



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

DECISION REGARDING VIOLATIONS OF ACADEMIC ETHICS AND PROCEDURES BY PROF. P. PUNYS AND PROF. A. POVILAITIS OF ALEKSANDRAS STULGINSKIS UNIVERSITY

24 September 2015 No SP-20

Vilnius

The **Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania** (hereinafter - the Ombudsman), <...> examined the complaint of R.J. (hereinafter - the applicant) to the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania on 13 July 2015, and the submitted material and **determined that:**

The applicant addressed to the Ombudsman regarding a potentially unethical behaviour of the lecturer of Water and Land Management Faculty of Aleksandro Stulginskio University (hereinafter referred to as ASU), the deputy chairman of the Council of Water Problems and deputy chairman of the said council of Water resources committee of this Council of Lithuanian Academy of Sciences (hereinafter referred to as LAS) Prof. Mr. Punys. The applicant in his complaint indicated that Mr. Punys, “in pursue of self-interest” (as he, as the applicant pointed out, is the President of Lithuanian Hydropower Association¹), sent a letter to the Government of Lithuania, the Ministry of Environment, Ministry of Energy, Ministry of Transport, the Ministry of Culture and the Ministry of Justice and the members of the Seimas on behalf of the Council of Water Problems of Lithuanian Academy of Sciences (hereinafter referred to as LAS) on 7 November 2014, where “there is a proposal to approve the amendment to the laws of Water and Protected Areas, which allow the construction of dams on the Nemunas river for shipping and, at the same time, for hydropower purposes, and to restore an unlimited number of sometime mills on smaller rivers and <...> to use them for various purposes, including hydropower.”

The applicant indicates that “all statements” in the said letter “are misleadingly presented on behalf of LAS Council of Water Problems.” The letter of LAS president Prof. V. Razumas attached to the applicant’s complaint to the Chairman of the Committee on Environment of the Seimas A. Salamakinas states that “Prof. P. Punys has not coordinated the letter sent to different institutions neither with the leadership of Lithuanian Academy of Sciences nor the Council of Water Problems, and this is not the opinion of the Council, and especially the scientists of LAS.”

The applicant requests the Ombudsman to “recognize that Mr. Punys, by his actions, has broken the academic ethics, and to make this decision public.”

¹ According to the information provided on the Lithuanian Hydropower Association website www.hidro.lt (previewed on 24/08/2015), prof. P. Punys is the Chairman of Lithuanian Hydropower Association

The evaluation of the letter of 7 November 2014 in the Office of the Ombudsman for Academic Ethics and Procedures (hereinafter - the Office of Ombudsman) to the Government of Lithuania, the Ministry of Environment, Ministry of Energy, Ministry of Transport, the Ministry of Culture and the Ministry of Justice and members of the Seimas revealed that most of the statements contained therein are presented on behalf of LAS the Council of Water Problems.

<...>

It should be noted that the said letter drawn on the letterform of the Council of Water Problems of Lithuanian Academy of Sciences was signed by “the Chairman of the commission of water resources Prof. P. Punys.”

The proposal of member of the Seimas K. Grybauskas “On the draft law amendment No XIIP-1626 (2) to Article 14 of Law No VIII-474 on the Water of the Republic of Lithuania”² states: “<...> the proposal, which has been coordinated with the specialists of the Ministry of Environment, the Ministry of Transport and Lithuanian scientists, the members of the Council of Water Problems of Lithuanian Academy of Sciences, is submitted <...>” (*underline is ours*).

<...>

On 8 August 2015, Prof. P. Punys responded to the Office of the Ombudsman by e-mail that the said letter of 7 November 2014 “is intended for the consolidation of national economic power and well-being of its citizens.” Mr. Punys indicated that the content of the letter and electronic signature of Mr. Punys were coordinated with the Chairman of Council of Water Problems, the director of ASU Water and Land Management, Faculty of Water Resources Engineering Institute Prof. A. Povilaitis, the letter was registered. In addition, Mr. Punys in his reply to the Office of the Ombudsman stated that “because its [letter’s] content best represents the essence of the commission I lead, by offer of the chairman of the Council of Water Problems, I assumed full responsibility by signing it and sent it addressees by e-mail. The Division of Agricultural and Forestry Science of LAS new about the letter sent.” Also Mr. Punys attached a copy of electronic correspondence with the chairman of the Council of Water Problems of LAS Prof. A. Povilaitis, which shows that Mr Povilaitis expressed doubts that “the last few points can lead to discussions in the CWP, because, we have not discussed in our meeting and have not reached a consensus of opinion. I therefore suggest preparing the letter, but I would like it to be signed by the Chairman of the Commission of Water Resources Prof. P. Punys.”

<...>

Considering the fact that the composition of LAS Council of Water Problems (Division of Agriculture and Forestry Science) indicated on the LAS website, ASU³ is indicated at the names of the Chairman of this Council Prof. A. Povilaitis, and the deputy Chairman Prof. Mr. Punys, the Office of the Ombudsman asked ASU on 17 September 2015 to submit documents by e-mail, confirming the reconciliation actions of LAS and ASU delegating Professors P. Punys and A. Povilaitis of ASU Water and Land Management Faculty to the LAS Council of Water Problems. ASU informed the Office of the Ombudsman that candidatures of Mr. Punys and Mr. Povilaitis to the Council of Water Problems of Lithuanian Academy of Science “were coordinated with the

² http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=1035437 (previewed on 25/08/2015)

³ <http://www.lma.lt/lt/lma-struktura/mokslu-skyriai-ir-nariai/zemes-ukio-ir-misku-mokslu-skyrius/zemes-ukio-ir-misku-mokslu-skyriaus-struktura> (previewed on 25/08/2015)

leadership of the ASU and they were approved. The process of coordination was verbally, no documents were written on this issue.”

<...>

Having evaluated the information provided by the applicant, supporting documentation and information provided by ASU, following the provisions of Code of Academic Ethics approved at ASU Senate meeting on 28 March 2012 (Protocol No 515), the Ombudsman states that:

1. Professor P. Punys, as a member of ASU academic community and deputy Chairman of the Council of Water Problems of the Lithuanian Academy of Science, having prepared and sent the letter to the Government of Lithuania, the Ministry of Environment, Ministry of Energy, Ministry of Transport, the Ministry of Culture and the Ministry of Justice and the members of the Seimas on 7 November 2014, which contained the information misleading insofar as it was presented on behalf of the LAS Council of Problems though did not discussed in the Council, is in breach of the provision of sub-clause 6.2 of ASU Code of Academic Ethics point to the extent, which provides that each member of the ASU community has an obligation to “do no harm to the reputation of university <...>”;

2. Prof. A. Povilaitis, as a member of ASU academic community and the Chairman of the Council of Water Problems of Lithuanian Academy of Sciences, having encouraged his deputy Prof. P. Punys to sign the letter of 7 November 2014 on behalf of the Chairman of the CWP Commission of The use of water resource drawn on the letterform of the LAS Council of Water Problems, and having known that the Council of Water Problems had not considered the provisions set forth in the letter and they might be subject to discussion in the Council, but having not taken any actions to stop sending the misleading information, is in breach of the provision of sub-clause 6.2 of ASU Code of Academic Ethics point to the extent, which provides that each member of the ASU community has an obligation to “do no harm to the reputation of university <...>”;

It should be noted that the Ombudsman did not evaluate the legitimacy of actions of prof. A. Povilaitis as the Chairman of the LAS Council of Water Problems, and Mr. Punys as the deputy Chairman of LAS Council of Water Problems, the Chairman of the Committee on the Use of Water Resources, in those positions.

The Ombudsman, in accordance with points 1 and 8, paragraph 12 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania **decided as follows:**

1. To inform Alexander Stulginskis University and the Ministry of Education and Science about the Ombudsman’s decision.

2. To make public the cases related to violation of academic ethics and procedures, i.e. to inform of the Ombudsman’s decision Lithuanian Academy of Sciences and the Lithuanian Hydropower Association.
