



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

DECISION

REGARDING THE ORGANIZATION AND EVALUATION OF ENTRANCE EXAMINATIONS TO ACTING, VARIETY PERFORMANCE AND STAGE DIRECTION STUDY PROGRAMS JOINTLY PERFORMED BY LITHUANIAN ACADEMY OF MUSIC AND THEATRE, VYTAUTAS MAGNUS UNIVERSITY, KLAIPĖDA UNIVERSITY AND ŠIAULIAI UNIVERSITY IN 2015.

4 March 2016 No SP-6
Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - Ombudsman), <...> examined the complaint of G.P. (hereinafter – applicant)¹ received in the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania on 14 September 2015 on possible violations of academic ethics and procedures related to the entrance examinations to acting, variety performance and stage direction study programs jointly performed by Lithuanian Academy of Music and Theatre, Vytautas Magnus University, Klaipėda University and Šiauliai University in 2015, and **determined that:**

The applicant in his complaint stated that the following violations of academic ethics and procedures could have been done during the admission to acting, variety performance and stage direction study programs jointly performed by Lithuanian Academy of Music and Theatre (hereinafter – LAMT), Vytautas Magnus University hereinafter – VMU), Klaipėda University (hereinafter – KU) and Šiauliai University (hereinafter – ŠU) held in 2015:

1) After the second examination stage, up to the announcement of final results, a member of evaluation commission (hereinafter - Commission) A.G. made public the following confidential information: evaluations of individual members of Commission by sending them via e-mail “to strangers” (including LAMT employees who are not members of the Commission);

2) After the second examination stage, LAMA BPO applied to the Chairman of the Commission M.B. in writing relating to the re-evaluation results of Acting I (second stage LAMT examination), because “the distribution of results does not meet the normal distribution; in addition, individual assessments of some of the members of the Commission deviate from the evaluations of other members of the Commission by more than 20%, as provided for in the description on the organization and evaluation procedures for the entrance examinations to acting, variety performance and stage direction study programs jointly performed by LAMT, VMU, KU and ŠU”. The applicant indicated in his complaint that the said description does not cover such rate;

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

3) The meeting of the Commission convened was attended only “by its chairman <...> and I [the applicant] as well as LAMA BPO president and several strangers from LAMT staff”, the meeting “was not protocolled nor was voted during it or attempts to connect with other absent members of the Commission were made, and there were no concrete resolutions adopted”;

4) To the applicant’s letter to the members of the Commission and LAMA BPO President with an inquiry about the validity of the decision of the Commission meeting, the President LAMA BPO Mr. Žiliukas replied in writing that “considering the request of the greater majority members of the Commission”, the evaluations of the applicant, as a representative of VMU and another member of the Commission, a representative of ŠU, were cancelled, and “another two members of the Commission electronically approved” such decision; thus, the examination results “corrected” in such a way were announced to entrants.

<...>

The applicant requests the Ombudsman “to investigate and assess the conduct of the officials of entrance examination commissions and especially - LAMA BPO - in the context of potential violations of academic ethics and procedures”.

<...>

In an e-mail of 30 October 2015, the LAMA BPO stated that, according to paragraph 17 of the Description of the procedures related to the organization and evaluation of entrance examination to study programs in the field of art and art pedagogy approved by the Order No 815 of 12 May 2011 of the Minister of Education of the Republic of Lithuania (version of Order No V-470 of 27 May 2014) and paragraph 16 of the organization and evaluation procedures for the entrance examinations to acting, variety performance and stage direction study programs jointly performed by LAMT, VMU, KU and ŠU approved by the Order No 15-23 of 7 May 2015 of LAMA BPO president (hereinafter - the Description), “each member of the Commission shall evaluate the examination tasks performed during the second stage of entrance examinations within a hundred-point scale individually based on normal distribution, and in accordance with the evaluation criteria”. Paragraph 17 of the latter Description stipulates that “in the case the Commission deviates from the requirements, the administration group can return the evaluations to the Commission for specification”. In addition, the LAMA BPO explained that all members of the entrance examination Commission are introduced to the concept of “normal distribution” during the trainings for the members of entrance examination Commission, where “the examples of the diagrams on the distribution of results of both one member of commission and all members of commission are presented, the distribution of evaluation results, where a 20% deviation from the normal distribution is considered unacceptable and illegitimate, are analysed”. Since the distribution of the entrance examination results for Acting I (second stage, LAMT) failed to meet the normal distribution, in accordance with paragraph 17 of Description, a united meeting of LAMA BPO representatives, the members of the Commission and representatives of LAMT was called on 8 July 2015 on the grounds that “the entrance examination Commission disagreed with a proposal to re-evaluate the entrants, who took the Acting I (second stage, LAMT) based on the address of LAMA BPO Administration Director R. Bakanovienė to the Chairman of Acting and Stage Direction entrance examination Commission [R. B.] (*The information in angle brackets is ours*).

LAMA BPO also stated in the aforesaid letter that mentioned Description on the organization and evaluation procedures for the entrance examinations to acting, variety performance and stage direction study programs approved by the Order No 815 of 12 May 2011 of the Minister of Education

of the Republic of Lithuania and the Description approved by LAMA BPO president on 7 May 2015 “does not discuss the responsibility related to unapproved evaluation results of examinations and the disclosure of the names of the members of the Commission”. LAMA BPO also stated in the said letter “upon receipt of the information from the member of the Commission [the applicant] by e-mail about the evaluation of examination by individual members of the Commission, which were forwarded electronically to other users of LAMA BPO information system users, both the senders and recipients of the information were warned orally. On the other hand, it is should be discussed whether the information to the persons associated with the organization of entrance examinations to art studies can be considered as publicizing”. (*The information in angle brackets is ours*).

Along with the letter, the LAMA BPO submitted an official report of 8 July 2015 of the Chairman of Commission M. B. “On unfair evaluations by the members of the Commission” and a copy of the minutes of a general meeting (sitting) of 8 July 2015.

By an e-mail of 27 November 2015, the Office of Ombudsman additionally asked to send the material justifying the participation of the members of the Commission in trainings on the evaluation of examinations.

By e-mail of 3 December 2015, LAMA BPO submitted this material: the material for the members of the examination Commission for the trainings in 2014 and 2015, which illustrates the distribution of the evaluations of entrance examinations in previous year; their correspondence to normal distribution, other issues; the list of participants in 2014 trainings, where, among others, the applicant G. P. is included; a confidentiality declaration signed by the applicant G.P. on 3 June 2015. Additionally, LAMA BPO submitted the graphical diagrams on the evaluation of Acting I (second stage, LAMT, VMU) of the members of the Commission and summaries of the evaluations of the members of the Commission (before and after the cancellation of the evaluations of two members).

On the evaluations of the members of the Commission (Acting I, second stage of entrance examinations at LAMT, VMU, KU and ŠU)

<...>

Annex 1 to the Description approved by the Order No 15-23 of 7 May 2015 of LAMA BPO president defines the criteria for the evaluation of entrance examinations to Acting and variety performance according to which the artistic skills are evaluated. The table in paragraph 2 of the Annex thereof presents the descriptions of evaluations for artistic skills: “excellent”, “very good”, “good”, “moderate”, “satisfactory”, “poor” and “unsatisfactory” (hereinafter - evaluations). Evaluations must be given by the members of the Commission in points (80-point scale). All evaluations differ from 1 to 19 points. As it was mentioned above, paragraph 16 of the Description provides for that “each member of the Commission shall evaluate the examination tasks performed during the second stage of entrance examinations within a hundred-point scale individually based on normal distribution and in accordance with the evaluation criteria”. Paragraph 1 of Annex 1 to the Description defines that “the final evaluation score is calculated by summing up the results of acting (stage II) and the motivational interview <...>”. 20 points are given for motivational interview.

The evaluations of the members of the Commission show that the evaluations of some members vary up to 66 points. *The biggest difference in points (from 50 to 66 points) was determined in the evaluations of the applicant G. P. and the other members of the Commission during the entrance examinations to LAMT VMU.*

LAMA BPO explained in e-mail of 6 January 2016 that “evaluating the same entrant, recommended deviation of evaluations of different members of the Commission in the absence of the uniformity evaluation criteria of other experts should be not more than 20%. The value of this permissible deviation used by the members of the evaluation Commission as a recommendation during the trainings was harmonized with the MES [Ministry of Education and Science of the Republic of Lithuania], while the standardization of evaluations was still valid. Since 2014, it was moved to a criterion-based evaluation <...>. Descriptions of scales usually make the evaluator fall into error by more than one step of the scale, i.e. just by one point in a ten-point scale”, which corresponds to 10 points in a hundred-point scale. (*The information in angle brackets is ours*)

Paragraph 20 of the Description² of activities related to the general admission to the first cycle and integrated studies to Lithuanian higher educational institutions states that “the members of entrance examination commission, evaluators of motivation and administrators are competent specialists of higher educational institutions implementing the art studies and the study programs in the field of education and training, who are temporarily employed by LAMA BPO for the purpose of a smooth and transparent organization and implementation of joint entrance examinations to art study programs and evaluation of motivation <...>”. Subparagraph 125.2 of the Description thereof states that “LAMA BPO employees, participants of the system and career education specialists pass the trainings on LAMA BPO general admission procedure”. The material on the training of members of Commission submitted by LAMA BPO, which took place in 2014 and 2015, shows that, among other things, the evaluation criteria and their application (evaluation scale, normal distribution, etc.) were explained to the members of the evaluation commission during the trainings. As LAMA BPO pointed out in its e-mail of 3 December 2015, the applicant G. P. participated in the trainings in 2014, but he did not participate in trainings in 2015. The e-mail of 1 June 2015 submitted by the organizer of trainings addressed to G. P. indicates that a repeated invitation was sent to G. P., but G. P. did not respond to the invitation, as well as the organizer of trainings was not able to contact him by phone.

On the actions of LAMA BPO administration cancelling / non-scoring up the evaluations of members of the Commission G. P. and J. Ž.

The organization and evaluation of entrance examinations to studies in the field of arts and art pedagogy study programs are regulated by the Description of the procedures related to the organization and evaluation of entrance examination to study programs in the field of art and art pedagogy approved by the Order No 815 of 12 May 2011 of the Minister of Education of the Republic of Lithuania (version of Order No V-470 of 27 May 2014) and paragraph 16 of the organization and evaluation procedures for the entrance examinations to acting, variety performance and stage direction study programs jointly performed by Lithuanian Academy of Music and Theatre, Vytautas Magnus University, Klaipėda University and Šiauliai University approved by the Order No 15-23 of 7 May 2015 of LAMA BPO president. Paragraph 17 of the latter Description stipulates that “in the case the Commission deviates from the requirements, the administration group can return the evaluations to the Commission for specification”.

Paragraph 20 of the Description of activities related to the general admission to the first cycle and integrated studies to Lithuanian higher educational institutions states that “the members of

² http://www.esparama.lt/documents/10157/490675/2014_Bendrojo_priemimo_veiklos_aprasas.pdf/bbafb144-29cb-4904-b4d9-4e4823d103ef

entrance examination commission, evaluators of motivation and administrators are subordinate to the administration director of [LAMA BPO] and execute his delegated instructions, perform the works and report within the specified deadlines” (*the information in angle brackets is ours*).

LAMA BPO failed to submit the documents regulating the activities of the evaluation Commission (rules of procedure, etc.) to the Office of Ombudsman.

Administration director of LAMA BPO R. Bakanovienė in her Letter No 15-09 of 7 July 2015 to the Chairman of the Commission M. B. stated: “<...> I am returning the results to the chairman for review once again and commit the members of the Commission to re-estimate them by 9 July 10 am”.

In the official report of 8 July 2015 of the Chairman of the Commission M. B. “On unfair evaluations of the members of the Commission” addressed to LAMA BPO is requested “to cancel the evaluations of the members of the Commission [the applicant] and [J.Ž.] for Acting – stage II (LAMT, Vilnius, Acting - stage II (VMU Kaunas), Acting - stage II (KU, Klaipeda), variety performance – stage II (ŠU, Šiauliai) that are unfair and inadequate to normal distribution of evaluation. Calculating the final evaluation of the examination, the evaluations of the members of the Commission named in the report are not to be considered.” (*The information in angle brackets is ours*).

The assessment of the current legal regulation leads to the conclusion that the following legal acts:

1. Do not specify the instructions, which the administration director of LAMA BPO may give to the members/chairmen of the entrance examinations commission;
2. Do not regulate the right of LAMA BPO to obligate the Commission to re-estimate the entrants;
3. Do not establish the right for the Chairman of the Commission to decide unilaterally on the objectivity (bias) of the Commission’s evaluation, cancellation of evaluations, etc.

The minutes of a Joint meeting held on 8 July 2015 indicates that the meeting, except LAMT and LAMA BPO representatives, was attended by two members of the Commission - the applicant G.P. (VMU) and a member A.G. (LAMT) and the Chairman of the Commission M.B. “Opinion” of other members of the Commission – J.J. (KU), A.L. (LAMT), V.M. (KU) and V.B. (LAMT) “was submitted by an e-mail.” The minutes state that the President of LAMA BPO Mr. Žiliukas “reviewed the points given by the acting evaluators of the entrance examination and drew attention to the uneven evaluation for the skills of the entrants in individual cities (Vilnius, Kaunas, Klaipeda and Šiauliai) and great differences in the evaluations submitted by individual evaluation members. It was noted that the evaluations submitted by [the applicant] and [J. Ž.] were very different from the evaluations of other members of the Commission: very high evaluations of entrants in Klaipeda, Šiauliai and Kaunas and s very low in Vilnius. The entrants to LAMT would be unduly disadvantaged and their possibilities for admission would be very vague. Mr. Žiliukas proposed to standardize the available test results of acting examination or, by the decision of the majority of the members of the Commission, to cancel the evaluations (points) of the members of the Commission who evaluated unfairly. <...> [The applicant] was proposed to revise own evaluations, but [he] refused to do so. RESOLUTION. Do not include the evaluations of two members - [the applicant] and [J. Ž.] due to subjective nature of evaluation. <...> Making a decision, the opinion of other members of the Commission of Acting entrance exam expressed by e-mail was taken into account.” (*The information in angle brackets is ours*).

Complaint material submitted by LAMA BPO contains the exam evaluations (diagrams) of VDU, KU and LAMT “before correction” and “after correction”. As LAMA BPO president Mr. Žiliukas indicated in his e-mail of 10 July 2015 to the member of the Commission G.P., the evaluations of two members of the Commission were removed from the evaluations of all four cities, but that did not affect the cases of Klaipėda, Kaunas and Šiauliai; only Vilnius results changed more strongly, and now the result of all the cities have become relatively equivalent. There is no exceptional selectivity for Vilnius case.”

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

1. On the basis of permissible deviation of the “inadequacy“ of evaluations by the members of the Commission, the decision to cancel / not to include the evaluations of members of the Commission G. P. and J. Ž. was made, thus limiting the right of the members of the Commission to evaluate independently the skills of entrants and to follow the established evaluation criteria, although the value of permissible deviation indicated by LAMA BPO (up to 20%) is according to the LAMA BPO administration is of recommendatory nature.

2. LAMA BPO did not substantiate the subjectivity of the evaluations of the members of the Commission G. P. and J.Ž.

3. The President of the Commission does not have the right to decide unilaterally on the objectivity (bias) of evaluations of the members of the Commission.

4. Neither LAMA BPO administration nor the Chairman of the Commission are empowered to cancel / not to include the evaluations of the members of the Commission.

On the publicity of the information on the evaluations of the members of the Commission

The applicant in his complaint indicated that after the second stage of the examination, prior to the announcement of final results, a member of the evaluation Commission A.G. made “confidential information”, as the applicant stated, - the individual evaluations of the members of the Commission including the names of the entrants - public to “strangers” (including LAMT employees, who are not members of the Commission) on 7 July 2015. E-mail titled “How “objectively” evaluates the acting Commission” was sent together with this information to other members of the Commission and the head of LAMT Study Information and Data Division E. Urbonavičienė, administrator of LAMT Entrance Examinations R. Girtaitė, LAMT prorector for Studies associated lecturer dr. V. Umbrasienė, executive secretary of LAMT Student Admission Commission associated lecturer R. Aidukas. In his letter, the member of the Commissioner A.G. stated “That is why it is necessary to review the evaluations of commissions”. The content of the letter shows that it was sent by A.G. twice, supplementing it second time as follows: “I attach hereby a clearer copy with the names of the members.” Attention should be drawn to the fact that the letter contains incomplete lists of entrants (e.g., 65 tried for LAMT, 21 names are indicated in the Table; 20 tried for KU, 17 names are indicated in Table).

<...>

Paragraphs 2 and 3 of the Description of the access of the users to LAMA BPO information system approved by the Order No 14-02³ (hereinafter - IS description) by the LAMA BPO president on 22 April 2014 state that the user of LAMA BPO information system (hereinafter - IS) is a person, who is given an individual access to the IS (it is granted by IS administrator). By the Order No 15-06

³ <http://www.lamabpo.lt/ckfinder/userfiles/files/2014/LAMA%20BPO%20IS%20NaudotojuPriegosAprasas.pdf>

of 22 April 2015 of LAMA BPO president “On the composition of the commission for the evaluation of the tasks performed by the entrants to the university study programs in the field of art and art education and the administration groups”, various evaluation commissions and administration groups were formed, including the first and the second stage evaluation commission for Acting (LAMT, KU and VMU), Variety art (ŠU) as well as the administration group, whose members were R. Girtaitė and R. Aidukas. E. Urbonavicienė was a member of the administration group of Music, art studies and creative writing, and the LAMT prorektor for Studies associated lecturer dr. V. Umbrasienė was granted the IS user’s rights based on her position (paragraph 14 of IS Description).

In view of the foregoing, it must be concluded that the information given in the e-mail of the member of the Commission A.G. was sent to other members of the Commission and persons - BPIS users, who are not regarded as third parties. However, the information in the said e-mails (“How “objectively” evaluates the acting Commission”, “That is why it is necessary to review the evaluations of commissions”, “I attach hereby a clearer copy with the names of the members”) should be assessed as incorrect and unjustified. The Ombudsman draws the attention of the member of the Commission and a member of LAMT academic community A.G. to the part “The principle of academic freedom and responsibility” of Chapter II “Principle of ethics and norms” of the Code of Ethics of Lithuanian Academy of Music approved on 28 May 2008 (minutes No 3), which states that the atmosphere of the LAMT community during the consideration of open disputable issues must be “based on goodwill and responsibility for own words and actions”, and encourages the achievement of academic culture based on goodwill and responsibility for own words and actions.

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

To inform the Lithuanian Academy of Music and Theatre, Vytautas Magnus University, Klaipėda University, Šiauliai University and the Ministry of Education and Science about the decision of the Ombudsman.
