

Disciplinary Responsibility of Students and PhD Candidates

Foundations of Disciplinary Responsibility

Disciplinary responsibility is a specific type of liability to which academic teachers are subject for a disciplinary offense constituting an act that violates the duties of an academic teacher or the dignity of the academic profession. Similarly, scientific and research-technical staff employed in scientific units of the Polish Academy of Sciences or research institutes are subject to disciplinary responsibility for breaches of duties or for undermining the dignity of a research employee. Finally, students and PhD candidates are also subject to disciplinary responsibility for violations of the regulations in force at the university or for acts that violate the dignity of the student or PhD candidate.

Disciplinary responsibility of a member of the academic community involves a specific type of procedure of a repressive nature, which is reinforced by appropriate application of provisions regulating criminal proceedings. It should be emphasized, however, that merely applying procedural provisions derived from criminal law does not transform this procedure into criminal proceedings.

Disciplinary proceedings are strongly connected with the specific value system of a given profession or community (in this context: the academic community) – Constitutional Tribunal judgment of February 27, 2001, ref. K. 22/00 (OTK ZU no. 3/2001, pp. 266–268). Therefore, it represents a form of intensification of the rules that determine the principles of proceedings.

Disciplinary responsibility of students and PhD candidates has been regulated separately from that of academic teachers, which is related, firstly, to the different role and position of these persons within the community of the institution, and secondly, to ensuring representation of these groups by appropriate self-governing bodies. Nevertheless, in the case of these two groups, responsibility is based on the same principles. In the *Law on Higher Education and Science* (Arts. 307 and 322), two grounds for disciplinary responsibility of students and PhD candidates are provided, namely:

violation of regulations in force at the university (or the entity running the doctoral school), and

an act violating the dignity of a student (or PhD candidate).

It should be emphasized that, although the legislator used the conjunction “and,” which suggests that both conditions must occur simultaneously, doctrine recognizes that these conditions should be considered separately [see e.g., M. Barzycka-Banaszczyk, *Student’s Disciplinary Offense: Basis and Grounds for Responsibility*, EP 2022, No. 1, p. 8; B. Janusz-Pohl, *On the Model of Disciplinary Proceedings in Student Cases*, RPEiS 2013, No. 2, p. 87].

Violation of Regulations in Force at the University (or the Entity Running the Doctoral School)

Legal scholars rightly indicate that the term “regulations in force at the university (or the entity running the doctoral school)” should be understood as:

internal legal acts – in particular the statute, study regulations, doctoral school regulations, etc.; generally applicable legal acts, e.g., the Constitution of the Republic of Poland, the Penal Code, the Civil Code, copyright law, etc. (J. Kośowski, in: A. Jakubowski (ed.), *Law on Higher Education and Science. Commentary*, 1st ed., 2023). However, does every violation of study regulations or doctoral school regulations constitute a disciplinary offense?

Reading this provision literally could lead to such conclusions. Nevertheless, from the perspective of the purpose of the entire construction of disciplinary responsibility – which is strongly connected with the ethos of academic values – this is neither reasonable nor purposeful (cf. P. Olśzewski, J. Szataniak-Kulińska, in: ed. W. Kietbasiński, B. Pietrzyk-Tobiasz, M. W. Kuliński, *Law on Higher Education and Science for Students and PhD Candidates – Practical Commentary*, 1st ed., 2024, Legalis). Therefore, not every violation of regulations (internal or general) is considered, in particular violations of organizational or procedural rules. For example, violating traffic law regulations or submitting a thesis in a form different from that specified in the regulations would not justify disciplinary responsibility.

Disciplinary responsibility applies to provisions that incorporate specific values and principles. Secondly, it may concern behaviors that are persistent, disrupt the functioning of the institution, etc., and are inconsistent with academic customs. One can loosely refer to the concept of a prohibited act in criminal law, which assumes higher than negligible “social harm,” which can be appropriately translated to the functioning of the academic community. Additionally, the pledge of integrity made by students or PhD candidates is also significant in this respect.

Act Violating the Dignity of a Student (or PhD Candidate)

The notion of an act “violating the dignity” of a student or PhD candidate is an indeterminate term that refers to non-legal norms. In the literature, it is stated that committing an act that violates the dignity (of a student or PhD candidate) is a “breach of the canons of academic ethics, which constitute fundamental ethical rules rooted in

academic tradition” (see J. Kośowski, in: A. Jakubowski (ed.), Law on Higher Education and Science, 2023, comment to Art. 307, Nb 3).

Case law notes that the notion of dignity “has a broader character, as it includes any behavior of a student towards other persons that does not harm the university preparing them for professional work and who are aware of the sense of responsibility to respect the rights of another person” (Judgment of the Supreme Administrative Court of October 7, 2009, I OSK 247/09). When assessing whether an act violating the dignity of a student (or PhD candidate) has been committed, one must consider a range of individualizing circumstances, such as, in particular, the year and field of study. It is important which principles and values are associated with the profession for which the student is being prepared (cf. judgment of the Regional Administrative Court in Gliwice of January 19, 2015, IV SA/Gl 170/14, Legalis).

It should be added that this ground for disciplinary responsibility is considerably broader and covers more reprehensible behaviors, which do not necessarily have to be associated with a violation of specific legal norms.

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