



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

REGARDING THE COMPLAINT OF K. S. OF 12 JULY 2016

11 October 2016, No. SP-21
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 K. S. (hereinafter - the applicant¹) received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 18 July 2016 m. as well as the submitted material regarding the decision adopted by the commission of Vytautas Magnus University Music Academy (hereinafter - VMU MA) on motivational interview for the Master's studies,

determined that:

The applicant indicated in his complaint that the motivational interview was not properly executed and was assessed incorrectly: “The motivational interview at the beginning, that is mandatory for all other students, was held in the usual manner. I was required within the prescribed time limit of two minutes to explain why I want to study the Master’s studies, what I expect from the studies and what I can give to Vytautas Magnus University and the community of the Academy of Music. At the end of my speech, the members of the commission asked me the questions. <...> the members of the commission, completely regardless of the objectives of the motivational interview, asked questions related to my private life, that has no connection with my specialty and Master’s studies. For example, Vice-Dean Daiva Bukantaitė asked the questions such as whether it is true that I am pregnant, whether it is true that my husband is a foreigner, whether I still live with my parents, how I am going to combine motherhood and work in the art school, and so on. When I

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.

answered the questions, the Vice-Dean stated that the Academy can not keep the basket of a year for me, although I never said that I would choose the academic leave in the case of accession.”²

In the complaint is requested to investigate “whether the questions asked by the commission on the motivation interview of VMU Music Academy and the subjective assessment of the answers to these questions go along with the legislation of the Republic of Lithuania governing equal opportunities <...>“ and “<...> to inform on the findings and measures to be taken to resolve the situation.“

The Ombudsman examines the circumstances relating only to the academic ethics and procedures.

On 8 August 2016 (letter No. S-284) the Ombudsman addressed to VMU MA regarding the provision of the documents: 1) the protocol of the motivation interview of 29 June 2016 for the Master’s studies at Vytautas Magnus University Music Academy (performing art - piano) and the audio record (if one was made); 2) the protocol of the meeting of the admission commission for the Master’s studies at VMU MA (performing art - piano) together with the evaluation tables of all the entrants to the specialty of the performance art - piano; 3) the evaluation criteria of the Master’s studies of VMU MA (performing art - piano) which were followed by the admission commission.

On 18 August 2016 (letter No. S-434) VDU MA submitted the documents and explained that “in accordance with Part 12 of the motivational interview procedure (see Annex 2), the audio and video records of the motivational interviews are not carried out, the interview also is not recorded in writing. The members of the commission provided the evaluations of the motivational interviews of the candidates to the Master’s studies to the administrator of VMU Music Academy who entered them into the electronic counting of the competitive score of the entrants.” Paragraph 7 of the procedure of motivational interviewing of the Entrants to the Performing art specialty at VMU Music Academy, approved by the Dean’s Ordinance No. MAM-16-012 of 20 June 2016, indicates that “the content of the motivational interview consists of the introduction of the candidates and the questions asked by the members of the commission:

- a. Reasons and factors for selection of the Master’s studies,
- b. Concert experience,
- c. Available opportunities for the Master’s studies,
- d. Circumstances that can affect consistent process of studies and practical work,
- e. The purity of the idea of the future Master thesis,
- f. The pieces intended to be performed.“

Paragraph 9 of the same document indicates that “ it is assessed whether the entrant during the interview:

- a. Essentially relate the aspects in question with the future studies,

² Citations language is unedited.

- b. Reveal disposition to the studies,
- c. Reflect successful collaboration conditions and personal responsibility,
- d. Demonstrate the adequate communication.“

On 22 August 2016 (letter No. S-305) the Ombudsman addressed to VMU MA regarding the list and contacts of all members of the commission for the motivational interview of the Performing art study program (piano), also he requested to attach the results of the evaluation made by the members of the commission for the motivational interview (performing art - piano) and the justification (criteria, scores, weightings).

On 26 August 2016 (letter No. G-445) VDU MA submitted the list of all members of the commission for the motivational interview, also provided the scores of the evaluation of the motivational interview of the candidates given by the members of the commission, which were justified by the evaluation criteria set in “the Procedure of the motivational interview of the entrants to the performing art specialty of VMU Music Academy”.

On 16 September 2016 (letter No. S-324) the Ombudsman addressed to the members of the commission for the motivational interview in order to clarify the following: 1) whether the questions asked for each candidate, who were entering the Master’s studies of the Performing art study program (piano) at VMU MA, during the motivational interview were different or the same?; 2) what specific questions were asked for the candidates (or for each candidate separately) during the motivational interview?; 3) how were the answers of the candidates reported?; 4) how were evaluated the answers of the candidates (for example, individually, secretly, by discussing with other members of the commission and so on) and on what evaluation criteria it was based?; 5) how was the principle of objectivity ensured in evaluating the answers of the candidates?

On 22 September 2016 (letter No. G-468) the member of the commission for the motivational interview Assoc. dr. Daiva Bukantaitė answered that each candidate was asked different questions that depended on their introduction, but some questions repeated (for example, What are your current activities that would complicate the studies? What final thesis would you like to write? What would prevent to continue your studies successfully? What are your strongest features, which would ensure the implementation of the objectives of the study program?). The member of the commission could not remember the specific questions, as motivational interview took place in June, and the number of the entrants was 21. The member of the commission recorded the answers of the candidates, comments on the sheet of paper which the commission received before the motivational interview. It included the list of the entrants, place for marks and comments. The member of the commission pointed out that “the answers of the candidates were assessed individually. The total mark was calculated as the arithmetic average of the marks given by the members of the commission. This calculation was made by the administrator of the faculty. The members of the commission evaluated the candidates individually and did not see each other’s evaluation results. I relied on the evaluation criteria indicated in the Procedure of the motivational

interview of the entrants to the Master's studies. In evaluating the answers of the candidates, I ensured the principle of objectivity from the whole of the answers to the questions for the candidates asked by the members of the commission. This whole was determined by clear and concrete answers of the candidates about the reasons and factors for selection of the Master's studies, concert experience, available opportunities for the Master's studies, formulation of the idea of the future Master thesis, the pieces intended to be performed. I pay attention to whether the candidates essentially relate the aspects in question with the future studies, reveal disposition to the studies, understand the successful collaboration conditions, personal responsibility and demonstrate the adequate communication."

On 22 September 2016 (letter No. G-469) the member of the commission for the motivational interview Assoc. dr. Donaldas Račys explained that he asked different questions to the entrants, but he could not remember them. He just noted that this year there were many participants in the international competitions and concert activities, therefore, the questions were associated with the concert experience and participation in workshops. The member of the commission recorded the answers of the candidates in his own records, and wrote the marks into the specially prepared form. D. Račys stated that the answers of the candidates were evaluated by the commission individually, and the administrator entered them into the electronic system. The assessment was based on the evaluation criteria set in the *Procedure of the motivational interview of the entrants to the performing arts specialty of VMU MA*. He ensured the principle of objectivity in evaluating only those answers that were directly related to the prospective student's studies.

On 22 September 2016 (letter No. G-470) the member of the commission for the motivational interview Assoc. dr. Saulius Gerulis explained that he asked different questions to the entrants which he could not remember because it was a long time ago. The member of the commission recorded the answers of the candidates in the form prepared in advance. The answers of the entrants were evaluated individually, the answers were not discussed with other members of the commission. The members of the commission submitted the marks to the draftsman who entered them into the system. The commission received the final mark. In assessment of the entrants S. Gerulis relied on the evaluation criteria set in the *Procedure of the motivational interview of the entrants to the performing arts specialty of VMU Music Academy*. The member of the commission noted that "<...> the principle of the evaluation objectivity was ensured by clear and regulated motivational interview structure, indicated in the mentioned procedure, and the individual evaluation as well as the arithmetic average of the evaluations of all members of the commission."

On 23 September 2016 (letter No. G-471) the member of the commission for the motivational interview prof. Kazys Stonkus pointed out that the candidates were asked different questions depending on the introductions of the entrants. Some questions were repeated, for example, about the repertoire, concert experience, participation in competitions, musical activities in the future. K. Stonkus recorded the answers of the candidates in his own records, then rewrote the

mark into the provided form. The answers of the candidates were assessed without consulting with other members of the commission. Also the member of the commission indicated that it was based on the criteria set in the *Procedure of the motivational interview of the entrants to the performing arts specialty of VMU Music Academy*.

On 29 September 2016 (letter No. G-479) the member of the commission for the motivational interview prof. Tomas Ladiga explained that the candidates were asked similar but different questions related to the introduction of the entrants. The member of the commission does not remember the specific questions. T. Ladiga wrote the comments and marks into the designated form. He evaluated the answers of the candidates individually, he did not discuss on them with other members of the commission. The evaluation was based on the criteria set in the *Procedure of the motivational interview of the entrants to the performing arts specialty of VMU Music Academy*. The member of the commission ensured the principle of objectivity “<...> on the basis of the indicated document, healthy logic and individual intuition on the eligibility of candidates.”

On 30 September 2016 (letter No. G-484) the member of the commission for motivational interview prof. Vidmantas Kijauskas pointed out that during the interview there were provided different questions, but he does not remember the specific questions. The member of the commission noted that “before the motivational interview, the members of the commission received the forms, in which they [recorded] the comments on the entrants and [wrote in] their marks. <...> The answers of the candidates were evaluated individually, the evaluations were not discussed with other members of the commission.” The evaluation was based on the criteria set in the *Procedure of the motivational interview of the entrants to the performing arts specialty of VMU Music Academy*, and the principle of objectivity was ensured.

The circumstances and explanations provided by the applicant and by the members of the commission for the motivational interview are different and can not be objectively evaluated, because Paragraph 12 of the *Procedure of the motivational interview of the entrants to the performing arts specialty of VMU Music Academy* states that “the motivational interview is not recorded, the audio and video records are not carried out.”

In view of the foregoing, and after the evaluation of the Procedure of the motivational interview of the entrants to the performing arts specialty of VMU Music Academy, it can be stated that such procedure does not ensure the principle of objectivity and create obstacles in determining the circumstances confirming the execution of the objective motivational interview.

After the evaluation of the information provided by the applicant and Vytautas Magnus University Music Academy and the supporting documents as well as the legal regulation, in accordance with Paragraph 1 of Part 12 of Article 18 of the Law on Higher Education and Research, the Ombudsman:

decided:

To inform the Ministry of Education and Science and Vytautas Magnus University about the decision of the Ombudsman.

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