



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

DECISION

REGARDING THE VIOLATIONS OF ACADEMIC ETHICS BY PETRAS BARŠAUSKAS

17 October 2017 No SP-22

Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter – Ombudsman), in accordance with Paragraph 1 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania and Subparagraph 13.1 of 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“, and after examination of the report of A. A. A. (hereinafter - the applicant)¹ received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 28 August 2017 regarding the alleged violations of academic ethics by a member of the academic community Petras Baršauskas, and after the investigation,

decided:

The applicant applied to the Ombudsman indicating that “the violations related to text plagiarism, falsification, the use of misleading references and copyright violations, as well as forgery of the summary of the monograph (the summary does not correspond to the monograph)² was detected in the monograph “Transfer of International Management Principles to CEEC’s, Nordic Academy of Informatization e. V., Stralsund, 2000” [hereinafter - the Monograph] submitted by Dr. Petras Baršauskas for habilitation at [Vilnius Gediminas Technical University]³ [hereinafter – VGTU].”

In his report, the Applicant also indicated that “on 11 October 2002, at the meeting of the VGTU Habilitation Committee, Petras Baršauskas presented [Monograph], which contains cases of the use of text plagiarism and misleading references. Also in the summary [Monograph], which was sent to the Habilitation Committee on 10 August 2002, there are 14 references to the works by Lithuanian authors. These references are missing throughout the text of the monograph” and noted that “coincidences in the work by Petras Baršauskas were compared with only a few sources.”⁴

¹ Applicant in the text of the Ombudsmen’s decision is given as a noun of masculine gender without linking it to the sex of the student, applicant.

² Here and hereinafter in the text citations language is unedited.

³ The angle brackets contain the notes of the Office.

⁴ Here and hereinafter in the text - underlined by us.

The Ombudsman applied to VGTU and VGTU publishing house “Technika” by letter No S-362 of 6 September 2017 requesting to submit:

“1) a duly certified copy of [Monograph] of Petras Baršauskas in the English language <...> and an electronic text document of [Monograph] <...>, if available;

2) A duly certified copy of the summary of [Monograph] by Petras Baršauskas <...> published by the [VGTU] publishing house “Technika” and an electronic document of the text summary <...>, if available;

VGTU submitted copies of the requested summaries of Monograph in Lithuanian and English languages by the letter No 50-10.23-12434 of 14 September 2017 and indicated that “we cannot provide the copy of published [Monograph] of Mr Baršauskas, because it was not published at the VGTU publishing house and it is not available at the VGTU.”

In view of the fact that the Applicant submitted a list of references contained in the Monograph of Petras Baršauskas and coincidences with the works of other authors to the report, the Ombudsman applied to the Martynas Mažvydas National Library of Lithuania (hereinafter - LNL) by letter No S-366 of 6 September 2017 requesting to submit the following publications:

- 1) Hodgetts, R. M., Luthans, F. 1991. *International Management*. New York: McGraw-Hill;
- 2) Koontz, H., Weihrich, H. 1990. *Essentials of Management*. 5th ed. New York: McGraw-Hill;
- 3) Anderson, E., Day, G., Rangan, V. K. 1999. Strategic Channel Design. *Sloan Management Review*, 38: 59–69;
- 4) Bartlett, Ch A., Ghoshal, S. 1987. Managing Across Borders: New Organizational Responses. *Sloan Management Review*, 43: 43–52;
- 5) Borys, B., Jemison, D. B. 1989. Hybrid Arrangements as Strategic Alliances: Theoretical Issues in Organizational Combinations. *Academy of Management Review*, 14 (2): 234–249;
- 6) Cameron, K. S. 1994. Guest Editor’s Note: Investigating Organizational Downsizing – Fundamental Issues. *Human Resources Management*, 33 (2): 183–188;
- 7) Djarova, J. G. 1999. Foreign Investment Strategies and the Attractiveness of Central and Eastern Europe. *International Studies of Management and Organization*, 29 (1): 14–33;
- 8) Grundy, T. 1995. Destroying Shareholder Value: Ten Easy Ways. *Long Range Planning*, 28 (3): 76–83;
- 9) Mahone, Ch. E. 1994. Penetrating Export Markets: The Role of Firm Size. *Journal of Global Marketing*, 7 (3): 133–148;
- 10) Osbaldeston, M., Barham, K. 1992. Using Management Development for Competitive Advantage. *Long Range Planning*, 25 (6): 18–24.

By the letter No SD-985 of 14 September 2017, the LNL submitted:

- 1) Anderson, E., Day, G., Rangan, V. K. 1999. Strategic Channel Design. *Sloan Management Review*, 38: 59–69;
- 2) Borys, B., Jemison, D. B. 1989. Hybrid Arrangements as Strategic Alliances: Theoretical Issues in Organizational Combinations. *Academy of Management Review*, 14 (2): 234–249;
- 3) Cameron, K. S. 1994. Guest Editor’s Note: Investigating Organizational Downsizing – Fundamental Issues. *Human Resources Management*, 33 (2): 183–188;
- 4) Djarova, J. G. 1999. Foreign Investment Strategies and the Attractiveness of Central and Eastern Europe. *International Studies of Management and Organization*, 29 (1): 14–33.

The letter indicates that LNL had only the book *International Management* by R.M. Hodgetts and F. Luthans of 2006, but LNL did not provide the said publication due to the large volume. It also indicated the publications, which did not have:

- 1) Koontz, H., Wehrich, H. 1990. *Essentials of Management*. 5th ed. New York: McGraw-Hill;
- 2) Bartlett, Ch A., Ghoshal, S. 1987. Managing Across Borders: New Organizational Responses. *Sloan Management Review*, 43: 43–52;
- 3) Grundy, T. 1995. Destroying Shareholder Value: Ten Easy Ways. *Long Range Planning*, 28 (3): 76–83;
- 4) Mahone, Ch. E. 1994. Penetrating Export Markets: The Role of Firm Size. *Journal of Global Marketing*, 7 (3): 133–148;
- 5) Osbaldeston, M., Barham, K. 1992. Using Management Development for Competitive Advantage. *Long Range Planning*, 25 (6): 18–24.

By the letter No S-377 of 13 September 2017, the Ombudsman applied to the University of Applied Sciences and the Nordic Academy of Informatization e. V. located in Stralsund (Germany) asking to submit the Monograph. No replies have been received until the date of adoption of this decision.

By the letter No S-382 of 15 September 2017, the Ombudsman applied to Vytautas Magnus University (hereinafter - the VMU) requesting to submit the publication *Essentials of Management* by H. Koontz and H. Wehrich of 1990. VMU submitted the requested publication by the letter No 1-648 of 18 September 2017.

The Ombudsman applied to the VGTU by the letter No S-383 of 15 September 2017 asking to submit:

- 1) Grundy, T. 1995. Destroying Shareholder Value: Ten Easy Ways. *Long Range Planning*, 28 (3): 76–83;
- 2) Mahone, Ch. E. 1994. Penetrating Export Markets: The Role of Firm Size. *Journal of Global Marketing*, 7 (3): 133–148;
- 3) Osbaldeston, M., Barham, K. 1992. Using Management Development for Competitive Advantage. *Long Range Planning*, 25 (6): 18–24.

By the letter No 50-10.23-12712 of 19 September 2017, VGTU provided the article *Destroying Shareholder Value: Ten Easy Ways* by T. Grundy and stated that it was not able to submit other publications.

By the letter No S-387 of 19 September 2017, the Ombudsman addressed to Kaunas University of Technology (hereinafter – the KTU) requesting to submit the following publications:

- 1) Baršauskas, P. 2000. *Transfer of International Management Principles to CEECs*. Stralsund: Nordic Academy of Informatization e. V.;
- 2) Baršauskas, P. 2002. *Tarptautinio verslo vadybos principų taikymo ypatybės Vidurio ir Rytų Europos šalyse* (= Transfer of international management principles to CEECs: habilitacijai teiktos monografijos santrauka). Vilnius: Technika;
- 3) Hodgetts, R. M., Luthans, F. 1991. *International Management*. New York: McGraw-Hill;
- 4) Koontz, H., Wehrich, H. 1990. *Essentials of Management*. 5th ed. New York: McGraw-Hill;

- 5) Anderson, E., Day, George, Rangan, V. K. 1997. Strategic Channel Design. *Sloan Management Review*, 38: 59–69;
- 6) Bartlett, Ch A. and Ghoshal, S. 1987. Managing Across Borders: New Organizational Responses. *Sloan Management Review*, 43: 43–52;
- 7) Borys, B., Jemison, D. B. 1989. Hybrid Arrangements as Strategic Alliances. *Academy of Management Review*, 14 (2): 234–249;
- 8) Cameron, K. S. 1994. Guest Editor's Note: Investigating Organizational Downsizing – Fundamental Issues. *Human Resources Management*, 33 (2): 183–188;
- 9) Djarova, J. G. 1999. Foreign Investment Strategies and the Attractiveness of Central and Eastern Europe. *International Studies of Management and Organization*, 29 (1): 14–33;
- 10) Grundy, T. 1995. Destroying Shareholder Value: Ten Easy Ways. *Long Range Planning*, 28 (3): 76–83;
- 11) Mahone, Ch. E. 1994. Penetrating Export Markets: The Role of Firm Size. *Journal of Global Marketing*, 7 (3): 133–148;
- 12) Osbaldeston, M., Barham, K. 1992. Using Management Development for Competitive Advantage. *Long Range Planning*, 25 (6): 18–24.

By the letter No S-407 of 4 October 2017, the Ombudsman reminded Petras Baršauskas of the failure to reply to the mentioned request. By the letter No DV10-642 (letter prepared by R. B.) of 9 October 2017, the KTU Executive Director P. A. stated that: “I would like to inform you that the publications and articles you are requesting are not property of [KTU]; [KTU] also does not have the consent of authors or co-authors of these publications to provide these publications to your or other institution. Moreover, because the publications and articles requested are not published by the [KTU] and are not its property, [KTU] has no right to certify the copies of such publications or articles as true”, and did not submit the requested publications.

Considering the fact that the VGTU pointed out in the letter No. 50-10.23-12434 of 14 September 2017 that it did not have the monographs of Petras Baršauskas in the English language, the Ombudsman applied to VGTU by the letter No S-388 of 19 September 2017 requesting:

- “1) to submit duly certified copies of the legislation governing the habilitation procedure that was in force at the time when Petras Baršauskas sought to obtain a habilitated doctorate degree;
- 2) with the indication of the composition of the Habilitation Committee, to submit duly certified copies of documents on the basis of which the Habilitation Committee for P. Baršauskas to obtain a habilitated doctorate degree was formed;
- 3) to indicate how the members of the Habilitation Committee were acquainted with the monograph of P. Baršauskas on the basis of which the possibility of granting a habilitated doctoral degree was discussed.”

On 21 September 2017, VGTU submitted a certified copy of the Monograph in English by the letter No 50-10.23-12805 and stated that “The Monograph was also received by the Lithuanian Academy of Sciences and the Martynas Mažvydas National Library of Lithuania before the defence of habilitation thesis.”

In its letter No 1704-10.23-13011 of 25 September 2017, the VGTU stated that “the members of the Habilitation Committee were able to get acquainted with the monograph of [Petras Baršauskas] in accordance with the [VGTU] procedure provided for in the regulations for granting the doctoral, scientific degrees and academic pedagogical title. Before the habilitation, the monograph of [Petras Baršauskas] was distributed in UAB “Knygininkas” and other bookshops, and submitted to the

Library of the Lithuanian Academy of Sciences, [LNL] and [VGTU] library”, and attached the following documents: 1) a copy of the regulations on granting the VGTU doctoral, scientific degrees and academic pedagogical titles approved by the Ministry of Education and Science of the Republic of Lithuania on 30 May 1997 (hereinafter - the Regulations); 2) a copy of the extract from the minutes No 12 of the meeting of the Senate of Vilnius University of 6 June 2002; 3) a copy of the extract from the minutes No 14 of the meeting of the Senate of the VGTU of 27 June 2002.

On 27 September 2017, the Ombudsman applied to the VGTU by the letter No S-403 requesting submission of documents (with the exception of the Monograph and its summary) “submitted by Petras Baršauskas to the VGTU in order to obtain a habilitated doctorate degree:

- 1) application on behalf of the rector;
- 2) a copy of the doctoral diploma and a summary of the doctoral dissertation;
- 3) curriculum vitae, a description of scientific and creative activity;
- 4) a list of all scientific works;
- 5) a list of scientific works and copies thereof generalized by the habilitation thesis;
- 6) a commentary on it by the department where P. Baršauskas worked;
- 7) other documents (declaration of integrity, etc.).”

In response to the request of the Ombudsman, VGTU stated by the letter No 1704-10.23-13474 of 2 October 2017 that “unfortunately, we are unable to submit a summary of the doctoral dissertation because it is not in the habilitation file of P. Baršauskas” and attached: 1) a copy of the application of Petras Baršauskas; 2) a copy of the doctoral diploma; 3) a curriculum vitae; 4) a copy of the list of all scientific works; 5) a copy of the opinion on the Monograph by the chair V.V. of the Scientific Council of the Faculty of Economics and Management of the KTU; 6) a copy of the author’s guarantee (now a declaration of integrity); 6) a list of publications related to the Monograph; 7) the percentage of contribution of authors to each publication; 8) copies of publications related to the Monograph.

Considering the fact that the approved and currently valid guidelines for the citation of bibliographic references and information resources are in English language only, the Ombudsman applied to the Lithuanian Standardization Department by the letter No S-393 of 22 September 2017 with the request to indicate “who is responsible for the translation of guidelines for the citation of bibliographic references and information resources currently in force in Lithuania into Lithuanian”. By the letter No (1.7) S-236 of 27 September 2017, the Lithuanian Standardization Department stated that this “is not a matter of the competence of the Department”.

The Ombudsman applied to the VGTU by the letter No S-404 on 28 September 2017 requesting to submit a copy of the Code of Ethics, which was in force when Petras Baršauskas was defending a habilitated doctorate degree. In its letter No 40-10.23-13460 of 2 October 2017, the VGTU pointed out that “the first Code of Ethics for teaching and research staff of [VGTU] was approved by Resolution No 20 of the Senate of [VGTU] on 26 March 2003. There was no other VGTU Code of Academic Ethics, which was in force when Petras Baršauskas was defending the habilitated doctorate degree”.

In consideration of the fact that the right to habilitation was granted to Petras Baršauskas by VGTU together with Vilnius University (hereinafter - VU), the Ombudsman addressed to VU by letter No S-406 of 3 October 2017 requesting to submit a copy of the VU Code of Academic Ethics,

which was in force when Petras Baršauskas sought to obtain the title of habilitated doctorate degree in 2002. By the letter No 14400-SR-2062 of 5 October 2017, VU stated that “the preparations of the Code of Academic Ethics were commenced in 2004 <...>”.

By the letter No S-405 of 3 October 2017, the Ombudsman applied to LNL requesting to provide additional information – a copy of the article *What Executives Should Know About Political Risk* by B. Weiner of 1992 (magazine *Management Review*, 81 (1)). On 4 October 2017, LNL submitted the requested article (letter No SD-17-1074).

The chair of the College of KTU Academic Ethics Nerijus Čepulis publicly stated that: “<...> the examination of this monograph has already been carried out. The Lithuanian Council of Science conducted this investigation in 2003. The conclusion was favourable to the rector. There was no criticism. Only praise”⁵. <...> In view of this, the Ombudsman applied to the Research Council of Lithuania (hereinafter - LRC) by the letter No S-408 of 4 October 2017 requesting to provide clarifications. On 11 October 2017, LRC stated by the letter No 4S-1122: “[LCS], in accordance with the general regulations on the system for scientific degrees and academic pedagogical titles of the Republic of Lithuania approved by Resolution No 1317 of the Government of the Republic of Lithuania of 13 November 1996, was authorized to control the compliance of scientific and educational institutions with the requirements for granting scientific degrees and academic pedagogical titles, and to submit the conclusions to the Ministry of Education and Science regarding the submitted diplomas of scientific degrees and certificates of academic pedagogical titles submitted for registration. <...> We would like to draw attention to the fact that [the abovementioned] Regulations did not oblige LRC to go deeper into the content of the habilitation work, but it was assigned to assess how the science and research institutions comply with the provisions of the regulations. The compliance of the work provided to the habilitation and the research activities of the applicant with the requirements for a habilitated doctor had to be assessed by each member of the habilitation committee. The documents currently available in the LRC archive show that [VGTU] submitted to the LRC a summary of the monograph of Dr. Petras Baršauskas presented for the habilitation with copies of documents necessary for deciding on the registration of the diploma of a habilitated doctor, and the appreciation of prof. habil. Dr. Romualdas Ginevičius about the above-mentioned work. <...> The member of the LRC Qualification Commission of Scientists gave its consent for the registration of the diploma of habilitated doctor of Dr. Petras Baršauskas. This decision was approved by letter No 43 of the Commission of 3 March 2003 sent to the Ministry of Education and Science regarding the registration of diplomas of scientific degrees”. By the aforementioned letter, LRC has provided the copies of the appreciation of R. Ginevičius and the letter to the Ministry.

Having regard to the statements made in the public space that “[KTU] “Board” and the KTU Commission of Academic Ethics assessed the [Monograph] of [Petras Baršauskas] for possible plagiarism”⁶, the Ombudsman applied to KTU by letter No S-411 of 5 October 2017 requesting:

⁵ 15min. The confession of the rector of the KTU P. Baršauskas, who was accused of plagiarism: “There are problems, but it is not plagiarism” [access via: <https://www.15min.lt/naujiena/aktualu/svietimas/plagiavimu-apkinti-to-rektoriaus-p-barsausko-ispazintis-problemu-yra-bet-tai-ne-plagiatas-233-857984>]. Viewed on 4 October 2017.

⁶ Ibidem.

- “1) to indicate the role of “Board” in the management of the KTU;
- 2) to provide duly certified copies of legal acts regulating the activities of the Board;
- 3) to submit the data available to the KTU Board regarding the monograph and examination of the monograph on possible plagiarism;
- 4) to submit the assessments of the monograph performed by the KTU Commission of Academic Ethics on possible plagiarism.”

The response from KTU was not received on the day of the adoption of decision. The Ombudsman, after obtaining the information from KTU and after evaluating it, will decide on the initiation of an investigation regarding possible violations of academic ethics by Nerijus Čepulis.

On 25 September 2017, the Ombudsman addressed to the members of the Habilitation Committee by the letter No S-401 asking them to arrive at the Office and provide explanations. Meetings took place at the Office with the following members of the Habilitation Committee on 4-5 October 2017: Romualdas Ginevičius, Borisas Melnikas, Zigmas Lydeka, Albinas Marčinskas. During the meetings, two textbooks were submitted to the participants for familiarisation: 1) H. Koontz and H. Weihrich *Essentials of Management* (5th ed., 1990); and 2) RM Hodgetts and F. Luthans *International Management* (1991) (hereinafter jointly - textbooks).

When the Ombudsman asked the member of the Habilitation Committee, Romualdas Ginevičius (hereinafter – R.G.) during the meeting at the Office on 4 October 2017 relating to the publications coinciding with the Monograph, R.G. pointed out that “then there was still a problem with foreign literature at that time. To get it, it was and it is now <...>. In the library, there is one or two copies.” When the Ombudsman inquired about the tasks of the Habilitation Committee, R.G. stated that “the first thing, as I imagine in the functions of the Committee, this matter [verification of plagiarism] – is not covered by it. [The Habilitation Committee] accepts the defence having taken the monograph as such, since it is not possible to [verify] physically here. Imagine, there are thousands, hundreds of thousands of books. And today, we do not absolutely raise the task to verify during the defence. The responsibility is of the person, who puts that book on the table. Our [duty], as the Committee’s, is to fulfil procedurally and impeccably. <...> If there were any suspicions, then I do not think that the defence would have taken place. I imagine that, if there were any such suspicions, defence would have been postponed, and that institution [VGTU] would have been informed. Moreover, [Petras Baršauskas] would have been asked that if he wants to defend ... <...> Knowing that it was a plagiarism how could we accept. We would write ourselves a verdict ...” After the Ombudsman has asked about the relationship between the monograph of Petras Baršauskas and the summary prepared based on it, R. G. stated that “the main requirement for the summary is that it would essentially reflect the monograph. <...> Maybe, it was with the said surnames. In the summary, some surnames – I am talking more about Lithuanian scientists who were not included – were less mentioned in the monograph. <...> In fact, [in Monograph, the Lithuanian authors], were [mentioned] only a little. It could be said that they almost were not mentioned. <...> The summary is for encapsulating and presenting the essential moments. <...> If they [inconsistencies] do not put into the shade the essence of it, then this is not ... Of course, it is not good, but ... The question is a matter of discussion. How much it should be. <...> But in essence, in general, the summary must reflect, and we consider that, whether the summary reflects the essential aspects of the dissertation itself ... Monograph.”

When the Controller asked the Chair of the Habilitation Committee, Borisas Melnikas (hereinafter – B. M.) at the meeting in the Office on 4 October 2017, whether he was familiar with the Monograph, B. M. stated that “I first saw the [Monograph], probably, during the presentation of the material of the prospective habilitant [material submitted for the habilitation]. He was not a habilitant yet. The material in the so-called commission for the management science. Because the procedure for habilitation took place in several stages. And one of the first stages was the presentation of the material at the commission for the management science. <...> And, much later, the Habilitation Committee was formed. And I was appointed chair of that committee.” After the Ombudsman asked what was known to B. M. about the first and second publication of the Monograph; B.M. could not provide explanations and indicated that “I looked at the text of the Monograph, but I have to say with certainty, I worked with the summary only.” After the Ombudsman asked more precisely: “Have you been fully familiar with the monograph?”, B.M. confirmed that he had been familiarised with it. When the Ombudsman asked about the authors and the authors of textbooks where coincidences with the Monograph were found, B. M. stated that “I knew the names at that time and knew that they were working in that field. <...> I was constantly following the literature. <...> There are many surnames. <...> There is Krugman as well as Stiglitz. There are literary sources that are known to me. There are literary sources that are unknown to me. There are various of them. <...> Literature published abroad was known to me for one simple reason. I have worked as a visiting professor in Germany for 15 years, lectured to German students on topics of transformations, reforms and international management.” After the Ombudsman asked more precisely about the familiarisation with the Monograph, B. M. stated that “I went deeper in it insofar as I could assert that this material is adequate to the requirements that raised for a person who is applying for a habilitated doctorate degree. <...> one of my goals was to look at the extent to which the statements in the monograph are acted and represented in the summary. <...> Having received the initial version of the summary, I realized that the summary must be, well, substantially corrected. In addition, I was ready to give constructive comments to the habilitator in relation to the correction of the summary. And in order to give those comments, I carefully revised and read the monograph, and I did not read the monograph with the intention of improving my own qualifications and going deeper into the things that were known to me. I <...> have found new thoughts and new ideas in the monograph that were new to me. And this was also one of my arguments to evaluate the candidacy of Baršauskas positively for the status, let’s say, a habilitated doctor”. When asked by the Ombudsman for his opinion about the authors, whose works were not examined and quoted in the Monograph, B. M. stated that “in my opinion, in such cases it is necessary to tolerate the position of the author”. When the Ombudsman asked the question of searches for coincidences at the time of the habilitation process, B.M. indicated that “<...> I knew some ideas. <...> You see, there is an idea, there is a literal text. Meaning that the ideas were ... [known] <...> if I read a specific monograph and find, say, the wordings of the existence of certain attitudes to international business, certain attitudes to international management, certain principles, certain, let us say, concept of free trade or democratic relations. These are universally known things, which maybe are repeated in various wordings many times in works of various authors. And thus some subtleties occur in this place. If we are talking about literal or textual repetition of the text, that is one thing. I actually did not know from those books or the texts so detailed, so precisely, and so adequately, that I could assert that, say, such sentences, such a piece was copied and transcribed”. Having asked more precisely whether the text of Monograph was not a matter of suspicion, B.M. confirmed that “It was not to me”. Being asked if B.M. had read textbooks that partially coincide with the Monograph, B.M. confirmed that “I had not read those books. <...> I knew those authors”. When

asked about the relationship between the Monograph and the summary prepared on the basis thereof, B.M. stated that “<...> in general, I advised Petras Baršauskas on the proof of some of the accents and certain statements in the summary. I suggested that he would formulate in a slightly different way than was formulated. Say, the statements that reflect the scope of the research, the object of the research, statements that reflect the goals, tasks of the work, the formulations that reflect the goals, tasks of the research, the formulations which reflect, say, the essence of the methodology there. I suggested that he would reformulate the substantive conclusions he had made. <...> But, basically, what was written in the summary, it was, in essence, adequate to the monograph and did not raise, say, any essential, any negative or evaluations, or negative reactions to me”.

At the meeting in the Office on 4 October 2017, when the Ombudsman asked Zigmantas Lydeka (hereinafter - Z. L.), a member of the Habilitation Committee, about the textbooks, and whether he was aware of such, Z.L. stated that “no, there was no opportunity [to know]. And I am repeating again, my specialisation is in the field of the economy. <...> Thus, the *management* as such, I ... was not significant ... [to me]. <...> But the fact itself is that the use of textbooks in the Monograph is incorrect”. When the Ombudsman asked if there was any suspicion on possible plagiarism of the Monograph, Z. L. stated that “no, it was not. I had no suspicions. <...> now, in the sense, when you look at the text, it is quite properly structured. There are citations, and everything else is indicated. The text itself, as far as I remember, when I read, in terms of content - is correct. Well, ultimately – the thoughts of famous scientists are used. The implication is that we evaluated them, not Baršauskas”. When asked about the relationship between the Monograph and the summary prepared on the basis thereof, Z. L. stated: “I dare think that there is an expression - a summary of the monograph. But if it was published a year after – a little bit, something can be developed. But in one or another way it should be named”.

During the meeting at the Office on 5 October 2017, the member of the Habilitation Committee Albinas Marčinskis (hereinafter – A. M.) stated that “I received main works of [Petras Baršauskas], that small book <...> before the defence. <...> I think it was [according to] established standards and I agreed to take part in the process. At that time, of course, I had no doubts that such kind of things [the potential plagiarism] could happen many of which are within the horizon of people today, since it was, above all, the surname Baršauskas, former a quite respected person, Kazimieras Baršauskas. <...> On the other hand, let us pay attention to the fact that this is the publishing house. In any case, the publishing house, moreover, is the following [Nordic Academy of Informatization e. V., Stralsund] that assumes and must assume full responsibility for the purity of the provided information. <...> I took part in all conscience”. When the Ombudsman asked A. M. about any textbooks in the field of the monographs of Petras Barsauskas, A.M. stated that “at that time our library was in a state of absolute hunger”. When asked about the habilitation procedure, A. M. stated that “I do not remember the process itself. So, perhaps, it was an ordinary <...> event that has not made any particular impression”. During the meeting, the Ombudsman also asked A. M. about the relationship between the Monograph and the summary prepared on the basis thereof. When answering this question, A. M. stated “since the [habilitation] process was for the whole of works, the author was left the right and opportunity to insert those [additional] passages <...> from other works. <...> A summary of the Monograph, in this case of course, goes beyond ... <...>. The author maybe could adjust and revise a bit conceptually or methodologically <...>. But on an empirical basis ...”

A comparison of the publications of authors indicated in the application of the Applicant with the Monograph (see annexes 1-9) was carried out and the analysis of the coincidences was prepared on 26 September 2017.

On 27 September 2017, the Ombudsman informed Petras Baršauskas by the letter No S-402 about the commencement of the examination of the complaint on 28 August 2017 “on possible violations of your academic ethics related to the Monographs submitted for habilitation” and asked him to arrive at the Office on 4 October 2017 and “to provide <...> the information known in relation to the complaint under examination at the Office”. The Ombudsman received a letter No DV10-629 from KTU on 3 October 2017 signed by the rector Petras Baršauskas (author of the letter - a KTU employee I. A). The letter states: “I would like to inform you that I am ready to cooperate and submit all the information and explanations, which are associated with the complaint under examination, to the Office in writing”.

The Ombudsman repeatedly applied to Petras Baršauskas by the letter No S-407 of 4 October 2017 October 4: “Given the fact that this case has attracted a lot of attention in society, in the pursuit of concentration, and in order to investigate the complaint as quickly as possible, I repeatedly invite you to arrive at the Office on 9 October 2017 at 10 am <...> and provide explanations on writing, publication and defence of your [Monograph] and its summary, from which any further questions will be due. <...> In case of failure to arrive at the above time, it will be deemed that you have refused to cooperate and the decision will be made in accordance with the information received by the Ombudsman from other natural and legal persons”.

KTU informed by the letter No DV10-639 of 6 October 2017 signed by Rector Petras Baršauskas (author of the letter - KTU employee R. D.) as follows: “[KTU] has received your <...> letter <...> by which you repeatedly request the arrival at [the Office]. Once again, I repeat that I am prepared to cooperate to ensure that the investigation carried out at the Office in relation to possible violations of my academic ethics would be performed as smoothly, impartially and objectively as possible. Namely, for this reason I once again suggest submitting the questions necessary for the execution of investigation in writing, which I will answer as soon as possible and as thoroughly as possible. I believe that my answers to your written questions will only speed up the conduct of the investigation and will provide transparency to the investigation carried out by the Office. <...> In my opinion, the threat of the Office that a decision on possible violation may be taken without hearing my explanations I wish to make in writing for the reasons set out above are manifestly in violation of the principles set out in [the Regulations of the Office] and will result in the adoption of an incorrect, biased decision. Please rationally evaluate the arguments set out in this letter and submit the questions necessary for the Office to conduct the investigation in writing”.

The Ombudsman addressed to Petras Baršauskas for the third time by the letter No S-416 on 9 October 2017: “You were re-invited to arrive at [the Office] by letter No S-407 on 4 October 2017 <...>. The letter asked you to provide explanations to the [Ombudsman] about the “writing, publication and defence of your [Monograph] and its summary from which further questions of the [Ombudsman] will be due”. <...> In addition, until now you have not tried to familiarise yourself with the subject matter of the complaint submitted to the Ombudsman and the investigation being carried out based on the complaint, you have not provided any explanations, either orally or in writing. On the contrary, your actions contradict the statements that you are trying to co-operate with us. I am inviting you to arrive at the Office again on 11 October 2017 <...> to provide explanations for possible

violations of academic ethics related to [Monograph] and the summary prepared on the basis thereof.
If you refuse to come, please:

1) indicate the phone number and exact time when we could contact you today and ask questions about the Monograph presented for the habilitation; or

2) appoint a meeting on 11 October 2017 so that the Ombudsman would arrive at KTU.

Please send me the information about your choice today by 3:00 pm. <...>”

Having contacted the KTU by phone on 9 October 2017, a representative of KTU indicated that Petras Baršauskas was currently away, he would be contacted by telephone and the Office would be informed about further actions. Since there was no call from KTU, at the end of the same working day, we called on the telephone number of Petras Baršauskas indicated on the website of KTU. A representative of the KTU who answered the call informed by telephone that the answer was being prepared and would be submitted in writing.

A letter No DV10-00654 of KTU of 10 October 2017 signed by the rector Petras Baršauskas (author of the letter - KTU employee R. B) was received on 11 October 2017, which states that “<...> despite the repeated request, you do not indicate the legal basis on which my arrival at your Office would be compulsory for me. <...> I would like to inform you that till now you [the Ombudsman], after the receipt of the complaint, have not provided any information about the complaint nor the investigation being carried out, and you did not ask any questions. <...> Please, send me a copy of the complaint received and the annexes thereof. I would also like to remind you that I am ready to cooperate and answer all your questions in writing if I receive [a copy of the complaint and annexes]. <...> “.

In the context of the ongoing investigation, it should be noted that Petras Baršauskas was also invited to arrive at the Office earlier relating to other investigation initiated by the Ombudsman based on the report of 16 June 2017. The meeting at the office was held on 26 July 2017 after which Petras Baršauskas submitted a summary of publications prepared by him by sending it to the Ombudsman by e-mail on 4 August 2017. In the summary, Petras Baršauskas pointed out to the Ombudsman that he was an author of the publication “Transfer of International Management Principles to CEECs” (monograph) published by Stralsund: Nordic Academy of Informatization e. V, ISBN 3-00-007003-6 in 2000.

In his resignation statement of 11 October 2017, Petras Baršauskas stated that “my experience and knowledge, which I have accumulated over the past ten years both by going deeper into the scientific literature and working as the Vice-Rector for International Relations, as well as consulting the companies in the field of international business management have come into the Monograph. I acknowledge that there are technical errors in the citations that I did not pay enough attention to the arrangement of the text.”⁷

The Ombudsman, in order to ensure the principle of audiatur et altera pars⁸, invited Petras Baršauskas to arrive at the Office several times and provide explanations. Petras Baršauskas did not arrive, did not provide any explanations either in writing or verbally. Only the answers from KTU staff were received. Petras Baršauskas was informed about the investigation initiated by the Ombudsman. In the present case under consideration, the presentation (non-presentation) of explanations is of no importance to the final decision, since the report of the Applicant was submitted and the investigation relating to the Monograph and the summary prepared on the basis thereof was

⁷ KTU. The rector of KTU presented a resignation statement [access via: <https://ktu.edu/news/ktu-rektorius-iteike-resistencija-pareiskima/>]. Viewed on 11 October 2017.

⁸ “Let the other side be heard as well”.

conducted, i.e. on possible plagiarism and the consequent violation of the principle of academic honesty.

After examination of the circumstances of the report, the information received and collected as well as the investigation carried out, it is determined as follows:

Relating to the separation of the private and public interests of the rector Petras Baršauskas

It should be noted that the Ombudsman addressed the academic member Petras Baršauskas several times in order not to read the letters prepared by the staff of the KTU, but to hear explanations from him relating to possible violation of academic ethics. However, only written answers prepared by the KTU staff were received, from which it was possible to decide on the refusal of Petras Baršauskas to arrive at the Office or to receive the Ombudsman at KTU.

In view of the fact that the Ombudsman has invited the member of academic community Petras Baršauskas to arrive at the Office and provide explanations not related to his activities as a rector in the KTU, but in relation to the investigation conducted at the Office relating to him as a member of the academic community who has prepared the Monograph; but the authors of the replies to the Ombudsman were the employees of the KTU, but not Petras Baršauskas himself, it should be held that Petras Baršauskas, as a rector of the KTU, violated the principle of academic honesty enshrined in sub-clause 3.8 of the Code of Academic Ethics KTU insofar as it states that “the principle of academic honesty builds on <...> the separation of public and private interests” and Paragraph 2 of Article 4 of the Law on Higher Education and research, which consolidates the principles of equality of persons and the sustainable use of resources.

Sub-clause 3 of Paragraph 1 of Article 3 of the Law on the Adjustment of Public and Private interests in the Civil Service stipulates that “persons in the civil service must <...> refrain from using official position for personal gains”, therefore the Ombudsman shall forward the collected information to the Chief Official Ethics Commission in accordance with his competence.

Relating to the habilitation procedure

Paragraph 57 of the Regulations states that “a scientist seeking habilitation <...> may [submit] <...> [a monograph] <...> if it was published not later than one year ago”. Paragraph 62 stipulates what documents “shall be submitted by the applicant to University”. Paragraph 63 states that “The rector shall submit the habilitation work and the annexes thereof to the scientific commission of relevant field of science, which must submit a conclusion to the rector within three months that the submitted work meets the requirements for habilitation. The Scientific Commission shall preliminarily consider the work and, if it is able to meet the requirements of the habilitation work, shall forward it to the relevant departments of the University or other units and at least two experts who assess whether the work meets the requirements for habilitation. If the right of habilitation is granted to the University together with another higher and research institution, a preliminary assessment of work must also be submitted by a second institution or a joint science-field commission. <...> Summarized conclusions are presented by the commission to the rector and the habilitant is familiarized with them. <...>”; paragraph 64 – “the rector <...> shall forward a monograph with the documents and a conclusion of the science commission to the University Council, which takes a decision on the habilitation process within a month. The Council, having decided that the habilitation can be started, approves the composition of the habilitation committee and the chair

<...>”. Paragraph 69 – “the chair of the approved habilitation committee convenes a meeting of the committee, in which sets the date of the meeting of the habilitation <...>”. Paragraph 73 – “<...> If it is decided to grant a degree, a diploma of a habilitated doctorate degree is issued, it is signed by the members of the habilitation committee”.

Based on the wording of Paragraph 1 of Article 18 of the Law on Higher Education and Studies that was in force by 31 December - the Ombudsman “shall be a state officer who examines complains and initiates investigation regarding the violation of academic ethics and procedures”, i.e. the Ombudsman has been mandated to investigate complaints and initiate investigations in relation to all procedures, not only on established in codes of academic ethics of the higher and research institutions. After the entry into force of the new law, it was established that the Ombudsman is a public official investigating complaints, reports and carrying out the investigations on his own initiative on possible academic ethics and procedures established in the codes of academic ethics of higher and research institutions; thus, the competence of the Ombudsman has been abridged, and therefore the habilitation procedure has not been assessed.

The Ombudsman points out that Petras Baršauskas submitted his request to the VGTU “to allow the defence of habilitation work (monograph)” on 21 January 2002 indicating the second edition of the monograph (2000), and therefore failed to observe paragraph 57 of the Regulations, which states that “a monograph <...> may be submitted instead of a habilitation work <...> if it was published not later than one year ago”.

Taking into account that LRC was “assigned to assess how higher and research institutions comply with the requirements of the Regulations”, the Ombudsman forwards the collected information to the LRC in accordance with his competence.

Relating to the monograph and the summary prepared on the basis thereof

On 21 January 2002, Petras Baršauskas submitted a request to the VGTU rector E.Z. to “allow the defence of the habilitation work (monograph) “Application of International Business Management Principles in the Countries of Central and Eastern Europe” (Social Sciences, Management and Administration - 3S)”. The author’s guarantee of 21 January 2002 was attached to the application, which states that: “I, Petras Baršauskas, guarantee that I prepared the habilitation work on the topic “Application of International Business Management Principles in the Countries of Central and Eastern Europe” submitted for defence in accordance with the requirements of the habilitation regulations. Direct or indirect references from other sources are indicated with references to literature. <...> There are no scientific contributions of other people to the prepared habilitation work. I have not paid any unforeseen fee for the work to anyone <...>”.

The request of 21 January 2002 contains a resolution of the head of the institution: “To the Scientific Commission. *Signature*, 12/04/2002”. The VGTU did not provide any data on the scientific commission and its work, the composition of the Habilitation Committee was composed and approved by the minutes No 12 of the meeting of VU Senate of 6 June 2002 and the minutes No 14 of the meeting of the VGTU Senate of 27 June 2002. The meeting of the Habilitation Committee and the public defence of habilitation took place at the VGTU on 11 October 2002. Petras Baršauskas was granted the habilitation based on the monograph.

In view of the above stated, it should be noted that the Ombudsman, conducting the investigation and adopting a decision, followed the Law on Higher Education and Research, the KTU Code of Academic Ethics currently in force, and having regard to the legal regulation in force at the time of the defence of the habilitation - Regulations, the Law on Higher Education and Research (relevant and the wording of Law No IX-945 of 11 June 2002), the provisions of the Requirements for scientific monographs approved by the Order No 1704 of the Minister of Education and Science of 2001 December 22 (as amended by Order No 992 of 30 May 2002) (hereinafter - the Monograph provisions).

Plagiarism can be understood as an ethical misconduct associated with a deliberate, dishonorable attempt to present an original idea as one's own. When evaluating plagiarism, it is worth condemning literary copying.

The concept of plagiarism was first used by Roman poet Marcus Valerius Martialis in the first century. The poet accuses his competitor of stealing his lines, tries to satirize him and calls plagiarius. The presentation of original thoughts of other person as one's own imposed punishment from the 18th century.

Plagiarism as the deliberate misappropriation of another's ideas as one's own is an offense condemned and persecuted based on codes of ethics.⁹

Plagiarism is one of the violations of academic ethics associated with the principle of honesty, and this is an ethical rather than a legal concept. Ethics is the synonym of morality. The ethical norm is a commitment but not an obligation. Simple plagiarism is understood as the appropriation of the content or words of art works, works or science ideas without indicating the original. However, the prohibition of diverse forms of plagiarism can also be established in the law.

For example, in the law, the citation requirements for copyright text were established as far back as 1886. Paragraphs 1 and 3 of Article 10 of the Berne Convention for the Protection of Literary and Artistic Works (version of 1979 thereof), which provide for that the citation of a work is allowed if the source and author's name are indicated (entered into force in Lithuania on 14 December 1994). Paragraph 2 of Article 21 of the Law on Copyright and Related Rights of the Republic of Lithuania of 18 May 1999 (No VIII-1185) in force since 9 June 1999 provides for that “the indication of the source and the name of the author must accompany the quotation if the name of the author appears in the work from which the quotation is taken”. The use of authorship is prohibited in Article 142 of the Criminal Code in force by 1 May 2003 and Article 191 of the Criminal Code of the Republic of Lithuania valid since 1 May 2003.

The Controller, in conducting investigations into violations of academic ethics, firstly assesses the violation from an ethical point of view, but may also take into account the legal regulation of violations related to academic ethics.

When conducting investigations on violations of academic ethics, at first, the Ombudsman assesses the violation from an ethical point of view, but may also take into account the legal regulation of violations related to academic ethics.

⁹ Latourette, A. W. 2010. Plagiarism: Legal and Ethical Implications for the University. The Journal of COLLEGE AND UNIVERSITY LAW, 37 (1), p. 9, 15, 88. Our verbal translation into Lithuanian [access via: http://intra.web.stockton.edu/eyos/academic_affairs/content/docs/Audrey%20Latourette%20plagiarism%20article.pdf]. Viewed on 13 October 2017.

The dictionary of the Lithuanian language states that *plagiarism is the misappropriation of original authorship, original work or original invention of another person; the published work or invention itself*.¹⁰

The explanation of the State Commission of the Lithuanian Language is that *plagiarism is the presentation of the whole of the intellectual work of another author or part thereof as one's own by appropriating or copying it*.¹¹

According to Oxford, *Plagiarism is presenting someone else's work or ideas as your own, with or without their consent, by incorporating it into your work without full acknowledgement of the author (reference). (Plagiarism may be intentional or reckless, or unintentional. Paraphrasing the work of others by altering a few words and changing their order, or by closely following the structure of their argument, is plagiarism if you do not give due acknowledgement to the author whose work you are using. A passing reference to the original author in your own text may not be enough; you must ensure that you do not create the misleading impression that the paraphrased wording or the sequence of ideas are entirely your own. Quotations must always be identified as such by the use of either quotation marks or indentation, and with full referencing of the sources cited. It must always be apparent to the reader which parts are your own independent work and where you have drawn on someone else's ideas and language. The source of the citation must be indicated using a footnote or in-text reference. The list of sources of information should not include anything in your references or bibliography that you have not actually consulted. If you cannot gain access to a primary source you must make it clear in your citation that your knowledge of the work has been derived from a secondary text, i.e. other text.*¹²

The Lithuanian Code of Scientist of 2012 states that “the authors of the publications shall indicate and objectively evaluate the primary sources and publications on the issue under consideration. The works the results and conclusions of which are contrary to the published data and statements must be cited. Any ideas, parts of text, or equations taken from other publications should be appropriately attributed to their authors by citing. The publication of scientific data from other authors without indicating the sources is considered to be plagiarism - a gross violation of the ethics by the scientist. Only research results that contain essential new data are published. Repeated publication of previously published results and results with minor differences is not acceptable in another publication and is classified as self-plagiarism”.¹³

In carrying out its tasks, the Ombudsman approved the Guidelines for the Adoption, Implementation and Supervision of Academic Ethics Codes of the Higher and Research Institutions by the Order No V-16 of 31 March 2015 (hereinafter - the Guidelines), which set out a list of exemplary academic values recognized by the general academic community. The third section of the Guidelines specifies the ethical requirements for the scientific activity, i.e. *scientific activity must be based on a fair research and the pursuit of the truth, and the behaviour of the researcher - morality and socially responsible conduct. Recognizing the truth and knowledge as the ultimate aim of the scientific work, hoping for an appreciation of the trust and fairness of own achievements, the members*

¹⁰ Dictionary of the Lithuanian language [access via: <http://www.lkzd.lki.lt/Zodynas/Visas.asp>]. Viewed on 11 October 2017.

¹¹ The State Commission of the Lithuanian Language [access via: <http://terminai.vlkk.lt/pls/tb/tb.search>]. Viewed on 11 October 2017.

¹² Oxford University. Plagiarism. Our verbal translation of information for students [access via: <https://www.ox.ac.uk/students/academic/guidance/skills/plagiarism?wssl=1>]. Viewed 2017 October 9.

¹³ Lithuanian Academy of Sciences. Code of Lithuanian Scientist [access via: <http://www.lma.lt/mokslininko-etikos-kodeksas>]. Viewed on 12 October 2017.

of the academic community who are engaged in scientific activities undertake to follow the principle of academic honesty. The principle of academic honesty in scientific activity is violated by such acts as falsification, forgery, plagiarism.

The concept of *plagiarism* in the Guidelines is defined as *the appropriation of ideas, data, or texts without specifying their author, i.e. presentation of ideas of other person as yours. Typical cases of plagiarism:*

- a text of other person without in-text references is presented - quotes or other kind of excerpts from the whole text (for example, a separate paragraph, italics);
- by retelling or citing the idea of other person, illustration material or data without indication of precise source.¹⁴

The habilitation of Petras Baršauskas was defended on 11 October 2002. On the day of the defence for habilitation neither the VGTU nor the VU have not approved their codes of academic ethics yet, but the Law on Higher Education and Research¹⁵ that was in force during the habilitation process already provided for the obligation of scientists to comply with the norms of scientific and professional ethics (Paragraph 2 of Article 36 of the version No I-1052 in force until 11 June 2002 and sub-clause 1 of Paragraph 5 of Article 39 of the version of No IX-945 of 11 June 2002). In addition, sub-clause 17.2 of the KTU Statute, which was in force during the habilitation procedure, stipulates that the university “observes the norms of morality and ethics”.

Despite the fact that the codes of academic ethics or Guidelines were not yet approved during the habilitation process, in the Author's guarantee of 21 January 2002, Petras Baršauskas provided a separate confirmation that: “I, Petras Baršauskas, guarantee <...> the direct or indirect references from other sources are indicated with references to literature”.

Paragraph 56 of the Regulations stipulates that habilitation is a recognition that a scientist who defended a doctoral dissertation “has examined the scientific problem by his research and received new data that are important for the development of the field of science or branch thereof”. Sub-clause 59.4 of the Regulations establishes that an applicant must disclose the novelty and originality of his research by the habilitation work.

The monograph provisions, which were valid during the preparation of the monograph by Petras Baršauskas, establish that the monograph is a non-periodic and non-continuous bibliographic unit (publication), which systematically or thoroughly examines one topic/subject. Signs of scientific

¹⁴ Hypothetical situation: if the author uses the 1st strophe of Maironis' poem *Trakų pilis* (hereinafter - Poem) and adds the 2nd strophe of his creative work, the comparison of the text of the poem and the new work will equal to the coincidence of 50%, i.e. 1st strophe of 2. If the citation rules are not followed and it is not indicated that the 1st strophe is Maironis', then it is treated as a plagiarism; if the rules of citation are followed and the reference is given, then – it is a coincidence. For example:

I. Pelėšiais ir kerpėm apaugus aukštai / Trakų štai garbinga pilis! / Jos aukštus valdovus užmigdė kapai, / o ji tebestovi dar vis. / Bet amžiai bėga, ir griūvančios sienos / kas dieną nyksta, apleistos ir vienos!

II. Pilis didinga, pilis valdovų, / Pilis didinga, pilis milžinų, / Pilis didinga, pilis galinga, / Pilis didinga, pilis senoji, / Pilis didinga, pilis nemirtinga, / Pilis didinga, pilis...

Using the 1st strophe of Maironis' Poem and adding 999 of your creative strophes, when comparing an old and new text, 0.1% of the text will coincide, that is, the 1st strophe of 1000.

In both cases, the percentage of coincidences of texts varies, but in both cases, without following the rules of citation and without indicating the source of information, the 1st strophe of the Maironis' Poem will be perceived as plagiarism. Even 0.1% of the text can be plagiarized.

¹⁵ Law on Higher Education and Research of the republic of Lithuania // Lietuvos Aidas, 12 February 1991, No 35.

monograph: scientific level; element of novelty. Attention should be drawn to the fact that the element of novelty in the said provisions is a mandatory sign of the monograph, i.e. “When submitting a monograph, the higher and research institution <...> must also submit a summary of no more than one page prepared by the authors of the monograph separately. <...> The summary must show that the monograph contains clear and distinct elements of novelty <...>. According to sub-clause 2.3.1 of the Monograph provisions, such publications as textbooks, methodical publications, etc. are not attributed to scientific monographs.”

During the habilitation procedure (from 1 July 2001), Paragraph 1 of Article 1.5 of the Civil Code of the Republic of Lithuania of 2000 was valid, which provides for that in exercise of their rights and performance of their duties, the subjects of civil relationships shall act according to the principles of justice, reasonableness and good faith. At the same time, Paragraph 2 of Article 21 of the Law on Copyright and Related Rights of the Republic of Lithuania (No VIII-1185) of 18 May 1999 that was valid from 9 June 1999 stipulated that “*the indication of the source and the name of the author must accompany the quotation if the name of the author appears in the work from which the quotation is taken*”.

Attention should be drawn to the fact that the standards for the formation of bibliographic reference “Information and documents. Bibliographic references. Part 2. Electronic documents and the parts thereof” were released in Lithuania in the Lithuanian language on 1 September 1999.¹⁶

Paragraph 29 of Article 2 of the Law on Copyright and Related Rights of the Republic of Lithuania presents the concept of the work - any original result of creation activities in the literary, scientific or artistic domain, whatever may be its artistic value, the mode or form of its expression. Paragraph 1 of Article 4 of the same Law provides that the objects of copyright comprise original works of literature, science and art, which are the result of a creative activity expressed in any objective way, while Paragraph 3 of the same Article 2 states that the object of copyright is, among other things listed in this article are written and verbal works, including monographs.

Article 191 of the Criminal Code of the Republic of Lithuania provides for responsibility for the appropriation of authorship, that is, the responsibility of the A person who publishes or publicly announces as his own a literary, scientific or artistic work or a part thereof created by another person.

Lithuanian courts also recognize the *concept of scientific dishonesty*, which is construed as follows: “scientific honesty is derived from general honesty (*bona fides*), which is determined by two criteria - objective and subjective. Honesty by an objective criterion is such behaviour of a person that meets the requirements of the principles of reasonableness and justice, a subjective one - describes the state of mental state of a person in a particular situation, by analysing whether a person could know, do or not do anything considering own age, education, life experience, sophistication, other actual facts of the case” (ruling of Kaunas District Court of 10 April 2014 in a civil case No 2-2558-773/2014).

The Supreme Court of Lithuania has clarified that “The requirements for the relationship between scientific results and data of other researchers and the list of references used are of twofold purpose. First, they can be used to determine how much scientific work is new (original), what its added value compared to the works written by researchers so far is, and even such work, which accurately specifies all used data of other researchers, may not meet the requirements for a dissertation if it does not contain enough new ideas (conclusions) of the author himself. Secondly, the requirement”

¹⁶ Document mark LST ISO 690-2:1999, original ISO 690-2:1997. ISO International Organization for Standardization [access via: <http://mobilesentry.ukmin.lt/index.php?-2129315370>]. Viewed on 12 October 2017.

to disclose the relationship between scientific results and data of other researchers as well as to indicate the list of the references used prevents plagiarism” and noted that “the legal doctrine identifies objective and subjective attributes of plagiarism. Objective attributes are the use of the ideas of other person without indicating a source, and subjective ones are the intention of a person to plagiarize (W. Latourette, Plagiarism: Legal and Ethical Implications for the University. Journal of College and University, 2010, p. 22). Although it is not stated that it is necessary to define and prove the totality of these attributes in each case, according to the assessment of the panel of judges, in the present case they both exist”. In the same ruling, the Court revealed the significance of a subjective attribute, stating that “the panel of judges considers signed guarantee of the author to be significant. <...> by signing this guarantee, [the author] understood (should have understood) the requirements for [scientific work], including the prohibition of plagiarism”. (Ruling of 6 November 2015 of Supreme Court of Lithuania in civil case No 3K-3-551-611/2015).

By signing the Author’s guarantee, Petras Baršauskas assured that other sources directly or indirectly used are marked with indication of with references to literature. The Ombudsman notes: Ethical norm is a **commitment**, and not an **obligation**; therefore, the Ombudsman in his investigation bases his decision on the commitment of Petras Baršauskas - the Author’s guarantee.

It should be noted that during the investigation, the Ombudsman manually compared the Monograph and its summary only with the original scientific publications indicated by the Applicant in his report, because the Ombudsman is not enabled to connect to the international and national systems for the verification of coincidences; there is no free access to electronic scientific databases (libraries). For these reasons, the Ombudsman appealed to the above-mentioned institutions and compared only the publications that were submitted:

1) Koontz, H., Wehrich, H. 1990. *Essentials of Management*. 5th ed. New York: McGraw-Hill (textbook);

2) Hodgetts, R. M., Luthans, F. 1991. *International Management*. New York: McGraw-Hill (textbook);

3) Anderson, E., Day, G. S., Rangan, V. K. 1997. Strategic Channel Design. *Sloan Management Review*, 38: 59–69;

4) Bartlett, Ch A., Ghoshal, S. 1987. Managing Across Borders: New Organizational Responses. *Sloan Management Review*, 43: 43–52;

5) Grundy, T. 1995. Destroying Shareholder Value: Ten Easy Ways. *Long Range Planning*, 28 (3): 76–83;

6) Djarova, J. G. 1999. Foreign Investment Strategies and the Attractiveness of Central and Eastern Europe. *International Studies of Management and Organization*, 29 (1): 14–33.

The following was determined after the comparisons of the Monograph with the publications on the list:

1) coincidences with other publications were found not in isolated parts, but throughout the Monograph (see Annexes 1-6);

2) coincidences of the Monograph with other publications are not highlighted by quotation marks or other distinguishing marks. From the rest of the text, the coincidences are not highlighted using a different font and/or other style and formatting tools;

3) coincidences of the Monographs with other publications are presented as the ideas of the author himself or by reference to the works of third authors. Cases where the publications listed are the same as those with the coincidences found are rare (see, for example, Annex 5);

4) coincidences are of wide scope, similar parts of text, figures and tables are detected in compared publications. The succession of the presentation of coinciding parts is often different in compared publications, with the exception of coincidences between the monograph and the 3rd and 6th editions (see list above). The coincidences between the monograph and the 3rd edition in respect of content are consistent, with the exception of the two paragraphs of the article. The coincidences between the monograph and the 6th edition are consistent and cover 40-50% of the text of the 6th edition;

5) coincidences between the compared publications are essentially literal. The coincidences found in the Monograph are different from other works:

a) punctuation, by single characters (for example, the organisation on page 38 of the monograph and the organization on page 99 of 1st edition);

b) the form of writing words (for example, non-verbal on page 95 of the monograph and nonverbal on page 134 of 1st edition.);

c) by single and/or contextual meanings of words and expressions (for example, different words, such as the part from CEEC and Americans, are found in coincidence on page 99 of the monograph and pages 132-133 of 1st edition);

(d) the form of paragraphs (the coincidences do not cover the whole paragraph and/or the paragraph coincides with several paragraphs);

(e) the inclusion of additional references to other works not contained in compared texts.

After comparing the summary prepared based on the Monograph with the publications listed above, it was determined:

1) coincidences with other publications were found in the parts of the summary, which overview the content of the Monograph (see Annexes 7-9);

2) coincidences of the summary with other publications are not highlighted with quotation-marks or other distinguishing marks, are not highlighted from the rest of the text using font and/or other style and formatting tools;

3) coincidences of the summary with other publications are presented as the own ideas of the author, with the exception of one reference to the 4th edition (see Annex 8);

4) when comparing with the Monograph, the verbal coincidences are rarely found in the summary.

It should be noted that the analysis of the coincidence of the compared texts revealed the differences related to the submission of references to works by other authors. The Monograph of Petras Baršauskas often gives references to works by third authors that are not available in compared publications. Often, the text of the Monograph of Petras Baršauskas literally replicates the text of the compared publications, but the Monograph refers to another author. The Ombudsman judged such coincidences between the compared texts as misleading and deceptive.

The Applicant stated in the report that “violations <...> of falsification <...> of the text <...> were detected in the [Monograph] <...>”. The Ombudsman evaluated the alleged violation and found that the members of the Habitat Committee indicated that the Monograph summary might be slightly different from the Monograph itself (pages 6-9). The summary presents the research of Lithuanian authors, for example, “In Lithuania, various aspects of international business management in terms of transformations and transitional economics were analysed by B. Melnikas (1998), Z. Lydeka (1999), P. Zakarevičius (1999), R. Ginevičius (2000), V. Snieška (2000), L. Simanauskas (2000). The

peculiarities of international competitive strategies at the enterprise level were investigated by R. Jucevičius (1997), V. Pranulis, A. Pajuodis, R. Virvilaitė, S. Urbanavičius (1999), A. Marčinskas ir E. Smilga (2000), A. Sakalas (2000), A. Vasiliauskas (2000). Trends in international business operations and the peculiarities of their execution were analysed by P. Žukauskas (1999), V. Navickas (1999), G. Startienė (2000)”, which are not mentioned in the Monograph, their works are not cited. In the absence of sufficient regulation, the Ombudsman did not assess the relationship between the Monograph and the summary prepared on the basis thereof.

Taking into account the statements of the members of the Habilitation Committee that “The summary of the Monograph may differ from the monograph itself, the Ombudsman asks LRC to assess the validity of such statements and submit it to the academic community for clarification.

After the comparison of the Monograph and the summary prepared on the basis thereof, it was determined:

1) Petras Baršauskas used the publications of other scientists without indicating in the Monograph; therefore, the Monograph and the summary prepared on the basis thereof could not meet the criteria of novelty and originality;

2) The Author’s guarantee signed by Petras Baršauskas confirms that he was aware of the requirement for novelty and originality for the Monograph; therefore, it was determined that Petras Baršauskas did not comply with the obligations arising from the Regulations and the Author’s guarantee.

Petras Baršauskas prepared the Monograph and the summary prepared on the basis thereof using the intellectual works of other authors; he submitted the Monograph and the summary prepared on the basis thereof to the Habilitation Committee, according to the conclusion of which he was granted a habilitated doctorate degree for an indefinite period of time.¹⁷ Thus, Petras Baršauskas violated the principle of professional ethics (academic honesty) enshrined in sub-clause 1, Paragraph 5 of Article 39 of the Law on Higher Education and research (that was in force from 3 July 2002 to 12 May 2009), which stipulates that scientists and other researchers follow the norms of scientific and professional ethics.

Taking into account the fact that the scientific degree also determines the continued possibility of using it so far, it should be stated that Petras Baršauskas violated the principles of academic ethics and the rights of intellectual property enshrined in sub-clauses 2 and 3 of Paragraph 1 of Article 3 of the Law on Higher Education and Research and the part of the principle of academic honesty enshrined in sub-clause 3.8 of the KTU Code of academic ethics

¹⁷ More about this: the ruling of the Supreme Court of Lithuania of 6 November 2015 in civil case No 3K-3-551-611/2015, in which the panel of judges spoke on the doctoral degree of science: “*in the broad sense, the doctoral degree of science is identification of person’s qualification that can be used both in relations with the institution that approved the degree and in relation with other natural and legal persons. This means that any third natural or legal person will consider a holder of doctoral degree of science as a specialist with knowledge in a certain field of science and able to apply this knowledge in a qualified way when solving one or other issues of the relevant branch of science. The protection of the interests of these third parties is a public interest that is implemented by the state through the adoption of legislation regulating the doctoral institution and, accordingly, ensuring that the person calling himself/herself a doctor of science would comply with the criteria specified in the legal acts. Since a person uses a scientific degree for an indefinite period of time, the arguments of the appellant that, after the higher school has granted a degree to a person, the relationship between them has expired, they must be regarded as unfounded.*”

that establishes that the principle of academic integrity is based on respect for intellectual property, and sub-clause 3.9.1., which states that plagiarism conflicts with academic integrity.

Considering the fact that at the time, when Petras Baršauskas prepared and submitted the Monograph and the summary prepared on its basis thereof in violation of the rights of other authors, Article 142 of the Criminal Code of the Republic of Lithuania provided for criminal liability for the appropriation of copyright rights, and forwards the information gathered by the Ombudsman to law enforcement institutions.

After analysing and evaluating the submitted information and supporting documents as well as legal regulation, and in accordance with sub-clauses 1, 2, 5 and 6 of Paragraph 11 of Article 17 of the Law on Higher Education and Research of the Republic of Lithuania, the Ombudsman

decided:

1. To inform the Applicant, Petras Baršauskas, founder of the KTU, VGTU, VU, KTU, the Ministry of Education and Science regarding the violations of the academic ethics by Petras Baršauskas.
2. To oblige VGTU to revoke the decision on granting higher education qualification to Petras Baršauskas.
3. To inform the Ministry of Culture, the Ministry of Education and Science, the Ministry of Justice and the Research Council of Lithuania about the persons who suffered from the violations of the academic ethics by Petras Baršauskas.
4. To inform the General Prosecutor's Office about the determined activities of Petras Baršauskas with evidence of criminal offense.

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