



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

DECISION REGARDING COMPLAINT OF J. P. OF 6 NOVEMBER 2015

14 January 2016 No SP-2
Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - Ombudsman), <...> examined the complaint of J.P.¹ (we have impersonalized the data) (hereinafter - applicant) received in the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - Office of Ombudsman) against the combination of posts of the Council of Vilnius University I. Š.² (we have impersonalized the data) as the Chairman at the Council of Vilnius University and the Institute of International Relations and Political Science, and the material submitted by the applicant and the Vilnius University, **determined that:**

The applicant in his complaint states that the Chairman of the Council Vilnius University I. Š., as the Chairman of the Council of Vilnius University, taught the subject of Economic fundamentals at Vilnius University Institute of International Relations and Political Science, although paragraph 8 of Article 20 of the Law on Higher Education and Research of the Republic of Lithuania states that “<...> a person who belongs to the staff of school of higher education or a student cannot be the Chairman of the Council”.

The applicant requests the Ombudsman:

„1. To investigate whether [I. Š., being] [chairman] of the Council of Vilnius University and [teaching] subject of Economic fundamentals at the Institute of International Relations and Political Science does not violate paragraph 8 of Article 20 of the Law on Higher Education and research of the Republic of Lithuania.

2. To find out whether [I. Š.] gave lectures from the beginning of [his] authorisation as [Chairman] of VU Council.

3. If violations have been found, to take measures according to the competence.” (The information in angle brackets is ours).

<...>

In the letter No 13400-SR-2034 of 17 November 2015, Vilnius University stated that “neither <...> during the submission of the documents <...> of the candidate to the members of the Council of Vilnius University Board nor during the election of the Chairman of the Council, [I. Š.] did not have the employment relationship with the University and did not belong to the staff of the

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

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University. According to the legislation of University, an agreement on voluntary activities with IIRPS was concluded with [I. Š.]. While being a Chairman of the Council, the status of [I. Š.] was not changed.” (The information in angle brackets is ours). The fact that “during the submission of the documents of the candidate to the Council members <...>, [I. Š.] did not have an employment relationship with Vilnius University and does not have them now“ was also confirmed by the personnel administration of Vilnius University (letter No 12800-71 of 13 November 2015) (the information in angle brackets is ours).

The expanded extract of the Register of Legal Entities of the Republic of Lithuania submitted by Vilnius University shows that I. Š. was appointed (elected) chairman of the Council of Vilnius University on 16 December 2014, registered – on 2 March 2015, and the Agreements on voluntary activities of 30 October 2014 and 14 September 2015 concluded by with I. Š. Vilnius University represented by VU IIRPS Director Prof. dr. Ramūnas Vilpišauskas define the volunteer status of I. Š. and the periods of voluntary activities: the first agreement shows the period from 30 October 2014 to 30 June 2015, the second – from 14 September 2015 to 30 June 2016.

<...>

By the letter No 13400-SR-86 of 13 January 2016”Regarding submission of additional information“, Vilnius University confirmed that I. Š. “is not [associated] with labour relations with Vilnius University...” and “participates in teaching of the subject “Economic Fundamentals“ taught at Vilnius University Institute of International Relations and Political Sciences Institute, [in collaboration] with the subject lecturers <...> and [assisting] them. The nature of [I. Š.] voluntary activity and extent is provided for in <...> paragraph 2.1 of the Agreement (the information in angle brackets is ours). The referred subparagraph 2.1.1 of paragraph 2.1 of the Agreement establishes that the volunteer shall undertake “to carry out the following activities: according to the schedule coordinated with VU IIRPS Studies Department and published on IIRPS website, which is an integral part of this agreement, to conduct lectures and seminars on economic fundamentals, to share own knowledge, experience and best practice. “

Paragraph 8 of Article 20 of the Law on Higher Education and Research states that “<...> a person who belongs to the staff of school of higher education or a student cannot be the Chairman of the Council”.

Paragraph 15 of Article 4 of the Law on Higher Education and Research stipulates that “Staff of higher education and research institutions means teaching staff, research staff, other researchers, the administrative staff and other employees.” (Underline is ours).

Article 15 of Labour Code of the Republic of Lithuania defines the concept of “employee” as follows: “An employee is a natural person possessing legal capacity in labour relations according to Article 13 of this Code, employed under employment contract for remuneration.”

The subparagraph 1.2.4 of the Description of the procedures for the organization of voluntary activities at Vilnius University Institute of International Relations and Political Science Institute approved by the Order No R-477 of 23 October 2014 of the Rector provides for that volunteers – “are individuals from 18 years of age, who perform community work of their own free will, and nobody forces them, without getting any financial reward.” Subparagraph 1.2.3 of paragraph 1.2 of the same Description defines the volunteering as “unpaid activities carried out by a volunteer in the public interest based on legal relationships, the conditions of which are determined by mutual agreement of the volunteer and the Institute of International Relations and Political Science.” (Underline is ours).

In view of the above stated, and the fact that the Office of Ombudsman did not receive the data confirming the labour relations of I. Š. with the higher education institution, it must be concluded that there are no grounds to state the fact that the Chairman of Vilnius University I. Š. belongs to the staff of school of high education.

After the analysis and evaluation of the material submitted by the applicant and Vilnius University and the legal regulation, it must be stated that no violations of academic ethics and/or procedures were determined in the actions of the Chairman of the Council of Vilnius University.

The Ombudsman <...> **decided:**

To recognize the complaint as unjustified.
