

The Company Code

The Adam Mickiewicz University (Uniwersytet im. Adama Mickiewicza) is a Partner of Oracle since 2004 and from the beginning we offer our services only to the higher education institutions (HEI) which use our software supporting the management of universities. The Adam Mickiewicz University is a leader of a consortium of HEI developing this software.

The Adam Mickiewicz University is a public university and most of our partners are also public HEI. This is clearly stated in a document from the Ministry of Higher Education (in attachment 6). This is the reason why we apply for the Public Sector addendum. As a public institution we are obliged to follow the laws which apply to all public sector institutions in Poland and particularly the public HEI. Most of the requirements of Oracle Code are included explicitly in the legal regulations which a public university is obliged to follow. Thus, I shall indicate these specific regulations which are directly written in the following legal acts adopted by the Polish Parliament:

- 1) The Law on higher education and science
- 2) The Act on Public Finance
- 3) The Public procurement Law
- 4) The Act on combating money laundering and the financing of terrorism
- 5) The Act on Lobbying

All regulations applicable to the public sector determine the activities of public higher education institutions.

The Act on Public Finance explicitly shows that the public universities belong to the public sector:

“Article. 9. Entities entitled to contribute to the public finance sector are:

...

11) public universities;”

- **Antitrust and Competition**

In Section 1 of the Public Procurement Law the Scope of Matters Regulated by the act are enumerated and particularly:

“Art. 1 The Act shall regulate public contracts, hereinafter referred to as contracts and contests.”

- **Improper Payments, Money Laundering, and Economic Boycotts**

In Chapter 1 of the Act On Combating Money Laundering and the Financing of Terrorism

„Art. 1 This Act sets out the rules of and procedure for combating money laundering and terrorist financing.”

- **Dealing with Government**

The Law on Higher Education and Science determines that the public universities are autonomous in their mission but also subject to the control of the government:

Introduction to the Law:

„Recognizing that the pursuit of truth and the transmission of knowledge from generation to generation is a particularly noble human activity and understanding the fundamental role of science in the creation of civilization, the rules for the functioning of higher education and the conduct of scientific activities are hereby established based on the following principles:

- It is the duty of the public authorities to create optimal conditions for the freedom of scientific research and artistic creation, freedom of teaching and autonomy of the academic community,

- every scientist is responsible for the quality and reliability of research and for the education of the young generation,
- higher education institutions and other research institutions carry out a mission of particular importance for the country and the nation: they make a key contribution to the innovativeness of the economy, contribute to the development of culture as well as to the establishment of moral standards in public life.”

“Art. 6. 1. The Council of Ministers shall determine the country’s scientific policy.”

“Art. 32. 1. The provisions of Art. 20 sec. 1 (see below) points 1-6 and sec. 2-4 shall respectively apply to the authorities of the higher education institution referred to in Art. 17 sec. 2, and in the case of a public higher education institution, the provision of Art. 20 sec. 1 point 7 shall also apply. The statutes may provide for additional requirements.

With regard to the persons appointed to hold managerial positions in a higher education institution, referred to in Art. 23 sec. 2 point 6, the provisions of Art. 20 sec. 1 points 1-5 and sec. 4 shall apply accordingly.”

„Art. 20. 1. A member of the council of the higher education institution may be a person who:

- 1) has full legal capacity,
- 2) enjoys full civil rights;
- 3) has not been convicted of an intentional offence or intentional tax offence under a final and binding judgment;
- 4) has not been punished by disciplinary action;...”

“Art. 23. 1. The rector shall be responsible for matters concerning the higher education institution, except for matters reserved by this Act or the statutes for the competence of other authorities of the higher education institution.

2. The tasks of the rector include in particular:

- 1) representing the higher education institution;
- 2) managing the higher education institution;
- 3) preparing the draft statutes and the draft strategy of the higher education institution;
- 4) reporting on the implementation of the strategy of the higher education institution;
- 5) performing tasks required by the labor law;
- 6) appointing and dismissing persons holding managerial positions in the higher education institution;”

- **Lobbying of Government Officials**

The Law on Public Finance determines the transparency of financial management:

“Article. 17. 1. The Minister of Finance shall determine, by regulation, the manner in which the financial management of budgetary units and local establishments, and in particular: 1) and draw up financial plans, 2) way of making changes in financial plans, budgetary entities and the approval of these changes, 3) download mode of the revenue and expenditure of the State budgetary entities, 4) the method of determining the surplus assets in the general budgetary establishments, taking into account the need to respect the principles of the promotion-related assets and resource expenditure and transparency , transparency and timely execution of tasks.”

The Act on Lobbying Activities in the Lawmaking Process describes the principles of openness of lobbying activities and public higher education institutions are not entitled to perform lobbying activities:

“Art.1. The law defines the principles of openness of lobbying activities in the lawmaking process, the rules for performing professional lobbying activities, the forms of control of professional lobbying activities, and the rules for keeping the register of entities performing professional lobbying activities”

The Law on Higher Education and Science does not allow to combine the function in higher education institutions with employment in public administration:

“Art.20. sec.3. Membership in the council of higher education institution may not be combined with holding the function of a body of the institution or another institution, membership in the council of another institution or employment in public administration.”

- **Trade Compliance Laws and Regulations**

The mission of public higher education institutions does not include trade as a primary activity. If it happens, The Act on Public Finance regulates the procedures.

The English texts of the legal acts are attached. I hope that the information on legal acts, which public university is obliged to follow and, in addition, the Code - Good Practices in Universities (attachment 7.) and European Charter for Researchers (attachment 8.) which cover the academic part of the university activities, will allow to renew the Public Sector Addendum.

Prof. Marek Kręglewski Director of MUCI
Poznań, March 5, 2024

Attachments:

- 1) The Law on higher education and science
- 2) The Act on Public Finance
- 3) The Public procurement Law
- 4) The Act on combating money laundering and the financing of terrorism
- 5) The Act on Lobbying
- 6) UAM as public unit
- 7) Code - Good Practices in Universities
- 8) European Charter for Researchers