



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

DECISION REGARDING COMPLAINT OF ARKADIJUS KISELIOVAS AGAINST SIAULIAI UNIVERSITY

20 June 2014 No. SP-6

Vilnius

The **Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania** (hereinafter – Ombudsman), <...> examined the complaint of A. Kiseliovas (hereinafter – applicant) received in the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania on 28 April 2014 and the submitted material, and **determined that:**

The applicant brought the lawsuit to the District Court of Siauliai City in 2005 and asked to revoke the resolution No. 121 of Commission of Assessment and Competitions of Siauliai University (hereinafter – UAKK) of 08 June 2005, whereby the applicant was not certified for the post of professor, as well as decision of Siauliai University’s Senate of 22 June 2006 to reject the applicant’s appeal. On 12 December 2006 the District Court of Siauliai City passed the decision to satisfy the applicant’s lawsuit (civil case No. 2-4056-410/2005) and to oblige Siauliai University to re-assess the applicant for incomplete tenure of the professor. It should be noted that on 17 October 2003 the District Court of Siauliai City adopted the analogous decision in the civil case of the applicant’s spouse D. Kiseliova – employee of the Department of Mathematical Didactics of Siauliai University (civil case No. 2-3054-06/2003).

On 15 February 2006 the applicant made the written application to the Rector of Siauliai University (hereinafter – SU) Prof. V. Laurutis, asking “to initiate (consider and assess) the assessment of Danute Kiseliova in the UAKK meeting”. On 28 February 2006 the applicant addressed SU Rector again asking “to solve in the complex mode the problems of assessment of Danute Kiseliova and Arkadijus Kiseliovas for the titles of professors”.

On 01 March 2006 UAKK decided not to certify the applicant for incomplete tenure of the professor because the majority of UAKK members (9 from 13 persons, who voted) regarded the aforementioned deeds of the applicant as not ethical. Therefore the SU Rector Prof. V. Laurutis addressed the Commission of Law and Ethics of SU Senate on 28 March 2006, which made the following decision on 03 April 2006: “the applicant’s deeds (...) contain evident violations of ethical norms consolidated in the paragraphs 2.9, 2.13 of the Code of Employee’s Ethics of Siauliai University” (minutes No. 2). During the next meeting held on 10 April 2006 the Commission of Law and Ethics of SU Senate considered the resolution of SU Senate and decided that “when Prof. A. Kiseliovas was the head of the Department of Mathematical Didactics and attempted to get the employee of that department Danute Kiseliova for the title of professor, he had violated the Code of Employee’s Ethics of Siauliai University more than once (...)” (minutes No. 3).

The applicant asks the Ombudsman:

1) to recognize the decisions of the Commission of Law and Ethics of SU Senate of 03 April 2006 and 10 April 2006 (minutes No. 2 and minutes No. 3) as unjustified and to quash them;

2) to recognize that UAKK (the then chairman Prof. J. Ambrukaitis), Commission of Law and Ethics of SU Senate (chairman L. Paulauskas), chairman of the SU Senate Prof. A. Gudavicius, and Rector V. Laurutis “have violated the Constitution of the Republic of Lithuania and the Code of Ethics of Siauliai University by their actions directed against my person and application to get assessed for pedagogical title of professor”.

<...>

The Ombudsman decided:

1. To recognize the complaint of the applicant A. Kiseliovas as unjustified in the part regarding accusation of having violated the paragraph 2.9 of the then valid Code of Employee’s Ethics of Siauliai University (“Not to have personal interests and not to endeavour at own benefit or benefit of the family, relatives and friends”) stated in the minutes No. 2 and No. 3 of the Commission of Law and Ethics of SU Senate of 03 April 2006 and 10 April 2006.

2. The managing employees of Siauliai university (Senate’s chairman Prof. A. Gudavicius, SU Rector V. Laurutis, Senate’s member Prof. K. Zuperka, chairman of the Commission of Law and Ethics L. Paulauskas) violated the paragraph 4.1 of the then valid Code of Employee’s Ethics of Siauliai University (“To put efforts to create a friendly and occupational environment at University, to prevent conflicts, and to eliminate the reasons of disagreements”) because of groundless protraction of re-assessment of A. Kiseliovas, and they violated the paragraph 4.5 of the then valid Code of Employee’s Ethics of Siauliai University (“Not to make own sympathies and antipathies to the subordinates public and to assess them with regard to performance-related characteristics” because during the meeting of Siauliai University’s Senate on 22 June 2006 they expressed dissatisfaction publicly about certain personal characteristics of the applicant and the fact that the applicant protects his violated rights at court.

3. To recommend to the Senate of Siauliai University to consider amendment or revocation of faulty content of the decisions of the Commission of Law and Ethics of SU Senate of 03 April 2006 and 10 April 2006 (minutes No. 2 and minutes No. 3) with regard to the motives listed in the Ombudsman’s decisions.

4. To inform Siauliai University and Ministry of Education and Science about the violation of the paragraphs 2.9, 4.1 and 4.5 of the Code of Employee’s Ethics of Siauliai University that was valid in 2006.
