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Legal status of a PhD student in the Polish legal system

Summary

It is problematic to clearly define the legal position of a PhD student in the structure of the academic community. The reason for this state of affairs is the fact that the rights and obligations of PhD students both overlap with the rights and obligations assigned to students and they also remain somewhat similar to the responsibilities of university employees who are academic teachers.

The research aim of the study was to determine the legal status of PhD students educated in the third-cycle studies system and doctoral schools. Legal regulations regarding Polish PhD students - their rights and obligations – were analysed and compared, also in the context of other groups of academic communities (students and research workers).

The study is divided into two main modules. The first one describes the education of PhD students in doctoral studies and the problems that occurred under the regime of the Law on Higher Education were indicated. In this mode, PhD students complete their education by operation of the law, doctoral studies not completed by December 31, 2024 are cancelled or closed. Education at doctoral studies was not very effective, therefore a thorough reform was made and the Law on Higher Education and Science introduced a completely new model of doctoral education – doctoral schools, which are described in the second module. The analysis of two legal situations regarding the legal situation of PhD students allowed us to demonstrate: problems occurring during doctoral studies, the need to change the regulations concerning the legal situation of PhD students and solutions used by the legislator in doctoral schools. Owing to this, the status of PhD students was determined and it was shown what changes it has undergone over the course of two education models.

The basic theses of the study are: “doctoral schools play an important role in the education of PhD students”, “analysis of the legal status indicates the existence of similarities in the rights and obligations of PhD students with other groups of the academic community – students and research workers”, “analysis of the provisions of the Higher Education Law and the Law on Higher Education and Science reveals differences in the status of PhD students”. The legal-dogmatic method was mainly used in the dissertation, legal acts relating to the

examined matter were analysed in detail and conclusions were drawn. Additionally, historical-legal and analytical-synthetic methods were used – the collected materials were analysed in detail, the conclusions drawn were synthesised in a summary.

The analysis confirmed that the provisions of the Law on Higher Education and Science changed the position of PhD students, but to a limited extent. Interpretive errors of the legislator which existed in the previous legal status have been eliminated. However, some regulations still refer to the position of students or university employees. The lessons learned from the conducted research may become the basis for changing the regulations regarding PhD students, striving to determine the legal situation of PhD students (a PhD student's status) and demonstrating the specific distinctiveness of this academic group.