

Extract from the act of July 20th, 2018 the Higher Education and Science Law

SECTION III

Postgraduate studies, specialist education and other forms of education

Art. 160. 1. Post-graduate studies shall last not less than 2 semesters and shall allow for obtaining partial qualifications at levels 6, 7 or 8 of the PQF (Polish Qualifications Frameworks).

2. The post-graduate studies curriculum shall determine the learning outcomes for partial qualifications taking into account the characteristics of the second degree of the PQF at levels 6, 7 or 8 of the PQF specified in the provisions issued on the basis of art. 7 items 3 and 4 of the Act of December 22nd, 2015 on the Integrated Qualification System and shall enable obtaining at least 30 ECTS points.

3. Postgraduate studies may undertake persons who have at least the full qualification at least at level 6 obtained within the higher education and science system.

4. A person who has completed post-graduate studies shall receive a certificate of completion of these studies. The model certificate shall be specified by the entity conducting the studies.

SECTION VIII

Foreigners in the system of higher education and science

Art. 326. 1. Diploma issued by an authorized university operating in the higher education system of a European Union Member State, member state of the Organization for Economic Cooperation and Development (OECD) or member state of the European Free Trade Agreement (EFTA) being also party to the agreement on the European Economic Area, confirming completion of:

1) three-year studies or first-cycle studies lasting at least 3 years – shall be considered as confirming in the territory of the Republic of Poland education at the level of first-cycle studies;

2) second-cycle studies - shall be considered as confirming in the territory of the Republic of Poland education at the level of second-cycle studies;

3) at least four-year uniform studies - shall be considered as confirming in the territory of the Republic of Poland education at the second-cycle level, if it is considered equivalent to the second-cycle studies completion diploma in the issuing state.

2. If a diploma confirming the completion of studies abroad gives the right to continue education within second-cycle studies or to apply for the degree of *doktor* (Doctor of Philosophy/doctoral degree) in the country in which the university which issued the higher education system operates, it shall entitle its holder in the territory of the Republic of Poland to:

1) continuing education at second-cycle studies or applying for the degree of *doktor*.

3. A diploma confirming completion of studies issued by a foreign university shall not confirm the possession of education in the territory of the Republic of Poland at a given level of studies, nor shall it grant the rights referred to in item 2 if:

1) the institution which issued it, or the institution where the educational process was carried out:

a) is not operating in any higher education system or

b) within the meaning of the national law of the state in whose higher education system this institution operates, on the day of issuing the diploma it was not an accredited university or implemented the studies curriculum without accreditation;

2) the studies curriculum or part thereof was implemented contrary to the provisions of law of the state in which the educational process was carried out.

4. The NAWA Director shall, at the request of an interested entity, provide written information on the diploma issued by a foreign university, the level of studies and the status of the university.

Art. 327. 1. A diploma of completion of studies abroad may be recognized as equivalent to the relevant Polish diploma and professional title based on an international agreement determining equivalence, and in the absence thereof - by way of nostrification proceedings.

2. A person whose diploma has been recognized as equivalent to a Polish diploma and title may use the equivalent Polish title.

3. Completion of studies at a specified level by a foreigner who has obtained refugee status or subsidiary protection, or a foreigner holding a temporary residence permit granted in connection with the circumstance referred to in art. 159 item 1 point 1 letter c or d of the Act of December 12th, 2013 on Foreigners who does not hold a diploma of completion of studies, may be confirmed by means of proceedings for confirmation of completion of studies at a specified level.

4. Nostrification proceedings or proceedings referred to in item 3, shall be initiated upon request. The proceedings shall be conducted by the university having the A+, A or B + scientific category in the discipline to which the request relates.

5. After the nostrification proceedings or the proceedings referred to in item 3, relevant certificate shall be issued.

6. A fee shall be charged for the proceedings. The maximum fee shall be 50% of professor's salary. The university shall specify the conditions and mode for exemption from its payment.

7. In the event of establishing lack of jurisdiction to conduct the proceedings, the university shall issue the decision refusing to conduct the proceedings, which may be appealed against. The fee referred to in item 6, shall not be charged.

8. The minister competent for higher education and science shall specify, by way of ordinance:

1) documents to be attached to the request,

2) the detailed mode of the nostrification proceedings and the proceedings referred to in item 3,

3) time limits for considering cases in the nostrification proceedings and the proceedings referred to in item 3,

4) the method of payment,

5) the model certificate issued after the nostrification proceedings and the proceedings referred to in item 3 - bearing in mind the need to ensure efficient conduct of the proceedings and the variety of documents confirming the completion of studies occurring in international circulation.

Art. 328. 1. Academic degrees and art degrees awarded by an authorized institution operating in a European Union Member State, member state of the Organization for Economic Cooperation and Development (OECD) or member state the European Free Trade Agreement (EFTA) being also party to the agreement on the European Economic Area shall be equivalent to a relevant degree or art degree as referred to in the Act.

2. The doctoral degree awarded by the European University Institute, in accordance with the Convention Establishing the European University Institute, concluded in Florence on April 19th, 1972, shall be equivalent to the degree of *doktor*.

3. Academic degrees and art degrees awarded by an institution other than the one referred to in item 1 and 2 may be considered equivalent to the relevant Polish degree on the basis of an international agreement, and in its absence, by nostrification proceedings.

4. Nostrification proceedings shall be initiated upon request. The proceedings shall be conducted by an entity with the scientific category A+ or A in the discipline to which the request relates.

5. After the nostrification proceedings relevant certificate shall be issued.

6. A fee shall be charged for the proceedings. The maximum fee shall be 50% of professor's salary. In justified cases, the applicant may be exempted from the payment. The entity referred to in item 4, shall specify the mode of exemption from the payment.

7. In the event of establishing lack of jurisdiction to conduct the proceedings, the entity referred to in item 4 shall issue a decision refusing to conduct the proceedings, which may be appealed against. The fee referred to in item 6, shall not be charged.

8. The minister competent for higher education and science shall specify, by way of ordinance:

1) documents to be attached to the request,

2) the detailed mode of the nostrification proceedings,

3) time limits for considering cases,

4) the method of payment,

5) the model certificate issued after the nostrification proceedings - bearing in mind the need to ensure efficient conduct of the proceedings and the variety of documents confirming the completion of studies occurring in international circulation.

SECTION V

Degrees and title in the higher education and science system

Art. 186. 1. The degree of *doktor* shall be granted to a person who:

1) has the professional title of *magister* (master of science/master of arts), *magister inżynier* (master of science engineer) or equivalent or holds the diploma referred to in art. 326 item 2 point 2 or art. 327 item 2, giving the right to apply for the degree of *doktor* in the state in whose higher education system operates the university which issued the diploma;

2) obtained learning outcomes for qualifications at level 8 of the PQF, whereby learning outcomes in the field of knowledge of a modern foreign language shall be confirmed by a certificate or diploma confirming the knowledge of that language at least at B2 level;

3) is the author of at least:

a) 1 scientific article published in a scientific journal or in reviewed materials from an international conference, which in the year of the article's publication in the final form were included in the list prepared in accordance with the provisions issued pursuant to article 267 item 2 point 2 letter b, or

b) 1 scientific monograph issued by the publishing house, which in the year of publication of the monograph in its final form was included in the list prepared in accordance with the provisions issued pursuant to art. 267 item 2 point 2 letter a, or a chapter in such a monograph, or

c) one significant artistic work;

4) presented and defended his/her doctoral dissertation;

5) met other requirements specified by the entity awarding the degree of *doktor*.

2. In exceptional cases, justified by the highest quality of scientific achievements, the degree of *doktor* may be awarded to a person who does not meet the requirements specified in item 1 point 1, being a graduate of first-cycle studies or a student who completed the third year of uniform Master's studies.

3. The person referred to in item 2, upon awarding the degree of *doktor*, shall simultaneously obtain higher education, as referred to in art. 77 item 1 point 2.

Art. 200. 1. To a doctoral school may be admitted a person having the professional title of *magister*, *magister inżynier* or equivalent as well as a person referred to in art. 186 section 2.

2. Admission to a doctoral school shall take place through a competition on the principles set out by the senate or the scientific council.

3. The rules referred to in item 2 and the educational curriculum referred to in art. 201 item 3 shall be made available by the entity conducting a doctoral school no later than within 5 months before the start of recruitment.

4. Admission to a doctoral school shall take place by means of entry on the list of doctoral students.

5. Refusal of admission to a doctoral school shall take place by means of an administrative decision. The decision may be appealed against.

6. The results of the competition shall be public.

7. A person may be a doctoral student only at one doctoral school at a time.

8. A person admitted to a doctoral school shall start education and acquire the rights of a doctoral student upon taking the oath.

CHAPTER 3

Post-doctoral degree

Art. 226. 1. A person who obtained the degree of *doktor* in the Republic of Poland or abroad may acquire rights equivalent to the rights resulting from holding the degree of *doktor habilitowany* (post-doctoral degree) in a given discipline, if during work in another country for at least 5 years he/she was managing independently research teams, has significant scientific achievements and is employed in an entity authorized to award the degree of *doktor habilitowany* in relevant discipline holding at the same time the function of university professor or institute professor at a PAS (Polish Academy of Sciences) institute or research institute, or the professor at an international institute.

2. The decision on the granting rights shall be issued for a person employed in:

1) a university – by its rector;

2) PAS institute, research institute or international institute – the director of the institute.

3. The body referred to in item 2 shall forward the decision to the SEC (Scientific Excellence Council) together with the description of the professional career and list of achievements of a given person.

4. The rights shall be acquired after 4 months from the date of receipt by the SEC of the decision referred to in item 2, if during this period the SEC does not oppose and annul the decision by way of administrative decision.

5. The decision of the SEC may be appealed against to the administrative court.

6. A person who has acquired rights equivalent to the rights resulting from holding the degree of *doktor habilitowany* shall have the rights and entitlements of *doktor habilitowany* under this Act.