



Higher Education Governance in Poland: Reform Pathway from the Communist Regime to Law 2.0

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Abstract

This article develops a country case study on the Polish higher education (HE) system governance regime by using the governance equalizer model to analyse how each reform over the last three decades has altered its formal power structure. In particular, we focus on the most recent HE governance reform (Law 2.0), which has not yet been addressed from a system governance perspective. Findings show Poland's enduring unfitness in any ideal-type HE governance theoretical framework. Despite a series of reforms, the Polish power-sharing arrangement is still a compromise that combines the preferences of policymakers towards the market model with the legacy of the institutionalized, deeply-entrenched, and change-resistant academic self-governance model reintroduced in 1990. Thus, even after Law 2.0, Polish HE system governance is still stuck at a crossroads of academic self-governance and market models because the past is constraining feasible policy alternatives and new policies are adapted to existing principles.

Keywords University governance · Higher education reform · Poland · Law 2.0 · System governance · Reform trajectory

Introduction

Since the 1980s, worldwide reforms altered higher education (HE) governance to tackle challenges such as underfunding, lack of transparency, bureaucratic burden, inefficient management and low international competitiveness (Neave, 2003). Central Eastern Europe (CEE) and former Soviet Bloc countries yet faced additional issues related to their regime transition in the 1990s, such as liberation from ideological control, restoration of academic self-governance, institutional autonomy and

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academic freedom, swift massification and a rapidly expanding private HE sector (Dobbins and Khachatryan, 2015). They were also subject to pressures related to Europeanization and the Bologna Process in the 2000s. To address these challenges, national governments enforced structural governance reforms.

Despite many analyses of HE management and governance in CEE and former soviet countries (e.g. Dobbins and Knill, 2009; Dobbins, 2011, 2015, 2017; Dobbins and Leišyte 2014; Dobbins and Khachatryan, 2015; Dobbins and Kwiek, 2017; Hladchenko et al., 2017; Huisman et al., 2018; Králiková, 2016; Leišyte and Kizniene, 2006; Leišyte, 2014; Matei, 2018; Osipian, 2014; Pabian, 2009; Tarlea, 2017), Leišyte (2014) stressed that few of them took into account the temporal dimension, mostly comparing just two points in time. This article aims instead to trace HE system governance changes through the analysis of several points in time along a 30-year period. Moreover, since Kwiek (2014a) highlighted the unfitness of CEE HE governance in any ideal-type HE governance theoretical model,¹ we also test whether his statement is still true for the country case study under analysis.

To this end, we develop a country case study on the reform pathway of a specific CEE HE system, namely the Polish one, which has been considered exemplary among post-communist countries (Kwiek, 2015). Specifically, we analyse how each Polish HE governance reform since the collapse of the communist regime altered the formal power-sharing arrangement and coordination mechanisms, focusing especially on the most recent reform, officially titled 'Constitution for Science' (also *Ustawa 2.0* or Law 2.0), which was approved on 20 July 2018. To the best of our knowledge, it has only been addressed concerning the policy design process (Antonowicz et al., 2020, 2022; Urbanek, 2020) and its impact on the distribution of authority inside universities (Waligóra and Górski, 2022; Donina et al., 2022; Urbanek, 2021). With respect to Polish HE system governance, previous studies have predominantly adopted an actor-centred approach, while this article aims at a broader reflection on regime transition through a holistic approach. Therefore, we employed the governance equalizer model (GEM), which allows the comparison to ideal-type HE governance models as well as to other theoretical frameworks, as Kováts et al. (2017) linked it to Clark's (1983) 'triangle of coordination', Donina et al. (2015) to Pollitt and Bouckaert's (2011) public management reform narratives and Leišyte (2014; 2019) to quasi-market and academic/professional institutional logics.

The article is organised as follows. The next section presents the GEM and its links to different theoretical frameworks. This is followed by the presentation of the context of analysis through previous studies on Polish HE governance. Methodology is then described as far as the data collected and how they are split in comparable periods, which is followed by the analysis of the Polish HE governance regime over time. Finally, the findings are discussed, as well as theoretical implications and avenues for future research.

¹ In compliance with previous literature (e.g. Clark, 1983; Dobbins and Khachatryan, 2015), we consider as ideal-types: (1) state-control, (2) academic self-governance, and (3) market-oriented models.

Governance Equalizer Model and Theoretical Frameworks

The GEM is an analytical framework that has been widely employed in previous historical, national and comparative case studies on HE governance in Western Europe (e.g., Kehm and Lanzendorf, 2006; Schimank and Lange, 2009; Donina et al., 2015), CEE (Leišyte 2014; Kováts et al., 2017) and former Soviet Bloc countries (Leišyte and Kizniene, 2006; Hladchenko et al., 2017). This analytical framework adopts a holistic approach that simultaneously considers the collective actors involved in HE governance and is particularly apt to qualify the prevailing mode of regulation. It is based on five governance dimensions or mechanisms of coordination that form a power parallelogram representing a ‘governance regime’. These dimensions are as follows:

1. *External regulation* concerns traditional top-down authority exercised by the state through promulgation of an authoritative set of rules and regulations, which prescribe behaviours and detailed processes to be observed by universities and academics with respect to the organization of their activities.
2. *External guidance* relies on setting overall goals and general objectives, leaving universities and academics to decide how and by what means to achieve them. These goals may be prescribed or agreed upon by the actors involved. Therefore, external guidance is exercised by either the state, intermediary institutions (e.g., quangos), or societal actors outside the science system (external stakeholders) to which certain powers are delegated.
3. *Competition* refers to the distribution of scarce resources (primarily public funds, but also academic staff and students) through competitive processes among and within universities.
4. *Academic self-governance* is based on mechanisms of consensus building, strong egalitarianism balanced by the authority of reputation, and control of activity through peer-review. Academic self-governance within universities has been institutionalized in the form of collegial decision-making bodies, while externally (e.g., in the distribution of public funding for research projects) by peer review.
5. *Managerial self-governance* is the formal hierarchy within universities in goal setting, regulation and decision-making.

The weight of individual mechanisms of coordination varies across countries, time and policy fields. For instance, NPM-driven changes in GEM dimensions are enhanced external guidance, managerial self-governance and competition, with the simultaneous decline of state regulation and academic self-governance (de Boer et al., 2007; Hüther and Krücken, 2013).

While these dimensions are an expansion of Clark’s (1983) ‘triangle of coordination’—as the GEM adds hierarchical leadership to Clark’s three basic mechanisms of coordination (state, academic oligarchy and market) and splits the state dimension into regulation and guidance types—Kováts et al. (2017) also paired them with Clark’s (1983) three ideal-type HE governance models (state, academic self-governance, and market), while Donina et al. (2015) bridged it to Pollitt and Bouckaert’s

Table 1 GEM and theoretical models of HE governance. *Sources:* Leišyte (2014), Kováts et al. (2017) and Donina and Paleari (2019)

	State	Academic Self-govern- ance	Market (=NPM ⁶)	Network governance	Neo-Weberianism
External regulation	High	Low/medium	Low	Medium	High
External guidance	Medium	Medium	High	High	Medium
Competition	Low	Low	High	Low	Low
Academic self-govern- ance	Low	High	Low	Medium	High
Managerial self-gov- ernance	Medium	Low/medium	High	Medium	Low

(2011) narratives of public management reform (NPM, Network Governance and Neo-Weberianism). Similarly, Leišyte (2014, 2019) linked the GEM to the quasi-market and academic/professional institutional logics: the former overlaps with market governance model, the latter with academic self-governance one. Their contributions are summarized in Table 1 and provide a multiplicity of theoretical frameworks to which any national governance regime can be compared.

Context of Analysis: Higher Education Governance in Poland

HE governance reforms in Poland have been predominantly analysed through the actor-centred approach; namely, scholars focused on specific actors and their relationship within the HE system (Orr and Jaeger, 2009).

Kwiek (2012, 2015) focused on the academic community, highlighting its strong attachment to deeply-entrenched ideas of academic freedom, autonomy and collegial governance with limited involvement of the state and external stakeholders. Similarly, Dobbins (2015) stressed the strong resilience of the Humboldtian model based on collegiality and bottom-up academic self-governance—idealized by the Polish academic community since it was reintroduced in 1990 and became a symbol of academic autonomy—wherein the most important institutional decision-making power rested with the senate and faculty councils controlled by high-ranking academics.

In comparative analyses, Dobbins (2017; Dobbins and Knill, 2009) addressed market pressures (i.e., competition) and stressed a converging trend of Poland (and other CEE countries) towards the market model. He also pointed to scarce instruments of intervention by university leadership (i.e., managerial self-governance) due to the decentralized decision-making structure of Polish universities.

Kwiek (2008) and Antonowicz (2015) focused instead on the role of the state and highlighted its surrender of the steering role. Instead, Shaw (2019a, 2019b) juxtaposed the viewpoints of policymakers and academics regarding the role of Polish universities. The former embraced the idea of the university as a ‘tool for implementing national political agendas’ in contrast to the academics’ preferred model of ‘community of scholars’ (Shaw 2019a, 2236).

Focusing on studies related to Law 2.0, Antonowicz et al. (2020, 2022) and Urbanek (2020) explored the reform design process. These articles stress the unprecedented involvement of the academic community and its representative bodies to soften resistance to reforms. In the past, the academic community stood indeed against radical policy changes and prevented or moderated NPM-driven reforms (Hladchenko et al., 2017; Shaw, 2019b). Waligóra and Górski (2022) described the new central governance structures in the top-ten research universities. Urbanek (2021) analysed the new distribution of authority into the faculties of all traditional academic universities, juxtaposing the managerial and academic self-governance dimensions, and showed that most universities maintained the traditional academic authority structure, refraining from implementing the managerial logic. Finally, Donina et al. (2022) addressed the reception of the reform by the rectors.

Methodology and Data

This article develops an in-depth country case study on the evolution of Polish HE system governance over a period of analysis longer than 30 years (appropriate to examine policy and governance changes; Sabatier, 1986), from the communist period to the most recent HE governance reform (Law 2.0). We rely on the case-centric process-tracing method (George and Bennett 2005; Beach and Pedersen, 2013) according to a temporal bracketing strategy (Langley, 1999). This strategy involves decomposing the chronological data into successive periods or phases that become comparative units of analysis. Phases are defined so that there is continuity within each but discontinuities at the frontiers. In our case, the boundaries are defined by the approval of new HE governance laws (1990, 2005, 2010 and 2018). Thus, after a glance at the main features of HE governance in Poland in the communist era, the following more than 30-year period of analysis is segmented into four phases.

In every period, the analysis was carried out according to the five dimensions of GEM. For every HE reform, legislative and policy documents were collected, their content coded through open coding² (Strauss and Corbin, 1990) and triangulated (Denzin, 1978) with secondary literature (articles and reports on Polish HE governance). After the coding and triangulation were completed, every author independently fitted the coded contents to GEM individual mechanisms of coordination and assessed how the enforcement of every HE reform affected the power-sharing arrangement within the Polish HE system in each phase. In cases of disagreements, there were extended discussions until consensus was reached to maximize reliability, as typical in this kind of studies (Denzin, 1978; Denzin & Lincoln, 2008).

² Process of breaking down, examining, comparing, conceptualizing and categorizing data.

Impact of HE Laws on the Polish Governance Regime

Pre-1990: Communist Era

After World War II, Poland became a satellite state of the Soviet Union and the Soviet HE governance model (Mateju et al., 2007; Kwiek, 2014b; Huisman et al., 2018) was imposed. Its main features were a high level of centralisation and state authority. The state was the only funder of HE, while bureaucratic control was split among several ministries. There was a separation between teaching and research institutions, so universities focused mostly on training. The state regulated admission procedures and enrolment quotas; thus, HE was permitted for a limited number of students from selected social environments to satisfy the job demands of the centrally-planned economy. In addition, communist-type administration was characterized by overlap between the state and the communist party (Meyer-Sahling, 2009), thus state authority implied communist party supervision over teaching and curricula (which aimed at indoctrination), research objectives and employment within academia. In the periods of strictest state control (1951–1956 and 1968–1982), the HE minister had the right to appoint and dismiss university rectors and vice-rectors (their term of office was at discretion of the minister) and faculty deans (1951–1956), hire and fire professors, transfer them between higher education institutions (HEIs) and close faculties (1951 HE Act; 1968 amendment to HE Act).

In this context, HEIs and academics had very low autonomy. Rectors were a tool of control over daily university activities and the professoriate, yet with limited managerial powers: e.g., they chose faculty deans only from 1968 to 1982 upon HE minister's consent (1968 amendment to HE Act). Their behaviour was subordinated to political goal achievement and ideological targets of the communist party and their duties mostly revolved around executing plans imposed by the HE ministry. Therefore, managerial self-governance was low.

Academic self-governance was almost non-existent. Powers of senate and collegial bodies were limited to opinion-giving, advising, curriculum proposals and approving performance reports. Senate resolutions were non-binding and university statutes or any regulation could be overruled by the HE minister. It was only during a few periods of the communist regime (1947–1951, 1956–1968 and 1982–1990) that the senate passed university statutes and budgets, was consulted on academic employment and career status, and academic staff elected faculty deans (1947 HE decree; 1956 HE Act; 1982 HE Act). Yet, following protests of academics and students in 1968 (so-called Polish March), the state tightened ideological control by imposing the appointment of a member of the communist party within the senate and by expelling academics linked to democratic opposition (1968 amendment to HE Act).

External guidance was also low. The 1968 amendment introduced social councils (*rady społeczne*³) to bring local community representatives into HEIs and to link

³ 1982 Act dismissed it as a consequence of the Solidarity movement (*Solidarność*), but following regulation (1985 amendment) re-introduced it.

academia with the surrounding environment. However, in practice, their members were appointed from the HE ministry (1968–1982; 1968 amendment to HE Act) or regional branches of the government (1985–1990; 1985 amendment to HE Act) among local communist party representatives. Therefore, social councils were another instrument of state control rather than of involvement of local community.

Finally, competition did not exist under communist dominance. HE was part of the centrally-planned economy, and resources were allocated according to ex ante planning.

1990 Act: Academic Self-Governance Model

Following the collapse of the communist regime, Poland—like other CEE and former Soviet Bloc countries—underwent socioeconomic and political changes. Structural reforms redesigned the state role in all policy domains to adapt to the market economy. Thus, the 1990 HE Act abruptly broke with the Soviet HE model and ended a half-century of state control over HEIs. In line with the wide-ranging transformations of the early 1990s, the state role was restricted to detail administrative regulation and to fund the HE system (Dobbins, 2015), though with limited capabilities due to financial dire straits. It no longer regulated admission criteria, curricula, research objectives or employment within academia. Accordingly, Kwiek (2008) defined this period as dictated by a ‘policy-of-no-policy’ because the state abandoned its steering role.

The pre-war Humboldtian academic self-governance model based on academic freedom, institutional autonomy and collegiality (Kwiek, 2012; Leja, 2012; Antonowicz et al., 2017; Dobbins 2017) was reinstated, devolving powers to HEIs and the academic community. The senate (composed of 50–60% of academics with *habilitacja*,⁴ other academics, administrative personnel and students) and faculty councils assumed the most prominent decision-making role within HEIs (1990 HE Act, art.48,51). On top of powers related to teaching and partnership agreements, the senate was entitled to pass the university statute, which came into force without the need for state approval (art.11,12); became responsible for asset management; approved rector’s financial and managerial reports (art.48) and could increase the salary of individual academics (if external resources were available; art.106). Senate resolutions were binding for the rector (art.54). The 1990 Act also ended political and ideological control over academia. The rector restarted to be elected based on academic achievement, seniority and interests of academic groups (World Bank, 2004) among candidates with *habilitacja* (including those not employed in academia) by an electoral college or the senate, depending on university choice in its own statute (art.60). They were composed by law by an absolute majority of academics, but administrative staff and students were also represented. Election results were no longer subject to approval from the minister, nor could they dismiss a rector under any circumstances (art.61).

⁴ Post-doctoral title necessary to become associate professor in Polish universities.

Table 2 Students in Poland (in thousands). *Source:* Główny Urząd Statystyczny-GUS

	1991/92	2005/06
Public	390.1	1,333.0
Private	13.7	620.8
Total	403.8	1,953.80

Furthermore, the internal organization of universities shifted back to the loosely-coupled chair-structure (Dobbins and Knill, 2009; Dobbins, 2015) and HEIs set the criteria for academic staff assessment.

However, managerial self-governance did not operate with strategic goals and performance criteria (de Boer and Goedegebuure, 2003). Though the rector was formally responsible for university management, their powers over the strategic agenda were limited since all matters related to academic employment (art.86) and university assets (art.48,51) required approval from collegial bodies. Also, faculty deans were elected by the electoral college or faculty boards composed of academic staff, administrative staff and students. Consequently, the rector had little influence over them.

Since the main rationale of the 1990 reform was to re-install institutional autonomy, social councils—perceived by the academic community as a symbol of state control—were abolished and no external stakeholder participation was foreseen. Instead, the 1990 HE Act re-created the General Council for Higher Education (*Rada Główna Szkolnictwa Wyższego*, RGSW; art.35), followed by the Conference of Rectors of Academic Schools in Poland (KRASP) in 1997 as institutions advocating the interests of the academic community (and rectors) vis-a-vis the ministry.

Finally, competition was again limited. The HE massification (Table 2), due to both increasing cohort demand and demographic trends, prompted HEIs to focus on teaching as their primary mission, while marginal resources were allocated to research (Kwiek, 2012 asserts research was deinstitutionalized). Public HE funding was exclusively input-based according to the weighted number of students and academic staff (Jongbloed, 2003), while tuition fees in public HEIs ('internal privatization'; Kwiek, 2008) were allowed only for non-traditional students, namely those enrolled in part-time and weekend programmes because they did not qualify for full-time status following entrance examinations (World Bank 2004, 5; OECD 2006, 14), as there were more student candidates than available full-time places at public universities. Therefore, competition among public HEIs was limited to fee-paying non-traditional students. Competition was directed instead towards the private HE sector. Market economy and swift massification paved the way to private HEIs charging tuition fees ('external privatization'; Kwiek, 2008), making Poland the European country with the largest private HE sector (Dobbins, 2015; Antonowicz et al., 2017). Academic staff already hired in public universities fostered private sector expansion. They could teach in additional HEIs after fulfilling teaching obligations at their primary university, as long as they informed the rector, without any need for approval (art.103), thus cashing in from multiple employment (Dobbins and Knill, 2009; Kwiek, 2014b).

2005 Law: Europeanization and the Bologna Process

Pressures ensuing from EU accession, which occurred in 2004, motivated the 2005 HE law. Poland joined the Bologna Process, which shifted education from 2-level scheme (*magister* and *doktor*) to 3-level degree structure and introduced quality assurance and accountability. To implement these changes, an accreditation agency (*Państwowa Komisja Akredytacyjna*, established by 2001 HE amendment) dealt with the evaluation of study programmes, and the state reclaimed the power to close ineffective ones (Dobbins and Knill, 2009). It also took back the right to deny approval of the statute if any of its provisions did not follow the law (2005 HE law).

Changes to academic self-governance were minor (Antonowicz 2012). The 2005 HE law curtailed multiple academic employment without any need for approval to one additional institution, but the rector could grant individual permissions to teach in more (art.129). The election (and dismissal) of the rector became, by law, performed by the electoral college (art.71), and candidates coming from outside academia could no longer apply. The minister could only propose a motion of no-confidence and suspend or dismiss the rector after consultation with KRASP and RGSW in cases of heavy violation of the law or of the university statute (art.38).

Managerial self-governance remained restricted since all crucial decisions continued to depend on senate approval (art.62) and internal management structures remained bottom-heavy.

There was also no structural change with respect to external stakeholder participation in HE governance. The 2005 law only added the third mission amongst the tasks of universities and academics to stimulate ties between HEIs and their regions (art.13).

Finally, pressures for marketization remained weak (Dobbins and Knill, 2009). Only the shrinking student enrolment (from the peak of 1.953 million in 2005/06 to 1.764 in 2010/11; GUS) due to demographic decline marginally fostered competition.

2010-11 Acts: Kudrycka Reforms

A new reform package (called *Kudrycka reforms*) motivated by the perception of HE sector inefficiency was introduced under Minister Barbara Kudrycka from 2010. It aimed at increasing competition and accountability and improving the international visibility of Polish science by bringing the research mission back into public universities (Kwiek, 2012, 2014b). External regulation has increased and changed in terms of employed policy instruments. On the one hand, the 2011 amendment to the 2005 law withdrew the ministerial power to approve HEI statute or its amendments (art.1). On the other hand, the 2010 Act on financing research and the 2011 amendment strengthened financial accountability. In case of poor financial performance, the rector had to design a remedial programme and implement it within three years. If they failed, the minister could suspend them and appoint a commissioner as acting rector (2011 amendment), though this never occurred. In addition, the 2011 amendment reformed internal university structure to a faculty-and-department-structure,

Table 3 Number of HEIs in Poland. *Source:* GUS

	1991/92	2005/06	2017/18	2020/21
Public	91	130	130	130
Private	2	315	267	219
Total	93	445	397	349

and intensified administrative accountability through detailed reporting obligations on the use of funding, which together with periodic evaluation increased the bureaucratic burden on HEIs.

External guidance also increased. The 2010 Act introduced external vertical specialization (Egeberg, 2012) by establishing and devolving research funding responsibility to two quangos—the National Science Centre (*Narodowe Centrum Nauki*-NCN) bearing responsibility for fundamental research and the National Centre for Research and Development (*Narodowe Centrum Badań i Rozwoju*-NCBiR) for applied research—to increase competition and transparency. In addition, the 2011 amendment imposed a mandatory participation of three employer representatives out of 32 members in *Rada Główna Nauki i Szkolnictwa Wyższego* (General Council for Science and Higher Education, formerly RGSW), which has advisory power over the National Qualification Framework and teaching programmes.

NCN and NCBiR prompted competitive, grant-based research funding for individual scholars. The 2010 Act and 2011 amendment also introduced (i) the first performance-based Polish excellence initiative (National Scientific Leading-Edge Centres-*Krajowe Naukowe Ośrodki Wiodące*-KNOW) that awarded additional funding to 25 leading research units (faculties and research centres) (2011 amendment); (ii) a comprehensive ex-post performance evaluation of research units performed by the Committee of Evaluation of Research Entities (*Komitet Ewaluacji Jednostek Naukowych*—KEJN), composed of scholars appointed by the ministry (2010 Act, art.35). KEJN evaluation directly impacted research funding allocation to research units and the possibility of being selected as KNOW centres. Therefore, *Kudrycka reforms* increased competition for funding among internal organizational units and individual scholars. Additionally, the continuous, dramatic shrinking of student enrolment (to 1.291 million in 2017/18; GUS) fostered competition for both local (as allocation of teaching funds depended on the number of students) and international students (who are charged tuition fees; Sin et al., 2021) in public HEIs and the closure of many private HEIs (Table 3).

Kudrycka reforms also increased managerial self-governance. The 2011 amendment allowed candidates for the rector position with only a doctoral degree, providing that they met criteria specified in the university statute, and strengthened its managerial role by tasking the rector with drafting university development strategy and remedial programmes (if needed) and by assigning the right to refuse additional employment (2011 amendment, art.129). Faculty deans were also empowered, as they could propose to the rector the dismissal of academic staff who failed to deliver satisfactory performance (2011 amendment) and research funding was earmarked directly to research units (2010 Act, art.9). Accordingly, scholars (Dobbins, 2015;

Urbanek, 2021) stated that Polish universities functioned as a federation of autonomous faculties.

Nevertheless, collegial academic self-governance lingered ‘to an extent [...] unparalleled in Western Europe’ (Kwiek, 2015) and prevailed over managerial self-governance. The only significant restriction to academic self-governance is the cap of additional academic employment to one institution (2011 amendment). Instead, internally all Polish HEIs maintained the traditional elective method for both rector (by the electoral college) and faculty deans (by the faculty council), whilst the university development strategy and remedial programme drafted by the rector needed senate approval (2011 amendment). Externally, both newly-established research funding agencies (NCN and NCBiR) are chaired by a professor and NCN board is composed entirely of academics.

2018 Law: Constitution for Science

Law 2.0 was designed after the HE ministry commissioned a report to the European Commission (2017) (which, among others, suggested introducing a council involving external stakeholders), a long consultation process (from 2016 to 2018) through a series of conferences (National Science Congress) involving all internal stakeholders, and the appointment of three teams of Polish scholars charged with identifying the primary problems of the Polish HE system and preparing draft proposals for the new law. All three teams pointed to the need for modernization and professionalization of HE governance and common recommendations were to decrease academic self-governance by limiting both excessive democratization and the bureaucratic interference of the state (i.e., external regulation) that weakens university leadership (i.e., managerial self-governance), which instead is to be strengthened by emphasizing the role of one-person authorities. However, the parliamentary stage significantly modified the draft proposals (see Antonowicz et al., 2020 and Urbanek, 2020 for in-depth analyses).

Law 2.0 redesigned authority within HEIs by enforcing a new institutional governance model (Figure 1) and all Polish public HEIs had to re-draft their statutes (which are not subject to the formal approval by the ministry) to comply with the new law. The reform stipulates the mandatory tasks of every central governing body, but overall external regulation decreases. Law 2.0 aims indeed at increasing institutional autonomy (tied with accountability); thus, it enables HEIs a certain leeway in the design of their own institutional governance and internal structures. They can entrust governing bodies with additional tasks to manage specific university affairs and/or add further governance bodies, decide the composition of compulsory governing bodies within the limits set by Law 2.0, detail procedures for electing and dismissing their members as well as the rector (art.34) and define specific requirements for rector candidates into their statutes (art.24). The reform also impacts the internal organization of Polish HEIs. It imposes neither the presence of faculties, departments nor faculty deans or boards, yet it does not forbid their establishment either, and most HEIs maintained them (see Urbanek, 2021).

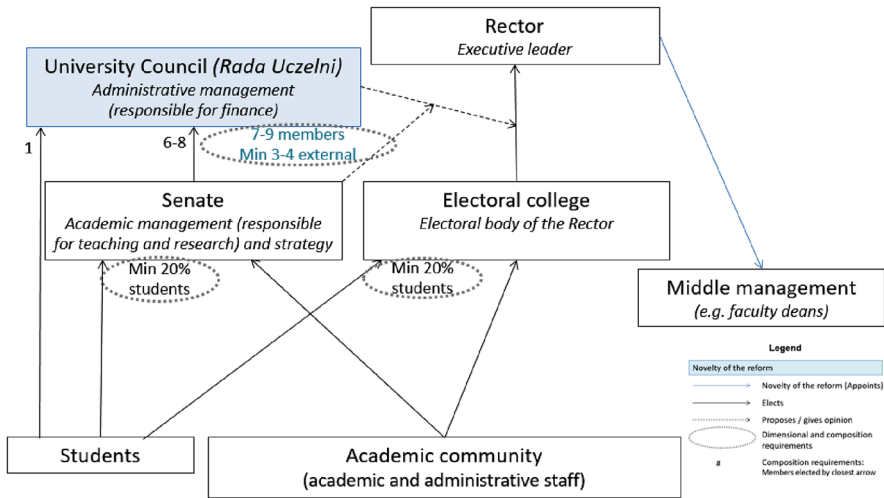


Fig. 1 Institutional governance by Law 2.0

Following the European Commission (2017) and Polish expert teams' suggestions, a key change of Law 2.0 is the addition to the rector and senate of a third central governance body, the university council (*Rada Uczelni*), wherein a minimum quota of external (lay) members is mandatory (art.19). The council is in fact composed of six or eight persons elected by the senate—at least half from among lay members—and the president of the student union, while the rector cannot be a member. Its chairman is also elected by the senate from among the lay members. Accordingly, external guidance increases. Law 2.0 does not specify qualifications or expertise for university council members; it only prohibits the appointment of employees of public administration (including active politicians) to avoid political interference (art.20). University council tasks are to monitor assets and financial management, give opinions on the statute and strategy and assess its implementation. It can also indicate candidates for the rector office (after consultation with the senate; art.18).

Law 2.0 also strengthens leadership and internal hierarchy (managerial self-governance). The rector remains the executive head of the HEI and handles the management of the whole organization, human resources policy and financial performance (art.23). In this regard, the financing system of public HEIs was also reformed by replacing fund streams earmarked for internal research units with a lump sum budget directed to the whole HEI (art.366), thus increasing the rector's leeway in internal allocation. Also, Law 2.0 empowers the rector by allocating them additional formal decision-making powers, such as competences to create internal organizational structures and the right to appoint and dismiss middle management, such as faculty deans, who are expected to become part of the top-down chain of command. Furthermore, the rector proposes the statute and strategy to the senate and reports on its implementation to the council.

Notwithstanding the strengthening of managerial self-governance, academic self-governance is only marginally impacted. The rector continues to be elected by the

electoral college composed of an absolute majority of academics, administrative employees, and students, therefore lingering as accountable to the academic community. The senate—which is chaired by the rector and composed of a majority of elected professors with *habilitacja* (at least 50%), other elected academic and administrative staff (at least 25%), and student representatives (at least 20%)—also maintains significant powers. It remains primarily responsible for academic matters, but it also adopts the university statute (after consultation with the university council) and approves the institutional strategy. It elects (and dismisses) both internal and lay members of the university council, making the latter accountable to the senate and, indirectly, to the academic community. However, the senate is weakened regarding other non-academic issues. Its powers are limited to advice and recommendations given to the rector and university council (art.23, 29).

Finally, competition for public funds sharpens. NCN and NCBiR funds grew slowly, but surely. Law 2.0 also introduced three large-scale excellence initiatives. Excellence Initiative-Research University (*Inicjatywa Doskonałości-Uczelnia Badawcza*) (art.388) aims to improve the international research visibility of Polish universities. Following the assessment of university development plans by an international panel, it awarded 10 HEIs ‘research university’ status. Besides prestige, it grants a 10% increase of the institutional lump sum over the following six years, conditional to mid-term evaluation that excludes the two worst performing HEIs. Similarly, the Regional Excellence Initiative (*Regionalna Inicjatywa Doskonałości*) (art.396) and Didactic Excellence Initiative (*Dydaktyczna Inicjatywa Doskonałości*) (art.400) introduce financial incentives targeting specialized non-research-intensive universities and universities of applied sciences, respectively (see Donina et al., 2022 for a glance on categories of Polish HEIs). Furthermore, the uninterrupted shrinking of student enrolment (to 1.218 million in 2020/21) hastened the closure of private HEIs (about 30% compared to 2005/06; Table 3). Finally, the reduction of the maximum student–faculty ratio to 13⁵ in public HEIs shifts competition from more to the best students and implicitly incentivizes academics to focus more on research.

Discussion and Conclusions

This article made a country case study on Polish HE system governance over 30-years by analyzing how each reform approved since the collapse of the communist regime altered it, thus developing the first empirical assessment of the impact of the most recent HE governance reform (Law 2.0) on Polish HE system governance. Different from previous studies on Polish governance, which have usually employed actor-centred approaches, we adopted a holistic approach that allows broader reflection on regime transition through the GEM. Though we acknowledge there is an element of discretion in the judgement of every individual dimension in each phase,

⁵ Previously it was set by discipline: medicine: 40; arts: 25; linguistics: 50; remaining: 60.

Table 4 Evolution of Polish HE governance regime

	Pre-1990	1990–2004	2005–2009	2010–2017	2018–Present
External regulation	High	Low	Medium–low	Medium	Low
External guidance	Low	Low	Low	Medium–low	Medium
Competition	Low	Low	Low	Medium	High
Academic self-governance	Low	High	High	Medium–high	Medium–high
Managerial self-governance	Low	Low	Low	Medium	High

Table 4 provides a heuristic assessment of governance regime changes over the three decades.

Polish HE was subject to a half-century of dependence and tight control from the hegemonic state in the communist era, being an extreme example of Clark's state governance model. The fall of the communist regime marked a turnaround towards the Humboldtian (academic self-governance) model (Dobbins, 2015; Kwiek, 2012, 2015), while the 2005 law brought only minor changes through the introduction of quality assurance and accountability. The *Kudrycka reforms* package in 2010–11 was the first attempt to depart from the academic self-governance model towards NPM or market governance. It increased external regulation, external guidance, competition and managerial self-governance, but only marginally decreased academic self-governance. Accordingly, the governance regime remains close to the academic self-governance ideal-type.⁶

Law 2.0 carries on in the same direction as the *Kudrycka reforms*. It again increases external guidance, competition and managerial self-governance, yet academic self-governance remains prominent, which limits the shift towards the market model. Law 2.0 marks instead a turnaround with respect to external regulation. Since the 2005 law, there had been a gradual comeback of state regulation, which met the aversion from the academic community (Shaw, 2019b). The 2018 reform reverses. It provides HEIs autonomy in the design of internal structures, allocates to the rector greater power in internal hierarchy by the appointment of middle management and in internal budget allocation by shifting from funding earmarked to internal units to a lump sum budgeting directed to the university. Thus, Law 2.0 promotes the transformation of Polish HEIs from a federation of autonomous faculties (Dobbins 2015; Urbanek, 2021) into more complete organizations (Seeber et al., 2015). However, the rector and the newly-established university council (that involves lay members) continue to be elected, respectively, by the electoral college and the senate, in turn elected by the academic community. Therefore, both the rector and the university council remain indirectly accountable to the academic community. Also, contrary to NPM-driven prescriptions—according to which the university council should be composed of a majority of lay members and empowered

⁶ Market ideal-type, NPM and quasi-market institutional logic overlap. Academic self-governance model overlaps with academic/professional institutional logic.

to set the university strategy (see Kretek et al., 2013; Gornitzka et al., 2017; Donina and Paleari, 2019)—in Poland it is the senate (composed of internal members only) that establishes it.

Accordingly, Kwiek's (2014a) assertion about the unfitness of Poland in ideal-type HE governance theoretical frameworks remains true even following the enforcement of Law 2.0. The Polish academic community has been again able to resist power reductions thanks to the joint effects of steadfastness in maintaining deeply-entrenched academic self-governance values and by its capacity to moderate major reforms. As a result, the reduction of the academic self-governance dimension only marginally occurred since its reintroduction in 1990 despite many subsequent reforms. Yet the government has been able to instate, over time and to different degrees, NPM-driven prescriptions in other dimensions of the GEM. Overall, the Polish HE governance regime evolved from the state model to academic self-governance one to the actual hybrid, which is stuck at a crossroads because two inconsistent, counteracting, and in lasting tension forces are at play: the preferences of policymakers towards a market logic and the legacy of idealized and institutionalized academic self-governance model. This finding stresses that any reform had to fit within the deeply-entrenched and very change-resistant academic self-governance logic and to balance with rules institutionalized in the sector. It also highlights how the legacy of more than 30 years ago is still constraining the feasible or acceptable policy alternatives.

Another remark from this analysis is that, after a major transformation in 1990, the following reforms are proceeding mostly through small, incremental changes. While Pierson (2004) stressed that the slow accumulation of small changes may lead to a more profound type of change, this is not the case (at least not yet) in Poland because new policy ideas have been adapted to existing, deeply-entrenched values. For instance, the newly-established university council was added according to NPM-driven prescription, but it is hollowed out of its strategy-making task and kept accountable to the academic community through the academic senate, while neither the state nor external stakeholders appoint any of its members.

Finally, looking comparatively to Kováts et al.'s (2017) article, which adopted the same analytical framework to address governance regime shifts in another CEE country (Hungary), strikingly different outcomes emerge in the most recent HE governance reforms. For instance, the 2011 Hungarian HE law increased state regulation, while the Polish 2018 reform decreased it. Previous studies on CEE and former Soviet Bloc countries justified divergence in HE governance developments with different pre-communist legacies and/or post-communist geopolitical influences (Dobbins, 2011; Dobbins and Leišyte, 2014; Dobbins and Khachatryan, 2015). Instead, the two countries share communist regime past, university institutional roots in Humboldtian tradition (Leišyte, 2014; Tarlea, 2017), joint EU accession, and they are actually led by right-wing populist cabinets with similar political agendas (Szelewa, 2020). This coarse comparison of Polish and Hungarian cases suggests that besides historical legacies and inherited values, post-communist geopolitical influences and political orientation of cabinets, other context-dependent dynamics affect reactions to similar challenges and significantly shape national responses, thus calling for more systematic comparison.

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Declarations

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