



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

REGARDING THE EVALUATION OF THE FINAL THESIS AND THE PROCEDURE OF THE APPEAL SUBMISSION AT MYKOLAS ROMERIS UNIVERSITY

13 October 2016, No. SP-22
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 Subparagraph 13.1 of the provisions of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania, approved by 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“ (hereinafter - the Provisions), by Subparagraph 13.1, and after examination of the complaint of the applicant N. G. (hereinafter - the applicant, student¹) received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 27 May 2016 regarding the evaluation of the final Master’s thesis and the procedure of the appeal submission at the Institute of Public Law of the Faculty of Law of Mykolas Romeris University (hereinafter - the complaint) and the provided material,

determined that:

The applicant in hid complaint to the Ombudsman complaint about the refusal to accept the appeal regarding the evaluation of the final Master’s thesis and the non-disclosure of the results of evaluation made by reviewer, supervisor and the members of the defense commission at Mykolas Romeris University.

The applicant states that, taking into account the fact that “the review of the final Master’s thesis is incompetent and unjustified, on 23 May 2016 I sent by e-mail the appeal for the review of the final Master’s thesis. On 25 May 2016 I received by e-mail the forwarded review with the resolution that, in accordance with Paragraph 3 of the Appeal Regulations of Mykolas Romeris University, the appeals for the defense of the final Master’s thesis are not accepted. <...>

Also on 21 May 2016 the request to disclose the results of the final Master’s thesis was sent by e-mail. On 24 May 2016 the answer was received from the Faculty of Law, that such request should be addressed to the institute in which I defended the final Master’s thesis. On 26 May 2016 I submitted the request to the director of the Institute of Public Law of the Faculty of Law of Mykolas Romeris University Agnė Tvaronavičienė. On 26 May 2016 the answer to not disclose the evaluation was received. The motivation was that the evaluation of the reviewer is known, for the

¹ “Applicant”, “student” 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

disclosure of the supervisor's evaluation it should be addressed to the supervisor, and the evaluations of the members of the commission are not disclosed because it is a private matter. <...>“.

The applicant requests “in accordance with Paragraphs 3 and 9 of Part 12 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania, to recommend higher education and research institutions to cancel the decision on the basis of the academic ethics and the documents governing the procedures as well as to make public the cases of violation of the academic ethics and procedures.”

The Ombudsman, by the letter No. S-232 of 30-05-2016 addresses to the Institute of Public Law of the Faculty of Law of Mykolas Romeris University by requesting to provide the documents supporting the results of the evaluation of the applicant's final Master's thesis (the evaluations of the reviewer, supervisor and the members of the commission).

Taking into account that the Institute of Public Law of the Faculty of Law of Mykolas Romeris University did not provide the requested information by the indicated date, the Ombudsman, by the letter No. S-251 of 16-06-2016 repeatedly addressed to the Institute of Public Law of the Faculty of Law of Mykolas Romeris University.

The Faculty of Law of Mykolas Romeris University, by the letter No. 24T(11.21-20401)-18S of 22-06-2016 informed that “<...> the defense and evaluation of the final thesis in the Faculty of Law of Mykolas Romeris University is conducted in accordance with Paragraphs 57-73 of the Procedure of the evaluation of the study results approved by the Resolution No. 1SN-3 of 16 March 2016 of the Senate of Mykolas Romeris University and in accordance with the methodical instructions on the preparation and defense of the final thesis of the Faculty of Law approved by the Resolution No. 1T-23 of 12 June 2014 of the Council of the Faculty of Law.

The criteria of the evaluation and defense of the final thesis and their weighting coefficients are the following: the preparation and scientific level of the thesis (weighting coefficient – 0.60) and the quality of the defense (student's ability to introduce the thesis, the quality of presentation, the ability to answer the questions) (weighting coefficient – 0.40). The final mark is obtained by summing two weighting coefficients.

Please note that the preparation and scientific level of the thesis is evaluated in the equal parts by the reviewer of the thesis, supervisor of the thesis and the members of the commission. The quality of the defense is evaluated only by the members of the commission. In accordance with the established procedure, the reviewer uploads the review to the information system “Studijos”, in which he positively or negatively evaluates the thesis (the specific mark is not written). The access to the review is given to the author of the thesis, supervisor of the thesis and the members of the defense commission.

The part of the meeting of the qualification commission for the final thesis defense, in which the final thesis defended on that day are discussed and evaluated, is closed in order not to disclose the individual evaluations made by each member of the commission, supervisor of the thesis or the reviewer. The final mark of the thesis is determined by summing up the criteria of the weighting coefficients of the final thesis and its defense, and then it is written into the defense protocol. <...>.

Also the Faculty of Law of Mykolas Romeris University provided the weighting coefficients of the defense of the final Master's thesis defended by the applicant: The preparation, scientific level of the thesis (0.60) – 5.4 points; the quality of the defense (0.40) – 4 points. After summing up the weighting coefficients, the final evaluation is 9 (very good). This evaluation was written in the defense protocol and entered into the defense statement in the information system “Studijos”.

After the analysis of the information provided by Mykolas Romeris University, the Ombudsman, by the letter No. S-295 of 17-08-2016 addressed to the Faculty of Law of Mykolas Romeris University and requested “to justify the numerical structure of the result of the evaluation of the preparation and scientific level <...> - 5.4 points, of the [the applicant’s] defended final Master’s thesis <...> and to indicate the procedure of the calculation of such mark.” (the information provided in the square brackets is ours).

After the repeated request of the Ombudsman, the Faculty of Law of Mykolas Romeris University, by the letter No. 24T(11.21-20401)-10 of 21-09-2016 repeated the information on the weighting coefficients of the defense of the final Master’s thesis and the final mark that was sent by the letter No. 24T(11.21-20401)-18S of the Faculty of Law of Mykolas Romeris University on 22-06-2016, but it *did not provide the justification of the numerical structure of the result of the evaluation of the preparation and scientific level of the applicant’s final Master’s thesis - 5.4 points, and did not indicate the procedure of the calculation of such mark*, as it was requested by the Ombudsman.

After the analysis of the information provided by the Faculty of Law of Mykolas Romeris University, the legislation and taking into account the actions appealed by the applicant, it was determined that:

1. The Faculty of Law of Mykolas Romeris University in the mentioned letter No. 24T(11.21-20401)-18S of 22-06-2016 pointed out that “the preparation and scientific level of the thesis is evaluated in the equal parts by the reviewer of the thesis, supervisor of the thesis and the members of the commission. <...> In accordance with the established procedure, the reviewer uploads the review to the information system “Studijos”, in which he positively or negatively evaluates the thesis (the specific mark is not written).“

Paragraph 99 of the methodical instructions on the preparation and defense of the final theses of the Faculty of Law of Mykolas Romeris University approved by the Resolution No. 1T-23 of 12 June 2014 of the Council of the Faculty of Law (hereinafter - the Instructions) states that “<...> the reviewer uploads the review in the form indicated in Annex No. 7 of these Instructions to the information system “Studijos”, in which he positively or negatively evaluates the thesis <...> (underlined by us).

The applicant indicated that the review is unjustified, therefore, “the final Master’s thesis is evaluated not 10 (ten), but 9 (nine), because the evaluation of the reviewer and the evaluations of the supervisor of the thesis and the members of the defense commission differed in 4 (four) points.” (underlined by us).

Paragraph 69 of the procedure of the evaluation of the study results of Mykolas Romeris University, approved by the Resolution No. 1SN-30 of 16 March 2012 of the Senate of Mykolas Romeris University, sets that “the final theses and their defense is evaluated by the members of the commission for the defense of the final theses. The final mark of the thesis is determined by the derivation of the average of the marks given by the members of the commission <...>.” (underlined by us).

Paragraph 108 of the Instructions sets that “the final theses and their defense is evaluated by the members of the qualification commission for the defense of the final theses, the supervisors and reviewers of the theses. The final mark of the thesis is determined by the derivation of the average of the marks given by the supervisor, reviewer and the members of the commission in accordance with the procedure indicated below <...>”.

Paragraph 109 of the Instructions sets the evaluation criteria for the final thesis and its defense and their weighting coefficients:

“109.1. The preparation, scientific level of the thesis <...>; integrity, completeness of the content <...>; the quality of the formalization <...>. Weighting coefficient – 0.60.

109.2. The quality of the defense <...>. Weighting coefficient – 0.40.“

Paragraph 110 of the Instructions sets that “in accordance with the aspects indicated in Paragraph 109,1, the final thesis is evaluated by the supervisor of the thesis, the reviewer of the thesis and the qualification commission for the defense of the final theses. The evaluation is determined by the derivation of the average of the mark given by the qualification commission for the defense of the final theses, of the average of the mark given by the supervisor and the reviewer.<...>.”

Paragraph 111 of the Instructions sets that “the quality of the final thesis is evaluated by the members of the qualification commission for the defense of the final theses. The evaluation is determined by derivation of the average of the marks given by the members of the commission.”

Paragraph 112 of the same legislation sets that “The final mark of the thesis is determined on the basis of the evaluations indicated in Paragraphs 110 and 111, by applying the weighting coefficients provided in Paragraphs 109.1 and 109.2. <...>”.

Paragraph 5 of the Procedure sets the evaluation principles: validity, reliability, clarity, efficiency, equity and transparency: “<...> reliability - the received information of the evaluation and the evaluation results must be objective and independent of the assessor; clarity - the evaluation system must be informative and uniformly understood by the assessors and the assessed; <...> the principle of transparency - the assessment must be based on pre-agreed criteria and procedures, and its results must be available for inspection.”

In view of the above legal regulation that the reviewer of the thesis evaluates the preparation and the scientific level of the thesis without writing the specific mark and in the equal parts with the supervisor of the thesis and the members of the commission (letter No. 24T(11.21-20401)-18S of 22-06-2016 of the Faculty of Law of Mykolas Romeris University), it is unclear:

1) the relation between the double evaluation of the reviewer of the thesis, i.e. “positive” / “negative” (in the review) and the marks (in the summary of the evaluations of the defense of the final theses), bearing in mind that the reviewer evaluates not the quality of the defense of the final thesis, but the context of the final thesis;

2) the significance of the evaluation “positive” / “negative” of the final thesis for the final mark;

3) the legal basis and the procedures of the evaluation marks;

4) the limits of each evaluation criteria of the thesis, i.e. thesis preparation, scientific level, integrity, completeness of the content, quality of formalization, numerical values;

5) the numerical structures of the marks given by the reviewer, supervisor of the thesis and the members of the commission.

The marks given by the reviewer and the members of the commission were not provided to the applicant, motivating that the evaluation of the reviewer is known, and the evaluations of the members of the commission are private (the letter of 26 May 2016 of the Institute of Public Law of the Faculty of Law of Mykolas Romeris University addressed to the applicant), although the form of the provision of the reviewer’s mark is not regulated in the internal legislation of Mykolas Romeris University, and in the internal legislation of Mykolas Romeris University there are determined the functions of the members of the commission who have official authorizations, but not the functions of the private persons.

In view of the foregoing, it can be stated that the procedure of evaluation of the final theses creates obstacles in implementation of the principles of reliability, clarity and transparency (inter alia the access to the evaluation results for inspection), and in determining the circumstances confirming the reliable, clear and transparent evaluation of the theses.

2. The applicant indicated that “the review of the final Master’s thesis is incompetent and unjustified”, therefore, he submitted the appeal “for the review of the final Master’s thesis”, on which, on 25 May 2016, the Vice-Dean of the Faculty of Law of Mykolas Romeris University prof. dr. Snieguolė Matulienė wrote the resolution “In accordance with Paragraph 3 of the Appeal Regulations of Mykolas Romeris University, “The appeals for the defense of the final thesis are not accepted.”

Paragraph 3 of the Appeal Regulations of Mykolas Romeris University, approved by the Resolution No. 1SN-7 of 15 October 2013 of the Senate of Mykolas Romeris University, states that “The appeals for the defense of the final thesis and the evaluation of the final examination are not accepted.” (underlined by us).

The attention should be drawn to Paragraph 115 of the Instructions, in which it is determined that “The appeal for the evaluation of the Final thesis is provided on 3 June 2011. in the order set in the Appeal Regulations of Mykolas Romeris University, approved by the Resolution No. 1SN-37 of the Senate of the University.” (underlined by us). In the website of Mykolas Romeris University there are indicated the Appeal Regulations (current version), approved by the Resolution No. 1SN-7 of 15 October 2013 of the Senate of Mykolas Romeris University.

After the evaluation of the content of Paragraphs 109-111, it can be concluded that *inter alia* the reviewer evaluates the preparation, scientific level, integrity, completeness of the content and the quality of formalization of the final thesis (Paragraph 110 of the Instructions), and the quality of the defense of the final thesis is evaluated by the members of the qualification commission for the defense of the final thesis.

Taking into account that the applicant appealed for the review of the final Master’s thesis (the evaluation of the reviewer), but not for the defense of the final thesis, it can be stated that the Vice-Dean of the Faculty of Law of Mykolas Romeris University prof. dr. Snieguolė Matulienė improperly applied the part of Paragraph 3 of the Appeal Regulations of Mykolas Romeris University in which it is stated that the appeals for the defense of the final thesis are not accepted.

After the evaluation of the information submitted by the applicant, the Faculty of Law of Mykolas Romeris University and the legal regulation, and in accordance with Paragraphs 1 and 3 of Part 12 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania, the Ombudsman

decided:

1. To inform Mykolas Romeris University and the Ministry of Education and Science about the decision of the Ombudsman.

2. To recommend Mykolas Romeris University, under the competence, to cancel the decision on the rejection of the applicant's appeal for the review of the final Master’s thesis.

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