



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

DECISION RELATING TO COMPLAINT OF T. G. OF 14 OCTOBER 2016

18 January 2017 No SP-3
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 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“ (hereinafter - the Provisions), by Subparagraph 13.1, and after examination of the complaint of T. G. (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 14 October 2016 as well as submitted material regarding a possible violation of the principle of academic ethics and procedures at Lithuanian University of Educational Sciences (hereinafter – LEU) and material submitted²,

determined:

The applicant has indicated to the Ombudsman the following appealed complaints and the actions thereof: “ for the failure of LEU to create learning conditions, disregard, submission of poor quality education, study program, teaching <...>”, LEU assistant Mantautas Ruzas, “<...> for false allegations, methods of the program taught, violations of academic ethics <...>, lecturer Dr. Jolanta Saldukaitytė, “<...> for restraint, disregard, insults, violations of academic ethics <...>” and the head of the Department of Philosophy senior lecturer Dr. Liutauras Degėsys, “<...> for the method of the program taught, disregard, false accusations, insults, violations of academic ethics <...>” (the applicant’s language cited here and further in the complaint).

The applicant requests:

“To investigate the situation at this juncture <...>, justice and humanity; that the addressees of the questions would answer the questions; the public word of LEU in the presence of the Senate; that someone would make a decision and/or assume responsibility.”

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 The reliability of audio recordings of the lectures provided by the applicant is not questioned.

It should be noted that the Ombudsman, within his scope of competence, assessed the circumstances of the complaint and found violations in terms of academic ethics and procedures.

The applicant provided additional information by e-mail on 17 October 2016, indicating the actions of the LEU and the abovementioned LEU staff possibly violating the academic ethics and procedures, as well as audio recordings of lectures, seminars and conversations with the LEU administration made by the applicant himself.

The applicant stated as follows:

1) The assistant of the LEU, Mantautas Ruzas, <...> in absentia, publicly called me “abnormal” <...> in front of the audience”. <...> has a fling at the student in the presence of the whole audience ... <...>”, “<...> tries to bring students together into illegal “movie sessions”, after lectures”, and “<...> his knowledge in the field of philosophy does not correspond to his scientific degree”;

2) Dr. Jolanta Saldukaitytė. “<...> goes deeper with other colleagues into the material being taught, <...> and being requested to ask whether or not everything [is clear] to me from the material being taught - ignores, does not tolerate <...>”, and “<...> has possibly violated the code of ethics when discussing the student’s reporting with another lecturer.” (Information given in square brackets here and below - ours);

3) Dr. Liutauras Degėsys, “<...> refuses to accept to lectures. Takes all students to other premises and leaves me alone, ignores, accuses that his lectures are broken and disrupted”. The lecturer omits the lectures without participating in them, does not follow the timetable, does report for omitted lectures, does not inform when he will work them” and “ <...> is intolerant to the student’s opinion. Restrains and restricts by preventing the freedom to express thoughts during lectures.” In addition, he states that Dr. Liutauras Degėsys, “<...> potentially incompetent, lacking knowledge that would correspond to his scientific degree.” According to the submitted audio recordings, the student was left in the classroom and was not admitted to the lecture due to recording audio during the lecture without the lecturer’s consent;

4) Senior lecturer Dr. Deimantas Karvelis, temporarily assuming the responsibilities of the Dean of the Faculty of History of LEU, “<...> accused dishonestly by alleging that the student was destroying the lectures, and forced the student studying in a state funded Bachelor’s study program to omit the lectures.”

The Ombudsman, by letter No S-365 of 20 November 2016 addressed to the LEU, requesting the following information necessary for the investigation of the complaint:

- “1) <...> to submit the LEU Academic Code of Ethics;
- 2) to submit a LEU study contract to be signed by university and the entrant;
- 3) to submit the legal acts regulating the procedure for conducting lectures;
- 4) to submit the procedure for the use of audio means in lectures;
- 5) to answer what sanctions apply to students who interfere with the conducting the lectures (to submit a legal act regulating the imposition of such sanctions).”

LEU submitted the LEU Code of Ethics by letter No 06-R4-953 on 4 November 2016, a standard form of the study contract between the LEU and a student studying in a state-funded undergraduate study place, a standard form of the study contract between the LEU and a student studying in an undergraduate study place not funded by the state, and an academic study calendar for years 2016-2017. Also indicated that “LEU <...> does not have approved procedures for the use of audio means in lectures,” and that “the procedure for conducting lectures is defined in the academic study calendar, which specifies the time of conducting the lectures.”

The applicant provided additional information to the Office on 8 November 2016 indicating that the senior lecturer Dr. Deimantas Karvelis “<...> unreasonably refused to give the student an academic leave <...>”, and “he could purposefully and deliberately delayed with reply <...>”, and the audio recording of the meeting of the Commission of the Faculty of History of LEU relating to the request of the applicant of 7 November 2016.

The applicant submitted a request to the Office on 9 November 2016 “<...> to investigate why the signatures of respected vice-rector for studies Vilija Salienė do not match”, and attached the letters No 02-R4-941 and No 02-R4-942LEU of 3 November 2016 signed by two different signatures of vice-rector.

The applicant provided additional information to the Office on 10 November 2016 on “possibly unlawful activities of the research group of philosophy and ethics”.

On 10 November 2016, the Ombudsman addresses to the Head of the Department of Philosophy of LEU, senior lecturer Dr. Liutauras Degėsys and vice-rector for studies Prof. Dr. Vilija Salienė, inviting to arrive at the Office for clarification of the circumstances of the complaint (letters No S-386 and No S-387).

Having arrived at the Office on 16 November 2016, Prof. Dr. Vilija Salienė could not explain during the meeting with the Ombudsman, why the names of the student (applicant) and the student (applicant) who signed it on the last sheet of the applicant’s study contract do not match. The document confirming the identity and the data on the change of surname of the applicant submitted by Prof. Dr. Vilija Salienė to the Office slater shows that the student (applicant), who signed the contract with the LEU (on the last page) and the student who signed the contract (applicant) is the same person.

The vice-rector explained that the applicant could have doubted that one of the signatures was not hers because she signed by two different signatures.

During the meeting with the Ombudsman on 29 November 2016, senior lecturer Dr. Liutauras Degėsys and senior lecturer Dr. Deimantas Karvelis could not indicate the legal acts regulating the behaviour of lecturers and students during the lectures: for example, how many and when the student may ask questions during the lectures: whether rules and regulations for conducting seminars and lectures are different; what is the “destruction” of the lectures, as senior lecturer Dr. Liutauras Degėsys and senior lecturer Dr Deimantas Karvelis indicate. In addition, senior lecturer Dr. Liutauras Degėsys noted that when teaching the subject of philosophy, a free democratic environment and discussions are inseparable parts of the discipline, which makes the lectures very different from the seminars, and strict rules would limit the students’ ability to go deeper in the subject taught.

The Ombudsman requested the LEU by letter No S-388 of 11 November 2016:

“1) to submit a legal act regulating the procedure for the granting/terminating the academic leave;

2) to specify and submit the procedure for responding to the letters/requests of interested parties that is followed in the LEU;

3) to specify and submit the documents regulating the procedure for the imposition of sanctions for students and lecturers;

4) to submit the legal acts regulating the procedure for conducting lectures;

5) to indicate and submit the documents regulating the establishment and functioning of the scientific circle of philosophy and ethics of the Faculty of History of the LEU;

6) to submit detailed descriptions of the Bachelor of Philosophy study program and the subjects taught during these studies;

7) to submit job descriptions of the LEU assistant Mantautas Ruzas, lecturer Dr. Jolanta Salduikaitytė, head of the Department of Philosophy, senior lecturer Dr. Liutauras Degėsys and temporarily assuming the responsibilities of the Dean of the Faculty of History senior lecturer Dr. Deimantas Karvelis.”

LEU did not provide full details by letter No 01-R4-997 of 18 November 2016 and indicated that:

“<...> 2. Requests of interested parties shall be answered in accordance with the Resolution of the Government of the Republic of Lithuania on the approval of the procedure for examination of applications of persons and the handling thereof in public administration institutions, establishments and other public administration entities and the form of a request, complaint or other document confirming the fact of address <...>.”

7. “The functions of the [LEU] Dean of the Faculty of History are governed by the [LEU] Statute <...>, the job functions of the [LEU] assistant, lecturer and docent are governed by the [LEU] Statute and a description of the procedure for the organization of competitions for [LEU] lecturers, research staff member and other researchers, their certification and establishment of minimum qualification requirements <...>.”

Taking into account the fact that not all information was submitted by letter No 01-R4-997 of 11 November 2016, the Ombudsman applied to the LEU, senior lecturer Dr. Liutauras Degėsys and Mantautas Ruzas by letter No S-411 of 22 November 2016 requesting to submit:

“1) the legal act regulating the supplementary after-lecture activities of the LEU;

2) a program of the said scientific circle, which would include the goals of the scientific circle, provisions of values, rules for participation in the scientific circle, etc.”

The Ombudsman applied to senior lecturer Dr. Deimantas Karvelis and LEU by letter No 389 of 11 November 2016 requesting to submit “<...> official letters of LEU assistant Mantautas Ruzas, lecturer Dr. Jolanta Salduikaitytė, Head of the Department of Philosophy senior lecturer Dr. Liutauras Degėsys by which it is refused to accept the student [applicant] to lectures and seminars.”

The Ombudsman addressed to the LEU Head of the Department of Universal History Prof. Dr. Juozas Skirius by letter No 395 of 14 November 2016 requesting “<...> to inform about the decision of the <...> commission that was established by Order No I1-79 of the Dean of 2 November 2016 on the formation of the commission for the examination of the request of the [applicant]”.

LEU replied to letter S-389 of 11 November 2016 and letter No S-395 of 17 November 2016 to the Office by an e-mail on 17 November 2016 and submitted the documents on the applicant: the documents confirming the identity of the student, certificate on student’s attendance to lectures, official reports of senior lecturer Dr. Jolanta Saldaukitytė, Mantautas Ruzas, senior lecturer Dr. Liutauras Degėsys and senior lecturer Dr. Deimantas Karvelis and the decision of LEU Faculty of History on the request of [the applicant] of 7 November 2016.

The Ombudsman addressed to the Centre for Quality Assessment in Higher Education (hereinafter - SKVC) by letter No 396 of 14 November 2016 requesting:

“1) to submit the conclusions of the assessment of the Bachelor study program of Philosophy of the LEU (612V50005) and the accreditation certificate;

2) to specify and/or submit a procedure for determining the qualification requirements for lecturers who can teach in accordance with the accredited program of the Centre for Quality Assessment in Higher Education.”

SKVC submitted to the Ombudsman by e-mail No S-3282 on 18 November 2016: “<...> accreditation certificate SV5-11 <...> study program *Philosophy* of 24 February 2012 <...>”, and stated that SKVC “<...> does not assess the compliance of the lecturers to qualification requirements and therefore is not competent to answer the relevant question.” Also indicated that “specific requirements for lecturers can be established in the Descriptions of fields of studies <...>”.

The applicant submitted a request to the Office on 14 November 2016 for recognition “of the decision of <...> the commission of the Faculty of History of the LEU <...> as unfounded and invalid.”

By letter No S-402 of 17 November 2016, the Ombudsman addressed to senior lecturer Dr. Deimantas Karvelis asking to submit:

- “1) the request of [the applicant];
- 2) an order for the formation of the commission;
- 3) the procedure for the formation of the commission and the legislation regulating the activities of the commission.”

Senior lecturer Dr. Deimantas Karvelis submitted the documents by the letter No 25-R4-999 of 21 November 2016 on the formation of the aforementioned commission.

The Ombudsman applied to LEU and the Department of Philosophy of the LEU by letter No S-410 of 17 November 2016 requesting to clarify the information received from the LEU by e-mail on 18 November 2016:

- “1) the names and dates of all the seminars mentioned in the certificate;
- 2) the names and dates of seminars in which the student [applicant] was absent;
- 3) the reasons for the student’s [applicant’s] absence in the seminars.”

The information requested by the Ombudsman was not provided, so the LEU, senior lecturer Dr. Deimantas Karvelis and senior lecturer Dr. Liutauras Degėsys were repeatedly addressed by the letter S-446 of 5 December 2016 requesting to submit:

- “1) a report on the attendance of the student [applicant] with the names of subjects, dates approved by the signatures of lecturers;
- 2) the reasons for the student’s [applicant’s] absence in the seminars;
- 3) anonymous questionnaires of the first year students in philosophy.”

The data on the attendance of the applicant to the seminars of subject “History of Philosophy (Antiquity)” taught by Mantautas Ruzas were not indicated in the certificate submitted by senior lecturer Dr. Deimantas Karvelis by e-mail on 8 December 2016.

The Ombudsman applied to the LEU, senior lecturer Dr. Deimantas Karvelis, senior lecturer Dr. Liutauras Degėsys and Mantautas Ruzas by e-mail on 4 January 2017, reminding that the documents requested to be submitted by the letter No S-411 dated 22 November 2016 were not presented and asking for a revision of the certificate of LEU of 24 November 2016 on the attendance of the student to seminars (No I9-184), which was sent by the LEU via e-mail on 08 December 2016. He also requested the following to be submitted in addition: “<...> descriptions of academic activities of LEU assistant Mantautas Ruzas, lecturer Dr. Jolanta Saldaukytė, Head of the Department of Philosophy, senior lecturer Dr. Liutauras Degėsys approved and submitted to the commission of certification, competition and admission (according to the Description of the procedure for the organization of competitions for the lecturers, research staff members and other researchers of the

Lithuanian University of Educational Sciences, their certification and establishment of minimum qualification requirements).”

Mantautas Ruzas specified the certificate No I9-184 of 24 November 2016 by his e-mail on 5 January 2017 “On the attendance of student to seminars”, indicating which lectures of subject “History of Philosophy (Antique)” taught by him the student (applicant) attended.

So far, the LEU, senior lecturer Dr. Deimantas Karvelis and senior lecturer Dr. Liutauras Degėsys have not provided all the information requested by the Ombudsman.

By the letter No S-445 of 5 November 2016, the Ombudsman addressed the Chair of the Commission of Ethics and Disputes of the LEU, prof. Dr. Saulius Stanaitis requesting to submit:

“1) Decision (meeting of the Commission of 22 November 2016) of the Commission of Ethics and Disputes of the LEU mentioned in e-mail of 17 November 2016 (hereinafter - the Commission);
2) Minutes and audio recording of the said meeting of the Commission.”

The Chair of the Commission of Ethics and Disputes of the LEU presented to the Ombudsman the minutes of the meeting of the Commission of Ethics and Disputes of the LEU of 5 December 2016 and audio record on 9 December 2016.

After the analysis and evaluation of the information provided by the applicant, the LEU, senior lecturer Dr. Deimantas Karvelis, senior lecturer Dr. Liutauras Degėsys, assistant Mantautas Ruzas and the SKVC, the following was determined:

1. Dr. Jolanta Saldukaitytė, during the seminar “Plato and Aristotle”, at the request of the applicant to ask him [the applicant] whether he [the applicant] understood everything (“<...> whether I understood everything”), replied “I do not care” and continued the discussion with other students attending the seminar.

Paragraph 55 of the Internal Rules of Procedure of the LEU adopted by Resolution No 140 of the Senate on 26 September 2012 (hereinafter - LEU Internal Rules of Procedure) establishes the most important ethical principles of the activities of the University employees, of which - “justice. An employee must serve all members of the University community equally ...” (sub-clause 55.2 of LEU Internal Rules of Procedure) and “exemplariness. An employee must perform his duties properly, constantly improve, be of impeccable repute, tolerant, respectful and orderly;” (sub-clause 55.7 of LEU Internal Rules of Procedure).

Sub-clause 6.3 of LEU Code of Academic Ethics approved by Order No 1-408 of the Rector of the LEU “On Approval of the [LEU] Code of Ethics” on 12 April 2012 *inter alia* (hereinafter - LEU Code of Ethics) also states that “all members of the University community shall be guaranteed equal rights, opportunities and decent working conditions”.

Sub-clause 8.4 of the LEU Code of Ethics stipulates: “Not to tolerate intolerance to other <...> attitude and reasoned critics of students, not to ignore nor deliberately restrict <...> the right of the student to speak and defend his or her opinion <...>”;

It should be noted that the internal legal acts of the LEU do not specify the rules applicable during the teaching and studying, but paragraphs 26 and 28 of the Description of the study in the field of Philosophy presented by the SKVC respectively stipulate that “During the teaching and studying period, traditional forms of study (lectures, seminars, discussions, disputes, text analysis, writing works) and interactive teaching methods (simulation and analysis of situations, project activities, social and imitative actions, debates, conflict analysis and solutions, teaching through application of

internet environment)” and “The study process must promote a democratic and open learning environment for communication and interactive thinking of learners.”

Taking into account the abovementioned circumstances of the complaint and the aforementioned legal regulation, it follows that behaviour of Dr. Jolanta Saldaukitės, such as the answer “I do not care”, at the request of the applicant to ask him [the applicant] whether the applicant understood everything, and continuation of the discussion with the other students attending the seminar, does not ensure equal rights, opportunities and decent working conditions and ignores the applicant.

Considering the above stated, Dr. Jolanta Saldukaiytė, being a LEU employee (lecturer) and performing the functions assigned to her, was required, among other things, to follow the principles of justice and exemplification mentioned above, and during the seminar “Plato and Aristotle” at the request of the applicant to ask him [the applicant] whether the applicant understood everything, replied “I do not care” and continued the discussion with the other students attending the seminar, it should be stated that such behaviour of Dr. Jolanta Saldukaiytė was in conflict with the principles of academic ethics set forth in sub-clauses 6.3 and 8.4 of the LEU Code of Ethics.

2. Senior lecturer Dr. Liutauras Degėsys, during the lecture, in the context of a personal discussion with the applicant regarding, according to L. Degėsys, a *disruption* of the lecture, offered “<...> to review own position <...> very seriously, because we will find a way to settle you [the applicant].”; in the same lecture added: “<...> I reviewed your review work, there is no reason for great arrogance.”; during the next lecture, having noticed that the applicant was making an audio recording of the lecture, he pointed out to the applicant “you have no right. Please turn off”; in this case, the applicant requested a legal basis not allowing the recording of the lecture. The lecturer did not indicate such a legal basis, and the applicant having refused to turn off the mobile phone, took other students to his office, saying: “Go to my office, [applicant], you are switched off from this lecture, sit down, write down, I am not calling you.”

Paragraph 55 of the Internal Rules of Procedure of the LEU establishes the most important ethical principles of the activities of the University employees, of which - “justice. An employee must serve all members of the University community equally ...” (sub-clause 55.2 of LEU Internal Rules of Procedure) and “exemplariness. An employee must perform his duties properly, constantly improve, be of impeccable repute, tolerant, respectful and orderly;” (sub-clause 55.7 of LEU Internal Rules of Procedure).

Sub-clause 6.2 of the LEU Code of Ethics provides that “The cases where there is intention of creating or is created an intimidating, hostile, derogatory or offensive environment must not be tolerated <...>”;

Sub-clause 6.3 of LEU Code of Academic Ethics *inter alia* also states that “all members of the University community shall be guaranteed equal rights, opportunities and decent working conditions”.

Sub-clauses 8.4 and 8.5 of the LEU Code of Ethics, respectively, establish that “Not to tolerate intolerance to other <...> attitude and reasoned critics of students, not to ignore nor deliberately restrict <...> the right of the student to speak and defend his or her opinion <...>” and “Provide respectful and correct appreciation of the abilities, theoretical views and personal qualities of <...>

students. Do not discuss abilities, theoretical views and personal qualities of students with third parties or not <...> in the absence of the students themselves.”

It should be noted that the internal legal acts of the LEU do not specify the rules applicable during the teaching and studying, there are no requirements for conducting lectures, seminars and other classes, and the participation of students in lectures, seminars or other classes, nor it is established whether a student can ask questions, discuss the subject under discussion with the lecturer, etc. during the lectures, seminars or other classes; however, paragraphs 26 and 28 of the Description of the study in the field of Philosophy presented by the SKVC respectively stipulate that “During the teaching and studying period, traditional forms of study (lectures, seminars, discussions, disputes, text analysis, writing works) and interactive teaching methods (simulation and analysis of situations, project activities, social and imitative actions, debates, conflict analysis and solutions, teaching through application of internet environment)” and “The study process must promote a democratic and open learning environment for communication and interactive thinking of learners.”

In addition, there is no procedure for audio recording in lectures, seminars or other classes provided for in the internal legislation of the LEU.

Taking into account the abovementioned circumstances of the complaint and the aforementioned legal regulation, it follows that:

– Such behaviour of senior lecturer Dr. Liutauras Degėsys as the request to not make an audio recording, taking out other students from the classroom to the office during the lecture, the refusal to allow the applicant to continue attending the lecture due to the applicant’s disobedience to turn off the mobile phone by which the lecture was being recorded, is not justified and does not guarantee equal rights, opportunities and decent working conditions for the applicant;

– The proposal “<...> to review own position <...> very seriously, because we will find a way to settle you [the applicant]” is of an intimidating nature;

– The phrase “<...> I reviewed your review work, there is no reason for great arrogance” said in the presence of other students participating in the lecture is a disrespectful and inaccurate appreciation of the abilities and personal qualities of the applicant and the discussion of the abilities and personal qualities of the applicant with third parties.

Considering the above stated that senior lecturer Dr. Liutauras Degėsys, being a LEU employee (lecturer) and performing the functions assigned to him, was required, among other things, to follow the principles of justice and exemplification mentioned above, and during the lecture, told the applicant “<...> to review own position <...> very seriously, because we will find a way to settle you [the applicant].”; “<...> I reviewed your review work, there is no reason for great arrogance.”; and when the applicant refused to turn off his mobile phone use for audio recording of the lecture, he took out other students to his office saying “<...> [applicant], you are switched off from this lecture, sit down, write down, I am not calling you”, it should be stated that such behaviour of senior lecturer Dr. Liutauras Degėsys contradicted the principles of academic ethics set forth in clauses 6.2, 6.3, 8.4 and 8.5 of the Code of Ethics of the LEU.

3. Senior lecturer Dr. Deimantas Karvelis, in accordance with paragraph 34 of the Resolution of the Government of the Republic of Lithuania on the approval of the procedure for examination of applications of persons and the handling thereof in public administration institutions, establishments and other public administration entities and the form of a request, complaint or other document confirming the fact of address”, which stipulates that “Requests of persons, other than requests of

persons, which can be answered promptly, without prejudice to the interests of the person applying, other persons or institutions, must be examined within 20 working days of the registration of the request in the institution”, to the request of the applicant of 17 October 2016 regarding an academic leave answered by the letter of 27 October 2016 “On the 2016 request of October 17” (underlined by us). The said letter states that the applicant cannot be granted an academic leave in accordance with the Description of procedures of the LEU studies approved by Resolution No 292 of the Senate of 19 February 2014, because “the objective reason of all <...> reasons can only be health disorders”, which can be confirmed by a medical certificate.

Also during the interview with the applicant indicated that the senior lecturer Dr. Liutauras Degėsys “<...> will not accept you to lessons today, because you disrupted his two lectures today, he will be glad to see you in the lectures from all the other classes and hopes that you will adhere to the entire regulation: during the lecture you will not interfere with his teaching and answer questions only when the analysis of the readings takes place, and when the students speak according to the tasks they receive,” and that “<...> when a lecturer lectures, it is not a “press” conference, <...> and to interrupt the entire lecture of the lecturer by asking questions, first of all, is inappropriate in style and the lectures are not conducted in such a way according to the regulations. <...> In the seminars, when discussion on read literature and/or analysis are carried out, it is possible, in the lecture - no. The lecture is a material of the lecturer for the student body.”

Paragraph 25.2 of the Description of the procedure for LEU studies approved by Resolution No 292 of the Senate on 14 February 2014 (hereinafter - the Description) provides for that an academic leave may be granted “<...> if objective reasons to suspend studies due to the illness and/or disability, childcare or for other reasons are present <...>”.

The functions of the Dean of the faculty (director of the institute) are set out in Paragraph 65 of the LEU Statute, one of which “shall coordinate and organize the process of studying and education of students <...>” (sub-clause 1 of paragraph 65 of LEU Statute).

Sub-clause 6.3 of LEU Code of Academic Ethics inter alia also states that “all members of the University community shall be guaranteed equal rights, opportunities and decent working conditions”.

Sub-clause 7.3 of the LEU Code of Ethics, among other things, states: “to strive that favourable, mutual trust-based relationship, tolerance, and teamwork atmosphere would prevail in the team. Do not tolerate slander, backbiting, harassment, demonstration of negative emotions, escalation of insignificant personal conflicts and intrigues, especially in cases where students or other members of the University community suffer due to mutual antipathy or disagreement among members of the community.”

It should be noted that the internal legal acts of the LEU do not specify the rules applicable during the teaching and studying, there are no requirements for conducting lectures, seminars and other classes, and the participation of students in lectures, seminars or other classes, nor it is established whether a student can ask questions, discuss the subject under discussion with the lecturer, etc. during the lectures, seminars or other classes.

Taking into account the abovementioned circumstances of the complaint and the aforementioned legal regulation, it follows that:

– *The response of senior lecturer Dr. Deimantas Karvelis to the request of the applicant for the granting the academic leave was submitted in accordance with the Paragraph 34 of the Resolution of the Government of the Republic of Lithuania on the approval of the procedure for examination of*

applications of persons and the handling thereof in public administration institutions, establishments and other public administration entities and the form of a request, complaint or other document confirming the fact of address and sub-clause 25.2 of the Description, and therefore is justified and lawful;

– The statement of senior lecturer Dr. Deimantas Karvelis that the applicant disrupted two lectures of senior lecturer Dr. Liutauras Degėsys and the indication of the requirements (regulation) relating to the participation in lectures, which are not specified in the internal regulations of the LEU, are unfounded and do not guarantee equal rights, opportunities and decent working conditions for the applicant;

– Coordination and organization of the study process of studies and education of students conducted by senior lecturer Deimantas Karvelis did not ensure the implementation of sub-clause 7.3 of the LEU Code of Ethics.

In the light of the foregoing, the doc. dr Deimantas Karvelis, being a LEU employee (temporarily assuming the responsibilities of the Dean) and performing the functions assigned to him, was required, inter alia, follow the above mentioned principles of justice and exemplification, and argued that the applicant had destroyed two lectures of senior lecturer Dr. Liutauras Degėsys, pointed out the requirements relating to the participation in lectures not included in the internal legal acts (regulation) of the LEU, it should be stated that such behaviour of senior lecturer Dr. Deimantas Karvelis contradicted the principles of academic ethics set forth in sub-clauses 6.3 and 7.3 of the LEU Code of Ethics.

It should be noted that, in considering the subject of the complaint under consideration, the Ombudsman did not examine the merits of the decision of the Commission of the Faculty of History of the LEU of 7 November 2016 and the Commission of Ethics and Disputes of the LEU relating the examination of the request of the [applicant].

Considering the fact that the legal act governing the supplementary after-lecture activities of the LEU and the program of the scientific circle led by the LEU assistant Mantautas Ruzas, where the objectives of the scientific circle, the provisions of value, rules on the participation in the scientific circle, etc. would be provided, were not submitted to the Office; the Ombudsman could not assess the legitimacy of the activity of the said circle due to the lack of data on the attempt of the LEU Assistant Mantautas Ruzas to involve the students into illegal “movie sessions”. Moreover, the Ombudsman was not able to evaluate the above mentioned circumstances due to the lack of data confirming that the applicant was called “abnormal” publicly in front of the audience, in the absence of the applicant, and mockery of the applicant.

Also, the Ombudsman did not evaluate the qualification, level of knowledge and competence of the said LEU lecturers - senior lecturer Dr. Liutauras Degėsys and assistant Mantautas Ruzas due to lack of data in terms of competence.

Taking into account the subject of the complaint in question, the Ombudsman did not assess the conduct of the applicant in terms of academic ethics and procedures.

After the evaluation of the information provided by the applicant, LEU, senior lecturer Dr. Deimantas Karvelis, senior lecturer Dr. Liutauras Degėsys, assistant Mantautas Ruzas and SKVC, and the supporting documents as well as the legal regulation, in accordance with sub-clause 1,

Paragraph 11 of Article 17 of the Law on Higher Education and Research of the republic of Lithuania, the Ombudsman:

decided:

To inform the applicant, Lithuanian University of Educational Sciences and the Ministry of Education and Science about the violations of academic ethics and procedures committed by senior lecturer Dr. Deimantas Karvelis, senior lecturer Dr. Liutauras Degėsys and Dr. Jolanta Saldaukaitė.

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

Ombudsman for Academic Ethics and Procedures

Vigilijus Sadauskas