted separately from classes in part-time programmes.

3. In a public higher education institution, the number of students studying in full-time programmes may not be lower than the number of students studying in part-time programmes.

**Art. 64. 1.** The following levels of studies are conducted:

- 1) first-cycle programmes;
- 2) second-cycle programmes;
- 3) long-cycle programmes.

2. The following profiles of studies are conducted:

- 1) practical profile, where more than half of the ECTS credits are allocated to classes developing practical skills;
- 2) general academic profile, where more than half of the ECTS credits are allocated to classes related to the scientific activity conducted in the higher education institution.

**Art. 65. 1.** Full-time first-cycle programmes shall last for at least 6 semesters, and if the curriculum includes learning outcomes that enable the acquisition of engineering competences – at least 7 semesters.

2. Full-time second-cycle programmes shall last from 3 to 5 semesters.

3. Full-time long-cycle programmes shall last from 9 to 12 semesters.

4. Part-time studies may last longer than the relevant full-time studies.

**Art. 66.** An academic year shall run from 1 October to 30 September and shall be divided into 2 semesters. The statutes of a higher education institution may provide for a detailed division of the academic year within the framework of the semesters.

**Art. 67. 1.** Studies shall be conducted in a specific field of study, level and profile on the basis of a curriculum that specifies:

- 1) the learning outcomes referred to in the Act of 22 December 2015 on the Integrated Qualification System, taking into account the universal characteristics of the first level specified in this Act and the characteristics of second-cycle programmes specified in the regulations issued pursuant to Art. 7 sec. 3 of the Act;
- 2) the description of the process leading to the achievement of learning outcomes;
- 3) the number of ECTS credits allocated to classes.

2. ECTS credits are a measure of student's average workload necessary to achieve learning outcomes.

3. An ECTS credit corresponds to 25-30 hours of student's work comprising classes organised by the higher education institution and their individual work related to these classes.

4. If the specificity of the studies in a particular field of study so allows, some of the learning outcomes included in the curriculum may be achieved through classes conducted with the use of distance learning methods and techniques as well as infrastructure and software ensuring synchronous and asynchronous interaction between students and lecturers conducting the classes.

5. The curriculum of studies with a practical profile shall provide work placement of at least:

- 1) 6 months - in the case of first-cycle programmes and long-cycle programmes;
- 2) 3 months - in the case of second-cycle programmes.

6. The provision of sec. 5 shall not apply to study programmes preparing for the professions referred to in Art. 68 sec. 1.

**Art. 68. 1.** In study programmes preparing for the professions of:

- 1) a doctor,
- 2) a dental practitioner,
- 3) a pharmacist,
- 4) a nurse,
- 5) a midwife,

- 6) a laboratory diagnostician,
- 7) a physiotherapist,
- 8) a paramedic,
- 9) a veterinary surgeon ,
- 10) an architect,
- 11) a teacher,

– educational standards shall be taken into account.

2. An educational standard is a set of rules and requirements within the scope of education, concerning the organisation of education, the persons providing it, the general and specific learning outcomes, as well as the verification of the learning outcomes achieved.

3. The standards for education preparing for the professions referred to in sec. 1:

- 1) points 1 to 8 shall be determined, by way of a regulation, by the minister responsible for higher education and science in consultation with the minister for health,
- 2) point 9 shall be determined, by way of a regulation, by the minister responsible for higher education and science in consultation with the minister for agriculture,
- 3) point 10 shall be determined, by way of a regulation, by the minister responsible for higher education and science in consultation with the minister responsible for construction, spatial planning and development and housing,
- 4) point 11 shall be determined, by way of a regulation, by the minister responsible for higher education and science in consultation with the minister responsible for education and upbringing,

– bearing in mind the need to ensure the high quality of education and the appropriate choice of learning outcomes in order to prepare for the pursuit of the profession, taking into account its specificity, and in the case of education preparing for the teaching profession, also the duration and the appropriate choice of learning outcomes at post-graduate level.

**Art. 69. 1.** Admission to studies shall be conducted by:

- 1) recruitment;
- 2) confirmation of learning outcomes;
- 3) transfer from another higher education institution or foreign institution.

2. In order to be admitted to first-cycle programmes or long-cycle programmes, a person must have:

- 1) a maturity certificate or a maturity certificate and a certificate on the results of the maturity examination in particular subjects, which are referred to in the legislation on the educational system;
- 2) a maturity certificate and a diploma confirming vocational qualifications in a profession taught at the level of a technician, as referred to in the legislation on the educational system;**
- 2a) a maturity certificate and a vocational diploma in a profession taught at the level of a technician, as referred to in the legislation on the educational system;**
- 3) a maturity certificate and a certificate on the results of the maturity examination in particular subjects and a diploma confirming vocational qualifications in the profession taught at the level of a technician, as referred to in the legislation on the educational system;**
- 3a) a maturity certificate and a certificate on the results of the maturity examination in particular subjects and a vocational diploma in the profession taught at the level of a technician, as referred to in the legislation on the educational system;**
- 4) a certificate or other document recognised in the Republic of Poland as a document entitling to apply for admission to studies in accordance with Art. 93 sec. 3 of the Act of 7 September 1991 on the system of education;
- 5) a certificate and another document or diploma referred to in Art. 93 sec. 1 of the Act referred to in point 4;
- 6) a certificate or diploma recognised in the Republic of Poland as a document enti-

**Points 2 and 3 of sec. 2 of Art. 69 shall enter into force on 1/01/2022**

**Added points 2a and 3a in sec. 2 of Art. 69 shall enter into force on 1/01/2022**

ting to apply for admission to studies in accordance with a bilateral agreement on mutual recognition of education;

7) a certificate or another document recognised as equivalent to the Polish maturity certificate under the provisions in force until 31 March 2015.

3. In order to be admitted to second-cycle programmes, a person must have a graduation diploma.

4. The assignment of a student to a specific field of study must take place no later than at the beginning of the second year of study.

**Art. 70. 1.** A higher education institution shall determine the conditions, mode and date of commencement and completion of the recruitment process as well as the manner of its conduct. A resolution of the senate shall be made available not later than by 30 June of the year preceding the academic year in which the recruitment is to take place, and in the case of the establishment of a higher education institution or studies in a specific field of study, level and profile – it should be done immediately.

2. A higher education institution shall take into account the possibility of conducting supplementary recruitment for persons who have applied for admission to first-cycle programmes or long-cycle programmes in a given field of study for the academic year for which the recruitment is conducted and whose maturity examination score for a given subject or subjects has been increased as a result of verification of the total score or following an appeal, as referred to in Art. 44zzz of the Act of 7 September 1991 on the system of education.

3. The basis for admission to first-cycle programmes or a long-cycle programmes shall be the results of:

- 1) egzamin dojrzałości (maturity examination);
- 2) egzamin maturalny (maturity examination);
- 3) **maturity examination or maturity examination and the examination or examinations confirming qualifications in the profession;**
- 4) **maturity examination or maturity examination and vocational exams(s).**

**Points 3 and 4 of sec. 3 of Art. 70 shall enter into force on 1/01/2022**

A higher education institution shall determine which results constitute the basis for admission to studies and publish them within the time limit referred to in sec. 1.

4. A higher education institution may additionally conduct entrance examinations only in the case of a necessity to verify artistic aptitude, physical fitness or special predisposition to undertake studies not verified in the mode of the maturity examination, vocational examination or examination confirming qualifications in the profession. These examinations may not relate to subjects covered by the maturity examination or qualifications covered by the vocational examination or examination confirming qualifications in the profession. A higher education institution shall publish information on the conduct of entrance examinations and their scope within the time limit referred to in sec. 1. The results of the entrance examination for artistic aptitude or physical fitness may constitute up to 100% of the total score possible to obtain by the candidate during the recruitment process.

4a. A higher education institution may conduct entrance exam for persons applying for admission to first-cycle programmes or long-cycle programmes on the basis of a certificate, diploma or another document referred to in Art. 69 sec. 2 points 4-7 if it is necessary to test the artistic aptitude, physical fitness or special predisposition to undertake studies or in a field not covered by the results of the foreign examination or the education results included in that certificate, diploma or document. A higher education institution shall publish information on the conduct of entrance examinations and their scope within the time limit referred to in sec. 1. The results of the entrance examination for artistic aptitude or physical fitness may represent up to 100% of the total score a candidate may obtain during the recruitment process.

5. The provisions of sec. 3 shall apply accordingly to the results of foreign examination or the education results, as confirmed by the certificate, diploma or other document referred to in Art. 69 sec. 2 points 4-7.

6. A public higher education institution:

1) shall determine the rules of admission of the winners and finalists of secondary

school contests at the central level,

- 2) may determine the rules of admission of winners of international and national competitions
- and make them public within the period referred to in sec. 1, at least 4 years in advance.

**Art. 71. 1.** A higher education institution may confirm the learning outcomes achieved in the learning process outside the study system for persons applying for studies in a particular field of study, level and profile, if it has:

- 1) a positive assessment of the quality of education at these studies, or
- 2) scientific category A+, A or B+ within the scope of the discipline referred to in Art. 53 sec. 1, or the leading discipline to which that field of study is assigned.

2. Learning outcomes shall be confirmed to the extent that they correspond to the learning outcomes set out in the curriculum.

3. Learning outcomes shall not be confirmed for the study programmes referred to in Art. 68 sec. 1 points 1-10.

4. Learning outcomes may be confirmed for a person who has:

- 1) the documents referred to in Art. 69 sec. 2, and at least 5 years of professional experience – when applying for admission to first-cycle programmes or long-cycle programmes;
- 2) a full level 5 PQF qualification or a foreign higher education qualification corresponding to level 5 of the European Qualifications Framework referred to in Annex II to the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (OJ EU C 111 of 06.05.2008, p. 1) – when applying for admission to first-cycle programmes or long-cycle programmes;
- 3) a full level 6 PQF qualification and at least 3 years of professional experience after the completion of first degree studies – when applying for second-cycle programmes;

4) a full level 7 PQF qualification and at least 2 years of professional experience after the completion of second-cycle programmes or a long-cycle programmes – when applying for admission to subsequent first or second-cycle programmes or long-cycle programmes.

5. As a result of the confirmation of learning outcomes, no more than 50% of the ECTS credits allocated to the classes included in the study programme can be credited.

6. The order of admission shall be determined by the results of confirmation of the learning outcomes.

7. The number of students admitted on the basis of the confirmation of their learning outcomes may not be higher than 20% of the total number of students in a given field of study, level and profile.

**Art. 72. 1.** The admission procedure may be conducted by a committee.

2. Admission to the studies shall be conducted by means of an entry on the list of students.

3. Admission shall be refused by administrative decision. In the case referred to in sec. 1, the decision shall be signed by the chairman of the committee.

4. The decision of the committee may be appealed to the rector.

5. The results of the admission procedure shall be public.

**Art. 73. 1.** Classes shall be conducted by academic staff employed in a given higher education institution who have the competence and experience enabling the proper conduct of classes and by other persons who have such competence and experience.

2. Within the framework of studies with a:

- 1) practical profile – at least 50% of classes shall be taught by academic staff employed in that higher education institution as the primary place of employment;
- 2) general academic profile – at least 75% of classes shall be taught by academic staff employed in that higher education institution as the primary place of employment.

3. Lectures in a higher education institution shall be open to the public unless its statutes provide otherwise.

**Art. 74. 1.** A higher education institution shall document the course of studies.

2. The documentation of the course of studies shall include:

- 1) a student register;
- 2) student files;
- 3) a book of diplomas.

3. Documentation of the course of studies may be conducted in electronic form.

4. A higher education institution shall issue a student ID card to the student.

5. A higher education institution may issue a student book to a student.

**Art. 75. 1.** The organisation of studies and the associated rights and duties of the student shall be laid down in the study regulations.

2. The study regulations shall be adopted at least 5 months before the beginning of the academic year.

3. The study regulations shall be consulted with the student council. If, within 3 months from the adoption of the regulations, the senate and the student council fail to agree on its content, the regulations shall enter into force by means of a re-adopted resolution of the senate taken by a majority of at least two-thirds of its statutory members.

4. The study regulations shall enter into force at the beginning of the academic year.

5. With regard to any amendments to the study regulations, the provisions of sec. 2–4 shall apply accordingly.

**Art. 76. 1.** In order to complete studies and obtain a diploma of completion of studies, it is necessary to:

- 1) achieve the learning outcomes set out in the curriculum, to which at least:
  - a) 180 ECTS credits are assigned in the case of first-cycle programmes,
  - b) 90 ECTS credits are assigned for second-cycle programmes,
  - c) 300 ECTS credits are assigned in the case of long-cycle programmes comprising 9 or 10 semesters,

d) 360 ECTS credits are assigned in the case of long-cycle programmes comprising 11 or 12 semesters;

- 2) take the diploma examination;
- 3) receive a positive assessment of the diploma thesis – in the case of second-cycle and long-cycle programmes, and in the case of first-cycle programmes, if the study programme so provides.

2. A thesis is an independent elaboration of a scientific, artistic or practical issue or a technical or artistic achievement, presenting the student's general knowledge and skills associated with the studies in a given field of study, level and profile, as well as the ability to analyse and draw conclusions independently.

3. In the case of second-cycle programmes and long-cycle programmes, the diploma thesis is prepared under the supervision of a person who has at least a degree of doktor.

4. If the diploma thesis is a written dissertation, a higher education institution shall check it prior to the diploma examination using the Uniform Anti-Plagiarism System referred to in Art. 351 sec. 1.

5. Reviews of the diploma thesis shall be public.

6. The provision of sec. 5 shall not apply in the case of a diploma thesis the subject of which is confidential.

7. The date of graduation shall be the date of taking the diploma examination; in the case of studies in the fields of medicine, dentistry and veterinary medicine.

– the date of taking the last examination scheduled under the study programme; and in the case of studies in the fields of pharmacy and physiotherapy – the date of passing the last internship scheduled under the study programme.

**Art. 77. 1.** The graduate receives a higher education graduation diploma in a given field of study and profile, which confirms their higher education and professional title:

- 1) licencjat, inżynier or equivalent degree confirming higher education of the same level – in the case of first-cycle programmes;

2) magister, magister inżynier or equivalent degree confirming higher education of the same level – in the case of second-cycle programmes or long-cycle programmes.

2. Within 30 days from the graduation, the higher education institution shall issue a graduation diploma together with its supplement and two certified copies, including, at the student's request, certified copies in another language.

3. The diploma template shall be approved by the senate.

4. If the following circumstances occur:

- 1) reopening of administrative proceedings which concern the granting of a professional title – the body competent to resume the proceedings shall be the rector;
- 2) declaration of invalidity of the diploma – the body competent to declare the invalidity shall be the rector;

5. If, in a diploma thesis constituting the basis for the degree award, the person applying for that title has assumed the authorship of an important part or other elements of someone else's work or scientific findings, the rector shall, by way of an administrative decision, declare invalidity of the diploma.

**Art. 78. 1.** Documents issued in connection with the course or completion of studies, intended for legal exchange with foreign countries, shall be authenticated at the request of the interested party.

2. Authentication shall consist in certifying the authenticity of the signature and the function of the person signing the document or the identity of the official stamp of the higher education institution on the document.

3. Director of the Polish National Agency for Academic Exchange shall authenticate:

- 1) graduation diplomas and diploma supplements;
- 2) copies of the documents referred to in point 1, including copies in a foreign language;
- 3) duplicates of the documents referred to in point 1;
- 4) certificates of completion of studies.

4. Documents other than those referred to in sec. 3 shall be authenticated by the higher education institution which issued them and, in the event of a need to comply with the requirements laid down by another country or in other justified cases, by the director of the Polish National Agency for Academic Exchange.

5. The authentication shall be subject to a fee.

**Art. 79. 1.** A public higher education institution may charge fees for educational services related to:

- 1) part-time education;
- 2) repeating of certain classes at full-time studies due to unsatisfactory academic performance;
- 3) studies conducted in a foreign language;
- 4) classes not included in the curriculum;
- 5) provision of education to foreigners on full-time studies conducted in the Polish language

2. A public higher education institution can also charge for:

- 1) conducting the recruitment process;
- 2) carrying out the verification of learning outcomes;
- 3) issuing a student book and student ID card and duplicates of these documents;
- 4) issuing a copy of the graduation diploma and the diploma supplement in a foreign language, other than those issued on the basis of Art. 77 sec. 2;
- 5) issuing a duplicate of the diploma and the diploma supplement;
- 6) using student dormitories and canteens.

3. A public higher education institution shall lay down the conditions and mode of exemption from the fees referred to in sec. 1 and 2.

**Art. 80. 1.** In a higher education institution, the amount of fees for educational services may not exceed the costs necessary to establish and conduct studies and to prepare and implement the strategy of the institution.

2. Prior to the recruitment process, the higher education institution shall deter-

mine the fees charged to students and their amount. The amount of fees shall require consultation with the student council.

3. Until the completion of studies by persons admitted for a given academic year, a higher education institution may not increase the fees established for them or introduce new fees. This does not apply to the increase of fees for conducting classes not included in the curriculum and for the use of student dormitories and canteens.

4. The fee for the validation of learning outcomes may not exceed its costs by more than 20%.

5. The information on the amount of the fees referred to in sec. 2 shall immediately be disclosed by the higher education institution in the Public Information Bulletin, hereinafter referred to as „BIP”, on its website.

6. A higher education institution shall not charge fees for activities related to the verification of learning outcomes defined in the curriculum and for the issuance of documents related to the course of studies other than those referred to in Art. 79 sec. 2 points 3-5.

**Art. 81.** The minister competent for higher education and science shall specify, by way of a regulation:

- 1) the requirements concerning the study programme,
- 2) fields of study provided as part of long-cycle programmes,
- 3) the scope of information contained in the application for a permit to establish studies in a specific field of study, level and profile, the documents attached to the application and the manner of submitting the application,
- 4) the requirements for conducting classes using distance learning methods and techniques as well as the maximum number of ECTS credits that can be obtained as part of such education,
- 5) the manner of documentation of the course of studies, producing duplicates and copies of documents and correcting and changing personal data in documents,
- 6) the template of a student ID card and the method of issuing the card and confir-

ming its validity,

- 7) the procedure for the documentation of the course of studies in the event of liquidation of the higher education institution,
- 8) the method of certification of the documents referred to in Art. 78 sec. 1, intended for legal exchange with foreign countries,
- 9) the necessary components of the graduation diploma and the joint diploma,
- 10) a template of the diploma supplement,
- 11) professional titles equivalent to licencjat and inżynier degrees as well as magister and magister inżynier degrees,
- 12) the amount and method of charging fees for the authentication of documents intended for legal exchange with foreign countries, for the issue of a student book and student ID card and for the issue of duplicates of such documents, as well as for the issue of copies in foreign languages of the graduation diploma and the diploma supplement or a duplicate of the graduation diploma and the diploma supplement, the amount of the recruitment fee - bearing in mind the need to ensure high quality of education, the proper conduct of education and selection of learning outcomes as well as the manner of their verification while maintaining the coherence of the process of their achievement, the rational organisation of education enabling the most effective achievement of learning outcomes particularly important from the point of view of the professional preparation of graduates, the correctness and reliability of documentation of the course of studies, the adequacy of fees to costs, the need to certify the status of the student, as well as the traditional nomenclature for professional titles and the particular importance of documents intended for legal exchange with foreign countries.

**Art. 82.** In the event of cessation of studies in a given field of study, level and profile, the higher education institution shall ensure that students are able to continue their studies at the same level and profile and in the same or a different field of study related to the discipline to which the field of study was assigned.

## Chapter 3

### **Rights and obligations of students**

**Art. 83.** A person admitted to studies shall commence their studies and acquire student rights upon taking the oath.

**Art. 84. 1.** The student shall have the right to be trained in the rights and obligations of the student.

2. The training shall be conducted by the student council in cooperation with the Students' Parliament of the Republic of Poland, hereinafter referred to as „PSRP”, which shall ensure that representatives of the student council are prepared to conduct training courses and undertake promotional activities concerning the rights and obligations of students.

**Art. 85. 1.** The student shall have the right to:

- 1) transfer and recognise ECTS credits,
- 2) complete studies in accordance with an individual curriculum plan,
- 3) justify absence from classes, leave of absence from classes and leave of absence from classes with the possibility to proceed to the verification of the acquired learning outcomes specified in the study programme,
- 4) change the field of study,
- 5) transfer to full-time or part-time studies,
- 6) take an exam conducted before an examination board with the participation of a supervisor designated by the student,
- 7) retake specific classes due to unsatisfactory learning outcomes  
– on the principles set out in the study regulations.

2. Pregnant students and students who are parents shall not be refused permission to:

- 1) study in a specific field of study and at a specific level according to an individual study programme until the completion of the studies – in the case of full-time studies;
- 2) take the leave referred to in sec. 1 point 3.

3. A student who is a parent shall submit an application for the leave referred to in sec. 1 point 3, within 1 year of the child's birth.

4. The leave referred to in sec. 1 point 3 shall be:

- 1) granted to a pregnant student for the period until the day of birth of the child,
  - 2) granted to a student who is a parent for up to 1 year,
- except that if the end of the leave falls during the term, the leave may be extended until the end of the given term.

**Art. 86. 1.** A student may apply for:

- 1) a maintenance grant;
- 2) a scholarship for the disabled;
- 3) aid;
- 4) the rector's scholarship;
- 5) a grant financed by a local government unit;
- 6) a scholarship for academic performance or sporting achievements financed by a natural person or a legal entity which is not a state or local government legal entity.

2. The granting of the benefit referred to in sec. 1 points 1-4 and the refusal to grant the benefit shall be made by way of an administrative decision.

3. At the request of the student council, the benefits referred to in sec. 1 points 1-4 shall be awarded by the grant committee and the appeal grant committee. Most of the committee members shall be students. The decision shall be signed by the chairman of the committee or the vice-chairman authorised by them.

4. The Rector shall, by way of an administrative decision, repeal the decisions of the grant committee and the appeal grant committee which are contrary to the provisions of the law.

**Art. 87. 1.** A maintenance grant may be awarded to a student who is in a difficult financial situation.

2. In consultation with the student council, the rector shall determine the amount of monthly income per capita in the student's family entitling the student to apply for

a maintenance grant, which shall not be:

- 1) less than 1.30 of the amount referred to in Art. 8 sec. 1 point 2 of the Act of 12 March 2004 on social assistance;
- 2) greater than 1.30 of the sum of the amounts referred to in Art. 5 sec. 1 and Art. 6 sec. 2 point 3 of the Act of 28 November 2003 on family benefits.

3. In particularly justified cases, the student may receive the maintenance grant in an increased amount.

**Art. 88. 1.** The monthly income per capita in the family of a student applying for a maintenance grant shall be determined pursuant to the rules laid down in the Act of 28 November 2003 on family benefits, except that such determination:

- 1) shall take into account the income received by:
  - a) the student,
  - b) the student's spouse,
  - c) the student's parents, legal or actual guardians,
  - d) dependants of the persons referred to in letters a-c: minors, children under the age of 26 receiving education, and if the 26th year falls in the last year of studies - until graduation, as well as children with disabilities, regardless of age;
- 2) shall not take into account:
  - a) the benefits referred to in Art. 86 sec. 1, Art. 359 sec. 1 and Art. 420 sec. 1,
  - b) scholarships received by pupils, students and doctoral students under:
    - the European Union Structural Funds,
    - non-repayable financial aid granted by Member States of the European Free Trade Agreement (EFTA), international agreements or implementing programmes drawn up pursuant to those agreements or international scholarship programmes,
  - c) financial support benefits received by students under the regulations on the education system,
  - d) social scholarships awarded by the entities referred to in Art. 21 sec. 1 point

40b of the Act of 26 July 1991 on Personal Income Tax.

2. A student who does not run a joint household with any of the parents, legal or actual guardians may apply for a maintenance grant without showing the income earned by those persons and their dependent minors, children under the age of 26 receiving education, and if the 26th year falls in the last year of studies - until graduation, as well as children with disabilities, regardless of age, if they meet one of the following conditions:

- 1) they have reached the age of 26;
- 2) they are married;
- 3) have dependent children as referred to in sec. 1 point 1 (d);
- 4) have reached adulthood while being in foster care;
- 5) have a permanent source of income and their average monthly income in the previous tax year and in the current year in the months preceding the month of submission of the statement referred to in sec. 3 is greater than or equal to 1.15 of the sum of the amounts referred to in Art. 5 sec. 1 and Art. 6 sec. 2 point 3 of the Act of 28 November 2003 on family benefits.

3. The student referred to in sec. 2 shall submit a declaration that they do not share a household with any parent, legal or actual guardian.

4. The rector or the grant committee or the grant appeal committee shall refuse to award a maintenance grant to a student whose monthly income per capita in the family does not exceed the amount referred to in Art. 8 sec. 1 point 2 of the Act of 12 March 2004 on social assistance if they do not attach a certificate from a social welfare centre to their application for a maintenance grant, and in the case of transformation of a social welfare centre into a social service centre under the provisions of the Act of 19 July 2019 on the provision of social services by a social service centre – from a social service centre, with regard to their and their family's income and financial situation.

5. The rector or the grant committee or grant appeal committee may award a maintenance grant to a student in the case referred to in sec. 4 if the reasons for not

attaching to the application for a maintenance grant a certificate from a social welfare centre, and in the case of transformation of a social welfare centre into a social services centre pursuant to the provisions of the Act of 19 July 2019 on the provision of social services by the social service centre – from a social service centre, on the income and financial situation of the student and the student's family were justified and the student documented the family's sources of income.

**Art. 89.** A scholarship for persons with disabilities may be awarded to a student who has a disability certificate, a certificate on the degree of disability, or a certificate referred to in Art. 5 and Art. 62 of the Act of 27 August 1997 on social and vocational rehabilitation and the employment of disabled persons.

**Art. 90.** A student who is temporarily in a difficult life situation may receive aid.

**Art. 91. 1.** The rector's scholarship may be awarded to a student who has achieved outstanding academic, scientific or artistic achievements, or competitive sporting achievements at least at national level.

2. The rector's scholarship shall be granted to a student admitted to the first year of studies in the year of taking the maturity examination, who is:

- 1) the winner of an international secondary school contest or the winner or finalist of a secondary school contest at the central level, as referred to in the legislation on the education system;
- 2) a medallist in a sports competition for at least the title of Polish Champion in a given sport, as referred to in the regulations on sports.

3. The rector's scholarship shall be granted to no more than 10% of students in a given field of study. If the number of students is less than 10, the rector's scholarship may be awarded to 1 student. The students referred to in sec. 2 shall not be taken into account when determining the number of students receiving the rector's scholarship referred to in the first sentence.

**Art. 92. 1.** The scholarships referred to in Art. 86 sec. 1 points 1, 2 and 4 shall be granted for a semester or an academic year and shall be paid each month for up to 10

months, and, where the course lasts a semester, for up to 5 months.

2. The aid may be granted no more than twice in a given academic year.

3. The total monthly amount of the scholarships referred to in Art. 86 sec. 1 point 1 and 4 for a student shall not be higher than 38% of a professor's salary.

**Art. 93. 1.** Students studying several fields of study at the same time may receive the benefits referred to in Art. 86 sec. 1 points 1-4 and Art. 359 sec. 1 only in one field of study indicated by them.

2. The benefits referred to in Art. 86 sec. 1 points 1-4 and Art. 359 sec. 1:

- 1) shall be granted to students at first-cycle programmes, second-cycle programmes and long-cycle programmes, but for no longer than 6 years;
- 2) shall not be granted to a student with a professional title of:
  - a) magister, magister inżynier or equivalent degree,
  - b) licencjat, inżynier or equivalent degree if they resume first-cycle programmes.

3. The provisions of sec. 2 shall apply to persons with professional titles obtained abroad.

4. Where the disability has occurred during the course of studies or after obtaining the professional title, the student may receive the benefit referred to in Art. 86 sec. 1 point 2 only in one other field of study, but for no longer than 6 years.

**Art. 94. 1.** A student applying for the benefit referred to in Art. 86 sec. 1 points 1, 2 and 4, or a recipient of such a benefit, shall immediately notify the higher education institution of the occurrence of a circumstance resulting in the loss of the right to the benefit pursuant to Art. 93 sec. 2 and 3.

2. The decision to grant the benefit referred to in Art. 86 sec. 1 points 1-4 shall expire on the last day of the month in which a student has lost the right to the benefit due to the acquisition of the professional title referred to in Art. 93 sec. 2 point 2 and sec. 3, was removed from the list of students in the field of study in which the student received the benefit, or the period referred to in Art. 93 sec. 2 point 1 and sec. 4 has expired.

**Art. 95. 1.** The regulations concerning student benefits shall specify:

- 1) the amount of the benefits referred to in Art. 86 sec. 1 points 1-4, or the manner of its determination;
- 2) detailed criteria and mode of awarding the benefits referred to in Art. 86 sec. 1 points 1-4 and the accommodation and meals referred to in Art. 104, and the method of payment of the benefits referred to in Art. 86 sec. 1 points 1-4;
- 3) manner of documentation of the student's financial situation;
- 4) the mode of appointment and the composition of the grant committee and the grant appeal committee.

2. The regulations concerning student benefits shall be determined by the rector in consultation with the student council. In a newly established higher education institution, the regulations shall be laid down by the rector for a period of one year.

**Art. 96. 1.** The scholarship may be granted to a student by a local government unit.

2. The body constituting local government units shall determine:

- 1) the type of scholarship;
- 2) criteria and manner of awarding the scholarship;
- 3) the maximum amount of scholarship a student can apply for;
- 4) the conditions for paying the scholarship.

3. The body constituting local government units may also determine the conditions for reimbursement of the scholarship and waiver of the demand for its reimbursement.

**Art. 97. 1.** A scholarship for academic performance or sporting achievements may be granted to a student by a natural person or a legal entity which is not a state or local government legal entity.

2. At the request of the scholarship awarding body referred to in sec. 1, the minister shall approve the rules for granting it.

**Art. 98. 1.** A student who is under the age of 30 and whose average monthly income per capita in the family in the year preceding the year of submission of the application is lower than or equal to the amount determined on the basis of sec. 4 may get a student loan. The amount of income shall be determined in accordance with Art. 88.

2. A student loan shall be granted by a bank or a cooperative savings and loan fund, hereinafter referred to as the „credit institution”, which has concluded an agreement with Bank Gospodarstwa Krajowego, hereinafter referred to as „BGK”, specifying the rules for using the funds of the Student Loan Fund.

3. A student loan shall not constitute a loan within the meaning of the Act of 12 May 2011 on consumer credit

4. The minister shall publish on the website of the Bulletin of Public Information the amount of monthly income per capita in the family of a person applying for a student loan, entitling them to receive a student loan in a given academic year.

**Art. 99. 1.** A student loan shall be granted only once during the course of studies, for no longer than 6 years.

2. At the same level of study, the student loan shall be granted once.

3. If, within 2 years of the completion of first-cycle programmes, a student commences second-cycle programmes or long-cycle programmes, the student loan may be granted without the need to reapply for it, except that the total period in which the student loan is received shall not exceed 6 years.

**Art. 100. 1.** The student loan shall be paid in monthly instalments for up to 10 months of the academic year, excluding periods of leave from classes or other breaks granted in accordance with the study regulations.

2. The credit institution shall cease to pay monthly instalments of the student loan in the case of:

- 1) removal from the student register;
- 2) leave from classes in a higher education institution or another break in accordance with the study regulations;
- 3) suspension of student rights;
- 4) graduation;
- 5) disclosure of concealed material information affecting the granting of the student loan or its amount.

3. The borrower shall immediately notify the credit institution of the circumstances referred to in sec. 2 points 1-4.

4. In the case referred to in sec. 2 point 5, the credit institution shall terminate the student loan agreement and demand its repayment on the expiry of the notice period.

**Art. 101. 1.** Repayment of the student loan shall be made in equal monthly instalments and it shall start 2 years after graduation unless the borrower has applied for early repayment.

2. The number of instalments shall be twice the number of the student loan instalments paid, unless the borrower has applied for a reduction in the number of instalments.

3. The interest rate of the student loan shall be 1.2 of the rediscount rate of the National Bank of Poland.

4. The interest rate to be paid by the borrower shall amount to:

- 1) 0.5 of the rediscount rate of the National Bank of Poland;
- 2) 0.75 of the rediscount rate of the National Bank of Poland – in case the borrower has not completed the studies or the repayment period determined in accordance with the provisions of sec. 2 has expired.

5. Where the information on the basis of which the student loan was granted, its repayment was suspended or cancelled, proved to be incorrect, the borrower shall repay the loan together with interest unduly paid from the Student Loan Fund.

6. At the borrower's request, the monthly instalment may be reduced to 20% of their average monthly income.

**Art. 102. 1.** At the borrower's request, in case of a difficult life situation, the repayment of the student loan together with interest may be suspended for a period no longer than 12 months.

2. The student loan may be cancelled:

- 1) in part – in the event of:
  - a) the borrower's outstanding academic performance upon graduation,
  - b) a particularly difficult life situation of the borrower;

2) in its entirety – in the event of:

- a) permanent loss of the borrower's ability to repay their liabilities,
- b) the lack of legal possibilities to pursue claims against the borrower,
- c) the death of the borrower.

3. The student loan may be cancelled by:

- 1) the credit institution, in the case referred to in sec. 2 point 1 (a) and point 2 (b) and (c);
- 2) the minister, in the case referred to in sec. 2 point 1 (b) and point 2 (a).

**Art. 103.** The minister responsible for higher education and science shall specify, in consultation with the minister responsible for public finance, by way of a regulation:

- 1) the method of determining the amount of monthly income per capita in the family of a person applying for a student loan, entitling them to receive the student loan,
- 2) the mode of submitting applications for student loans,
- 3) the scope of information contained in the student loan application and the documents attached to the application,
- 4) necessary components of a student loan agreement,
- 5) the date of conclusion of the student loan agreement,
- 6) the amount of monthly student loan instalments,
- 7) detailed conditions and mode of suspension of repayment and cancellation of student loans,
- 8) conditions and mode of settlement of interests due to credit institutions on student loans

– bearing in mind the need to ensure that student loans are granted and paid in an efficient and timely manner, ensure an adequate level of protection of the borrower, as well as social and living conditions for students and graduates.

**Art. 104.** A student may apply for:

- 1) accommodation in a student dormitory of the higher education institution or catering in the student canteen of the higher education institution;

2) accommodation for a spouse or a child in a student dormitory of the higher education institution.

**Art. 105.** A student shall be entitled to a 50% discount on public transport fares.

**Art. 106. 1.** In the event of a collective dispute concerning important student matters in a higher education institution, a protest action or strike may take place there.

2. A protest action or strike may be taken by the student council, the Students' Parliament of the Republic of Poland or a nationwide student association.

3. A resolution on a protest action and its form shall be adopted by an absolute majority of votes by a body of the student council, the Students' Parliament of the Republic of Poland or an association referred to in sec. 2. The competent authority shall notify the rector of the resolution not later than 3 days before the commencement of the protest action.

4. Negotiations with the rector shall be conducted as part of the protest action.

5. If the protest action has not led to the resolution of the dispute, a student strike may be undertaken consisting in refraining from taking part in classes with the possibility of staying in the higher education institution.

6. Participation in a protest action or strike shall be voluntary and shall not constitute a violation of the student's duties.

7. The entity referred to in sec. 2 shall ensure that the protest action or strike is conducted in such a way that it does not endanger human health or life, the property of the higher education institution or other persons, or violate the rights of employees of the institution, as well as students not taking part in them.

**Art. 107. 1.** A student shall be obliged to act in accordance with the content of the oath and the regulations in force in the higher education institution.

2. A student shall be obliged in particular to:

- 1) participate in classes in accordance with the study regulations;
- 2) take exams, complete internships and meet other requirements provided for in the study programme.

**Art. 108. 1.** A student shall be removed from the list of students in the event of:

- 1) failure to commence studies;
- 2) resignation from studies;
- 3) failure to submit the diploma thesis within the deadline or failure to pass the diploma examination;
- 4) being punished with a disciplinary penalty of expulsion from the higher education institution.

2. A student may be removed from the list of students in the event of:

- 1) stating a lack of participation in compulsory classes,
- 2) determining that there is no progress in learning;
- 3) failure to pass the semester or year within a prescribed period;
- 4) failure to pay fees related to studying.

3. Removal from the register of students shall be effected by way of an administrative decision.

**Art. 109.** A person who has completed first-cycle programmes shall retain student rights until 31 October of the year in which they completed those studies, with the exception of the right to the benefits referred to in Art. 86 sec. 1 points 1-4.

## Chapter 4

### **Student council and student organisations**

**Art. 110. 1.** Students shall establish a student council at the higher education institution.

2. The student council shall act through its bodies, including:

- 1) the president;
- 2) a resolution-passing body.

3. The student council shall be the sole representative of all students of a higher education institution.

4. The student council shall deal with student affairs, including student welfare issues and cultural activities at the higher education institution.

5. The student council shall decide on the distribution of funds allocated by the higher education institution for student affairs. The student council shall draw up a report on the distribution of financial resources and the settlement of those resources at least once a year and publish it in the Bulletin of Public Information on the website of the institution.

6. The resolution-passing body of the student council shall adopt regulations specifying the organisation and method of operation of the council and the manner of appointment of representatives to the bodies of the higher education institution, and in a public higher education institution also to the electoral college.

7. The regulations shall enter into force upon confirmation by the rector of their compliance with this Act and the statutes of the higher education institution within 30 days of their submission. The first regulations of the student council in a newly established higher education institution shall be adopted by the senate.

8. The rector shall repeal acts issued by the student council which are not in accordance with the generally applicable legislation, statutes of a higher education institution, study regulations or the regulations of the council. The decision on the repeal of the act shall be subject to appeal to the administrative court within 30 days of its delivery. Provisions on appeals against administrative decisions to administrative courts shall apply accordingly.

9. A higher education institution shall provide the conditions necessary for the functioning of the student council, including the infrastructure and financial resources available to the student council within the framework of its activities.

**Art. 111. 1.** Students shall have the right to associate in student organisations at the higher education institution.

2. A student body shall immediately inform the rector of the establishment of a student organisation at the higher education institution.

3. The rector shall repeal an act of a body of the student organisation in the higher education institution which is not in accordance with the generally applicable

legislation, the statutes of the institution, the study regulations or the regulations of the organisation. The provisions of Art. 110 sec. 8, sentence two and three, shall apply.

4. The rector shall, by way of an administrative decision, dissolve a student organisation in the higher education institution which grossly or persistently infringes the generally applicable legislation, the statutes of the institution, the study regulations or the rules of that organisation.

5. The higher education institution may allocate funds for the implementation of activities of student organisations and associations, composed solely of students, doctoral students and employees of the institution, operating in the higher education institution. Those entities shall present a report to the higher education institution on the use of funds received in a given academic year.

## Chapter 5

### **Employees of higher education institutions**

**Art. 112.** Employees of a higher education institution shall be academic staff and non-academic staff.

**Art. 113.** An academic teacher can be a person who:

- 1) has qualifications set forth in the Act and the statutes;
- 2) has never been punished with a disciplinary penalty as referred to in Art. 276 sec. 1 points 7 and 8;
- 3) complies with the requirements referred to in Art. 20 sec. 1 points 1-3.

**Art. 114.** Academic teachers shall be employed in the following groups:

- 1) teaching staff;
- 2) research staff;
- 3) research and teaching staff.

**Art. 115. 1.** The basic duties of an academic teacher who is an employee of the:

- 1) teaching staff group – include the teaching and education of students or participation in the teaching of doctoral students;
- 2) research staff group – include the performance of scientific activities or participa-

tion in the teaching of doctoral students;

- 3) research and teaching staff group – include the performance of scientific activities, teaching and education of children and participation in the teaching of doctoral students.

2. An academic teacher shall be required to participate in organisational works of the higher education institution and to continually improve their professional competence.

**Art. 116. 1.** An academic teacher shall be employed in the position of:

- 1) a professor;
- 2) a university professor;
- 3) an assistant professor;
- 4) an assistant lecturer.

2. The following persons can be employed in the following positions:

- 1) a professor – a person holding the title of profesor;
- 2) a university professor – a person holding at least the degree of doktor and having significant achievements in the following fields:

- a) teaching or professional achievements – in the case of teaching staff,
- b) scientific or artistic achievements – in the case of research staff,
- c) scientific, artistic or teaching achievements – in the case of research and teaching staff;

- 3) assistant professor – a person holding at least a degree of doktor;
- 4) assistant lecturer – a person holding a magister or inzynier degree or equivalent.

3. A person holding the title of profesor shall be employed as a professor.

4. The statutes of the higher education institution may specify:

- 1) additional positions for academic staff different than those referred to in sec. 1 and the qualification requirements necessary for holding such a position;
- 2) additional qualification requirements necessary for holding the positions referred to in sec. 1 for particular groups of employees; these requirements shall not apply

to the degree of doktor, degree of doktor habilitowany or the title of profesor, or to the obligation to obtain such a degree.

5. The detailed scope of duties of an academic teacher shall be determined by the rector.

6. The duties of an academic teacher may also be performed outside a higher education institution pursuant to the rules and in units specified in the work regulations.

7. The performance of the duties of an academic teacher shall constitute creative activity of an individual character, as referred to in Art. 1 sec. 1 of the Act of 4 February 1994 on copyright and related rights.

**Art. 117. 1.** An employment relationship with an employee of a higher education institution shall be established on the basis of an employment contract.

2. The first employment contract with an academic teacher in a given higher education institution shall be concluded for:

- 1) and indefinite period or
- 2) for a specific period of up to 4 years.

3. In the case referred to in sec. 2 point 2, after the obtainment of a positive assessment by the academic teacher, as referred to in Art. 123, an employment contract for an indefinite period may be concluded without conducting the competition referred to in Art. 119.

4. In the case referred to in sec. 2 point 2, and in the case of fixed-term employment of academic teachers:

- 1) for whom the higher education institution is not the primary place of employment,
- 2) who draw a pension,

– the provisions of Art. 251 § 1–3 of the Act of 26 June 1974 – Labour Code shall not apply.

**Art. 118. 1.** A higher education institution may not establish direct reporting relations between spouses and persons:

- 1) running a joint household;

2) related by way of relationship, kinship up to second degree, or adoption, guardianship or custody.

2. The provision of sec. 1 shall not apply to rectors.

**Art. 119. 1.** The first employment relationship established with an academic teacher in a given public higher education institution, for an indefinite or definite period of time longer than three months, with the number of working hours exceeding half of the full-time working time, shall be established after an open competition. The mode and conditions of conducting the competition shall be laid down in the statutes.

2. The provision of sec. 1 shall not apply to the employment of an academic teacher:

- 1) directed to work in a higher education institution on the basis of an agreement concluded with the Łukasiewicz Centre, the Łukasiewicz Network institute or a foreign scientific institution;
- 2) who is a beneficiary of a project, programme or competition announced by the Polish National Agency for Academic Exchange, the National Centre for Research and Development, the National Science Centre or an international competition for a research project;
- 3) for the duration of a research or teaching project financed:
  - a) from the budget of the European Union,
  - b) by another grant awarding body.

3. Information on the competition and its outcome, together with a justification, shall be made available in the Bulletin of Public Information on the websites of the institution, the minister and the minister supervising the institution within 30 days before and after the competition, respectively.

4. Information on the competition shall also be available in English on the European Commission's website on the European portal for mobile researchers, designed for the publication of vacancies for researchers, within 30 days before the competition.

**Art. 120. 1.** The employment contract with an academic teacher shall indicate whether the higher education institution is the primary place of employment.

2. The condition for higher education institution to be designated as the primary place of employment shall be the employment in full-time equivalent. An academic teacher may only have one primary place of employment at a time.

**Art. 121.** Activities in the field of labour law with regard to the rector of a public higher education institution shall be performed by the chair of the council of the institution, and in a non-public higher education institution – by the founder.

**Art. 121a. 1.** With regard to an academic teacher who is a judge of the Constitutional Tribunal, the Supreme Court or the Supreme Administrative Court, the employment contract may not be terminated and the working conditions cannot be changed.

2. The employment contract of the academic teacher referred to in sec. 1, concluded for a fixed term, shall become an employment contract for an indefinite period on the date of assuming the position of a judge.

3. In the case of the academic teacher referred to in sec. 1 who has lost the office of a judge or lost the right to retire, the limitation referred to in sec. 1 shall not apply.

4. The employment contract of the academic teacher referred to in sec. 1 who has lost the office of a judge or the right to retire shall expire, except in the case of stepping down from the office of a judge or waiving the right to retire.

**Art. 122. 1. At the request of an academic teacher, the rector shall issue the teacher with a service card.**

**Art. 122 shall enter into force on 1 October 2020**

**2. The higher education institution shall charge a fee for the issuance of the service card in the amount not exceeding the cost of its production.**

**3. The minister responsible for higher education and science shall, by way of a regulation, specify a template of the service card and the method of confirming its validity, bearing in mind the need to certify the employment of the academic teacher.**

**Art. 123. 1.** Except for the cases provided for in the Act of 26 June 1974 – Labour Code, the rector may terminate the employment relationship with an academic teacher by notice in the event of:

- 1) receiving a negative result of the assessment referred to in Art. 128 sec. 1;
- 2) undertaking or performing additional employment without the rector's consent, as referred to in Art. 125 sec. 1.

2. The rector shall terminate, by notice, the employment relationship with an academic teacher in the event of the receipt of two consecutive negative assessments, as referred to in Art. 128 sec. 1.

3. The termination of employment by notice shall take place at the end of the semester, subject to a notice period.

**Art. 124.** The employment contract with an academic teacher shall expire in the event of:

- 1) failure to continue to meet the requirements referred to in Art. 113;
- 2) finding that the employment contract was concluded on the basis of false or invalid documents;
- 3) imposition of the disciplinary penalty referred to in Art. 276 sec. 1 point 6;
- 4) imposition of a penal measure in the form of a ban on holding a specific position in so far as the imposition concerns the performance of the duties of an academic teacher;
- 5) imposition of a custodial sentence.

**Art. 125. 1.** An academic teacher employed in a public higher education institution which is their primary place of employment may, with the consent of the rector, undertake or continue additional employment with only one employer conducting teaching or research activity.

2. The rector shall grant or refuse to grant the consent within 2 months from the date of application for the consent. A refusal to grant the consent shall be justified.

3. The provision of sec. 1 shall not apply to academic teachers undertaking employment:

- 1) in entities with which the higher education institution has established cooperation on the basis of an agreement or arrangement, or in which they are the managing

body, founder or shareholder;

- 2) in the offices referred to in Art. 1 sec. 1 and sec. 2 points 1, 2 and 4a of the Act of 16 September 1982 on employees of state offices;
- 3) in cultural institutions;
- 4) the units referred to in Art. 2 of the Act of 14 December 2016 – Educational Law.

4. The performance of additional remunerative activity by the rector of a public higher education institution shall require the consent of the council of the institution. The consent shall be granted for a term of office.

5. In the event of holding the office of the rector in the next term, the period covered by the consent shall be extended by 4 months. In the event of failure to obtain the consent, the rector shall cease to perform additional remunerative activity within 4 months from the date of commencement of the term.

6. In the case of performance of additional remunerative activity without the consent, the minister shall state the expiry of the tenure of the rector. The tenure shall expire on the date of service of such statement.

7. An academic teacher conducting economic activity shall inform the rector of the higher education institution which is their primary place of employment of that fact.

8. The provisions of sec. 1-7 shall apply accordingly to academic staff and the rector of a non-public higher education institution, unless the statutes provide otherwise. The expiration of the rector's tenure shall be determined by the body appointing the rector or, in the absence of such a body, by the founder.

**Art. 126. 1.** A higher education institution shall introduce work regulations.

2. A public higher education institution shall establish the terms and conditions concerning salaries for work in a corporate collective labour agreement or salary regulations.

3. (repealed)

**Art. 127. 1.** An academic teacher shall be subject to a task-based working time system.

2. The number of classes per year shall be:

- 1) up to 240 teaching hours for the research and teaching staff,
  - 2) up to 180 teaching hours for the research and teaching staff employed as professors,
  - 3) up to 360 teaching hours for the teaching staff,
  - 4) up to 540 teaching hours for the teaching staff employed as lecturers or instructors if the statutes of the higher education institution provide for such a position,
- where 1 teaching hour amounts to 45 minutes.

3. The annual number of teaching hours shall include the time spent on teaching doctoral students.

4. The rules for determining the scope of duties of academic staff for particular groups of staff and types of positions, the types of classes to be taught within the scope of those duties, including the number of classes and other duties for particular positions, and the rules for calculating teaching hours shall be laid down in the work regulations.

5. Classes may also be taught outside the higher education institution pursuant to the rules laid down in the work regulations.

6. In special cases justified by the need to implement the study programme, academic staff may be required to teach classes outside of normal working hours; the number of such classes shall not exceed:

- 1) 1/4 of the annual number of classes – for research and teaching staff;
- 2) 1/2 of the annual number of classes – for teaching staff.

7. An academic teacher, with their consent, may be assigned to teach classes outside of normal working hours, whereas the number of such classes shall not exceed twice the annual number of classes.

8. An academic teacher who is pregnant or bringing up a child under the age of 4 shall not be employed in overtime work without their consent.

**Art. 128. 1.** Academic staff, with the exclusion of the rector, shall be subject to

periodic assessment, in particular with regard to the performance of the duties referred to in Art. 115 and compliance with the regulations on copyright and related rights, as well as regulations on industrial property. The periodic assessment can be either positive or negative.

2. The periodic assessment shall be carried out at least once every 4 years or at the request of the rector. In the event of absence from work due to maternity leave, leave on the conditions of maternity leave, paternity leave, parental leave, child care leave or health leave and leave for military or substitute military service, the deadline for the periodic assessment shall be extended by the time of such absence.

3. The criteria for periodic assessment for particular groups of employees and types of positions, as well as the mode of periodic assessment and the entity conducting it, shall be determined by the rector after consultation with the senate, trade unions, student council and doctoral student council. The opinion shall be delivered within the time limit specified in the request for its provision, which shall not be less than 30 days. In the event of the ineffective expiry of that period, the requirement to consult shall be deemed to have been met. The criteria may not relate to the obligation to obtain the degree of doktor, degree of doktor habilitowany or the title of profesor. The criteria shall be presented to the academic staff before the beginning of the period subject to assessment.

4. A higher education institution shall enable students and doctoral students to evaluate academic staff with regard to the fulfilment of their educational duties at least once a year.

5. Principles for the evaluation referred to in sec. 4 shall be determined by the rector.

6. The periodic assessment shall take into account the evaluation referred to in sec. 4.

7. The result of the periodic assessment shall be subject to appeal to the rector.

8. In the case of a negative assessment, the next periodic assessment shall be carried out no earlier than 12 months after the completion of the previous assessment.

**Art. 129. 1.** An academic teacher shall be entitled to a leave of 36 working days per year.

2. In the event that holiday leave is not taken due to termination or expiry of the employment relationship, the academic teacher shall be entitled to a cash equivalent for the period of leave not taken.

3. Non-working days resulting from a five-day-a-week work schedule shall not be included in the holiday leave entitlement.

4. The detailed rules and mode of granting holiday leave, as well as the leaves referred to in Art. 130 and Art. 131 sec. 1, shall be laid down in the work regulations.

**Art. 130.** The Rector may grant an academic teacher:

- 1) holding at least the degree of doktor, during seven years of employment in a given higher education institution, a paid sabbatical leave of up to one year in order to conduct research;
- 2) preparing a doctoral dissertation a paid sabbatical leave of up to 3 months;
- 3) a paid leave to complete education, a scientific or teaching internship abroad, or participate in a conference or joint research conducted with a foreign entity on the basis of a scientific cooperation agreement;
- 4) a paid leave to participate in joint research conducted with the Łukasiewicz Centre or a Łukasiewicz Network institute.

**Art. 131. 1.** An academic teacher under the age of 65, employed in full-time equivalent, shall be entitled to paid health leave after at least 10 years of employment in a higher education institution.

2. A health leave shall be granted to carry out the prescribed treatment if the health condition requires the person to refrain from work.

3. Another health leave may be granted not earlier than 3 years after the end of the previous leave. The total length of health leave throughout the entire period of employment shall not exceed one year.

4. During the health leave, no remunerative activity shall be conducted.

5. The health leave shall be granted on the basis of a medical certificate stating that the health condition requires abstinence from work as well as specifying the recommended treatment and the time needed for it.

6. The medical certificate shall be issued by a doctor authorised to carry out preventive examinations in accordance with the provisions issued pursuant to Art. 229 § 8 of the Act of 26 June 1974 – Labour Code, working in an occupational health service unit with which the higher education institution has concluded the agreement referred to in Art. 12 of the Act of 27 June 1997 on Occupational Medicine Service.

7. The doctor shall conduct a medical examination on the basis of a referral issued by the rector at the request of the academic teacher.

**Art. 132. 1.** An academic teacher and higher education institution teacher shall have the right to appeal against a medical certificate to a voivodship occupational medicine centre competent with respect to their place of residence. If the medical certificate was issued by a doctor employed in the voivodship occupational medicine centre, the appeal shall be made to a research institute operating in the field of occupational medicine, located nearest to the place of residence of the academic teacher.

2. The appeal and its justification shall be lodged in writing within 14 days of receipt of the medical certificate, through the doctor who issued it.

3. The doctor shall forward the appeal and the examination documentation to the entity competent for its consideration within 7 days of receipt of the appeal.

4. The medical examination in the appeal mode shall be conducted within 30 days from the date of receipt of the appeal by the entity competent to consider it.

5. The medical certificate issued in the appeal mode shall be final.

**Art. 133.** The costs of the medical examinations referred to in Art. 131 sec. 7 and Art. 132 sec. 4 shall be borne, not more than once every 3 years, by the higher education institution.

**Art. 134.** The minister for health shall specify, in consultation with the minister responsible for higher education and science, by way of a regulation:

- 1) the scope and mode of the medical examination to determine whether the health condition of the academic teacher requires abstinence from work, as well as to determine the recommended treatment and the time needed for it,
  - 2) a model referral for the medical examination referred to in point 1,
  - 3) a model medical certificate to be issued following the medical examination referred to in point 1,
- having regard to the need for an objective health assessment and to ensure the uniformity of the documents used.

**Art. 135. 1.** An academic teacher shall be entitled to the salary that they would receive if they worked during their leave. The variable components of salary shall be calculated on the basis of their average salary over the 12 months preceding the month in which the leave starts. If the employment lasted for a shorter period of time, the average salary shall be calculated based on the entire period of employment, taking into account the salary rates applicable on the day the leave starts.

2. The salary for the period of the paid leaves referred to in Art. 130 and Art. 131 sec. 1 shall be calculated in the same manner as the salary for holiday leave.

3. Periods of the paid leaves referred to in Art. 130 and Art. 131 sec. 1 shall be included in the periods on which the employee's entitlements depend.

4. The monetary equivalent for the period of unused holiday leave shall be determined by applying the rules applicable to the calculation of salary for holiday leave.

**Art. 136. 1.** The salary of an employee of a public higher education institution shall consist of:

- 1) basic salary,
  - 2) seniority allowance
- which shall constitute fixed components of salary.

2. An employee of a public higher education institution may receive:

- 1) special duty allowance,
- 2) performance allowance,

- 3) salary for overtime work,
  - 4) hazardous or arduous working conditions allowance,
  - 5) bonus – in the case of an employee who is not an academic teacher,
  - 6) other allowances, if specified in the corporate collective labour agreement or salary regulations,
- which shall constitute variable components of salary.

**Art. 137. 1.** The amount of the basic monthly salary in a public higher education institution for an academic teacher shall not be lower than 50% of a professor's salary, except that for:

- 1) a university professor – it shall be not less than 83%,
  - 2) an assistant professor – it shall be not less than 73%
- of a professor's salary.

2. The minister responsible for higher education and science shall specify, by way of a regulation, the amount of a professor's salary, having regard to the adequacy of the salary to the qualifications necessary for employment in that position.

**Art. 138. 1.** The seniority allowance shall be equal to 1% of the basic salary for each year of employment. The allowance shall be paid on a monthly basis, starting in the fourth year of employment, whereas it shall not exceed 20% of the basic salary.

2. The special duty allowance shall be payable for managing a team of not less than 5 persons, including the manager. The amount of the special duty allowance shall not exceed 67% of a professor's salary and shall depend on the number of team members and the complexity of tasks.

3. The performance allowance may be granted by virtue of a temporary increase in the workload or a temporary assignment of additional tasks or due to the nature of the work or the conditions of its performance. The amount of the performance allowance shall not exceed 80% of the total basic salary and the special duty allowance of the employee.

4. The special duty and performance allowances shall be payable during an excu-

sed absence from work, but for no longer than 3 months.

**Art. 139.** The salary referred to in Art. 136 sec. 1 and sec. 2 points 1 and 2 shall be paid to academic teachers monthly and in advance. This right shall expire on the last day of the month in which the employment relationship is terminated, but the employee shall retain the salary paid for that month.

**Art. 140. 1.** The basic salary and the special duty allowance of the rector of a public higher education institution shall be determined by the minister at the request of the council of the institution.

2. The basic salary of the rector of a public higher education institution may not be higher than 300% of the average basic salary in the institution for persons employed in the position in which the rector is employed, calculated on the basis of the average salary for the calendar year preceding the year of election of the rector.

3. The amount of the special duty allowance for the rector of a public higher education institution may not exceed 100% of a professor's salary.

4. The council of a higher education institution may grant a performance allowance to the rector of a public higher education institution pursuant to the rules referred to in Art. 138 sec. 3.

5. The salary of the rector and the chief accountant as well as persons performing the functions of bodies in a public higher education institution shall be public.

**Art. 141. 1.** An employee of a public higher education institution shall be entitled to a jubilee award for long-term work in the amount of:

- 1) 75% of the monthly salary – for 20 years of work;
- 2) 100% of the monthly salary – for 25 years of work;
- 3) 150% of the monthly salary – for 30 years of work;
- 4) 200% of the monthly salary – for 35 years of work;
- 5) 300% of the monthly salary – for 40 years of work;
- 6) 400% of the monthly salary – for 45 years of work;

2. The period of service that entitles an employee to the award shall include all

completed periods of service and other periods if, on the basis of separate provisions, they shall be included in the period of service on which employee entitlements depend.

3. An employee shall acquire the right to the award in the higher education institution in which they are employed on the date of expiry of the period of eligibility for the award.

4. An employee who remains in more than one employment relationship at the same time shall have periods of service entitling to the award determined separately for each employment relationship.

5. In the case of termination of the employment relationship due to retirement or disability pension for incapacity for work, the award shall be granted if, in accordance with sec. 1, the right to the award would be acquired in less than 12 months.

**Art. 142. 1.** The basis for calculating the amount of the jubilee award shall be the salary due to the employee on the day of its payment, and if it is more beneficial to the employee – the salary due on the day of acquiring the right to the award, taking into account the components of salary and other benefits from the employment relationship constituting the basis for the calculation of the cash equivalent for the holiday leave.

2. If an employee has acquired the right to the award while working different hours than on the date of payment, the basis for calculating the amount of the award shall be the salary to which the employee is entitled on the date of acquisition of the right to the award.

**Art. 143.** An employee of a public higher education institution shall be entitled to an additional annual salary pursuant to the rules laid down in the legislation on the additional annual salary for employees of entities of the budgetary sphere.

**Art. 144. 1.** For employees of a public higher education institution, a write-off shall be made to the company social benefits fund in the amount of 6.5% of the annual personnel salaries planned by the institution in the previous year. The amount of the write-off may be reduced after consultation with the trade unions operating in the higher education institution.

2. Employee pension schemes may be established in a public higher education institution using the company social benefit fund up to 30%.

3. The write-off on the company social benefit fund per one former employee of a public higher education institution who is a pensioner shall amount, for a given calendar year, to 10% of the annual sum of the lowest pension in the previous year, determined in accordance with Art. 94 sec. 2 point 1 (a) of the Act of 17 December 1998 on retirement pensions and other pensions from the Social Insurance Fund.

4. The write-offs referred to in sec. 1 and 3 shall constitute a single fund in a public higher education institution.

5. A child of an employee of the higher education institution, student or doctoral student may attend the company day-care centre and children's club.

6. The fees referred to in Art. 58 sec. 2 of the Act of 4 February 2011 on care for children under the age of 3 shall increase the company social benefit fund.

7. In matters not covered by sec. 1, 3 and 4, the provisions on the company social benefit fund shall apply.

**Art. 145. 1.** Academic teachers and non-academic staff may receive rector's awards for their achievements in professional work.

2. A public higher education institution shall calculate funds for the rector's awards in the amount of:

- 1) 2% of the annual funds planned by the higher education institution for personal salaries of academic teachers;
- 2) 1% of the annual funds planned by the higher education institution for personal salaries of non-academic staff.

**Art. 146. 1.** An academic teacher going into retirement or receiving a disability pension for incapacity for work shall be entitled to a one-off retirement gratuity in the higher education institution which is their primary place of employment, amounting to 300% of the basic salary received for the last full month of employment.

2. The provision of sec. 1 shall apply accordingly to non-academic staff.

3. An employee of the higher education institution who has received a retirement gratuity cannot acquire the right to it again.

**Art. 147. 1.** In matters concerning the employment relationship of employees of a higher education institution not regulated by this Act, the provisions of the Act of 26 June 1974 – Labour Code shall apply.

2. Disputes concerning claims arising from the employment relationship of an employee of a higher education institution shall be resolved by labour courts.

## Chapter 6

### **Commercialisation of research results and know-how**

**Art. 148. 1.** Higher education institutions may operate academic business incubators and technology transfer centres.

2. An academic business incubator shall be established to support the business activities of the employees, doctoral students and students of a higher education institution.

3. An academic business incubator may be established in the form of a general university unit or a capital company. An incubator in the form of a general university unit shall operate under regulations approved by the senate.

4. A technology transfer centre shall be established for the purpose of direct commercialisation, consisting in the sale of research results or know-how related to these results, or to the provision of these results or know-how for use, in particular on the basis of a licence, rental and lease agreement.

5. A technology transfer centre may be established as a general university unit and shall operate under regulations approved by the senate.

6. In an academic business incubator in the form of a general university unit or a technology transfer centre, supervisory boards shall be set up, the composition and competences of which shall be defined in their regulations.

7. The director of an academic business incubator in the form of a general university unit or a technology transfer centre shall be employed by the rector after consul-

tation with the senate from among candidates presented by their supervisory boards.

**Art. 149. 1.** A higher education institution may, for the purpose of indirect commercialisation, consisting in taking up or acquiring shares in companies or taking up subscription warrants entitling it to subscribe for or take up shares in companies, in order to implement or prepare for the implementation of the research results or know-how related to those results, establish only single-member capital companies, subject to Art. 150 sec. 1, hereinafter referred to as a „special purpose vehicle”. To finance the share capital of a special purpose vehicle, the higher education institution may make a contribution in kind (in whole or in part) in the form of research results and know-how related to those results. A special purpose vehicle shall be established by the rector with the consent of the senate.

2. The higher education institution may, by way of an agreement, entrust a special purpose vehicle with:

- 1) the management of rights to the results or know-how referred to in sec. 1, in the scope of direct commercialisation;
- 2) the management of research infrastructure.

3. The higher education institution shall allocate the dividend paid to a special purpose vehicle to the performance of the tasks referred to in Art. 11.

4. A special purpose vehicle may additionally conduct business activity separated in terms of organisation and finance from the activity referred to in sec. 1.

**Art. 150. 1.** A special purpose vehicle may be established by several public higher education institutions or several non-public higher education institutions. A public higher education institution may join a special purpose vehicle established by another public higher education institution, and a non-public higher education institution may join a special purpose vehicle established by another non-public higher education institution. Only higher education institutions may be partners or shareholders of a special purpose vehicle.

2. In the case referred to in sec. 1, each higher education institution may entrust a

special purpose vehicle with the tasks referred to in Art. 149 sec. 2 by way of a separate agreement.

**Art. 151.** The provisions of Art. 38-41 of the Act of 16 December 2016 on the Principles of State Property Management shall not apply to the performance of commercialisation activities and to the contribution to a special purpose vehicle.

**Art. 152. 1.** The senate shall establish:

- 1) regulations governing the management of copyright, related rights and industrial property rights as well as the principles of commercialisation, which shall specify in particular:
  - a) the rights and obligations of higher education institutions, employees, doctoral students and students with regard to the protection and use of copyright, related rights and industrial property rights,
  - b) the rules for the remuneration of authors,
  - c) the rules and procedures for commercialisation,
  - d) the rules for the use of a higher education institution's assets used for commercialisation and the provision of services in the field of scientific activity;
- 2) the regulations for the use of research infrastructure, which shall specify in particular:
  - a) the rights and obligations of a higher education institution, employees, doctoral students and students with regard to the use of research infrastructure in the conduct of research activities,
  - b) the rules for the use and establishment of fees for the use of research infrastructure for carrying out scientific activities by entities other than those referred to in letter (a).

2. In the regulations referred to in sec. 1 point 1, the senate of a public higher education institution shall also specify:

- 1) the rules for the distribution of funds obtained from commercialisation between an author who is an employee of a public higher education institution and that institution;

- 2) the rules and of mode of providing a public higher education institution by employees, doctoral students and students with information on the research results and know-how related to those results, information on the commercialisation funds obtained by the employee and the rules and mode of provision by an employee of a part of the funds obtained from commercialisation to the institution;
- 3) the rules and mode of providing an employee by a public higher education institution with:
  - a) information on the decisions referred to in Art. 154 sec. 1 and 3 and
  - b) the part of the funds derived from commercialisation they are entitled to.

**Art. 153.** The results of:

- 1) scientific research being an invention, utility model, industrial design or integrated circuit topography, grown or discovered and developed plant variety,
  - 2) development works,
  - 3) artistic creation
- created under the performance of duties resulting from the employment relationship by an employee of a public higher education institution, and the know-how related to such results, shall be governed by the provisions of Art. 154–157.

**Art. 154. 1.** An employee shall provide a public higher education institution with information on the research results and know-how relating to those results. In the case of an employee's declaration of interest in the transfer of rights to those results and the related know-how, the higher education institution shall decide on their commercialisation within 3 months.

2. The declaration referred to in sec. 1 may be made by an employee in written form within 14 days of the date on which the information on the research results and related know-how are submitted to the higher education institution. The time limit referred to in sec. 1 shall run from the date of the declaration.

3. Where a public higher education institution decides not to undertake commercialisation or after the expiry of the time limit referred to in sec. 1, the higher education

institution shall, within 30 days, make an offer to the employee to conclude an unconditional and paid agreement for the transfer of the rights to the research results and the related know-how, together with the information, works, including the ownership of the media on which they are recorded, and technical experiments, provided in accordance with sec. 6 point 2. The agreement shall be concluded in writing; otherwise, it shall be null and void. The remuneration payable to a higher education institution for the transfer of rights may not be higher than 5% of the average remuneration in the national economy in the previous year, as published by the President of Statistics Poland on the basis of Art. 20 point 1 (a) of the Act of 17 December 1998 on retirement pensions and other pensions from the Social Insurance Fund.

4. If the employee does not accept the offer to conclude the agreement referred to in sec. 3, the rights to the research results and the related know-how, together with the information, works, including the ownership of the media on which they are recorded, and technical experiments, provided in accordance with sec. 6 point 2, shall remain with the public higher education institution.

5. The provisions of sec. 1-4 and Art. 157 shall not apply if the research was conducted:

- 1) under an agreement with the party financing or co-financing such research, providing for an obligation to transfer the rights to the research results to that party or to an entity other than a contracting party;
- 2) with the use of financial resources, the rules for the granting or use of which specify a different way of disposing of the research results and the related know-how than the Act.

6. An employee of a public higher education institution shall be obliged to:

- 1) preserve the confidentiality of the research results and related know-how,
- 2) provide the higher education institution with all its information, works, together with the ownership of the media on which they were recorded, and the technical experience needed for commercialisation,

- 3) refrain from any action aimed at the implementation of the results,
- 4) cooperate in the commercialisation process, including the proceedings aimed at obtaining exclusive rights - not longer than for the period in which the rights of the higher education institution apply.

**Art. 155. 1.** In the case of commercialisation, an employee shall be entitled to no less than:

- 1) 50% of the value of funds obtained by the higher education institution from direct commercialisation, reduced by no more than 25% of the costs directly related to such commercialisation, which were incurred by the higher education institution or the special purpose vehicle;
- 2) 50% of the value of funds obtained by the special purpose vehicle as a result of a given indirect commercialisation, reduced by no more than 25% of the costs directly related to such commercialisation which were incurred by the higher education institution or special purpose vehicle.

2. In the case of commercialisation by an employee, a public higher education institution shall be entitled to 25% of the value of funds obtained by the employee from commercialisation, reduced by no more than 25% of the costs directly related to such commercialisation which were incurred by the employee.

3. Costs directly related to commercialisation shall be understood as external costs, in particular the costs of legal protection, expert opinions, valuation of the subject of commercialisation and official fees. These costs shall not include the costs incurred before the decision to commercialise and the remuneration referred to in Art. 154 sec. 3.

**Art. 156. 1.** The provisions of Art. 154 and Art. 155, as regards the amount of the remuneration and the share in the funds derived from commercialisation, determine the total remuneration and the share in these funds, to which the following are entitled:

- 1) employees forming part of the research team – from a public higher education institution;

2) a public higher education institution – from employees forming part of the research team.

2. An employee who is a member of the research team shall have the right to claim from a public higher education institution the part of the funds derived from commercialisation they are entitled to, as referred to in sec. 1 point 1,

3. An employee who is a member of the research team shall be accountable to a public higher education institution for the obligations referred to in sec. 1 point 2, up to the limit of their share in the joint ownership of the research results and the related know-how.

**Art. 157.** Upon receipt of information from an employee on the research results and the related know-how referred to in Art. 153, a public higher education institution and an employee may, in a manner other than provided for in this Act, determine the rights to such results or the manner of their commercialisation by way of an agreement.

**Art. 158.** In matters not governed by the Act, the provisions of the Act of 4 February 1994 on copyright and related rights, Act of 30 June 2000 – Industrial Property Law and of the Act of 26 June 2003 on the legal protection of plant varieties shall apply.

**Art. 159. 1.** In order to implement or manage research infrastructure projects, a higher education institution may establish capital companies and accede to them, together with other higher education institutions, research institutes, institutes of the Polish Academy of Sciences, the Łukasiewicz Centre, the Łukasiewicz Network institutes or other entities.

2. The decision on the establishment of the company referred to in sec. 1 or on the accession to it shall be made by the rector with the consent of the senate.

3. The minister shall be notified in advance of:

1) the establishment by a public higher education institution of the company referred to in sec. 1 with an entity other than a public higher education institution, a research institute, an institute of the Polish Academy of Sciences, the Łukasiewicz

Centre or the Łukasiewicz Network institute;

2) the accession by a public higher education institution to the company referred to in sec. 1 whose partner or shareholder is an entity other than a public higher education institution, a research institute, an institute of the Polish Academy of Sciences, the Łukasiewicz Centre or the Łukasiewicz Network institute.

4. Within 45 days from the date of delivery of the notification, the minister may lodge an objection against the intention to perform the action referred to in sec. 3.

5. The action referred to in sec. 3 may be performed if the minister has not lodged an objection within the time limit. If not performed within one year from the date of notification, the activity shall require a new notification.

*[6. An entity other than a public higher education institution, a research institute, an institute of the Polish Academy of Sciences, Łukasiewicz Centre or an institute of the Łukasiewicz Network may own shares or interests in the company referred to in sec. 1, whose partner or shareholder is a public higher education institution, constituting not more than 25% of the total number of votes or share capital.]*

**6. An entity other than a public higher education institution, a research institute, an institute of the Polish Academy of Sciences, Łukasiewicz Centre or an institute of the Łukasiewicz Network may own shares or interests in the company referred to in sec. 1, whose partner or shareholder is a public higher education institution, constituting not more than 25% of the share capital, and in the case of a simple joint-stock company – 25% of the total number of shares or votes.**

**New wording of sec. 6 of Art. 159 shall enter into force on 1 March 2021**

### PART III

#### **Post-graduate studies, specialist education and other forms of education**

**Art. 160. 1.** Post-graduate studies shall last no less than 2 semesters and allow for obtaining partial qualifications at level 6, 7 or 8 of the Polish Qualifications Framework.

2. The curriculum of post-graduate studies shall specify learning outcomes for

partial qualifications, taking into account the characteristics of the second level of the Polish Qualifications Framework at level 6, 7 or 8, as defined in the regulations issued on the basis of Art. 7 sec. 3 and 4 of the Act of 22 December 2015 on the Integrated Qualification System; it shall also enable the collection of at least 30 ECTS credits.

3. A post-graduate student may be a person who has a full qualification at least at level 6 obtained under the system of higher education and science.

4. A person who has completed post-graduate studies shall receive a certificate of completion of those studies. A template of the certificate shall be determined by the entity providing such studies.

**Art. 161. 1.** Specialist education shall last no less than 3 semesters and enable the obtaining of a full qualification at level 5 of the Polish Qualifications Framework.

2. The curriculum of specialist education shall determine learning outcomes taking into account the universal characteristics of the first level specified in the Act of 22 December 2015 on the Integrated Qualification System and the characteristics of the second level laid down in the provisions issued on the basis of Art. 7 sec. 2 of the aforementioned Act. The curriculum provides for classes developing practical skills.

3. The completion of specialist education is contingent upon the achievement of the learning outcomes set out in the specialist education curriculum.

4. A person who has completed specialist education shall receive either a certificate of qualified specialist or a certificate of qualified technology specialist. Templates of certificates shall be determined by the higher education institution.

5. The provisions of sec. 1–4 shall not apply to education for the professions referred to in regulations adopted on the basis of Art. 46, sec. 1 of the Act of 14 December 2016 – Educational Law, for which the minister for health shall be the competent minister.

**Art. 162.** A person who has completed another form of education shall receive a document confirming the completion of that form of education. The type and template of the document shall be determined by the entity providing this form of education.

**Art. 163. 1.** Post-graduate studies or other forms of education may be conducted by a higher education institution, research institute and an institute of the Polish Academy of Sciences, while specialist education may be conducted by a non-university-type higher education institution.

2. Post-graduate, specialist or other forms of education may be subject to fees.

3. Documents issued in connection with the course or completion of post-graduate studies and specialist education, intended for legal exchange with foreign countries, shall be certified at the request of the interested party. The provision of Art. 78 sec. 2 shall apply accordingly.

4. Director of the Polish National Agency for Academic Exchange shall certify:

- 1) certificates of completion of post-graduate studies;
- 2) duplicates of the documents referred to in point 1;
- 3) statements on completion of post-graduate studies.

5. Documents other than those referred to in sec. 4 shall be certified by the entity that issued them.

6. The certification shall be subject to a fee.

**Art. 164.** The minister competent for higher education and science shall specify, by way of a regulation:

- 1) the necessary components of a certificate of completion of post-graduate studies, certificate of a qualified specialist and certificate of a qualified technology specialist,
  - 2) the method of certification of the documents referred to in Art. 163 sec. 3, intended for legal exchange with foreign countries,
  - 3) the amount and method of charging of fees for the certification of documents intended for legal exchange with foreign countries
- bearing in mind the need to ensure the completeness of the information contained in these documents, the particular importance of documents intended for legal exchange with foreign countries, as well as the adequacy of the fees to the costs.

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PART IV

**Federation**

**Art. 165. 1.** A federation may be established by:

- 1) a public university-type higher education institution with a public university-type higher education institution, a research institute, an institute of the Polish Academy of Sciences or an international institute;
- 2) a non-public university-type higher education institution with a non-public university-type higher education institution.

2. A federation shall be established for the joint performance of tasks of the entities referred to in sec. 1, hereinafter referred to as the „participating entities”, within the scope of:

- 1) the conduct of scientific activities;
- 2) the education of doctoral students;
- 3) the granting of scientific degrees or degrees in art;
- 4) the commercialisation of research results and related know-how.

3. The participating entities may entrust the federation with other tasks defined in the statutes of the federation, except for the provision of higher education.

4. The participating entities shall provide financial resources for the tasks referred to in sec. 2 and 3 and for covering the running costs of the federation.

5. The federation shall consist of at least 2 participating entities.

6. A higher education institution, research institute, PAN institute and international institute may be a participating entity in only one federation.

7. A participating entity and the federation shall not conduct competitive business.

**Art. 166. 1.** A federation shall be established at the request of the participating entities.

2. The draft of the first statutes of the federation shall be subject to agreement with the minister and, if the participating entity is supervised by another body, it also requires prior consultation with that body.

3. The establishment of a federation requires the approval of its statutes by the bodies of participating entities competent to adopt their statutes.

4. The statutes of the federation shall specify in particular:

- 1) the name and seat of the federation;
- 2) the participating entities;
- 3) the tasks of the federation;
- 4) the manner of appointment and dismissal of the federation's bodies, as well as their tasks and method of operation;
- 5) the number of members of the federation assembly;
- 6) the rules for the use of the facilities and equipment of the federation or participating entities;
- 7) the participating unit entitled to receive financial resources for providing education at a doctoral school;
- 8) the principles of participation in the costs of the federation;
- 9) the obligations of the participating entities in the event of liquidation of the federation, including participation in the costs of the liquidation and the rules for the participating entities to assume the rights and obligations of the federation, including those resulting from administrative decisions.

5. The federation shall be established or liquidated by the minister, by way of an administrative decision, which shall also apply to changes in its composition or name.

**Art. 167. 1.** A federation shall have a legal personality.

2. The name of the federation may include the words referred to in Art. 16 sec. 1–

3. Employees of the participating entities shall remain their employees.

**Art. 168. 1.** A federation shall acquire a legal personality upon entry in the register of the federation, hereinafter referred to as „the register”.

2. The register shall be kept by the minister in the system referred to in Art. 342 sec. 1.

3. The register shall include:

- 1) number of the entry in the register;

- 2) date of entry;
- 3) composition, name and seat of the federation;
- 4) date of removal from the register.

4. The federation shall notify the minister of the change of seat within 14 days.

5. The minister shall enter data in the register ex officio.

6. The entry consists in the entry into the system of the data contained in the final decision referred to in Art. 166 sec. 5.

7. The register shall be public.

**Art. 169. 1.** The bodies of the federation shall be the president and the assembly of the federation. The statutes may also provide for other bodies of the federation.

2. The president's responsibilities shall include matters concerning the federation, with the exception of those matters reserved by law or statutes for the competence of the federation assembly.

3. The president's tasks shall include in particular:

- 1) representation of the federation;
- 2) management of the federation;
- 3) performance of labour law-related activities with respect to employees of the federation;
- 4) financial management of the federation;
- 5) ensuring of the implementation of regulations applicable in the federation.

**Art. 170. 1.** The tasks of the federation assembly shall include:

- 1) adopting amendments to the statutes;
- 2) monitoring the financial management of the federation;
- 3) conducting an evaluation of the functioning of the federation;
- 4) making recommendations to the president with respect to their tasks;
- 5) granting of scientific degrees and degrees in art;
- 6) performing other tasks specified in the statutes.

2. As part of the monitoring of the financial management of the federation, the

federation assembly:

- 1) gives its opinion on the material and financial plan;
- 2) approves the report on the implementation of the material and financial plan;
- 3) approves the financial statements.

3. The task referred to in sec. 1 point 5 may be performed by another body of the federation or body of a participating entity defined in the statutes. The statutes may indicate only one body for each discipline.

4. In the performance of its tasks, the federation assembly may request access to the federation's documentation.

**Art. 171. 1.** The president and a member of the assembly of the federation may be a person who meets the requirements set out in Art. 20 sec. 1.

2. A person appointed as president shall be employed by the federation.

3. The minister shall appoint the first president, at the request of the participating entities, for a period of 6 months and establish an employment relationship with them.

4. The provision of Art. 20 sec. 4 shall apply accordingly to the president and members of the assembly of the federation.

**Art. 172. 1.** A federation may conduct business activity separated in terms of organisation and finance from the activity referred to in Art. 165 sec. 2, to the extent and in the forms specified in the statutes, in particular through the establishment of capital companies.

2. A federation shall be exempt from fees for perpetual usufruct of real estate of the State Treasury, except for the fees specified in the regulations on the management of agricultural real estate of the State Treasury.

**Art. 173. 1.** If a federation is established, the evaluation of the quality of scientific activities shall be carried out exclusively for the federation.

2. The evaluation shall be carried out within the framework of a discipline in a federation, whose participating entities employed, as of 31 December of the year preceding the year of evaluation, at least 12 employees conducting scientific activity in

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the given discipline, in terms of full-time work related to conducting scientific activity in that discipline.

3. An employee of a participating entity conducting scientific activities shall submit a declaration authorising the federation to include them in the number of employees referred to in sec. 2. The declaration may be submitted only in one entity and in no more than 2 disciplines referred to in Art. 343 sec. 7 and 8.

4. The federation shall be granted the scientific categories referred to in Art. 269.

5. The federation shall have the powers related to the obtainment of a scientific category within the scope of:

- 1) the granting of scientific degrees or degrees in art;
- 2) the education of doctoral students;
- 3) the participation in the competitions referred to in Art. 387 sec. 1 and Art. 396 sec. 1.

6. From the date of establishment of the federation until the date of granting of a scientific category, the federation shall have the powers related to the obtainment by the participating entities of scientific categories within the scope referred to in sec. 5. If the participating entities have scientific categories in the same disciplines, the federation shall have the powers resulting from the highest of these categories. A participating entity which is a higher education institution shall have the powers related to the obtainment by the federation of a scientific category with regard to:

- 1) the name of the higher education institution;
- 2) the powers related to the establishment of studies and verification of learning outcomes.

7. For the purposes of the algorithms referred to in Art. 368, a participating entity shall be deemed to have a scientific category in the given discipline granted to the federation if it employed, as at 31 December of the year preceding the year in which the distribution of financial resources is made, a total of at least 12 out employees conducting scientific activities in the given discipline, in terms of full-time work related to conducting scientific activities in that discipline.

8. In the event of liquidation of the federation within four years of its establishment, the participating entity shall lose the scientific category in the discipline unless, as at 31 December of the year preceding the year of liquidation, it employed at least 12 employees conducting scientific activities in the given discipline, in terms of full-time work related to conducting scientific activities in that discipline.

**Art. 174.** The minister shall liquidate the federation if it does not obtain scientific category A+, A or B+ in at least 1 discipline.

**Art. 175. 1.** The minister shall supervise the federations.

2. The minister may impose on the federation an administrative penalty of up to PLN 50,000 in the case of:

- 1) violation of the obligations referred to in Art. 119 section 3 and 4, Art. 188, Art. 222 and Art. 358;
- 2) failure to introduce to the system referred to in Art. 342 sec. 1 the data referred to in Art. 343 sec. 1, Art. 345 sec. 1 or in the provisions issued pursuant to Art. 353, and in the event of failure to update, archive or remove them from this system.

3. The proceeds of the penalties referred to in sec. 2 constitute state government revenue.

**Art. 176.** The following provisions shall apply accordingly to the federation

- 1) Art. 24 sec. 9, Art. 177–180, Art. 182–226, Art. 259–262, Art. 264, Art. 266, Art. 267 sec. 1, Art. 268–270, Art. 322, Art. 343, Art. 345, Art. 346, Art. 348–350, Art. 351 sec. 4, Art. 354, Art. 355, Art. 360–362, Art. 408, Art. 409 sec. 2–5, Art. 410, Art. 411, Art. 420, Art. 423, Art. 425–428, Art. 432, Art. 469a and Art. 469b;
- 2) Art. 36, except that:
  - a) the liquidation costs shall be covered from the assets of the participating entities,
  - b) the personal and payroll documentation shall be acquired by the participating entity indicated in the statutes,
  - c) the rights and obligations of the federation shall be assumed by the participating entity indicated in the statutes;

- 3) Art. 148-152, except that the federation may create only one special purpose vehicle, and of Art. 159 shall apply accordingly to the federation;
- 4) Art. 387-399, except that the financial resources received under the programmes shall be transferred by the higher education institution to the federation;
- 5) provisions issued on the basis of Art. 181, Art. 263, Art. 267 sec. 2, Art. 353 and Art. 363.

## PART V

### **Degrees and titles in the system of higher education and science**

#### Chapter 1

#### **General provisions**

**Art. 177. 1.** In the system of higher education and science, the following titles and degrees are granted:

- 1) scientific degrees and degrees in art:
  - a) doktor,
  - b) doktor habilitowany;
- 2) title of profesor.

2. A scientific degree shall be granted in a given field of science and scientific discipline. A scientific degree of a doctor may be granted in a given field.

3. A degree in art shall be granted in a given field of art and artistic discipline.

4. The title of profesor shall be granted in a given field, field and discipline or disciplines.

5. If a doctoral dissertation or the achievements referred to in Art. 219 sec. 1 point 2 cover scientific issues from more than one discipline, the discipline in which the doctoral or degree of doktor habilitowany is granted shall be indicated.

6. If the doctoral dissertation covers scientific issues from more than one scientific discipline within a given field of science and it is not possible to indicate the discipline referred to in sec. 5, the degree of doktor shall be granted in the given field of science.

**Art. 178. 1.** A scientific degree or a degree in art shall be granted, by way of an administrative decision:

- 1) in a higher education institution – by the senate or another body of the institution referred to in Art. 28 sec. 4;
  - 2) at an institute of the Polish Academy of Sciences, at a research institute and at an international institute
- by the scientific council.

2. The decision referred to in sec. 1 shall be signed by the chair of a competent body.

3. To the extent not regulated by this Act, the provisions of the Code of Administrative Procedure shall apply accordingly to proceedings for the award of the degree of doktor and for the award of the degree of doktor habilitowany.

4. The title of profesor shall be awarded by the President of the Republic of Poland.

**Art. 179. 1.** A person who has been awarded a doctoral or degree of doktor habilitowany shall receive, respectively, a doctoral diploma or a postdoctoral diploma as well as a copy of that diploma. Copies of the diploma in a foreign language shall be issued at the request of that person.

2. In the case referred to in Art. 185 sec. 2, the person who has been awarded a degree of doktor shall receive a joint doctoral diploma issued by the entities awarding the degree of doktor or a doctoral diploma issued by one of the entities indicated in the agreement.

**Art. 180. 1.** At the request of the person concerned, doctoral diplomas and postdoctoral diplomas, as well as their duplicates and copies, intended for legal exchange abroad, shall be certified by:

- 1) the director of the Polish National Agency for Academic Exchange – in the case of degrees awarded by higher education institutions;
- 2) the President of the Polish Academy of Sciences – in the case of degrees awarded by the institutes of the Polish Academy of Sciences and by international institutes;

3) the minister supervising the research institute – in the case of degrees awarded by research institutes.

2. Certification shall be subject to fees.

**Art. 181.** The minister responsible for higher education and science shall specify, by way of a regulation, the necessary components of a doctoral and postdoctoral diploma, the manner of drawing up of duplicates and copies of diplomas as well as correcting and changing the personal data contained in them, the template of a doctoral student ID, method of confirming its validity, manner of certification of the documentation referred to in Art. 180 sec. 1, intended for legal exchange with foreign countries, the amount and method of charging fees for the certification of documents and the amount of the fee for the issuance of a duplicate of the diploma, as well as for the issuance of a copy of the diploma, including in a foreign language, bearing in mind the need to ensure the completeness of the information contained in the diplomas, the need to certify the status of the doctoral student and ensure the adequacy of the fees to costs, as well as the particular importance of documents intended for legal exchange with foreign countries.

**Art. 182. 1.** A person applying for the award of the degree of doktor, the degree of doktor habilitowany or the title of profesor shall pay a fee for the proceedings in this case.

2. The fee shall be paid to the higher education institution, institute of the Polish Academy of Sciences, research institute, international institute or the Council of Scientific Excellence.

3. The amount of the fee shall not exceed the cost of the proceedings, taking into account, in particular, the cost of remuneration of the supervisor(s), assistant supervisor and reviewers.

4. A higher education institution, an institute of the Polish Academy of Sciences, a research institute or an international institute shall not charge any fees to persons applying for a degree of doktor who have completed education at a doctoral school.

5. In justified cases, the rector, the director of an institute of the Polish Academy of Sciences, the director of a research institute or the director of an international institute may waive the fee in whole or in part.

6. In the case of an academic teacher or researcher, the costs of the proceedings shall be borne by the higher education institution, institute of Polish Academy of Sciences, research institute or international institute employing them.

**Art. 183.** An academic teacher and researcher may not, without a justified reason, evade the function of a supervisor, assistant supervisor or reviewer in the proceedings for the award of a degree of doktor, degree of doktor habilitowany or the title of profesor, as well as the function of the reviewer referred to in Art. 238 sec. 2.

**Art. 184. 1.** A supervisor, assistant supervisor and reviewer in the proceedings for the award of a degree of doktor, degree of doktor habilitowany or the title of profesor and a member of the habilitation commission shall be entitled to a one-time salary.

2. The supervisor's salary shall be 83% and the assistant supervisor – 50% of a professor's salary. The salary shall be paid after the completion of the proceedings for the award of a degree of doktor under which the degree has been granted.

3. The reviewer's salary shall be:

- 1) in the proceedings for the award of a degree of doktor – 27%,
  - 2) in the proceedings for the award of a degree of doktor habilitowany – 33%,
  - 3) in the proceedings for the title of profesor – 40%,
- of a professor's salary.

4. The salary of a member of the habilitation commission shall be 17% of a professor's salary and, if they hold the position of chairman or secretary, 33% of a professor's salary. The salary shall be paid at the end of the proceedings for the award of a degree.

## Chapter 2

### Degree of doktor

#### Unit 1

#### The award of a degree of doktor

**Art. 185. 1.** The right to award a degree of doktor in the discipline shall be vested in a higher education institution, institute of the Polish Academy of Sciences, research institute or international institute in the discipline in which it has a scientific category A+, A or B+, hereinafter referred to as „the entity awarding a degree of doktor.”

2. The degree of doktor may also be awarded jointly by higher education institutions, institutes of the Polish Academy of Sciences, research institutes or international institutes in the discipline in which each of them has a scientific category A+, A or B+, including foreign entities authorised to award a degree of doktor in the scope of discipline in which the degree is awarded. The rules of cooperation shall be laid down in a written agreement which shall, in particular, indicate the entity responsible for the entry into the system of the data referred to in Art. 342 sec. 1.

3. In the case referred to in Art. 177 sec. 6, the degree of doktor in a scientific field may be awarded by an entity awarding a degree of doktor which has a scientific category A+, A or B+ in more than half of the disciplines in this field.

4. In the event of the loss of the right to award a degree of doktor in a given discipline or field, the entity awarding a degree of doktor shall ensure that the proceedings may be continued in another entity which is authorised to award a degree of doktor in that discipline or field. Should it not be possible to ensure the continuation of the proceedings in another entity, the Council of Scientific Excellence shall designate such entity.

**Art. 186. 1.** A degree of doktor shall be awarded to an individual who:

- 1) holds a magister or a magister inżynier degree or an equivalent degree, or has the diploma referred to in Art. 326 sec. 2 point 2 or Art. 327 sec. 2, entitling them to apply for the award of a degree of doktor in the country in the education system of which the higher education institution which issued it operates;

- 2) achieved the learning outcomes for qualifications at level 8 of the Polish Qualifications Framework, where the learning outcomes in terms of the knowledge of a modern foreign language are confirmed by a certificate or diploma confirming the knowledge of that language at B2 level or higher;
- 3) has at least:
  - a) 1 scientific article published in a scientific journal or in conference proceedings which, in the year of publication of the article in its final form, were included in a list drawn up in accordance with the provisions issued pursuant to Art. 267 sec. 2 point 2 (b), or
  - b) 1 scientific monograph issued by a publishing house which, in the year of publication of the monograph in its final form, was included on a list drawn up in accordance with the provisions issued pursuant to Art. 267 sec. 2 point 2 (a), or a chapter in such a monograph, or
  - c) a work of art of considerable importance;
- 4) presented and defended a doctoral dissertation;
- 5) met other requirements set by the entity awarding a degree of doktor.

2. In exceptional cases, justified by the highest quality of scientific achievements, the degree of doktor may be awarded to a person who does not meet the requirements set out in sec. 1 point 1, who completed first-cycle programme, or who completed the third year of long-cycle programme.

3. The person referred to in sec. 2, after the award of a degree of doktor, shall at the same time receive higher education, as referred to in Art. 77 sec. 1 point 2.

**Art. 187. 1.** The doctoral dissertation demonstrates the candidate's general theoretical knowledge in a discipline (or disciplines) and the ability to conduct research or artistic work independently.

2. The subject matter of the doctoral dissertation shall be an original solution to a scientific problem or in terms of the application of results of own scientific research in the economic or social sphere, or an original artistic achievement.

3. The doctoral dissertation may be a written dissertation, including a scientific monograph; a collection of published and thematically related scientific articles; design, construction, technological, implementation or artistic work; as well as an independent and separate part of a collective work.

4. The doctoral dissertation shall include an abstract in English, whereas a doctoral dissertation prepared in a foreign language – an abstract in Polish. In the case when the dissertation is not in written form, its description in Polish and English shall be attached.

**Art. 188. 1.** No later than 30 days before the scheduled date of dissertation defence, the entity awarding a degree of doktor shall make a written doctoral dissertation, together with a summary, or a description of a dissertation which is not a written dissertation, as well as reviews, available in the Bulletin of Public Information on its website.

2. In the case of a doctoral dissertation the subject of which is confidential, only reviews shall be made available, with the exception of such confidential content.

3. The documents referred to in sec. 1 shall be entered into the system referred to in Art. 342 sec. 1 immediately after their publishing.

4. If the dissertation is in written form, the entity awarding a degree of doktor shall verify the doctoral dissertation before the defence using the Uniform Anti-Plagiarism System referred to in Art. 351 sec. 1.

**Art. 189.** The proceedings for the award of a degree of doktor shall be initiated at the request of a person who satisfies the requirements set out in Art. 186 sec. 1 points 1-3 or sec. 2. The application shall be accompanied by a doctoral dissertation with a positive opinion of the supervisor or supervisors.

**Art. 190. 1.** The scientific supervision of the preparation of a doctoral dissertation shall be exercised by the supervisor or supervisors or by the supervisor and assistant supervisor.

2. In the proceedings for the award of the degree of doktor, 3 reviewers shall be appointed from among persons who are not employees of the entity awarding a degree

of doktor and the higher education institution, institute of the Polish Academy of Sciences, research institute, international institute, Centrum Łukasiewicz or Łukasiewicz Network institute, in which the person applying for the degree of doktor is employed.

3. Reviewers shall review the doctoral dissertation within 2 months of its provision.

4. A supervisor and reviewer may be a person holding a degree of doktor habilitowany or the title of profesor, and an assistant supervisor may be a person holding a degree of doktor.

5. A supervisor and reviewer may be a person who does not meet the conditions set out in sec. 4 who is an employee of a foreign higher education institution or a research institution if the body referred to in Art. 178 sec. 1 considers that the person has significant achievements in the scientific field associated with their doctoral dissertation.

6. A supervisor shall not be a person who in the last 5 years:

- 1) has been a supervisor of 4 doctoral students who were removed from the register of doctoral students due to a negative result of mid-term evaluation,
- 2) has supervised the preparation of a dissertation by at least 2 persons applying for the degree of doktor who did not receive positive reviews as referred to in Art. 191 sec. 1.

**Art. 191. 1.** In order to be allowed to defend a doctoral dissertation, a person must receive positive reviews from at least two reviewers and meet the requirements referred to in Art. 186 sec. 1 point 5.

2. The decision on refusal to allow a person to defend their dissertation shall be subject to a complaint to the Council of Scientific Excellence.

**Art. 192. 1.** The proceedings for the award of a degree of doktor may be conducted by a commission appointed by the body referred to in Art. 178 sec. 1.

2. The senate or scientific council shall determine the mode of awarding a degree of doktor, in particular:

- 1) the manner of appointment and change of the supervisor, supervisors or assistant supervisor;

- 2) the rules for determining the amount of the fee for the proceedings for the award of a degree of doktor in extramural mode as well as for granting exemption from this fee;
- 3) the mode of submission of the doctoral dissertation;
- 4) the mode of appointment of the commission referred to in sec. 1 and the scope of its activities;
- 5) the manner of appointment of reviewers;
- 6) the method of verification of learning outcomes for qualifications at level 8 of the Polish Qualifications Framework in the case of persons applying for a degree of doktor in extramural mode;
- 7) the manner of verification of compliance with the requirement referred to in Art. 186 sec. 1 point 3 (a) and (b) in case of multi-author publications.

3. The senate or scientific council may specify the requirements referred to in Art. 186 sec. 1 point 5 or additional conditions for acceptance for defence.

**Art. 193. 1.** The decision on the refusal to award the degree of doktor may be appealed to the Council of Scientific Excellence.

2. The time limit for lodging the appeal shall be 30 days of service of that decision.

3. The body referred to in Art. 178 sec. 1 shall forward the appeal, along with its opinion and a case file, to the Council of Scientific Excellence within 3 months from the date of lodging the appeal.

4. After consideration of the appeal, within a period no longer than 6 months, the Council of Scientific Excellence shall either uphold the contested decision or repeal it and refer the case for re-examination to the body referred to in Art. 178 sec. 1 of the same or another entity awarding a degree of doktor.

5. If a doctoral dissertation is not accepted for defence or if it is refused to award the degree of doktor, the same dissertation may not be the basis for reapplying for the award of the degree of doktor.

**Art. 194.** In case of occurrence of reasons specified in the Code of Administrative

Procedure for the resumption of administrative proceedings for the award of a degree of doktor or gross violation of the law by the entity awarding the degree of doktor, the Council of Scientific Excellence shall issue a decision on the resumption of the proceedings and indicate the entity awarding the degree of doktor that conducts the proceedings.

**Art. 195.** If a person applying for a degree of doktor has assumed the authorship of a significant fragment or other elements of another person's work or scientific finding, the entity awarding a degree of doktor shall annul the decision to award the degree.

**Art. 196. 1.** An employee who is not an academic teacher or researcher shall be entitled, at their request:

- 1) to a leave to prepare a doctoral dissertation or to prepare for the defence of a doctoral dissertation, granted in a period agreed with the employer, amounting to 28 days, which are working days for that employee within the meaning of separate regulations, and
- 2) to an exemption from work to defend their doctoral dissertation.

2. For the period of leave and exemption from work, the employee shall be entitled to remuneration calculated in the same manner as for the holiday leave.

**Art. 197.** The preparation of a doctoral dissertation shall be conducted by means of:

- 1) doctoral education;
- 2) extramural mode.

## Unit 2

### Doctoral education

**Art. 198. 1.** Doctoral education shall prepare them for obtaining a degree of doktor and take place at a doctoral school.

2. The doctoral school shall be an organised form of education in at least two of the disciplines referred to in sec. 3 or 5.

3. The doctoral school may be run by a university-type higher education institution, an institute of Polish Academy of Sciences, a research institute or an international

institute with scientific category A+, A or B+ in at least two disciplines, hereinafter referred to as „the entity operating a doctoral school”.

4. The doctoral school may be run by a university-type higher education institution which conducts research activities only in one discipline, relating to theology or physical culture, or in an artistic discipline, and has a scientific category A+, A or B+ in that discipline.

5. The doctoral school may be run jointly by university-type higher education institutions, institutes of the Polish Academy of Sciences, research institutes or international institutes, each of which shall have a scientific category A+, A or B+ in at least 1 discipline. Detailed division of tasks related to the running of the doctoral school and the method of financing them shall be laid down in a written agreement which shall also specify the entity responsible for entering data into the system referred to in Art. 342 sec. 1 and authorised to receive financial resources for conducting joint education at the doctoral school.

6. Doctoral education may be conducted in cooperation with another entity, in particular an entrepreneur or a foreign higher education institution or research institution.

7. The entity operating a doctoral school may run no more than three doctoral schools in a given discipline.

8. Doctoral education shall not be subject to fees.

**Art. 198a.** Where justified by exceptional circumstances endangering the life or health of doctoral students, the minister responsible for higher education and research may, by way of a regulation, temporarily suspend doctoral education in entities operating doctoral schools in the territory of the country or a part thereof, taking into account the degree of threat in a given territory.

**Art. 199.** An entity operating a doctoral school shall lose the possibility of:

- 1) conducting doctoral education within the discipline in which it obtained a scientific category B or C,
- 2) operating a doctoral school in the event of failure to comply with the conditions

laid down in Art. 198 sec. 3–5

– and shall cease the provision of education at the end of the academic year in which such circumstance occurs; the provisions of Art. 206 shall apply.

**Art. 200. 1.** A person holding magister degree, magister inżynier degree, or an equivalent degree, or a person referred to in Art. 186 sec. 2 may be admitted to a doctoral school.

2. Recruitment to the doctoral school shall be conducted by means of a competition on the basis of the rules defined by the senate or the scientific council.

3. The rules referred to in sec. 2, and the curriculum referred to in Art. 201 sec. 3, shall be made available by the entity operating the doctoral school no later than 5 months before the commencement of recruitment.

4. Admission to the doctoral school shall be conducted by way of entry in the register of doctoral students.

5. Admission to the doctoral school shall be refused by administrative decision. The decision shall be subject to a motion for reconsideration.

6. The results of the competition shall be public.

7. At the same time, one person may only be a doctoral student at one doctoral school.

8. A person admitted to the doctoral school shall begin education and acquire doctoral student rights upon taking the oath.

**Art. 201. 1.** Doctoral education shall last from 6 to 8 semesters.

2. Within three months of taking up education, doctoral students shall be assigned a supervisor or supervisors.

3. The education shall be carried out on the basis of a doctoral training and an individual research plan.

4. The curriculum shall be established by the senate or the scientific council. The curriculum shall require consultation with the doctoral student council. In the event of the ineffective expiry of the period laid down in the statutes, the requirement to consult

shall be deemed to have been met.

5. The doctoral training may provide for internships in the form of teaching or participation in the teaching of classes, not exceeding 60 teaching hours per year.

**Art. 202. 1.** Doctoral students, in consultation with the doctoral student supervisor(s), shall draw up an individual research plan including in particular a schedule for the preparation of the doctoral dissertation and they shall submit it to the entity operating the doctoral school within 12 months of the date of the commencement of education. If an assistant supervisor is appointed, the plan shall be presented after the provision of opinion by that supervisor.

2. The implementation of the plan shall be subject to mid-term evaluation in the middle of the period of education defined in the curriculum, and in the case of education lasting 6 semesters – during the fourth semester.

3. The mid-term evaluation shall end with a positive or negative result. The result of the evaluation, together with the justification, shall be public.

4. Mid-term evaluation shall be conducted by a committee composed of three members, including at least one person holding the degree of doktor habilitowany or the title of profesor in the discipline in which the dissertation is being prepared, employed outside the entity operating the doctoral school. The supervisor and assistant supervisor shall not be members of the committee.

5. A member of the committee who is employed outside the entity operating the doctoral school shall be entitled to a salary amounting to 20% of a professor's salary.

**Art. 203. 1.** A doctoral student shall be removed from the register of doctoral students in case of:

- 1) a negative result of the mid-term evaluation;
- 2) failure to submit a doctoral dissertation within the deadline specified in the individual research plan;
- 3) opting out of further education.

2. A doctoral student may be removed from the register of doctoral students in case of:

- 1) unsatisfactory progress in the preparation of their doctoral dissertation;
- 2) failure to comply with the obligations referred to in Art. 207.

3. Removal from the register of doctoral students shall be effected by way of an administrative decision. The decision shall be subject to a motion for reconsideration.

**Art. 204. 1.** The education of a doctoral student shall end with the submission of their dissertation.

2. The individual research plan shall specify the deadline for submission of the doctoral dissertation. This deadline may be extended, but by no longer than two years, pursuant to the rules laid down in the regulations of the doctoral school.

3. At the request of a doctoral student, education shall be suspended for the period corresponding to the duration of maternity leave, leave on the conditions of maternity leave, paternity leave and parental leave as defined by the Act of 26 June 1974 – Labour Code.

**Art. 205. 1.** The regulations of the doctoral school shall establish the organisation of education to the extent not regulated by this Act, in particular:

- 1) the manner of appointment and change of the supervisor, supervisors or assistant supervisor;
- 2) the manner of documentation of the course of education;
- 3) the manner of conducting the mid-term evaluation;
- 4) the conditions for the extension of the deadline for submitting a doctoral dissertation.

2. The regulations shall be adopted by the senate or scientific council at least five months before the beginning of the academic year referred to in Art. 66.

3. The regulations shall require agreement with the doctoral student council. If, within 3 months of the adoption of the regulations, the senate or the scientific council and the doctoral student council fail to reach an agreement on their content, the regulations shall enter into force by way of a resolution of the senate or the scientific council, adopted by a majority of at least 2/3 of the votes of the statutory members of these bodies.

4. The regulations shall enter into force at the beginning of the academic year.

5. With regard to any amendments to the regulations, the provisions of sec. 2 and 3 shall apply accordingly.

**Art. 206. 1.** In the event of cessation of conducting doctoral education in a given discipline, the entity operating the doctoral school shall ensure that doctoral students preparing their doctoral dissertation in that discipline may continue their education at another doctoral school in that discipline.

2. In the absence of a doctoral school providing education in a given discipline, the entity operating a doctoral school where education has been discontinued shall bear the costs of the proceedings for the award of a degree of doctor in extramural mode.

**Art. 207. 1.** A doctoral student shall be obliged to follow the regulations of the doctoral school.

2. A doctoral student shall be obliged to implement the curriculum and individual research plan.

**Art. 208. 1.** A doctoral student shall be entitled to rest breaks of up to 8 weeks per year.

2. In the case of a doctoral student who has obtained the degree of doktor as a result of graduation from a doctoral school, the period of education at that school, not exceeding four years, shall be included in the period of work on which employee entitlements depend.

3. In the case of a doctoral student who has not completed education at a doctoral school due to:

- 1) taking up of employment as an academic teacher or researcher,
  - 2) discontinuation of education for doctoral students in a given discipline
- the period of education at this school, not exceeding 4 years, shall be included in the period of work on which employee entitlements depend, provided that they have obtained a degree of doktor.

4. The entity operating the doctoral school shall issue a doctoral student ID to the doctoral student.

**Art. 209. 1.** A doctoral student who does not hold a degree of doktor shall receive a doctoral scholarship.

2. The total period of receiving the doctoral scholarship at doctoral schools shall not exceed 4 years.

3. The period referred to in sec. 2 shall not include the period of suspension and the period of education at the doctoral school in the case referred to in Art. 206 sec. 2.

4. The amount of a monthly doctoral scholarship shall be at least:

- 1) 37% of a professor's salary – up to the month in which the mid-term evaluation was conducted;
- 2) 57% of a professor's salary – after the month in which the mid-term evaluation was conducted.

5. The amount of the doctoral scholarship may depend on the student's achievements.

6. During the period of suspension of education, the provisions concerning the determination of the amount of the maternity allowance shall apply accordingly to the determination of the amount of the doctoral scholarship, except that the basis for the amount of the allowance shall be the monthly doctoral scholarship referred to in sec. 4, applicable on the date of the application for suspension.

7. A doctoral student who has a disability certificate, a certificate on the degree of disability, or a certificate referred to in Art. 5 and Art. 62 of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Disabled Persons shall receive a doctoral scholarship in the amount increased by 30% of the amount indicated in sec. 4 point 1.

8. A doctoral student who submits their doctoral dissertation earlier than the date of completion of education provided for in the curriculum shall receive the doctoral scholarship until the date of expiry of the deadline for the completion of education, but

not longer than for six months. The provision of sec. 2 shall apply.

9. The doctoral scholarship shall be paid by the entity operating the doctoral school.

10. A doctoral student may not be employed as an academic teacher or researcher.

The aforementioned shall not apply to the employment of a doctoral student:

- 1) for the purpose of implementation of the research project referred to in Art. 119 section 2 points 2 and 3;
- 2) after a mid-term evaluation with a positive result, except that in the case of employment for more than half of the full-time equivalent, the scholarship shall amount to 40% of the monthly scholarship referred to in sec. 4 point 2;
- 3) who is not entitled to a doctoral scholarship.

**Art. 210.** A doctoral student may apply for a student loan. The provisions on student loans shall apply accordingly, except that:

- 1) the loan may be granted to a doctoral student who is under the age of 35;
- 2) the loan shall be granted only once in the period of education at the doctoral school, for no longer than four years.

**Art. 211.** A doctoral student may apply for:

- 1) accommodation in a student dormitory of the higher education institution or catering in the student canteen of the higher education institution;
- 2) accommodation for a spouse or a child in a student dormitory of the higher education institution.

– under the conditions and in the mode laid down in the regulations concerning student benefits.

**Art. 212.** A scholarship may be awarded to a doctoral student by a local self-government unit in accordance with the rules set out pursuant to Art. 96 sec. 2 and 3.

**Art. 213.** A research scholarship may be awarded to a doctoral student by a natural person or a legal entity which is not a state or local government legal person under the conditions set out in Art. 97 sec. 2.

**Art. 214.** A local government unit may grant doctoral students reductions in the

fees for public municipal transport.

**Art. 215. 1.** Doctoral students shall establish a doctoral student council in the entity operating the doctoral school.

2. The provisions of Art. 106 and Art. 110 sec. 2–9 shall apply accordingly to the doctoral student council.

**Art. 216. 1.** Doctoral students shall have the right to form doctoral student organisations in the entity operating a doctoral school.

2. The provisions of Art. 111 sec. 2-5 shall apply accordingly to doctoral student organisations and associations which do not have members other than doctoral students, students and employees of a higher education institution.

### Unit 3

#### **Extramural mode**

**Art. 217.** A person applying for a degree of doktor in extramural mode shall submit an application for the appointment of a supervisor or supervisors before the commencement of the proceedings.

### Chapter 3

#### **Degree of doktor habilitowany**

**Art. 218.** The right to award a degree of doktor habilitowany shall be vested in a higher education institution, institute of the Polish Academy of Sciences, research institute or international institute, in the discipline in which it has a scientific category A+, A or B+, hereinafter referred to as „the entity awarding a degree of doktor habilitowany.”

**Art. 219. 1.** A degree of doktor habilitowany shall be awarded to an individual who:

- 1) holds a degree of doktor;
- 2) possesses scientific or artistic achievements that constitute a significant contribution to the development of a particular discipline, including at least:
  - a) 1 scientific monograph issued by a publishing house which, in the year of publication of the monograph in its final form, was included on a list drawn up in

accordance with the provisions issued pursuant to Art. 267 sec. 2 point 2 (a) or b) 1 series of thematically related scientific articles published in scientific journals or reviewed materials from international conferences, which, in the year of publication of the article in its final form, were included in a list drawn up in accordance with the provisions issued under the Art. 267 sec. 2 point 2 (b), or c) 1 design, construction, technological or artistic unique achievement accomplished;

3) shows significant scientific or artistic activity carried out in more than one higher education institution, academic or cultural institution, in particular foreign one.

2. The achievement referred to in sec. 1 point 2 may form part of a collective work if the study of a separate issue is an individual contribution of the person applying for the degree of doktor habilitowany.

3. The publication obligation shall not apply to achievements whose subject matter is protected by classified information.

**Art. 220. 1.** The proceedings for the award of the degree of doktor habilitowany shall be initiated upon an application submitted to the entity awarding the degree of doktor habilitowany through the Council of Scientific Excellence.

2. The application shall include:

- 1) career description;
- 2) list of the achievements referred to in Art. 219 sec. 1 point 2;
- 3) designation of the entity awarding the degree of doktor habilitowany selected to conduct the proceedings for the award of the degree of doktor habilitowany.

**Art. 221. 1.** The Council of Scientific Excellence shall carry out a formal evaluation of the application and submit it to the entity awarding the degree of doktor habilitowany within 4 weeks of its receipt.

2. Within 4 weeks from the date of receipt of the application by the entity awarding the degree of doktor habilitowany, it may refuse to consent to the conduct of the proceedings for the award of the degree of doktor habilitowany and return the applica-

tion to the Council of Scientific Excellence.

3. In case of objection, the Council of Scientific Excellence shall immediately appoint another entity awarding a degree of doktor habilitowany and forward the application to that entity. The provision of sec. 2 shall not apply.

4. Within 12 weeks of receipt of the application, the Council of Scientific Excellence shall appoint four members of the habilitation commission, including a chairperson and three reviewers – from among individuals holding a degree of doktor habilitowany or the title of profesor, having current scientific or artistic output and acknowledged reputation (including international one), who are not employees of any entity awarding the degree of doktor habilitowany of either a higher education institution, institute of the Polish Academy of Sciences, research institute / international institute, whose employee is a person applying for the degree of doktor habilitowany.

5. Within 6 weeks of receiving the information on the members of the habilitation commission appointed by the Council of Scientific Excellence, the entity awarding a degree of doktor habilitowany shall appoint the habilitation commission. The commission shall consist of:

- 1) four members appointed by the Council of Scientific Excellence;
- 2) two members holding a degree of doktor habilitowany or the title of profesor, employed in the entity awarding a degree of doktor habilitowany, including the secretary;
- 3) a reviewer holding a degree of doktor habilitowany or the title of profesor, having current academic or artistic output as well as an acknowledged reputation, including international one, who is not an employee of the entity awarding a degree of doktor habilitowany.

6. A reviewer may be a person who does not meet the conditions set out in sec. 4 and 5, and who is an employee of a foreign higher education institution or scientific institution, if the Council of Scientific Excellence or the entity awarding a degree of doktor habilitowany considers that the person has significant achievements with re-

gard to issues related to the achievements of the person applying for a degree of doktor habilitowany.

7. A reviewer shall not be a person who has failed to comply with the deadline referred to in sec. 8 twice in the last 5 years.

8. Within eight weeks of the date of receipt of the application, reviewers shall assess whether the scientific achievements of the person applying for a degree of doktor habilitowany correspond to the requirements set out in Art. 219 sec. 1 point 2 and prepare the review.

9. The habilitation commission may conduct a habilitation examination with regard to the scientific or artistic achievements of the person applying for the degree of doktor habilitowany. The examination shall be conducted in the case of achievements in the human, social and theological sciences.

10. The resolution containing an opinion on the award of the degree of doktor habilitowany shall be adopted by the habilitation commission in an open vote. At the request of the person applying for a degree, the commission shall adopt the resolution in a secret ballot. The opinion cannot be positive if at least 2 reviews are negative.

11. The habilitation commission shall, within 6 weeks of the receipt of the review, transmit the resolution referred to in sec. 10, together with the justification and documentation of the proceedings for the award of the degree of doktor habilitowany, to the entity awarding the degree of doktor habilitowany.

12. On the basis of the resolution referred to in sec. 10, the entity awarding the degree of doktor habilitowany shall, within one month of its receipt, award the degree of doktor habilitowany or refuse to award it. The entity awarding the degree of doktor habilitowany shall refuse to award the degree if the opinion referred to in sec. 10 is negative.

13. In case of withdrawal of the application after the establishment of the habilitation commission:

1) the same application cannot be the basis for applying for the degree of doktor

habilitowany in another entity awarding the degree of doktor habilitowany;

- 2) the applicant may not apply for the degree of doktor habilitowany for a period of 2 years.

14. The senate or the scientific council shall determine:

- 1) detailed mode of operation for the award of the degree of doktor habilitowany;
- 2) the rules for determining the amount of the fee for the proceedings for the award of a degree of doktor habilitowany as well as for granting exemption from this fee;
- 3) the manner of appointment of members of the habilitation commission.

**Art. 222. 1.** The application of a person applying for the degree of doktor habilitowany, information on the composition of the habilitation commission, reviews, resolution containing an opinion on the award of the degree, together with the justification, and the decision on the award of the degree or refusal to award it shall be made available by the entity awarding the degree of doktor habilitowany in the Bulletin of Public Information on its website.

2. The application of the person applying for the degree of doktor habilitowany, information on the composition of the habilitation commission and the reviews shall be entered in the system referred to in Art. 342 sec. 1.

**Art. 223. 1.** An employee who is not an academic teacher or a researcher at whose request the proceedings for the award of the degree of doktor habilitowany were initiated shall be entitled, at their request, to be dismissed from work to participate in the habilitation examination.

2. For the period of exemption from work, the employee shall be entitled to remuneration calculated in the same manner as for the holiday leave.

**Art. 224. 1.** The decision on the refusal to award the degree of doktor habilitowany may be appealed to the Council of Scientific Excellence. The provisions of Art. 193 sec. 2-4 shall apply accordingly.

2. If the decision is upheld, the person applying for the degree of doktor habilitowany may submit a subsequent application to initiate the proceedings for its award

after at least two years. This period may be reduced to 12 months in the case of a significant increase in academic or artistic achievements.

**Art. 225.** The resumption of the proceedings for the award of the degree of doktor habilitowany and the annulment of the decision on its award shall be subject to the provisions of Art. 194 and Art. 195.

**Art. 226. 1.** A person who obtained the degree of doktor in the Republic of Poland or a doctoral degree abroad may acquire rights equivalent to those associated with the degree of doktor habilitowany in a given discipline if, while working in another country, they have independently managed research teams for at least five years, have significant academic achievements and are employed in an entity awarding a postdoctoral degree authorised to award the postdoctoral in that discipline in the position of a professor of a higher education institution or professor of an institute in an institute of Polish Academy of Sciences or a research institute or a professor in an international institute.

2. The decision on the acquisition of rights shall be issued by:

- 1) the rector – in the case of a person employed in a higher education institution;
- 2) the director of the institute – in the case of a person employed in an institute of the Polish Academy of Sciences, a research institute or an international institute.

3. The authority referred to in sec. 2 shall communicate the decision to the Council of Scientific Excellence together with a description of professional career and a list of achievements of a given person.

4. The acquisition of rights shall take place after 4 months since the day the Council of Scientific Excellence receives the decision referred to in sec. 2 if, within that period, the Council of Scientific Excellence does not object and does not repeal that decision by administrative decision.

5. The decision of the Council of Scientific Excellence may be appealed to an administrative court.

6. A person who has acquired rights equivalent to those arising from holding the

degree of doktor habilitowany shall be entitled to the rights of a habilitated doctor arising from this Act.

## Chapter 4

### **Title of profesor**

**Art. 227. 1.** The title of profesor may be awarded to a person who:

- 1) holds the degree of doktor habilitowany and:
    - a) outstanding scientific achievements at home or abroad,
    - b) participated in the works of research teams implementing projects financed through national or foreign competitions, or completed scientific internships in scientific institutions, including foreign ones, or conducted research or development works in higher education institutions or scientific institutions, including foreign ones,
  - 2) holds a degree of doktor habilitowany in art and has outstanding artistic achievements
- and meets the requirement referred to in Art. 20 sec. 1 point 5.

2. In exceptional cases, justified by the highest quality of scientific or artistic achievements, the title of profesor may be awarded to a person holding a degree of doktor. The provisions of sec. 1 shall apply accordingly.

3. The achievement referred to in sec. 1 or 2 may be a design, construction, technological or artistic unique achievement accomplished;

**Art. 228. 1.** The proceedings for the award of the title of profesor shall be initiated upon the request of the person referred to in Art. 227 sec. 1 or 2, containing a statement of reasons demonstrating that the requirements referred to in Art. 227 are met, which shall be submitted to the Council of Scientific Excellence.

2. The Council of Scientific Excellence shall refuse to initiate the proceedings for the award of the title of profesor if the request clearly does not meet the conditions set out in Art. 227. The decision on refusal to initiate the proceedings shall be subject to complaint to the Council of Scientific Excellence.

3. The Council of Scientific Excellence shall appoint 5 reviewers whose task shall be the provision of an opinion on the fulfilment of the requirements referred to in Art. 227 sec. 1 or 2.

4. The opinion shall be issued within 3 months from the date on which it was ordered.

5. Within 3 months of receiving the opinion, the Council of Scientific Excellence shall, by way of an administrative decision:

- 1) apply to the President of the Republic of Poland to grant the applicant the title of profesor or
- 2) refuse to apply to the President of the Republic of Poland to grant the applicant the title of profesor.

6. The decision shall be subject to a motion for reconsideration within 3 months from the date of its delivery.

7. The Council of Scientific Excellence shall consider the motion for reconsideration within 6 months from the date of its service.

8. In the proceedings on the motion for reconsideration of case, the Council of Scientific Excellence may consult the reviewers referred to in sec. 3.

9. In proceedings for the award of the title of profesor, to the extent not regulated by the Act, the provisions of the Code of Administrative Procedure shall apply accordingly.

10. A person applying for the title of profesor may submit a subsequent request for initiation of the proceedings for its award after a period of at least 5 years in case of:

- 1) the final resolution referred to in sec. 2;
- 2) the final decision referred to in sec. 5 point 2.

**Art. 229. 1.** A reviewer in the proceedings for the award of the title of profesor may be a person who:

- 1) has the title of profesor in the field in question or
- 2) holds at least the degree of doktor and has been employed for at least five years

in a foreign higher education institution or research institution in the position of professor and who:

- a) independently managed a research team for at least 5 years and
- b) has significant achievements in the field in question.

2. A reviewer shall not be a person who has failed twice in the last 5 years to comply with the deadline referred to in Art. 228 sec. 4.

**Art. 230. 1.** Within 21 days from the day of issuing the decision referred to in Art. 228 sec. 5 point 1, the Council of Scientific Excellence shall submit an application to the President of the Republic of Poland to grant the title of profesor.

2. Within the time limit referred to in sec. 1, the application for the award of the title of profesor and the opinions of reviewers shall be entered into the system referred to in Art. 342 sec. 1.

3. In the event of discovering the possibility of copyright infringement by the person concerned by the application, the President of the Republic of Poland may request the Council of Scientific Excellence to attach to the application the opinion of the Committee for Ethics in Science of the Polish Academy of Sciences.

4. In case of issuing an opinion confirming the possibility of copyright infringement, the Council of Scientific Excellence shall resume the proceedings for the award of the title of profesor.

**Art. 231. 1.** A final decision of the court declaring that a person referred to in Art. 227 sec. 1 or 2, or a person who has been awarded the title of profesor, submitted a false vetting declaration shall result in the loss of that title.

2. The judgment of the court referred to in sec. 1 shall be sent to the chairman of the Council of Scientific Excellence by the president of the court.

## Chapter 5

### **Council of Scientific Excellence**

**Art. 232. 1.** The Council of Scientific Excellence shall work to ensure the development of scientific staff in accordance with the highest quality standards of scientific

activity required to obtain academic degrees, art degrees and the title of professor.

2. The Council of Scientific Excellence shall act as a central body of government administration within the scope of the proceedings conducted.

3. The Council of Scientific Excellence shall be subject to the minister's supervision in the mode and according to the principles specified in the Act of 15th July 2011 on control in government administration.

**Art. 233. 1.** A member of the Council of Scientific Excellence may be a person who:

- 1) remains in good standing and observes the principles of scientific ethics;
- 2) has not committed the act referred to in Art. 115 of the Act of 4 February 1994 on copyright and related rights, ruled by a final and binding judgment of the court;
- 3) holds the degree of doktor habilitowany or the title of professor;
- 4) has at least:
  - a) 1 scientific monograph issued by a publishing house which, in the year of publication of the monograph in its final form, was included on a list drawn up in accordance with the provisions issued pursuant to Art. 267 sec. 2 point 2 (a) in the last 5 years or
  - b) 3 scientific articles published in scientific journals or in reviewed materials from an international conference which, in the year of publication of the article in its final form, were included in a list drawn up in accordance with the provisions issued pursuant to Art. 267 sec. 2 point 2 (b) in the last 5 years or
  - c) an outstanding achievement in the development and implementation of an original design, construction, technological or artistic solution, achieved in the last 5 years, or
  - d) an outstanding work of art created in the last 5 years;
- 5) has not reached the age of 70 by the date of commencement of the term of the Council of Scientific Excellence;
- 6) complies with the requirements referred to in Art. 20 sec. 1 points 1-6.

2. A member of the Council of Scientific Excellence may not be:

- 1) a Member of the Science Evaluation Committee;
- 2) the rector;
- 3) (repealed)
- 4) the president and the vice president of the Polish Academy of Sciences;
- 5) the director of the Institute of the Polish Academy of Sciences;
- 6) the director of a research institute;
- 7) director of an international institute.

3. The same person may hold the position of a member of the Council of Scientific Excellence not longer than for two consecutive terms of office.

4. The Council of Scientific Excellence shall consist of 3 representatives of each discipline.

5. A higher education institution, institute of the Polish Academy of Sciences, research institute or international institute which have a scientific category A+, A or B+ in a given discipline may nominate a member of the Council of Scientific Excellence representing that discipline. A candidate who is not employed in the entity which nominated them shall submit a statement concerning the discipline they represent to the Council of Scientific Excellence.

6. A member of the Council of Scientific Excellence shall be elected by persons holding the degree of doktor habilitowany or the title of profesor, representing the same discipline as the candidate. A person who is not employed by the entity referred to in sec. 5 shall submit to the Council of Scientific Excellence a statement concerning the discipline they represent.

**Art. 234. 1.** The term of office of the Council of Scientific Excellence shall be 4 years and it shall commence on 1 January.

2. The chair of the Council of Scientific Excellence shall declare the expiration of the tenure of a member of the Council of Scientific Excellence in the event of:

- 1) his/her death;
- 2) submitting a resignation by him/her;

- 3) his/her failure to submit a vetting declaration or vetting information;
- 4) failure to meet at least one of the requirements specified in Art. 233 sections 1 and 2;
- 5) failure to participate in the work of the Council of Scientific Excellence for a period longer than 6 months.

3. If the tenure of a member of the Council of Scientific Excellence expires, the Council of Scientific Excellence shall be composed, for the period till the end of the term of office, of the persons who in particular disciplines have obtained the highest number of valid votes in the last elections. In the event of equal number of votes, the drawing lots conducted in the manner specified in the statutes of the Council of Scientific Excellence shall decide about the order. The period referred to in the first sentence shall not be included in the number of terms of office referred to in Art. 233 sec. 3.

**Art. 235. 1.** The Council of Scientific Excellence shall operate through its bodies.

2. The bodies of the Council of Scientific Excellence shall be:

- 1) the chair;
- 2) the Praesidium.

3. The Praesidium shall be composed of the following:

- 1) the chair;
- 2) the secretary of the Council of Scientific Excellence;
- 3) the chairs of the teams referred to in sec. 5.

4. The chair of the Council of Scientific Excellence shall be appointed from among its members and dismissed by the minister.

5. The Council of Scientific Excellence shall form teams operating within the fields comprising the members of the Council of Scientific Excellence.

**Art. 236. 1.** The statutes of the Council of Scientific Excellence shall specify in particular:

- 1) organisation and procedures of the Council of Scientific Excellence;
- 2) detailed mode of conducting the Council of Scientific Excellence elections;
- 3) detailed scope of the tasks of the bodies of the Council of Scientific Excellence;

4) detailed mode of appointing reviewers.

2. The statutes shall be adopted by the Council of Scientific Excellence during its plenary session.

3. The statutes shall be approved by the minister.

**Art. 237. 1.** The administrative support of the Council of Scientific Excellence shall be provided by the Council of Scientific Excellence Office.

2. The Council of Scientific Excellence Office shall be a state budgetary unit financed from the resources established in the part of the state budget, administered by the minister.

3. The Council of Scientific Excellence Office shall be headed by a director, appointed and dismissed by the chair of the Council of Scientific Excellence. The director shall be appointed following the competition for a post. The remaining staff shall be employed by the director after an open and competitive recruitment process.

4. The detailed scope of activities of the Council of Scientific Excellence and its organisation shall be specified in the organisational regulations assigned by the chair of the Council of Scientific Excellence.

**Art. 238. 1.** The tasks of the Council of Scientific Excellence shall include:

- 1) taking actions in procedures for the award of a degree of doktor habilitowany referred to in Art. 221 sec. 1, 3 and 4;
- 2) considering appeals against the decision to refuse to award a degree of doktor and complaints against the decision on refusal to allow a person to defend their dissertation;
- 3) considering appeals against the decision to refuse to award a degree of doktor habilitowany;
- 4) evaluation of the decision pertaining to the acquisition of equivalent rights referred to in Art. 226 sec. 1;
- 5) taking actions in procedures for the award of the title of profesor referred to in Art. 228 and Art. 230;

- 6) exercising supervision over the entities awarding a degree of doktor and the entities awarding a degree of doktor habilitowany in terms of compliance with the law of the following:
  - a) resolutions in cases referred to in Art. 192 sections 2 and 3 and Art. 221 sec.1
  - b) procedures for the award of a doctoral or degree of doktor habilitowany;
- 7) issuing opinions on other matters presented by the minister.

2. In the cases referred to in sec. 1 points 2-4 the Council of Scientific Excellence shall issue its decisions having obtained the opinion of at least 2 reviewers.

**Art. 239.** Within the framework of supervision referred to in Art. 238 sec. 1 point 6, the Council of Scientific Excellence may:

- 1) demand information and explanations from the entities awarding a degree of doktor and the entities awarding a degree of doktor habilitowany;
- 2) declare the resolutions in the cases referred to in Art. 192 sections 2 and 3 and Art. 221 sec. 14 invalid;
- 3) reopen the administrative proceedings for the award of a doctoral and degree of doktor habilitowany.

**Art. 240. 1.** The team referred to in Art. 235 sec. 5 shall indicate the candidates for reviewers in the number constituting at least three times the number of reviewers appointed by the Council of Scientific Excellence in a particular case.

2. The reviewers shall be appointed by the Council of Scientific Excellence following the drawing lots from among the candidates referred to in sec. 1.

## PART VI

### **Evaluation of the quality of education, evaluation of doctoral schools**

#### **and evaluation of the quality of scientific activity**

##### Chapter 1

#### **Evaluation of the quality of education**

**Art. 241. 1.** The quality of education at the degree programmes is subject to eva-

evaluation carried out by the Polish Accreditation Committee.

2. Evaluation shall take the form of a programme or comprehensive evaluation.

**Art. 242. 1.** Programme evaluation consists in a cyclical evaluation of the quality of education in the given field of study.

2. When carrying out the programme evaluation, special consideration shall be given to the following:

- 1) degree programmes curricula and education standards;
- 2) teaching and scientific staff;
- 3) infrastructure used when implementing curriculum;
- 4) cooperation with the socio-economic environment;
- 5) internationalisation;
- 6) supporting students in the learning process.

3. Programme evaluation shall be carried out on the initiative of the Polish Accreditation Committee, at the request of a higher education institution or immediately at the request of the minister.

4. Programme evaluation ends with either a positive or negative evaluation.

5. A positive programme evaluation is given for a period of up to 6 years.

6. Should a higher education institution prevent or hinder programme evaluation, a negative evaluation shall be given.

**Art. 243. 1. Comprehensive evaluation consists in evaluating the activities for ensuring the quality of education in a higher education institution.**

**Art. 243 shall enter into force on 1 October 2020.**

**2. When carrying out the comprehensive evaluation, particular consideration shall be given to the effectiveness of the efforts to ensure the quality of education in a higher education institution in all the fields in which education is conducted.**

**3. Programme evaluation shall be carried out at the request of a higher education institution having only positive programme evaluations or a positive comprehensive evaluation.**

**4. The Polish Accreditation Committee shall decide whether or not to carry**

out a comprehensive evaluation taking into account the results of programme evaluations.

**5. Comprehensive evaluation ends with a positive evaluation or a refusal to give a positive evaluation.**

**6. A positive comprehensive evaluation is granted for a period from 3 to 8 years.**

**7. By granting a positive comprehensive evaluation, the Polish Accreditation Committee may indicate the fields where the quality of education is particularly high. During the period referred to in sec. 6, in the case of fields of study assigned to disciplines within such fields of study, no programme evaluation shall be carried out unless requested by the minister.**

**8. In the event of a refusal to give a positive comprehensive evaluation, a higher education institution may not apply for such an evaluation for a period of 5 years, unless the Polish Accreditation Committee indicates a shorter term.**

**Art. 244.** When carrying out a programme or comprehensive evaluation, the Polish Accreditation Committee may:

- 1) give an evaluation on the basis of an assessment, accreditation or certificate of the entity carrying out evaluation of the quality of education:
  - a) registered in the European Quality Assurance Register for Higher Education (EQAR) or
  - b) with which the Polish Accreditation Committee has concluded an agreement on recognition of evaluations;
- 2) consider the assessment, accreditation or certification of an international or national entity carrying out evaluation of the quality of education.

**Art. 245. 1.** The Presidium of the Polish Accreditation Committee adopts resolutions on the basis of opinions of the team referred to in Art. 254 sec. 1 point 1, prepared on the basis of:

- 1) a review, for the matters referred to in Art. 258 sec. 1 points 1, 2 and 7;
- 2) a report of the evaluation team and the stance of a higher education institution -

for the matters referred to in Art. 258 sec. 1 points 3 and 4.

2. The Presidium shall adopt resolutions on the matters referred to in Art. 258 sec. 1 points 1, 2 and 7, within 2 months of the date of receipt of the application by the Polish Accreditation Committee.

3. The provisions of Art. 24 of the Code of Administrative Procedure shall apply accordingly to members and experts of the Polish Accreditation Committee. The exclusion of an expert shall be made by the chair of the Polish Accreditation Committee.

4. The party dissatisfied with the resolution on the matter referred to in Art. 258 sec. 1 points 1-4, may request, within 14 days from the date of delivery of the resolution, that the case be reconsidered, informing the minister thereof.

5. The application referred to in sec. 4 is reviewed by the appeals board.

6. The chair of the appeals board shall participate, with the right to vote, in Presidium meetings where resolutions on motions for reconsideration are adopted.

7. The Presidium shall adopt a resolution on the matter referred to in sec. 4 within 45 days from the day the request is received by the Polish Accreditation Committee.

8. Opinions and resolutions of the Polish Accreditation Committee, referred to in Art. 258 sec. 1 points 1 to 4 and 7 shall be submitted to the minister and the ministers responsible for supervising higher education institutions within the period of 7 days.

**Art. 246.** Should the Polish Accreditation Committee give a negative evaluation of the quality of education in a field of study, a higher education institution referred to in Art. 53 sections 7 to 9 shall cease the conduct of degree programmes in that field of study at the end of the semester in which the resolution becomes final. If there are less than 3 months of the semester remaining, a higher education institution shall cease the conduct of studies in that field of study at the end of the following semester.

**Art. 247. 1.** A resolution on programme or comprehensive evaluation, together with the reasons, and a report of the evaluation team together with the position of a higher education institution shall be made available by the Polish Accreditation Committee in the Bulletin of Public Information on its website within 14 days of the date

on which the resolution becomes final.

2. A resolution on the evaluation together with the reasons shall be made available on the website of the Bulletin of Public Information.

**Art. 248.** The minister competent for higher education and science shall specify, by way of a regulation, the criteria of:

1) programme evaluation,

**2) comprehensive evaluation**

– having regard to international standards for quality assurance in education and the need to ensure appropriate evaluation standards.

**Point 2 of Art. 248  
shall enter into force  
on 1 October 2020**

**Art. 249.** 1. In case of degree programmes, referred to in Art. 60 sec. 1, conducted with a foreign higher education institution or scientific institution, evaluation of the quality of education shall be carried out by the Polish Accreditation Committee or another entity registered in the European Quality Assurance Register for Higher Education (EQAR), indicated in the agreement referred to in this provision. Evaluation shall be carried out in accordance with international standards for quality assurance in joint degree programmes.

2. In the event of a positive evaluation, referred to in sec. 1, in the period for which this evaluation was given, no programme evaluation shall be carried out unless requested by the minister.

**Art. 250.** The Polish Accreditation Committee may grant certificates confirming the achievement of outstanding quality of education at a higher education institution, pursuant to the rules laid down in its statutes.

**Art. 251. 1.** The Polish Accreditation Committee is an institution acting independently with the aim of improving the quality of education.

2. The Polish Accreditation Committee shall be composed of:

1) a maximum of 90 members;

2) The chair of the Students' Parliament of the Republic of Poland.

3. Members of the Polish Accreditation Committee are appointed by the minister.

4. Candidates for the Polish Accreditation Committee membership may be proposed by higher education institutions, the General Council for Science and Higher Education, the Conference of Rectors of Academic Schools in Poland, the Conference of Rectors of Public Professional Universities, the Conference of Rectors of Vocational Schools in Poland, the Presidium of the Polish Accreditation Committee, the Students' Parliament of the Republic of Poland, nationwide scientific associations and employers' organisations.

5. A member of the Polish Accreditation Committee may be a person who:

- 1) remains in good standing and observes the principles of scientific ethics;
- 2) holds at least a doctor's degree, has academic achievements and, for a candidate proposed by an employers' organisation - higher education;
- 3) has not reached the age of 70 by the date of commencement of the term of office;
- 4) complies with the requirements referred to in Art. 20 sec. 1 points 1-5.

6. The following persons may not be the members of the Polish Accreditation Committee:

- 1) a member of the Science Evaluation Committee;
- 2) a founder;
- 3) the rector;
- 4) a member of the council of the higher education institution;
- 5) an employee of the Polish Accreditation Committee Office.

7. Rector, at the request of a member of the Polish Accreditation Committee, who is an academic teacher, may relieve him/her fully or partially of teaching duties.

**Art. 252. 1.** The term of office of the Polish Accreditation Committee shall be 4 years and it shall commence on 1 January.

2. The chair of the Polish Accreditation Committee shall state the expiration of the tenure of a member of the Polish Accreditation Committee in the event of:

- 1) his/her death;
- 2) submitting a resignation by him/her;

- 3) his/her failure to submit a vetting declaration or vetting information;
- 4) failure to meet at least one of the requirements specified in Art. 251 sections 5 and 6;
- 5) failure to participate in the work of the Polish Accreditation Committee for a period longer than 6 months.

3. If the tenure of a member of the Polish Accreditation Committee expires, the minister may appoint a new member who shall hold office until the end of the term.

**Art. 253. 1.** The Polish Accreditation Committee shall operate through its bodies.

2. The bodies of the Polish Accreditation Committee shall be the following:

- 1) the chair;
- 2) the Presidium.

3. The Presidium shall be composed of the following:

- 1) the chair;
- 2) the Secretary of the Polish Accreditation Committee;
- 3) the chairs of the teams and boards referred to in Art. 254 sec. 1 point 1;
- 4) the chair of the Students' Parliament of the Republic of Poland;
- 5) a representative of employers' organisations.

4. The chair of the Polish Accreditation Committee shall be appointed from among its members and dismissed by the minister.

5. The chair of the Polish Accreditation Committee and a member of the Presidium of the Polish Accreditation Committee may not hold office for more than 2 consecutive terms.

**Art. 254. 1.** The Polish Accreditation Committee shall be composed of:

- 1) teams operating within the fields and a team for teachers' training;
- 2) the appeals board.

2. The appeals board shall be composed of members of the Polish Accreditation Committee - at least 1 representative from each field. Membership of that team shall not be combined with membership of the board referred to in sec. 1 point 1.

**Art. 255. 1.** The chair of the Polish Accreditation Committee convenes and chairs

meetings of the Polish Accreditation Committee, represents it outside and signs the resolutions of the Polish Accreditation Committee.

2. Experts may participate in the work of the Polish Accreditation Committee, while another person acting as a Secretary may also participate in the work of the evaluation team. Art. 251 sections 5 and 6 shall apply *mutatis mutandis* to experts, whereas Art. 251 sec. 5 points 1 and 4 to experts who are students.

3. A candidate to become an expert, born before 1 August 1972, shall submit to the chair of the Polish Accreditation Committee a declaration concerning work or service in or cooperation with the State Security Bodies during the period from 22 July 1944 to 31 July 1990.

**Art. 256. 1.** Statutes of the Polish Accreditation Committee shall specify in particular:

- 1) organisation and procedures of the Polish Accreditation Committee;
- 2) detailed tasks of the bodies of the Polish Accreditation Committee;
- 3) detailed criteria and mode of programme and comprehensive assessment
- 4) rules concerning the selection of fields of study for programme assessment in a given year;
- 5) rules and mode of appointing experts;
- 6) rules for granting certificates.

2. The statutes shall be adopted by the Polish Accreditation Committee during its plenary session.

3. Statutes shall enter into force if the minister does not raise any objections as to their legality within 30 days of their receipt.

**Art. 257. 1.** The administrative support of the Polish Accreditation Committee shall be provided by the Polish Accreditation Committee Office.

2. The Polish Accreditation Committee Office shall be a state budgetary unit financed from the resources established in the part of the state budget, administered by the minister.

3. The Polish Accreditation Committee Office shall be headed by a director, appointed and dismissed by the chair of the Polish Accreditation Committee. The director shall be appointed following the competition for a post. The remaining staff shall be employed by the director after an open and competitive recruitment process.

4. The detailed scope of activities of the Polish Accreditation Committee Office and its organisation shall be specified in the organisational regulations assigned by the chair of the Polish Accreditation Committee.

**Art. 258. 1.** The tasks of the Polish Accreditation Committee shall include:

- 1) expressing opinions on the entry of a non-public higher education institution into the register;
- 2) expressing opinions on meeting the conditions for conducting studies in a specific field of study, level and profile of study and the relationship between studies and the strategy of a higher education institution;
- 3) carrying out a programme evaluation;
- 4) carrying out a comprehensive evaluation;
- 5) conducting analytical and training activities as well as promoting good practices in the field of the quality of education;
- 6) cooperation with national and international institutions and organisations operating in the field of higher education;
- 7) issuing opinions on other matters presented by the minister.

2. The Polish Accreditation Committee may ask the founder of a higher education institution to provide explanations and information as well as conduct visitations of a higher education institution.

3. (repealed)

## Chapter 2

### **Evaluation of doctoral schools**

**Art. 259. 1.** The quality of education at a doctoral school is subject to evaluation carried out by the Science Evaluation Committee.

2. Evaluation shall take place at least every 6 years according to a schedule set by the Science Evaluation Committee.

3. Evaluation may be carried out at another time upon the request of the minister.

4. Evaluation shall be carried out by experts with significant scientific or artistic achievements appointed by the chair of the Science Evaluation Committee, including at least one person employed by a foreign higher education institution or scientific institution, and one doctoral student appointed from among candidates indicated by the Polish National Association of Doctoral Candidates.

**Art. 260.** The first evaluation of the quality of education at a doctoral school shall be carried out after a period of at least five years following the date of the commencement of education within that school. At the request of the minister, evaluation may be carried out prior to the lapse of this period.

**Art. 261.** Evaluation shall take into account the following criteria:

- 1) adequacy of the curriculum and individual research plans to the learning outcomes for the qualification at the eighth level of Polish Qualifications Framework (PQF) and their implementation;
- 2) manner of verifying the learning outcomes for the qualification at the eighth level of PQF;
- 3) qualifications of academic teachers or academic staff working at a doctoral school;
- 4) quality of the recruitment process;
- 5) quality of scientific and artistic guidance as well as support in conducting scientific activities;
- 6) reliability of the mid-term evaluation;
- 7) internationalisation;
- 8) effectiveness of doctoral education.

**Art. 262. 1.** The result of the evaluation process shall be an evaluation carried out by the evaluation team on the basis of a self-evaluation report prepared in Polish and English version by the entity running a doctoral school, and a visitation.

2. The Science Evaluation Committee shall adopt a resolution on the evaluation referred to in sec. 1.

3. The evaluation may be either positive or negative.

4. An entity dissatisfied with the evaluation may raise objections thereto, within 30 days from the date of delivery of the resolution on the evaluation.

5. The Science Evaluation Committee shall consider the objections to the evaluation. The experts who participated in the evaluation may not be involved in the process of examining objections.

6. After considering the objections, the Science Evaluation Committee shall adopt a resolution in which it shall address the objections and either uphold or change the evaluation.

7. The chair of the Science Evaluation Committee shall pass the resolution referred to in sec. 6 to the minister and the minister supervising the entity in which the evaluation was carried out.

8. The minister and the entity running a doctoral school shall publish the resolution referred to in sections 2 and 6 on their respective websites in the Bulletin of Public Information.

**Art. 263.** The minister competent for higher education and science shall specify, by way of a regulation, detailed criteria for the evaluation of the quality of education at a doctoral school and the manner in which it is carried out, having regard to the specific nature of education at a doctoral school.

**Art. 264.** In the event of a negative evaluation, a higher education institution, institute of the Polish Academy of Sciences, research institute and international institute shall lose the possibility of running a doctoral school to which the evaluation relates at the end of the academic year in which the evaluation becomes final. The provisions of Art. 206 shall apply.

### Chapter 3

#### **Evaluation of the quality of scientific activity**

**Art. 265. 1.** Evaluation shall be carried out on the quality of scientific activity conducted by:

- 1) a university-type higher education institution, institute of the Polish Academy of Sciences and an international institute;
- 2) a non-university-type higher education institution, research institute and an entity referred to in Art. 7 sec. 1 point 8, having its seat in the territory of the Republic of Poland.

2. Evaluation shall include the achievements of all staff conducting scientific activity in the entities referred to in sec. 1.

3. Evaluation with respect to entities referred to in sec. 1 point 2 shall be conducted upon request.

4. Evaluation shall be carried out within the framework of the discipline in an employing entity as of 31 December of the year preceding the year of evaluation of at least 12 employees conducting scientific activity in a given discipline, in terms of full-time work related to conducting scientific activity in that discipline.

5. An employee conducting scientific activity shall, within 14 days from the date of his/her employment, not later than 31 December of the year in which he/she was employed, submit a statement authorising an entity employing him/her to be included in the group of employees referred to in sec. 4. In the event of a change in discipline, the statement shall be submitted without undue delay. The statement may be submitted only in one entity and in no more than 2 disciplines referred to in Art. 343 sections 7 and 8.

6. Evaluation shall include achievements which arose in connection with employment or education in the entity.

7. Evaluation shall also cover artistic achievements which arose without any connection with employment or training in the entity.

8. If the evaluation of the quality of scientific activity includes achievements related to the conduct of scientific research or development work for the defence and security of the state covered by the protection of classified information, the evaluation

of these achievements shall be carried out in a manner which takes into account their specificity.

9. The achievement referred to in sec. 6, may include in particular:

- 1) a scientific monograph printed by a publishing house issuing peer-reviewed scientific monographs;
- 2) a scientific article published in:
  - a) a scientific journal that publishes peer-reviewed articles or peer-reviewed materials from an international conference, listed in the international databases of the scientific journals with the broadest coverage,
  - b) a scientific journal which is the subject of projects funded under the 'Support for scientific journals' programme referred to in Art. 401.

10. Publishing houses, journals and conference materials referred to in sec. 9 shall be assigned points as a measure of their reputation. Journals and conference materials shall be assigned to scientific disciplines.

11. Scientific monographs and articles shall be covered by the evaluation if they are listed in a database accessible by means of the Open Researcher and Contribution ID conforming to international standards, as defined under the provisions issued pursuant to Art. 353 point 1. Information shall be entered into the database by persons conducting a scientific activity.

12. For the purposes of the evaluation, the achievement of one person may be demonstrated in no more than two disciplines, whereby a given achievement may be demonstrated by the person who is its author only once and only within one discipline.

13. The person whose achievements are demonstrated for the purposes of the evaluation shall submit a statement authorising the relevant entity to demonstrate those achievements within the framework of the particular disciplines referred to in Art. 343 sections 7 and 8, and for a doctoral student:

- 1) in the discipline in which the doctoral dissertation is being prepared, or
- 2) in one of the disciplines included in the field covered by the doctoral dissertation.

14. Evaluation shall not be carried out in relation to the auxiliary scientific unit of the Polish Academy of Sciences and entities not meeting the requirements set out in sec. 4.

**Art. 266. 1.** Evaluation shall be carried out every 4 years.

2. Evaluation shall cover a period of 4 years preceding the year in which it is carried out.

**Art. 267. 1.** The basic evaluation criteria are the following:

- 1) scientific or artistic level of the conducted activity;
- 2) financial results of scientific research and development work; and
- 3) impact of scientific activity on the functioning of society and economy.

2. The minister competent for higher education and science shall specify, by way of a regulation:

- 1) the types of scientific and artistic achievements to be considered in the evaluation of the quality of scientific activity, the definitions of a scientific monograph and article, the detailed criteria and manner of assessing achievements, the manner in which the scientific category is defined, as well as the manner in which the evaluation is carried out, given the specificities of conducting scientific activity within the given fields, in particular social sciences, the humanities and theology, and the specificity of the achievements referred to in Art. 265 sec. 8, comparability of results achieved by entities within the disciplines, as well as reliability and transparency of the evaluation;
- 2) the manner of compiling the lists of:
  - a) publishing houses referred to in Art. 265 sec. 9 point 1, and the manner in which the number of points is determined and allocated, considering the reputation of publishing houses and their classification into groups corresponding to their rank,
  - b) scientific journals and peer-reviewed material from international conferences, referred to in Art. 265 sec. 9 point 2, and the manner in which the number of

points is determined and allocated, considering the reputation of journals and conference materials.

3. The lists referred to in sec. 2 point 2 shall be prepared by the minister and made available on his website in the Bulletin of Public Information. When compiling the list referred to in sec. 2 point 2(b), the minister shall assign scientific disciplines to journals and conference materials.

**Art. 268. 1.** The Science Evaluation Committee shall adopt a resolution on the proposed scientific categories based on the results of the evaluation.

2. The chair of the Science Evaluation Committee shall submit the resolution referred to in sec. 1 to the minister within 7 days of its adoption.

**Art. 269. 1.** The minister, having regard to the resolution referred to in Art. 268 sec. 1, by way of an administrative decision, shall award a scientific category A+, A, B+, B or C, whereby category A+ is the highest and category C – the lowest.

2. A scientific category shall be awarded for the period up to the date on which the decision to award a scientific category within the subsequent evaluation becomes final. If an entity is not covered by a subsequent evaluation in a particular discipline, it shall lose its scientific category at the end of the year in which the evaluation commenced.

3. The minister shall issue a decision on the award of a scientific category by 31 July of the year following the last year of the period covered by the evaluation.

4. The decision shall be subject to a motion for reconsideration within 30 days from the date of its delivery.

5. The motion shall be reviewed by the Science Evaluation Committee within 2 months of the date of receiving the motion submitted by the minister.

6. In the event of a merger referred to in Art. 35 sec. 3 and Art. 43 sec. 1, and an incorporation referred to in Art. 35 sections 4-6 and Art. 44 sec. 1, the higher education institution established as a result of the merger and the higher education institution to which another entity has been incorporated shall retain the highest scientific category held in a given discipline by the entities participating in the merger and the entities par-

ticipating in the incorporation respectively. The provision shall apply *mutatis mutandis* when research institutes, institutes of the Polish Academy of Sciences or international institutes are merged and when another entity is incorporated into them.

**Art. 270.** Procedures for the award of a scientific category shall not be subject to the provisions of Art. 10, Art. 35-37, Art. 61 § 4, Art. 79a, Art. 81 and Art. 96a-96n of the Code of Administrative Procedure.

**Art. 271. 1.** The Science Evaluation Committee shall be appointed by the minister.

2. The Science Evaluation Committee shall be composed of:

- 1) three representatives of each respective field;
- 2) seven persons with experience in science policy.

3. The members of the Science Evaluation Committee referred to in sec. 2 point 1 shall be appointed from among the persons referred to in sec. 4.

4. A higher education institution, an institute of the Polish Academy of Sciences, a research institute and an international institute may propose one candidate in each of the fields within which they carry out scientific activity if:

- 1) they have a scientific category A+, A or B+ in at least 1 discipline in the field and
- 2) they do not have a scientific category C.

5. The term of office of the Science Evaluation Committee shall last 4 years and it shall commence on 1 January. The same person may be a member of the Science Evaluation Committee for a maximum of 2 consecutive terms of office.

6. The work of the Science Evaluation Committee shall be managed by a chair appointed by the minister from among the members of the Science Evaluation Committee.

7. The administrative support of the Science Evaluation Committee shall be provided by the office of the minister.

**Art. 272. 1.** The member of the Science Evaluation Committee may be a person who:

- 1) remains in good standing and observes the principles of scientific ethics;
- 2) has not committed the act referred to in Art. 115 of the Act of 4 February 1994 on

copyright and related rights, ruled by a final and binding judgment of the court;

- 3) holds at least a degree of doktor;
- 4) actively participates in the implementation of scientific research and has significant achievements in this area;
- 5) has not reached the age of 70 by the date of commencement of the term of the Science Evaluation Committee.
- 6) complies with the requirements referred to in Art. 20 sec. 1 points 1-6.

2. The member of the Science Evaluation Committee may not be the following persons:

- 1) a member of the Polish Accreditation Committee;
- 2) a member of the Council of Scientific Excellence;
- 3) a member of the Science Policy Committee;
- 4) the rector;
- 5) (repealed)
- 6) the president and the vice president of the Polish Academy of Sciences;
- 7) the chair and the vice chair of General Council for Science and Higher Education;
- 8) the director of the Institute of the Polish Academy of Sciences;
- 9) the director of a research institute;
- 10) director of an international institute.

**Art. 273. 1.** The chair of the Science Evaluation Committee shall declare the expiration of the tenure of a member of the Science Evaluation Committee in the event of:

- 1) his/her death;
- 2) submitting a resignation by him/her;
- 3) his/her failure to submit a vetting declaration or vetting information;
- 4) failure to meet at least one of the requirements specified in Art. 272 sec. 1 points 1-3 and 6 and sec. 2;
- 5) failure to work for the Science Evaluation Committee for a period longer than 6 months.

2. If the tenure of a member of the Science Evaluation Committee expires, the minister may appoint a new member who shall hold office until the end of the term.

**Art. 274. 1.** The tasks of the Science Evaluation Committee shall include:

- 1) carrying out quality evaluation of the scientific activities referred to in Art. 265;
- 2) preparation of the draft lists referred to in Art. 267 sec. 2 point 2;
- 3) providing the minister with proposals of scientific categories for the entities under evaluation;
- 4) preparing opinions and evaluations on matters defined by the minister or on their own initiative;
- 5) evaluation of the quality of education at a doctoral school;
- 6) preparing analyses regarding the evaluation of the quality of scientific activity and the quality of education at doctoral schools;
- 7) cooperation with national and international institutions involved in the evaluation of the quality of scientific activity.

2. Experts may participate in the work of the Science Evaluation Committee. The provision of Art. 272 sec. 1 shall apply to experts accordingly.

3. A candidate to become an expert, born before 1 August 1972, shall submit to the chair of the Science Evaluation Committee a declaration concerning work or service in or cooperation with the State Security Bodies during the period from 22 July 1944 to 31 July 1990.

## PART VII

### **Disciplinary liability**

#### Chapter 1

#### **Disciplinary liability of academic teachers**

**Art. 275. 1.** An academic teacher shall be subject to disciplinary liability for any disciplinary misconduct which constitutes an act which defaults on the duties of an academic teacher or which offends the dignity of the academic profession.

2. The termination of employment in a higher education institution shall not exclude disciplinary liability for a disciplinary misconduct committed in the course of such employment.

3. The liability referred to in this Chapter shall not preclude disciplinary or professional liability arising from separate provisions.

**Art. 276. 1.** Disciplinary penalties shall include the following:

- 1) admonition;
- 2) reprimand;
- 3) reprimand with a 10%-25% reduction in basic salary for the period from one month to two years;
- 4) deprivation of the right to perform the tasks of a thesis supervisor, a reviewer and a member of the committee in procedures for the award of the degree of doktor, the degree of doktor habilitowany and the title of profesor for the period from one to five years;
- 5) deprivation of the right to hold managerial positions in higher education institutions for a period from six months to five years;
- 6) dismissal from work at a higher education institution;
- 7) dismissal from work at a higher education institution with a ban on working at the institutions for a period from six months to five years;
- 8) deprivation of a licence to practice a profession of an academic teacher for the period of ten years.

2. For one disciplinary misconduct, one disciplinary penalty shall be imposed, and for several misconducts one, the most severe penalty shall be imposed.

3. Information on a final and binding ruling on a disciplinary penalty referred to in sec. 1 points 4-8 shall be included in the system referred to in Art. 342 sec. 1.

**Art. 277. 1.** Disciplinary commissioners in a higher education institution shall be appointed by a rector from among academic teachers holding at least the degree of doktor.

2. The minister shall appoint 14 disciplinary commissioners from among academic teachers, of whom:

- 1) 7 shall represent each of the fields and shall hold a degree of doktor habilitowany or the title of profesor;
- 2) 7 shall have at least a degree of doktor in legal science.

3. Disciplinary commissioner referred to in sec. 2 shall be competent in matters concerning the conduct of academic teachers performing the functions of a rector, a chair of the institutional disciplinary committee, a chair and a member of the disciplinary committee to General Council for Science and Higher Education and a chair and a member of the disciplinary committee to the minister.

4. The term of office of the disciplinary commissioners shall be 4 years and shall commence in the case of commissioners appointed by:

- 1) a rector - on 1 January of the year following the year in which the rector's term of office commenced;
- 2) a minister - on 1 January.

5. Disciplinary commissioner shall be bound by orders issued by the authority which appointed him /her to initiate proceedings. Orders may not relate to actions taken by the commissioner within the framework of performed tasks.

**Art. 278. 1.** Disciplinary committees at higher education institutions, the disciplinary committee at General Council for Science and Higher Education and the disciplinary committee to the minister shall adjudicate in disciplinary proceedings.

2. The disciplinary committee at higher education institutions shall be an elected body. The mode of election and composition of committees shall be specified in the statutes of a higher education institution.

3. The disciplinary committee at General Council for Science and Higher Education shall be elected by General Council for Science and Higher Education. The mode of election and composition of committees shall be specified in the statutes of General Council for Science and Higher Education.

4. The disciplinary committee at a higher education institution and the disciplinary committee to the General Council for Science and Higher Education shall comprise at least one student.

5. The disciplinary committee to the minister shall be appointed by the Minister from among academic teachers representing all fields and holding at least the degree of doktor.

6. A person holding the position of a body of a higher education institution may be a member of the disciplinary committee four years after the cessation of performing this function.

7. Disciplinary committees shall be independent in their judgments and independent of public authorities and bodies of a higher education institution. Disciplinary committees shall independently determine the factual situation and resolve legal issues and shall not be bound by the rulings of other law enforcement bodies, except for a final convicting judgment and the opinion of the Committee on Ethics in Science at the Polish Academy of Sciences.

**Art. 279.** In disciplinary proceedings, the following shall adjudicate:

- 1) in the first instance:
  - a) the disciplinary committee at a higher education institution if the disciplinary commissioner has requested imposition of the penalty referred to in Art. 276 sec. 1 point 2 or 3 with respect to an academic teacher other than mentioned in Art. 277 sec. 3,
  - b) the disciplinary committee of General Council for Science and Higher Education - for an academic teacher:
    - against whom the disciplinary commissioner has requested the penalty stipulated in Art. 276 sec. 1 items 4-8,
    - referred to in Art. 277 sec. 3;
- 2) in the second instance - the disciplinary committee to the minister.

**Art. 280.** The term of office of the disciplinary committee shall last four years and

shall commence:

- 1) for the disciplinary committee at a higher education institution - at the beginning of the term of office of the senate of the institution;
- 2) for the disciplinary committee to the General Council for Science and Higher Education and for the disciplinary committee to the minister – on 1 January.

**Art. 281.** The administrative support of the disciplinary committee to the General Council for Science and Higher Education, of the disciplinary committee to the minister and of the disciplinary commissioners appointed by the minister shall be provided by the office providing administrative support to the minister.

**Art. 282.** The rector, upon receipt of a notice of the perpetration of an act amounting to a disciplinary misconduct or otherwise becoming aware of the possibility of committing such an act, may:

- 1) refer the case to mediation where, as a result of the act, a dispute has arisen between the person to whom the notice or information relates and the injured party;
- 2) impose the penalty of admonition - where the act constitutes a minor disciplinary misconduct and proving the guilt does not require the investigation process;
- 3) order the disciplinary commissioner to initiate proceedings.

**Art. 283. 1.** Mediation shall be conducted with the consent of the person whose act the notice or information referred to in Art. 282 relates to and the injured party.

2. Mediation shall be conducted by an academic teacher appointed by the rector.

3. An academic teacher conducting mediation shall draw up a report on its results and submit it to the rector.

4. If mediation results in a settlement agreement, it shall also be signed by the academic teacher conducting the mediation and attached to the report referred to in sec. 3.

5. Should no settlement be reached as a result of mediation, the rector shall order the disciplinary commissioner to initiate proceedings.

**Art. 284. 1.** In the event that the act constitutes a minor disciplinary misconduct, the penalty of admonition shall be imposed after a prior hearing of the academic teacher.

2. The academic teacher penalised with admonition may appeal to the labour court competent for the seat of the higher education institution. The appeal shall be lodged within 14 days from the date of delivering the notice imposing the penalty.

3. The penalty of admonition shall be deemed null and void one year after the date of delivering the notice imposing the penalty. The rector may, on his/her own initiative or at the request of a trade union organisation representing an academic teacher, recognise the penalty as null and void before the lapse of this time limit.

4. Should the labour court issue a decision on the revocation of the penalty of admonition or declare it null and void, a copy of the notice imposing the penalty shall be removed from the personal file of the academic teacher.

**Art. 285. 1.** The disciplinary commissioner shall initiate proceedings ex officio or at the request of the authority which appointed him/her.

2. The disciplinary commissioner shall undertake actions to the extent necessary to draw up:

- 1) a decision to initiate or refuse to initiate the investigation process, or
- 2) the application to the rector to impose the penalty referred to in Art. 276 sec. 1 point 1 if the act constitutes a minor disciplinary misconduct.

**Art. 286. 1.** Parties to the investigation process shall be the person whose act constitutes the subject matter of the investigation and the injured party or the person who notified of the perpetration of an act amounting to a disciplinary misconduct.

2. The person whose act is the subject matter of the investigation is entitled to:

- 1) testify;
- 2) refuse to testify;
- 3) refuse to answer specific questions;
- 4) be represented by a chosen defence counsel;
- 5) submit motions as to evidence;
- 6) review the evidence collected in the course of the investigation process and submit a request to supplement it within the time limits set by the disciplinary commissioner.

**Art. 287. 1.** The disciplinary commissioner shall initiate the investigation process immediately, not later than within 3 months of receiving an order from the authority which appointed him/her or otherwise becoming aware of an act amounting to a disciplinary misconduct.

2. The investigation process shall be initiated *ex officio* in the case of an act consisting in:

- 1) misappropriating the authorship or misleading as to the authorship of the whole or part of another person's work or artistic performance;
- 2) distribution, without providing the name or pseudonym of the author, of another person's work in its original version or in the form of a derivative work;
- 3) distribution, without providing the name or pseudonym of the author, of another person's artistic performance or public distortion of such work, artistic performance, phonogram, videogram or broadcast;
- 4) infringement of someone else's copyright or related rights in a manner other than specified in points 1-3;
- 5) falsification of scientific research or its results or other scientific fraud;
- 6) accepting or demanding a financial or personal benefit or a promise thereof in connection with holding a function or position in a higher education institution;
- 7) referring to the connections in a higher education institution, state or local government institution or an organisational unit having public funds at its disposal, inducing the conviction in or reassuring another person of the existence of such connections and undertaking to act as an intermediary in the handling of the matter in exchange for a financial or personal benefit or a promise thereof;
- 8) granting of or promise to grant a financial or personal benefit in return for acting as an intermediary in the handling of a matter in a higher education institution by influencing the decision, action or omission of a person holding a function or position in the institution in connection with the holding of that function or position.

3. Conciliatory proceedings may be conducted in the course of the investigation process.

4. The disciplinary commissioner may limit the taking of evidence in the investigation process only to the hearing of the person subject to the proceedings and the injured party and to carry out and record these activities which cannot be repeated.

5. If a witness, an expert witness or a person whose act is the subject of the investigation process fails to appear at the summons of the disciplinary commissioner or a witness or an expert witness refuses to testify without just cause, the disciplinary commissioner may request the district court, competent in respect of the place of residence of the person summoned, to impose a fine of up to PLN 1,500 for inexcusable failure to appear or for the refusal to testify. A witness, an expert witness or a person subject to investigation process shall not be subject to this penalty if they were not warned of the consequences of failing to appear or refusing to give evidence.

6. The investigation process shall be concluded within 6 months of its initiation:

- 1) by submitting a motion to the competent disciplinary committee to initiate disciplinary proceedings;
- 2) by submitting a motion to the rector to impose the penalty referred to in Art. 276 sec. 1 point 1 when the act constitutes a minor disciplinary misconduct;
- 3) by issuing the order of dismissal of the investigation process.

7. If, in the opinion of the disciplinary commissioner, an act amounting to an offence, the commissioner shall inform the rector thereof.

**Art. 288. 1.** The investigation process shall not be initiated after a period of 5 years from the commission of the act.

2. If the act amounts to an offence, the investigation process may be initiated until the expiration of the time limit for prosecution for this offence.

3. The provisions of sections 1 and 2 shall not apply to the investigation process in respect of an academic teacher who is accused of committing an act referred to in Art. 287 sec. 2 points 1-5.

**Art. 289. 1.** The decision to dismiss the investigation process shall be subject to a complaint to the competent disciplinary committee referred to in Art. 279 point 1 within 14 days from the date of its delivery to the person concerned by the proceedings, to the person who notified of the commission of an act amounting to a disciplinary offence, to the injured party and to the authority which ordered the case to be commenced.

2. If, after considering the complaint and reversing the order to dismiss the investigation process referred to in sec. 1, the disciplinary commissioner issues the same order, the disciplinary committee to the minister is entitled to lodge a complaint against it. The complaint shall be lodged within 14 days of service of the order.

3. If the complaint is given a positive consideration and the order to dismiss the investigation process referred to in sec. 2 is repealed, the minister orders the disciplinary commissioner appointed by the minister to conduct the investigation process, and if the decision to dismiss was issued by the disciplinary commissioner appointed by the minister - to another disciplinary commissioner appointed by the minister.

4. Disciplinary commissioner referred to in sec. 3, issues an order to dismiss the investigation process which is not subject to complaint, or submits a request to initiate disciplinary proceedings to the disciplinary committee to General Council for Science and Higher Education.

**Art. 290.** In the event that:

- 1) there is a long-term obstacle that prevents the conduct of the investigation process or
  - 2) preparatory or court proceedings have been initiated in respect of the act subject to the investigation process,
- the disciplinary commissioner may decide to suspend the investigation process, preparatory or court proceedings for the duration of the obstacle.

**Art. 291. 1.** Disciplinary committees shall be composed of at least 3 members.

2. At least one of the members of the adjudicating panel of the disciplinary committee to the minister shall hold at least the degree of doktor in legal science.

3. The chair of the adjudicating panel shall be an academic teacher holding an academic degree or an art degree not lower than that of the alleged, or, if the alleged holds the title of profesor, an academic teacher holding the title of profesor.

**Art. 292. 1.** The parties to disciplinary proceedings shall be the alleged and the disciplinary commissioner.

2. The provisions of Art. 286 sec. 2 shall apply to the alleged accordingly.

**Art. 293. 1.** Disciplinary proceedings shall be initiated at the request of the disciplinary commissioner.

2. Conciliatory proceedings may be conducted in the course of disciplinary proceedings.

3. A meeting of the disciplinary committee may be held in the absence of the alleged or of the disciplinary commissioner, provided that they have been duly notified of the date and place of the meeting.

4. Should the disciplinary commissioner request the adjudicating of penalty referred to in Art. 276 sec.1 points 6-8 and the alleged has no defence counsel of choice, the chair of the adjudicating panel of the disciplinary committee shall appoint a defence counsel from among academic staff.

5. A disciplinary hearing shall be open only to the employees of a given higher education institution, representatives of the student and doctoral student council if the disciplinary misconduct concerns the rights of the student or doctoral student, the injured party, representatives of General Council for Science and Higher Education, representatives of the minister and, with the consent of the alleged, a representative of the trade union of which the alleged is a member.

6. If a witness or an expert witness fails to appear at the summons of the disciplinary committee without just cause or refuses to testify without just cause, the chair of the adjudicating panel of the disciplinary committee may request the district court competent for the place of residence of the person summoned to impose a fine of up to PLN 1 500 for inexcusable failure to appear or for the refusal to testify. A witness or

an expert witness shall not be subject to this penalty if they were not informed of the consequences of failing to appear or refusing to testify.

**Art. 294. 1.** The rulings of the disciplinary committee shall be made by a simple majority of votes of the members of the adjudicating panel.

2. The disciplinary committee shall rule on:

- 1) acquittal of the alleged;
- 2) refraining from imposing a disciplinary penalty;
- 3) punishing the alleged;
- 4) dismissing the disciplinary proceedings.

3. The disciplinary proceedings shall be dismissed when:

- 1) the noxiousness of an act to the society is insignificant;
- 2) the alleged at the moment of committing the disciplinary misconduct was insane;
- 3) the alleged died;
- 4) the time limit for prosecution expired;
- 5) disciplinary proceedings in respect of the same disciplinary misconduct of the same person have been concluded with a final and binding decision of the court or are pending.

4. Disciplinary proceedings may be dismissed if the imposition of a disciplinary penalty would be manifestly ill-founded having regard to the nature and amount of the penalty or other measure imposed by a final and binding decision for the same act in other proceedings and the interests of the injured party do not oppose it.

**Art. 295. 1.** The parties may appeal against the ruling of the disciplinary committee referred to in Art. 279 point 1 to the disciplinary committee to the minister within 14 days of the receipt of the ruling together with its reasons.

2. The parties may appeal against the final and binding decision of the disciplinary committee to the minister to the Court of Appeal in Warsaw - Labour and Social Insurance Court. The provisions of the Act of 17 November 1964 shall apply to the appeal - Code of Civil Procedure on appeals. The ruling of the appellate court is not

subject to an appeal in cassation.

**Art. 296. 1.** Disciplinary proceedings concluded by a final and binding ruling may be reopened if:

- 1) there was a gross breach of law committed in connection with the proceedings, which may have affected the content of the ruling;
- 2) following the ruling, new facts or evidence unknown at the time of its delivery have come to light indicating that the alleged is innocent, has been punished for another disciplinary offence or disciplinary proceedings have been discontinued without just cause;
- 3) during the proceedings, the provisions were violated, thereby preventing or seriously impeding the alleged from exercising his/her right to defence, or the ruling has been either delivered by a committee in the wrong composition or by a person subject to exclusion;
- 4) the content of the final and binding ruling which constitutes grounds for dismissal of proceedings in accordance with Ar. 294 sec. 4 has been repealed or materially amended.

2. Reopening may not take place for the reason mentioned in sec.1 point 1, if it has been examined by the court referred to in Art. 295 sec. 2.

3. Disciplinary proceedings may not be reopened to the disadvantage of the alleged after his/her death or after the lapse of 5 years from the commission of the act on which the ruling was based, or, if the act constituted an offence, after the expiration of the time limit for prosecution for that offence, or in the case of serving a penalty and its expungement.

A motion for the reopening of the disciplinary proceedings may be submitted, within 30 days from the date of taking the note of the reason warranting reopening: the alleged, a defence counsel, a disciplinary commissioner, and, upon the death of the alleged, or when there are reasonable doubts as to his/her soundness of mind, also his/her spouse, relative in a direct line, brother or sister.

4. The disciplinary hearing shall be open only to the persons referred to in Art. 293 sec. 5, as well as to the person at whose request the proceedings are conducted, when the alleged died or where there are reasonable doubts as to his/her soundness of mind.

**Art. 297.** In the event that preparatory or judicial proceedings have been initiated in relation to the act which is the subject of disciplinary proceedings, those proceedings may be suspended for the duration of preparatory or judicial proceedings.

**Art. 298. 1.** The time limit for prosecution shall expire five years from the date on which disciplinary proceedings were initiated.

2. If the act amounts to an offence, the time limit for prosecution shall expire within the time limits specified in separate provisions.

3. The provisions of sections 1 and 2 shall not apply to the acts referred to in Art. 287 sec. 2 points 1-5. The time limit for prosecution with respect to these acts shall not expire.

**Art. 299. 1.** The disciplinary committee shall serve a ruling together with reasons on the parties to the proceedings and forward it to the rector of the higher education institution employing an academic teacher and to the minister within 30 days of its delivery.

2. Information on a final and binding ruling in the cases regarding the acts referred to in Art. 287 sec. 2 items 1-5 shall be provided by the disciplinary committee to the entity referred to in Art. 7 sec. 2 points 2 and 3.

**Art. 300. 1.** The disciplinary penalties referred to in Art. 276 sec. 1:

- 1) points 1-3 - shall be expunged after the lapse of three years,
  - 2) points 4-7 - shall be expunged after the lapse of five years,
  - 3) point 8 - shall be expunged after the lapse of fifteen years
- from the date of their serving, if during that period the alleged has not been disciplinary penalised again or sentenced by a court for an intentional offence or an intentional fiscal offence.

2. The disciplinary committee, which has imposed the disciplinary penalty, upon

the motion of the alleged, submitted not earlier than two years from the date of serving the penalty, may decide on its expungement.

**Art. 301.** In cases of disciplinary misconduct which may constitute a violation of the ethical rules in science, the disciplinary committee may request the opinion of the Commission for Ethics in Science of the Polish Academy of Sciences. The opinion shall be binding in determining whether an act amounts to an act referred to in Art. 287 sec. 2 points 1-5.

**Art. 302. 1.** The rector may suspend an academic teacher against whom criminal or disciplinary proceedings have been initiated, as well as during the course of an investigation process, if, due to the seriousness and reliability of the charges presented, it is appropriate to remove him/her from the performance of his/her duties.

2. An academic teacher shall be suspended ex officio as of the date of his/her detention on remand.

3. The suspension may not last longer than six months. The period of suspension may be extended by a further six months if criminal proceedings against an academic teacher are still pending.

4. A decision to suspend an academic teacher is subject to an appeal to the labour court competent for the seat of a higher education institution.

**Art. 303. 1.** The basic salary of an academic teacher during a period of suspension may be reduced by no more than 50%, and the basic salary of an academic teacher during his/her detention on remand may be reduced by no more than 50%, as of the first day of the calendar month following the month in which the suspension took place. During the period of suspension, no variable components of salary referred to in Art. 136 sec. 2 shall be payable.

2. Should the disciplinary or criminal proceedings conclude with dismissal for lack of evidence of guilt, or with a ruling or an acquittal, the academic teacher shall be paid the part of the salary by which it was reduced.

**Art. 304.** A higher education institution and the minister may provide profes-

sional liability insurance for persons appointed or elected to perform the function of disciplinary commissioner and member of the disciplinary committee.

**Art. 305.** Proceedings pertaining to the disciplinary liability of academic teachers, to the extent not regulated by this Act, shall be governed by the provisions of the Act of 6 June 1997. - The Code of Criminal Procedure, except for Art. 82.

**Art. 306.** The minister competent for higher education and science shall specify, by way of a regulation, the detailed mode of conducting mediation, investigation process and disciplinary proceedings pertaining to the disciplinary liability of academic teachers, as well as the manner of serving and expungement of disciplinary penalties, having regard to the need to ensure the reliability, objectivity, transparency and efficiency of the proceedings.

## Chapter 2

### **Disciplinary liability of students**

**Art. 307. 1.** A student shall be subject to disciplinary liability for any breach of the regulations applicable in a higher education institution and for any act which offends the dignity of the student.

2. A student may not be punished for the same act simultaneously by the rector and the disciplinary committee.

**Art. 308.** Disciplinary penalties shall include the following:

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

**Art. 309. 1.** Students' disciplinary commissioner shall be appointed by the rector from among academic teachers of a higher education institution.

2. The rector may appoint several students' disciplinary commissioners.

3. The provisions of Art. 277 sec. 4 point 1, and sec. 5, respectively, shall apply to

the disciplinary commissioner.

**Art. 310. 1.** Cases pertaining to students' disciplinary matters shall be adjudicated by a disciplinary committee and a disciplinary appeals committee appointed from among academic teachers and students of a higher education institution in the mode laid down in the statutes.

2. The provisions of Art. 278 sec. 7 and Art. 280 sec. 1 shall apply accordingly to disciplinary committees.

**Art. 311.** The disciplinary committee shall adjudicate in a panel composed of the chair of the adjudicating panel, who shall be an academic teacher, as well as an equal number of academic teachers and students.

**Art. 312. 1.** For a minor misconduct, the rector may impose the penalty of admonition on a student, after a prior hearing with the student or his/her defence counsel.

2. A student or student council penalised by the rector with admonition may lodge an appeal with the disciplinary committee. The appeal shall be lodged within 14 days from the date of delivering the notice imposing the penalty. The disciplinary committee may only impose the penalty of admonition in this case.

3. In the event of a suspicion that a student has committed an act referred to in Art. 287 sec. 2 points 1-5, the rector shall immediately order the investigation process to be conducted.

4. If, as a result of the investigation process, the material collected confirms that the act referred to in sec. 5 has been committed, the rector shall stay the proceedings for the award of the professional title until a ruling is issued by the disciplinary committee and shall submit a notice of suspicion of committing an offence.

5. In the event of a reasonable suspicion that a student has committed an offence, the rector may, together with an order to initiate the investigation process, suspend the rights of the student until a ruling is delivered by the disciplinary committee.

**Art. 313. 1.** Students' disciplinary commissioner shall initiate the investigation process upon the order of the rector, who shall be informed of the factual findings.

2. Following the completion of the investigation process, the students' disciplinary commissioner shall dismiss the proceedings or submit a motion for penalty to the disciplinary committee. The disciplinary commissioner may also submit a motion to the rector to impose the penalty of admonition.

3. The decision to dismiss the investigation process shall be approved by the rector. In the event of a refusal to approve a decision, the rector may instruct another students' disciplinary commissioner to initiate the investigation process. The commissioner's decision to dismiss the investigation process is final.

**Art. 314. 1.** Disciplinary proceedings shall be initiated by the disciplinary committee at the request of the students' disciplinary commissioner.

2. The imposition of a penalty on a student for the same act in criminal proceedings or in proceedings for petty crime cases shall not prevent disciplinary proceedings from being initiated.

3. Disciplinary proceedings may not be initiated after the lapse of six months of the date of receipt by the rector of information on the perpetration of an act justifying the imposition of a penalty or after the lapse of three years from the date of its perpetration.

4. If the act amounts to an offence, the proceedings may be initiated until the expiration of the time limit for prosecution for this offence.

5. The provisions of sections 3 and 4 shall not apply to the initiation of disciplinary proceedings against a student who is accused of having committed an act referred to in Art. 287 sec. 2 points 1-5.

6. The provisions of Art. 296 sec. 1 shall apply accordingly to the reopening of disciplinary proceedings. Reopening may not take place for the reason mentioned in Art. 296 sec.1 point 1, if it has been examined by the court referred to in Art.318.

7. A motion for the reopening of disciplinary proceedings may be submitted by the penalised person or the students' disciplinary commissioner within 30 days of the date of taking the note of the reason justifying the reopening.

Art. 315. 1. The provisions of Art. 286 shall apply mutatis mutandis to parties to

the investigation process.

2. If the students' disciplinary commissioner applies for a ruling on the penalty referred to in Art.308 point 5 and the alleged has no defence counsel of choice, the chair of the adjudicating panel shall appoint a defence counsel from among academic teachers or students of a higher education institution.

**Art. 316. 1.** The provisions of Art. 292 shall apply *mutatis mutandis* to parties to the disciplinary proceedings.

2. The hearing before the disciplinary committee is open.

3. The disciplinary committee shall close the hearing to the public, in whole or in part, if the open hearing could be contrary to good morals or if the interests of the alleged, a higher education institution or third parties so require. Closing the hearing to the public shall not involve the delivery of a ruling.

4. The rector or the disciplinary committee may suspend a student's rights in the event of persistent inexcusable failure to appear at the summons of the students' disciplinary commissioner in the investigation process or at a meeting of the disciplinary committee despite having been duly notified.

**Art. 317. 1.** The parties may appeal against the ruling of the disciplinary committee.

2. The appeal shall be lodged with the disciplinary appeals committee within 14 days of the date of service of the ruling.

**Art. 318.** The final and binding ruling of the disciplinary committee shall be subject to a complaint to the administrative court.

**Art. 319. 1.** The disciplinary penalty shall be expunged after the lapse of three years from the date when the ruling imposing the penalty became of force of law.

2. The authority which pronounced the disciplinary penalty may pronounce its expungement at the request of the penalised person, submitted not earlier than one year after the date when the ruling imposing the penalty became of force of law.

**Art. 320.** The provisions of the Act of 6 June 1997 shall apply accordingly to investigation process and disciplinary proceedings relating to students in matters not

regulated by this Act. - the Code of Criminal Procedure, except for Art. 82.

**Art. 321.** The minister competent for higher education and science shall specify, by way of a regulation, the detailed mode of conducting investigation process and disciplinary proceedings pertaining to students, as well as the manner of serving and expungement of disciplinary penalties, having regard to the need to ensure the reliability, objectivity, transparency and efficiency of the proceedings.

### Chapter 3

#### **Disciplinary liability of doctoral students**

**Art. 322. 1.** A doctoral student shall be subject to disciplinary liability for any breach of the regulations applicable at the institution running the doctoral school and for any act which offends the dignity of the doctoral student. The provisions of Art. 307 sec. 2, Articles 308 to 320 and the provisions adopted on the basis of Art. 321 shall apply accordingly to the disciplinary liability of doctoral students.

2. The disciplinary committee to decide on a doctoral student shall be composed of the chair of the adjudicating panel, who shall be an academic teacher or a research worker and an equal number of doctoral students and academic teachers or research workers.

## PART VIII

### **Foreigners in the system of higher education and science**

**Art. 323. 1.** Foreigners may undertake and complete studies, education at doctoral schools, post-graduate studies, specialist education and other forms of education, and participate in scientific activity or teaching, on the basis of the following:

- 1) international agreements, pursuant to the rules specified therein;
- 2) agreements concluded with foreign entities by higher education institutions, pursuant to the rules specified therein;
- 3) decision of the minister;
- 4) the decision of the director Polish National Agency for Academic Exchange with regard to its scholarship holders;

- 5) the decision of the director of the National Science Centre to allocate financial resources for basic research in the form of a research project, internship or scholarship, selected for funding through competition;
- 6) the administrative decision of the rector, the director of the Institute of Polish Academy of Sciences, the director of a research institute or the director of an international institute.

2. The minister may grant a foreigner a scholarship, fund or co-finance the costs of educational services and a lump sum for the costs of travel, living and accommodation. The financial resources are paid through Polish National Agency for Academic Exchange.

3. The minister may authorise the director of Polish National Agency for Academic Exchange to issue the decisions referred to in sec. 1 point 3.

**Art. 324. 1.** A foreigner may be exempt from the fees referred to in Art. 79 sec. 1 points 2, 3 and 5 and Art. 163 sec. 2, pursuant to the rules laid down in an agreement between higher education institutions or an international agreement. A foreigner may also be exempt from these fees on the basis of the following:

- 1) an administrative decision of the rector, the director of an institute of Polish Academy of Sciences or the director of a research institute;
- 2) the decision of the minister or of the director Polish National Agency for Academic Exchange with regard to its scholarship holders;

2. The following persons shall not be charged fees referred to in Art. 79 sec. 1 point 5:

- 1) a foreigner- a citizen of the Member State of the European Union, the Swiss Confederation or of the Member State of the European Free Trade Agreement (EFTA) - the parties to the European Economic Area Agreement as well as members of their family living in the Republic of Poland;
- 2) a foreigner who has been granted a residence permit or the EU long-term residence permit;
- 3) a foreigner who has been granted a stay permit in connection with the circumstan-

ces referred to in Art. 159 sec. 1 or Art. 186sec. 1 point 3 or 4 of the Act of 12 December 2013 on Foreigners;

- 4) a foreigner who has the status of refugee granted in the Republic of Poland or is under temporary protection or subsidiary protection in the Republic of Poland;
- 5) a foreigner - a holder of a certificate confirming the knowledge of Polish as a foreign language, referred to in Art. 11a sec. 2 of the Act of 7 October 1999 on the Polish language, at least at C1 language proficiency level;
- 6) a holder of the Polish Charter or a person who has been issued a decision on the determination of the Polish origin;
- 7) a foreigner who is a spouse, ascendant or descendant of a citizen of the Republic of Poland, living in the Republic of Poland;
- 8) a foreigner who has been granted a stay permit in connection with the circumstances referred to in Art. 151 sec. 1 or Art. 151b sec. 1 of the Act of 12 December 2013 on Foreigners, or staying in the Republic of Poland in connection with the use of short-term mobility of a scientist under the conditions set out in Art. 156b sec. 1 of this Act or holding a national visa in order to conduct scientific research or development work.

3. A foreigner other than those referred to in sec. 2 points 2 - 8 may not apply for the maintenance grant referred to in Art. 86 sec. 1 point 1 and student loan, referred to in Art. 98 sec. 1.

4. Family members of the persons referred to in sec. 2 point 1 shall be considered to be the persons mentioned in Art. 2 point 4 of the Act of 14 July 2006 on entering the territory of the Republic of Poland, residence and departure from this territory of nationals of Member States of the European Union and their familymembers.

**Art. 325. 1.** Employing a foreigner in an entity referred to in Art. 7 sec. 1 points 1-7 to perform tasks related to training and conducting scientific activity shall take place without the obligation to obtain a permit and consent of the employment authority.

2. The person referred to in sec. 1 shall be subject to the mandatory social security

and health insurance, and shall enjoy the rights under the rules applicable to Polish citizens who are in an employment relationship.

**Art. 326. 1.** A diploma issued by an authorised higher education institution operating in the higher education system of a Member State of the European Union, the Organisation for Economic Cooperation and Development (OECD) or the European Free Trade Agreement (EFTA) - parties to the European Economic Area (EEA) Agreement, certifying the completion of:

- 1) three-year studies or first-cycle programmes lasting at least 3 years - confirms in the Republic of Poland the education at the level of first-cycle programmes;
- 2) second-cycle studies - confirms in the Republic of Poland the education at the level of second-cycle programmes;
- 3) at least four years of long-cycle programmes - confirms in the Republic of Poland the education at the level of second-cycle programmes if it is deemed equal to a second-cycle graduation diploma in the country of issue.

2. If a diploma confirming the completion of studies abroad enables the continuation of education in the form of second-cycle programmes or the application for the award of the doctoral degree in the state of whose higher education system is operated by in which operates the higher education institution which issued the diploma, it shall entitle its holder in the Republic of Poland to:

- 1) continue education in the form of second-cycle programmes, or
- 2) apply for the award of the degree of doktor.

3. A diploma confirming the completion of studies issued by a foreign higher education institution shall not confirm the education at a given level of studies in the Republic of Poland or entitle its holder to the performance of actions referred to in sec. 2, if:

- 1) the institution which issued it or the institution where education was provided:
  - a) does not operate in the higher education system of any country or
  - b) within the meaning of the internal law of the state whose higher education system the institution operates in, was not an accredited higher education institu-

tion at the date of the award of the diploma or was implementing a curriculum without accreditation;

2) a curriculum or part thereof was not implemented in accordance with the regulations of the country in which education was provided.

4. At the request of an interested party, the director of Polish National Agency for Academic Exchange shall provide written information about the diploma issued by the foreign higher education institution, the level of studies and the status of the institution.

**Art. 327. 1.** A diploma certifying the completion of studies abroad may be recognised as equivalent to the relevant Polish diploma and professional title on the basis of an international agreement specifying equivalence, or in the absence thereof, by means of a recognition procedure.

2. A person whose diploma has been recognised as equivalent to the Polish diploma and professional title may use the relevant Polish professional title.

3. Completion of studies at a certain level by a foreigner who has obtained the status of refugee or subsidiary protection, or a foreigner who has a stay permit granted in connection with the circumstance referred to in Art. 159 sec. 1 point 1(c) or (d) of the Act of 12 December 2013 on Foreigners, who does not hold a graduation diploma, may be confirmed by means of a procedure to confirm completion of studies at a given level.

4. A recognition procedure or procedure referred to in sec. 3 shall be initiated upon application. The procedures shall be conducted by a higher education institution having a scientific category A+, A or B+ in the discipline to which the motion relates.

5. Following a recognition procedure or procedure referred to in sec. 3, a certificate shall be issued.

6. Fee shall be charged for the procedures. The maximum fee shall amount to 50% of the professor's remuneration. The higher education institution shall determine the conditions and mode of exemption from the fee.

7. Should it be found that a higher education institution has no competence to

conduct the procedure, it shall issue a ruling refusing to conduct the procedure, against which a complaint may be lodged. The fee referred to in sec. 6 shall not be charged.

8. The minister competent for higher education and science shall specify, by way of a regulation:

- 1) documents to be attached to the application,
- 2) the detailed mode of operation concerning a recognition procedure and procedure referred to in sec. 3,
- 3) the time limits for the handling of cases in a recognition procedure and procedure referred to in sec. 3,
- 4) the method of paying the fee,
- 5) specimen statement issued following a recognition procedure and procedure referred to in sec. 3 - considering the need to ensure the efficient conduct of procedures and the variety of documents confirming the completion of studies in different countries.

**Art. 328. 1.** A scientific degree and a degree in art awarded by an authorised institution operating in a Member State of the European Union, the Organisation for Economic Cooperation and Development (OECD) or the European Free Trade Agreement (EFTA) - parties to the European Economic Area (EEA) Agreement shall be equivalent to the relevant scientific degree or a degree in art referred to in the Act.

2. The degree of doktor awarded by the European University Institute, in accordance with the Convention setting up the European University Institute concluded in Florence on 19 April 1972, shall be equivalent to that of the degree of doktor.

3. A scientific degree and a degree in art awarded by an institution other than the one referred to in sections 1 and 2 may be considered equivalent to the relevant Polish degree on the basis of an international agreement, or, in the absence thereof, by way of a recognition procedure.

4. A recognition procedure shall be initiated upon a motion. The procedure shall be conducted by higher education institutions having a scientific category A+ or A in

the discipline to which the motion relates.

5. After the recognition procedure, a certificate shall be issued.

6. Fee shall be charged for the procedure. The maximum fee shall amount to 50% of the professor's remuneration. In justified cases the applicant may be exempt from the fee. The entity referred to in sec. 4 shall determine the mode of exemption from the fee.

7. Should it be found that the entity referred to in sec. 4 has no competence to conduct the procedure, the entity referred to in sec. 4 shall issue a decision refusing to conduct the procedure, against which the complaint may be lodged. The fee referred to in sec. 6 shall not be charged.

8. The minister competent for higher education and science shall specify, by way of a regulation:

- 1) documents to be attached to the motion,
  - 2) the detailed mode of operation concerning a recognition procedure,
  - 3) time limits for handling the matters,
  - 4) the method of paying the fee,
  - 5) specimen statement issued following a recognition procedure
- considering the need to ensure the efficient conduct of procedures and the variety of documents confirming the award of degrees in different countries.

## PART IX

### **Representative institutions of the community of higher education and science and the minister's auxiliary bodies**

**Art. 329. 1.** Representative institutions of the community of higher education and science shall be the following:

- 1) General Council for Science and Higher Education;
- 2) the Conference of Rectors of Academic Schools in Poland;
- 3) the Conference of Rectors of Public Professional Universities;

- 4) the Conference of Rectors of Vocational Schools in Poland;
- 5) the Students' Parliament of the Republic of Poland;
- 6) Polish National Association of Doctoral Candidates.

2. The public authorities shall consult the representative institutions on matters pertaining to:

- 1) principles of operation and directions of development of the system of higher education and science, management of higher education institutions and in matters pertaining to students, doctoral students and academic staff;
- 2) draft state budget in the field of higher education and science;
- 3) draft legislation on the system of higher education and science.

**Art. 330. 1.** General Council for Science and Higher Education cooperates with public authorities in the field of the state's science policy.

2. General Council for Science and Higher Education may cooperate with national and international organisations active in the field of higher education and science.

**Art. 331. 1.** General Council for Science and Higher Education shall be composed of:

- 1) 14 academic teachers elected by the conferences referred to in Art. 329 sec. 1 points 2-4 from among candidates elected by higher education institutions, with a distribution of this number among the conferences in proportion to the total number of students studying in the member institutions of each of those conferences;
- 2) 3 representatives of the Polish Academy of Sciences elected by the Presidium of the Polish Academy of Sciences;
- 3) 1 representative of research institutes and 1 representative of state research institutes elected by the Main Council of the Research Institutes.
- 3a) 1 representative of the Łukasiewicz Centre and Łukasiewicz Network institutes indicated by the Chair of the Łukasiewicz Centre from among the candidates proposed by the directors of Łukasiewicz Network institutes;
- 4) 4 students elected by the Students' Parliament of the Republic of Poland;

- 5) 2 doctoral students elected by Polish National Association of Doctoral Candidates;
- 6) 2 employee representatives elected by representative trade union organisations;
- 7) 2 representatives of employers elected by representative employer's organisations.

2. Academic teachers referred to in sec. 1 point 1 shall represent all fields.

**Art. 332. 1.** The member of General Council for Science and Higher Education may be a person who:

- 1) remains in good standing and observes the principles of scientific ethics;
- 2) has not reached the age of 70 by the date of commencement of the term of General Council for Science and Higher Education.
- 3) complies with the requirements referred to in Art. 20 sec. 1 points 1-5.

2. The member of General Council for Science and Higher Education may not be the following persons:

- 1) a member of the Polish Accreditation Committee;
- 2) a member of Main Council of the Research Institutes;
- 3) a founder;
- 4) a person holding the position of a body of a higher education institution;
- 5) the director of the Institute of the Polish Academy of Sciences;
- 6) the director of a research institute;
- 6a) the director of a Łukasiewicz Network institute;
- 7) the president or the vice president of the Polish Academy of Sciences;
- 7a) the president or the vice president of the Łukasiewicz Centre;
- 8) the president or the vice president of the Polish Academy of Learning;
- 9) the director of Polish National Agency for Academic Exchange;
- 10) the director of the National Centre for Research and Development;
- 11) the director of the National Science Centre;
- 12) the chair of the Science Evaluation Committee;
- 13) the chair of the Council of Scientific Excellence.

**Art. 333. 1.** The term of office of General Council for Science and Higher Edu-

cation shall commence on 1 January and shall last 4 years. Representatives of students and doctoral students shall be appointed members of General Council for Science and Higher Education for the period defined in the statutes of the Students' Parliament of the Republic of Poland and Polish National Association of Doctoral Candidates.

2. The same person may hold the position of a member of General Council for Science and Higher Education not longer than for two consecutive terms of office.

**Art. 334. 1.** The work of General Council for Science and Higher Education shall be managed by a chair.

2. The organisation and the manner of operation of General Council for Science and Higher Education and its bodies as well as their competences are defined in the statutes adopted by General Council for Science and Higher Education during its plenary session.

3. Rector, at the request of a member of General Council for Science and Higher Education, who is an academic teacher, may relieve him/her fully or partially of teaching duties.

**Art. 335. 1.** The chair of General Council for Science and Higher Education shall declare the expiration of the tenure of a member of General Council for Science and Higher Education in the event of:

- 1) his/her death;
- 2) submitting a resignation by him/her;
- 3) his/her failure to submit a vetting declaration or vetting information;
- 4) failure to meet at least one of the requirements specified in Art. 332;
- 5) failure to participate in the work of General Council for Science and Higher Education for a period longer than 6 months.

2. Should the tenure of a General Council for Science and Higher Education member expire during the term of office, a new person is elected in his/her place in the manner defined in Art. 331, for the period until the end of the term of office. This period shall not be counted in the number of terms of office referred to in Art. 333 sec. 2.

**Art. 336.** The administrative support of General Council for Science and Higher Education shall be provided by the office of the minister.

**Art. 337. 1.** University-type higher education institutions may form the Conference of Rectors of Academic Schools in Poland.

2. Public non-university-type higher education institutions may form the Conference of Rectors of Public Professional Universities.

3. Non-public non-university-type higher education institutions may form the Conference of Rectors of Vocational Schools in Poland.

4. The conferences shall cooperate with public authorities in matters concerning higher education, science and culture.

5. The conferences shall have a legal personality.

6. The provisions of Art. 10 sec. 1, 10a sec. 1 and 2, Art. 11, Art. 25, Art. 28, Art. 29 and Articles 33-39 of the Act of 7 April 1989 - Law on Associations, shall apply to the conferences respectively.

7. The minister shall be the body supervising the conferences.

**Art. 338. 1.** Representatives of student councils shall form the Students' Parliament of the Republic of Poland, representing all students in the Republic of Poland.

2. The Students' Parliament of the Republic of Poland shall have the right to express opinions and submit proposals on matters concerning students in general, including the opinion on draft normative acts pertaining to students.

3. The highest authority of the Students' Parliament of the Republic of Poland shall be the convention of delegates.

4. The convention of delegates shall be composed of representatives of the student council of each higher education institution.

5. The convention of delegates shall adopt the statutes of the Students' Parliament of the Republic of Poland defining the organization and operation of the Students' Parliament of the Republic of Poland.

6. The statutes shall enter into force once the minister has established its com-

pliance with the law.

7. The Students' Parliament of the Republic of Poland shall have a legal personality.

8. The provisions of Art. 10 sec. 1, 10a sections 1 and 2, Art. 11, Art. 25, Art. 28, Art. 29 and Articles 33-39 of the Act of 7 April 1989 - Law on Associations, shall apply to the Students' Parliament of the Republic of Poland respectively.

9. The minister shall be the body supervising the Students' Parliament of the Republic of Poland.

10. The minister shall provide the Students' Parliament of the Republic of Poland with the financial resources necessary for its functioning in the form of a grant defined as to grantee.

11. The annual financial statements of the Students' Parliament of the Republic of Poland shall be audited by an audit firm.

**Art. 339. 1.** Representatives of doctoral student councils form Polish National Association of Doctoral Candidates, representing all doctoral students in the Republic of Poland.

2. Polish National Association of Doctoral Candidates shall have the right to express opinions and submit proposals on matters concerning doctoral students in general, including the opinion on draft normative acts pertaining to doctoral students.

3. The highest authority of Polish National Association of Doctoral Candidates shall be the convention of delegates.

4. Polish National Association of Doctoral Candidates shall have a legal personality.

5. The provisions of Art. 338 sections 5, 6 and 9 -11, as well as the provisions of Art. 10 sec. 1, 10a sec. 1 and 2, Art. 11, Art. 25, Art. 28, Art. 29 and Articles 33-39 of the Act of 7 April 1989 - Law on Associations, shall apply to Polish National Association of Doctoral Candidates respectively.

**Art. 340. 1.** Science Policy Committee shall constitute the minister's auxiliary body in the field of state science policy.

2. Science Policy Committee shall perform an evaluation of the implementation

of state science policy and shall issue opinions on the documents presented by the minister. The results of the evaluation shall be communicated to the Council of Ministers through the minister.

3. Science Policy Committee shall be composed of 12 members, appointed by the minister.

4. The term of office of Science Policy Committee shall be 2 years. The same person may hold the position of a member of Science Policy Committee for a maximum of two consecutive terms of office.

5. The work of Science Policy Committee shall be managed by a chair, elected by Science Policy Committee from among its members.

Art. 341. The minister may appoint advisory teams or experts to provide an opinion or expert report requested by him/her.

## PART X

### **IT systems in higher education and science**

**Art. 342. 1.** The minister shall keep the Integrated System of Information on Science and Higher Education POL-on, hereinafter referred to as the „POL-on System”.

2. The POL-on System is an ICT system within the meaning of Art. 3 point 3 of the Act of 17 February 2005 on the computerisation of activities of entities performing public tasks.

3. The POL-on System shall comprise the following databases:

- 1) a list of academic teachers, other lecturers, persons conducting scientific activity and persons involved in its conduct;
- 2) a list of students;
- 3) a list of persons applying for a degree of doktor;
- 4) a list of institutions of the system of higher education and science;
- 5) a repository of written diploma theses;
- 6) a database of documents in promotion procedures;

- 7) a database of persons authorised to sign documents;
- 8) a database of planning and reporting documents.

4. The data in the POL-on System shall be processed with a view to performing tasks related to the establishment and implementation of the state science policy, evaluation of the quality of education, evaluation of doctoral schools and evaluation of the quality of scientific activity, conducting procedures aimed at awarding the degree of doktor, degree of doktor habilitowany and the title of profesor, setting the amount of subsidies and grants, supervision over the system of higher education and science, implementation of tasks by Polish National Agency for Academic Exchange, the National Centre for Research and Development and the National Science Centre.

**Art. 343. 1.** A list of academic teachers, other lecturers, persons conducting scientific activity and persons involved in its conduct shall comprise:

- 1) forenames and last name;
- 2) personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue;
- 3) the Open Researcher and Contribution ID consistent with international standards - in the case of academic teachers employed as research or research and teaching staff and persons performing scientific activity:
- 4) nationality;
- 5) country of birth- applicable to foreigners;
- 6) year of birth;
- 7) sex;
- 8) information on the professional title, degree of doktor, degree of doktor habilitowany, rights equivalent to those held by the holder of the degree of doktor habilitowany or the title of profesor or an equivalent professional title or degree obtained abroad;
- 9) information on the classes conducted within the framework of particular curricula;
- 10) the field and discipline indicated in the statement referred to in sec. 7;

- 11) information on the inclusion in the number of employees referred to in Art. 265 sec. 4;
- 12) information on the entity and disciplines referred to in Art. 265 sec. 13;
- 13) information on place of the primary employment and place of additional employment;
- 14) information on the job position;
- 15) information on working hours;
- 16) information on working hours related to the conduct of scientific activity in particular disciplines;
- 17) information on competences and experience allowing for proper implementation of classes within the curriculum - in case of other lecturers;
- 18) information on the doctoral school where the person concerned provides education;
- 19) information on the managerial positions held in a higher education institution;
- 20) information on the final and binding ruling on the disciplinary penalty referred to in Art. 276 sec. 1 points 4-8 and on the final and binding ruling referred to in Art. 180 of the Act of 6 June 1997 - Penal Enforcement Code;
- 21) information on scientific and artistic achievements.

2. The data referred to in sec.1 and in the regulations issued pursuant to Art. 353 in this respect shall be entered into the POL-on System by:

- 1) rectors;
- 2) directors of institutes of the Polish Academy of Sciences - except for the data referred to in sec. 1 points 9, 13, 17, 19 and 20;
- 3) directors of research institutes - except for the data referred to in sec. 1 points 9, 13, 17, 19 and 20;
- 4) directors of international institutes - except for the data referred to in sec. 1 points 9, 13, 17, 19 and 20;
- 4a) The President of the Łukasiewicz Centre and the directors of the institutes of the Łukasiewicz Network - except for the data referred to in sec. 1 points 9, 11–13, 16, 17, 19 and 20;

- 5) rectors of higher education institutions run by churches and other religious associations receiving subsidies, grants and other resources from the state budget;
- 6) persons running the entities referred to in Art. 7 sec. 1 points 7 and 8, having their seat in the Republic of Poland - except for the data referred to in sec. 1 points 9, 13 and 17-20.

3. The chair of the Council of Scientific Excellence shall enter into the POL-on system information regarding losing of the title of profesor.

4. The data referred to in sec. 1 point 20 shall be entered into the POL-on System by rectors or if, on the date when the disciplinary penalty becomes final and binding, an academic teacher is not employed in the higher education institution where the disciplinary proceedings have been initiated, by the minister.

5. Access to the data contained in the list shall be granted to:

- 1) The minister, the ministers supervising higher education institutions, the Council of Scientific Excellence, the Polish Accreditation Committee, the Science Evaluation Committee, Polish National Agency for Academic Exchange, the National Centre for Research and Development and the National Science Centre;
- 2) the rectors, the President of the Polish Academy of Sciences, the directors of institutes of the Polish Academy of Sciences, the directors of research institutes, the directors of international institutes, the President of the Łukasiewicz Centre, the directors of institutes of the Łukasiewicz Network, the rectors of higher education institutions run by churches and other religious associations receiving subsidies, grants and other resources from the state budget, and the persons in charge of the entities referred to in Art. 7 sec. 1 points 7 and 8, having their seat in the Republic of Poland - with regard to data concerning academic teachers or other persons conducting classes or scientific activity, employed in entities managed by them;
- 3) rectors and rectors of higher education institutions run by churches and other religious associations receiving subsidies, grants and other resources from the state budget - with respect to the data referred to in sec. 1 point 20 as regards informa-

tion on a final and binding ruling as referred to in Art. 180 of the Act of 6 June 1997 - Penal Enforcement Code;

4) other entities, if other Acts so provide.

6. For the purpose of disseminating the results of scientific activity, the data referred to in sec. 1, points 1, 3, 8, 10, 13, 18, 19, 20 as regards information on a final and binding disciplinary penalty and point 21 shall be made publicly available.

7. A person conducting a scientific activity and a person involved in the conduct of scientific activity shall, no more frequently than every 2 years, submit to the rector, the director of an institute of the Polish Academy of Sciences, the director of a research institute, the director of an international institute or the person in charge of the entity referred to in Art. 7 sec. 1 point 8, a declaration on the field and discipline which he/she represents.

8. The person referred to in sec. 7 may represent jointly no more than 2 disciplines in all entities in which he/she is employed.

9. The declaration referred to in sec. 7 shall be submitted taking into account:

- 1) recent scientific degree, degree in art or the title of professor or
- 2) current scientific or artistic achievements.

10. A newly employed person shall submit the declaration referred to in sec. 7 within 14 days from the date of employment, but not later than 31 December of the year in which he/she was employed.

11. (repealed)

**Art. 344. 1.** A list of students shall comprise:

- 1) forenames and last name;
- 2) personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue;
- 3) nationality;
- 4) for foreigners:
  - a) country of birth,

- 
- b) information on admission to studies and studying,
  - c) information on being a holder of the Polish Charter;
- 5) year of birth;
  - 6) sex;
  - 7) place of residence before commencing studies: countryside or town;
  - 8) the number of ECTS credits obtained by a student in each field of study, level and profile;
  - 9) the number of ECTS credits which, as a result of the confirmation of learning outcomes, have been allocated to a student to a given curriculum in a particular field of study, level and profile;
  - 10) the type of benefits granted, as referred to in Art. 86 sec. 1 points 1-4;
  - 11) information on being awarded the minister's scholarship;
  - 12) the number of the graduation diploma obtained in a particular field of study, level and profile;
  - 13) the date of commencement of studies, the date of their completion and the name of the professional title obtained or the date of removal from the list of students.

2. The data referred to in sec. 1 and in the regulations adopted on the basis of Art. 353 in this respect shall be entered into the POL-on System by the rectors and rectors of higher education institutions run by churches and other religious associations which receive subsidies, grants and other resources from the state budget.

3. Access to the data contained in the list shall be granted to:

- 1) the minister, ministers supervising higher education institutions, the Polish Accreditation Committee and Polish National Agency for Academic Exchange;
- 2) rectors and rectors of higher education institutions run by churches and other religious associations receiving subsidies, grants and other resources from the state budget - as regards the data on students studying in the higher education institutions they head;
- 3) the minister responsible for the family in order to:

- a) make it possible for the competent authorities and voivodes to verify the right to family benefits referred to in the Act of 28 November 2003 on family benefits, child maintenance fund, referred to in the Act of 7 September 2007 on assistance for persons entitled to maintenance,
  - b) monitoring manner way in which family benefits and child maintenance fund benefits are provided by the competent authorities or voivodes - with respect to the data referred to in sec. 1 points 1, 2 and 13;
  - 3a) the minister responsible for public finance for the purpose of the performance of statutory tasks by the National Revenue Administration - with regard to the data referred to in sec. 1 points 1, 2, 5 and 13 except for the description of the professional title obtained;
  - 4) heads of communes, provosts and mayors for the purpose of verifying the right to the nationwide Big Family Card - in respect of the data referred to in sec. 1 points 1, 2 and 13;
  - 4a) voivodes - in order to conduct procedures for granting or withdrawing a stay permit - with regard to the data referred to in sec. 1;
  - 4b) the Head of the Office for Foreigners - in order to conduct procedures for granting or withdrawing a stay permit - considering the objection in the event referred to in sec. 149b sec. 1 point 5 of the Act of 12 December 2013 on Foreigners, and consultation under Art. 68-71 thereof - with respect to the data referred to in sec. 1;
  - 4c) the Commander-in-Chief of the Border Guard and commanders of the Border Guard units and commanders of the Border Guard outposts - in order to perform their tasks, in particular those specified in Art. 1 sec. 2 point 2a of the Act of 12 October 1990 on the Border Guard- with regard to the data referred to in sec. 1;
  - 5) other entities, if other Acts so provide.
- 4. The personal data included in the list shall not be disclosed.
  - 5. The list shall not include students of military higher education institutions who are soldiers.

**Art. 345. 1.** A list of persons applying for a degree of doktor shall comprise:

- 1) forenames and last name;
- 2) personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue;
- 3) the Open Researcher and Contribution ID consistent with international standards;
- 4) nationality;
- 5) information on the mode of preparation of the doctoral dissertation referred to in Art. 197;
- 6) information on the doctoral school - in case of doctoral students;
- 7) for foreigners:
  - a) country of birth,
  - b) information on the admission to the doctoral school and studying in that school,
  - c) information on being a holder of the Polish Charter;
- 8) year of birth;
- 9) sex;
- 10) information on the amount of the doctoral scholarship;
- 11) information on an increase in the doctoral scholarship, referred to in Art. 209 sec. 7;
- 12) the discipline or disciplines or field in which the doctoral dissertation is being prepared;
- 13) information on granting a degree of doktor;
- 14) the date of the commencement of education at the doctoral school, the date and period of suspension, the date of completion of education at the doctoral school or the date of being removed from the list of doctoral students;
- 15) information on mid-term evaluation;
- 16) information on scientific and artistic achievements;
- 17) forenames and last name of the thesis supervisor and personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue and the place of employment;

18) information on employment referred to in Art. 209 sec. 10 points 1 and 2.

2. The data referred to in sec. 1 and in the provisions issued pursuant to Art. 353 in this respect, shall be entered into the POL-on System by rectors, rectors of higher education institutes run by churches and other religious associations, directors of institutes of the Polish Academy of Sciences, directors of research institutes and directors of international institutes.

3. Access to the data contained in the list shall be granted to:

- 1) the minister, the ministers supervising higher education institutions, the Council of Scientific Excellence, the Science Evaluation Committee, Polish National Agency for Academic Exchange, the National Science Centre, the National Centre for Research and Development and the President of the Polish Academy of Sciences;
- 2) rectors, rectors of higher education institutions run by churches and other religious associations, directors of institutes of the Polish Academy of Sciences, directors of research institutes and directors of international institutes - with regard to data concerning applicants for the degree of doktor in the units they head;
- 3) the minister responsible for the family in order to:
  - a) make it possible for the competent authorities and voivodes to verify the right to family benefits referred to in the Act of 28 November 2003 on family benefits, child maintenance fund, referred to in the Act of 7 September 2007 on assistance for persons entitled to maintenance,
  - b) monitoring manner way in which family benefits and child maintenance fund benefits are provided by the competent authorities or voivodes - with respect to the data referred to in sec. 1 points 1, 2, 6 and 14;
- 3a) the minister responsible for public finance for the purpose of the performance of statutory tasks by the National Revenue Administration - with regard to the data referred to in sec. 1 points 1, 2, 8 and 14;
- 4) heads of communes, provosts and mayors for the purpose of verifying the right to

the nationwide Big Family Card- in respect of the data referred to in sec. 1 points 1, 2, 6 and 14;

- 4a) voivodes - in order to conduct procedures for granting or withdrawing a stay permit - with regard to the data referred to in sec. 1 points 1, 2, 4, 6–11, 13, 14 and 18;
- 4b) the Head of the Office for Foreigners - in order to conduct procedures for granting or withdrawing a stay permit - considering the objection in the event referred to in sec. 149b sec. 1 point 5 of the Act of 12 December 2013 on Foreigners, and consultation under Art. 68-71 thereof - with respect to the data referred to in sec. 1 points 1, 2, 4, 6–11, 13, 14 and 18;
- 4c) the Commander-in-Chief of the Border Guard and commanders of the Border Guard units and commanders of the Border Guard outposts - in order to perform their tasks, in particular those specified in Art. 1 sec. 2 point 2a of the Act of 12 October 1990 on the Border Guard - with regard to the data referred to in sec. 1 points 1, 2, 4, 6–11, 13, 14 and 18;
- 5) other entities, if other Acts so provide.

4. The personal data included in the list shall not be disclosed.

5. The list does not include persons who are soldiers.

**Art. 346. 1.** The list of institutions of the system of higher education and science shall apply to the entities referred to in Art. 7 sec. 1 points 1, 2 and 4–8 and shall cover information on:

- 1) identification data of the entity;
- 2) forenames and last name of the person in charge of the entity;
- 3) conducting activity outside the seat;
- 4) scientific categories held;
- 5) scientific activity;
- 6) permits to establish studies;
- 7) studies conducted;
- 8) fees charged to students;

- 9) specialist education conducted;
- 10) cost-intensiveness ratios;
- 11) doctoral schools conducted;
- 12) bodies awarding scientific degrees and degrees in art - in the case of higher education institutions;
- 13) research equipment and IT infrastructure, the value of which exceeds PLN 500,000;
- 14) investments;
- 15) research and development expenditures;
- 16) sources of financial resources and financial results;
- 17) revenue from the commercialisation of scientific results or know-how related to these results.

2. The list shall also include the records of non-public higher education institutions.

3. In the list, the minister shall assign an individual three-digit number to a higher education institution for the purpose of confirming the validity of student ID cards.

4. The data referred to in sec. 1 points 1-9 and 11-17 and in the regulations issued pursuant to Art. 353 in this respect shall be entered into the POL-on System by rectors, directors of institutes of the Polish Academy of Sciences, directors of research institutes, directors of international institutes and persons managing the entities referred to in Art. 7 sec. 1 points 7 and 8, having their seat in the Republic of Poland.

4a. The data referred to in sec. 1 points 1-3, 5 and 13-17 and in the regulations issued pursuant to Art. 353 in this respect shall be entered into the POL-on System by the President of the Łukasiewicz Centre and the directors of institutes of the Łukasiewicz Network.

5. The data referred to in sec. 1 point 10 and in the regulations issued pursuant to Art. 353 in this respect shall be entered into the POL-on System by the minister.

6. The data referred to in sec. 1 points 1-14 and in sec. 3 shall be made publicly

available.

7. Access to the data referred to in sec. 1 points 15-17 shall be granted to:

- 1) the minister, the minister supervising the higher education institution or the entity referred to in Art. 7 sec. 1 points 5 and 8, the Science Evaluation Committee, the National Centre for Research and Development and the President of Statistics Poland;
- 1a) the minister competent for economy - with regard to the data pertaining to the Łukasiewicz Centre and institutes of the Łukasiewicz Network;
- 2) the person in charge of the entity referred to in Art. 7 sec. 1 points 1, 2 and 4-8, as regards the data concerning that entity.

**Art. 347. 1.** A repository of written diploma theses shall comprise:

- 1) title and content of the diploma thesis;
- 2) forenames and last name of the author of the diploma thesis;
- 3) personal identification number (PESEL) of the author of the diploma thesis or, failing that, the number of the document confirming identity and the name of the country of issue;
- 4) forenames and last name of the supervisor of the diploma thesis, personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue;
- 5) forenames and last name of the reviewer of the diploma thesis, personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue;
- 6) the name of the higher education institution;
- 7) the date of passing the diploma examination;
- 8) field of study, level and profile of studies;

2. The repository shall not contain theses containing information protected under the provisions on the protection of classified information.

3. The data referred to in sec. 1 shall be entered into the repository by rectors.

4. The rector shall enter the content of the diploma thesis into the repository immediately after the student has passed the diploma examination.

5. Access to the data referred to in sec. 1 shall be granted to the thesis supervisor and the Polish Accreditation Committee, as well as to the minister to the extent necessary for the proper maintenance and development of the repository and the IT systems cooperating with that repository.

**Art. 348. 1.** A database of documents in promotion procedures shall comprise:

- 1) with respect to persons applying for a degree of doktor:
  - a) forenames and last name,
  - b) personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue,
  - c) the content of the doctoral dissertation which is a written dissertation and a summary thereof, or a description of the dissertation which is not a written dissertation and the date of its submission,
  - d) forenames and last name of the reviewer, personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue and the place of employment,
  - e) reviews of the doctoral dissertation and the date of their completion,
  - f) information on granting or deprivation of a degree of doktor;
- 2) with respect to persons applying for a degree of doktor habilitowany:
  - a) forenames and last name,
  - b) personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue,
  - c) motion for granting the degree of doktor habilitowany and the date of its submission,
  - d) forenames and last name of the member of habilitation commission, personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue and the place of em-

ployment,

e) reviews of scientific or artistic achievements and dates of their development,

f) information on granting or deprivation of a degree of doktor habilitowany;

3) with respect to persons applying for the title of profesor:

a) forenames and last name,

b) personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue,

c) motion for granting the title of profesor and the date of its submission,

d) forenames and last name of the reviewer, personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue and the place of employment,

e) opinions of reviewers on the fulfilment of the requirements referred to in Art. 227 sections 1 and 2 and the dates of their development,

f) information on granting or deprivation of the title of profesor.

2. The data referred to in sec. 1 and in the provisions issued pursuant to Art. 353 shall be entered into the POL- on System by:

1) rectors, rectors of higher education institutions run by churches and other religious associations, directors of institutes of Polish Academy of Sciences, directors of research institutes, directors of international institutes - to the extent specified in sec. 1 points 1 and 2;

2) the chair of the Council of Scientific Excellence - to the extent specified in sec. 1 point 3.

3. The data referred to in sec.1 shall be made publicly available, excluding the personal identification number (PESEL) and the number of the document confirming identity.

**Art. 349. 1.** A database of persons authorised to sign the documents referred to in Art. 78 sec. 3, Art. 163 sec. 4 and Art. 180 sec. 1 shall comprise:

1) forenames and last name;

- 2) information about the position held at a higher education institution, an institute of the Polish Academy of Sciences, a research institute or an international institution;
- 3) digital representation of the specimen signature and the initial;
- 4) information on the specimen of the official seal of a higher education institution, institute of the Polish Academy of Sciences, research institute or international institute;
- 5) information of the specimens of:
  - a) graduation diplomas, doctoral and postdoctoral diplomas,
  - b) copies of the documents referred to in (a), including copies in a foreign language,
  - c) certificates of completion of post-graduate studies,
  - d) statements on completion of studies and post-graduate studies.

2. The data referred to in sec. 1, shall be entered into the POL-on System by rectors, directors of institutes of the Polish Academy of Sciences, directors of research institutes and directors of international institutes.

3. Access to the data included in the database shall be granted to the minister, ministers supervising research institutes, the President of the Polish Academy of Sciences and the director of Polish National Agency for Academic Exchange.

**Art. 350. 1.** A database of planning and reporting documents shall comprise:

- 1) material and financial plans of public higher education institutions;
  - 1a) annual financial plans of the Łukasiewicz Centre and institutes of the Łukasiewicz Network;
- 2) statements on the implementation of material and financial plans of public higher education institutions;
- 3) statements and reports on the use of the financial resources referred to in Art. 365;
- 4) annual financial statements of public higher education institutions audited by an audit firm;
- 5) annual financial statements of the Łukasiewicz Centre and institutes of the Łu-

kasiewicz Network audited by an audit firm, provided that separate regulations stipulate the obligation to audit them.

2. The data referred to in section 1 shall be entered into the POL-on System by rectors, rectors of higher education institutions run by churches and other religious associations and receiving subsidies, grants and other resources from the state budget, directors of institutes of the Polish Academy of Sciences, directors of research institutes, directors of international institutes, the President of the Łukasiewicz Centre, directors of the Łukasiewicz Network institutes and persons in charge of the entities referred to in Art. 7 sec. 1 points 7 and 8, having its seat in the territory of the Republic of Poland. The data referred to in sec. 1 points 1-3 shall be entered using electronic forms available in the POL-on System.

3. Access to the data contained in the database shall be granted to:

- 1) the minister and the minister supervising the entity referred to in Art. 7 sec. 1 points 1, 5 and 8;
- 1a) the minister competent for economy - with regard to the data pertaining to the Łukasiewicz Centre and institutes of the Łukasiewicz Network;
- 2) the person in charge of the entity referred to in Art. 7 sec. 1 points 1, 2 and 4-8, and the rector of a higher education institution run by a church and other religious association receiving subsidies, grants and other resources from the state budget - with regard to data pertaining to this entity.

**Art. 351. 1.** The minister shall keep the Uniform Anti-plagiarism System.

2. The Uniform Anti-plagiarism System shall provide support in preventing infringements of copyright and related rights.

3. The Uniform Anti-plagiarism System shall use the data contained in the repository of written diploma theses and the database of documents in promotion procedure.

4. The minister shall ensure that higher education institutions, institutes of the Polish Academy of Sciences, research institutes, international institutes, the Polish Accreditation Committee and the Council of Scientific Excellence use the Uniform

Anti-plagiarism System free of charge.

**Art. 352. 1.** The minister shall be responsible for monitoring the careers of students and graduates, applicants for a degree of doktor and persons who have been awarded that degree, hereinafter referred to as „monitoring”.

2. Monitoring is conducted on the basis of:

- 1) data included in the POL-on System;
- 2) the data collected by the Social Insurance Institution

in the accounts of the insured or the accounts of contributors.

3. The minister shall provide the Social Insurance Institution, as of 31 December of each year, with the following data in electronic form:

- 1) concerning graduates who completed their studies in the 5 calendar years preceding that year, and persons who were awarded the degree of doktor within 15 calendar years preceding that year;
- 2) pertaining to persons who were students from October of the year preceding that year by 5 years and persons who commenced education at the doctoral school or applied for the award of the degree of doktor within 15 calendar years preceding that year.

4. The data referred to in sec. 3 shall comprise:

- 1) personal identification number (PESEL) or, failing that, the number of the document confirming identity and the name of the country of issue;
- 2) year of birth and sex;
- 3) information on studies completed and those being in the course of completion, education completed and being in the course of completion at the doctoral school, proceedings for the award of the degree of doktor and the degree of doktor awarded:
  - a) the name of a higher education institution, institute of the Polish Academy of Sciences, research institute or international institute,
  - b) the form, field of study, level and profile of studies or the field and discipline in which the doctoral dissertation is being or was prepared,

- c) year and month of undertaking studies or education at the doctoral school,
  - d) year and month of completing studies or education at the doctoral school,
  - e) year and month of initiating procedures aimed at awarding the degree of doktor,
  - f) year and month of obtaining a degree of doktor,
  - g) for persons who have obtained a degree of doktor - year and month of obtaining a degree of doktor habilitowany;
- 4) for persons who undertook studies or education at the doctoral school or obtained a degree of doktor - the information referred to in Art. 343 sec. 1 point 21 or Art. 345 sec. 1 point 16.
5. The minister shall transfer the data referred to in sec. 3 by 31 January each year.
6. The Social Insurance Institution shall transfer in electronic form to the minister, within 3 months from the date of receipt of the data referred to in sec. 4, the data referred to in sec. 4 points 2 - 4, supplemented by the following:
- 1) the code of the insured person generated by the Social Insurance Institution, which prevents the identification of the person referred to in sec. 3;
  - 2) year of birth and the sex of the person referred to in sec. 3;
  - 3) year and month of death of the person referred to in sec. 3;
  - 4) insurance entitlement code;
  - 5) code of social security benefit/leave from payments of social security contributions with a starting or ending date of the benefit or interruption of contributions;
  - 6) the first four digits and the seventh digit of the National Official Register of the Territorial Division of the Country in a form enabling identification of the voivodship (first two digits), the powiat (third and fourth digits) and the type of commune (seventh digit) on the basis of the address of permanent residence or residence or correspondence address of the insured person during the whole monitoring period;
  - 7) code of the Polish Classification of Activities of the contributor;
  - 8) code of the contributor generated by the Social Insurance Institution, which prevents the identification of the contributor;

- 9) year and month of deregistration of the contributor;
- 10) the basis for calculating contributions for the retirement pension and disability insurance of the insured person, or the basis for calculating contributions for the work accident insurance of the insured person, or the basis for calculating contributions for the health insurance of the insured person, or the basis for calculating contributions for the sickness insurance of the insured person;
- 11) information on exceeding 30 times the projected average monthly remuneration in the national economy for a given calendar year.

7. The data referred to in sec. 6 shall be submitted for the period from January of the year of undertaking studies, education at the doctoral school or the initiation of procedures aimed at awarding the degree of doktor until the month of submission by the minister of the data referred to in sec. 4. The data shall be broken down by month.

8. The Social Insurance Institution shall merge the data referred to in sec. 4 and sec. 6 points 2-11.

9. In the process of creating the data set referred to in sec. 6, the Social Insurance Institution shall not record the data containing the personal identification number (PESEL) on a permanent data carrier.

10. The Social Insurance Institution shall store the data referred to in sec. 4 until the date of submission of the data referred to in sec. 6 to the minister.

11. The minister shall make the monitoring results available in an aggregated form in the Bulletin of Public Information on his/her website. Aggregate monitoring results covering less than 10 persons shall not be made available.

12. The minister shall make the data referred to in sec. 6 available, upon request, in an anonymised form. The provision of sec. 11 sentence two shall apply accordingly.

13. The minister shall store the data referred to in sec. 6 for a period of 5 years from the date of the transfer of data by the Social Insurance Institution.

14. In order to adapt the curriculum to the needs of the labour market, a higher

education institution may conduct its own monitoring of the professional careers of its graduates.

15. For the purpose of the monitoring referred to in sec. 14, a higher education institution shall process personal data of graduates including:

- 1) forenames and last name;
- 2) address for correspondence;
- 3) e-mail address.

16. A higher education institution shall process the data referred to in sec. 15 for a period not exceeding 10 years from the date of the completion of studies by a graduate.

**Art. 353.** The minister competent for higher education and science shall specify, by way of a regulation:

- 1) detailed scope of the data referred to in Art. 343 sec.1 points 3, 8, 9 and 11-21, Art. 344 sec. 1 points 4 and 8-10, Art. 345 sec. 1 points 3, 6, 7, 13–16 and 18, Art. 346 sec. 1 points 1, 3, 5–9 and 11-17 and in Art. 349 sec. 1 points 2-5 included in the databases,
- 2) the mode and time limits for entering data into databases and updating, archiving and deleting these data,
- 3) the manner in which the diploma theses are entered into the repository and the specification of their format,
- 4) the mode and manner of providing access to data

– having regard to the necessity to ensure the completeness and updatedness of the data stored in the databases for the proper implementation of the state science policy and tasks in the field of higher education and science as well as an adequate level of protection of the data processed.

**Art. 354. 1.** The data in the POL-on System shall be updated, archived and deleted by the entity that entered them.

2. The entity referred to in Art. 343 sections 2-4, Art. 344 sec. 2, Art. 345 sec. 2, Art. 346 sections 4-5, Art. 347 sec. 3, Art. 348 sec. 2 and Art. 349 sec. 2, shall regularly

update the data in the POL-on System. The person in charge of a given entity shall be responsible for the correctness and reliability of data and the updatedness of their entry into the POL-on System.

3. In case of introducing into the POL-on System incorrect, unreliable or untimely data, the minister may suspend the transfer of financial resources referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), point 2a, until these irregularities are resolved.

4. The person in charge of the entity shall submit to the POL-on System a statement confirming that the data entered by him/her into the databases referred to in Art. 342 sec. 3, are accurate and complete. The statement concerning the databases referred to in Art. 342 sec. 3 points 1-7 shall be submitted by 31 January as at 31 December.

5. Access to the data contained in the POL-on System, referred to in Art. 342 sec. 3 points 1-3 and 8, shall be vested in the President of Statistics Poland within the scope resulting from the regulations on public statistics.

**Art. 355. 1.** Rectors, directors of institutes of the Polish Academy of Sciences, directors of research institutes, directors of international institutes, President of the Łukasiewicz Centre and directors of the institutes of the Łukasiewicz Network, shall perform the obligation referred to in Art. 30 sec. 2 of the Act of 29 June 1995 on Public Statistics, using the POL-on System.

2. For the purposes of public statistics, the data contained in the POL-on System shall be used.

3. As regards the data not covered by the POL-on System, rectors, directors of institutes of the Polish Academy of Sciences, directors of research institutes, directors of international institutes, President of the Łukasiewicz Centre and directors of institutes of the Łukasiewicz Network shall complete the data required for public statistics on electronic forms made available in the POL-on System.

4. The forms shall be prepared by the minister upon consultation with the President of Statistics Poland.

5. The minister shall set the time limits within which the data referred to in sec.

3 shall be transmitted, which shall not be shorter than 21 days, and shall inform the interested parties.

6. Access to the data referred to in sections 2 and 3 shall be granted to:

- 1) the minister and the minister supervising the entity referred to in Art. 7 sec. 1 points 1, 5 and 6;
- 1a) the minister competent for economy - with regard to the data pertaining to the Łukasiewicz Centre and institutes of the Łukasiewicz Network;
- 2) the person in charge of the entity referred to in Art. 7 sec. 1 points 1 and 4-6, as regards the data concerning that entity;
- 3) the President of Statistics Poland.

**Art. 356. 1.** The research institute, the object of which is related to the provision of services in the field of IT systems, supervised by the minister, shall administer:

- 1) the POL-on System, including databases;
- 2) the Uniform Anti-plagiarism System.

2. The minister shall provide financial resources for the implementation of the tasks referred to in sec. 1.

**Art. 357. 1.** The minister, in order to determine the amount of financial resources for a higher education institution, may obtain from:

- 1) Central Examinations Board referred to in the regulations on the education system - data containing the results of the maturity examination in a given year from particular subjects at the extended and bilingual level, presented in the form of percentile calculation;
- 2) Regional Examinations Boards referred to in the regulations on the education system:
  - a) personal identification numbers (PESEL), or
  - b) forenames, last names, sex and dates of birth - if there is no personal identification number (PESEL)
    - persons who in a given year obtained the best results of the maturity exa-

mination in particular subjects at the extended or bilingual level, within the ranges set by the minister, together with these results.

2. The data referred to in sec. 1 shall be submitted to the minister in electronic form within the following time limits:

- 1) by 30 September for data submitted by the Central Examinations Board;
- 2) by 30 November for data submitted by the Regional Examinations Boards.

3. The minister shall neither make public nor make available the data referred to in sec. 1.

4. The data referred to in sec. 1 point 2 shall be stored for a period of 5 years from the date of their submission.

**Art. 358. 1.** A higher education institution shall publish the following information on its website in the Bulletin of Public Information:

- 1) statutes,
- 2) strategy of a higher education institution,
- 3) regulations governing the management of copyright, related rights and industrial property rights as well as the principles of commercialisation,
- 4) regulations governing the use of research infrastructure,
- 5) study regulations,
- 6) regulations concerning student benefits,
- 7) rules and mode of admission to studies,
- 8) curricula

– within 14 days from the date of the adoption thereof.

2. A higher education institution, an institute of the Polish Academy of Sciences, a research institute and an international institute shall publish the following information in the Bulletin of Public Information on their websites:

- 1) rules and mode of admission to the doctoral school,
- 2) regulations of the doctoral school,
- 3) curriculum of the doctoral school,

- 4) resolution referred to in Art. 192 sections 2 and 3,
  - 5) resolution referred to in Art. 221 sec. 14
- within 14 days from the date of the adoption thereof.

## PART XI

### **The minister's scholarships and awards, Prime Minister's awards**

**Art. 359. 1.** The minister's scholarship may be awarded to a student who enjoys impressive scientific or artistic achievements related to his/her studies or major sporting achievements.

2. The scholarship shall be awarded by the minister upon request of the rector.

3. The scholarship shall be awarded for an academic year.

**Art. 360. 1.** The minister's scholarship for outstanding young scientists may be awarded to a young scientist who enjoys impressive achievements in scientific activity.

2. A young scientist shall be a person conducting a scientific activity, who:

- 1) is a doctoral student or an academic teacher – and does not hold a degree of doktor or
- 2) holds a degree of doktor, obtained not more than 7 years ago, and is employed in an entity referred to in Art. 7 sec. 1.

3. The period referred to in sec. 2 point 2 shall not include maternity leave, leave on terms of maternity leave, paternity leave, parental leave or leave to raise a child, granted pursuant to the rules laid down in the Act of 26 June 1974 - Labour Code, or periods of receiving maternity benefit or parental benefit, or periods of receiving sickness benefit or rehabilitation benefit in connection with inability to work, including those caused by an illness requiring medical rehabilitation.

4. The scholarship shall be awarded by the minister upon request of:

- 1) the rector, the director of an institute of the Polish Academy of Sciences, the director of a research institute or the director of an international institute which runs a doctoral school where a young scientist is a doctoral student;

2) the person in charge of the entity referred to in Art. 7 sec. 1, employing a young scientist.

5. The scholarship shall be awarded for a maximum of 3 years. This period shall not include breaks in scientific activities related to maternity leave, leave on terms of maternity leave, paternity leave, parental leave or leave to raise a child of a scholarship holder, granted pursuant to the rules laid down in the Act of 26 June 1974 - Labour Code, or periods of receiving sickness benefit or rehabilitation benefit in connection with inability to work, including those caused by an illness requiring medical rehabilitation. During this period the payment of the scholarship shall be suspended.

6. The entity running the doctoral school or the employing entity shall provide the young scientist with the financial resources as part of the scholarship pursuant to an agreement.

**Art. 361.** The provisions of Art. 10, Articles 35-37, Art. 61 § 4, Art. 79a, Art. 81 and Articles 96a–96n of the Code of Administrative Procedure shall not apply to the procedures pertaining to the minister's scholarships.

**Art. 362.** The minister may grant an award for significant achievements in the field of scientific, didactic, implementation or organisational activities or for the entirety of achievements. The provisions of the Code of Administrative Procedure shall not apply to the granting of awards.

**Art. 363.** The minister competent for higher education and science shall specify, by way of a regulation, the detailed criteria and mode of granting and the method for payment of:

- 1) scholarships referred to Art. 359 sec. 1 and Art. 360 sec.1, the types of achievements and the manner of their documentation, the maximum number of scholarships to be awarded to students and young researchers, including doctoral students, the maximum amount of the scholarship and a specimen application form,
- 2) the awards referred to in Art. 362, the types of achievements and the manner of

their documentation, the maximum number of awards to be granted to students and young researchers, including doctoral students, the maximum amount of the award and a specimen application form

- having regard to the need to ensure a high level of achievements enabling the granting of a scholarship or an award, the efficient conduct of procedures for their granting and their efficient payment as well as the adequacy of the amount of the scholarship or award to the rank of achievements.

**Art. 364. 1.** The Prime Minister may grant an award for outstanding doctoral dissertations, highly-ranked achievements which are the basis for awarding the degree of doktor habilitowany or achievements in scientific or implementation activities.

2. The award shall be granted upon consultation with the team appointed by the Prime Minister. A member of the team shall be entitled to remuneration for participation in the work of the team.

3. The Prime Minister shall define, by way of a regulation, the detailed criteria and mode of granting the awards referred to in sec. 1, the types of achievements and the manner of their documentation, the composition and duration of the term of office of the team, its tasks, the manner of their performance, the amount of remuneration as well as the manner of servicing and financing its works, the maximum number of awards granted, the maximum amount of the award and the specimen application form for its granting, bearing in mind the need to ensure a high level of achievements making it possible to obtain the award, the efficient course of procedures for its granting and the adequacy of the award amount to the rank of achievements.

4. The Prime Minister may grant a special award for scientific achievements important for the country outside the mode specified in the regulations issued on the basis of sec. 3.

5. The provisions of the Code of Administrative Procedure shall not apply to the granting of awards referred to in sections 1 and 4.

## PART XII

**Financing the system of higher education and science and financial management  
of a higher education institution**

**Art. 365.** Financial resources for higher education and science are allocated to:

- 1) maintaining and developing teaching potential, including:
  - a) educating students at full-time studies,
  - b) maintaining and developing higher education institutions, including dormitories and canteens, as well as implementing investments in the area of didactic activity,
  - c) professional development of the employees of higher education institutions,
  - d) the „Teaching Excellence Initiative”;
- 2) maintaining and developing research potential, including:
  - a) conducting scientific activities;
  - b) implementation of investments in the area of research activity,
  - c) education at the doctoral school,
  - d) commercialisation of the results of scientific activity and know-how related to those results,
  - e) „Excellence Initiative – Research University” programme,
  - f) „Regional Excellence Initiative” programme,
  - g) professional development of scientific staff in institutes of the Polish Academy of Sciences, research institutes and international institutes;
- 2a) current operations of the Łukasiewicz Network institutes, including:
  - a) development of research competence,
  - b) employment of staff and professional development of research division employees,
  - c) maintenance of research and IT infrastructure,
  - d) activities connected with the commercialisation of the results of scientific research and development work conducted within the objective of the Łukasiewicz

Research Network, referred to in Art. 1 sec. 2 point 1 of the Act of 21 February 2019 on the Łukasiewicz Research Network, or know-how related to these results;

- 2b) implementation of research projects as part of the objective of the Łukasiewicz Research Network referred to in Art. 1 sec. 2 point 1 of the Act of 21 February 2019 on the Łukasiewicz Research Network;
- 3) the benefits referred to in Art. 86 sec. 1 points 1-4;
- 4) investments related to:
  - a) education,
  - b) scientific activity,
  - c) supporting the implementation of tasks of Polish National Agency for Academic Exchange, the National Science Centre, the National Centre for Research and Development and the Łukasiewicz Centre,
  - d) implementation of research projects as part of the objective of the Łukasiewicz Research Network referred to in Art. 1 sec. 2 point 1 of the Act of 21 February 2019 on the Łukasiewicz Research Network;
- 5) maintenance of:
  - a) research equipment or a test stand which are unique in the country,
  - b) special IT infrastructure

– essential for the implementation of the state science policy;
- 6) tasks related to providing conditions for persons with disabilities to participate fully in the admission to studies, doctoral schools, education at higher education institutions and doctoral schools or to carry out scientific activity;
- 7) programmes and projects established by the minister;
- 8) the minister's scholarships and awards;
- 9) tasks financed with financial resources from the budget of the European Union either from non-reimbursable aid from the Member States of the European Free Trade Agreement (EFTA) or from other non-reimbursable foreign resources;

- 
- 10) tasks implemented or financed by Polish National Agency for Academic Exchange;
  - 11) tasks financed by the National Centre for Research and Development, including scientific research and development work for the benefit of national defence capability and security;
  - 12) tasks financed by the National Science Centre;
  - 13) current operating costs of:
    - a) Polish National Agency for Academic Exchange,
    - b) the National Centre for Research and Development,
    - c) the National Science Centre,
    - d) the Łukasiewicz Centre;
  - 14) financing the operations of the Council of Scientific Excellence, the Polish Accreditation Committee, the Science Evaluation Committee, General Council for Science and Higher Education, the Students' Parliament of the Republic of Poland, Polish National Association of Doctoral Candidates, Science Policy Committee, the Council of Scientific Excellence Office, the Polish Accreditation Committee Office, disciplinary commissioners appointed by the minister, disciplinary committees to General Council for Science and Higher Education and to the minister, advisory teams and experts referred to in Art. 341, expert teams as referred to in Art. 388 sec. 5 and Art. 397 sec. 4, and the experts referred to in Art. 428 sec. 2;
  - 15) paying contributions to international institutions or organisations resulting from international agreements concluded or the statutes of consortia operating for European research infrastructure.

**Art. 366. 1.** The minister shall allocate the financial resources referred to in Art. 365:

- 1) point 1 (a)-(c), point 2 (a)-(f), point 3, point 4 (a) and (b), points 5-7 and 9 - to a public university-type higher education institution;
- 2) point 1, point 3, point 4 (a), points 6, 7 and 9 - to a public non-university type higher education institution;

- 3) point 2 (a)-(f), point 3, point 4 (b), points 6, 7 and 9 - to a non-public university-type higher education institution;
- 4) points 3, 6, 7 and 9 - to a non-public non-university type higher education institution;
- 5) point 2 (a)-(d) and (g), point 4 (b), points 5, 7 and 9 - to an institute of the Polish Academy of Sciences, a research institute and an international institute;
- 5a) point 2a - to an institute of the Łukasiewicz Network;
- 6) point 2 (a) and (b) and point 7 - to the Polish Academy of Learning;
- 7) points 5, 7 and 9 - to the entity referred to in Art. 7 sec. 1 point 8, being an organisation carrying out research and disseminating knowledge within the meaning of Art. 2 point 83 of the Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty OJ L 187, 26.06.2014, p.1, as amended);
- 8) points 7 and 9 - another organisational unit active in the field of science dissemination.

2. The financial resources referred to in Art. 365 points 1 and 2 for public university-type higher education institutions shall be awarded under one subsidy.

**Art. 367. 1.** The discipline shall be assigned cost-intensiveness ratio taking into account the costs of conducting education and scientific activity.

2. The minister competent for higher education and science shall specify, by way of a regulation, cost-intensiveness ratio for:

- 1) conducting education at full-time studies in particular disciplines and the manner of their determination for particular fields of study, levels and profiles - taking into account the specificity, conditions and costs of conducting education in particular disciplines;
- 2) conducting scientific activity in particular disciplines - taking into account the specificity, conditions and costs of conducting scientific activity in particular disciplines.

**Art. 368. 1.** The amount of subsidies from the financial resources referred to in Art. 365 point 1(a)-(c) and point 2(a)-(d) and (g) and grants from the financial resources referred to in Art. 365 points 3 and 6 shall be determined on the basis of the algorithms set out in the legislation issued pursuant to Art. 402.

2. Algorithms of the allocation of financial resources referred to in Art. 365 point 1(a)-(c) shall consider in particular the data relating to:

- 1) a group of higher education institutions;
- 2) academic teachers and students of full-time studies;
- 3) cost-intensiveness ratios set out in the provisions issued pursuant to Art. 367 sec. 2 point 1.

3. Algorithms of the allocation of financial resources referred to in Art. 365 point 2 (a)-(d) and (g) shall consider in particular the data relating to:

- 1) a type of the entity of the system of higher education and science;
- 2) doctoral students;
- 3) scientific categories;
- 4) cost-intensiveness ratios set out in the provisions issued pursuant to Art. 367 sec. 2 point 2;
- 5) employed persons conducting scientific activity.

4. The algorithm of the allocation of financial resources referred to in Art. 365 point 3 shall consider in particular the data relating to students:

- 1) receiving the benefits referred to in Art. 86 sec. 1 point 1;
- 2) with disabilities.

5. The algorithm of the allocation of financial resources referred to in Art. 365 point 6 shall consider in particular the data concerning students and doctoral students with disabilities.

6. The data mentioned in sec. 2-5 shall be determined on the basis of the POL-on System.

7. The amount of subsidies from the financial resources referred to in Art. 365

point 2(a) and (b) for the Polish Academy of Learning shall be determined by the minister upon request.

8. In justified cases, the minister may increase the amount of the subsidy granted from the financial resources referred to in Art. 365 points 1(a)-(c) and 2 (a)-(d) and (g), and the grant allocated from the financial resources referred to in Art. 365 point 3, having regard to the needs connected with education or scientific activity, in particular with:

- 1) implementation of a task of particular importance for the state science policy;
- 2) occurrence of a fortuitous event which interferes with or prevents the proper conduct of education or scientific activity;
- 3) increase in the number of students entitled to the benefits referred to in Art. 86 sec. 1 points 1-4.

9. The minister may increase the amount of the subsidy granted from the financial resources referred to in Art. 365 point 1(a) - (c) and point 2(a) - (d) and (g), and the grant allocated from the financial resources referred to in Art. 365 point 3, taking into account the amount of financial resources at his/her disposal and:

- 1) a type of the entity of the system of higher education and science or
- 2) the quality of education or scientific activity conducted.

10. The minister shall publish on his/her website in the Bulletin of Public Information a notice specifying the amount of:

- 1) subsidies from the financial resources referred to in Art. 365 point 1 (a)-(c) and point 2 (a)-(d) and (g), or a grant from the financial resources referred to in Art. 365 points 3 and 6;
- 2) grants from the financial resources referred to in Art. 365 points 3 and 6, refundable in accordance with Art. 416;
- 3) the increases referred to in sec. 9.

11. For determining the amount of the subsidy from the financial resources referred to in Art. 365 point 1 (a)-(c) and point 2 (a)-(d) and (g), a grant from the financial

resources referred to in Art. 365 points 3 and 6, as well as making the increases referred to in sec. 9, the provisions of the Code of Administrative Procedure shall not apply.

**Art. 368a. 1.** The financial resources referred to in Art. 365 point 2a, are allocated on the basis of an application submitted by an institute of the Łukasiewicz Network and assessed by the President of the Łukasiewicz Centre.

2. When allocating the financial resources referred to in Art. 365 point 2a, particular attention shall be paid to the following:

- 1) the amount of revenue of an institute of the Łukasiewicz Network from the sale of research and development services;
- 2) research and implementation potential of an institute of the Łukasiewicz Network;
- 3) the significance of scientific research and development work conducted in an institute of the Łukasiewicz Network for the development of economy and innovativeness;
- 4) the maintenance costs related to research and IT infrastructure of an institute of the Łukasiewicz Network.

3. The financial resources referred to in Art. 365 point 2a, unused in a given calendar year, shall remain in an institute of the Łukasiewicz Network for the following year, for the purpose for which they were allocated.

**Art. 369. 1.** The minister shall allocate the financial resources referred to in Art. 365 point 5 and make the increases referred to in Art. 368 sec. 8 upon request by way of an administrative decision.

2. In the event of a breach of the procedure for allocating financial resources referred to in Art. 365 point 5 and the increases referred to in Art. 368 sec. 8, a motion for reconsideration may be requested.

3. The provisions of Art.10, Articles 35-37, Art. 61 § 4, Art. 79a, Art. 81 and Articles 96a-96n of the Code of Administrative Procedure shall not apply to procedures for the allocation of financial resources referred to in Art. 365 sec. 5, as well as the increases referred to in Art. 368 sec. 8.

**Art. 370.** The minister shall allocate:

- 1) to Polish National Agency for Academic Exchange - financial resources referred to in Art. 365 point 4(c), points 9, 10 and point 13(a);
- 2) to the National Centre for Research and Development- NCRD - financial resources referred to in Art. 365 point 4(c), points 9, 11 and point 13(b);
- 3) to the National Science Centre - financial resources referred to in Art. 365 point 4(c), points 9, 12 and point 13(c);
- 4) to the Łukasiewicz Centre - financial resources referred to in Art. 365 point 2b, point 4(c) and (d) and point 13(d).

**Art. 371. 1.** The financial resources referred to in Art. 365 points 1-2a and point 13(d) shall be allocated in the form of subsidies.

2. The financial resources referred to in Art. 365 points 3, 5, 6 and 13(a-c) shall be allocated in the form of a grant defined as to grantee .

3. The financial resources referred to in Art. 365 points 2b, 4 and 10-12 shall be allocated in the form of a grant for a designated purpose.

**Art. 372.** A local government unit, an association of local government units or a metropolitan association may allocate financial resources to a higher education institution for the performance of the tasks referred to in Art. 11.

**Art. 373. 1.** Financing of the investments referred to in Art. 365 point 4(a) shall include the following investments:

- 1) construction projects;
- 2) regarding the purchase of real estate and other fixed assets;
- 3) co-financed from foreign sources.

2. When allocating the financial resources referred to in Art. 365 point 4(a), particular consideration shall be given to:

- 1) the relevance of the planned investment for a higher education institution;
- 2) the impact of the planned investment on the safety of its users and on the reduction of the operating costs of a higher education institution premises;

3) the possibility of co-financing the works or tasks to be implemented from other sources.

3. Financing of the investments referred to in Art. 365 point 4(b) shall include the following investments:

- 1) as regards research equipment and IT infrastructure, the value of which exceeds PLN 500 000;
- 2) construction projects;
- 3) regarding the purchase of real estate;
- 4) co-financed from foreign sources.

4. When allocating the financial resources referred to in Art. 365 point 4(b), particular consideration shall be given to:

- 1) the scientific level of work or tasks and their significance for scientific development;
- 2) the practical applicability of the results of the work or tasks and their significance for the development of innovativeness and economy;
- 3) the significance of the implementation of work or tasks for the development of international cooperation in the field of science and technology;
- 4) the possibility of co-financing the works or tasks to be implemented from other sources;
- 5) the inclusion on the Polish Map for Research Infrastructures, hereinafter referred to as „the Map”.

4a. The provisions of the Code of Administrative Procedure shall not apply to the allocation of funds referred to in Art. 365 point 4(a) and (b).

5. The minister shall transfer the financial resources referred to in Art. 365 point 4(a) and (b) pursuant to an agreement.

**Art. 374. 1.** Within the financial resources referred to in Art. 365 point 4(b), at least 50% of the resources shall be allocated to financing the infrastructures included on the Map constituting the list of existing or planned strategic research infrastructures.

2. In the event that it is not possible to allocate the financial resources specified in sec. 1 to the financing of the infrastructure included on the Map, the uncommitted resources shall be allocated to the remaining tasks to be carried out from the financial resources referred to in Art. 365 point 4 (b).

3. The receipt of applications to include the infrastructure on the Map shall be conducted at least once every 4 years. The provisions of Art. 376 shall apply accordingly to the receipt of applications.

4. The application to include the infrastructure on the Map shall be submitted by a public university-type higher education institution, an institute of the Polish Academy of Sciences, a research institute or an international institute.

5. When evaluating applications, consideration shall be given to the following:

- 1) the uniqueness of infrastructure in national and worldwide terms;
- 2) compatibility of the objectives and targets of infrastructure with national and international research, development and innovation policies;
- 3) institutional and human resources capacity of the applicant;
- 4) the extent to which infrastructure interests the national and international scientific and entrepreneurial community;
- 5) the reasonableness of the costs related to infrastructure;
- 6) the potential for infrastructure to be developed in the short and medium term;
- 7) the potential for infrastructure development within the framework of international cooperation.

6. The minister shall make an inclusion of infrastructure on the Map.

7. The minister shall publish the Map on his/her website in the Bulletin of Public Information.

8. The minister shall review the Map at least once every 4 years.

9. The review shall evaluate the functioning of existing infrastructure and the degree of preparedness of the planned infrastructure.

10. The Minister shall remove the infrastructure from the Map:

- 1) in the event of:
  - a) negative opinion concerning the appropriateness of leaving the infrastructure on the Map,
  - b) preventing or impeding the review by an entity whose infrastructure has been included on the Map;
- 2) upon application of an entity whose infrastructure has been included on the Map.

11. The provisions of Art. 369 sec. 2 shall apply mutatis mutandis to procedures for the inclusion of infrastructure in the Map and its removal therefrom. The provisions of Art. 10, Articles 35-37, Art. 61 § 4, Art. 79a, Art. 81 and Articles 96a-96n of the Code of Administrative Procedure shall not apply to such procedures.

**Art. 375. 1.** The minister shall allocate the financial resources referred to in Art. 365 point 5 for a period not longer than 3 years, specifying the amount of such resources in subsequent years.

2. When allocating grants from the financial resources referred to in Art. 365 point 5, the following shall be considered in particular:

- 1) a type of research equipment or of a test stand;
- 2) the inclusion on the Map;
- 3) the costs of keeping research equipment or a test stand ready to conduct scientific activity;
- 4) the size of the scientific community using research equipment, a test stand or IT infrastructure, as well as the scope and degree of their use.

3. The financial resources referred to in Art. 365 point 5, unused in a given year, shall remain for the following year at the disposal of the entity to which they were allocated for the performance of the tasks for which they were allocated.

**Art. 376. 1.** The minister shall establish programmes and projects aimed at implementing the state science policy.

2. The minister shall make an announcement, in the Bulletin of Public Information on his/her website, concerning the following:

- 1) establishment of a programme and the receipt of applications;
- 2) establishment of a project.

3. The announcement referred to in sec. 2 point 1 shall specify in particular:

- 1) subject matter of a programme;
- 2) entities entitled to participate in a programme;
- 3) the conditions for participation in a programme;
- 4) the mode of receiving applications to participate in a programme, including the appeal mode;
- 5) detailed criteria for the evaluation of applications.

4. If public aid or de minimis aid is provided under a programme or project, the minister competent for higher education and science shall establish a programme or project by way of a regulation. The regulation shall specify the entities entitled to participate in a programme or project, the detailed conditions for participation, the mode of receipt of admission to a programme, as well as the conditions and the mode of allocating and accounting for public aid or de minimis aid, including:

- 1) the purpose of aid,
- 2) detailed criteria and manner of evaluating aid applications,
- 3) types of costs eligible for aid,
- 4) the manner of accumulating aid,
- 5) maximum aid amounts,
- 6) maximum aid intensity,
- 7) the detailed scope of information contained in aid applications and in the annual report on the implementation of tasks covered by aid and in the report on the use of financial resources

– having regard to the objectives of the state science policy and the need to obtain information necessary for the appropriate allocation and accounting for public aid or de minimis aid.

5. The provisions of the Code of Administrative Procedure shall not apply to the

allocation of financial resources referred to in Art. 365 point 1(d), point 2(e) and (f), point 7 and Art. 401 sec. 1.

**Art. 377.** When allocating financial resources under the programmes, consideration shall be given to the substantive level of the application as well as to the following issues:

- 1) potential of an applicant, or
- 2) influence on increasing knowledge, or
- 3) usefulness of the results or tasks, or
- 4) social responsibility of science.

**Art. 378. 1.** The minister shall transfer financial resources under the programmes and projects pursuant to an agreement.

2. The minister shall publish, in the Bulletin of Public Information on his/her website, information on financial resources allocated under a programme or project, including:

- 1) names of the entities which received financial resources;
- 2) the amount of financial resources allocated.

**Art. 379.** Allocation of financial resources referred to in Art. 365 point 9 and their accounting shall be made in accordance with the provisions on public finance, as well as on rules for the implementation of cohesion policy programmes or international agreements.

**Art. 380. 1.** The entity which received the financial resources referred to in Art. 365 points 2a, 4, 5 and 7 shall provide the minister with a report on the use of those resources.

2. The condition for the accounting for the financial resources allocated is their disbursement in accordance with the law, decision or agreement.

**Art. 381. 1.** Applications, opinions, agreements and reports concerning the tasks financed from the financial resources referred to in Art. 365 point 4(b) and points 5, 7, 11 and 12 and relating to the Map shall constitute a trade secret within the meaning of

the provisions on combating unfair competition.

2. Documents produced in the course of the work of the advisory team referred to in Art. 341 regarding tasks financed from the financial resources referred to in sec. 1 shall not constitute public information.

3. Personal data of persons evaluating applications for financial resources referred to in sec. 1 shall not be disclosed and shall not constitute public information.

**Art. 382.** If the result of scientific activity financed from the financial means referred to in Art. 365 is an invention, utility model, industrial design, integrated circuit topography or a bred or discovered and developed plant variety, the right to obtain a patent for an invention or a utility model, the right of registration of an industrial design or an integrated circuit and the right of protection of a plant variety bred or discovered and developed by a breeder shall be vested in the entity to which the resources were allocated, unless the agreement between the minister and that entity or the decision on the allocation of resources provides otherwise.

**Art. 383. 1.** The financial resources planned under the state budget for financing higher education and science shall be indexed annually by at least the total amount of:

- 1) the product of the forecast real gross domestic product growth rate, referred to in Art.2 sec. 2 point 10 of the Act of 10 October 2002 on minimum wage, and the indexation rate for part of the expenditure related to the financing of science, and
- 2) the ratio of the increase in consumer prices, planned in the state budget, to part of the expenditure related to the financing of higher education.

2. The indexation rate referred to in sec. 1 point 1, shall amount to 1.25 in 2019. From 2020 to 2028, the indexation rate shall increase annually by 0.1.

3. The resources referred to in sec. 1 shall cover the budgetary expenditure within:

- 1) the part of the state budget administered by the minister;
- 2) the 'higher education and science' section in other parts of the state budget.

4. The basis for the indexation for each subsequent year shall be, respectively, the amount of expenditure indexed as regards the financing of science and the amount of

expenditure indexed as regards the financing of higher education in the previous year.

5. The financial resources planned in the state budget for financing higher education and science for a given financial year may not be lower than those planned in the year preceding that financial year.

**Art. 384. 1.** Financial receivables resulting from the accounting for the financial resources referred to in Art. 365 shall be cancelled by the minister *ex officio* or at the request of a debtor, provided that:

- 1) a debtor has been removed from the relevant register and liability for debts has not passed to third parties;
- 2) there are reasonable grounds to suspect that a sum higher than the enforcement costs will not be obtained in the enforcement proceedings or that the enforcement proceedings have proven ineffective;
- 3) the remission has been applied under the arrangement concluded with a debtor's creditors;
- 4) the court has dismissed the motion to declare a debtor's bankruptcy or discontinued the bankruptcy proceedings for the reasons referred to in Art. 13 and Art. 361 sec. 1 points 1 and 2 of the Act of 28 February 2003. - Bankruptcy law.

2. The provisions on public aid or *de minimis* aid shall apply accordingly to the remission of the financial liability referred to in sec. 1.

**Art. 385.** The minister may, upon a justified motion of a debtor or *ex officio*, remit a financial receivable not constituting public aid or *de minimis* aid in whole or in part, defer the repayment date or spread the repayment into instalments if:

- 1) there has been an extraordinary change in economic relations which the parties could not have foreseen at the date of receipt of the financial resources and as a result of which repayment would be liable to cause a substantial deterioration in a debtor's economic situation;
- 2) some important fortuitous events have occurred, independent of a debtor;
- 3) it is justified by the scientific risks arising from the nature of the tasks performed;

- 4) it is justified by an important public interest or important social or economic reasons, in particular a debtor's ability to pay and the legitimate interest of the Treasury.

**Art. 386.** Art. 55 of the Act of 27 August 2009 on Public Finance shall apply accordingly to pecuniary receivables subject to civil law applicable to public higher education institutions.

**Art. 387. 1.** The minister shall publish periodically, in the Bulletin of Public Information on his/her website, an announcement about the competition under the „Excellence Initiative – Research University” programme, the aim of which is to increase the international significance of a higher education institution's activity. The provisions of Art. 376 sec. 2 point 1 and sec. 3 points 3-5 shall apply accordingly.

2. No more than 10 university-type higher education institutions may receive financial resources under the competition.

3. Financial resources received in a given year by a higher education institution under the competition shall constitute an increase in the subsidies from the financial resources referred to in Art. 365 point 1 (a)-(c) and point 2 (a)-(d), granted in the year in which the competition was announced. The amount of the increase may not be less than 10% of that subsidy determined on the basis of the algorithms referred to in Art. 368 sections 2 and 3. The financial resources shall be paid for a period of 6 years.

**Art. 388. 1.** The competition under the „Excellence Initiative – Research University” programme may be entered by a university-type higher education institution which:

- 1) conducts scientific activity in at least 6 disciplines in which the quality evaluation of scientific activity has been conducted and has a scientific category A+ or A in at least half of these disciplines;
- 2) does not have a scientific category B or C;
- 3) runs a doctoral school;
- 4) has no negative programme evaluation;
- 5) is not a party to the agreement referred to in Art. 389 sec. 1.

2. The application to participate in the competition shall include a plan containing objectives for improving the level of quality of scientific activity and education and a description of measures aimed at achieving them over a period of 5 years.

3. The application shall be submitted in Polish and English.

4. When evaluating the application, consideration shall be given to the following:

- 1) the substantive level of the application;
- 2) the significance of the assumed objectives for increasing the international significance of a higher education institution's activities;
- 3) adequacy of the measures described to the objectives set;
- 4) potential of a higher education institution.

5. The application shall be assessed by an international expert team with significant scientific or artistic achievements, appointed by the minister. Candidates to become members of the team may be proposed by the Council of Scientific Excellence, General Council for Science and Higher Education, the Conference of Rectors of Academic Schools in Poland, Science Policy Committee, the Council of the National Centre for Research and Development, the Council of the National Science Centre and nationwide scientific associations.

6. The result of the assessment of the application may be either positive or negative.

7. The expert team shall prepare:

- 1) a report containing the assessment and substantiation or recommendations to modify the plan;
- 2) a ranking list of positively assessed applications.

**Art. 389. 1.** The minister, taking into account the ranking list of applications, concludes an agreement with a higher education institution.

2. The agreement shall cover in particular:

- 1) the plan referred to in Art. 388 sec. 2 and a timetable for its implementation;
- 2) terms and conditions of financing the implementation of the plan.

3. The minister shall transfer funds pursuant to an agreement beginning from the

year following the year in which the competition was announced.

**Art. 390.** A higher education institution which has entered a competition, with which the minister has not concluded an agreement, shall receive, for a period of 6 years, beginning from the year following the year in which the ranking list of applications was prepared, financial resources constituting an increase in the subsidy from the financial resources referred to in Art. 365 point 1(a) - (c) and point 2(a) - (d) granted in the year in which the competition was announced, in the amount of 2% of this subsidy determined on the basis of the algorithms referred to in Art.368 sec. 2 and 3.

**Art. 391. 1.** At the mid-point of the period referred to in Art. 387 sec. 3, a mid-term evaluation of the implementation of the plan shall be performed.

2. In the last year of the period referred to in Art. 387 sec. 3, a final evaluation of the implementation of the plan shall be made.

3. Evaluation shall be carried out by the team referred to in Art. 388 sec. 5, defining the degree of the implementation of the plan.

4. Evaluation process shall end with either a positive or negative evaluation.

**Art. 392. 1.** In the event of a negative result of the mid-term evaluation of the implementation of the plan, the expert team shall make recommendations to modify the plan.

2. A higher education institution shall submit to the minister a proposed modification of the plan in accordance with the recommendations of the expert team.

3. If a proposed modification of the plan compliant with the recommendations is not submitted within 30 days of the date of receipt of the recommendation by a higher education institution, the agreement referred to in Art. 389 sec. 1 shall be terminated.

**Art. 393. 1.** In the last year of the period referred to in Art. 387 sec. 3, but no later than 30 June of that year, a higher education institution may present a plan including the objectives for improving the level of quality of scientific activity and the level of quality of education and a description of measures aimed at achieving them within the following 5 years. The plan shall be presented in Polish and English.

2. The plan shall be subject to assessment. The provisions of Art. 388 sections 4 - 7 shall apply mutatis mutandis to the assessment of the plan.

**Art. 394. 1.** At least 2 higher education institutions with which the minister has concluded an agreement referred to in Art. 389 sec. 1 shall not receive financial resources for the following 6 years.

2. In order to receive funding for the following 6 years, the final evaluation and the evaluation of the plan referred to in Art. 393 sec. 1 shall be positive.

3. Should fewer than 2 higher education institutions fail to comply with the condition referred to in sec. 2, the team referred to in Art. 388 sec. 5 shall establish a ranking list of higher education institutions which fulfil the condition referred to in sec. 2, including the evaluation of the extent to which the plan has been implemented, as part of the final evaluation.

4. The minister shall enter into an agreement with a higher education institution which fulfils the condition referred to in sec. 2. If the ranking list referred to in sec. 3 has been prepared, the minister shall enter into an agreement with a higher education institution taking this list into account.

5. The provisions of Art. 389 sections 2 and 3 and Articles 391 to 393 shall apply accordingly to higher education institutions which have received funding for the following 6 years.

6. A higher education institution which has achieved a positive result of the final evaluation and a positive result of the evaluation of the plan referred to in Art. 393 sec. 1, but has not received funding for the following 6 years, shall receive financial resources which constitute an increase of the subsidy from the resources referred to in Art. 365 point 1 (a)-(c) and point 2 (a)-(d) granted in the year in which the ranking list is prepared, amounting to 2% of this subsidy, on the basis of the algorithms referred to in Art. 368 sections 2 and 3, for a period of 6 years, beginning from the year following the year in which the ranking list referred to in sec. 3 was prepared.

**Art. 395. 1.** In the last year of the period referred to in Art. 387 sec. 3, the minister

shall announce a competition which may be entered by a university-type higher education institution which fulfils the conditions referred to in Art. 388 sec. 1, and which is not a party to the agreement referred to in Art. 389 sec. 1, in the competition under the „Excellence Initiative – Research University” programme. The provisions of Art. 388 sections 2-7 shall apply mutatis mutandis to the competition.

2. The total number of higher education institutions with which the minister enters into an agreement referred to in Art. 389 sec. 1 on the basis of the ranking list of applications submitted in this competition as well as higher education institutions referred to in Art. 394 sec. 5, may not exceed 10.

**Art. 396. 1.** The minister shall publish periodically, in the Bulletin of Public Information on his/her website, an announcement about the competition under the „Regional Excellence Initiative” programme, the aim of which is to enhancing the significance of the activities of a higher education institution in the disciplines it specifies. The provisions of Art. 376 sec. 2 point 1 and sec. 3 points 3-5 shall apply accordingly.

2. Moreover, the announcement shall specify:

- 1) classification into regions where the competition is announced;
- 2) a maximum of 3 disciplines or groups of disciplines for which the competition is announced in a given region.

3. A higher education institution having its seat in a given region may enter the competition.

4. Financial resources may be received by no more than one higher education institution in each of the disciplines or groups of disciplines referred to in sec. 2 point 2. The same higher education institution may receive financial resources in a maximum of two disciplines or groups of disciplines.

5. Financial resources received in a given year by a higher education institution as part of the competition in the discipline or group of disciplines referred to in sec. 2 point 2 shall constitute an increase in the subsidy from the financial resources referred to in Art. 365 point 1 (a)-(c) and point 2 (a)-(d), granted in the year in which the

competition was announced. The amount of the increase may not exceed 2 % of that subsidy determined on the basis of the algorithms referred to in Art. 368 sec. 2 and 3. The financial resources shall be paid for a period of 4 years.

**Art. 397. 1.** The competition under the „Regional Excellence Initiative” programme may be entered by a university-type higher education institution which:

- 1) holds a scientific category A+, A or B+:
  - a) in the discipline referred to in Art. 396 sec. 2 point 2,
  - b) in at least one of the disciplines included in the group of disciplines referred to in Art. 396 sec. 2 point 2, and does not hold a scientific category C in any of the disciplines included in that group;
- 2) runs a doctoral school;
- 3) does not meet the conditions for participating in the competition under the „Excellence Initiative – Research University” programme, referred to in Art. 388 sec. 1.

2. The application to participate in the competition shall include a plan containing objectives for improving the level of quality of scientific activity and education in the discipline referred to in sec. 1 point 1, as well as a description of the measures aimed at achieving them within a period of 3 years.

3. When evaluating the application, consideration shall be given to the following:

- 1) the substantive level of the application;
- 2) the significance of the assumed objectives for increasing the significance of a higher education institution’s activities in a given discipline;
- 3) adequacy of the measures described to the objectives set;
- 4) potential of a higher education institution in a given discipline.

4. The application shall be assessed by a team of experts with significant scientific or artistic achievements, appointed by the minister individually for each of the disciplines or groups of disciplines referred to in Art. 396 sec. 2 point 2.

5. The result of the assessment of the application may be either positive or negative.

6. The expert team shall prepare:

- 1) a report containing the assessment and substantiation or recommendations to modify the plan;
- 2) a ranking list of applications positively assessed according to the disciplines or groups of disciplines referred to in Art. 396 sec. 2 point 2.

**Art. 398. 1.** The minister, taking into account the ranking list of applications, concludes an agreement with a higher education institution.

2. The agreement shall cover in particular:

- 1) the plan referred to in Art. 397 sec. 2 and a timetable for its implementation;
- 2) terms and conditions of financing the implementation of the plan.

3. The minister shall transfer funds pursuant to an agreement beginning from the year following the year of its conclusion.

**Art. 399. 1.** In the last year of the period referred to in Art. 396 sec. 5, a final evaluation of the implementation of the plan shall be made.

2. Evaluation shall be carried out by the team referred to in Art. 397 sec. 4, defining the degree of the implementation of the plan.

3. Evaluation process shall end with either a positive or negative evaluation.

4. Should the evaluation be negative, a higher education institution may not enter the competition announced in a given discipline or group of disciplines within 4 years of the date of the evaluation.

**Art. 400. 1.** The minister shall publish annually, in the Bulletin of Public Information on his/her website, an announcement concerning the „Teaching Initiative of Excellence” project, the aim of which is to support public non-university-type higher education institutions in improving the quality of education.

2. The announcement shall specify:

- 1) conditions for the receipt of financial resources by higher education institutions in a given year, taking into account:
  - a) evaluation of the quality of education issued by the Polish Accreditation Com-

mittee during the 6 years preceding the announcement,

b) the results of the monitoring referred to in Art. 352 sec. 1, pertaining to graduates;

2) the amount of financial resources to be transferred in a given year to higher education institutions selected under the project.

3. When specifying the conditions referred to in sec. 2 point 1, the minister shall take into account the possibility of transferring financial resources to a maximum of 15 higher education institutions in a given year.

4. The minister shall publish the list of higher education institutions selected under the project in the Bulletin of Public Information on his/her website.

5. The minister shall conclude an agreement with a higher education institution, selected under the „Teaching Initiative of Excellence” project, on the basis of which he/she shall transfer financial resources.

6. Financial resources received in a given year by a higher education institution under the project shall constitute an increase in the subsidies from the financial resources referred to in Art. 365 point 1 (a)-(c), granted in the year in which the announcement was made.

**Art. 401. 1.** The minister shall establish the „Support for scientific journals” programme, the aim of which is to improve the level of publishing and editorial practices enabling Polish scientific journals entering the international scientific circulation.

2. The programme may be entered by the publishers of Polish scientific journals of a high scientific level not listed in the databases referred to in Art. 265 sec. 9 point 2 (a).

3. The minister shall publish an announcement in the Bulletin of Public Information on his/her website concerning the competition under the programme not more than every 2 years. The announcement shall specify:

1) the fields covered by the competition;

2) the maximum number of scientific journals that may be the subject matter of projects financed under the programme, but not exceeding 500;

- 3) the minimum number of scientific journals that are the subject matter of projects financed under the programme, publishing scientific articles in specific fields;
- 4) the time limit for the submission of applications.

4. Applications submitted under the programme as well as annual reports on the implementation of the tasks covered by the aid and reports on the use of financial resources shall be subject to evaluation by the advisory team appointed by the minister referred to in Art. 341.

5. The publisher who receives financial resources under the programme shall be obliged to disseminate on the Internet scientific publications published in the scientific journal during the project implementation period, in open access mode, free of charge and without any technical restrictions.

6. The minister competent for higher education and science shall specify, by way of a regulation, the detailed conditions concerning participation in the programme, as well as the conditions and mode of granting and accounting for de minimis aid, including:

- 1) the purpose of aid,
- 2) detailed criteria and manner of evaluating aid applications,
- 3) types of costs eligible for aid,
- 4) the manner of accumulating aid,
- 5) maximum aid amounts,
- 6) maximum aid intensity,
- 7) the detailed scope of information contained in aid applications and in the annual report on the implementation of tasks covered by aid and in the report on the use of financial resources

– having regard to the objective of the programme referred to in sec. 1 and the need to obtain the information necessary for the proper granting of and accounting for de minimis aid.

**Art. 402.** The minister competent for higher education and science shall specify, by way of a regulation:

- 1) the manner of the allocation of financial resources referred to in Art. 365 point 1 (a)-(c) and point 2 (a)-(d), for the public higher education institutions under its supervision, having regard to the diversity of tasks of university-type and non-university-type higher education institutions;
- 2) the manner of the allocation of financial resources referred to in Art. 365 point 2 (a)-(d) and (g), for non-public university-type higher education institutions, institutes of the Polish Academy of Sciences, research institutes and international institutes, as well as the parts of the application referred to in Art. 368 sec. 7, and the manner of determining the amount of subsidy for the Polish Academy of Learning, having regard to the need to maintain and develop the research potential of these entities and its significance for the implementation of the state science policy;
- 2a) the detailed criteria and mode of allocation of the financial resources referred to in Art. 365 point 2a, including the detailed scope of information provided in the application for their allocation, as well as the conditions and mode of accounting for these resources, including the detailed scope of information contained in the report on the use of these resources, having regard to the significance of the subsidies granted for the proper performance of tasks by the institutes of the Łukasiewicz Network and for the possibility of achieving the objectives of the Łukasiewicz Research Network;
- 3) the manner of the allocation of financial resources referred to in Art. 365 points 3 and 6, for higher education institutions, having regard to the need to ensure, respectively, material support for students and providing conditions for persons with disabilities to participate in the admission to studies, doctoral schools, education at higher education institutions and doctoral schools or to carry out scientific activity;
- 4) the detailed criteria and mode of allocation of and accounting for, as well as the mode of transfer of financial resources referred to in Art. 365:
  - a) point 4 (a) - having regard to the significance of the investments to be financed for the development of public higher education institutions,

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- b) point 4 (b) - having regard to the significance of the investments to be financed for achieving the objectives of scientific policy
- and the scope of the information contained in the application for and the report on the use of these resources, having regard to the need to ensure the consistency of the data submitted for the purposes of allocating and accounting for the resources;
- 5) the detailed manner of including infrastructure on the Map, the scope of information contained in the application for inclusion of the infrastructure on the Map and the manner of conducting the review of the Map, having regard to the significance of strategic research infrastructure for the implementation of the objectives of the state science policy, integration of national research infrastructure with international infrastructure, broadening scientific international cooperation and improving the quality of scientific research or development works as well as economic and social development of the country;
- 6) the detailed criteria and mode of allocation of the financial resources referred to in Art. 365 point 5, the detailed criteria and mode of evaluating the report on their use, the scope of the information contained in the application and the report on their use, having regard to the significance of the research equipment or a test stand and the IT infrastructure the maintenance of which is to be financed, for the achievement of the objectives of science policy;
- 7) the manner of allocating financial resources to the tasks referred to in Art. 459 point 7 for public higher education institutions training aircraft personnel for civil aviation, having regard to the need to maintain conditions for effective education and its high quality.

**Art. 403. 1.** Remuneration shall be paid from the financial resources referred to in Art. 365 point 14 to the following persons:

- 1) members of General Council for Science and Higher Education, members of Science Policy Committee, members of the Council of Scientific Excellence, members of the Polish Accreditation Committee, members of the Science Eva-

evaluation Committee, experts participating in the works of the Polish Accreditation Committee and persons holding the position of a secretary in the evaluation team, as well as experts participating in the work of the Science Evaluation Committee - for participation in the work of these entities;

- 2) members of advisory teams appointed pursuant to Art. 341 - for attending a team meeting or preparing a draft opinion;
- 3) experts appointed under Art. 341 - for preparing an opinion or expert report;
- 4) experts from the teams referred to in Art. 388 sec. 5 and Art. 397 sec. 4 - for preparing an evaluation;
- 5) experts referred to in Art. 428 sec. 2 - for participating in an inspection;
- 6) members of the disciplinary committee to General Council for Science and Higher Education - for participation in the meeting of the adjudicating panel;
- 7) members of the disciplinary committee to the minister - for participation in the meeting of the adjudicating panel;
- 8) disciplinary commissioners appointed by the minister - for conducting the investigation process and participating in the meeting of the adjudicating panel.

2. The persons referred to in sec. 1 shall be entitled to the reimbursement of travel expenses under the rules laid down in the provisions issued pursuant to Art. 775 § 2 of the Act of 26 June 1974 – Labour Code. The activities of an employer specified in these provisions shall be performed by the minister with regard to these persons.

3. Remuneration and reimbursement of travel expenses for the Council of Scientific Excellence members, the Polish Accreditation Committee members, experts participating in the work of Polish Accreditation Committee and persons holding the position of a secretary in the evaluation team shall be paid by the Council of Scientific Excellence Office and the Polish Accreditation Committee Office respectively.

4. The minister competent for higher education and science shall specify, by way of a regulation, the amount of remuneration to be paid to the persons referred to in sec. 1, having regard to the adequacy of the remuneration to the workload.

**Art. 404. 1.** The minister may commission a higher education institution, an institute of the Polish Academy of Sciences, a research institute, an entity operating within the Łukasiewicz Research Network or an international institute to perform a specific task within the scope of their statutory activity, providing adequate funds for its implementation.

2. Commissioning the tasks referred to in sec. 1 from:

- 1) a military higher education institution, a government service higher education institution, a higher education institution of art studies, a medical higher education institution or a higher education institution for maritime studies - shall require consultation with the minister supervising the institution;
- 2) a research institute - shall be agreed with the minister supervising the institute;
- 3) an institute of the Polish Academy of Sciences - shall require consultation with the President of the Polish Academy of Sciences;
- 4) an entity operating within the Łukasiewicz Research Network - shall be performed through the President of the Łukasiewicz Centre, who shall designate the Łukasiewicz Centre or an institute of the Łukasiewicz Network competent to perform this task.

3. In the event of a natural disaster or in order to fulfil international obligations, the minister may commission a higher education institution, an institute of the Polish Academy of Sciences, a research institute, the Łukasiewicz Centre or an international institute to perform other tasks as well, providing funds for their implementation.

4. The Minister may commission the Foundation for the Development of the Education System, which is a foundation of the State Treasury, to perform tasks in the area of higher education within the framework of European Union programmes pertaining to education, training, youth and sport, providing funds for their implementation.

5. The minister may commission a representative institution of higher education and science to perform a specific task within the scope of its statutory activity. The minister may ensure that adequate resources are available for the implementation of this task.

**Art. 405.** The minister may undertake activities aimed at improving the level of knowledge in the area of higher education and science, including the implementation of projects referred to in the Act of 11 July 2014 on the principles of implementation of the cohesion policy programmes, financed under the 2014-2020 financial perspective.

**Art. 406.** The revenues of a public higher education institution shall in particular consist of the financial resources referred to in Art. 365 points 1, 2 and 5.

**Art. 407**<sup>10</sup>. **1.** Financial resources from the subsidies and grants shall be deposited on a separate bank account, whereas a public higher education institution shall deposit its financial resources from the subsidies on an account operated by BGK.

2. The allocation of financial resources granted in the form of a subsidy shall be determined by the entity which received it.

**Art. 408. 1.** A public higher education institution shall manage its funds independently on the basis of the material and financial plan, in accordance with the provisions on public finance.

2. A non-public higher education institution shall manage its funds independently on the basis of the material and financial plan, and with respect to the management of resources from the state budget also in compliance with the provisions on public finance.

3. A higher education institution shall keep the accounts in accordance with the provisions on accounting, taking into account the principles set out in this Act.

4. At a higher education institution, the accounting year shall be a calendar year.

**Art. 409. 1.** A higher education institution shall hold the following funds:

- 1) the scholarship fund;
- 2) the support fund for persons with disabilities.

2. A public higher education institution shall hold:

- 1) the capital fund;
- 2) other funds whose establishment shall be provided for in separate provisions or statutes.

3. The net profit of a public higher education institution shall be allocated to the

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<sup>10)</sup> Pursuant to Art. 2 sec. 2 point 1 of the Act of 3 July 2018- Provisions enforcing the Act - the Law on Higher Education and Science, the provisions of Art. 407 shall apply as of 1 January 2020 with regard to the deposition of financial resources from subsidies by a public higher education institution on the account operated by Bank Gospodarstwa Krajowego.

capital fund.

4. The net loss of a public higher education institution shall be covered from the capital fund.

5. The net profit of a non-public higher education institution shall be allocated for statutory objectives.

**Art. 410.** The annual financial statements of a public higher education institution shall be audited by an audit firm. An audit firm shall be selected by the council of the higher education institution.

**Art. 411. 1.** The capital fund shall reflect the value of the property of a public higher education institution.

2. In a public higher education institution, fixed assets and intangible assets shall be depreciated pursuant to the rules laid down in separate provisions, except for buildings and premises as well as civil engineering facilities whose value is subject to write-offs.

**Art. 412. 1.** The scholarship fund in a higher education institution shall comprise the financial resources referred to in Art. 365 point 3 and the increases from other sources.

2. The resources of the scholarship fund which have not been used in a given financial year shall remain in the fund for the following year.

3. Funds from the scholarship fund which have been disbursed in an improper manner or in breach of Art. 91 sec. 3 or Art. 414 sec. 3 shall be reimbursed to the fund from financial resources of higher education institutions other than those from subsidies or grants from the state budget.

**Art. 413.** A non-public higher education institution may allocate in a given financial year a maximum of 0.2% of the grants awarded from the financial resources referred to in Art. 365 point 3 to cover the costs of tasks related to the award and payment of the benefits referred to in Art. 86 sec. 1 points 1-4.

**Art. 414. 1.** In consultation with the student council, the rector shall distribute the

grant from the financial resources referred to in Art. 365 point 3.

2. In a newly established higher education institution, the grant referred to in sec. 1 shall be distributed by the rector for a period of one year.

3. The grant referred to in sec. 1, disbursed in a given year for the rector's scholarships, shall constitute a maximum of 60% of the total amount of resources disbursed in a given year for the rector's scholarships, social scholarships and aids.

**Art. 415. 1.** The support fund for persons with disabilities in a higher education institution shall be the financial resources referred to in Art. 365 point 6.

2. The resources of the fund which have not been used in a given financial year shall remain in the fund for the following year.

3. The resources from the fund disbursed in an improper manner shall be reimbursed to the fund from financial resources of higher education institutions other than those from subsidies or grants from the state budget.

**Art. 416. 1.** Should the unused financial resources from the grants referred to in Art. 365 point 3 or 6 at the end of the previous year be equal to or exceed the amount of the grant determined on the basis of the algorithm referred to in Art. 368 sec. 4 or 5 respectively for the year concerned:

- 1) no financial resources referred to in Art. 365 point 3 or 6 respectively shall be allocated to a higher education institution;
- 2) a higher education institution shall reimburse unused financial resources from the grant in the amount equal to the difference between the balance of resources at the end of the previous year and the amount of the grant determined on the basis of the algorithm for the given year.

2. The provisions of the Act of 27 August 2009 on Public Finance regarding the reimbursement of the grant which has not been used by the end of the financial year shall apply to the reimbursement of funds, except that the grant shall be reimbursed within 7 days from the date of the announcement referred to in Art.368 sec. 10.

If the amount of the grant is determined on the basis of the algorithm referred to in:

- 1) Art. 368 sec. 4, is higher than the scholarship fund balance for a given year,
  - 2) Art. 368 sec. 5, is higher than the balance of the support fund for persons with disabilities for a given year
- in the part of the grant at the end of the year preceding the grant year exceeding 30% of the amount of the grant from the year preceding the year of the award of the grant, the grant determined on the basis of the algorithm shall be reduced by an amount representing the difference between the amount of that fund at the end of the year preceding the year of the award of the grant and the amount representing 30% of the amount of the grant from the year preceding the year of the award of the grant.

3. The minister shall not allocate the financial resources referred to in Art. 365 point 3 or 6, to a higher education institution which is obliged, on the basis of a writ of execution, to reimburse the financial resources referred to in those provisions.

**Art. 417.** Pending the establishment of the amount of:

- 1) subsidies from the resources referred to in Art. 365 points 1 and 2 - the subsidy may be transferred in monthly instalments amounting to 1/12 of the amount of the subsidy transferred during the preceding financial year;
  - 1a) subsidies from the resources referred to in Art. 365 point 2a - the subsidy may be transferred in monthly instalments amounting to 1/10 of the amount of the subsidy transferred during the preceding financial year;
- 2) grants from the resources referred to in Art. 365 point 3 -the grant may be transferred in monthly instalments totalling 1/10 of the amount of the grant transferred during the preceding financial year;
- 3) grants from the resources referred to in Art. 365 point 6 - the grant may be transferred in monthly instalments totalling 1/12 of the amount of the grant transferred during the preceding financial year.

**Art. 418. 1.** A public higher education institution in which the sum of net losses over a period of not more than the last five years exceeds 20% of the amount of subsidies and grants received in the year preceding the current financial year from the funds

referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), points 5 and 6, shall draw up a recovery plan.

2. The recovery plan shall include actions aimed at:

- 1) regaining financial equilibrium by balancing operating costs with revenue,
  - 2) reduction of debt so that the sum of short-term liabilities and short term prepayments and accruals in liabilities shall not exceed the sum of current assets and fixed assets under construction resulting from the balance sheet
- within a period not exceeding the end of the year in which 3 years from the date of adoption of the recovery plan.

3. The council of the higher education institution shall adopt a recovery plan with a detailed implementation schedule and submit it to the minister within six months of the date on which the loss referred to in sec. 1 is determined. The date on which a loss is determined shall be the date of approval of the financial statements by the council of the higher education institution.

4. The rector shall be responsible for the implementation of the recovery plan.

5. The rector shall report to the council of the higher education institution on the implementation of the recovery plan at least once every six months.

6. The council of the higher education institution shall submit to the minister an annual report on the implementation of the recovery plan, including a report on the implementation of the material and financial plan.

7. The council of the higher education institution may adopt an updating of the recovery plan.

8. In the event that:

- 1) a public higher education institution fails to implement the recovery plan pursuant to the mode specified in sections 2 and 3, or
- 2) evaluation of the results of the recovery plan presented in the reports referred to in sec. 6 indicates that its objectives will not be achieved, or
- 3) in the last year of the implementation of the recovery plan, the condition to deve-

lop a further recovery plan referred to in sec. 1 occurred, or

- 4) evaluation of the results of the recovery plan presented in the report referred to in sec. 6, submitted after the end of the last year of the recovery plan implementation, indicates that its objectives have not been achieved,
- the minister shall appoint, for a period not exceeding 3 years, a person acting as the rector, entrusting him/her with tasks related to the development and implementation of the subsequent recovery plan.

9. As of the date of appointing the person acting as the rector:

- 1) the rector shall be suspended from his/her duties; during the period of suspension, the rector shall not be entitled to a special duty allowance;
- 2) the activities of the collegiate of a higher education institution shall be suspended as regards decisions on financial economy.

10. Should the term of office of the rector expire during the period for which the person acting as the rector has been appointed, the election of the rector shall not be carried out until the end of that period.

11. The provisions of sections 4 and 5 shall apply accordingly to the appointment of the person acting as the rector.

**Art. 419. 1.** BGK shall provide banking services for the accounts of the funds referred to in Art. 409 sec. 1.

2. The costs of banking services referred to in sec. 1, as regards current maintenance of the account and payments made, shall be borne by the minister from the financial resources referred to in Art. 365 points 3 and 6.

3. A higher education institution with its seat outside the location in which BGK provides cash services may, upon consultation with BGK, use substitute cash services in a branch of another bank.

4. BGK shall notify the minister:

- 1) by 15 January of a given year of the balance of financial resources deposited at the end of the previous year on the following accounts:

- a) scholarship funds in the part derived from the financial resources referred to in Art. 365 point 3, as well as financial resources for scholarships, referred to in Art. 365 point 8, and
  - b) the support fund for persons with disabilities from the financial resources referred to in Art. 365 point 6;
- 2) at his/her request within 14 days - of the balance of financial resources deposited on the accounts referred to in point 1.

**Art. 420. 1.** A higher education institution may establish, using resources other than those referred to in Art. 365, its own fund for scholarships for academic performance for students and scientific scholarships for staff and doctoral students.

2. The rules for awarding the scholarships referred to in sec. 1 for students and doctoral students shall be agreed with the student or doctoral student council respectively.

3. Own scholarship fund shall be increased by:

- 1) write-offs appropriated to the business costs related to education and scientific activity;
- 2) contributions obtained from natural and legal persons.

4. The write-off may not exceed 20% of the planned net profit for a given year. In the event of making a profit:

- 1) lower than planned - the write-off shall be set in the amount proportionally reduced;
- 2) higher than planned - the write-off shall be set in the amount planned.

5. The write-off may not be effected if it would result in a loss in a financial year concerned.

6. The write-off made in a given financial year may be used beginning from the following financial year.

**Art. 421. 1.** The revenues of the Student Loan Fund shall include:

- 1) grants for a designated purpose from the state budget specified annually in the Budget Act;

- 2) proceeds from the investment of the Student Loan Fund resources in securities issued by the State Treasury;
- 3) other increases.

2. Resources from the Student Loan Fund shall be allocated to:

- 1) financing of interest receivable on loans taken by borrowers:
  - a) in its entirety - during the period of studies referred to in Art. 99 sec. 1, and within the period determined pursuant to Art. 101 sec. 1,
  - b) in the part constituting the difference between the amount of interest calculated using the interest rate specified in the agreement referred to in Art. 98 sec. 2 and the amount of interest repaid by borrowers after the period referred to in Art. 101 sec. 1;
- 2) covering the financial consequences of loan redemptions;
- 3) acquisition of securities issued by the State Treasury;
- 4) covering the costs of implementation of the tasks specified in points 1-3 incurred by BGK.

**Art. 422. 1.** The Student Loan Fund shall be operated by BGK.

2. The Student Loan Fund shall operate on the basis of an annual financial plan, specified in the financial plan of BGK.

3. The annual financial plan shall provide in particular:

- 1) the distribution of resources between the interest service fund from which payments shall be effected pursuant to Art. 421sec. 2 point 1 and the reserve fund from which payments shall be effected pursuant to Art. 421sec. 2 point 2;
- 2) the amount of the costs referred to in Art. 421 sec. 2 point 4.

4. BGK shall prepare a separate balance sheet and profit and loss account for the Student Loan Fund.

5. BGK shall submit to the minister and the minister competent for public finance:

- 1) by 30 April of a year concerned:
  - a) a report on the implementation of the financial plan of the Student Loan Fund

for the previous year,

b) a report on the operations and results of the Student Loan Fund for the previous year,

c) balance sheet and profit and loss account for the previous year,

d) a proposed amount of the grant referred to in Art. 421 sec. 1 point 1 for the following year;

2) by 15 June of a given year - draft annual financial plan of the Student Loan Fund for the following year.

6. The draft annual financial plan of the Student Loan Fund for the following year shall be approved by the minister in consultation with the minister competent for public finance by 31 July of the year concerned.

**Art. 423. 1.** The State Treasury and local government units may transfer real estate to higher education institutions pursuant to the rules and mode specified in the Act of 21 August 1997 on Real Estate Management.

2. Pursuant to the rules specified in Articles 38-41 of the Act of 16 December 2016 on the state property management principles, the performance by a public higher education institution of a legal act within the scope of effecting transactions involving fixed assets, within the meaning of the accounting regulations, and the performance by a public higher education institution of a legal act as regards making these components available to another entity for a period longer than 180 days in a calendar year shall require the consent of the President of the General Counsel to the Republic of Poland, in cases where the market value of these components or the market value of the subject matter of the legal transaction exceeds PLN 2,000,000. The consent of the council of the higher education institution shall be attached to the request for consent.

**Art. 424.** A higher education institution shall be exempt from fees for perpetual usufruct of real estate of the State Treasury, except for the fees specified in the regulations on the management of agricultural real estate of the State Treasury.

**Art. 425.** The performance by a higher education institution of the tasks referred

to in Art. 11 as well as the conduct of sports, rehabilitation or diagnostic activities shall not constitute economic activity within the meaning of the provisions of the Act of 6 March 2018 – Entrepreneurs' Law

### PART XIII

#### **Supervision of the system of higher education and science**

**Art. 426. 1.** As part of the supervision of the system of higher education and science, the minister shall supervise:

- 1) higher education institutions in terms of compliance with the provisions of law and the correctness of public funds spending;
- 2) the Polish Academy of Sciences institutes, research institutes and international institutes as regards compliance with the provisions on education at a doctoral school as well as the correctness of spending public funds provided by the minister;
- 3) The Polish Academy of Learning, General Council for Science and Higher Education, The Students' Parliament of the Republic of Poland, Polish National Association of Doctoral Candidates and entities referred to in Art.7 sec. 1 point 8, with regard to the correctness of spending public funds provided by the minister;
- 4) Polish National Agency for Academic Exchange, The National Centre for Research and Development, The National Science Centre, Łukasiewicz Centre and institutes of the Łukasiewicz Network as regards the correctness of spending the resources from the state budget.

2. The minister shall also supervise, within the scope resulting from separate regulations, the Polish Academy of Sciences, institutes of the Polish Academy of Sciences, research institutes, institutes of the Łukasiewicz Network, Łukasiewicz Centre, international institutes, Polish National Agency for Academic Exchange, The National Centre for Research and Development and The National Science Centre.

**Art. 427. 1.** The minister may request information and explanations from the entities referred to in Art. 426 sec. 1, as well as perform inspections of their activities

within the scope specified in that provision. The minister may also request information and explanations from the founder.

2. The minister shall declare invalid the following:

- 1) an act issued by the bodies of a higher education institution, excluding the resolution referred to in Art. 192 sec. 2 and 3 and Art. 221 sec. 14, and an administrative decision,
  - 2) an act concerning studies at a doctoral school issued by an institute of the Polish Academy of Sciences, a research institute or an international institute, excluding an administrative decision,
  - 3) founder's act on bestowing statutes
- if they prove to be unlawful.

3. The decision of invalidity of the act shall be subject to an appeal to the administrative court within 30 days of its delivery. The provisions on appeals against administrative decisions to administrative courts shall apply accordingly.

4. The minister, in the event when:

- 1) higher education institution or its founder violates the provisions of law or the permission to establish studies in a specific field of study, level and profile,
  - 2) the Polish Academy of Sciences institute, research institute or international institute violates the provisions concerning education at a doctoral school
- shall issue a request for the cessation of this activity and for the remedying of the violation, setting a time limit for remedying the violation.

5. Should a higher education institution, the founder, institute of the Polish Academy of Sciences, a research institute, Łukasiewicz Centre, institute of the Łukasiewicz Network or an international institute fail to implement the conclusions or recommendations prepared as a result of the inspection referred to in sec. 1, the provisions of sec. 4 shall apply accordingly.

6. In the event of failure to comply with the request referred to in sec. 4, the minister may, by way of an administrative decision, suspend enrolment to studies or

doctoral school for the following academic year. The decision shall be immediately enforceable.

7. Should it be found that a higher education institution provides degree programmes in breach of Art. 53, Art. 57 or Art. 60 sec. 2, the minister shall order, by way of an administrative decision, that the institution cease such activities. The decision shall be immediately enforceable.

**Art. 428. 1.** The provisions on inspection in government administration shall apply to the inspection referred to in Art. 427 sec. 1.

2. Experts may be appointed for the inspection.

3. An expert may not be a person who is or has been employed by the inspected entity during the 5 years preceding the inspection, or is or has been the person performing the task to which the inspection relates. An expert may also not be a person in relation to whom there are factual or legal circumstances which may affect the impartiality of the inspection.

**Art. 429.** The rector shall notify the minister and the minister supervising a higher education institution and the Polish Accreditation Committee about the following:

- 1) establishing studies pursuant to Art. 53 sec. 7–9,
- 2) commencement and cessation of conducting studies in a specific field of study, level and profile,
- 3) failure to meet the conditions for conducting studies in a specific field of study, level and profile

– within one month of the date on which these circumstances occurred.

**Art. 430. 1.** The minister may, by way of an administrative decision, order the founder to liquidate a non-public higher education institution in the event that:

- 1) after the date of the issuance of the decision on entry into the register, the conditions set out in Art. 40 sec. 1 points 1-5 occurred;
- 2) a higher education institution has been revoked all permissions to establish studies;
- 3) acts or omissions of the founder or bodies of a higher education institution pre-

vent it from operating in accordance with the law;

- 4) a higher education institution prevents or hinders programme evaluation or evaluation of the quality of education at a doctoral school;
- 5) a higher education institution or the founder prevent or hinder the performance of the inspection referred to in Art. 427 sec.1, or fail to comply with the conclusions or recommendations of such inspection or to comply with the request referred to in Art. 427 sec. 4 point 1.

2. The minister, by way of an administrative decision, shall order the founder to liquidate a non-public higher education institution if financial resources referred to in Art. 38 sec. 2 point 4 are not allocated within the time limit specified in Art. 38 sec. 3.

3. A non-public higher education institution shall be put into liquidation from the date on which the decision in the case referred to in sec. 1 or 2 becomes final.

4. The provisions of Art. 45 sec. 4-7, Art. 46, Art. 82 and Art. 206 shall apply accordingly.

5. Should the founder fail to proceed to liquidation within 3 months of the date of delivery of the decision referred to in sec. 1 or should the liquidation not be conducted, the obligation to proceed to, conduct or terminate the liquidation shall be performed in the manner specified in the provisions of the Act of 17 June 1966 on enforcement proceedings in administration.

6. The provisions of Articles 35-37 and Articles 96a-96n of the Code of Administrative Procedure shall not apply to proceedings in the cases referred to in sections 1 and 2.

**Art. 431. 1.** The minister may impose an administrative monetary penalty on a higher education institution in the amount of up to:

- 1) PLN 100,000 in the event of conducting degree programmes in breach of the provisions of Art. 53, Art. 57 or Art. 60 sec. 2;
- 2) PLN 50,000 in the event of:
  - a) violating the obligations referred to in Art. 82, Art. 119 sections 3 and 4, Art.

188, Art. 222, Art. 358 and Art. 429,

b) not entering into the POL-on-System of the data referred to in Art. 343 sec. 1, Art. 344 sec. 1, Art. 345 sec. 1, Art. 346 sec. 1, Art. 348 sec. 1 or in the provisions issued pursuant to Art. 353 and in the event that they are not updated, archived or removed from this system,

c) charging students fees in breach of the provisions of Art. 79, Art. 80, or the provisions issued pursuant to Art. 81 within the scope referred to in Art. 81 points 12 and 13;

3) PLN 5,000 in the event of a breach of the time limit referred to in Art. 77 sec. 2.

2. The minister may impose on an institute of the Polish Academy of Sciences, a research institute, the Łukasiewicz Centre, the institute of the Łukasiewicz Network, or an international institute, an administrative monetary penalty of up to PLN 50,000 in the event of:

- 1) violating the obligations referred to in Art. 188, Art. 222 and Art. 358;
- 2) not entering into the POL-on-System of the data referred to in Art. 343 sec. 1, Art. 345 sec. 1, Art. 346 sec. 1, Art. 348 sec. 1 or in the provisions issued pursuant to Art. 353 and in the event that they are not updated, archived or removed from this system.

3. The proceeds of the penalties referred to in sec. 1 and 2 constitute state government revenue.

**Art. 432. 1.** Should it be found that the rector violates the provisions of law, the minister may apply to the electoral college or the entity which elected the rector or appointed him/her with a motion to dismiss the rector.

2. A motion to dismiss the rector shall be considered within 30 days of the date of its delivery.

3. Pending consideration of the motion to dismiss the rector, the minister may suspend him/her from his/her duties.

4. The rector shall be suspended from his/her duties by virtue of law when he/she

is subject to criminal proceedings for an intentional indictable offence or proceedings for an intentional fiscal offence. The provision of Art. 24 sec. 8 shall apply accordingly.

5. Should the rector grossly or persistently violate the law, the minister may dismiss him/her, after consultation with General Council for Science and Higher Education and the relevant conference referred to in Art. 329 sec. 1 points 2-4. Opinions shall be presented within 30 days of the date of delivery of the motion for their issue. In the event of the ineffective expiry of that period, the requirement to consult shall be deemed to have been met. Should the rector be dismissed by the minister, the provisions of Art. 24 sections 7 and 8 shall apply accordingly.

6. If the council of the higher education institution finds that the law has been violated, the minister shall request the senate to shorten the term of office of the council. The provisions of sections 2-5 shall apply accordingly.

7. In instances referred to in sections 1 and 6, the resolution shall be adopted by an absolute majority of votes.

8. Within 30 days of the adoption of a resolution on the shortening of the term of office of the council of the higher education institution, the senate shall appoint a new council for the period until the end of the term of office of the existing council of the institution. This period shall not be counted in the number of terms of office referred to in Art. 21 sec. 2.

#### PART XIV

##### **Special provisions**

**Art. 433. 1.** A public higher education institution, supervised by:

- 1) the Minister of National Defence - shall be a military higher education institution;
- 2) the minister competent for interior or the Minister of Justice - shall be a government service higher education institution;
- 3) the minister competent for culture and national heritage protection - shall be a higher education institution of art studies;

- 4) the minister competent for health - shall be a medical higher education institution;
- 5) the minister competent for maritime economy - shall be a higher education institution for maritime studies.

2. The ministers referred to in sec. 1, shall supervise higher education institutions pursuant to the rules laid down in part XIII.

3. The supervision referred to in part XIII over a public theological higher education institution and another public higher education institution conducting education in theology shall be exercised by the minister, and, to the extent specified in the international agreement concluded with the Holy See and in the acts regulating the relations between the Republic of Poland and churches and religious associations other than the Catholic Church, as well as in the statutes of such higher education institutions, by the authorities of churches and other religious associations.

**Art. 433a.** In cases justified by exceptional circumstances posing a threat to the life or health of members of the community of a military higher education institution, government service higher education institution, higher education institution of art studies, medical higher education institution or higher education institution for maritime studies, the competent minister supervising such higher education institutions may, by way of a regulation, temporarily restrict or suspend the operation of higher education institutions in the territory of the country or a part thereof, having regard to the degree of threat in that territory.

**Art. 434. 1.** A military higher education institution shall concurrently constitute a military unit within the meaning of the Act of 21 November 1967 on universal obligation to defend the Republic of Poland.

2. A military higher education institution which is a non-university-type higher education institution shall be established, liquidated or renamed by the minister competent for higher education and science, by way of a regulation, at the request of the Minister of National Defence, having regard to the needs concerning national defence capability and security.

3. A military higher education institution shall conduct qualifying and skills improvement courses and other forms of education. 4. The scope of activities of a government service higher education institution as an organisational unit of the respective service shall be defined in separate provisions.

5. A government service higher education institution which is a non-university-type higher education institution shall be established, liquidated or renamed by the minister competent for higher education and science, by way of a regulation, at the request of the minister competent for interior or the Minister of Justice, having regard to the needs concerning public defence.

**Art. 435. 1.** The minister referred to in Art. 24 sec. 4 and sec. 9 point 1,

Art. 35 sec. 8, Art. 36 sections 3, 4, 7, 8, 13, 14 and 17, Art. 50 sec. 7 point 2, Art. 140 sec. 1, Art. 159 sections 3-5, Art. 293 sec. 5, Art. 299 sec. 1, Art. 323 sec. 1 point 3, sections 2 and 3, Art. 324 sec. 1 point 2, Art. 359 sections 1 and 2, Art. 404 sec. 1, Art. 418 sec. 3, 6 and 8, Art. 419 sec. 4 and:

- 1) Art. 368 sections 8-10 and Art. 369 sec. 1 - as regards the increases made,
- 2) Art. 380 sec. 1, Art. 384 sec. 1 and Art. 385 - as regards financial resources allocated – with respect to a military higher education institution, a government service higher education institution, a higher education institution of art studies, a medical higher education institution and a higher education institution for maritime studies shall mean the minister supervising a higher education institution.

2. The minister referred to in Art. 159 sec. 3-5 as regards the formation of the companies referred to in Art. 159 sec. 1, jointly with a research institute or an institute of the Polish Academy of Sciences with respect to those institutes shall be understood as the minister supervising the research institute or the President of the Polish Academy of Sciences respectively.

**Art. 436.** In a military higher education institution and a government service higher education institution, the rector and the senate shall constitute the bodies of the institution. Statutes of a higher education institution shall specify the bodies of the

institution performing the tasks of the council of the higher education institution.

**Art. 437.** Restriction resulting from Art. 30 sec. 2 shall not apply to a higher education institution of art studies.

**Art. 438. 1.** The Minister of National Defence:

- 1) shall designate the rector of a military higher education institution from among professional soldiers, or
  - 2) shall appoint the rector of a military higher education institution from among the former professional soldiers
- meeting the requirements specified in Art. 24 sec. 1.

2. The provision of Art. 24 sec. 10 shall apply to the employment of the rector of a military higher education institution. The provision of Art. 140 sec. 1 with regard to the request shall not apply to the determination of basic salary and the special duty allowance for the rector.

3. The Minister of National Defence shall designate a person from among the professional soldiers holding a managerial position in a military higher education institution for the performance of its tasks as a military unit.

4. The rector of a military higher education institution referred to in sec. 1 point 1 and the person referred to in sec. 3 shall be academic teachers. In the decision to designate the rector or the person referred to in sec. 3, the Minister of National Defence shall specify the assignment to one of the groups of employees referred to in Art. 114 and to one of the positions referred to in Art. 116 sec. 1 or defined pursuant to Art. 116 sec. 4 point 1. The provisions of Art. 116 sec. 2 and 3 and Art. 451 sec. 2 shall apply.

5. The rector of a military higher education institution and the person referred to in sec. 3 may be dismissed from his/her official position or recalled by the Minister of National Defence.

**Art. 439. 1.** The rector of a government service higher education institution shall be designated by the minister competent for interior from among the officials of the relevant service meeting the requirements laid down in Art. 24 sec. 1.

2. In special instances, the minister competent for interior may designate the rector of a government service higher education institution from among the officers not meeting the requirements specified in Art. 24 sec. 1, having a rank in the relevant service corresponding at least to the rank of Brigadier General.

3. The provision of Art. 140 sec. 1 with regard to the request shall not apply to the determination of basic salary and the special duty allowance for the rector.

4. At the request of the rector, the minister competent for interior shall appoint a person from among the officials of the relevant government service who shall perform a managerial function in a government service higher education institution as an organisational unit of the relevant service.

5. The rector of a government service higher education institution and the person referred to in sec. 4 shall be academic teachers. In the decision to designate the rector or the person referred to in sec. 4, the minister competent for interior shall specify the assignment to one of the groups of employees referred to in Art. 114 and to one of the positions referred to in Art. 116 sec. 1 or defined pursuant to Art. 116 sec. 4 point 1. The provisions of Art. 116 sections 2 and 3 and Art. 451 sec. 4 shall apply.

6. The rector of a government service higher education institution and the person referred to in sec. 4 may be recalled by the minister competent for interior.

7. The provisions of the Act of 9 April 2010 on the Prison Services shall apply to a government service higher education institution supervised by the Minister of Justice in the cases referred to in sections 1 to 6.

**Art. 440.** The rector of a military higher education institution and a government service higher education institution shall concurrently be the commander of the higher education institution within the meaning of the legislation on the military service or the relevant government service respectively.

**Art. 441.** Statutes of a military higher education institution and statutes of a government service higher education institution shall enter into force on the date of the issuance of the decision by the minister supervising the institution approving the statu-

tes, unless a later date has been specified therein. The decision shall be issued within 3 months from the date of submission of the statutes by the senate.

**Art. 442. 1.** Statutes of a public theological higher education institution shall be adopted in consultation with the competent authorities of churches and other religious associations. The provisions of Art. 34 sec. 2 shall apply accordingly.

2. The provisions of sec. 1 shall apply to another public higher education institution conducting education in theology, with the proviso that the consultation with the competent authorities of churches and other religious associations shall apply only to the provisions of the statutes relating to the conduct of such education.

**Art. 443.** In a military higher education institution and a government service higher education institution, the conditions and mode of recruitment referred to in Art. 70 sec. 1 shall be laid down by the minister responsible for supervising the institution at the request of the rector, with regard to candidates for professional soldiers and officials of the relevant services.

**Art. 444. 1.** Recruitment to studies in medical and medical and dental fields of study, or the admissions to studies of candidates for professional soldiers, firefighters and Prison Service officials serving as candidates and firefighters and Prison Service officials in permanent active duty referred to study by the relevant superior shall take place within the volumes of admission.

2. Upon consultation with the minister competent for health, the minister competent for higher education and science shall specify, by way of a regulation, the volume of admissions to studies in medical and medical and dental fields of study in particular higher education institutions, having regard to the teaching capacity of a higher education institution and the demand for graduates of such studies.

3. The Minister of National Defence shall specify, by way of a regulation, the volume of admissions to studies in a given field of study for candidates for professional soldiers in particular military higher education institutions, having regard to the teaching capacity of a higher education institution and the demand for graduates of such studies.

4. The minister competent for interior shall specify, by way of a regulation, the volume of admissions to studies in a given field of study for firefighters serving as candidates and for firefighters in permanent active duty who are referred to study by their relevant superior, having regard to the teaching capacity of a higher education institution and the demand for graduates of such studies.

5. The Minister of Justice shall specify, by way of a regulation, the volume of admissions to studies in a given field of study for officials of the Prison Service serving as candidates and for officials of the Prison Service in permanent duty referred to study by their relevant superior, having regard to the teaching capacity of a higher education institution and the demand for graduates of such studies.

6. In a government service higher education institution, the following shall not form part of the overall number of students studying in part-time programmes referred to in Art. 63 sec. 3:

- 1) firefighters in permanent duty who are referred to such degree programmes by their relevant superior as mentioned in Art. 32 sec. 1 points 1-3, 5, 6 and 8 of the Act of 24 August 1991 on the State Fire Service;
- 2) police officers in permanent duty who are referred to such degree programmes by their relevant superior as mentioned in Art. 32 sec.1 of the Act of 6 April 1990 on the Police;
- 3) Prison Service officials in permanent active duty referred to study by the relevant superior as mentioned in Art. 32 sec. 1 of the Act of 9 April 2010 on the Prison Service.

**Art. 445.** Study regulations referred to in Art. 75 sec. 1 in a military higher education institution and a government service higher education institution shall enter into force upon approval by the minister supervising the higher education institution.

**Art. 446.** Candidate service of a firefighter or Prison Service official who is a student shall be counted towards the internship referred to in Art. 67 sec. 5.

**Art. 447.** Students who are:

- 1) candidates for professional soldiers or professional soldiers who took up studies based on referral from a competent military authority and received support with regard to their studies based on the regulations on military service for professional soldiers,
  - 2) government services officials serving as candidates or the government services officials who took up studies based on referral or consent of the relevant superior and received support with regard to their studies based on the regulations on service
- shall not be entitled to leave of absence from classes, benefits referred to in Art. 86 sec. 1, accommodation and meals referred to in Art. 104, and the minister's scholarship referred to in Art. 359 sec. 1.

**Art. 448.** Approval of the rules for the award of a scholarship for academic performance or sporting achievements referred to in Art. 97 sec. 2, with respect to a military higher education institution, a government service higher education institution, a higher education institution of art studies, a medical higher education institution or a higher education institution for maritime studies, shall require consultation with the minister supervising the institution.

**Art. 449.** The provisions of Art. 106 shall not apply to a military higher education institution and to a government service higher education institution.

**Art. 450.** A government service higher education institution shall remove from the list of students a student who is a government service official serving as a candidate also in the event of dismissal from that service.

**Art. 451. 1.** In a military higher education institution, a professional soldier shall be appointed to the position of academic teacher pursuant to the rules and mode specified in the legislation on the military service of professional soldiers. The provisions of sec. 2 and Art. 116 sections 2-4 shall apply.

2. The position of professor in a military higher education institution may be held by a person who does not fulfil the requirements referred to in Art. 116 sec. 2 point 2

and who holds at least the military rank of Brigadier General or Rear Admiral.

3. In a government service higher education institution, a person shall be appointed to hold the position of academic teacher pursuant to the rules and mode specified in the legislation applicable to those services. The provisions of sec. 4 and Art. 116 sections 2-4 shall apply.

4. The position of professor in a government service higher education institution may be held by a person who does not fulfil the requirements referred to in Art. 116 sec. 2 point 2 and who has a degree in the relevant service corresponding at least to that of Brigadier General.

5. The position of professor in a higher education institution for maritime studies may also be held by a person having at least the degree of doktor and the highest qualifications confirmed by the diploma referred to in Art. 63 point 1 of the Act of 18 August 2011 on maritime safety.

**Art. 452.** In a military higher education institution, an academic teacher who is a professional soldier shall be dismissed from office pursuant to the rules and mode specified in the legislation on the military service for professional soldiers.

**Art. 453. 1.** In a military higher education institution, a professional soldier who is an academic teacher shall apply for permission for the additional employment referred to in Art. 125 sec. 1, in accordance with the mode specified in the legislation on the military service of professional soldiers. Taking up additional employment under the employment relationship with another employer without the consent of the rector shall result in the rector submitting an application for dismissal from office, in accordance with the mode specified in the legislation on the military service of professional soldiers.

2. Expiration of the tenure of the rector of a military higher education institution and a government service higher education institution in the case referred to in Art. 125 sec. 6 shall be declared by the minister supervising the institution.

3. Expiration of the tenure of the rector of a higher education institution of art

studies, a medical higher education institution and a higher education institution for maritime studies in the case referred to in Art.125 sec. 6 shall be declared by the minister supervising the institution at the request of the council of the higher education institution.

**Art. 454. 1.** An academic teacher employed in a higher education institution conducting activities in medical or health sciences shall participate in the provision of healthcare by performing teaching and research tasks in connection with the provision of health services in an organisational unit made available to the institution by an entity conducting medical activity pursuant to the rules laid down in the legislation on medical activity.

2. An academic teacher shall participate in the provision of health services referred to in sec. 1 under an agreement concluded with the entity referred to in sec. 1.

3. The provisions of sections 1 and 2 shall apply accordingly to a higher education institution conducting activities in veterinary sciences.

**Art. 455.** Benefits for persons who are:

- 1) professional soldiers performing tasks in a military higher education institution - shall be laid down in the legislation on the military service of professional soldiers;
- 2) government service officials performing tasks in a government service higher education institution - shall be laid down in the legislation applicable to those services.

**Art. 456.** The provisions of the Act of 11 September 2003 on the Military Service of Professional Soldiers shall also apply to professional soldiers holding positions in higher education institutions.

**Art. 457. 1.** In matters pertaining to the disciplinary liability of academic teachers holding the positions of the rector and the chair of the disciplinary committee of a higher education institution, employed in a military higher education institution, a government service higher education institution, a higher education institution of art

studies, a medical higher education institution and a higher education institution for maritime studies, the disciplinary commissioner shall initiate proceedings at the request of the minister supervising the institution.

2. As far as proceedings in the matters referred to in sec.1 are concerned, the minister supervising a higher education institution shall have the rights referred to in Art. 289 sections 1 and 3.

**Art. 458. 1.** The minister supervising a higher education institution may grant the award referred to in Art. 362 to an academic teacher employed in a military higher education institution, a government service higher education institution, a higher education institution of art studies, a medical higher education institution or a higher education institution for maritime studies.

2. The Minister of National Defence, the minister competent for interior, the Minister of Justice, the minister competent for culture and national heritage protection, the minister competent for health and the minister competent for maritime economy, each within the scope of his/her competence, shall define, by way of a regulation, the detailed criteria and mode of granting and the method for payment of:

- 1) scholarships referred to Art. 359 sec. 1, the types of achievements and the manner of their documentation, the maximum number of scholarships to be awarded, the maximum amount of the scholarship and a specimen application form,
  - 2) the awards referred to in Art. 362, the types of achievements and the manner of their documentation, the maximum number of awards to be granted to students and young researchers, including doctoral students, the maximum amount of the award and a specimen application form
- having regard to the need to ensure a high level of achievements enabling the granting of a scholarship or an award, the efficient conduct of procedures for their granting and their efficient payment as well as the adequacy of the amount of the scholarship or award to the rank of achievements.

**Art. 459.** Financial resources for higher education and science shall be allocated

in the form of a grant defined as to grantee also for the tasks related to:

- 1) national defence;
- 2) the safety of citizens and civil protection;
- 3) prison service;
- 4) cultural activity within the meaning of the provisions on organising and conducting cultural activity;
- 5) implementation of tasks related to post-graduate specialisation education for doctors, dental practitioners, veterinary surgeons, pharmacists, nurses and midwives and laboratory diagnosticians;
- 6) maintenance of training vessels and specialised seafarers' training centres;
- 7) maintenance of training aircraft and specialised aviation training centres;
- 8) internationalisation of higher education or science.

**Art. 460. 1.** The Minister of National Defence shall provide military higher education institutions with the financial resources referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), point 3, point 4 (a) and point 6, and the financial resources for the tasks referred to in Art. 459 point 1. The Minister of National Defence may establish and finance scholarships and awards related to education and research concerning national security.

2. The minister competent for interior shall provide government service higher education institutions with the financial resources referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), point 3, point 4 (a) and point 6, and the financial resources for the tasks referred to in Art. 459 point 2. The minister competent for interior may establish and finance scholarships and awards related to education and research concerning public security.

3. The Minister of Justice shall provide government service higher education institutions with the financial resources referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), point 3, point 4 (a) and point 6, and the financial resources for the tasks referred to in Art. 459 point 3. The Minister of Justice may establish and finance scholarships and awards related to education and research concerning public security.

4. The minister competent for culture and national heritage protection shall provide higher education institutions of art studies with the financial resources referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), point 3, point 4 (a) and point 6, and the financial resources for the tasks referred to in Art. 459 point 4.

5. The minister competent for health shall provide:

- 1) medical higher education institutions - with the financial resources for the tasks referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), point 3, point 4 (a) and point 6, and the financial resources for the tasks referred to in Art. 459 point 5;
- 2) other higher education institutions conducting education in medical sciences or health sciences - with the financial resources for the tasks referred to in Art. 459 point 5.

6. The minister competent for maritime economy shall provide higher education institutions with the financial resources referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), point 3, point 4 (a) and point 6, and the financial resources for the tasks referred to in Art. 459 point 6.

7. The minister competent for transport shall provide public higher education institutions training aircraft personnel for civil aviation with the financial resources for the tasks referred to in Art. 459 point 7.

8. The financial resources referred to in:

- 1) sections 1-4, sec. 5 point 1 and sec. 6 - shall be allocated from the part of the budget administered by the minister supervising a higher education institution;
- 2) sec. 1 within the financial measures referred to in Art. 365 point 1 (a)-(c), point 2 (a)-(d), points 3 and 6, assigned to tasks related to the education of full-time students and doctoral students who are civilians in military higher education institutions - shall be allocated from the part of the budget administered by the Minister of National Defence as part of the „higher education and science” section;
- 3) sec. 5 point 2 - shall be allocated from the part of the budget administered by the minister competent for health;

4) sec. 7 - shall be allocated from the part of the budget administered by the minister competent for transport.

9. The financial resources referred to in Art. 365 point 8, shall be allocated from the part of the budget administered by the minister supervising a higher education institution.

10. The use of the financial resources referred to in sec. 8 point 2 shall not constitute budgetary expenditure as referred to in Art. 7 sec. 1 of the Act of 25 May 2001 on Reconstruction, Technical Modernisation and the Financing of the Polish Armed Forces.

**Art. 461. 1.** In the case:

- 1) referred to in Art. 323 sec. 2,
  - 2) commissioning the task referred to in Art. 459 point 8
- the minister supervising a higher education institution shall transfer financial resources to Polish National Agency for Academic Exchange.

2. The provision of Art. 323 sec. 2, second sentence, shall not apply to the benefits referred to in Art. 323 sec. 2, first sentence, granted by the minister competent for culture and national heritage protection.

**Art. 462. 1.** The amount of the subsidies from the financial resources referred to in Art. 365 point 1 (a)-(c) and point 2 (a)-(d), shall be determined on the basis of the algorithms specified in the regulations issued pursuant to sec. 2.

2. The Minister of National Defence, the minister competent for interior, the Minister of Justice, the minister competent for culture and national heritage protection, the minister competent for health and the minister competent for maritime economy, each within the scope of their competence, shall define, by way of a regulation, the method of allocation:

- 1) of the financial resources referred to in Art. 365 point 1 (a)-(c) to the higher education institutions supervised by him/her,
- 2) of the financial resources referred to in Art. 365 point 2 (a)-(d) to the higher edu-

education institutions supervised by him/her,

3) of the financial resources for the tasks referred to in Art. 459 points 1-6 to the higher education institutions supervised by him/her

4) (repealed)

– having regard to the division into university-type and non-university-type higher education institutions, their diverse tasks and the proper performance of those tasks and its impact on the high level of education, as well as on the implementation of the state science policy.

**Art. 463.** The competition under the „Excellence Initiative – Research University” programme, referred to in Art. 387 sec. 1, may be entered by a medical higher education institution which:

1) conducts scientific activity in at least 3 disciplines in medical sciences or health sciences in which the quality evaluation of scientific activity has been conducted and has a scientific category A+ or A in more than a half of these disciplines;

2) complies with the conditions referred to in Art. 388 sec. 1 points 2-5.

**Art. 464. 1.** Having notified the minister and after obtaining the opinion of the senate, the minister competent for education and upbringing may commission a higher education institution to perform a specific task related to the teaching or training of research staff, providing adequate resources for its performance.

2. Having obtained the opinion of the minister supervising a higher education institution, the minister competent for education and upbringing may commission a military higher education institution, a government service higher education institution, a higher education institution of art studies, a medical higher education institution and a higher education institution for maritime studies to perform the task referred to in sec. 1.

3. In consultation with the minister responsible for physical culture, having obtained the opinion of the senate of a public higher education institution providing education in sport, the minister competent for physical culture may commission such a hi-

gher education institution to perform a specific task involving the teaching or training of staff for the purposes of sport, providing adequate resources for its performance.

4. The Minister of National Defence may commission a military higher education institution to perform a task related to the operation of the higher education institution as a military unit, should such a task be necessary for the purposes of public defence capability and security, the state of natural disaster, in order to fulfil international obligations or other tasks performed for the purposes of the Armed Forces of the Republic of Poland. The resources necessary to perform the task shall be provided by the Minister of National Defence, unless the agreement to perform this task provides otherwise.

5. The task referred to in sec. 4 shall be performed by professional soldiers, candidates for professional soldiers or employees of a higher education institution.

6. The minister competent for interior and the Minister of Justice may commission a government service higher education institution under his/her supervision to perform a task related to the operation of the higher education institution as an organisational unit of the relevant service, should such a task be necessary in view of public safety needs, civil protection or in order to fulfil international obligations. The resources necessary to perform the task shall be provided by the competent minister, unless the agreement to perform this task provides otherwise.

7. The task referred to in sec. 6 shall be performed by government service officials or experts with considerable achievements as regards that task.

**Art. 465.** A recovery plan implemented in a military higher education institution or a government service higher education institution shall not cover the operations of the institution as a military unit or organisational unit of the relevant service.

**Art. 466. 1.** The costs of banking services referred to in Art. 419 sec. 1, concerning the funds of a military higher education institution, a government service higher education institution, a higher education institution of art studies, a medical higher education institution and a higher education institution for maritime studies shall be borne by the minister supervising the higher education institution from the financial

resources referred to in Art. 365 points 3 and 6.

2. BGK shall notify the minister supervising the higher education institution:

- 1) by 15 January of a given year of the balance of financial resources deposited at the end of the previous year on the following accounts:
  - a) of scholarship funds in the part derived from the financial resources referred to in Art.365 point 3, as well as financial resources for scholarships referred to in Art. 365 point 8, and
  - b) the support fund for persons with disabilities from the financial resources referred to in Art. 365 point 6;at his/her request within 14 days – of the balance of financial resources deposited on the accounts referred to in point 1.

**Art. 467.** The provision of Art. 425 shall apply mutatis mutandis to the tasks referred to in Art. 459.

**Art. 468.** (repealed)

**Art. 469.** *[In the event of awarding contracts referred to in Art. 4d sec. 1 point 1 of the Act of 29 January 2004 - Public Procurement Law, if their value exceeds the amount specified in the provisions issued on the basis of Art. 11 sec. 8 of this Act, the entity referred to in Art. 3 sec. 1 of this Act, to which the provisions of this Act shall apply:]*

**In the event of awarding contracts referred to in Art. 11 sec. 5 point 1 of the Act of 11 September 2019 - Public Procurement Law, if their value equals or exceeds the EU thresholds referred to in Art. 3 sec. 1 of this Act, the entity referred to in Art. 4, Art. 5 sec. 1 and Art. 6 of this Act, to which the provisions of this Act shall apply:**

- 1) shall publish the contract notice on their website in the Bulletin of Public Information;
- 2) shall act in such a way as to ensure transparency, equal treatment of those interested in the performance of the contract and having regard to circumstances likely to affect its award;
- 3) shall not disclose information related to the contract, constituting a trade secret

**The new wording of the introduction to the enumeration in Art. 469 shall enter into force on 1 January 2021.**

within the meaning of the provisions on combating unfair competition when the entity interested in the performance of the contract, no later than before the conclusion of the agreement for the performance of that contract, stipulated that it cannot be disclosed;

- 4) shall immediately publish on their website in the Bulletin of Public Information the contract award notice, providing the name or forename and last name of the entity with which they concluded an agreement for the performance of the contract, or the notice of non-award of the contract.

## PART XIVA

### **Personal data processing**

**Art. 469a.** The obligation resulting from the fulfilment of a request made pursuant to Art. 16 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 04.05.2016, p. 1, as amended<sup>13</sup>), hereinafter referred to as „Regulation 2016/679”, shall be performed by the entity which acquired the data from the data subject.

**Art. 469b. 1.** The application of the provisions of Art. 15, Art. 16, Art. 18 and Art. 21 of Regulation 2016/679 shall be excluded for the processing of personal data by the entities referred to in Art. 7 sec. 1 points 1 and 4-7 for the purposes of scientific research and development work, if the rights specified therein are likely to prevent or seriously impede the achievement of the objectives of scientific research and development works and if these exclusions are necessary for the achievement of these objectives.

2. Insofar as is necessary for conducting scientific research and development work, the processing of personal data revealing racial or ethnic origin, political views, religious or philosophical beliefs, trade union membership and the processing of genetic data, biometric data to identify unequivocally an individual or data pertaining to his/her health,

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<sup>13</sup>) The amendment to the said Regulation was proclaimed in OJ L 127, 23.05.2018, p. 2

sexuality or sexual orientation shall be permitted, provided that the publication of the results of such research and development work shall be made in such a manner that the individual whose data have been processed cannot be identified.

3. When processing the personal data referred to in sections 1 and 2, the personal data administrator shall implement appropriate technical and organisational security measures for the rights and freedoms of natural persons whose personal data are processed in accordance with Regulation 2016/679, in particular by replacing identifiable personal data with pseudonyms or encryption of the data, granting the right to process them to a minimum number of persons necessary for research and development, controlling access to the premises where the documents containing personal data are stored, and developing a procedure to determine how the data are secured.

4. The personal data referred to in sections 1 and 2 shall be anonymised as soon as the research or development objective is achieved. Until then, the data which may be used to identify the natural person concerned shall be recorded separately. They may be combined with particulars of the individual concerned only if the purpose of the research or development so requires.

5. The provisions of sections 1- 4 shall apply to the processing of personal data in order to prepare a diploma thesis or doctoral dissertation required for the award of a graduation diploma or a degree, respectively.

## PART XV

### Final provision

**Art. 470.** The Act shall enter into force on the date<sup>14</sup> and under the rules specified in the Act of 3 July 2018 - Provisions enforcing the Act - the Law on Higher Education and Science.

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<sup>14</sup>) The Act entered into force on 1 October 2018, save for:

- 1) Art. 5, Art. 116 sec. 7, Articles 265–274 and Art. 401, which entered into force on 31 August 2018, 2) Art. 68 sec. 3, Articles 98–103, Art. 403, Articles 406–415, Articles 418–422 and Art. 460 sec. 8 point 2, which entered into force on 1 January 2019,
- 3) Articles 86–95, Articles 198–216 and Art. 263, which entered into force on 1 October 2019,
- 4) Art. 122, Art. 243 and Art. 248 point 2, which shall enter into force on 1 October 2020,
- 5) Art. 14 sec. 1 and Art. 15 sec. 1 and sections 5–9, which shall enter into force on 1 October 2021,
- 6) Art. 53 sec. 9 and Art. 69 sec. 2 points 2 and 3, which shall enter into force on 1 January 2022, pursuant to Art. 1 of the Act of 3 July 2018 - Provisions enforcing the Act - the Law on Higher Education and Science.