



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

REGARDING THE ACADEMIC COUNCIL OF PANEVEZYS COLLEGE

11 April 2016, No. SP-10
Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Ombudsman), in accordance with Part 1 of Paragraph 18 of the Law on Higher Education and Research of the Republic of Lithuania and with the Resolution No. XI-1583 of the Seimas of the Republic of Lithuania of 15 September 2011 “Regarding the establishment of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania and the approval of the provisions of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania“, approved by Subparagraph 1 of Paragraph 13 of the provisions of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania, after investigation of possible procedural violation of The Academic Council of Panevezys College and examination of the complaint of 7 March 2016 submitted by the trade union of the employees of Panevezys College (hereinafter - PKDPST) and Panevezys College’s (hereinafter - PK) explanations and documents submitted to the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office),

determined that:

PKDPST indicated in its complaint that on 25 February 2016 they were addressed by the members of the trade union of the employees of Panevezys College regarding „<...> possible rough procedural violations in making decisions at the extraordinary meeting of the Academic Council on 3 February 2016. The applicants emphasize that, in making decisions, the Chair of the Academic Council Laima Unterhauser did not comply with the requirements of the Statute of the Academic Council 25-06-2014, No. V4-8).“

It is requested in the complaint: “<...> to assess, whether Paragraph 11 of the Statute of the Academic Council was violated and whether the Chair of the Academic Council Laima Unterhauser did not exceed her powers in authorizing the voting. Please assess whether the decisions adopted at this meeting are legitimate.“

On 10 March 2016 it was addresses to PK with the request to submit the Statute of the Academic Council of PK, the documents supporting and certifying the number of the members of the Academic Council of PK, the protocol of the extraordinary meeting of the Academic Council of PK of 3 February 2016 and the documents supporting the detachment during the extraordinary meeting of the Academic Council of PK of 3 February 2016.

On 15 March 2016, PK submitted the required documents. They show that Paragraph 11 of the Statute of the Academic Council, approved by the Resolution No. V4-10 of 18 October 2012 of the meeting of the Academic Council (version of 25 June 2014, Resolution No. V4-8), sets that “the meetings of the Academic Council are legitimate, if they are attended by at least 2/3 of the members of the Academic Council“. Paragraph 12 of the same Statute sets that “the member of the Academic Council who is unable to attend the meeting due to important reasons shall inform in writing the Chair of the Academic Council. The member of the Academic Council may authorize in writing another member of the Academic Council to vote in the meeting on the projects of the meeting resolution formulated in advance“, and Paragraph 13 sets that “the members of the Academic Council who are unable to attend the meeting may submit their opinion in writing to the Chair on the issues under consideration. The opinion shall be announced at the meeting“

Paragraph 18 of the Statute of the Academic Council of Panevezys College sets that “The Academic Council adopts the resolutions by the majority of votes of the members of the Academic Council“

The Academic Council of PK is composed of 19 members. At the extraordinary meeting of 3 February 2016 of the Academic Council of PK, before the voting on decisions there attended 13 members, 1 member submitted his authorization and 1 member provided the voting results without authorization (authorization of I.K. and the letter of R.B. regarding te voting results are attached). At consideration on the cancellation of the resolution on the issue of the protocol No. V4-10.9 of the meeting of 25 November 2015 of the Academic Council of Panevezys College, as of unjustified and contrary to the procedures set in Part 11 of Article 20 of the Law on Science and Studies of the Republic of Lithuania, at the meeting of the Academic Council of Panevezys College “after discussion, Laima Unterhauser proposed to start voting. [Complaining] feeling unwell, S.S. left the meeting room¹, [the member of] the Academic Council. Other members of the Academic Council - J. L., B. R., R. A.², left the meeting room without explaining the reasons. Nine members of the Academic Council stayed at the meeting. Ermina Čižienė, a lawyer, commented that the decisions of the Academic Council are adopted by the majority of votes of the members of the Academic Council“ (the information in square brackets is ours).

¹ Data are depersonalize by us.

² Data are depersonalize by us.

After four members of the Academic Council left and when 9 members of the Academic Council stayed, the voting took place regarding the cancellation of the resolution on the issue of the protocol No. V4-10.9 of the meeting of 25 November 2015 of the Academic Council of PK, as of unjustified and contrary to the procedures set in Part 11 of Article 20 of the Law on Science and Studies of the Republic of Lithuania. 10 members voted (including the authorization of 1 member), also the voting results of 1 member without authorization were submitted. It was decided to cancel the resolutions adopted on the issue of the protocol No. V4-10 9 of the meeting of 25 November 2015 of the Academic Council of Panevezys College.

At consideration on the description of the procedure of the formation of the working group, of the standing, election, nomination and cancellation of the candidacy to the Council of Panevezys College, approved by the resolution No. V4-10 of 18 October 2012 of the Academic Council of Panevezys College, of the replacement and detailed cancellation of the members of the Council, 10 members of the Academic Council voted, i.e. the majority of the members of the whole Academic Council.

In view of the foregoing, it follows that 9 members of the Academic council from 19 attended in the meeting at voting, however, such number of the members of the Academic Council contradicts to Paragraph 11 of the Statute of the Academic Council of PK which sets that “the meetings of the Academic Council are legitimate, if they are attended by at least 2/3 of the members of the Academic Council“

On 1 April 2016 it was addressed to the Chair of the Academic Council of Panevezys College regarding the members of the Academic Council of Panevezys College who, during the extraordinary meeting on 3 February 2016, left the meeting and did not vote. The Chair of the Academic Council of Panevezys College was requested to provide the reasons why three members of the Academic Council left the meeting and the documents supporting these reasons (the reasons were not named in the protocol No. V4-4 of 3 February 2016 of the Academic Council of PK). In the letter of 5 April 2016, the Chair of the Academic Council explained that three members of the Academic Council of PK, who left the meeting without any reason, did not provide documentary evidence of such behavioral motives.

It should be noted that the Statute of the Academic Council of Panevezys College does not determine the consequences which would arise if the members of the Academic Council refuse to vote without giving important reasons. Also the Chair of the Academic Council of Panevezys College did not address to the Dispute Resolution Commission of Panevezys College and did not deal with the situation.

Given the fact that in the meeting of the Academic Council of Panevezys College, in adopting the decisions, there participated 9 members of the Academic Council, and the Chair was

authorized by one member, although Subparagraph 11 of the Statute of the Academic Council of Panevezys College determines that “the meetings of the Academic Council are legitimate, if they are attended by at least 2/3 of the members of the Academic Council“, it is stated that, in the extraordinary meeting on 3 February 2016, the Chair of the Academic Council of Panevezys College, by failing to ensure the compliance with Paragraph 11 of the Statute of the Academic Council, violated Subparagraph 16.2 and Paragraph 11 of the Statute of the Academic Council of Panevezys College.

After the analysis and evaluation of the provided information and its supporting documents as well as the legal regulation, and in accordance with Paragraph 1 of Part 1 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania, the Ombudsman

decided:

1. To inform Panevezys College and the Ministry of Education and Science of the Republic of Lithuania about the violation of the procedures of the Chair of the Academic Council determined by the Ombudsman.
2. To publish the information about the determined case of the violation of the procedures.

The Ombudsman’s decision may be appealed in the order set by the Law on Administrative Proceedings of the Republic of Lithuania.
