



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

DECISION

REGARDING THE TRAINING PROGRAMME FOR STUDENTS OF ANTANAS GUSTAITIS AVIATION INSTITUTE OF VILNIUS GEDIMINAS TECHNICAL UNIVERSITY

17 December 2015 No SP-25
Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Ombudsman), <...> examined the complaint of aircraft piloting student M.K.¹ of Antanas Gustaitis Aviation Institute of Vilnius Gediminas Technical University (hereinafter - VGTU) on the actions (inactions) of the staff of Vilnius Gediminas Technical University on possible failure to ensure the provision of quality studies that was forwarded by the Ombudsman of the Seimas of the Republic of Lithuania and received in the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office of Ombudsman) on 12 October 2015 and the material submitted, and **determined that:**

The applicant in its complaint indicated that he was admitted for studies of aircraft piloting profession at the VGTU Antanas Gustaitis Aviation Institute (hereinafter referred to as AGAI) in 2010 and concluded a study contract. Study duration - 5 years, intended end of studies -28 June 2015, but studies have not been completed, because, as the applicant stated, the students of this specialty were not provided with the flight practice due to the plane crash. The applicant stated that the students appealed to the VGTU and VGTU AGAI both orally and in writing, but “we have not received any specific answers”, “study contracts expired, the university tells that they are extended. We did not receive any documents on extended studies. We defended Master’s degree, but did not receive the diplomas”. In addition, the applicant stated that appealed to the Ministry of Transport (because it is responsible for the investigation of plane crash), the Civil Aviation Authority (CAA) and the Ministry of Education and Science, but “both of them comment that it is not their job. All of them are responsible, but argue that this is a problem of VGTU”.

The applicant requests the Ombudsman’s “help in the situation emerged to help coordinate the activities of state institutions and prevent the state institutions from delays in dealing with the problem decision-making processes.”

<...>

VGTU Chancellor A. Komka, replacement rector, in the letter No 08-10.23-14548 of 30 October 2015 stated that “the students did not complete the VGTU AGAI aircraft piloting program studies <...> resulting from the failure to satisfy the practical training program provided for in the study program (hereinafter referred to as flights practice) due to two main reasons:

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

1. The accident occurred in August 2014 during the flight practice carried out by the previous graduates (2014), where the VGTU AGAI twin-engined training aircraft “Piper PA-34 Seneca” was damaged. In March 2015, after the insurance company had finished the expertise, the contract on purchase of aircraft repair works was signed. Also, in February 2015, VGTU AGAI entered into the aircraft lease agreement with the company leasing the aircraft of same type, and the rest part of flights practice with previous graduates was executed. However, in March 2015, the lease agreement expired and was not extended on the lessor’s initiative. As VGTU states in its letter, “we failed to find more companies engaged in leasing of this type aircrafts in Lithuania and neighbouring countries.” The repair works of two-engined aircraft “Piper PA-34 Seneca” had to be completed by 24 July 2015, however, “since the contractor falls behind the schedule to carry out repair works”, it has been extended until 24 August 2015, but “the aircraft repair works have not been completed to date due to the fault of the company that carries out the repair of the aircraft.” The letter states that “VGTU and AGAI management, understanding that the practice of students with two-engined aircraft must be extended immediately, started the purchase procedure of training services in October 2015; on 15 October 2015, the first contract on the execution of training practice for three students was signed. At present, the follow-up public procurement procedures are carried out, which will allow the execution of remaining students’ practice. It is expected that all students who had to complete their studies in June 2015, will complete them by 1 March 2016. If the weather conditions and other circumstances are favourable, the flights practice will be completed ahead of schedule and the students will be issued university degree diplomas”;

2. In accordance with subparagraphs 2 and 4 of the Order of 25 October 2013 of the Director of Lithuanian Civil Aviation Administration (hereinafter referred to as CAA) “On the approval of requirements for airworthiness management and maintenance of training aircrafts”, “AGAI took steps” to become a complex organization - Airworthiness Management Organisation (TSVO) and Aircraft Maintenance Organization (TPO). On 23 May and 26 December 2014, the audits were carried out at CAA during which the shortcomings were identified and the deadline for their correction – by 5 September 2015- was set, but as the VGTU indicates in its letter, AGAI aircraft TPO activity was restored from 17 July 2015, and from 14 August 2015, the VGTU concluded an agreement on the Purchase of continuing airworthiness management services. VGTU notes that “flights practice was restored on 24 August in 2015 and is still being performed.”

Moreover, in the said letter VGTU stated that “according to the subparagraph 34.1 of study contract, the contract expires after the issue of diploma and diploma appendix to the student <...>, confirming the completion of the study program indicated in the contract or a higher education qualification obtained. <...> As a result of prolonged flights practice, the studies were extended until 1 March 2016 by the order of Rector.”

This letter submitted by the VGTU was accompanied by the copy of Order No 3432pd of 28 October 2015 of the VGTU Rector “On postponement”. This order indicates that the rector postpones the studies for 14 students of aircraft piloting specialty until 1 March 2016. It should be noted that the said Order of VGTU Rector was adopted on 28 October 2015, i.e. after almost 4 months after the official appeal of the students (30 June 2015) to heads of VGTU and AGAI. In addition, the wording “postponement of studies” in the Order should also be considered, because “postpone” means “to postpone to a later time” (see Lithuanian language dictionary, <http://www.lkz.lt/startas.htm>), i.e. the studies would be rescheduled to 1 March 2016, and in this case, the VGTU letter states that the studies

for Aircraft piloting students “were extended until 1 March 2016, i.e. they must be completed on 1 March 2016.

In addition, the said VGTU letter indicates that “the training of aircraft pilots is carried out through the implementation of an integrated Aircraft piloting study program (integrated VGTU AGAI ATP (A) training program approved by the CAA director), wherein the intended practical training (flights practice) is described in Part II of the said program”. This integrated training program (hereinafter - the Program) is attached to VGTU letter. Subsection 1.1 “Organization of practical training” of Section 1 “General provisions” of Part II of the Program “Practical Training Programme” indicates that practical training of the Program is organized in accordance with the procedures for the organization of university studies approved by VGTU. VGTU did not submit any other specific legislation regulating the practice for the students of Aircraft piloting.

The Office of Ombudsman submitted additional questions by e-mail on 5 November 2015 concerning the information mentioned in the VGTU letter: according to the Order of 28 October 2015 of VGTU on the postponement of studies to 14 students of Aircraft piloting specialty, must it be considered that these the Study contracts of these students remain in force; whether these students received identity cards of students, and whether they retain all rights of students.

VGTU sent its reply by e-mail on 6 November 2015 saying that “if the studies are extended, status and rights of students remain the same as during the studies at normal study schedule. Also, they retain all rights to life in dormitories and the use of the information resources of University (library, Internet access, etc.). Regarding the renewal of student’s identity card <...> for the reimbursement of the costs, the University transferred EUR 5.30 to each student”. VGTU did not submit any documents substantiating the rights and guarantees of a student.

During the examination of the complaint, the Office of Ombudsman analysed the internal regulations of VGTU, regulating the process of aircraft piloting studies at the University and performance of the practice.

Aircraft piloting is a study program of technology sciences, aerospace engineering. Since 2007, the students of this specialty are taught according to continual 5-year studies (*hereinafter the underline is ours*) providing the qualification of Master of Aeronautical Engineering. The practical training is performed by flights practice bases and air traffic control base units equipped with updated technology.²

The study program of Aircraft piloting attached to the complaint (for admitted in 2010) indicates that the volume of studies is 316.5 credits and that these are “full-time studies (five-year studies)”.

Paragraph 33 of VGTU study provisions approved by Resolution No 58-3.1 of VGTU Senate on 26 June 2012 (hereinafter - Study Regulations)³ indicates that continual studies mean a postgraduate studies for master’s degree where the first and second cycle of studies are related by the continuity. Subparagraph 39.1 of the Study Regulations states that the volume of continual studies is 300-330 credits, study duration - 5-5.5 years. Paragraph 90 of the Study Regulation provides for that the studies at VGTU are organized based on accredited study programs in accordance with the approved schedule of studies.

² <http://www.vgtu.lt/fakultetai/padaliniai/aviacijos-technologiju-katedra/apie-katedra/51041>

³ http://www.vgtu.lt/uploads/files/dir879/dir43/dir2/1_0.php

It should be noted that the provisions of subsection “Termination, interruption and renewal of studies” of Section VII “Academic mobility” of the Study Regulation do not provide any regulations in such a situation as study extension (postponement); only interruption of studies is possible (p. 190-192). Study extension (postponement) options and grounds are not regulated by the Law on Higher Education and Research of the Republic of Lithuania as well.

As it was noted earlier, VGTU failed to provide the VGTU legal acts regulating the practice for students of Aircraft piloting specialty. In view of the abovementioned provision of the Study Regulation that “continual studies mean a postgraduate studies for master’s degree where the first and second cycle of studies are related by the continuity” (underline is ours), and, applying the analogy, the Office of Ombudsman analysed the Description of the procedures for organization of VGTU first and second cycle practices approved by Order No 328 of 9 April 2013 of VGTU Rector (hereinafter - Practice description).⁴ Subparagraph 4.2 of the Practice description establishes that the training practice is “learning to work under real conditions with real devices or equipment, which will be needed in further studies and future work.” Paragraphs 5-6 state that “the practices provided for in study program is a mandatory part of the studies”, and “the student who has not fulfilled the practice provided for in study program, shall acquire an academic arrear <...>”. Paragraph 7 of Practice description establishes that “when the contract on practical training of a student terminated not due to the fault of the student, the tutor lecturer and student shall agree on different place of practice for a remaining period.” Subparagraph 51 establishes that “tutor lecturer and the department organizing the practice shall lead the practice of students and shall be responsible for their quality”. Practice description does not contain any provisions regulating the interruption of the practice due to force majeure circumstances, but according to subparagraph 57, “all other issues unforeseen in this Description of procedures shall be dealt with by the administration of university.”

The complaint material shows that the VGTU administration submitted a complete response (letter No 08-10.3-9713) on 10 July 2015 to the inquiry of 30 June 2015 of VGTU AGAI students. Taking into account <...> the circumstances defining a certain period to the Office of Ombudsman, such as the deadline for correction of shortcomings determined during the audit, performance of expertise after the plane crash, the aircraft repair works, execution of procurement procedures, etc., it should be concluded *that the administration of VGTU informed the AGAI students properly and took appropriate steps to deal with their practice resulting from the situation.*

On the other hand, the paragraph 1 of Article 40 of the Law on Higher Education and Research establishes the responsibility of school of higher education for the quality of studies, where one of the main components is the study process corresponding to the needs of students. Subparagraph 1, paragraph 1 of Article 55 of the Law on Higher Education and Research establishes, as well as Subparagraph 1 of paragraph 107 of VGTU Statute⁵ defines that students have the right to study in accordance with the selected program. The legislation regulating the VGTU Aircraft specialty studies (continuous, integrated) and the process of study establishes that the studies last for 5 years, so the students of these studies acquire a legitimate expectation that their study will last for 5 years, during which the students will gain theoretical and practical skills (as the practices provided for in the study program are compulsory studies), and will receive a diploma. The complaint material leads to the conclusion that *the VGTU administration, in the event of force majeure that disturbed the normal*

⁴ http://www.vgtu.lt/uploads/files/dir836/dir41/dir2/7_0.php

⁵ http://www.vgtu.lt/uploads/files/dir323/dir16/0_0.php

study process, formalized the legal status of AGAI students, i.e. extended their studies only on 28 October 2015 (VGTU Rector Order No 3432pd “Relating to the postponement”). VGTU did not submit any other documents on the retention of legal status, rights and guarantees of AGAI students.

In view of the foregoing, having evaluated the information provided by the applicant and supporting documents as well as the VGTU regulations, no violations of academic ethics and procedures were found. However, the Ombudsman points out the fundamental VGTU academic ethical values, among them - responsibility and respect embedded in subparagraph 3.4 of VGTU Code of academic ethics approved by Resolution No 81-2.5 of 5 May 2015 of VGTU Senate⁶ (hereinafter referred to as the Code), subparagraph 3.5 of the Code provides the concept of socially responsible behaviour - this is “the ethical principles of University based on mature behaviour in surrounding – external and internal – environment”, and subparagraph 6.5 of the Code declares that the university “is concerned about responsible, professional behaviour”. The Ombudsman, in order to contribute to the quality of education and studies and encouraging the VGTU to achieve high organizational and ethical culture, promotes the VGTU to adhere to these values.

The Ombudsman, in accordance with subparagraph 9, paragraph 12 Article 18 of the Law on Higher Education and Research of the Republic of Lithuania **decided as follows**

To recognize the applicant’s Mr K. complaint as unjustified.

⁶ http://www.vgtu.lt/uploads/files/dir876/dir43/dir2/9_0.php