

## CREATING A FEDERATION OF HIGHER EDUCATION INSTITUTIONS. A LEGAL PERSPECTIVE

Ladies and Gentlemen,

Members of the academic community of state universities in Poznań,

State universities in Poznań have been collaborating for many years, mainly within the College of Rectors of State Universities in the city of Poznań. They jointly organized different celebrations such as the 400<sup>th</sup> Anniversary of Poznań Academic Traditions in 2009, organized a joint inauguration of the new academic year 2013/2014 or contributed to the celebrations of the Centennial of the University of Poznań in 2018/2019. At the same time Poznań state universities have conducted joint research projects including cooperation within the Poznań Foundation of Scientific Libraries, organized joint scientific conferences, conducted interdisciplinary research projects and acted together in research centers of the particular state universities in our city. Since 2006/2007 all state universities have been jointly working in the Central City Student ID Personalization Center (in short in Polish MCPLS) which issues student and doctoral student IDs for the entire academic community in the city. Some joint teaching, marketing and cultural and sports projects have also been jointly organized, however the implementation of further plans aimed at even closer collaboration faced difficulties relating to the lack of appropriate legislation. The new Law on Higher Education of July 20<sup>th</sup>, 2018 offers new possibilities.

What is a federation? The word federation comes from Latin *foederatio* and means a union associating a group of entities, e.g., a sports federation or a trade union. More often however, the word federation is used in political and legal contexts relating to states. In a federation the associated entities may enjoy a far-reaching autonomy usually stipulated in the agreement or in the most important act of law, i.e., the constitution. One of the most fundamental principles in a federation is the division of tasks implemented by the associated entities independently and those conducted jointly by the federation.

Entities-members of the federation maintain their own specific profile, enjoy broad internal autonomy, establish their own rules and laws but voluntarily delegate some of their prerogatives to the federation bodies. The said bodies usually perform representative functions and their precise competencies are regulated by all members of the federation in the agreement. It is assumed that

the federation's joint tasks are defined as those which may be implemented more effectively and more beneficially for all members of the federation.

Provisions of the Law on Higher Education of July 20<sup>th</sup>, 2018 constitute the foundation of our plans and activities aimed at the creation of the federation. Part Four of the said Act of Law called Federation contains 12 Articles (Art. 165 -176) in which the legal framework for the creation of a federation have been set out. Article 165 states that a federation may be established by a public university-type higher education institution with a public university-type higher education institution, a research institute, an institute of the Polish Academy of Sciences or an international institute.

A federation must be created by at least two entities, each of whom may be a member of only one federation. Our plan to create a federation composed of eight state universities in Poznań meets the necessary and sufficient conditions set out by the law. As can be seen, we by far fulfill the minimum laid down in the law.

The Law on Higher Education of July 20<sup>th</sup>, 2018 sets out the federation's objectives. They are: conducting scientific activities, education of doctoral students, granting of scientific degrees and degrees in arts, the commercialization of research results and know-how related to those results and other tasks set out in the statutes. Art.165(3) emphasizes that the federation's tasks may not include the provision of higher education which means that the federation may not initiate higher education, however members of the federation may offer joint courses.

The minister of Higher Education and Science establishes and liquidates the federation and changes the federation's composition and its name in an administrative decision. Members of the prospective federation file an application along with the draft statutes authorized by the respective competent bodies of members of the federation (in our case the senates). The same article states that the draft statutes must contain in particular the name and seat of the federation, the participating entities and the tasks of the federation. It should also indicate the federation bodies and their tasks as well as their manner of appointment and dismissal of the federation's bodies and their tasks and method of operation. The document should also provide the rules of the use of facilities and equipment of the federation or participating entities, indicate the participating unit entitled to receive financial resources for providing education at a doctoral school and indicate the principles of

participation in the costs of the federation, including the costs of the federation's liquidation.

Provisions of the draft statutes will be soon made available to you. At this moment we may say that we are considering adopting one of the two proposed names of the federation, namely Uniwersytet w Poznaniu or Uniwersytet Poznański. A discussion on the name of the federation among eight state universities in Poznań may result in suggesting yet a different name, however it is assumed that one of the proposed names will be adopted by the majority of the academic communities of the eight state higher education institutions in Poznań. It is clear that, irrespective of which name for the federation is adopted, all eight state higher education institutions shall maintain their respective present names.

In its subsequent letters the Council for the Integration of the Academic Community in Poznań will present the proposals of regulations governing the operations of the federation.

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