



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

REGARDING THE COMPLAINT OF G. B. OF 24 MAY 2016

10 October 2016, No. SP-20
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, after examination of the complaint of G. B. (hereinafter - the applicant¹) received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 26 May 2016 m. as well as the submitted material regarding the violation of the academic integrity principle of E. M. and D. M.² in submitting the documents to the high school,

determined that:

The applicant indicated in his complaint, that E. M. “possibly did not [graduate] from the secondary school and submitted possibly false certificate of secondary education [when admitting] to Vilnius University Kaunas Faculty of Humanities. It therefore follows that E. M. possibly illegally received Vilnius University graduation diploma. Also it is indicated in the complaint that D. M. “possibly did not [graduate] from the secondary school. [D. M.] submitted possibly false certificate of secondary education [when admitting] to study in V. A. Graiciunas Higher School of Management.” In the complaint it is requested to investigate, whether D. M. “submitted possibly false certificate of secondary education [when admitting] to study in Mykolas Romeris University in 2006 and [when admitting] to study in ISM University of Management and Economics in 2014. It therefore follows that [D. M.] possibly illegally received V. A. Graiciunas Higher School of Management and ISM University of Management and Economics graduation diplomas.”

¹ “Applicant” in the text of the Ombudsman’s decision is given generally as a noun of masculine gender without linking it to the sex of the applicant.

² The names and surnames are known to the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania.

In the complaint it is requested to carry out the investigation and to inform the applicant about the results.

On 30 May 2016 (letter No. S-228) The Ombudsman for Academic Ethics and Procedures (hereinafter - the Ombudsman) addressed to the applicant for more detailed information about the circumstances of the complaint. On 13 June 2016 (letter No. S-248) it was repeatedly addressed to the applicant for information. On 20 June 2016 (letter No. G-402) G. B. explained that neither E. M. or D. M. “was not able to mention at least one surname of the classmate with whom he graduated from the secondary school. <...> It follows that both [E. M.] and [D. M.] possibly did not attend the secondary school. However, both [E. M.] and [D. M.] have secondary education graduation certificates, that were obtained by falsification of official documents.“ Also, in the letter of G. B. it is indicated stated that D. M. at that time carried out military service in Taurage district, but he attended the school 30 kilometers away. (He did not choose any other located closer). G. B. states that „<...> travel time and fuel costs were three times higher compared to the potential for school attendance in the secondary school of Taurage town. It is obvious that [D. M.] chose not the nearest secondary school but the school, where there was a possibility of falsification of official documents“, “<...> also after the assessment of [D. M.] military service working time and the time of lessons at Jurbarkas Naujamiestis secondary school, it is clear that [D. M.] was able to “attend” Jurbarkas Naujamiestis secondary school in a single case – by possible falsification of official documents.“ The applicant states that <...> “[E. M.] in 1984 entered to study in Kaunas Polytechnic School from which after a certain period of time he dropped out. It is obvious that [E. M.] by studying in Kaunas Polytechnic School, [he] was not able to study in the secondary school in Jurbarkas at the same time. [E. M.] was able to “study” in the secondary school in Jurbarkas in a single case - by possible falsification of official documents.“

It should be noted that the Ombudsman does not investigate the cases of falsification of documents, however, he can address to the law enforcement authorities regarding the conduct of such investigation.

On 30 May 2016 (letter No. S-229) the Ombudsman addressed to Vilnius University (hereinafter - VU) regarding the copies of the secondary school leaving certificate and its supplements confirming the secondary education as well as the diploma confirming the completion of the study program in VU of E. M.

On 8 June 2016 (letter No. G-393) VU submitted the mentioned documents which show that E. M. in 1987 graduated from Jurbarkas evening (shift) secondary school.

On 30 May 2016 (letter No. S-230) the Ombudsman addressed to V. A. Graiciunas Higher School of Management (hereinafter – AVM), Mykolas Romeris University (hereinafter – MRU) and ir ISM University of Management and Economics (hereinafter – ISM) regarding the copies of the secondary school leaving certificate and its supplements confirming the secondary education as

well as the diplomas confirming the completion of the study programs in AVM, MRU and ISM of D. M.

On 31 May 2016 (letter No. G-388) AVM informed that D. M. did not study at their institution.

On 10 June 2016 (letter No. G-396) MRU informed that “in accordance with the rules of the Student’s admission to the IInd course at Mykolas Romeris University in 2006, approved by the Resolution No. 1SN-44 of 6 February 2006 of the Senate, [D. M.] complied with the acceptance requirements set in the admission rules and by the tendering procedure was [admitted] to the IInd course.” The submitted documents show that in 2005 D. M. completed the program of the Studies on Law of Kaunas Business College (non-university studies).

On 16 June 2016 (letter No. S-252) the Ombudsman repeatedly addressed to ISM, but ISM did not submit the information.

On 23 June 2016 (letter No. S-263) the Ombudsman addressed to the Ministry of Education and Science of the Republic of Lithuania (hereinafter - the MES) regarding the information about the status of Kaunas Business College and the base of the collection of data on secondary school graduation in 1987–1996. On 8 July 2016 (letter No. G-417) MES replied that: “<...> data on the secondary education program completion, obtaining the secondary education until 1993 were recorded in *the Book of accounting and issuing of the secondary education certificates forms*, and from 1994 to 1998 – *in the Book of accounting of the leaving certificates*. <...> If the school was liquidated, the documents, by the decision of the founder of the school, had to be transferred to the school assigned as its functions successor or to the municipal administration. <...> The non-governmental institution PI Kaunas Business College <...> was reformed and continued its activity as V. A. Graiciunas Higher School of Management <...> This school took over and dispose of all the documents of Kaunas Business College activity.”

On 23 June 2016 (letter No. S-261) the Ombudsman addressed to G. B. by requesting to provide the contact details of E. M. and D. M. Upon the receipt of the contacts (letter No. G-412 of 4 July 2016), on 28 July 2016 (letters No. S-276 and S-277) the Ombudsman addressed to E. M. and D. M. regarding of the secondary school leaving certificate and its supplements confirming the secondary education. On 29 July 2016 (letter No. G-423) E. M. provided by e-mail the secondary education certificate (acquired in 1987 at Jurbarkas evening (shift) secondary school). On 3 August 2016 D. M. came to the Office and provided the leaving certificate and its supplements (letter No. G-426). It is seen from the document that D. M. acquired the general secondary education in 2001 at Jurbarkas Naujamiestis secondary school. On 17 August 2016 E. M. came to the Office and once again provided the secondary education certificate of Jurbarkas evening (shift) secondary school (letter No. G-432).

On 28 July 2016 (letter No. S-278) the Ombudsman addressed to Jurbarkas Naujamiestis secondary school for the document confirming the completion secondary school of D. M. On 1

August 2016 (letter No. G-424) Jurbarkas Naujamiestis secondary school replied that: “According to the available data, the incomplete secondary education certificate was issued to [D. M.] in 1992.”

On 28 July 2016 (letter No. S-279) the Ombudsman addressed to AVM regarding the copy of the school leaving certificate of D. M., which he submitted at the admission to the high school. On 2 August 2016 (letter No. G-425) AVM confirmed the information about the documents supporting the secondary education of D. M.

On 8 August 2016 (letter No. S-285) the Ombudsman addressed to Jurbarkas Naujamiestis secondary school for the copy of the list of students who received the school leaving certificates in 2001. On 9 August 2016 (letter No. G-428) Jurbarkas Naujamiestis secondary school submitted the copy of the accounting journal on the issue of the school leaving certificates, their supplements, certificates and the order No. 134M of 22 August 2001 of the director of Jurbarkas Naujamiestis secondary school “Regarding the removal of graduates from the lists”. The documents show that D. M. completed this secondary school in 2001 and there he acquired the general secondary education.

On 18 August 2016 (letter No. S-297) the Ombudsman addressed to Kaunas Technical College regarding the documents supporting the studying of E.M. in 1984 (then it was Kaunas Polytechnic School) and to Jurbarkas Naujamiestis secondary school (letter No. S-298) regarding the secondary education certificate acquired by E. M. in 1987 at Jurbarkas evening (shift) secondary school, and the date when he started to attend this school.

On 23 August 2016 (letter No. G-437) Kaunas Technical College submitted the archive statement about the studies of E. M. in Kaunas Polytechnic School in the school years of 1984–1985 and attached the copies of the order No. 355 of 05-07-184 of the director and of the journal of I MAP group’s study subjects (1984-1985). The submitted documents show that E. M. studied at Kaunas Polytechnic school studied for one year (i.e. 1984-1985).

On 24 August 2016 (letter No. G-439) Jurbarkas Naujamiestis secondary school informed that it did not manage to find the data on the acquisition of the secondary education certificate by E. M. at Jurbarkas evening (shift) secondary school. The Ombudsman once again addressed to this school and provided the copy of the secondary education certificate of E. M. On 25 August 2016 (letter No. G-441) specified the information and confirmed that E. M. in 1987 acquired the secondary education at Jurbarkas evening (shift) secondary school, and attached the copy of the accounting journal on the issue of the secondary education certificates, which shows that E. M. acquired the secondary education certificate (it is recorded in the document that E. M. was admitted to this school in 1985).

On 2 September 2016 (letter No. S-314) the Ombudsman addressed to Jurbarkas Naujamiestis secondary school for information since it is not clear during what years D. M. studied in 9–12 classes what was the form of the studies (full-time or evening classes).

On 13 September 2016 (letter No. G-461) Jurbarkas Naujamiestis secondary school informed that D. M. studied in 11-12 classes. There was provided the order of admission of D. M.

to the 10th adult class, as well as the students' learning accounting summary (D. M. was transferred to the 11th class) and the order regarding the transfer of the students to the higher class, i.e. to the 12th class.

On 2 September 2016 (letter No. S-315) the Ombudsman addressed to the Lithuanian Grand Duke Kestutis Mechanized Infantry Battalion regarding the period of the military service of D. M. in the mentioned battalion.

On 13 September 2016 (letter No. G-463) the Lithuanian Grand Duke Kestutis Mechanized Infantry Battalion of the Motorized Infantry Brigade "Žemaitija" of the Lithuanian Armed Forces submitted the copies the orders on the admission and dismissal of D. M. from the professional military service. It is indicated in the documents that D. M. was admitted to the professional military service from 1 September 1998, and dismissed on 28 December 2005.

On 16 September 2016 (letter No. S-323) the Ombudsman addressed to the Prosecutor General's Office of the Republic of Lithuania for information about the pre-trial investigation regarding the case of falsification of the secondary education certificate of D. M. It was also requested to submit the findings, if such an investigation was carried out.

On 29 September 2016 (letter No. G-483) the Prosecutor General's Office of the Republic of Lithuania informed that "<...> there are no data on the pre-trial investigation performance regarding <...> the fact of falsification of the secondary education certificate [of D. M.] in the Integrated Criminal Procedure Information System (IBPS) and in the information system of the prosecutor's office (IPS)."

In view of the foregoing, it can be stated that E. M. and D. M. did not violate the academic ethics and procedures by admitting to the high schools and submitting them the documents confirming the secondary education.

After the evaluation of the information provided by the applicant, E. M., D. M., VU, MRU, AVM, Kaunas Technical College and Jurbarkas Naujamiestis secondary school and the supporting documents as well as the legal regulation, in accordance with Paragraph 9 of Part 12 of Article 18 of the Law on Higher Education and Research, the Ombudsman:

decided:

to recognize the complaint of the applicant as unjustified.

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