



THE OMBUDSMAN FOR ACADEMIC ETHICS AND PROCEDURES OF THE REPUBLIC OF LITHUANIA

DECISION REGARDING COMPLAINT OF JURGIS SAMULEVICIUS

29 April 2015 No. SP-10
Vilnius

The **Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania** (hereinafter – Ombudsman), <...> examined the complaint of Jurgis Samulevicius (hereinafter – applicant) received in the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter – Office of Ombudsman) on 09 December 2014 and the submitted material, and **determined that:**

The applicant, former senior lecturer of Vilnius Gediminas Technical University (hereinafter – VGTU), addressed the Ombudsman regarding possible violations of academic ethics as he was denied the right to submit the documents and application to the VGTU Senate for further work as a senior lecturer in the Department of Social Economics and Management at VGTU during the period from 31/09/2012 until 31/08/2013 when the lecturer's tenure ends and he is above 65 years old.

At the age of 64 the applicant won the public competition in 2006 and was elected for the tenure of 5 years, i.e. until 31/08/2011. On 01 September 2011 the time-limited employment contract was made with the applicant for 1 year – until 31 August 2012, on the basis of the clause 147 of the VGTU Statute.

The applicant states that he addressed I. Skackauskiene, manager at interim of the Department of Social Economics on 03 May 2014 and asked her to submit his documents to the VGTU Senate regarding new time-limited employment contract. I. Skackauskiene countersigned that application on the same day, i.e. 03 May, and put the comment “There is no possibility to employ him in the department”. On the same day the applicant's application was countersigned by J. Stankeviciene, Dean of the Faculty of Business Management, who decided “not to act as in-between for delivery to the Senate” (the language is not corrected).

The applicant states in his complaint that he “has not received the explanation of his dismissal”, thus on 14 May 2012 he addressed the VGTU Rector and asked to review his documents regarding new time-limited employment contract and to submit them to the Senate; however he did not receive an answer.

<...>

According to the clause 147 of the Statute of Vilnius Gediminas Technical University approved by the Resolution No. XI-1277 of the Seimas of the Republic of Lithuania on 15 March 2011 (hereinafter – Statute), “The lecturers and researchers older than 65 years old in the end of their tenure may continue working at University provided the Senate agrees to have the time-limited employment contract made with them for the period not exceeding 3 years. Such a contract may be made anew.” This provision shows that the possibility of the lecturers and researchers older than 65

years old in the end of their tenure to work at University is linked with the condition to have the contract's conclusion approved by the Senate.

<...>

It should be noted that the internal legal acts of VGTU (Senate's Regulations, etc.) were not regulating the delivery procedure of the documents of VGTU lecturers and researchers above 65 years, who have finished their tenure and wish to continue working, to the Senate in 2011-2013, but it was a common practice at VGTU that all the documents were delivered by the Rectors directly or while the departments' managers/ deans/ councils of faculties were acting as in-between. Such practice is confirmed by the information received from VGTU at the time of the complaint's examination, that all the VGTU lecturers and researchers (except two employees of VGTU Scientific Research Centre) had submitted their documents to the VGTU Rector through the managers of departments / deans / councils of faculties.

With regard to the aforementioned, it should be stated that the gaps of legal regulation defined above and the VGTU practice in implementation of the Statute's clause 147 resulted in disclaimer of the importance of the Senate's consent procedure, and thus ambiguity of the implementation of the applicant's right to submit the documents for extension of the contract to the Senate and at the same time to implement the applicant's constitutional right to work.

<...>

The Ombudsman decided:

To inform Vilnius Gediminas Technical University and the Ministry of Education and Science about the Ombudsman's decision.
