



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

REGARDING THE VIOLATION OF THE ACADEMIC INTEGRITY PRINCIPLE IN THE EDUCATIONAL BOOK OF R. ŽUKIENĖ “LITHUANIAN COURSE FOR FOREIGNERS: THEORY AND PRACTICE“

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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” approved by Subparagraph 1 of Paragraph 13 of the provisions of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Provisions), after investigation of possible violation of the academic integrity principle in the educational book of Regina Žukienė “Lithuanian Course for Foreigners: Theory and Practice”,

determined that:

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania initiated the investigation concerning the possible plagiarism in the educational book “Lithuanian Course for Foreigners: Theory and Practice” of Regina Žukienė - Lithuanian Language Department lecturer of the Creative Industries Faculty of Vilnius Gediminas Technical University. The notification about the possible plagiarism was received on 1 April 2015. This notification states that in the educational book of R. Žukienė published in 2012 “Lithuanian Course for Foreigners: Theory and Practice“ there are observed “the same tasks (or slightly modified) as in the Lithuanian language textbook of V. Stumbrienė and A. Kaškelevičienė“ Not a Day without Lithuanian“ (2001; 2004)“. The notice presents examples of coincidences and points out that “it is unethical to copy tasks, to redo by changing a few minor words and publish as own original product in violation of copyright protection law”.

The Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office), by the letter No. S-209 of 22 April 2015 addressed to R. Žukienė and asked for information on whether the author addressed to the authors of the mentioned textbook V. Stumbrienė and A. Kaškelevičienė by asking to allow using the tasks in her educational book “Lithuanian Course for Foreigners: Theory and Practice“, and indicate whether this educational book was approved as well as to specify what citation rules she applied in the mentioned publication.

In the letter No. G-338 of 27 April 2015 for the Office, R. Žukienė provided the explanation: “To <...> the authors <...> regarding the use of the tasks <...> I did not address,

because, in accordance with Article 22 of the Law on Copyrights and Related Rights (No. VIII-1185, 18 May 1999, Vilnius) „*Without the permission of the author of the work or other subject of copyright of this work, and without paying royalties, it is allowed, as the example, for the teaching and scientific research purposes, to reproduce short published works or a short extract of a published work in writings, sound or visual recordings, provided that such reproduction does not exceed the extend justified by the purpose.*“ Also R. Žukienė stated that the educational book was considered in the Lithuanian Language Department of VGTU on 30-08-2012 (protocol No. 1/2012-2013) and in the meeting of the Study Committee of the Creative Industries Faculty (protocol No. 1). R. Žukienė explained that“ in accordance with the practice of preparation of the educational publications, in preparation of the practical tasks, it is not usual to indicate the cited authors at separate tasks (for example, Leonavičienė, V. “Lithuanian for Beginners”. Vilnius: 2009; Žulienė, V. “Lithuanian Exercises for Foreign Speakers”. Kaunas, 2000). Therefore, all the authors <...>, whose publications were directly or indirectly used in preparation of the educational methodological tool “Lithuanian Course for Foreigners: Theory and Practice“, are listed at the end of the publication, in the attached list of references“

It should be noted that the Ombudsman, in accordance with subparagraph 1 of Paragraph 13 of the Provisions, examines the academic ethics and procedural violations, but does not evaluate the possible copyright violations (underlined by us).

After the comparative analysis of the educational book of R. Žukienė “Lithuanian Course for Foreigners: Theory and Practice“ (“Technika“, 2012) and the textbook of V. Stumbrienė and A. Kaškelevičienė “Not a Day without Lithuanian” (“Gimtasis žodis“, 2001, 2004), it is stated that in the educational book of R. Žukienė “Lithuanian Course for Foreigners: Theory and Practice“ there are:

1) practical tasks, the constructions of the sentences, ideas or separate words of which coincide with practical tasks provided in the textbook “Not a Day without Lithuanian” (see Annex No. 1 to the decision);

2) practical tasks, the sentences of which coincide with practical tasks provided in the textbook “Not a Day without Lithuanian” (see Annex No. 2 to the decision).

The tasks are provided without the citation marks, they do not have links or footnotes in support of the quoted authors / publication.

On 25 August 2015, the Office addressed to the Ombudsman’s Advisory Committee for the opinion of the citation of the practical tasks in the evaluation of the educational publications. The opinions of the members of the Advisory Committee were different, however, it was concluded that it should be necessary to clarify the source of a specific task in providing practical tasks in the educational books / textbooks that coincide with the tasks of other publications, i.e. to specify not only in the list of references, but also to provide a link (to the task) or to make the list of bibliographic references (at the end of the book) (underlined by us). In the opinion of the members of the Advisory Committee, “the authors of the educational tools / textbooks would have more creative and responsible attitude in the intellectual property created by themselves and others by using the tasks created by others“

On 25 August 2015, by the letters No. S-346 and S-347, the Office, once again addressed to VGTU and asked to provide the documents confirming the approval of the educational book of R. Žukienė “Lithuanian Course for Foreigners: Theory and Practice“ (2012), its reviews and methodology of the author’s sheets calculation.

By the letter No. 22-10.23-10918 of 26-08-2015, VGTU explained that “the volume of the publication after layout and editing is <...> 7,0 author’s sheets“, that do not include illustrations because „<...> are taken from a variety of sources and it is not the copyrighted work of Regina Žukienė.“

By the letter No.6703-10.23-12350 of 16-09-2015, VGTU 2015-09-16 provided the documents of the book approval: the protocol No. 1 of 12-09-2012 of the meeting of the Study Committee of the Creative Industries Faculty of VGTU and the protocol No. 1/2012-2013 of 30-08-2012 of the meeting of the Lithuanian Language Department of Creative Industries Faculty of VGTU. It is stated in the protocol of the meeting of the of the Study Committee of the Creative Industries Faculty that during the meeting there was considered “the educational methodological book “Lithuanian Course for Foreign Students: Theory and Practice“ of Regina Žukienė - Lithuanian Language Department lecturer, revised and supplemented edition” (*underlined by us*). It is stated in the protocol of the meeting of the Lithuanian Language Department of the Creative Industries Faculty: „R. Žukienė informed that she had prepared the new revised and supplemented variant of her book, that was published in 2006 at the first time (the supplement includes 25 pages)“.

By the letter No. S-39 of 20 January 2016, the Office, asked VGTU to provide the certification material from 2006 of the lecturer R. Žukienė. On 26 January 2016 VGTU provided the requested documents. They show that R. Žukienė was certified:

1. 13 March 2007: it is indicated in the list of publications (2003-2007) provided in the certification material that R. Žukienė had prepared 4 educational books, which included the educational book “Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: Theory and Practice“ (Vilnius, VGTU Publishing House „TECHNIKA“, 2006, 216 pages , 13,5 quires).

2. 1 July 2008: it is indicated in the list of publications (2003–2008) provided in the certification material that R. Žukienė had prepared 6 educational books, which included the educational book “Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: Theory and Practice“ (Vilnius, VGTU Publishing House „TECHNIKA“, 2006, 216 pages, 13,5 quires);

3. 27 May 2013: there in the list of publications (2008–2013) provided in the certification material 4 educational books are indicated, including: “Lithuanian Course for Foreign Students: Theory and Practice“ (Vilnius, “Technika“, 2008, 215 p. specified as “the 2nd revised edition“, 15.357 author’s sheets); also the list includes the educational book of R. Žukienė “Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: Theory and Practice“ (Vilnius, VGTU Publishing House „TECHNIKA“, 2012, 235 pages, 7,000 author’s sheets). It should be noted that this certification material also includes another one list of publications of R.Žukienė (with reference “the Lithuanian Language Department - Employees“), in the chapter “Educational book” of which there are indicated 7 books, including these 3: “Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: Theory and Practice“, educational book, VGTU, “Technika“, 2006, 215 pages, “Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: Theory and Practice“, educational book, VGTU, “Technika“, 2008, 215 pages, the 2nd revised edition, and “Lithuanian Course for Foreign Students: Theory and Practice. “Lithuanian Course for Foreigners: Theory and Practice“, educational book, VGTU, “Technika“, 2012, 235 pages;

4. 2 June 2014: there in the list of publications (2009-2014) provided in the certification material 3 educational books are indicated, including: "Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: (Vilnius, VGTU Publishing House "TECHNIKA", 2012, 235 pages, 7,000 author's sheets). In another one list of publications (2002–2015) there are indicated 8 educational books, including these 3: "Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: educational book, VGTU, "Technika", 2006, 215 pages, 15, 357 author's sheets, "Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: Theory and Practice", educational book, VGTU, "Technika", 2008, 215 pages, the 2nd revised edition, 15,357 author's sheets, and "Lithuanian Course for Foreign Students: Theory and Practice. "Lithuanian Course for Foreigners: Theory and Practice", educational book, VGTU, "Technika", 2012, 235 pages, 7,000 author's sheets;

5. 9 June 2015: there in the list of publications (2010–2015) provided in the certification material 3 educational books are indicated, including: "Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreign Students: Theory and Practice" (Vilnius, VGTU Publishing House „TECHNIKA“, 2012, 235 pages, 7,000 author's sheets). In another one list of publications (2010–2015) there are indicated 3 educational books, including "Lithuanian Course for Foreign Students: Theory and Practice. Lithuanian Course for Foreigners: Theory and Practice", educational book, VGTU, "Technika", 2012, 235 pages, 7,000 author's sheets.

After the comparative analysis of two methodological books - "Lithuanian Course for Foreign Students: Theory and Practice" (2006) and "Lithuanian Course for Foreigners: Theory and Practice" (2012) it was determined that the second book has the following additions and changes: exercises XI–XII on page 44, exercise I on page 50, exercises X–XIV on pages 72–74, exercises XII–XV on pages 104–106, task 1 on page 114, exercises XI–XV on pages 140–142, task I on page 151, exercises XI–XV on pages 166–167, annexes 2,3 on pages 189–195, i.e. 25 pages in total.

It should be noted that in the bibliographic warp (pages 1, 2 and 240) in the educational book of 2012 "Lithuanian Course for Foreigners: Lithuanian Course for Foreign Students: it is not indicated that this book would be the supplemented, modified second / third edition, etc., ISBN codes of both books are different, in the foreword it is not mentioned about the edition published on the basis of methodological books of 2006 and 2008, also the list of references does not include the editions of 2006 and 2008.

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

1) the methodological book of R. Žukienė "Lithuanian Course for Foreigners: Theory and Practice" (2012) is largely identical to her methodological book "Lithuanian Course for Foreign Students: Theory and Practice" (2006), i.e. all the context coincides, except 25 additional pages;

2) several practical tasks present in the mentioned methodological book, the idea of the construction, separate words and /or the sentences of which coincide with the certain tasks in the Lithuanian textbook "Not a Day without Lithuanian" of V. Stumbrienė and A. Kaškelevičienė (2001; 2004), without any references, footnotes or quotation marks, were included into the volume of the author's sheets of R. Žukienė;

3) For attestations, R. Žukienė provided the same educational book published in 2006, which was indicated as "the 2nd revised edition" in 2008 and was supplemented with 25 new pages in 2012.

The Ombudsman in his decision No. 24 of 16-12-2015¹ pointed out that “it should be noted that in Lithuania there is no concept of “self-plagiarism” jointly defined and established by the academic community. However, in the practice of the foreign countries, self-plagiarism is considered to be a violation of the academic ethics, a type of plagiarism, *when the author re-publishes the entire work or repeats its parts in his new work, presenting it as a new and original one*². The types of self-plagiarism are:

- re-publication of the previously published article without informing the reader and the magazine publishers;
- common research material provided in separate, smaller studies, in order to increase the number of publications;
- use of the previously (non-)published parts of the text³.

In the science study of L. Šarlauskienė “Best practice of plagiarism prevention at foreign higher education schools“ (ASU, 2012)⁴ it is stated that “the definition of self-plagiarism, as well as of plagiarism, is a difficult task due to different perceptions of the proper academic behavior. <...> There is a common assumption that it would be ethical to provide no more than 10 percent of information from previously published own work, and citing this information in quotes and providing links to the original sources. <...> Scientists convey experience of the editorial boards of scientific journals, that the newly submitted publication should meet several key criteria: the new objective or issue of the study is formed, new theoretical arguments are used, there are used new or additional research data to identify interfaces. <...> T. Bretag and S. Mahmud point out that as well as <...> in case of plagiarism, in cases of self-plagiarism, you should always take into account the author's intention to deceive. <...> Any cases of self-plagiarism or plagiarism in the works of scientists have a significant negative impact <...>“ (page 8).

<...>

It should be noted that the Ombudsman, by the letter of 23 November 2015, addressed to the Advisory Committee of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania⁵ (letter No. S-449) regarding the problem of self-plagiarism. In the opinion of the Advisory Committee, *the biggest problem arises when the author in re-publishing his own texts or their parts (without giving references and without including into the list of references), assigns them to the new publication, which is presented in order to gain financial benefit or otherwise (for example, in certifications) settle his scientific activity.*

Also the Ombudsman addressed to the State Commission of the Lithuanian Language asking for their opinion regarding the use of the term *self-plagiarism*. The State Commission of the Lithuanian Language stated that “in the opinion of terminologists, the terms *self-plagiarism* or *auto-plagiarism*, that are already widespread in the usage and are unambiguously understandable, may be provided to identify the concerned concept. As possible other naming, the term *repeated publication* was also considered, however <...> it could be understood as the equivalent of the English term *repeated publication* (this term identifies the concept that is particularly relevant in

¹ The decision “Regarding the publications of prof. Antanas Andrijauskas, the chief researcher of the Lithuanian Culture Research Institute “, pages 4–5.

² <http://cdn2.hubspot.net/hub/92785/file-5414624-pdf/media/ith-selfplagiarism-whitepaper.pdf>, page 1 (viewed over the Internet on 01-12-2015).

³ Ibid, page 1 (viewed over the Internet on 01-12-2015).

⁴ <http://dspace.lzuu.lt/bitstream/1/2509/3/Plagiato%20prevencijos%20geroji%20patirtis1.pdf> (viewed over the Internet on 13-11-2015).

⁵ http://www.etika.gov.lt/?page_id=54 (viewed over the Internet on 13-11-2015).

biological terminology). <...> the creation of terms of one or another area is primarily the competence of professionals of that area, and linguists may advise mainly on the correctness of the proposed term“ [end of the quotation].

Taking into account that the coincidences of the texts of the methodological book of R.Žukienė “Lithuanian Course for Foreigners: Theory and Practice” (2012) and “Lithuanian Course for Foreign Students: Theory and Practice” (2016) have the signs of self-plagiarism, as it is defined in the foreign doctrine, but the acts of self-plagiarism or auto-plagiarism has not been assigned yet to the academic ethics violations by the Lithuanian academic community, the Ombudsman has no basis to state the violations of this type in the mentioned methodological books of R. Žukienė.

Paragraph 17 of the Academic Code of Ethics of Vilnius Gediminas Technical University, approved by the Resolution No. 81-2.5 of 5 May 2015 of Senate, states that “scientific activity must be based on a fair investigation and the pursuit of truth, and the investigator's behavior - on morality and socially responsible behavior. <...> By acknowledging the truth and the knowledge on the highest basis of the scientific activity, in the hope of trust and fair assessment of their achievements, the members of the academic community engaged in scientific activities undertake to follow the principle of academic integrity. The principle of academic integrity in the scientific activity is violated:

<...>

17.3. by plagiarism, i.e. expropriation of ideas, data or words without indicating their author, i.e. presentation of the ideas of others as their own. Inherent cases of plagiarism:

17.3.1. when the text of the others is provided without quotation marks – the quotes or other form of isolation from the whole text (for example, by a separate paragraph, in italics)“

In view of the foregoing, it is stated that Regina Žukienė - Lithuanian Language Department lecturer of the Creative Industries Faculty of Vilnius Gediminas Technical University, violated Paragraph 17 of the Academic Code of Ethics of VGTU.

After the analysis and evaluation of the provided information and its supporting documents as well as the legal regulation, and in accordance with Paragraph 1 of Part 12 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania, the Ombudsman

decided:

To inform Vilnius Gediminas Technical University and the Ministry of Education and Science of the Republic of Lithuania about the determined violation of academic ethics.

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