

# **OLD DOCTORAL PROCEDURE AND PROCEEDINGS FOR THE AWARDING OF THE DOCTORAL DEGREE**

## **GUIDE BY THE POLISH NATIONAL ASSOCIATION OF DOCTORAL CANDIDATES**

The publication was made as part of the public task "Local Ambassador for Doctoral Candidate Rights" organized by the Polish National Association of Doctoral Candidates with funds from the Ministry of Education and Science within the framework of the public task "Organizing and animating activities for the academic community".

## INTRODUCTION

In the current legal framework, there are two procedures under which it is possible to obtain a doctoral degree:

- *old doctoral procedure* (old procedure, *przewód doktorski*), for doctoral candidates who have opened the procedure by 30 April 2019,
- *proceeding for the awarding of the doctoral degree* (new procedure, *postępowanie w sprawie nadania stopnia doktora*), for doctoral candidates who have commenced proceedings for the award of the degree after 30 September 2019.

It should be emphasised, however, that it is no longer possible to initiate old doctoral procedure (as they could have been initiated until 30 April 2019). Ongoing old doctoral procedures, on the other hand, may be continued until their completion, but no later than by 31 December 2024. This stems directly from Article 179(4)(2) of the Act of 3 July 2018. - Provisions Introducing the Act - Law on Higher Education and Science.<sup>1</sup> This provision was amended by the Act of 28 July 2023 amending the Act - Teachers' Charter and certain other acts<sup>2</sup>.

After 31 December 2024, by law, all initiated and unfinished old doctoral procedures will be terminated.

However, universities and other entities may decide not to conduct old doctoral procedures until the deadline stemming from the law. They may, upon their own discretion, decide internally to establish specific cut-off dates for doctoral candidates with open old doctoral procedures. If they do not fulfil requirements set by the university or other entity by that time – their old doctoral procedures shall be terminated.

The Polish Association of Doctoral Candidates is of the opinion that the universities and other entities running old doctoral procedures to adopt their internal regulations to the newly extended deadline and allow for the procedures to be continued until 31 December 2024.<sup>3</sup>

In contrast, the key point about proceedings for the award of the doctoral degree (new procedure) is that applicants for doctoral degrees under this proceeding are – currently – not bound by any deadline by which they should initiate and finalise them.

Among doctoral candidates from the doctoral studies (the so-called *transitional mode*) there are doubts regarding when they should finalise proceeding for the award of the doctoral degree. The Polish National Association of Doctoral Candidates emphasises that, according to the law, the completion of doctoral studies is linked to awarding of doctoral degree during their duration. Pursuant to art. 279 of the Introductory Regulations, doctoral programmes commenced before the academic year 2019/2020 shall be conducted no longer than until 31 December 2024. The law does not state that the proceedings for the award of the doctoral degree, opened by the doctoral candidates from doctoral studies should be discontinued after 31 December

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<sup>1</sup> Act of 3 July 2018. - Provisions Introducing the Act - Law on Higher Education and Science (Journal of Laws item 1669, as amended), hereinafter referred to as: "Introductory Provisions".

<sup>2</sup> Act of 28 July 2023 amending the Act - Teachers' Charter and Certain Other Acts (Journal of Laws item 1672).

<sup>3</sup> Doctoral Ombudsman of the Polish National Association of Doctoral Candidates' legal opinion of 24 October 2023 on doctoral dissertations and proceedings for the conferment of a doctoral degree after the entry into force of the Act of 28 July 2023 amending the Act - Teachers' Charter and Certain Other Acts.

2024. What is more, such proceedings may also be initiated after that date. In fact, doctoral studies, and proceedings for the award of the doctoral degree are – to a great extent – separate issues.<sup>4</sup>

## PROCEEDINGS FOR THE AWARD OF THE DOCTORAL DEGREE

### 1. GENERAL PROVISIONS

#### 1.1. DEGREES AND TITLES AWARDED IN POLAND

Pursuant to Article 177 of the Law on Higher Education and Science<sup>5</sup>, in the Polish system of higher education and science, it is granted:

- 1) Degrees and degrees in the arts:
  - a. doctoral degree,
  - b. a *doktor habilitowany* (habilitation) degree;
- 2) the title of professor.

It is worth noting, however, that the doctoral degree can be conferred in:

- a field of science and a scientific discipline when the doctoral dissertation covers issues concerning a single discipline or issues in more than one discipline, and it is possible to indicate the discipline in which the doctoral degree is to be granted.
- field of science - when the doctoral dissertation covers scientific issues in more than one scientific discipline falling within the same field of science and it is not possible to indicate the discipline in which the doctoral degree is awarded.

A degree in arts, on the other hand, is conferred in an area of art and an artistic discipline.

At the same time, the possibility to grant a degree only in the field of science is a new solution in the Polish legal system, introduced by the HESL. As the legal doctrine noted, this solution promotes the so-called *narrow interdisciplinarity* (limited to scientific research conducted within one field of science).<sup>6</sup>

The list of scientific fields and scientific disciplines and artistic disciplines belonging to the field of arts is set out in the Regulation of the Minister of Education and Science of 11 October 2022 on scientific fields and scientific disciplines and artistic disciplines.<sup>7</sup>

#### 1.2. ENTITIES AWARDED DOCTORAL DEGREES

It is clear from art. 178(1) HESL that a degree is awarded by:

- in a university: the senate or another body specified in the university statute,
- in a PAS institute, a research institute, and an international institute: a scientific council,

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<sup>4</sup> *Ibid.*

<sup>5</sup> Act of 20 July 2018 - Law on Higher Education and Science, (Journal of Laws 2023, item 742 as amended; hereinafter: HESL).

<sup>6</sup> Ł. Kierznowski [in:] *Degrees and degrees in art. Commentary*, Warsaw 2021, art. 177, No. 8, LEX.

<sup>7</sup> Journal of Laws item 2202 and of 2023 item 1958.

hereinafter jointly called: “**doctorate-granting entities**”.

In a university any body, specified by the university statute, may award degrees. Universities have a great degree of autonomy in deciding that matter. In particular, universities may decide to vest this competence with a body of central character, a body operating at the level of organisational units or a body common to various organisational units to carry out this action.<sup>8</sup> However, a power to grant doctoral degree in a university in a particular discipline can be vested only in one body.

### 1.3. FORM OF THE DECISION ON THE AWARD OF THE DOCTORAL DEGREE

The senate, other university body or scientific council awards or refuses to award the doctoral degree by **issuing an administrative decision**.

The decisions of the aforementioned bodies are signed by its president (art. 178(2) HESL).

### 1.4. DOCTORAL DEGREE

As already indicated, the formal confirmation of obtaining a doctoral degree is by issuance of an administrative decision.

A person who has been awarded a doctoral degree shall also receive a doctoral diploma and a copy thereof. The diploma is issued in Polish. The doctor can request the copy of the diploma in one of the following foreign languages: English, French, Spanish, German, Russian or Latin (art. 179(1) of the HESL).

When a doctoral degree is awarded jointly by two or more entities, an awardee shall receive either a joint doctoral diploma issued by all of the entities or a single doctoral diploma, issued by one designated entity (art. 179(2) of the HESL).

A doctoral diploma should confirm that a person obtained a qualification at level 8 of the Polish Qualification Framework. This follows from Article 8(11) of the Act on the Integrated Qualification System.<sup>9</sup>

The deadline to issue a doctoral diploma is not stated by the HESL. Thus, it is understood, that university or other entity should issue a diploma immediately, without undue delay.<sup>10</sup>

When a doctoral diplomas, their duplicate or copy, or official certificate of obtaining a doctoral degree is to be used in a foreign country, they should be authenticated by:

- 1) the Head of the Polish National Agency of Academic Exchange (*Narodowa Agencja Wymiany Akademickiej, NAWA*) – in case of degrees awarded by the universities;
- 2) the President of the Polish Academy of Sciences – in case of degrees awarded by PAS institutes and by international institutes;
- 3) the minister supervising a research institute – in case of degrees awarded by this institute (see art. 180 of the HESL).

Authentication is subject to a fee paid by the applicant.

### 1.5. A FEE FOR PROCEEDING FOR AWARDING OF THE DOCTORAL DEGREE

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<sup>8</sup> Ł. Kierznowski [in:] *Degrees and degrees in art. Commentary*, Warsaw 2021, art. 178, No. 14, LEX.

<sup>9</sup> Act of 22 December 2015 on the Integrated Qualification System (Journal of Laws of 2020, item 226).

<sup>10</sup> Ł. Kierznowski [in:] *Degrees and degrees in art. Commentary*, Warsaw 2021, Article 179, No. 3, LEX.

The Polish legal system has adopted the principle that the proceedings for awarding of the doctoral degree are chargeable (in other words – one, who apply, needs to pay a fee for the proceeding). Such principle stems from art. 182(1) of the HESL,

In accordance with Article 182(2) of the HESL, the fee shall be paid to a university, a PAS institute, a research institute, an international institute, which conducts the proceeding.

The law specifies that the fee cannot exceed the costs of the proceedings, including in particular the costs of the remuneration of the supervisor(s), auxiliary supervisor, and reviewers. Their amount of this remuneration is set in art. 184 of the HESL. What is more, the remuneration of the supervisor(s) and auxiliary supervisor is due only after a successful completion of the proceedings (in other words – when the degree is awarded).

Not all candidates must pay the fee. Some exceptions to the rule of chargeability of the proceedings are regulated in art. 182(4) and 182(5) of the HESL. Firstly, the fee shall not be charged upon a candidate who completed a doctoral school. This rule, however, refer only to the proceedings that were initiated in relation to the training received in the doctoral school and only in the university or other entity which runs (co-runs) the doctoral school.

In accordance with art. 182(5) of the HESL in justified cases, the fee may be waved – in total or in part – by the rector of the university, director of the PAS institute, research institute or international institute.

Also, the doctoral candidates, who have been matriculated into the doctoral studies prior to the academic year 2019/2020, do not bear the fee. The rule from art. 182(4) of the HESL applies to them as well (art. 179(9) of the Introductory Provisions). This interpretation was further confirmed by the opinion of the Ombudsman for Doctoral Candidates of the Polish National Association of Doctoral Candidates.<sup>11</sup> Meanwhile, after the entry into force of the amendment, those who began their doctoral studies before the academic year 2019/2020 and apply for the award of a doctoral degree under the rules of the HESL may carry out the procedure free of charge if there is a correlation between the submitted dissertation and the research conducted during the course of doctoral studies<sup>12</sup>.

## **2. AWARDING DOCTORAL DEGREE**

### **2.1. Doctoral bodies entitled to award doctoral degrees**

The right to award doctoral degree in a given scientific discipline is vested with a doctorate-granting entity that, in this discipline, received a scientific category A+, A or B+ during the last evaluation of the quality of the scientific activity (art. 185(1) of the HESL).

Additionally, when a discipline is created, liquidated (merged with another) or receives a new name, the entity may apply for authorization to award doctoral degrees in this discipline. This authorization is subject

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<sup>11</sup> Doctoral Ombudsman of the Polish National Association of Doctoral Candidates' legal opinion on the costs of proceedings for the award of a doctoral degree of 1 March 2023, KR.D.RPD.1/P.2023.1.

<sup>12</sup> Doctoral Ombudsman of the Polish National Association of Doctoral Candidates' legal opinion on the costs of proceedings for the award of a doctoral degree of 3 October 2023, KR.D.RPD.6/P.2023.1.

to decision of the Council of Scientific Excellence (art. 226a(1) of the HESL). If such authorization is granted an entity receives the right to award degrees in that discipline.

Doctoral degree may also be awarded jointly by two or more entities that have a right to award degree in a given discipline (art. 185(2) of the HESL). The degree might also be granted jointly with a foreign entity which – according to its own national regulations – have the right to award doctoral degree in a given discipline.

The terms and conditions of cooperation between these entities are set out in a written agreement.

When an entity loses its right to award doctoral degree, in accordance with art. 185(4) of the HESL, it is obliged to ensure the doctoral candidates with open proceedings, that another entity shall continue proceeding in their case (art. 185(4) of the HESL). If the entity fails to secure continuation of the doctoral candidates' proceeding, then an entity to run this proceeding shall be appointed by the Council of Scientific Excellence. This guarantees that the doctoral candidate will not be adversely affected by the negative outcome of the evaluation of the scientific quality of any university, PAS institute, research institute or international institute.

Art. 179a of the Introductory Provisions, establishes an interim rule for the first evaluation of scientific quality, carried out in 2022. When an entity obtains scientific category B in a given scientific discipline – it may not open any new proceedings for the awarding of the doctoral degree. However, these proceedings that were already opened – may be continued until the results of the next evaluation of the scientific quality in disciplines became legally binding. When an entity obtained category C – it may neither open nor continue any proceedings for the awarding of the doctoral degree. Proceedings already opened shall be continued by the entity appointed by the Council of Scientific Excellence.<sup>13</sup>

## **2.2. Conditions for the awarding of a doctoral degree**

The conditions for the awarding of the doctoral degree are set out in art. 186 of the HESL.

A candidate for a doctoral degree must meet the criteria listed below, namely:

- 1) He/she holds a degree of Master of Science, Master of Engineering or equivalent, or holds a foreign diploma which is a base for applying for the awarding of a doctoral degree in the country where it was issued.**

However, there is one exception to that rule. A doctoral degree may be awarded to a person who does not meet that requirement but have scientific achievements of the highest quality. That person must, at the same time, hold an undergraduate degree (Bachelor or its equivalent) or must have completed at least three years of a uniform Master's program (art. 186(2) of the HESL).

- 2) Has achieved learning outcomes for a qualification at level 8 of the Polish Qualifications Framework, where the learning outcomes for the knowledge of a modern foreign language are confirmed by a certificate or university diploma certifying knowledge of that language at a proficiency level of at least B2.**

A graduate of the doctoral school obtains the learning outcomes when completes training in the doctoral school. This training is completed whilst a doctoral candidate submits a doctoral dissertation to the entity running the school (for the purposes of its completion or for the purposes of the initiation of the proceedings).

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<sup>13</sup> H. Izdebski [in:] J. M. Zieliński, H. Izdebski, *Law on Higher Education and Science. Commentary*, Article 185, No. 5, LEX.

Obtaining the learning outcomes at level 8 of the Polish Qualifications Framework may be confirmed by the certificate issued by the doctoral school.

Please note, that by law, obtaining a modern foreign language since 1 October 2007 is a prerequisite for completion of undergraduate (first cycle) studies in Poland. Thus, the certificate shall only be required from those who started their studies prior to that date.<sup>14</sup>

It could be the case that a doctoral candidate finished her or his studies abroad and was not required to obtain some form of certification of knowledge of a modern foreign language. Such person should also present a certificate of knowledge of that language.

This interpretation is in line with the opinion of the Doctoral Candidates' Ombudsperson, which was further confirmed by the Ministry for Education and Science. The Ministry indicated that all persons who started their education after 30 September 2007 and received a diploma of graduation from undergraduate (first cycle) studies or from uniform master's studies have, from a formal point of view, a knowledge of a modern foreign language at the B2 level of the ESOCJ<sup>15</sup>.

The Ministry of Education and Science, however, pointed out that a doctoral subject may specify as a criterion for the award of a doctoral degree knowledge of a modern foreign language at a level higher than B2 while emphasising that the establishment of an additional requirement of a higher knowledge of a modern foreign language cannot be a premise for the refusal to initiate proceedings for the award of a doctoral degree if the person meets the requirements set out in Article 186(1)(1-3) or (2) of the HESL. The Polish National Association of Doctoral Candidates does not agree with this interpretation.

Since 1 October 2023 there is additional way of confirmation of knowledge of a modern foreign language. If a candidate does not hold a diploma or a certificate, he or she may pass a dedicated language certification in a doctoral-awarding entity. This examination should be carried out prior to the opening of the proceedings, as having a confirmation of knowledge of a modern foreign language is a prerequisite for opening of the proceedings.

It should be noted, however, that the above-mentioned ways of confirmation of modern foreign language knowledge only apply to doctoral candidates who graduated from a doctoral school or applied for a doctoral degree in an extramural mode.

Doctoral candidates who were matriculated into doctoral studies prior to the academic year 2019/2020, can prove their knowledge of a modern foreign language only by:

- a) an examination in a modern foreign language,
- b) a certificate confirming knowledge of a modern foreign language specified in the Regulation of the Minister of Science and Higher Education.<sup>16</sup>

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<sup>14</sup> [Doctoral Ombudsperson of the Polish National Association of Doctoral Candidates' legal opinion of 18 November 2018 on confirmation of language proficiency in the proceedings for the awarding of the doctoral degree, KR.D.BP.40.1.2022.](#)

<sup>15</sup> [Response from the Ministry of Education and Science to the letter from the Doctoral Ombudsperson of the Polish National Association of Doctoral Candidates of 27 February 2023 on the interpretation of the legislation on the confirmation of proficiency of a modern foreign language.](#)

<sup>16</sup> Regulation of the Minister of Science and Higher Education of 19 January 2018 on the detailed procedure and conditions for conducting activities in doctoral dissertation proceedings, in habilitation proceedings and in proceedings for the conferment of the academic title of professor (Journal of Laws, item 261).

This is regulated by art. 179(8) of the Introductory Regulations. According with that provision a doctoral candidate can only confirm their knowledge of a modern foreign language in accordance with the regulations governing the procedure when they were matriculated to doctoral studies. Appropriate provisions can be found in art. 12(1)(4) and 12(2)(3) of the previously binding Act on scientific degrees and scientific title and on degrees and title in arts.<sup>17</sup>

**3) He has a track record of at least:**

- a) one scientific article published in a scientific journal or in the peer-reviewed proceedings of an international conference which, in the year of publication of the article in its final form, was included in the list of the Minister of Education and Science;
- b) one scientific monograph published by a publishing house which, in the year of publication of the monograph in its final form, was included in the list of the Minister of Education and Science or a chapter in such a monograph;
- c) an artistic work of significant importance.

It is therefore obligatory for a candidate for a doctoral degree to have at least one of the scientific achievements listed under a,b or c above.

Up-to-date lists of journals and publishing houses can be found below:

- [list of scientific journals and peer-reviewed proceedings from international conferences](#) (since 3 of November 2023, only in Polish);
- [list of publishing houses](#) (since 22 July 2021, only in Polish)

**4) Has presented and defended the doctoral dissertation**

Issues concerning the requirements for a doctoral dissertation and the indication of the types of doctoral dissertation are regulated by art. 187 of the HESL.

The doctoral dissertation must demonstrate that the candidate has obtained both the theoretical knowledge in the relevant discipline or disciplines and the skills necessary to independently carry out scientific or artistic work.

“Independence” of a doctoral candidate in the research matter, means that he or she has the competence to formulate research problems, to formulate hypotheses, to select and apply an appropriate methodology and to analyse the results of conducted research.<sup>18</sup>

The doctoral dissertation, in its core, must be one of the following:

- an original solution to a scientific problem;
- an original solution for an application of the results of one’s own research in the economic or social sphere;
- an original artistic achievement.

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<sup>17</sup> Act of 14 March 2003 on Academic Degrees and Academic Title and Degrees and Title in Art (Journal of Laws 2017 item 1789, hereinafter: “**Degrees Act**”).

<sup>18</sup> M. Dokowicz [in:] *Law on Higher Education and Science. Commentary*, J. Woźnicki (ed.), Warsaw 2019, pp. 491-492.



The dissertation will not be deemed original when it is a reproduction of a given scientific solution to a scientific problem or application of research results in the economic or social sphere or an artistic achievement, which has already been done before.<sup>19</sup>

Reviewers should therefore clearly indicate whether the candidate has fulfilled the above-mentioned requirements of the HESL.

In its formal site, the dissertation may take one of the following forms (art. 187(3) of the HESL):

- written work:
  - o a scientific monograph,
  - o a collection of published and thematically related scientific articles.
- project work,
- construction work,
- technological work,
- implementation work,
- artistic work,
- an independent and distinct part of a collective work.

A doctoral dissertation, understood as a written work, includes many different forms of presenting scientific research results. This results from both the differences resulting from the specifics of individual disciplines, and the rules of methodology of conducting scientific research and presenting its results adopted in them.<sup>20</sup>

As highlighted by the Council of Scientific Excellence in Communication No. 19/2020 - on the submission of doctoral dissertations, the phrase 'including a scientific monograph, a collection of published and thematically related scientific articles, a design, construction, technology, implementation or artistic work, as well as an independent and isolated part of a collective work' is an exemplary list of forms of written work. This means that a doctoral dissertation may also take another written form.

The Council of Scientific Excellence also stressed that a doctoral dissertation may consist in part of published works and in part – of those which have not yet been published. It can therefore take the form of a manuscript, in which the doctoral candidate discusses the research results already presented in a published monograph or series of scientific articles, as well as those results that have not been published. Most importantly, however, the Council in the communication stated that the question of accepting the dissertation and allowing it to be defended is the responsibility of the doctorate-granting entity.

It should be noted here that in the regulation of the Minister of Science and Higher Education on the evaluation of the quality of scientific activity<sup>21</sup> defines the terms scientific article and scientific monograph.

As per § 9 of the regulation, a scientific article is a peer-reviewed article published in a scientific journal or in the peer-reviewed proceedings of an international scientific conference:

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<sup>19</sup> Ł. Kierznowski [in:] *Degrees and degrees in art. Commentary*, Warsaw 2021, art. 187, No. 8, LEX.

<sup>20</sup> K. Ślebza [in:] *Commentary to selected provisions of the Law on Higher Education and Science* [in:] *Academic Employment Law. Commentary*, K. W. Baran (ed.), Warsaw 2020, art. 187, LEX.

<sup>21</sup> Regulation of the Minister of Science and Higher Education of 22 February 2019 on the evaluation of the quality of scientific activity (Journal of Laws 2022, item 661).

- a) which presents a specific scientific issue in an original and creative, problem-based or cross-cutting manner,
- b) annotated with footnotes, bibliography or other scientific apparatus appropriate to the discipline.

Review articles published in a scientific journal included in the list of journals issued by the Ministry of Education and Science also have the scientific character of an article. However, an editorial, abstract, extended abstract, letter, errata and editorial note do not constitute a scientific article in the meaning of the regulation.

On the other hand, a peer-reviewed book publication that presents a scientific issue in an original and creative manner and is accompanied by footnotes, a bibliography or other scientific apparatus appropriate to the scientific discipline in question should be regarded as a scientific monograph. This follows directly from §10 of the aforementioned regulation.

The regulation indicates that a scientific monograph is also:

- a) a peer-reviewed translation and annotated with footnotes, bibliography or other scientific apparatus appropriate to the discipline:
  - a. into Polish a work of scientific or cultural importance,
  - b. into another modern language a work of scientific or cultural importance published in Polish;
- b) scientific editing of source texts.

The doctoral dissertation is checked against plagiarism and infringement of the copyright through scanning by the Uniform Anti-Plagiarism System (art. 188(4) of the HESL). The plagiarized dissertation cannot be a basis for awarding of the doctoral degree.

### **5) Fulfilled other requirements set by the doctorate-granting entity**

Doctorate-granting entities may also constitute other requirements that a doctoral candidate must meet in order to be awarded a doctoral degree. These requirements should be indicated in the internal regulations governing the procedure for the award of the doctoral degree in a given doctorate-granting entity.

One such requirement may be the obligation to pass doctoral examinations. These conditions may also refer to the candidate's academic achievements or level of language proficiency.<sup>22</sup>

### **2.3. Publication of the dissertation and certain information in the Public Information Bulletin of the doctorate-granting entity.**

The doctorate-granting entity is, by law, obliged to publish the doctoral dissertation and its reviews in its Public Information Bulletin no later than 30 days prior to the date of the doctoral dissertation defence (art. 188(1)(1) and 188(2) of the HESL).

When the doctoral dissertation is in a written form then the doctorate-granting entity publishes it jointly with abstract. When the dissertation has taken form other than the written one, then the doctorate-granting entity publishes its written description.

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<sup>22</sup> M. Dokowicz [in:] *Law on Higher Education and Science. Commentary*, J. Woźnicki (ed.), Warsaw 2019, art. 186, No. 8, LEX.

Importantly, however, when the dissertation consists information that are subject to the special legal protection, only the reviews, without the information protected, are to be published online.

The explanatory memorandum to the draft of the HESL explained that obligation to publish of certain information was introduced with an intention to increase the transparency of the proceeding for the awarding of the doctoral degree.<sup>23</sup>

#### **2.4. Initiation of proceeding for the awarding of the doctoral degree**

The proceeding for awarding of the doctoral degree can only be initiated by the request of a candidate to the degree. He or she, additionally, must fulfil the requirements stemming from art. 186(1)(1) – 186(1)(3) of the HESL, listed under 1) – 3) in the subchapter 2.3 above. The candidate must, jointly with his/her request, present a doctoral dissertation with the positive opinion of the supervisor(s) (but not of auxiliary supervisor).

If a person, who submitted the request to initiate the proceeding does not fulfil the requirements, the relevant body of the doctorate-granting entity shall refuse to initiate the proceeding. The decision may be a subject to the appeal to the Council of Scientific Excellence within 7 days from the day when the decision was delivered (art. 189(2) of the HESL).

Initiation of the proceeding for the awarding of the doctoral degree is regulated differently for doctoral candidates who were matriculated into doctoral studies prior to the academic year 2019/2020. Pursuant to art. 179(9) of the Introductory Provisions, the proceeding for them is initiated by an application to appoint supervisor(s) and – if applicable – auxiliary supervisor.

#### **2.5. Supervisors and reviewers**

The supervisor plays a vital role in the process of drafting a doctoral dissertation. He or she supervises the process, providing guidance and support to the doctoral candidate. The role of supervisor is regulated in art. 190(1) of the HESL. The law states that one candidate may have a supervisor, more than one supervisor or a supervisor and an auxiliary supervisor.

When a candidate is receiving a doctoral training in the doctoral school – the rules and regulations for appointment of his/her supervisor(s) should be laid out in the school's regulation. The doctorate-granting entity, running the school may also provide the possibility of changing or dismissing the supervisor. Each doctoral candidate should have his/her supervisor(s) appointed up to three months since commencing training in a doctoral school. Thus, there is no need to appoint supervisor(s) when the proceeding is initiated – they already have supervisor(s).

Any potential supervisor must meet the following criteria:

- 1) have a degree of *doktor habilitowany* (habilitation) or professor's title – or person who do not fulfil this requirement but is an employee of the foreign university or scientific institution and has substantial achievements in the field, in which the doctoral dissertation is to be prepared (art. 190(4) and 190(5) of the HESL);

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<sup>23</sup> Explanatory Memorandum to the Government's Draft Law on Higher Education and Science, Parliamentary Print No. 2446, <https://www.sejm.gov.pl/sejm8.nsf/druk.xsp?nr=2446> (accessed 20.11.2023), p. 45.

- 2) in the last five years has not been a supervisor of 4 doctoral candidates who were removed from the list of doctoral candidates due to a negative result of mid-term evaluation (art. 190(6)(1) of the HESL);
- 3) in the last five years has not supervised over the preparation of a doctoral dissertation by at least 2 candidates applying for the doctoral degree who did not receive at least 2 positive reviews (art. 190(6)(2) and 191(1) of the HESL);
- 4) did not receive a disciplinary penalty of deprivation of the right to perform the tasks of a doctoral dissertation supervisor (art. 276(1)(4) of the HESL).

The auxiliary supervisor must – at the moment of his/her appointment – have at least the doctoral degree.

Additionally, the doctorate-granting entity may establish additional requirements for potential supervisor(s). Those may include e.g. number of doctoral candidates under the current supervision of that person, his/her academic track record or experience. Please consult the internal regulation of the doctorate-granting entity for more information.

Persons who are to prepare their doctoral dissertations in the extramural mode should apply for appointment of the supervisor prior to initiation of the proceeding for awarding the doctoral degree. The supervisor(s) should assist them in preparing the dissertation, but their positive opinion of the dissertation is also necessary to initiate the proceedings.

The HESL increased the number of reviewers in the proceedings for the awarding of the doctoral degree in comparison with the old doctoral procedure. In accordance with art. 190(2) of the HESL in the proceedings the body relevant body in the doctorate-granting entity appoints three reviewers (this number cannot be subject to change by the discretion of the entity).

The reviewers cannot be employees of the doctorate-granting entity or a university, an PAS institute, a research institute, an international institute, the Łukasiewicz Centre or the Łukasiewicz Network institute, whose employee is the doctoral candidate.

As indicated in the explanatory memorandum to the HESL draft, the introduction of a third reviewer of the doctoral dissertation was intended to improve the quality of dissertations and the transparency of proceedings. It is also an important guarantee of the integrity and quality of doctoral dissertations that all reviewers come from outside the university or institute where the doctoral dissertation is prepared.

The review should be prepared within a specified deadline, which is two months from the date when the doctoral dissertation was delivered to the reviewer (art. 190(3) of the HESL). The law does not specify any *per se* sanction for its violation. Please note, that the violation of that deadline may however constitute a disciplinary delict.

It is worth noting that the HESL sets a deadline for the preparation of the review. In accordance with Article 190(3) of the HESL, reviewers shall prepare reviews of the doctoral dissertation within 2 months from the date of its delivery. This deadline is, however, instructional in nature. The provisions of the Act do not indicate any sanctions for its violation.

The reviewer has to fulfil the same conditions that refer to the supervisors.

## **2.6. Defence of the dissertation**

The doctoral candidate may be admitted to the defence of the doctoral dissertation when:

- the doctoral dissertation received at least two positive reviews;
- he/she has fulfilled any additional requirements arising from the internal regulations of the doctorate-granting entity – if such requirements were established (art. 191(1) of the HESL).

Thus, one negative dissertation review has an indifferent impact at this stage of the proceedings but may be relevant to the conduct of the defence itself.<sup>24</sup>

If the above-mentioned criteria is not met – the relevant body of the doctorate-granting entity issues a decision refusing to admit the dissertation defence. The decision can be appeal against to the Council of Scientific Excellence within 7 days from its delivery. The provisions of the Code of Administrative Proceedings apply.<sup>25</sup>

The dissertation defence may be conducted:

- at the premises of the doctorate-granting entity,
- outside the seat of the doctoral body by means of electronic communication which ensures, in particular, the real-time transmission of the defence between the participants and multilateral real-time communication in which the participants in the defence may express themselves while observing the necessary security rules (art. 191(1a) of the HESL).

The dissertation defence – in general – is open to the public. There is an exception, when the dissertation consists of information that are subject to special legal protection (art. 191(1b) of the HESL).

### **2.7. Internal regulations for awarding of the doctoral degree**

The details of the proceeding for awarding of the doctoral degree in a particular doctorate-granting entity should be regulated in the internal regulations of that entity. The regulations are adopted either by the senate (in a university) or by a scientific council (in other types of doctorate-granting entities).

The internal regulations should include, at least, the following:

- the procedure of appointment and changing of a supervisor(s) and auxiliary supervisor for doctoral candidates who prepare their dissertations in the extramural mode,
- the rules for the determination of the fee for proceedings for the awarding of the doctoral degree in the extramural mode and the rules for exempting from this fee,
- the mode of submission of the dissertation,
- the procedure of appointment and the scope of tasks of the committee in the proceedings,
- the procedure of appointment of the reviewers,
- the procedure of verification of learning outcomes for qualifications at 8 level PRK in the extramural mode,
- the means of verifying the track record (publication) requirement in the case of multi-author publications.

The above catalogue is open, which means that the doctorate-granting entities may, in their internal regulations, include provisions referring to the other aspects of the proceedings for the awarding of the

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<sup>24</sup> M. Lekston [in:] *Commentary to selected provisions of the Law on Higher Education and Science* [in:] *Academic Employment Law. Commentary*, K. W. Baran (ed.), Warsaw 2020, art. 191, No. 2.1., LEX.

<sup>25</sup> H. Izdebski [in:] J. M. Zieliński, H. Izdebski, *Law on Higher Education and Science. Commentary*, art. 191, No. 2, LEX.

doctoral degree. In particular, the doctorate-granting entity may allow for granting a distinction for the doctoral dissertation and the conditions necessary to obtain it, or the possibility of changing the reviewer when the reviewer does not perform the task of drawing up a review within two months.

### **2.8. Refusal of awarding of the doctoral degree**

The proceedings for the awarding the doctoral degree may be finalized by either:

- the decision to award the doctoral degree, or
- the decision to refuse of awarding of the doctoral degree.

If the latter decision was issued in a particular proceeding, the applicant (doctoral candidate) has the right to appeal against such decision to the Council of Scientific Excellence within 30 days of its delivery (art. 193(1) and 193(2) of the HESL). This appeal does not require a specific justification and it is sufficient to emphasise in it the circumstances of dissatisfaction with the issued decision.<sup>26</sup>

The appeal should be directed to the body in the doctorate-granting entity, which issued the decision. This body further forwards this appeal jointly with its opinion and the case file for this proceeding within 3 months from the day when it received the appeal (art. 193(3) of the HESL).

As a result of the appeal the Council of Scientific Excellence may:

- uphold the contested decision, or
- revoke it and refer the case back to the relevant body in the same or another doctorate-granting institution.

If the latter is the case, then the relevant body re-evaluates the proceeding and decides again whether to award the doctoral degree. If necessary, it may repeat some of the stages of the proceedings.

Please note, that when the dissertation is not admitted to the defence due to two or three negative reviews or the decision is made to refuse awarding of the doctoral degree, the dissertation cannot be the basis for reapplying for the award of the doctoral degree (art. 193(5) of the HESL).

### **2.9. Resumption of proceeding for awarding of the doctoral degree**

Pursuant to art. 194 of the HESL, when the reasons specified in the Code of Administrative Proceedings for the resumption of administrative proceedings arise (art. 145(1), 145a and 145b of the Code) or there was a gross violation of the law by the doctorate-granting procedure, the Council of Scientific Excellence shall issue a decision on the resumption of the proceeding for awarding of the doctoral degree. The decision should simultaneously indicate a doctorate-granting entity which shall conduct the resumed proceeding.

The resumption of proceeding for awarding of the doctoral degree may result from the request of the party or *ex officio*. The request for resumption must be submitted with the body of the doctorate-granting entity within one month from when the party became aware of the circumstance constituting the basis for the resumption of the proceedings.<sup>27</sup>

### **2.10. Annulment of the decision awarding the doctoral degree**

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<sup>26</sup> M. Dokowicz [in:] *Law on Higher Education and Science. Commentary*, J. Woźnicki (ed.), Warsaw 2019, art. 193, No. 5, LEX.

<sup>27</sup> M. Lekston [in:] *Commentary to selected provisions of the Law on Higher Education and Science [in:] Academic Employment Law. Commentary*, K. W. Baran (ed.), Warsaw 2020, art. 194, No. 3, LEX.

The decision of awarding the doctoral degree may be subject to an annulment, when – in accordance with art. 195 of the HESL – a doctoral candidate in the doctoral dissertation attributed the authorship of a substantial fragment or other elements of another person's work or scientific finding to himself or herself and therefore committed plagiarism.

The annulment decision is issued by the relevant body of the doctorate-granting entity.

## OLD DOCTORAL PROCEDURE

### 1. GENERAL COMMENTS

The Old Doctoral Procedure is regulated in detail in the Degrees Act.

The Degrees Act, in connection with coming into force of the HESL, was repealed on 1 October 2018. It should be noted, though, that the old doctoral procedures could have been initiated until 30 April 2019. The initiated procedures are – in accordance with art. 179(1) of the Introductory Provisions can be continued in accordance with the previous legislation.

As already highlighted, ongoing old doctoral procedures may be continued until their completion, but no longer than until 31 December 2024.

The issue of payment of the fees for the old doctoral procedure was not unambiguously regulated in the acts of parliament. The Polish Association of Doctoral Candidates points that in each case charging the fees for the old doctoral procedure should have a clear and specific legal basis (an agreement concluded with a given unit, a relevant intra-university act). What is also important, when a doctoral candidate obtains a doctoral degree during the course of doctoral studies, i.e. in the event of completing doctoral studies - the person in question **does not pay fees** for the procedure.

### 2. LEGAL ARRANGEMENTS FOR THE OLD DOCTORAL PROCEDURE

#### 2.1. INITIATION OF THE OLD DOCTORAL PROCEDURE

The doctoral degree is – in accordance with art. 11(1) of the Degrees Act – is awarded in the (old) doctoral procedure. The old doctoral procedure can only be initiated by the request of the doctoral candidate (person seeking doctoral degree).

To open a doctoral procedure a person had to fulfil at least one of the following conditions:

- having published or accepted for publication a scientific a book,
- having published at least one scientific article in a peer-reviewed scientific journal listed in the ministry index or in the peer-reviewed proceedings of an international scientific conference, or
- having presented publicly an artistic work.

#### 2.2. CONDITIONS FOR THE AWARD OF THE DOCTORAL DEGREE

To be awarded a doctoral degree in the old doctoral procedure a person must meet all of the following criteria:

- possession of a Marster's degree (Master of Science, Master of Engineering, Physician Degree) or equivalent,



- passing the doctoral examinations as determined by the relevant body of the doctorate-granting entity,
- presentation and defence of the dissertation,
- passing an examination in a modern foreign language or having a certificate confirming knowledge of a modern foreign language, as defined in regulations issued under art. 31(5) of the Degrees Act.

In old doctoral procedure a candidate must pass examination specified in art. 12(2) of the Degrees Act, namely the examination in the primary discipline, the examination in the secondary discipline and possibly the examination in a foreign modern language (if the person does not have the relevant certificate).

### **2.3. DISSERTATION IN OLD DOCTORAL PROCEDURE**

In the old doctoral procedure, a doctoral dissertation, should constitute:

- an original solution to a scientific problem,
- an original artistic achievement (art. 13(1) of the Degrees Act).

The dissertation should at the same time demonstrate the candidate's general theoretical knowledge in the relevant scientific or artistic discipline and the ability to conduct scientific or artistic work independently.

A doctoral dissertation may take one of the following forms:

- typescript of the book,
- book published,
- a thematically coherent set of chapters in books published,
- a thematically coherent set of articles published or accepted for publication in scientific journals listed in the ministry index (art. 13(2) of the Degrees Act).

A doctoral dissertation can also take the form of a design, construction, technological or artistic work that meets the requirements indicated in the Degrees Act.

Additionally, a dissertation may also be an independent and distinct part of a collective work. However, it must show the doctoral candidate's contribution in such elements of the preparation of the dissertation as the development of the concept, the execution of the experimental part, the elaboration and interpretation of the results of the work (art. 13(4) of the Degrees Act).

In old doctoral procedures, the abstract of the dissertation (not the dissertation in its entirety) and reviews shall be published on the website of the university, its organisational unit or institute carrying the procedure. The abstract and reviews should be available at least until the day of the public defence.

This obligation does not apply when the doctoral dissertation contains information being subject to special legal protection of classified information.

### **2.4. SUPERVISORS AND REVIEWERS IN OLD DOCTORAL PROCEDURE**

In the old doctoral procedure at least 2 reviewers shall be appointed. They must be employees of universities or organisational units other than the one of which the person applying for the degree of doctor is an employee. They may not at the same time be members of the body conducting the procedure (art. 20(5) of the Degrees Act).

The requirements for supervisors and reviewers are indicated in art. 20(6) to 20(8) of the Degrees Act. According to them the supervisor and the reviewer must fulfil at least one of the following conditions:

- hold the title of professor or *doktor habilitowany* (habilitation) degree in a given or related scientific or artistic discipline,
- have acquired rights equivalent to those of *doktor habilitowany* (habilitation) in accordance with art. 21 of the Degrees Act, and carries out scientific or teaching activities in a given or related scientific or artistic discipline,
- is an employee of a foreign higher education or scientific institution and does not fulfil the above-listed requirements but the board of the organisational unit conducting the procedure or the Central Commission on Degrees and Titles<sup>28</sup> decide that such a person is an outstanding expert in the subject.

The auxiliary supervisor may be a person who holds a doctoral degree in a given or related scientific or artistic discipline. This person must not be qualified to act as a supervisor in the procedure.

## 2.5. THE PROCEDURE

Until 1 October 2019 the relevant bodies for the conduct of the (old) doctoral procedure were:

- 1) In a university – the faculty council or the council of another of its organisational unit;
- 2) in another organisational unit (scientific institution) – the scientific council (art. 14(1) of the Degrees Act).

However, pursuant to art. 179(3)(2)(b) of the Introductory Provisions – after 1 October 2019 in universities tasks in the (old) doctoral procedure are carried by the senate or other relevant university body, indicated in the university statute in accordance with art. 28(4) of the HESL.

The procedure consists of five stages, each of whom is concluded with a resolution of the relevant body conducting the procedure. Art. 14(2)(1) to 14(2)(5) indicate those resolutions. These are:

- 1) initiation of the procedure and appointment of the supervisor and auxiliary supervisor – if applicable;
- 2) appointment of reviewers;
- 3) acceptance of dissertation and its admittance to the public defence;
- 4) acceptance of the public defence;
- 5) awarding of the doctoral degree.

The above-listed resolutions may be appealed against to the Central Commission (since 1 January 2021 – the Council of Scientific Excellence), when the doctoral candidate is dissatisfied with the resolution. The term to

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<sup>28</sup> As of 31 December 2020, the Central Commission of Degrees and Titles was abolished and the Council of Scientific Excellence took over its responsibilities, see art. 189(4) and 179(10) of the Introductory Provisions.

appeal against the resolution is one month from the date of the delivery of the resolution with its justification (art. 21(1) of the Degrees Act).

When the doctoral candidate fails to take the examination or present the dissertation in due time (indicated by the relevant body, conducting the procedure), the procedure may be terminated (art. 14(4) of the Degrees Act).

The final resolution in the procedure is a resolution on awarding or refusal to award the doctoral degree. This resolution is definite in the day of its issuance (art. 15(1) of the Degrees Act) except for the resolution to refuse awarding of a doctoral degree. The latter can be a subject to the appeal.

The Polish National Association of Doctoral Candidates highlights two issues related to the old doctoral procedures:

- 1) If, by 31 December 2024 no decision is made on whether to award the doctoral degree in the procedure, it shall be terminated by law.
- 2) If however, the resolution is issued and the doctoral candidates appeals against it, the appeal procedure shall continue even past the deadline indicated above.

## SUMMARY

The proceedings for the awarding of the doctoral degree replaced, in the Polish legal system, the (old) doctoral procedure. After 31 December 2024 it will become the only legal procedure for awarding the doctoral degree.

These two procedures are similar in principle. There are some minor differences between them:

- 1) In the proceedings three reviewers are appointed, whereas in the procedure – two.
- 2) Doctoral candidates being graduates of doctoral schools may prove their knowledge of a modern foreign language by presenting a relevant university diploma. Doctoral candidates in the old doctoral procedure must take the examination or present one of the language certificates indicated in the ministry index.
- 3) In the proceedings there is no requirement of passing the examination (they may be, however, imposed upon the doctoral candidates by the internal regulations of the doctorate-granting entity). In the old doctoral procedure, passing an examination in the primary and secondary discipline is a substantial element of the procedure.
- 4) Doctoral dissertation in the proceeding for the awarding of the doctoral degree must be obligatory published in the Public Information Bulletin of the doctorate-granting entity. In the old doctoral procedure only the dissertation abstract is published.

Additionally, in the proceedings for the awarding of the doctoral degree, the doctorate-granting entities may shape certain elements of the proceeding freely in their internal regulations.

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