



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

DECISION REGARDING THE EXECUTION OF ASSESSMENT AND PUBLIC COMPETITION AT KAUNAS UNIVERSITY OF TECHNOLOGY

23 October 2015 No SP-23

Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Ombudsman), <...> examined the complaint (hereinafter - the complaint) of T. S.¹ (we have impersonalized the data) (hereinafter referred to as the applicant) received in the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office of Ombudsman) on 19 May 2015 and the material submitted by Kaunas University of Technology (hereinafter - the KTU), and **determined that:**

The applicant appeals against KTU for assessment and the execution of public competitions and requests:

- „1. To evaluate if he has been properly assessed by senior lect. [A. J.] <...>.
2. To determine whether senior lect. [A. J.] has won the competition for the post of senior lecturer correctly in accordance with the approved regulations.
3. Please, evaluate what criteria were used to make senior lect. [A. J.] superior to [T. S.].
4. Please, identify whether senior lect. [D. Z.] could leave to remain and work at KTU [being unsuccessful candidate] in the competition to the post of senior lecturer. <...>.
5. Does senior lect. [D. Z.] have the right to take part in two public competitions in four months' period? <...>.
6. To determine whether [A. D.] could be assessed having written educational book with 21 co-authors, where each author's contribution is 2.5 page. Please assess whether such publication can be counted as one educational book for each author.
7. To determine how [A. D.] won the competition for one tenure of senior lecturer positions having a 0.5 tenure. Was it legal? Also, please determine whether a lecturer [A. D.] can pass the assessment and receive “in excess of the requirements during the term of office.”
8. To determine whether an educational book can be counted, where the contribution of each author is 2.5 pages as well as the lecturer's [M. B.] who won the competition for the position of a lecturer.

¹ Applicant in the text of the Ombudsman's resolution is given as a noun of masculine gender without linking it to the sex of the student, applicant

9. To investigate and evaluate the execution of the competition for the position of senior lecturer on 15 January and decision on the legality of the winners KTU, MIDF.” (Language – without correction) (The information in angle brackets is ours).

I. During the assessment implemented through the term of office on 15 January 2015, was attended by the lecturers who were assessed for the period from 1 June 2010 to 16 May 2014.

<...>

The analysis of the data presented in the card on the Assessment of lecturers and research staff during the tenure of KTU senior lecturer A. J., who participated in the assessment during the tenure on 15 January 2015, the criteria and indicators for the evaluation of lecturers and research staff during the tenure, the data of the meeting protocol No V19-0704-6 of 12 December 2013 of the Department of Mechanical Engineering of KTU Faculty of Mechanical Engineering and Mechatronics, the meeting protocol No V19-1102-1 of 12 January 2015 of the Department of Mechanical Engineering of KTU Faculty of Mechanical Engineering and Design, list of research and other staff (period: from 10 January 2007 to 9 December 2014) for the Assessment of scientific publications (period: from 1 January 2010 to 9 December 2014) and in accordance with paragraph 5 of the Description of Procedure for the assessment of lecturers and research staff of Kaunas University of Technology and competitions for the posts approved by the Resolution No 56 of KTU Senate of 25 November 2009 (hereinafter referred to as the Description) (Sections VIII-X of the document), found that:

Lecturer’s A. J. card (No 1818) of the Lecturer and research staff assessment during the tenure, the number of publications on the line “Publications of main list of Institute for Scientific Information (ISI)” in column “**Articles**” filled by the person to be assessed and CTO is 2.

According to subparagraph 5.2.1 of the Description (sections VIII-X of the document), which provides for the requirement to a lecturer during the tenure “published scientific publications, including at least 3 research articles in the journals of Institute for Scientific Information database <...>”, it should be concluded that senior lecturer A.J. did not meet the requirement set out in subparagraph 5.2.1 (our underline).

<...>

With regard to subparagraph 5.1.2 of the Description (sections VIII-X of the document), which provides for the requirement “has prepared and released study literature and other methodological tools”, and according to the data presented in the card (No 1818) on the Assessment of lecturers and research staff during the tenure and the Criteria and indicators for the evaluation of lecturers and research staff during the tenure and other data submitted, it must be concluded that the senior lecturer A.J. did not meet the requirement set out in subparagraph 5.1.2.

Attention should be drawn to the fact that the senior lecturer A. J. received the evaluation “good” on the line 62 “**Monographs and book chapters released in other publishing-houses**” in the Criteria and indicators for the evaluation of lecturers and research staff during the tenure, while the card of senior lecturer A.J. on the Assessment of lecturers and research staff during the tenure has no monographs and book chapters specified.

Also, the attention should be drawn to the fact that one consultation is marked on the line “**Preparation of scientists**” in the card (No 1818) of senior lecturer A.J. on the Assessment of lecturers and research staff during the tenure, but the line 42 “Consults postgraduates relating to doctoral studies and research issues” of the Criteria and indicators for the evaluation of lecturers and research staff during the tenure is blank.

The line “**Educational activities**” in the card (No 1818) of senior lecturer A. J. on the Assessment of lecturers and research staff during the tenure and the criteria and indicators for the evaluation of lecturers and research staff during the tenure are blank.

According to subparagraph 5.3 of the Description (sections VIII-X of the document), which includes a requirement “<...> took part in educational activities” and considering the data presented in the card (No 1818) on the Assessment of lecturers and research staff during the tenure and the Criteria and indicators for the evaluation of lecturers and research staff during the tenure, it must be concluded that senior lecturer A.J. did not meet the requirement set out in subparagraph 5.3 to the extent applicable for the participation in educational activities.

Paragraph 37 of the Description (sections I-VII of the document) specifies that “the assessment evaluates whether the lecturer, research staff or other investigator meets the qualifying requirements set for his obligations during the tenure and to what extent.”

Paragraph 46 of the Description (sections I-VII of the document) stipulates that “the work of the person to be assessed during the tenure is evaluated as follows: ASSESSED - where person to be certified satisfies all the requirements laid down for the tenure <...>”.

In this context, it should be stated that the assessment and competition commission of KTU Faculty of Mechanical Engineering and Design (hereinafter referred to as the Commission), having adopted a decision to certify the senior lecturer A.J. during the tenure, infringed the part of subparagraph 46 of Description, which provides for that “the work of the person be assessed during the tenure is evaluated as follows: ASSESSED - where the person to be certified satisfies all the requirements laid down for tenure.”

Taking into consideration the request of the applicant to “to determine whether [A. D.] could be assessed” and in accordance with the data submitted by KTU, it should be stated that the lecturer A. D. participated in open competition for the position of senior lecturer before the end of tenure of lecturer (tenure is from 1 February 2011 to 31 January 2016), therefore the assessment procedure of lecturer A. D. was not evaluated in the Office of Ombudsman.

II. Assessing the compliance of persons who participated in open competition for the position of lecturers and senior lecturers on 15 January 2015, with the minimum qualification requirements, the qualification requirements specified in subparagraphs 56 and 57 of the Description (sections I-VII of the document) should be applied.

During the examination of complaint, the data relating to fulfilment of competition duties by senior lect. A. J., senior lect. D. lect. T. S., and lect. M. B. submitted by both the applicant and KTU were analysed and evaluated in the Office of Ombudsman.

<...>

The analysis and evaluation of data of competition participants senior lect. A. D., senior lect. A. J. and senior lect. T.S. in quantitative terms, and taking into account the fact that the KTU did not provide the data justifying the voting results of the members of Commission for the winners to the Office of Ombudsman, the Ombudsman could not implement the task assigned to him “to supervise and control the implementation <...> of the provisions of the laws of the Republic of Lithuania and other legislation regulating the <...> procedures and to evaluate the objectivity and impartiality of the decisions of the Commission regarding the completion for the position, as well as the execution of the procedure related to the selection of candidates to the competitive positions. The Ombudsman

draws attention to the fact that the evaluation must be objective, clear and reasonable. Voting results should reflect the compliance with the requirements.

The Ombudsman, having evaluated the documents submitted by the applicant and KTU and the legal framework, considering the applicant's complaint and following the paragraph of Article 18 and subparagraphs 1 and 3, paragraph 12 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania,

decided as follows:

1. To inform the Kaunas University of Technology and the Ministry of Education and Science about the violations of procedures determined by the Ombudsman.

2. To recommend Kaunas University of Technology to revoke the decision to assess the senior lecturer A. J., who did not satisfy the minimal qualification requirements established in the Description.
