

**The legal basis for the creation of a federation of state higher education institutions.
Continued.**

Ladies and Gentlemen,

Members of the academic community of state higher education institutions in Poznań,

In the previous letter of the Council for the Integration of the Academic Community in Poznań the general legal basis for the creation of a federation of public higher education institutions as set out in the Law on Higher Education and Science of July 20th, 2018 have been presented. Today we wish to present further details of this act of law, in particular the provisions contained in Part 4 of the said act of law. Our understanding of these provisions will facilitate the upcoming discussion on particular details of the statutes of the federation. We have already dealt with provisions of Articles 165 and 166 and now we would like to share with you our comments on Articles 167 – 176.

Who shall be employed by the federation?

Article 167 (3) should be invoked here in order to soothe some fears concerning employment. Employees of the particular higher education institutions – members of the federation maintain their employment in their higher education institution. In other words, membership in a federation will have no impact upon labor relations. Strictly speaking, only a small group of individuals will be employed by the federation in order to conduct work of the federation's office. In this context, it should be emphasized that the federation should be perceived as a kind of superstructure integrating member institutions and whose role should be to coordinate their activities, combine their research equipment resources and to educate doctoral students.

What bodies must a federation have?

Article 169 (1) is very important. It sets out that the bodies of the federation shall be the president and the assembly of the federation. The number of members of the Assembly is determined in the statutes. Since the federation composed of eight public higher education institutions in Poznań will be a large institution, our statutes should make it possible to create also other bodies of the federation as stipulated in the said Act of Law. Therefore, the statutes of our federation composed of eight members-public higher education institutions in Poznań should provide for two bodies, i.e., the president and the assembly. Further comments on these issues will be presented later.

The president's responsibilities shall include matters concerning the federation, with the exception of those matters reserved by law or statutes for the competence of the federation assembly. The president's tasks include in particular: representation of the federation, management of the federation and the performance of labor law-related activities with respect to employees of the federation (i.e., those employed by the federation only and not by the member higher education institutions). This is what the law says about the president's tasks. Other tasks of the president are not envisaged in our statutes since it is believed that the president shall mainly perform a representative function and cooperate closely with the rectors of the member higher education institutions.

Article 170 sets out the tasks of the Assembly (e.g., adopting amendments to the statutes and monitoring the financial management of the federation). It is the assembly that is to be the

body of the federation conferring degrees in sciences and arts, although another body of the federation mentioned in the statutes or that of a member institution may be delegated to perform that task. The principle is that only one body of the federation confers degrees in a particular discipline of science and arts.

Article 171 goes back to defining the president of the federation and sets out who may run for president. Article 20.1. and Article 20.4. of the Law on Higher Education and Science of July 20th, 2018 provides for conditions which must be met by individuals to be appointed president and member of the assembly. The minister shall appoint the first president, at the request of the participating entities, for a period of 6 months and establish an employment relationship with them.

Which category will be granted to the same disciplines of different member higher education institutions after the federation has been created?

Provisions of Article 173 are of key importance. The evaluation of the quality of scientific activities shall be carried out exclusively for the federation. The evaluation shall be carried out within the framework of a discipline in a federation, whose participating entities employed, as of 31 December of the year preceding the year of evaluation, at least 12 employees conducting scientific activity in the given discipline, in terms of full-time work related to conducting scientific activity in that discipline.

The same principles of submitting employee's declarations on scientific activities in a given discipline apply and no more than 2 disciplines may be indicated in one entity. Within particular disciplines, the federation shall be granted categories A+, A, B+, B or C. Should the federation fail to obtain category A+, A or B+ at least in one of the disciplines, the minister shall liquidate the federation as stipulated in Article 174.

As the federation has scientific categories, it becomes an entity authorized to confer scientific degrees in sciences and arts as well as to educate doctoral students and participate in competitions within the project called "Excellence initiative – research university". Most probably it will take several years between the moment of the creation of the federation and the subsequent evaluation of the scientific disciplines within the federation. In this context, Article 173.6 is of particular importance. It says that from the date of the establishment of the federation until the date of granting of a scientific category, the federation shall have the powers related to the obtainment by the participating entities of scientific categories by the member higher education institutions (i.e., those, which shall be obtained by the member higher education institutions as the result of the evaluation carried out in the year 2022). Another part of the provision contained in Article 173.6 is also very important. If the participating entities have scientific categories in the same disciplines, the federation shall have the powers resulting from the highest of these categories. Currently it concerns 8 out of 40 disciplines that are being now evaluated in our higher education institutions. Higher education institutions making the federation shall maintain their original names which means that all eight future member higher education institutions in Poznań will keep their current names and the powers related to the establishment of studies and verification of learning outcomes.

It is hoped that our comments on the provisions of the Law on Higher Education and Science of July 20th, 2018 facilitate the discussion on the draft statutes of the federation. We will provide you with further comments on the draft statutes of the federation in our subsequent letters.

Council for the Integration of the Academic Community in Poznań

Professor Jan Celichowski, Ph.D., Vice-Rector, Poznań University of Physical Education

Professor Katarzyna Dziubalska-Kołaczyk, Ph.D., Vice-Rector, Adam Mickiewicz University, Poznań

Professor Piotr Goliński, Ph.D., Vice-Rector, Poznań University of Life Sciences

Professor Elżbieta Gołata, Ph.D., Vice-Rector, Poznań University of Economics and Business,

Professor Karolina Komasa, Ph.D., Magdalena Abakanowicz University of the Arts, Poznań

Professor Andrzej Lesicki, Ph.D., former Rector, Adam Mickiewicz University, Poznań

Professor Tomasz Łodygowski, Ph.D., Poznań University of Technology

Professor Michał Nowicki, Ph.D., Poznań University of Medical Sciences

Professor Jan Pikul, Ph.D., Poznań University of Life Sciences

Professor Michał Rykowski, Ph.D., the Ignacy Jan Paderewski Academy of Music

Professor Wojciech Sumelka, Ph.D. Poznań University of Technology