

*Summary of the doctoral dissertation entitled “Judicial Protection of the Right to the Title of Professor”*

The doctoral dissertation is devoted to an analysis of one of the most complex issues at the intersection of administrative law, constitutional law, and the law on higher education and science, namely the judicial protection of the right to the title of professor. The author proceeds from the assumption that the issue of academic promotions, despite its importance for the state, science, and public life, has not yet been sufficiently examined from the perspective of the right to a court. Of particular significance is the fact that the title of professor constitutes the highest academic promotion, is conferred for life, and is granted by the President of the Republic of Poland, which makes the Polish model exceptional also from a comparative perspective. The aim of the dissertation is to answer the question whether the currently binding regulations ensure that persons applying for the title of professor enjoy the right to an administrative court to an acceptable degree, and whether legislative amendments in this respect are desirable. The author adopts a dogmatic-legal, historical-legal, and comparative method, analysing legal provisions, case law, and scholarly writings, taking into account the legal state as of 28 February 2026.

The starting point of the analysis is to determine what the right to the title of professor actually is and whether it may be framed in terms of a public subjective right. The author broadly discusses the genesis and development of this construct in the theory of administrative law, indicating that a public subjective right belongs to the most strongly protected legal situations of an individual vis-à-vis the state. Against this background, he reconstructs the evolution of the regulations concerning the title of professor in the Polish legal order. He shows that this institution has a long tradition and that its shape has changed along with systemic transformations and the model of organisation of science. Particularly important was the departure from the solutions of the Polish People’s Republic, in which the application of the Code of Administrative Procedure was restricted and full judicial-administrative review was effectively excluded, and the later restoration of a model more closely aligned with the standards of the rule of law. The author concludes that contemporary proceedings for the conferment of the title of professor cannot be treated uniformly: in the first phase, the candidate is vested primarily with a legal interest in having his or her qualifications assessed, whereas only in the second phase, after a favourable decision of the Council of Scientific Excellence,

does a specific public subjective right arise on the candidate's side to obtain a determination from the President of the Republic of Poland.

An important element of the dissertation is the analysis of the legal position of a person applying for the title of professor. The author indicates that the candidate is a party to administrative proceedings within the meaning of Article 28 of the Code of Administrative Procedure; however, that person's procedural position differs from the typical model of a party in administrative proceedings. This results from the specific nature of academic promotion cases, in which the expert knowledge of reviewers and academic bodies is of fundamental importance. The principle of the party's active participation is therefore subject to far-reaching limitations, because the essence of the case is not the classical subsumption of facts under a legal norm, but a specialised assessment of the candidate's scholarly output, achievements, and academic competence. The author emphasises that the Council of Scientific Excellence, as an expert body, is particularly well suited to make such an assessment. At the same time, it is precisely this expert character of the proceedings that weakens the scope of judicial intervention: an administrative court does not replace the reviewers or the Council of Scientific Excellence in assessing the scientific value of the candidate's achievements, but examines the legality of the course of the proceedings and the lawfulness of the decision. As a result, judicial protection at this stage is limited, although not entirely excluded.

Another important thread of the dissertation concerns the position and role of the President of the Republic of Poland in the proceedings for the conferment of the title of professor. The author analyses the constitutional position of the Head of State and the so-called concept of presidential prerogatives, according to which certain acts of the President are personal, autonomous, and discretionary in nature. In legal scholarship and case law, the view has appeared that the conferment of the title of professor falls precisely within this sphere and therefore is not subject to judicial-administrative review. The author critically addresses this approach. He points out that accepting the President's full discretion would lead to inadmissible consequences: the Head of State could arbitrarily grant or refuse to grant the title, without stating reasons and without being bound by any time limit. Such a model would be difficult to reconcile with the principles of the rule of law and the individual's right to a court. For this reason, what is of key importance is not so much the abstract determination of whether the President is an administrative body in the functional sense, but rather the establishment of the legal nature of the very act conferring the title of professor. It is at this point that the author

formulates one of the most important theses of the dissertation. He concludes that the official act of the President of the Republic of Poland conferring the title of professor should be treated as an administrative decision, both in the substantive and procedural sense. At the same time, it has a constitutive character, since only its issuance creates, on the part of the addressee, the right to hold the title of professor. The decision of the Council of Scientific Excellence must be assessed differently, as it has a declaratory character: it confirms that the candidate fulfils the statutory substantive prerequisites, but does not yet resolve the entire case. The author describes the Council's determination as a kind of partial quasi-decision. Since the final act of the President is an administrative decision, it should be subject to the rules proper to administrative law, including judicial review of legality and, under appropriate conditions, also stronger instruments of judicial protection. Such a reconstruction makes it possible to avoid the thesis of a completely uncontrollable prerogative and, at the same time, better fits the constitutional standards of protection of the individual.

The dissertation also discusses the issue of the countersignature of the Prime Minister on the official act of the President of the Republic of Poland conferring the title of professor. The author states that the countersignature in this matter does not constitute cooperation between bodies in the resolution of an administrative case. It is therefore not an element of the substantive determination, but a condition for the validity of the official act. Consequently, neither the granting nor the refusal of the countersignature is subject to review by the administrative courts. This creates a risk that the validity of the act conferring or refusing to confer the title of professor may be determined by political factors unrelated to the assessment of substantive prerequisites. The author sees this as a weak point of the current model, because even if the existence of a subjective right on the part of the candidate is recognised, the formal effectiveness of the final act may depend on an element remaining outside judicial review.

A substantial part of the dissertation is devoted to the analysis of the revocability of acts issued in proceedings for the conferment of the title of professor. The author starts from the assumption that if the second phase of the proceedings leads to the realisation of a public subjective right, there must be a possibility to remove qualified defects of the proceedings and of the decisions. He therefore considers the application of extraordinary administrative procedures, in particular the reopening of proceedings and the declaration of invalidity. He indicates that, due to the two-stage model of the proceedings, the source of irregularities most often lies in actions undertaken before the Council of Scientific Excellence, but their effects

may extend to the President's final act. In such situations, the reopening of the proceedings should lead to a renewed verification of the grounds for issuing the final act. The author thereby emphasises that the act conferring the title of professor cannot be regarded as absolutely irrevocable, since it remains an administrative act resolving an individual case.

Of fundamental importance for the entire dissertation is the chapter devoted to the protection of the right to the title of professor before the administrative courts. The author reconstructs the standard of the right to an administrative court in the light of international, European Union, and constitutional law, emphasising that any doubts as to the admissibility of judicial review of administrative action should be resolved in favour of the individual. He also points out that administrative courts need not confine themselves exclusively to the cassatory model; in certain cases, especially where required by the effectiveness of legal protection, reformatory judgments are also justified. With regard to cases concerning the title of professor, this leads to a distinction between two levels of protection. In the first phase of the proceedings, conducted before the Council of Scientific Excellence, the candidate benefits from weaker protection, because the court examines legality but cannot make a substantive assessment of the candidate's scientific achievements. This limitation results from the expert nature of the proceedings and from the fact that decisions are taken, *inter alia*, by secret ballot, which makes it difficult to reconstruct the body's reasoning. The author acknowledges that this protection does not fully meet the international and constitutional standard of the right to a court, but considers it a partially justified consequence of the specific nature of academic promotions.

The situation is different after the Council of Scientific Excellence issues a decision confirming that the statutory prerequisites have been met. At that moment, the candidate's legal interest is transformed into a *sui generis* public subjective right *vis-à-vis* the President of the Republic of Poland. The author recognises that at this stage the individual enjoys, under the currently binding law, the strongest possible judicial protection, including the possibility of obtaining a substantive judgment leading to the conferment of the title of professor, without the need to refer the case back to the President or to limit oneself to obliging the authority to issue a decision. In this context, he attributes particular importance to Article 145a of the Law on Proceedings before Administrative Courts, which opens the way to more effective, and not merely formal, judicial protection. Ultimately, therefore, the author's answer to the principal research question is affirmative: the currently binding solutions ensure that persons applying for the title of professor enjoy the right to an administrative court to an acceptable degree,

although the level of this protection is differentiated and clearly stronger in the second phase of the proceedings than in the first.

The considerations are supplemented by a comparative analysis of selected European states. The author examines the systems of the Czech Republic, Slovakia, and Hungary, where, similarly to Poland, the competence to confer the title of professor is retained by the Head of State, as well as those of Germany, the Netherlands, and Austria, where the model is different. The conclusion from this part of the dissertation is that the Polish solution is highly specific and rarely encountered. Apart from Poland, the title of professor is conferred by the Head of State only in the Czech Republic, Slovakia, and Hungary. This comparison reinforces the author's main thesis that the Polish model requires precise legal reconstruction and cannot be interpreted unreflectively through the prism of traditional notions of prerogative or the President's exclusive discretion.

A handwritten signature in blue ink, appearing to be 'A. W. W.', written over a dotted horizontal line.