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Zadanie publiczne współfinansowane ze środków otrzymanych w 2024 r. od Ministra Nauki w ramach konkursu „Organizowanie i animowanie działań na rzecz środowiska akademickiego”.



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CODE

OF RIGHTS AND OBLIGATIONS OF DOCTORAL STUDENTS

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Introduction

The Law on Higher Education and Science ("TLHES") regulates both the education in doctoral schools and the requirements to be met by a person applying for a degree of doktor. It should be emphasised, however, that a number of rights and obligations of doctoral students arise from the provisions of [TLHES]¹ concerning doctoral education. These rights and obligations may be further specified and made more concrete in the regulations of individual doctoral schools. It should be noted that such acts of internal law may not regulate them in a way that is inconsistent with the provisions of TLHES.

The present Code constitutes a synthetic and comprehensive collection of the rights and obligations of doctoral students arising from the generally applicable laws in our country. It should be noted that often the legal language does not enable recipients without legal education to properly interpret the legal provisions regulating rights and duties of doctoral students. Therefore, the preparation of this study was aimed at indicating [*those rights and obligations*] and explaining them in a form accessible and understandable to any interested person. The Code additionally indicates practical considerations relevant to the application of the regulations stipulating the rights and obligations in question.

The Code has been prepared as part of the 'Local Doctoral Students' Rights Ambassador 4.0' project. This study is a material dedicated not only to Local Ambassadors of Doctoral Students' Rights, in order to support their activities, but also to the entire doctoral community. We hope it helps doctoral students rid themselves of any doubts concerning the interpretation of their rights and obligations.

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the Code's Author

Barbara Pietrzyk-Tobiasz

Project Coordinator

¹ Expressions written in italics in square brackets are included for the ease of understanding of the translation.



DOCTORAL STUDENTS' RIGHTS

§ 1. Right to scientific supervision

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. 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.
3. A supervisor and reviewer may be a person who does not meet these conditions [*do not have a degree of doktor habilitowany*] who is an employee of a foreign higher education institution or a research institution if the body granting a degree of doktor considers that the person has significant achievements in the scientific field associated with their doctoral dissertation.
4. 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, or
 - 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.

5. Within three months of taking up education, doctoral students shall be assigned a supervisor or supervisors.

6. The regulations of the doctoral school shall establish the organization of education to the extent not regulated by [TLHES], in particular the manner of appointment and change of the supervisor, supervisors or assistant supervisor.

Every doctoral student has the right to prepare a doctoral thesis under the scientific supervision of a supervisor or supervisors or a supervisor and an assistant supervisor. The provisions of TLHES do not specify what should characterise this provision of scientific supervision of the work carried out by the doctoral student. In the doctrine one can meet with the opinion indicating that the supervisor should perform simultaneously the functions of master, expert, liaison and navigator (see



J. Szczepkowski, *Opieka promotorska*, [in:] W. Kiełbasiński, M. Dorochoń (eds.), *Status doktorantów w ustawie 2.0*, Toruń 2022, p. 27).

It should be emphasised that the provisions of TLHES do not indicate a comprehensive catalogue of tasks to be performed by a supervisor on an assistant supervisor. From the provisions of TLHES, only two specific duties of the supervisor can be identified:

- 1) the obligation to agree with the doctoral student on an individual research plan (Art. 202(1) of TLHES);
- 2) the duty to express an opinion on the completed doctoral dissertation of the doctoral student (Art. 204(1) of TLHES).

It is worth pointing out that the obligation indicated in item 1 to agree on an individual research plan with a doctoral student means that there should be an agreement between the supervisor and the doctoral student as to its content, the working out of which may, in principle, take any form established individually between specific persons (B. Pietrzyk-Tobiasz, *Indywidualny plan badawczy w świetle ustawy - Prawo o szkolnictwie wyższym i nauki - teoria i praktyka*, *Acta Iuridica Resoviensia* 2021, No. 4(35), p. 338).

It should also be noted that, in the case of doctoral students (persons studying at doctoral schools), the appointment of a supervisor takes place within 3 months from the date of commencement of education. It should be pointed out, however, that this deadline refers only to the appointment of the supervisor and not the assistant supervisor.

Importantly, TLHES does not comprehensively regulate the rules for the appointment of a supervisor. The regulations specifying the procedure for the appointment and change of a supervisor, supervisors, or a supervisor and an assistant supervisor should be included in the regulations of the doctoral school.

Legal basis

Art. 190(1), Art. 190(4) – 190(6), Art. 201(1) and 201(2), Art. 204(1), and Art. 205(1)(1) of TLHES

Case Law

1. Opinion of the Supreme Administrative Court of 18 May 2021, case no. III OSK 834/21, [available in the legal information system] Legalis;



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2. Opinion of the Provincial Administrative Court in Poznań of 8 April 2010, case no. IV SA/Po 942/09, [available in the legal information system] Legalis.



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§ 2. The right to a leave of absence for the preparation of the dissertation or preparation for the defence of the dissertation

1. An employee who is not an academic teacher or researcher shall be entitled, at their request to:

- 1) 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.

The provisions of TLHES regulate the right of a doctoral student who is an employee (excluding employment as an academic teacher or a researcher) to take two types of leave of absence, i.e. leave for the preparation of the doctoral dissertation or leave to prepare for the defence of the doctoral dissertation.

The leave in question shall be granted at the doctoral student's request addressed to the employer. The employee's request obliges the employer to grant such leave, subject, however, to the necessity of agreeing with the employee the date of its use (Legal opinion on the granting of leave for the preparation of a doctoral thesis of 27.7.2021, KRD.RPD.99.1.2021, <https://prawadoktoranta.pl/wpcontent/uploads/2021/08/Opinia-prawna-w-przedmiocie-udzielenia-urlopu-na-przygotowanie-rozprawy-doktorskiej.pdf>, accessed 20.11.2023).

The leave of absence does not have to be taken all at once.

Regardless of which premise is the basis for granting the leave, the maximum length of the leave is 28 days (B. Pietrzyk-Tobiasz, *Komentarz do art. 196 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *Prawo o szkolnictwie wyższym i nauki dla studenta i doktoranta - komentarz praktyczny. Komentarz | Linia orzecznicza*, Warsaw 2024).

A doctoral student may therefore use the aforementioned 28 days as leave for the preparation of the doctoral dissertation, leave to prepare for the defence of the doctoral dissertation or both for the preparation of the dissertation and for the preparation of the defence.

As B. Pietrzyk Tobiasz points out, the legislation does not specify when an employee becomes entitled to leave. The author points out that, in practice, leave for the preparation of a dissertation may be taken until the completion of education at



a doctoral school or the initiation of proceedings for the award of a degree of doktor - in the case of preparing a dissertation in the extramural mode, and the leave of absence to prepare for the defence – after a person has been admitted to the defence (B. Pietrzyk-Tobiasz, *Komentarz do art. 196 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

The provisions of TLHES do not indicate the required form of submission. It can therefore already be agreed with the employer itself. It seems, however, that the application should obligatorily contain one element, namely the indication of the reason for granting the leave. The doctoral student should also attach evidence to the application indicating that this entitlement may be exercised.

For the period of leave, the doctoral student is entitled to remuneration determined as for annual leave.

Legal basis

Art. 196 of TLHES, Art. 154(2) of the Labour Code

The template of the application for the above leave of absence: B. Pietrzyk-Tobiasz, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.* (Publication available in open access.)



§ 3. The right to doctoral education free of charge

1. Doctoral education shall not be subject to fees.

2. 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.

3. 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(2) of TLHES;
- 5) issuing a duplicate of the diploma and the diploma supplement;
- 6) using student dormitories and canteens.

4. A public higher education institution shall lay down the conditions and mode of exemption from the fees referred to in [points 2 and 3 above.]

By virtue of the provision indicated in Article 198(8) TLHES, doctoral students at doctoral schools are entitled to education free of charge. As rightly noted in the doctrine, this regulation precludes both charging of fees to doctoral students and imposition on them other financial obligations at doctoral schools which may be qualified as constituting the process of education (K. Koźmiński, *Komentarz do art. 198 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

Ł. Kierznowski points out that the aforementioned provision should be read with reference to Article 79 TLHES (Ł. Kierznowski, *Szkoły Doktorskie, Komentarz do*



Artykułów 198-216 oraz 259-264 ustawy Prawo o szkolnictwie wyższym i nauce, Warsaw 2018, p. 26).

This means that entities operating doctoral schools may charge doctoral students certain fees resulting directly from the provisions of generally applicable law concerning activities not directly related to the education process itself - for conducting recruitment, confirming learning outcomes and using student dormitories and student canteens. The entity may, however, establish rules exempting doctoral students from the obligation to pay such fees (cf. Ł. Kierznowski, *op. cit.*, p. 27).

Legal basis

Art. 79 and Art. 198(8) of TLHES



§ 4. The right to extension of the deadline for submitting a doctoral dissertation

1. Doctoral education shall last from 6 to 8 semesters.

2. A doctoral student shall be removed from the register of doctoral students in case of failure to submit a doctoral dissertation within the deadline specified in the individual research plan.

3. 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.

4. The regulations of the doctoral school shall establish the organization of education to the extent not regulated by [TLHES], in particular the conditions for the extension of the deadline for submitting a doctoral dissertation.

The doctoral education school generally lasts between 6 and 8 semesters. The education is therefore expressed in terms of semesters. However, as follows from Article 66 of TLHES, the academic year lasts from 1 October to 30 September and is divided into 2 semesters. It is therefore rightly pointed out in the literature that 'an entity operating a doctoral school must not only enclose the education of doctoral students within 6 to 8 semesters, but in one academic year, i.e. in the period from 1 October to 30 September, it may accommodate exactly 2 semesters' (Ł. Kierznowski, *op. cit.*, p. 44).

However, TLHES equips doctoral students with the right to extension of the deadline for submitting a doctoral dissertation. A doctoral student may extend this deadline by a maximum of 2 years. It should be emphasised that the provisions of TLHES do not regulate the rules for exercising such right. These rules should be defined in the regulations of the doctoral school. The regulations may therefore provide for specific reasons for extending the deadline for submitting a doctoral dissertation (e.g. the need to conduct long-term research, the occurrence of serious health problems, the need to care for a child/non-independent family member).



The legal doctrine point out that the extension of the deadline for submitting a doctoral dissertation implies the continuation of education at the doctoral school and, therefore, of the status of doctoral student and the entitlements associated with it, taking into account the temporary limitation of some of them, such as the right to receive a doctoral scholarship [H. Izdebski, *Komentarz do art. 204 PSWiN* [in:] J.M. Zieliński, H. Izdebski, *Prawo o szkolnictwie wyższym i nauce*, 2023, no. 4; Ł. Kierznowski, *op. cit.*, p. 60; M. Pyter, *Komentarz do art. 204 PSWiN*, [in:] A. Balicki, M. Pyter, B. Zięba (eds.), *Prawo o szkolnictwie wyższym I nauce*, 2021].

During the period of extension of the deadline for submitting a doctoral dissertation (in the case of training lasting 8 semesters), doctoral students are therefore no longer entitled to a doctoral scholarship. It should be noted, however, that on 14 February 2023 The Ministry of Education and Science issued a communication addressed to entities operating a doctoral school on the possibility of extending the deadline for the submitting a doctoral dissertation due to the pandemic situation. The communication indicated that the entities operating a doctoral school, depending on their own financial situation, may grant this group of doctoral students who have exceeded the cumulative period of four years of receiving of a doctoral scholarship at doctoral schools and have applied for an extension of the deadline for submitting a doctoral dissertation, funds for the preparation of the doctoral dissertation which do not constitute a doctoral scholarship [*in the meaning of Art. 209(1) of TLHES*]. The communication also points out that doctoral students benefiting from extensions continue to be counted in the doctoral indicator of the subsidy (see *Komunikat do podmiotów prowadzących szkoły doktorskie w sprawie możliwości przedłużenia terminu złożenia rozprawy doktorskiej w związku z sytuacją pandemiczną*, <https://www.gov.pl/web/edukacja-i-nauka/komunikat-do-podmiotow-prowadzacych-szkoly-doktorskie-w-sprawie-mozliwosci-przedluzenia-terminu-zlozenia-rozprawy-doktorskiej-w-zwiazku-z-sytuacja-pandemiczna>, accessed on 10 October 2024.)²

It should be noted that if a doctoral student is refused to be granted an of the deadline for submitting a doctoral dissertation and fails to submit the dissertation within the deadline specified in the individual research plan, the person in charge of the doctoral school is obliged to remove the doctoral student from the register of doctoral students.

Legal basis

Art. 201(1), Art. 203(1)(2), Art. 204(2) and Art. 205(1)(4) of TLHES

² The communication available only in Polish.



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The template of the application for extension of the deadline for submitting a doctoral dissertation: B. Pietrzyk-Tobiasz, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.* (Publication available in open access.)



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§ 5. The right to suspend education in a doctoral school

1. 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.

2. The total period of receiving the doctoral scholarship at doctoral schools shall not exceed 4 years.

3. The period shall not include the period of suspension.

TLHES provides for the right of a doctoral student to suspend their education in a doctoral school for a period corresponding to the duration of maternity leave, leave on maternity leave conditions, paternity leave and parental leave, as defined in the in the Labour Code. The rights is a manifestation of a family-friendly regulation. Indeed, as emphasised in the doctrine, the period of doctoral education coincides with the traditional period for starting a family (I. Florczak *Komentarz do art. 204 PSWiN* [in:] K.W. Baran (ed.), *Academic Employment Law. Commentary*, ed. K. W. Baran, Warsaw 2020.)

It should be noted that a doctoral student does not have to exercise this right. He or she decides on his or her own whether he or she is able to continue his or her doctoral education without the suspension of education. The education is suspended only at the doctoral student's request during the periods allowed by the Labour Code related to the leaves of absence listed in TLHES (B. Pietrzyk-Tobiasz, *Komentarz do art. 204 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

A doctoral student may apply for a suspension for a period corresponding to the duration of maternity leave/ leave on the conditions of maternity leave /paternity leave, followed by parental leave. It is also possible to submit an application covering both indicated periods at the same time (B. Pietrzyk-Tobiasz *Komentarz do art. 204 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

An application for the suspension of doctoral education may be submitted at any stage of education bearing in mind that it will be granted taking into account the provisions of the Labour Code.



It should be noted that during the period of suspension of education in a doctoral school 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 on the date of the application for suspension. During the period of suspension, the doctoral student shall therefore receive a scholarship by the virtue of the law.

The regulations of the doctoral school should regulate the procedure for submitting applications for the suspension of education and the formal requirements for the form of the application itself. It should be emphasised, however, that the entity operating a doctoral school may not refuse to grant a doctoral student a suspension of education in the case where he or she meets the prerequisites indicated in Article 204(3) of TLHES (*Opinia prawna w przedmiocie świadczeń wypłacanych w czasie zawieszenia kształcenia w szkole doktorskiej z 23.10.2021 r. no. KR.D.RPD.147.1.2021*, <https://krd.edu.pl/wpcontent/uploads/2022/09/Swiadczenia-w-okresie-zawieszenia.pdf>, accessed on 10 October 2024.)³

It is also worth pointing out that the doctoral school regulations may provide for other possibilities for the suspension of education/break in education (e.g. in cases such as long-term illness, a prestigious research internship, the need to care for an ill family member). During the suspension/break for other reasons provided for in the doctoral school regulations, the doctoral student should receive a doctoral scholarship. It should be stressed, however, that the period of payment of the scholarship during such a suspension/break counts towards the maximum 4-year period of receipt of the doctoral scholarship. The payment of the indicated benefit during the suspension/break is therefore connected with the fact that the doctoral student, after returning to doctoral education, will receive the scholarship for a shorter period (reduced by the time of the suspension/break).

Legal basis

Art. 204(3), Art. 209(2) and Art. 209(3) of TLHES

³ The opinion available only in Polish.



§ 6. The right to secure the possibility of continuing of education in another doctoral school in the event of cessation of conducting doctoral education in a given discipline

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 doktor in extramural mode.

Doctoral students shall have the right to secure the possibility of continuing their education in another doctoral school in the event of cessation of conducting doctoral education in a given discipline. Such a situation may occur, for example, in the case of a negative assessment of the quality of education at a school by the the Science Evaluation Committee. It should be emphasised that the implementation of the procedure for the transfer of a doctoral student from one doctoral school to another depends on the doctoral student's consent to such action.

TLHES also specifies an alternative solution in a situation where a doctoral student does not have the possibility to obtain education in another school in the same discipline or does not consent to the transfer. In such an event, the entity operating the doctoral school shall bear the doctoral student's costs of the proceedings for the award of a degree of doktor in extramural mode

As K. Koźmiński aptly points out, the purpose of the provision of TLHES regulating this issue was intended to secure the course of doctoral students' education and their rights and interests, based on the rightful assumption that the legislator should eliminate, or at least minimise, the negative effects caused by the cessation of conducting doctoral education in a given discipline by the entity operating the doctoral school (K. Koźmiński, *Komentarz do art. 206 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

Legal basis

Art. 206(1) and Art. 206(2) of TLHES





§ 7. The right to rest breaks

1. A doctoral student shall be entitled to rest breaks of up to 8 weeks per year.

Every doctoral student in has the right to take a rest break. It should be stressed, however, that this is the right of the doctoral student, and the doctoral student decides for himself or herself whether he or she needs such a break during a particular calendar year. Significantly, a doctoral student does not have to take the rest break of the maximum length at once. He or she may take several breaks, bearing in mind that their total duration may not exceed eight weeks.

As the very name of this right implies, the break should be a rest break. It is therefore rightly observed in the literature that during the period spent on a rest break, a doctoral student should not be obliged to follow an individual research plan and study programme. Taking the break does not, however, suspend the deadlines specified in TLHES, e.g. for the presentation of the individual research plan or undergoing the mid-term evaluation (B. Pietrzyk-Tobiasz, *Komentarz do art. 208 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*) A doctoral student may therefore use a break for rest, but must remember to complete all the tasks indicated in the individual research plan and educational programme during the period in question.

Representatives of the literature point out that rest breaks may be used not only in the period free from teaching (P. Mroczkowski, *Ochrona prawnopracownicza doktorantów*, [in:] W. Kiełbasiński, M. Dorołowicz (eds.), *op.cit.*, p. 61). It should be noted, however, that the rules for exercising this right may be standardised in the doctoral school regulations.

Legal basis

Art. 208(1) of TLHES



§ 8. The right to inclusion of the period of doctoral education into the period of work

1. 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.

The period of education at the doctoral school, not exceeding four years, shall be included in the period of work on which employee entitlements depend. 'In the case of 8-semester doctoral schools, credit shall be given for the period of basic training time, while in the case of 6-semester schools, credit may also be given for the period of extension for the submission of the dissertation, not exceeding one year.' (B. Pietrzyk-Tobiasz, *Komentarz do art. 208 PSWiN*, [w:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

It should be emphasised, however, that the obligatory conditions for including the period of education in a doctoral school into the period of work are - completion of the education and obtaining a degree of doktor.

THELS, however, specifies two cases in which, despite the non-completion of education at a doctoral school, the period of education in doctoral school is included into the period of work if he or she later obtains a doctoral degree. These cases include the non-completion of education due to taking up employment as an academic teacher or researcher and the cessation of doctoral training in a given discipline.

Legal basis

Art. 208(2) and Art. 208(3) of TLHES



§ 9. The right to a doctoral student ID

1. The entity operating the doctoral school shall issue a doctoral student ID to the doctoral student.

2. The entity operating the doctoral school in which doctoral student from a foreign higher education institution or research institution is undergoing part of his or her education shall, upon request, issue that doctoral student with a doctoral student ID.

Every doctoral student has the right to receive a doctoral student ID. The doctoral school is therefore obliged to issue it. A doctoral student does not have to make any request to the school authorities to receive it. It should be noted that the ID constitutes a document confirming the status of a doctoral student (M. Dokowicz, *Komentarz do art. 208 PSWiN* [in:] J. Woźnicki (ed.), *Prawo o szkolnictwie wyższym i nauce*, 2019).

Pursuant to Article 204(1) of THELS, a doctoral student's education ends with the submission of with the submission at the doctoral school of their dissertation jointly with a positive opinion of the supervisor. Completion of the education results in the loss of the status of doctoral student, and therefore also of all privileges associated with it such as the possession of an ID. The literature emphasises that once the doctoral dissertation has been submitted, the school may demand that the doctoral student returns the ID (see B. Pietrzyk-Tobiasz, *Komentarz do art. 208 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

A doctoral student ID may also be issued to foreign doctoral students undergoing education for a specified period of time at a Polish doctoral school. In this case, however, the document is issued at the request of the foreign doctoral student.

It is also worth pointing out that it is inadmissible to charge a fee for issuing a doctoral student ID (Ł. Kierznowski, *Komentarz do art. 208 PSWiN*, [in:] A. Jakubowski (ed.), *Prawo o szkolnictwie wyższym i nauce*, Warsaw 2023).

Legal basis

Art. 208(4) and Art. 208(5) of TLHES



§ 10. Prawo do otrzymywania stypendium doktoranckiego

1. A doctoral student who does not hold a degree of doktor shall receive a doctoral scholarship.
2. A doctoral scholarship shall not be received by a doctoral student whose training in a doctoral school entails an obligation to be employed in the entity operating the doctoral school:
 - 1) under a contract of employment;
 - 2) with a salary exceeding a professor's salary.
3. The total period of receiving the doctoral scholarship at doctoral schools shall not exceed 4 years.
4. The period of 4 years shall not include the period of suspension and the period of education at the doctoral school in the case referred to in Art. 206(2) [of TLHES].
5. 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.
6. The amount of the doctoral scholarship may depend on the student's achievements.
7. 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 on the date of the application for suspension.
8. 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% by the amount of the minimal doctoral scholarship for the period up to the month in which the mid-term evaluation was conducted.



9. 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.

10. The doctoral scholarship shall be paid by the entity operating the doctoral school.

11. Natural persons who in the territory of the Republic of Poland are doctoral students receiving a doctoral scholarship shall be subject to compulsory pension and disability pension insurance.

12. Persons subject to pension and disability pension insurance are obliged to be covered by accident insurance.

13. Persons who are compulsorily covered by pension and disability pension insurance shall be subject to voluntary sickness insurance at their own request.

Doctoral students who does not hold a degree of doktor shall receive a doctoral scholarship for a maximum of 4 years. It should be emphasised at the same time that the period of 4 years does not include the period of suspension for a period corresponding to the duration of maternity leave, leave on maternity leave conditions, paternity leave and parental leave, as well as the period of education at a doctoral school in a case in which, due to cessation of conducting doctoral education in a given discipline, it is not possible to continue education at another doctoral school.

The doctoral scholarship is non-refundable. Persons who resign from their education or are removed from the register of doctoral students are therefore not obliged to return the scholarship received.

A doctoral scholarship shall not be awarded to persons whose training at a doctoral school involves an obligation to be employed in the entity operating the doctoral school under an employment contract with a salary with a salary exceeding a professor's salary.

The law indicates the minimum scholarship to be paid by the entities operating a doctoral school. It should be noted that they may decide to increase the amount of the doctoral scholarship. Moreover, it is also possible to increase the amount of the scholarship on the basis of the achievements of doctoral students. In this case, the



increase may cover only a selected group of doctoral students with outstanding academic or organisational achievements.

Importantly, doctoral students receiving a scholarship are subject to compulsory pension and disability pension insurance, and accident insurance. However, sickness insurance is optional. Doctoral students may join it upon request.

Doctoral students who are not subject to compulsory health insurance for any other reason are subject to compulsory health insurance. Doctoral students who are over the age of 26 will therefore be enrolled by the entity operating a doctoral school for health insurance if they are not subject to health insurance for any other reason, such as employment contract or contract of mandate. It should be noted, however, that doctoral students who are undergoing education in the Republic of Poland, who are not citizens of an EU or EFTA member state or the United Kingdom and who are not persons (legally) residing in the territory of an EU or EFTA member state or the United Kingdom other than the Republic of Poland, and persons other than those indicated, if they have been recognised as persons of Polish origin within the meaning of the repatriation regulations or have a valid Card of the Pole, are insured if they insure themselves voluntarily (W. Kiełbasiński, B. Pietrzyk-Tobiasz, *Komentarz do art. 209 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

Legal basis

Art. 209(1) – 209(4) of TLHES; Art. 6(1)(7b), Art. 11(2) and Art. 12(1) of the Act of 13 October 1998 on the social insurance system; Art. 66(1)(20) of the Act of 27 August 2004 on Health Services Financed from Public Funds

Case Law

Opinion of the Provincial Administrative Court in Warsaw of 8 April 2022, case no. II SA/Wa 3341/21, [available in the legal information system] Legalis.



§ 11. The right to apply for a student loan

1. 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.

2. 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.

A doctoral student, just like a student, can apply for a for a student loan.

However, there are two differences with respect to doctoral students compared to the regulations for students. Firstly, the loan may be obtained by a doctoral student who is under 35 years of age, whereas in the case of students, the loan may be obtained by a student who is under 30 years of age; secondly, the loan is granted for the duration of education in a doctoral school only once, for no longer than 4 years, whereas in the case of students, student loan is granted for the period of study only once, not longer than for 6 years (Ł. Kierznowski, *Komentarz do art. 210 PSWiN*, [in:] A. Jakubowski (ed.), *op.cit.*)

A student loan may be obtained by a doctoral student whose average monthly income in the family for the year preceding the year of submission of the application is lower than or equal to the amount determined pursuant to Article 98(4) of TLHES (the amount of monthly income in the family entitling to a loan in a given academic year is announced by the Minister of Science and Higher Education in the Public Information Bulletin on its subject page).

Legal basis

Art. 98(4) and Art. 210 of TLHES



§ 12. The right to accommodation in a student dormitory and catering in the student canteen

1. 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.

Doctoral students have the right to apply for accommodation for themselves, their spouse or a child in a student dormitory, as well as the right to catering in the student canteen. As emphasised in the literature, catering in the student canteen of the higher education institution is only granted to the doctoral student, and not also to his/her spouse or child (B. Pietrzyk-Tobiasz, *Komentarz do art. 211 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

Significantly, benefits under TLHES are only available to doctoral students studying at university-type higher education institution (see Ł. Kierznowski, *Komentarz do art. 211 PSWiN*, [in:] A. Jakubowski (ed.), *op.cit.*)

Doctoral students may apply for these benefits according to the mode laid down in the regulations concerning student benefits.

Legal basis

Art. 211 of TLHES

Case Law

Opinion of the Provincial Administrative Court in Gdańsk of 27 March 2020, case no. III SAB/Gd 13/20, [available in the legal information system] Legalis.



§ 13. Prawo do ulgi za przejazdy publicznymi środkami komunikacji miejskiej i publicznym transportem zbiorowym

1. A local government unit may grant doctoral students reductions in the fees for public municipal transport.
2. Doctoral students up to the age of 35 are entitled to a 51% reduction in the fees for travel on public transport by rail in regional, fast and express trains, on the basis of single tickets.
3. Doctoral students up to the age of 35 are entitled to a 51% discount for travel on public transport by rail in regional and fast trains, on the basis of personal monthly tickets.
4. Doctoral students up to the age of 35 are entitled to a 51% reduction for travel on public bus transport in regular and fast services, on the basis of personal monthly tickets.

A local government unit may grant doctoral students reductions in the fees for public municipal transport. The legislator has not imposed an obligation on them in this respect.

It should be emphasised that the determination of the amount of the reduction is within the competence of the local government unit .

It should be emphasised, however, that doctoral students are entitled to reductions for travel on public transport by rail in regional, fast and express trains by law. In addition, doctoral students are also entitled to a reduction for travel on public bus transport.

Legal basis

Art. 214 of TLHES; Art. 4(4b), Art. 4(6b) and Art. 5(1b) of the Act of 20 June 1992 on the rights to reduced fares in public collective transport.



§ 14. The right to form doctoral student organisations

1. Doctoral students shall have the right to form doctoral student organisations in the entity operating a doctoral school.

2. The provisions [*regulating students organisations*] 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.

Doctoral students have the right to form doctoral student organisations in the entity operating a doctoral school. (e.g. research clubs, sports associations). Significantly, the indicated organisations may associate not only doctoral students, but also other groups functioning in the academic community, e.g. students, university employees or other persons (I. Florczak, *Komentarz do art. 216 PSWiN* [in:] K. W. Baran (ed.), *op.cit.*)

The provisions of Art. 111(2) – Art. 111(5) of TLHES shall apply *mutatis mutandis* to doctoral student organisations which associate exclusively doctoral students, students and staff of a higher education institution.

Legal Basis

Art. 216 of TLHES



DOCTORAL STUDENTS' OBLIGATIONS

§ 1. Obligation of internship

1. 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.

Entities operating a doctoral school may establish in the curricula the obligation of internship.

The curriculum may provide for internships in the form of teaching or participation in the teaching of classes, not exceeding 60 teaching hours per year.

In order to determine the rules and dimensions of a doctoral student's teaching internship, it is necessary to analyse the provisions of the curriculum. This is because it is in this legal act that such an obligation may be established, and the provisions of the regulations of the doctoral school may only duplicate it (Ł. Kierznowski, *Komentarz do art. 201 PSWiN*, [in:] A. Jakubowski (ed.), *op.cit.*)

As noted in the literature, every hour of instruction given by a doctoral student outside the statutory limit (and therefore 60 hours per year over a period of four years of doctoral education) cannot be qualified as teaching internship. The execution by a doctoral student of an internship outside the limit specified in the curriculum, requires the conclusion of a proper contract constituting the basis for the work involving the doctoral student's teaching (I. Florczak, *Komentarz do art. 201 PSWiN*, [in:] K.W. Baran (ed.), *op.cit.*)

Legal basis

Art. 201(5) of TLHES



§ 2. The obligation to draw up an individual research plan

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 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.

The doctoral student is bound by obligation to draw up an individual research plan.

The individual research plan drawn up by the doctoral student must include a schedule for the preparation of the doctoral dissertation and the deadline for submission of the doctoral dissertation. Additional compulsory elements may be required by a given entity operating a doctoral school and refer to e.g. necessity of preparation of a scientific publication or active participation in scientific conferences. Entities operating doctoral schools may publish templates of individual research plans to be completed.

In case when the doctoral school regulations do not preclude that, a doctoral student may include in the individual research plan any elements that are crucial from the perspective of a research conducted by him or her (*B. Pietrzyk-Tobiasz, Indywidualny plan badawczy, [w:] W. Kiełbasiński, M. Dorołowicz (eds.), op.cit., p. 34*).

The doctoral student has the obligation to submit the individual research plan within 12 months from the date of the commencement of education. This period starts from the date of the commencement of education, i.e. from taking the doctoral student's oath (*B. Pietrzyk-Tobiasz, Komentarz do art. 202 PSWiN, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), op.cit.*)

Legal basis

Art. 202(1) and Art. 204(2) of TLHES



§ 3. The obligation to follow the regulations of the doctoral school

1. A doctoral student shall be obliged to follow the regulations of the doctoral school.
2. A doctoral student may be removed from the register of doctoral students in case of failure to follow the regulations of the doctoral school

Each doctoral student is obliged to follow the regulations of the doctoral school. Such obligation arises upon taking the doctoral student's oath (*W. Kiełbasiński, B. Pietrzyk-Tobiasz, Komentarz do art. 207 PSWiN, [w:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), op.cit.*)

It should be emphasised that failure to comply with this obligation is an optional condition for removal from the register of doctoral students. In such an event, a doctoral student may or may not be removed from the register of doctoral students. It should therefore be unequivocally stressed that optional removal is characterised by the fact that its application depends on a decision of the competent authority. Thus, the authority has the power, but not the obligation, to remove a given doctoral student.

As emphasised in the literature, in the case of optional removal, the decision is taken within the so-called 'free discretion of the authority'. Free discretion does not, however, imply arbitrariness on the part of the authority in taking such a decision, but, moreover, involves the need for a diligent and particularly thorough analysis of all the circumstances of the case (*B. Pietrzyk-Tobiasz, Komentarz do art. 203 PSWiN, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. Kuliński (eds.), op.cit.*)

Legal basis

Art. 203(2) and Art. 207(1) of TLHES

Case Law

Opinion of the Supreme Administrative Court of 12 June 2001, case no. I SA 2521/00, [available in the legal information system] Legalis.



§ 4. The obligation to implement the curriculum and individual research plan

1. A doctoral student shall be obliged to implement the curriculum and individual research plan.
2. A doctoral student may be removed from the register of doctoral students in case of failure to implement the curriculum and individual research plan.

Doctoral students have the obligation to implement the curriculum and individual research plan. The obligation to implement the curriculum arises upon taking the doctoral student's oath, and the obligation to implement the individual research plan upon presenting it to the entity operating the doctoral school. (W. Kiełbasiński, B. Pietrzyk-Tobiasz, *Komentarz do art. 207 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński (eds.), *op.cit.*)

It should be noted that failure to fulfil this obligation also constitutes an optional condition for removal from the register of doctoral students. In such a case, a doctoral student may, but does not have to, be removed from the register of doctoral students. It should therefore be unequivocally stressed that optional removal is characterised by the fact that its application depends on a decision of the competent authority. Thus, the authority has the power, but not the obligation, to remove a given doctoral student.

As emphasised in the literature, in the case of optional removal, the decision is taken within the so-called 'free discretion of the authority'. Free discretion does not, however, imply arbitrariness on the part of the authority in taking such a decision, but, moreover, involves the need for a diligent and particularly thorough analysis of all the circumstances of the case (B. Pietrzyk-Tobiasz, *Komentarz do art. 203 PSWiN*, [in:] W. Kiełbasiński, B. Pietrzyk-Tobiasz, M. Kuliński (eds.), *op.cit.*)

It is also important to note that the implementation of the individual research plan by a doctoral student is also subject to mid-term evaluation, conducted 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. The mid-term evaluation shall end with a positive or negative result. The result of the evaluation, together with the justification, shall be public.

Legal basis

Art. 203(2) and Art. 207(2) of TLHES