



Is a doctoral student of a doctoral school obligated to carry out professional internships?



The Act of July 20, 2018 - Law on Higher Education and Science (publication: Journal of Laws of 2023, item 742, as amended; hereinafter referred to as the Act) does not impose an obligation on doctoral school participants to undergo professional internships, but allows for the possibility of obligations of doctoral students to implement them as part of the education program at the doctoral school. Pursuant to Art. 201 section 5 of the Act, the education program may provide for professional internships in the form of conducting classes or participating in them, not exceeding 60 teaching hours per year.

It should be noted that the legislator, first of all, left the decision regarding professional internships to the bodies determining the education program, i.e. the senate or the scientific council. Therefore, the education program may, but does not have to, provide for the obligation to undergo professional practice. It should be noted that the source of the obligation to complete professional internships cannot be any internal act, e.g. the regulations of the doctoral school, but only the educational program. Of course, it may happen that other internal acts will contain regulations regarding professional internships (e.g. regulations on professional internships), but these acts will not be the exclusive basis for the obligation to carry out professional internships. If the education program does not provide for the obligation to undergo professional practice, there is no such obligation (Ł. Kierznowski, in: A. Jakubowski (ed.), Law on higher education and science, 2023, reference to Art. 201, Nb 8).

Secondly, the Act allows for two forms of professional practice, i.e. conducting classes or participating in them. The method of fulfilling this obligation should be specified in the education program of a given doctoral school. However, if the method of conducting classes has not been specified, then the doctoral student may carry out professional internships in the form of conducting classes independently or participating in conducting classes, e.g. with a supervisor. Participation in classes can be passive or active. As M. Pyter notes, „It seems, however, that it is absolutely justified for a person studying at a doctoral school to be able to complete an internship in the form provided for in the program. The form, in turn, should be adapted both to the discipline in which doctoral students are educated, as well as to the potential nature of the work they will perform after completing their education.” (M. Pyter [w:] A. Balicki, M. Pyter, B. Zięba, Law on higher education and science. Comment, Warsaw 2021).



Thirdly, the Act regulates the maximum number of teaching hours - 60 teaching hours per year. Of course, the education program may provide for a lower number of teaching hours or may not provide for the obligation to undergo professional practice at all. Importantly, it is not possible to increase the number of these hours even with the consent of the head of the doctoral school, the supervisor and the doctoral student. As M. Dorochowicz and A. Chojan point out, „ (...) there is no doubt that the university is obliged to pay the doctoral student for the extra hours of internship. If it does not conclude an appropriate agreement with the doctoral student, it is unjustly enriched towards the doctoral student, who then has a claim for payment, but the university will also be obliged to cover the appropriate social security contributions. Similarly, if he concludes an unpaid contract with a doctoral student, because - obviously - it would constitute a circumvention of Art. 201 section 5 of PrSzkolWyzN, and therefore it would be - pursuant to Art. 58 § 1 of the Civil Code – invalid.” (M. Dorochowicz, A. Chojan [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (ed.), Law on higher education and science for students and doctoral students - practical commentary. Comment. Judgment line, Warsaw 2024).

It follows from the above that although the Act does not impose an obligation on doctoral students to undergo professional internships, this obligation may exist in a given doctoral school. It is worth getting acquainted with the education program in advance, because only it can provide for the obligation to undergo professional internships. It should be emphasized that the Act obliges entities running doctoral schools to make the educational program available no later than 5 months before the start of recruitment to the doctoral school (Article 200(3) of the Act). Moreover, universities, institutes of the Polish Academy of Sciences, research institutes and international institutes are obliged to make the educational program at the doctoral school available within 14 days from the date of its adoption in the Public Information Bulletin on their website (Article 358, paragraph 2, point 3 of the Act).



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