



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

REGARDING THE VIOLATIONS OF THE PROCEDURES COMMITTED BY THE RECTOR OF VILNIUS ACADEMY OF ARTS AND THE STAFF OF KAUNAS FACULTY OF VILNIUS ACADEMY OF ARTS

11 November 2016, No. SP-23
Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Ombudsman), in accordance with Part 1 of Paragraph 18 of the Law on Higher Education and Research of the Republic of Lithuania and with the Resolution No. XI-1583 of the Seimas of the Republic of Lithuania of 15 September 2011 “Regarding the establishment of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania and the approval of the provisions of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania“ approved by Subparagraph 1 of Paragraph 13, after examination of the complaint of Linas Tuleikis (hereinafter - the applicant) received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 15 July 2016 m. as well as the submitted material regarding the violations of the academic ethics and procedures committed by the Dean prof. Jonas Audėjaitis of Kaunas Faculty of Vilnius Academy of Arts (hereinafter - KF of VAA) and the Rector prof. Audrius Klimas of Vilnius Academy of Arts (hereinafter - VAA) (hereinafter - the complaint),

determined that:

The applicant in his complaint raises the following questions: „a) Whether prof. Jonas Audėjaitis, holding the position of the Dean of Kaunas Faculty of VAA, could ignore the oral and written requests of the employee to objectively investigate the defamation against him? Could he try to change the assessment of the students by the illegal means? Is it appropriate for the Dean to discriminate the employees who are disloyal personally to him? b) Whether prof. Audriui Klimui, holding the position of the Dean of Kaunas Faculty of VAA, should offer the student to write the appeal after the deadline of the appeal submission, to conclude the appeal commission, which changed the assessment of students?“

The complaint contains the chronology of events:

1) The lectures of the subject of the architectural design are carried out in 13 January 2016 - 12 May 2016 in KF of VAA for the students of the 6th semester of the architectural studies, “<...>

the work process takes place accompanied by the low level of participation of students, for which the lecturer three times appealed to the department informing about the constant absenteeism and poor work atmosphere in the group.“

2) On 12 May 2016 “the examination review takes place in which all the lecturers of the department collegially evaluate the works of the Architectural design discipline of the students of the 3rd course, and writes the unsatisfactory marks for two students - R. M. (who missed 39% of lectures without justifiable reason) and L. R. (who missed 32% of lectures without justifiable reason) - for the unsatisfactory work process during the whole semester. On the same day <...> the lecturer <...> explains the evaluations of all works and presents negatively evaluated works, by explaining in detail why such evaluation was given to these students. <...> The students express to the lecturer their grievances against the “wrong” evaluation and blame the Department and the Faculty of bad studying conditions.“

3) On 13 May 2016 “the results of the evaluation of the Architectural design discipline are officially announced.”

4) On 13 May 2016 “the petition of parents and students” <...> is written, in which the results of the questionnaire survey of students are quoted. At all other times, this questionnaire survey is held only at the end of the session, this time it happened once before, but officially neither the representative of the Faculty or the Department did not carry this questionnaire survey.”

5) On 18 May 2016 the applicant received via e-mail the invitation to the Department meeting upcoming the next day from the Head of the Department E.Jackus. The invitation had “the attached complaint with the summary of the questionnaire survey, from which [the applicant] finds out that before 5 days he was complained by the students and their mothers due to incompetence and improper delivering of lectures.” “In the same hour [the applicant] sends the notification to all lecturers of the Department that he is defamed and requests the Department to take an objective investigation in order to defend the reputation of the Department’s lecturer. [The applicant] requests E. Jackus to send <...> the whole survey, but it was nor received so far (maybe it does not even exist?).”

6) On 19 May 2016 the Department meeting takes place, in which the applicant is being argued “that there is no need to give importance to this event and to overreact, not to request for any investigation. Prof. Jonas Audėjaitis arrives to the meeting later and then starts the persuasion of all participants to cancel the debts written to the students. The Department does not agree with that <...>. Nevertheless, J.Audėjaitis even three times returns to that question <...> and tries to persuade the Department.“

7) On 22 May 2016 the applicant “[submitted] to the Department’s lecturers the denial of the complaint of the students an the request to the Dean of the Faculty and the Head of the Department <...> to objectively investigate [the existing situation].“ Also it was requested to include the applicant’s issue of defamation into the agenda of the Faculty Council meeting on 3 June 2016.

8) On 23 May 2016 the Dean's draftswoman sent the confirmation that the issue will be included into the agenda.

9) On 31 May 2016 the agenda of the meeting was sent to the members of the Council, in which the changed issue initiated by the applicant was indicated. The complaint of the students without the applicant's comment was attached to the agenda.

10) On 2 June 2016 the applicant sent to the members of the Council the comment on the complaint of the students.

11) On 3 June 2016 the meeting of the Council took place, in which the applicant "<...> said that he is defamed by the students of fable, <...> the Deanery does not take any actions in order to defend the reputation of the lecturer or to clarify the situation <...>" "When the members of the Council started to question L.Tuleikis about these events, J.Audėjaitis announces that the meeting is over, because, supposedly, it is not provided in the agenda to answer the questions, and he leaves the room." "[Linus Tuleikis] asks the Vice-Dean on how the evaluation of the students ended, and she explains him that the Dean formed the commission of his subordinates, which determined that the Department violated the procedures, therefore, the evaluations of the Department were cancelled and returned for the evaluation to the Head of the Department." The head of the Department "<...> E.Jaskus said that he still did not decide anything." "Meanwhile, after going to the study service and verification of the statements, it appeared that E.Jackus lied in the face of all members of the Council because, by violating the Regulation of Studies, he corrected negative marks to positive marks and put his own signature everywhere."

12) On 3 June 2016 the applicant met with the Rector of VAA Audrius Klimas and explained the ongoing situation in KF of VAA. The Rector tried to persuade him from any more active actions."

13) On 10 June 2016 the applicant "[wrote] the letter to the Rector, Chairwoman of the Senate, Study service and Head on the study quality of VAA regarding the illegal actions in Kaunas Faculty in correcting the evaluation results of the students."

14) On 12 June 2016 the applicant "[wrote] the letter to the Academic Ethics Commission regarding the possibly unethical behavior of prof. J.Audėjaitis in these events of the complaint of the students."

15) On 22 June 2016 "The chairman of the Academic Ethics Commission of VAA Rimvydas Kepežinskas informed [the applicant] that his complaint was received, and, in September or October, the complaint will be considered (due to the upcoming holiday time)."

16) On 23 June 2016 the applicant received the forwarded "Rector's order to reprimand J.Audėjaitis, K.Daubarytė, E.Jackus for unlawful change of the evaluations and [the applicant] for inopportune provision of the information to the Department about the absenteeism."

17) On 23 June 2016 the applicant submitted to the Rector the explanation that he "addressed to the Department before the end of the first month of the semester and demanded to

return the illegally changed evaluation results to the students-debtors.” The Rector sent the invitation to come to the Deanery of Kaunas Faculty on 27 June 2016 where it would be decided on an existing situation.

18) On 27 June 2016, the meeting with the Rector and Prorectors, student who signed the complaint and one of the students’ parents took place at the Deanery. During the meeting, the Rector appealed to the students and explained that “<...> now the marks of the students are corrected illegally, but, if [the student] now immediately write the appeal, it would be possible to correct them legally. <...> the Prorector <...> corrected the Rector that the attestation commission would consider whether to correct these marks or to leave them in force <...>” During the meeting the students were persuaded to write the appeal: “<...> the student agreed with the intensive Rector’s proposal and [he] was brought the sheet of paper in which [he] wrote the short appeal. The Rector entrusted the Dean to conclude the appeal commission, and after the replication of L.Tuleikis that, after so many attempts of the Dean to illegally change the evaluations, it is not objective to entrust him to do so, the Rector said that the commission would be from Vilnius.”

19) On 28 June 2016 Linas Tuleikis met with the Chairman of the appeal commission, who was asked “whether we will work contrary to the Regulation of VAA, which clearly states that the student may submit the appeal within 3 days after the evaluation. <...> The draftsman of J.Audėjaitis <...> explained that the Rector allowed to make the exception. <...> [the applicant] presented that the assessment criteria are recorded in the program module and in the presentation of the task, and they dictate that the whole study process, student’s activity and initiative during the lectures are evaluated. <...> it was introduced that in all instructions for students it was emphasized that the participation in the process is the essential criterion of the study quality, because only through this student acquires knowledge of the subjects that he is taught. However, the appeal commission did not take into account the explanations of the lecturer <...>, was not interested in the study process and the students were overestimated by raising the mark for one of them by 4 points, and for another - by 3 points, and wrote the marks 8 and 7 for the students who missed 39% and 32% of lectures without justifiable reason, - at the same time securing the right to good evaluation even without the participation in the study process.”

20) On 29 June 2016 Linas Tuleikis received the conclusions of the appeal commission, with which the applicant disagrees and provides the statement of redundancy to the Rector.

21) On 4 July 2016 the applicant “<...> receives the notice from the administrator of KF of VAA that because of the holiday time he would be released from VAA on 27 August.”

Linas Tuleikis in his complaint requests “1) <...> to adapt all measures so that [the person] could not to work at the management post, 2) <...> to make public such behavior [of the person], 3) <...> if [the students’] evaluation was carried out illegally, to oblige VAA to eliminate the illegal reevaluation and leave the legal as valid.”

On 8 August 2016 (letter No. S-281) the Ombudsman addressed to the applicant by requesting to submit the description of the subject that he is teaching together with the procedure of the evaluation system and the audio record of the Department meeting of 19 December 2016.

On 12 August 2016 (letter No. G-430) the applicant submitted the description of the subject that he is teaching, in which the evaluation criteria are highlighted: “the quality of the conduct of the specific assigned tasks, activity, diligence, curiosity and initiative at work, initial solutions, completeness and presentation of the material.“ The applicant explained that “<...> the part of the evaluation criteria in the evaluation system (4 of 8) are the ones that are determined by attendance and participation in workshops: the quality of the conduct of the specific assigned tasks, activity, diligence, initiative at work.“

On 8 August 2016 (letter No. S-282) the Ombudsman addressed to KF of VAA for the following information: 1) the complaint of the students of KF of VAA regarding the inappropriate evaluations made by the lecturer; 2) the protocol of the meeting of the Department of Architecture of KF Of VAA of 19 May 2016; 3) Regulation of studies of VAA; 4) the statement of the examination of the architectural design subject, which was signed by Linas Tuleikis; 4) the statement of the examination of the architectural design subject, which was signed by Edmundas Jackus; 5) the documents on the basis of which Edmundas Jackus is entitled to sign the statement of the examination of the architectural design subject; 7) the appeal of the students for the evaluations of the architectural design subject and the decision on the appeals; 8) the documents confirming the composition of the appeal commission of VAA and the commission work regulation; 9) the protocol No. 1 of the meeting of the appeal commission of 28 June 2016 and the record (if such was made); 10) the documents justifying and supporting the change of the evaluations of the architectural design subject of the students.

On 19 August 2016 (letter No. G-435) VAA submitted the requested information and additionally attached the Order No. VJK-19 of 23 May 2016 of the Dean Of KF of VAA on the formation of the commission and the decision of the commission.

After the examination of the complaint material, the following circumstances were determined:

1. On 13 May 2016 the petition of the students and the group of parents was provided to VAA, the Dean of KF prof. Jonas Audėjaitis and the Head of the Department of Architecture Assoc. Edmundas Jackus regarding the competence of the lecturer Linas Tuleikis. The petition states that the lecturer “<...> in the presence of all gibes at mistakes and provokes meaningless discussions which only demotivate [the students] and does not solve anything in relation to the architectural design. <...> likes to belittle and jeer the abilities of the absent [colleagues]... <...> The attendance of the student is evaluated inadequately: being late half-hour or an hour to the consultations of 5-6 hours is considered as the absence of a lecture. <...> We believe that personal

prejudices prevented [the lecturer] to objectively evaluate the works.” Attention is drawn to the fact that the petition was signed by nine parents and students, although the list includes ten surnames.

It is indicated in the protocol No. 08 /05-19 of 19 May 2016 of the Department of Architecture of KF of VAA, that the meeting was recorded. The petition of 13 May 2016 signed by ten students and parents was considered. The existing situation was discussed at the meeting, but the decision was not made: “There is no resolutions for which it could be voted.”

It should be noted that no decisions were adopted regarding the petition of the students and parents.

2. The Dean of KF of VAA Jonas Audėjaitis formed the commission of 3 members: Kristina Daubarytė (vice-dean, chairperson), Ingrida Liaukonienė (chief specialist of the quality of studies); Jolita Leščinskaitė (draftswoman of the study service) (order No. VĮK-19 of 23 May 2016) to solve the conflict situation between the students and the lecturer. The commission was entrusted “<...> to examine the objectivity of the evaluation of the examination review of the study subject “Architectural design 6”.

On 30 May 2016 the commission submitted the letter to the Dean of KF of VAA “Regarding the evaluation of the examination reviews of [the students of] the IIIrd course of the Department of Architecture of Kaunas Faculty of Vilnius Academy of Arts“. The following is written in the document: “after the analysis of the situation regarding <...> [the students – L. R. and R. M.] – the evaluation of the examination reviews, we state that the procedure of the evaluation of the examination reviews was violated as follows: the description of the study subject “Architectural design 6” indicates that only the interim review (45 %) and the final review (55 %) have the impact on the final mark. If the lecturer in the study process applies the attendance evaluation by the points of the mark, it must be indicated in the subject description. Since it is not indicated in the subject description (which is completed by the tutor lecturer himself) that the attendance has the impact on the final evaluation, we consider the reduction of the examination reviews by points as the procedural violation.“ The document is forwarded to the Head of the Department of Architecture Assoc. E.Jackus (the resolution is signed by the Dean prof. J. Audėjaitis).

On 12 June 2016 Linas Tuleikis addressed to the Ethics Committee of VAA regarding the decision of the commission that was formed by the order No. VĮK-19 of 23 May 2016. The applicant in his explanation states that “<...> the commission did not pay attention at the evaluation criteria set in the subject description <...> “*activity, diligence, initiative at work*“. All of them are directly related to the consistency of the student’s work, which may be not found if the student does not participate in more than one third of the lectures. The commission relied only on the percentage terms that reflect the division of the evaluation mark into the first and the second parts of the semester, however, these percents indicate only that 45% of the evaluation, including the activity of the attendance, are made before the interim review and 55% before the final. <...> The commission formed by the order of the Dean, “found” the procedural violations and on 30 05 2016 cancelled the

debts of the mentioned students. It was not reported to the lecturer of the subject, it was only forwarded to the Head of the Department of Architecture Assoc. E.Jackus.”

By the order No. V1-4 of 17 June 2016 “Regarding the inappropriate operation of the administration of Kaunas Faculty of VAA and the Department of Architecture”, the Rector of VAA prof. Audrius Klimas gave reprimands to the following: “prof. Jonas Audėjaitis, the Dean of Kaunas Faculty of VVA, – for insufficient operational control of the employees of the Faculty - the Vice-Dean and the Head of the Department of Architecture - because they did not follow the requirements of Paragraph 4.6 of the Regulation of Studies; Kristina Daubarytė, Vice-Dean of Kaunas Faculty of VAA, for the wilful organization of the change of the evaluations of the student’s reviews by violating the requirement of Paragraphs 4.6.2., 4.6.4., 4.6.5., 4.6.7. of the Regulation of Studies; Assoc. Edmundas Jackus, the Head of the Department of Architecture of kaunas Faculty of VAA, for the wilful change of the evaluations of the student’s reviews by violating the requirement of Paragraphs 4.6.2., 4.6.4., 4.6.5., 4.6.7. of the Regulation of Studies; Assoc. Linas Tuleikis, – for the inopportune response to the inadequate student attendance during the semester, as well as for the inability to create the working and benevolent atmosphere during the studies.“ The attention is drawn to the fact that VAA did not provide to the Ombudsman the explanations of Linas Tuleikis regarding the attendance of lectures and the creation of working atmosphere, as it is required in Paragraph 7.3.15 of the Regulation of Studies, i.e. “in order to assign the penalty, there must be explored all the circumstances and the written explanation of the lecturer must be received”. Also it is not clear, which internal legislation of VAA regulates the “opportune” response to the attendance and the creation of the working atmosphere.

Taking into account the set circumstances, it is noted that:

- 1) the legal basis for the formation of the commission is not indicated in the order of the Dean prof. J. Audėjaitis, therefore, the purpose of the commission is also not clear;*
- 2) it is not clear who solves the conflict situations in the relationships of the members of the academic community: the Dean or the Ethics commission / committee of the high school;*
- 3) the commission’s findings are related with the evaluation of only two students, although the petition of 13 May 2016 was signed by ten parents and students;*
- 4) in the order of the Rector of VVA it is not specifically highlighted what Paragraphs of Part 4.6 of the Regulation of Studies of Vilnius Academy of Art , approved at the meeting of the Senate on 16 January 2016 No. S-1 of 16 (hereinafter - the Regulation of Studies) were violated by the Dean J. Audėjaitis;*
- 5) the dissatisfaction of the student of the IInd course, but not of the student of the IIIrd course is named in the order of the Rector of VAA;*
- 6) the order of the Rector of VAA is based on the Regulation of Studies of VAA and the requirements of the Academic Ethics Code of VAA, and the reprimands are appointed only for the non-compliance with the Regulation of Studies;*

7) the legal / ethical violations of Linas Tuleikis indicated in the order of the Rector of VAA are unjustified;

3. The applicant stated that the examination of the subject of the architectural design was held on 21 May 2016, and the results were announced on 13 May 2016.

On 27 June 2016 m. the student L. R. and R. M. submitted the appeals to the Dean of KF of VAA Jonas Audėjaitis with the request to review their evaluations of the architectural design subject. The submitted appeals are with the resolution of J. Audėjaitis: „Dear Rector, please form the appeal commission.”

The appeal commission of 3 members (1 of them - the representative of the Student Representation) was formed by the order No. SJ-35 of 28 June 2016 of the Rector of VAA, which was entrusted to investigate the appeals until 29 June 2016.

The protocol No. of 28 June 2016 of the meeting of the appeal commission of VAA indicates that the appeals of R. M. and L. R. were considered. First of all, it was listened to the lecturer's Linas Tuleikis task presentation and the comments on the task fulfilment, then the student of R. M. expressed his opinion, but the content of the meeting was non-itemized. It is noted in the protocol that the student L. R. was absent. The protocol states that: “The commission decided that the projects should be evaluated in accordance with the evaluation criteria conclude [by the leading lecturer]. The criteria “Participation in the process and the systemic character” and “Independency” were not evaluated because they are associated with the interpersonal relationships between the students and the lecturer, therefore, it is difficult to evaluate them. The commission proposes to delegate the issue of the relationships between the Department of Architecture and the students as well as the improvement of communication culture improvement to the administration .” The protocol indicates the following criteria: 1) the relevance of the task solutions and the originality of ideas; 2) the artistic and technological quality of the work (project), graphic expressiveness. The protocol states that the appeals are satisfied and the creative project of R. M. is evaluated 8 (eight), and of L. R. - 7 (seven).

Paragraph 4.6.3 of the Regulation of Studies states that “the student who does not agree with the evaluation of the examination, no later than three working days after the date of the announcement of the examination evaluation <...> has the right, by the motivated letter, to address to the Head of the core academic unit”, and Paragraph 4.6.5. indicates that “<...> the Head of the core academic unit forms the commission for the examination appeals <...> (underlined by us).

Taking into account the set circumstances, it is noted that:

1) the student's right was realized without compliance with Paragraph 4.6.3 of the Regulation of Studies;

2) the submitted appeals do not include the motives as it is required in Paragraph 4.6.3 of the Regulation of Studies;

3) *the appeal commission was formed contrary to Paragraph 4.6.5 of the Regulation of Studies;*

4) *the appeal commission was formed to examine the appeals, the deadline of which was missed, although the exemptions for the deadlines for the submission of the appeals are not set in the internal legislation of VAA;*

5) *in the protocol of the appeal commission it is pointed out that only the creative projects were evaluated (the final review), although the final evaluation consists of two parts (the interim review and the final review), despite of such evaluation concept, only the marks for the creative projects were written into the statement;*

6) *the appeal commission, in evaluating the creative projects, followed the evaluation criteria that are not established in any internal legislation of VAA;*

4. In the event of uncertainties regarding the evaluation criteria, on 13 October 2016 (letter No. S-351) the Ombudsman addressed to the applicant with the request to provide the calculation formula of the evaluation of the architectural design subject and the documents proving the evaluation of the students during the whole semester.

On 19 October 2016 (letter No. G-506) the applicant responded that “<...> the evaluation criteria recorded into the subject module were the following: the quality of the conduct of the specific assigned tasks, activity, diligence, curiosity and initiative at work, initial solutions, completeness and presentation of the material. The percentage distribution between these criteria was not set, because the school promotes a variety of solutions among students, therefore, the established percentage of the evaluation criteria would uniform the solutions or, if the solutions are different, in some cases the evaluation would be less objective.

In order to avoid bias there is a well-established procedure for the evaluation of works involving all lecturers of the Department who offer their own evaluation marks and, if they do not meet the evaluation given by the lecturer of the subject, the lecturer has to justify his evaluation to the Department.”

On 13 October 2016 (letter No. S-352) the Ombudsman addressed to KF of VAA regarding the approved description of the architectural design subject and the documents proving the evaluations of this subject given to the students during the whole semester.

On 19 October 2016 (letter No. G-505) the Rector of VAA submitted the description of the architectural design subject which included the evaluation criteria - “the quality of the conduct of the specific assigned tasks, activity, diligence, curiosity and initiative at work, initial solutions, completeness and presentation of the material“. Also there was attached the statement of the examinations of the architectural design subject, which was modified after the meeting of the appeal commission. The statement of the examination was signed on 29 June 2016 by the Head of Department of Architecture E.Jackus. Also the letter of the Rector of VAA indicates that “<...> the evaluation of the subject was carried out in two stages: at the interim review (in the middle of the

semester) and at the examination review the final evaluation of the whole semester is written. Assoc. Linas Tuleikis did not submit the evaluation of the approved interim reviews.”

Before the decision of the appeal commission, in the first statement No. 2015P6811021 of 4 May 2016 of the examinations of the architectural design subject, the mark of the student R. M. was 5, and of L. R. - 6. The evaluation of each student in the statement is approved by the signature of the Head of the Department of Architecture E. Jackus. In the second statement No. 2015P6811021 of 4 May 2016 of the examinations of the architectural design subject, the mark of the student R. M. was 8, and of L. R. - 7.

The content of the statements generated by the same date and the number shows that different evaluations of the students are provided without the signature of coordinating lecturer, but the statements are signed by the Head of the Department Edmundas Jackus.

Paragraph 4.5.8 of the Regulation of Studies indicate that “the study results are evaluated by the lecturer who taught, led the subject/module or the commission of the specialists of that field which includes the lecturer who taught, led the subject/module.”

Paragraph 4.5.3 of the same Regulation provides the established principles on the basis of which the achievements of the students are evaluated: 1) the validity and reliability; 2) evaluation of the skills, knowledge and the consistency of the studies; 3) the impartiality, objectivity and clarity; 4) the openness and collegiality of the evaluation; 5) the cumulative score; 6) feedback. Paragraph 4.5.4 of the Regulation of Studies sets that “for the evaluation of the knowledge, skills and abilities there is applied the ten-point proportional criterion-evaluation system“, therefore, at the evaluation, it should be taken into account, to what extent the requirements provided in the subject description should be fulfilled.

Paragraph 4.8.3 of the Regulation of Studies contains the provision - “the accounting statements of the studies in writing and in the information system of the Academy in the set order are completed by the lecturer who evaluates the study results of by the coordinator of the Department.”

Paragraph 7.3.7 of the Regulation of studies provides that “first of all, the lecturer introduces to the students the study subject’s objectives, pursued study results, requirements of the teaching content and procedure, procedures of the evaluation of achieved results and criteria which are recorded in the description of the study subject.” (underlined by us).

Taking into account the set circumstances, it is noted that:

1) the accounting statements of the studies in writing and in the information system of the Academy in the set order were completed not by the evaluating lecturer as it should be in accordance with Paragraph 4.8.3 of the Regulation of Studies;

2) The Head of the Department of Architecture of KF of VAA E. Jackus changed the evaluations of the students and signed the statement of the examinations of the architectural design

subject before 28 June 2016 (i.e. before the decision of the appeal commission) (judging from the order for reprimands of 17 June 2016 of the Rector);

3) the evaluation system of the architectural design subject is unclear: a) different evaluators (Linas Tuleikis, the commission and the appeal commission) evaluated the achievements of the students according to different criteria; b) the description of the subject does not indicate the requirements the fulfilment of which should be evaluated (see Paragraph 4.5.4 of the Regulation of Studies);

4) the description of the subject does not distinguish the requirements which should be introduced to the students, as it is provided in Paragraph 7.3.7 of the Regulation of Studies.

In view of the foregoing, it can be stated that:

1) The Dean of KF of VAA prof. Jonas Audėjaitis, by the order No. VĮK-19 of 23 May 2016 “Regarding the formation of the commission”, by forming the commission and without indicating the legal basis, adopted the unjustified decision;

2) The Rector of VAA Audrius Klimas:

a) By the order No. VI-4 of 17 June 2016 “Regarding the inappropriate activity of the Administration of Kaunas Faculty of VAA and the Department of Architecture”, by prescribing reprimands, did not assess the explanations of Linas Tileikis, did not indicate the legal basis, therefore, he violated Paragraph 7.3.15 of the Regulation of Studies;

b) By the order No. SĮ-35 of 28 June 2016 “Regarding the formation of the appeal commission“, in forming the appeal commission did not follow the procedure of the appeal submission, therefore, he violated Paragraph 4.6.2., Paragraph 4.6.3 of the Regulation of Studies, in which it is established that “the student <...> no later than three working days after the date of the announcement of the examination evaluation, <...> by the motivated letter, [to address] v“, and that part of Paragraph 4.6.5 in which it is stated that “<...> the Head of the core academic unit forms the commission for the examination appeals <...>“;

3) the appeal commission that was illegally formed on 28 June 2016 did not follow the evaluation criteria provided in the description of the architectural design subject, therefore, it violated Paragraph 4.6.6 of the Regulation of Studies;

4) the lecturer Linas Tuleikis violated Paragraph 4.5.4 of the Regulation of Studies because he did not include the requirements of the subject into the description of the subject;

5) the evaluation procedure applied by Linas Tuleikis is contrary to the evaluation procedure set in Paragraph 4.5.4 of the Regulation of Studies.

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

decided:

To inform Vilnius Academy of Arts, Kaunas Faculty of Vilnius Academy of Arts and the Ministry of Education and Science about the persons who committed the procedural violations.

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