

THE IMPACT OF POLAND'S 1990 BILL ON SCHOOLS OF HIGHER EDUCATION

Abstract: This article is the product of the writer's deliberations about the impact of Poland's 1990 Bill on Schools of Higher Education using an information technology theoretical model consisting of three parts: 1) participation, 2) feedback and 3) partnership. The main findings of the investigation revealed that: 1) there is wide participation in the management processes of institutions of higher education, 2) admissions to higher schools have greatly increased and 3) private schools are not only allowed but exist in great numbers. Also, a national quality assurance mechanism exists to evaluate higher institutions. Furthermore, there are advantages and disadvantages to foreign partnerships involving Polish higher schools.

Introduction

The aim of this paper is to assess the impact of Poland's 1990 Bill on Schools of Higher Education making use of an information technology theoretical framework. It is advisable to do so now because of the new challenges that Polish institutions of higher learning are now facing in terms of enrolment, quality control and partnerships, a result of Poland's recent (April, 2004) entry into the European Union (EU).

Poles have been interested in higher learning activities for many years. The Jagiellonian University (1364), where Copernicus once studied, is their oldest university (Liwicka, 1959, p. 10). Institutions of higher education in Poland are regulated by the 1990 Bill on Schools of Higher Education^{1&2} (Ustawa o Szkolnictwie Wyzszym) which is based on an 1989 report (Stachowski, 1989, chapter X). The Minister of National Education and Sport is responsible for enforcing and establishing the particular framework for it (Article 31(1)). However, he or she must take into account the views of

the Central Council of Higher Education (Rada Główna Szkolnictwa Wyzszego) (Article 35 (2)) which is the freely elected organ consisting of representatives of the academic community (Article 36 (3)). Higher education is carried out in various types of state (public) and non-state institutions such as universities, technical universities and higher pedagogical schools. Besides, a number of ministries (for example, education, agriculture and transport) are involved in the administration of higher education.

THEORETICAL FRAMEWORK³

Since the 1980s (Byron and Glagiardi) massive changes have occurred in the area of information technology (for example, the development of the Internet and CD-ROMS) which have resulted in more knowledge being available. This growth has brought about a new form of human relationships in terms of participation, feedback and partnership. That being the case it is reasonable to judge the effectiveness of the Polish higher learning process in terms of the manner in which it adopts this new form because “Education is not only a preparation for life; it is a development in life” (King, 1979, p. 12)³.

HIGHER INSTITUTIONS

The 1990 Bill gives full autonomy to some state institutions of higher learning and limited autonomy to others^{4,5&6}. In order for a school to have enlarged autonomy it has to engage 60 professors and half of their faculties must have the right to grant the degree of doctor habilitated (Article 12 (1))⁷. These are not good reasons for determining autonomy. This division of autonomy

favors larger institutions over smaller ones. Consequently, academic staff and students might want to be associated with the former instead of the latter kinds.

In accordance with the Bill all public higher schools are governed by a rector and a senate. Each faculty within these institutions is governed by a dean and faculty councils (Article 46 (1 and 2)). Both the senate and councils are composed of professors, other teachers, other workers of the higher institution and students (Articles 47 (1-5) and 50 (1-3) respectively). Unfortunately, people from outside the school are not included in these bodies as is the case at the University of Toronto (University of Toronto (1997-98), p. 509). Therefore, society's direct involvement in higher education management is not provided for, as was mentioned in a report (OECD, 1996, p. 104).

Rectors and deans as well as their assistants (pro-rectors and vice-deans) are elected for no longer than a 3-year period with the understanding that they do not serve in their respective posts for more than 2 terms thus allowing others to serve (Article 63 (1&4))⁸. Provisions are made in the Bill for students to form self-governing bodies in each school (Article 156 (1)) and for representatives of such organs to be consulted about the drafting of laws pertaining to students in higher education (Article 157 (3)). Furthermore, student organisations are permitted (Article 158 (1)).

On the one hand, the Bill encourages wide participation in higher school selection practices: 1) open competitions must occur for the post of professor ordinary (profesor zwyczajny) and extraordinary (profesor nadzwyczajny) (Article 34 (5)). Foreigners (Article 84 (2)) may be employed in senior posts without holding the academic title of professor or the degree of doctor habilitated thus making it easier for them to be engaged⁹. On the other hand, the legislation favors age discrimination. Academic teachers are compelled to retire at an age when many people are still very productive: 65 or 70 (Article 95 (2)).

As a matter of fact, Article 104 (1 and 2) of the Bill specifies that all higher education teaching staff must be appraised by their respective institutions which can include class-visitations and student evaluations¹⁰.

Based on Article 38(1) of the Bill the State Accreditation Committee was created on the 1st of January, 2002 (<http://www.menis.gov.pl/pka/>) Consequently, better equivalence of degree arrangements can now be made with EU countries because there is an assurance of higher quality education. Earlier ones appear to be based on “comparable study organization procedures and student exchange programs (Edmondson , 1998, 90).

Article (33 (1)) of the Bill allows for higher schools to form partnerships (including foreign ones) and to hold accounts in banks outside Poland for this purpose (Article 26). Moreover, the Bill (Article 33 (1)) specifies that the Ministry of National Education is to facilitate such arrangements by co-ordinating the collaboration of institutions with outside educational facilities. There are benefits to such agreements: 1) academic workers become more skilful and prosperous, 2) institutional and program credibility are established, 3) students become more knowledgeable and 4) schools enhance their reputations. Arrangements which can include student and staff interchanges occur: 1) “naturally and freely”¹¹, 2) as a result of bilateral co-operation between governments and 3) within the framework of international bodies (multilateral co-operation) (Ministry of National Education, 2000, p. 40-41).

European Community Tempus program funds are obtainable for facilitating academic partnerships between Polish and other EU organizations (Kallen, 1993, p. 25). The Tempus program began on the 7th of May 1990 to help countries (like Poland) who were thought to be ready for entry into the EU develop their higher education programs within the fabric of a market economy and a democratic society (Kallen, 1993, p. 25). Also, there is information available (Kallen, 1993, p. 26) to justify Poland’s fear of an increased brain drain westward in such arrangements due to the low salaries paid to Polish academic workers.

ACCESS TO HIGHER EDUCATION

Admissions to Polish higher schools increased dramatically from 1990 to 1999: 394,313 to 1,463,303 (Ministry of National Education and Sport, 2000, p. 37)

The 1990 Bill permits public as well as non-public institutions of higher learning to decide their requirements for entry with the restriction that entering students hold the matriculation certificate of secondary education (*swiadectwo dojrzalosci*) (Article 140 (1)). Unfortunately, the lawmakers made no direct provision for the admittance of “mature students”¹² whose presence enhance student population diversity. (“Mature students” are people who have been away from school for some time and are unable to fulfill normal selection criteria, Seldenthuis, 1996, XXV). “Mature student” applicants are difficult to assess but perhaps no more so than ordinary ones. As a matter of fact, the Ministry of National Education and Sport has the right to “set out rules and conditions for exceptionally talented pupils to participate in classes within the field of studies for which they show a talent and the rules to be followed when granting credits for classes also after their admission to study” (Article 140 (2)).

The Bill permits public higher schools to provide studies for non-daytime students (evening, extramural and external) as well as for daytime learners (Article 4 (3)). That has lead to higher enrolments (Ministry of National Education, 2000, p. 39). Moreover, tuition fees can be demanded from them (Article 23 (2)). (Daytime students in good standing are not required to pay for their studies, Article 23 (2)). This provision impedes the learning process because it divides the student population. It has also been noted (Edmondson, 1998, p. 54) that most non-daytime students have not succeeded in passing the entrance exams to full-time day studies and that the student to academic staff ratio is significantly greater for non-daytime students than it is for daytime ones (4 to 1 as opposed to 2 to 1). One way of resolving this problem would be to demand tuition payments from daytime students as well¹³. Consequently, state schools would be on an “equal footing” with non-state ones as to tuition fees. That might make them less attractive to prospective students than they are now. However, such a

measure would not only be contrary to Poland's constitution but also quite possibly might restrict access to higher education (Edmondson, 1998, p. 88). Polish state higher institutions can insist on tuition fees from daytime degree students who must repeat coursework due to academic problems (Article 23 (2)). This provision in the Bill discriminates against poorer students. Consequently, it might hinder their involvement in higher education activities. Institutions of higher education can increase their income in ways other than by charging tuition fees, such as through legacies and donations (Article 23 (3)) and research activities (Article 23 (1)). That could possibly lead to increased admissions.

Polish higher education students are entitled to financial assistance in the form of grants and loans¹⁴ thus making it easier for them to study (Article 152 (2)). However, support is now limited to daytime students of state higher institutions in the following manners: "subsistence grants, special grants for handicapped students, award grants for learning achievements, allowances for accommodation, allowances for meals, and special subsistence allowances" (Ministry of National Education, 2000, p. 37-38) (As a matter of interest, this assistance was given to only 17% of the daytime student population, Edmondson, 1998, p. 89).

The Bill considers the creation of non-state schools (Article 15 (1)) of higher education. As a result more people have access to post-secondary schooling. (Prior to this act the only private university operating in Poland was the Catholic University of Lublin, Kozakiewicz, 1992, p. 95). A number of non-public¹⁵ schools evolved from management training centres which were established between 1989 and 1990 (Bialecki, 1996, p. 171). In 1991, the first additional non-state higher school was started (Bialecki, 1996, p. 171) and now there are 136 of these institutions (Ministry of National Education, 2000, p. 37). In 1996, the largest number of private institutions of higher learning (12) was situated in the Warsaw area. Moreover, only 12 non-state higher institutions offer degrees at the magister (MA) level, (Auleytner, 2000, 1-1.3). 413,781 students attended such schools in 1999 (Ministry of National Education, 2000, p. 37).

Private higher schools are believed by some people to have lower admission requirements, higher graduation rates, lower student to teacher ratios, better facilities and less credibility with employers than their state counterparts¹⁶. Moreover, one reason that has been put forth for deciding on a non-state institution of higher learning is “equal partnership between staff and students” (Bialecki, 1996, p. 173). In addition, as one might expect, the distinguishing feature separating students who attend non-state schools instead of state ones is their financial standing (Bialecki, 1996, p. 173). About 50 to 60% of non-public institution students have at least one parent who is involved in the ownership of a business. An additional 15 percent of parents are employed by private companies (Bialecki, 1996, p. 173). These statistics suggest that wealth is a factor when considering a private higher school in Poland.

If there is continued growth in the number of students enrolling in private higher schools then public expenditures that would be required to educate these people could be aimed at underfunded state-institutions¹⁷. In fact, it might be to the Polish government’s advantage to support financially non-public higher institutions. (Interestingly, the Bill allows for this, Article 23 (1)). However, if this were to occur, private higher schools might be subject to more government controls than they are now.

Finally, the Bill permits those people who are not pursuing a degree to study at a higher school (Article 4 (2)). Canadian universities also foster lifelong learning by offering non-credit courses.

CONCLUSIONS

This paper examined the impact of Poland’s 1990 Bill on Schools of Higher Education with the aid of an information technology conceptual model consisting of three elements: participation, feedback and partnership.

Since the introduction of the Bill Poland has witnessed a tremendous increase in the number of admissions to its higher schools (from 394,313 in 1990 to 1,463,303 in 1999). However, this upsurge has not been without difficulties. There are problems in the area of tuition fees in state schools. Some students have to pay for their studies while others do not. There is unfairness in the distribution of student grants throughout the system. In addition, removing the requirement for the possession of the matriculation certificate of secondary schooling for enrolment in higher education institutions would be desirable. Lastly, there are benefits and disadvantages with regard to Polish higher schools in the formation of foreign partnerships.

NOTES

1. The Bill does not include state institutions whose status is spelled out by the act on Higher Military Education (Article 1 (1)) nor does it cover “schools of higher education and theological seminaries” owned by churches and other religious organisations unless there are agreements to the contrary except for the Catholic University of Lublin (Article 1 (3)). Also, it must be noted that there is separate legislation regulating the following academic degrees and title: doctor, doctor habilitated and professor.
2. As a matter of interest, many other former soviet-bloc countries have also introduced legislation pertaining to higher education since 1990 suggesting that existing laws were not compatible with the new economic and political realities: Albania (1994), Estonia (1992), Hungary (1993), Latvia (1995), Romania (1993) and Slovenia (1993), (Phare, 1998).
3. Cyfronet, is an example of the Ministry of National Education and Sport’s ongoing support for the use of information technology in the educational process (Academic Computer Center Cyfronet

AGH Cracow). Since 1973, it has provided computer – related assistance to academic institutions in Cracow.

4. Institutions with full autonomy can begin and shut down departments, decide on their own internal laws and determine their admission criteria; schools that do not have full autonomy must receive the approbation of the responsible government minister for these judgements (Articles 48 (2), 12 (1) and 141 (1&3) respectively).
5. The only exception to this is “the state art School of higher education” (Article 12(2)).
6. Poland is not the only nation to restrict the boundaries of autonomy in their legal documents pertaining to higher education – Estonia, the Czech and Slovak Republic have also done so (Phare, 1998).
7. In 1993, only 15% of government – run schools had the number of professors needed for full autonomy (Directory of Polish Universities and Other Higher Education Institutions) (OECD, 1996, p. 105).
8. Prior to the passage of the Bill, rectors and deans were chosen, however, it was common knowledge within the higher education community that quite often “political criteria” was a crucial factor in the election process. For example, Professor Roman Ney was the first secretary of the Polish United Workers Party unit of the University of Science and Technology while he was the rector of the University. This information was related to the author on September the 15th 1997 by Magister Zdzislaw Wasilewski who was then a senior lecturer in English at the University. As a matter of interest, there is no longer a “political criteria” for administrative positions in both primary and secondary institutions (Janowski, 1992, p. 48). In 1990, the Ministry of National Education and Sport permitted teachers to approve of their headmaster or headmistress or to choose another one (Janowski, 1992, p. 48). And during the same year open competitions were held for important managerial positions in education in all of the voivodships (Janowski, 1992, p. 48).

9. The academic title of professor, which is granted by the President of the Republic of Poland, is required for the post of professor ordinary. On the other hand, professor extraordinary post holders must only possess the degree of doctor habilitated.
10. The author's observations.
11. The author is familiar with one such agreement involving a joint master of business administration (MBA) program between Cracow University of Economics and Stockholm University. Therefore, he is aware of some of the difficulties that can arise in the area of foreign partnerships.
12. Canadian and British universities admit such people.
13. As a matter of interest state higher schools in Canada and the US charge tuition fees.
14. Student loans are also available to Canadian university students.
15. The fact that foreigners (as well as Poles) can set-up non-state schools (Article 15 (1)) may give cause to some concern.
16. Class discussions, 9 and 11 May 2001, the University of Science and Technology. As a matter of interest, one participant mentioned that the Higher School of Business in Nowy Sacz, where some subjects (for example, mathematics and economics) are taught in English, is thought by some people to be one of the better non-state institutions in Poland.
17. The same point has been made with reference to the increasing popularity of private schools in China (Cheng and De Lany, 1999).

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