



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

## DECISION REGARDING APPOINTMENT OF VICE RECTOR OF PUBLIC INSTITUTION EUROPEAN HUMANITIES UNIVERSITY B. GAILIUS TO THE OFFICE

03 December 2014 No. SP-14

Vilnius

The **Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania** (hereinafter – Ombudsman), <...> examined the repeated complaint of Aleksejus Krivolapas, chairman of the trade union of employees of Public Institution European Humanities University “EHUnion” (hereinafter – applicant) received in the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania on 18 September 2014 and the submitted material, and **determined that:**

The applicant appealed the lawfulness of the appointment of the Vice Rector for Administrative Affairs of the European Humanities University (hereinafter – EHU) B. Gailius. The applicant states that according to the subparagraph 10.3.12 of the EHU Statute (edition of 06 June 2011), “the Rector shall appoint and recall the Vice Rectors having the consent of the Management Council; shall announce competitions for such offices, appoint persons to such offices and dismiss them following the present Statute and other legal acts.” According to the applicant, B. Gailius has been acting as a Vice Rector for Administrative Affairs since June 2012, but “the Management Council has never considered or approved the candidacy of B. Gailius o this office; the competition for the office of Vice Rector has never been announced.”

The applicant asks the Ombudsman to “check whether the appointment of B. Gailius as the EHU Vice Rector is in compliance with the Statute’s provisions, whether the competition for that office has been organized, and whether B. Gailius can be considered a lawfully appointed Vice Rector of EHU.”

<...>

The investigation of the Office of Ombudsman revealed that the EHU Rector Anatoli Mikhailov made the employment contract No. 14-159 with B. Gailius on 23 May 2012, whereby B. Gailius was employed as a Vice Rector for administration and facilities on 01 June 2012.

EHU has not submitted any data to the Office of Ombudsman, which would confirm the consent of the Management Council with the appointment of B. Gailius as specified in the subparagraph 10.3.12 of the EHU Statute and clause 2 of the Regulations. According to the data submitted to the Office of Ombudsman, the members of the Management Council adopted the decisions regarding approval of appointment of B. Gailius as a Vice Rector for administration and facilities on 08 July 2014, i.e. more than 2 years after the employment contract had been made. It proves that the consent/approval of the Management Council regarding candidacy of B. Gailius was necessary but it had to be received before conclusion of the contract with B. Gailius.

*With regard to the above and following the EHU Statute and Regulations, it is stated that EHU Rector Anatoli Mikhailov violated the subparagraph 10.3.12 of the EHU Statute and clause 2*

*of the Regulations when he made the employment contract No. 14-159 with B. Gailius on 23 May 2012 without having the approval of the Management Council.*

**The Ombudsman decided:**

*To inform the European Humanities University and the Ministry of Education and Science that the Rector of the European Humanities University Anatoli Mikhailov did not observe the appointment procedure of vice rectors and thus violated the subparagraph 10.3.12 of the EHU Statute and clause 2 of the EHU Regulations on Appointment of Vice Rectors when he made the employment contract No. 14-159 with Bernardas Gailius on 23 May 2012 without having the approval of the Management Council.*

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