



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

DECISION REGARDING THE VIOLATIONS OF ACADEMIC ETHICS AND PROCEDURES BY A STUDENT OF LITHUANIAN UNIVERSITY OF EDUCATIONAL SCIENCES TOMAS GRIŠKEVIČIUS

11 April 2017 No SP-9
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 approved by Subparagraph 13.1 of 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“, and after examination of the complaint (hereinafter – the complaint) filled by the applicants D.K. and L.D. (hereinafter – the applicants)¹, the employees of the Lithuanian University of Educational Sciences (hereinafter - LEU) received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 31 January 2017 regarding the possible violations of the academic ethics and procedures by the LEU student Tomas Griškevičius (hereinafter - student or Tomas Griškevičius) submitted material and the material received during the period of the examination of the complaint AS-26 of T.G. as of 14 October 2016,

determined:

The applicants indicated to the Ombudsman that “the Student <...> systematically violated the order from the first days of his studies, did not observe the academic discipline, interrupted the teachers during classroom activities, commented blatantly on their lectures, <...> was unkindly doubtful about the competence of the teaching staff <... >. And “<...> has not attended the lectures since the beginning of October <...>”²; They also pointed out that “Inadequate and disrespectful behaviour of the student has already spread beyond the academic community. Professor of the Department of Philosophy J. Rubavičienė delivered a public lecture at the Lithuanian Academy of

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 language of the information provided by the applicants and other persons related to the complaint cited in the decision here and further in the text is unedited.

Sciences <...> on 13 December 2016 <...>. The student <...> came late and, after the lecture, <...> insulted the professor, in the presence of everyone <...>.”

The applicants request the Ombudsman:

“<...> to examine and assess the student’s <...> behaviour at the university from an academic ethical point of view”.

On 31 January 2017, the applicants submitted to the Ombudsman three anonymous questionnaires of LEU students of 10 October 2016 and one anonymous questionnaire of LEU student of 18 October 2016 together with the complaint AS-4. Questionnaires included questions about the competence and ethical behaviour of the teachers teaching philosophical disciplines and about the behaviour of student Tomas Griškevičius during the lectures. In the questionnaires, LEU students indicated that:

1) Ass. prof. Dr L.D. is “competent, his lectures are interesting, communicates ethically”, “is good at his subject, answers the questions, does not insult”, “very competent, perfect knowledge of his subject”, “competent, knows his subject <...>, presents interesting examples that can be faced in everyday life, which facilitates understanding and assimilation of the materials provided”;

2) A teacher M.R. “the teacher knows his subject, is ethical”, “reads the material taught from the sheet; therefore, it may turn out that he does not know the subject he teaches, but when being asked a question, he answers it clearly and providing examples”, “is always ready for the lecture, teaches systematically, but if asked an unprepared question or not completely related to the topic, he does not always answers”, “the lecture is taught quite interestingly, often examples associated with contemporary tendencies are presented <...>, the lecturer has ready structured, complete material, which is quite clear”;

3) Dr J.S. “is [competent] enough, communicates ethically”, “clearly formulates questions, and if you do not answer [his] questions, helps you [by explaining], or indicates the location in the book where the answer can be found, so I think that [he] [has read] the books and [has analysed] them well, allows speaking everyone, who speaks smartly and does not insult”, “[competent] and [ethical], always strives to involve each student in a discussion”;

4) “Tomas tends to provoke teachers and his course mates asking a lot of questions that are not logical or inappropriate for the topics discussed in the lectures, thus hindering them from teaching”. “In the past he interrupted the lectures a little bit, but now his behaviour is correcting, apparently, he has realized that he will not prove his superiority to everybody”; “Tomas Griškevičius interrupted the last lectures. As we went deeper into his situation more than in the subject being taught <...>. <...> Tomas Griškevičius is a difficult person, but teachers are intelligent, educated people, educators doctoral students and should know more how to behave in such situations, somehow find a way to communicate with other type of student”. “With me and other students, in my opinion, He [student Tomas Griškevičius] behaves ethically. Asks many questions during the lectures and many of these questions are logical and interesting, but sometimes there are also illogical ones, which are difficult for teachers to answer. However, it does not appear that he is asking on purpose to interfere with the lecture <...>”.

In addition, the applicants submitted an audio recording to the Office by e-mail on 3 February 2017 that confirms the circumstances indicated in the complaint regarding the public lecture by J. Rubavičienė at the Lithuanian Academy of Sciences on 13 December 2016.

The Ombudsman addressed to the applicants by the letter No S-77 of 15 February 2017 requesting them to provide the following by 24 February 2017:

“1) to indicate the procedure allegedly infringed referred to in the complaint (“<...> systematically violated the order from the first days of studies <...>” and submit the legislation regulating the academic discipline (“<...> did not observe the academic discipline <...>.”);

2) to submit the data (documents, audio recordings, etc.) confirming the actions of the student Tomas Griškevičius indicated in the letter of Dr [J. S.]³ of 3 January 2017 (such as the persistent, disrespectful, hypocritical and insolent interruption of the teacher and other students and incorrect commenting, demand of exclusive rights, intimidation to apply to the dean, personal questions of inappropriate content, acrimonious response about the education of [the teacher Dr J.S.], vulnerable, inappropriate commenting directed towards a person, obvious demonstration of negative emotions, aggressions and threats during seminars, striving to talk like in a shop, sending defamatory letters to the members of the LEU community and the colleagues working in other universities);

3) to submit the rules proposed to the student referred to in paragraph 2 of the official letter of Dr [L. D.] of 3 November 2016 and the evidence of non-constructive, unfair, arrogant, inadequate behaviour of the student, as well as the audio recording referred to in paragraph 4;

4) to submit the data confirming the systematic violation of the order by the student Tomas Griškevičius, non-compliance with academic discipline, insolent commenting and aggressive behaviour during lectures, offensive and derogatory doubts regarding the competences of teachers and demand of exclusive rights”.

Dr J.S. forwarded an e-mail of the student of 6 October 2016 to the Office by e-mail on 22 February 2017 that was sent to her and other contacts. E-mail is addressed to the LEU Rector and Dr J.S. that is asking: “Does the teacher want to be an “authoritarian” or none the less an authority? (According to Dr [J.S.], the university is an authoritarian institution).”

It should be noted that the information requested by the letter No S-77 of 15 February 2017 was not submitted to the Ombudsman by 24 February 2017.

The Ombudsman addressed to the applicants by the letter No S-110 of 10 March 2017 stating that “taking into account the delay in providing the above-mentioned information, the examination of the complaint will take more time” and repeatedly asking to submit the information requested by the letter No S-77 of 15 February 2017.

By the letter No 27-R4-212 of 20 March 2017 (hereinafter - letter No 27-R4-212), the LEU stated that “<...> in our opinion, the student <...> violated sub-paragraphs 6.2, 6.3, 7.3, 7.4, 7.7, 8.4, 8.5 of the Code of Ethics of the Lithuanian University of Educational Sciences <...>.” He also noted that “all available data on the violation of academic ethics and academic discipline by the student <...> (official reports of teachers, anonymous questionnaires of students, minutes of meetings of committees) have already been presented to the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania. The teachers Dr [J. S.] and ass. prof. Dr [L. D.] have no audio recordings, as they believe that it is illegal and unethical to record the speeches of students in the study process.” Two annexes were submitted complementing the letter No 27-R4-212: the LEU Code of Ethics and explanation – supplement of ass. prof. Dr [L. D.] stating that “<...> I [ass. prof. Dr L. D.] I do not make any records about behaviour of students in the study process <...>.”

It should be noted that the Ombudsman requested to submit the following by the letter No S-77 of 15 February 2017 and the letter No S-110 of 10 March 2017: “<...> the audio recording <...> indicated in paragraph 4 of the Official letter <...> of Dr [L. D.] of 3 November 2016” and that

³ Here and hereinafter in the square brackets are the comments of the Office.

the ass. prof. Dr L. D. stated on 7 October 2016⁴ “I recorded our conversation not without reason and said that it would be recorded. I will be able to transmit it to anyone who you want”.

The Ombudsman addressed to the student Tomas Griškevičius by the letter S-131 of 24 March 2017 requesting “<...> to provide an explanation and/or the documents justifying the reasons for non-attendance at seminars <...>”.

Tomas Griškevičius sent a reply to the Office by e-mail of 28 March 2017 and explained the reasons for non-attendance at seminars. He pointed out that the reason uniting his non-attendance at all seminars was that ass. prof. Dr [L. D.] “on 14 October [2016] <...> during the seminar, publicly suggested: “<...> to review your position <...> very seriously because we will find a way to handle you.” The proposal was and is of intimidating nature, I understood and accepted the word “we” as the teachers, management, administration and other people working at the LEU university.”

The student pointed out that he did not attend the seminars conducted by the ass. prof. Dr [L. D.] because “<...> on October 7, during the seminar, ass. prof. Dr [L. D.] <...> publicly <...> offended me and my close people <...>. <...> finally refused to accept me to the lectures <...>. I cite: “<...> you are switched off of this lecture, sit down, write down, I do not call you.” Following such actions of [ass. prof. Dr L. D.], I applied to acting dean ass. prof. Dr [D. K.] <...>, who did not ensure the right to attend further <...> seminars.”

The student pointed out that he did not attend the seminars conducted by Dr [J. S.] because “From the beginning of October ... [the teacher J.S.] <...> ignored me, behaved unfairly and wickedly, systematically and deliberately violated academic ethics.”

In addition, the student stated that “I think I have reasons to state that I participated in the seminar during the specified period and my knowledge for Part I of this seminar was checked in writing by the teacher Dr [P. B.], and I was assessed positively. The II part of the seminar was taught by prof. Dr [R. R.], [whose] lectures I attended twice. During the seminar, I asked [the teacher] to say how officially Lithuania was called after the Lublin Union. [Professor] was not able to answer the question. Then I humbly asked him to write on the board if [it] was difficult for him to say. After such a request, [the professor] began to behave arrogantly, but still did not answer the question.”

The student also stated that “I think I have reasons to state that during the mentioned period I participated in the seminar and my knowledge was checked in writing by the teacher doc. [R. K.], and I was assessed.”

The student drew attention that “<...> at the beginning of the school year, publicly, in presence of all students, the teachers conducting the seminars listed in the Ombudsman’s table [letter No S-131 of Ombudsman of 24 March 2017] did not indicate that attending lectures is compulsory. The teachers emphasized that during the knowledge check for the semester, the assessment will be mostly determined by the knowledge and not the attendance of lectures.”

Comments of the student Tomas Griškevičius during the lectures⁵:

1) Ass. prof. Dr L. D. during the lecture:

“Ass. prof. Dr L. D. : <...> And love. Really, not created for pleasure. Its definition is non-functional.

⁴ The audio recordings submitted by T.G. by e-mail on 17 October 2016 during the examination of complaint AS-26, the stenographs of audio recordings are made by the Office.

⁵ The audio recordings submitted by T.G. by e-mail on 17 October 2016 during the examination of complaint AS-26, the stenographs of audio recordings are made by the Office.

Student T. G.: [interrupts/intervenes] If you do not love - yes, but if you love – it is quite different. And only the loving person knows what love is.

Ass. prof. Dr L. D. : Then tell me why love is needed?

Student T. G.: Ask yourself, you are talking to yourself.

<...>

Ass. prof. Dr L. D.: And acknowledge the spontaneous value of what we are doing here. Do not do the beanfeast and circus of it.

Student T. G.: I do not. I am silent.

Ass. prof. Dr L. D.: I strongly recommend this to you seriously.

Student T. G.: I am silent, teacher.

Ass. prof. Dr L. D.: You are not silent. You just behave like the person who tries to turn it into an instrument. And because of that, I offer you - philosophy is valuable by itself. And here is not a circus. If you came to the circus, we will find for you where to make a circus, you can make your own tricks. I am telling you that very seriously.

Student T. G.: I am silent, teacher.

Ass. prof. Dr L. D.: Hence, let us go further if we think that it is worthwhile to do something here, to look for the meanings. If we think that we have to buffoon here, we can do this.

Student T. G.: [interrupts] We have already discovered one meaning: friendliness, love, we can continue our searches, teacher.

<...>

Ass. prof. Dr L. D.: [during the course of lecturing] You have already used your time today - you have 5 minutes, you had 40 minutes. We agreed that you have 5 minutes, was there such an agreement? Because there are 5-7 people, after 5 minutes, already 35 minutes are out from the lecture. Therefore, you have already used yours today, and I think I will express everyone's opinion here. It is not really class 6a here. Where my a seventh class pupil says that we have two such men that specifically ask and the teacher starts off, the lesson will fail - and we sit, play cards quietly, we ask them specifically, ask that teacher, she will start raving, forgets about mathematics, and we do not need that mathematics. Because we need some fun and games to avoid having lessons. So, you have perfectly worked out this technique.

Student T. G.: But teacher, I really want to go deeper into your subject

Ass. prof. Dr L. D. : Yes, yes ... By the way, I apply to everyone very seriously, and an anonymous survey will be conducted on what you think about this - does it help or hinder you from learning this? And, we will make a decision.

Student T. G.: Do not ask?

Ass. prof. Dr L. D.: No, not to ask, but do not destroy. Do not destroy a lecture. You have already asked.

Student T. G.: But I am not destroying, teacher.

Ass. prof. Dr L. D.: We will interview people for their opinion whether they like all this to proceed like that so that those two seventh class pupils would sit here and ruin the lecture. If you want, okay, we will continue this way.

Student T. G.: And who is the second one?

Ass. prof. Dr L. D.: Wait, please, I am talking now. However, if they say that you are hindering all a little, we will make a decision.

Student T. G.: I am silent, teacher.“;

2) Dr J. S. during the lecture:

“Dr J. S.: That’s all for today.

Student T. G.: And [teacher] there are a few things I do not understand, when will you condescend to explain these things to me?

Dr J. S.: And you write down those things.

Student T. G.: I have already written. When will you answer to them?

Dr J. S.: I will not necessarily answer to them, because ...

Student T. G.: [interrupts] So you refuse to answer?

Dr J. S.: ... philosophy is a personal path of each and I cannot answer everything as well.

<...>

Student [Vytautas]: No, I understand everything, but just today, too many lectures ...

Dr J. S.: From what....?

Student T. G.: [intervenes] Ask me, [teacher] whether I have understood everything. You are asking my course mate. Ask ME whether I have understood everything. Ask [teacher]. You asked my course mate.

Dr J. S.: I am not interested.

Student T. G.: What does it mean “I am not interested”? And why is it interesting to you what Vytautas understood? Wherewith is he better than me?

Dr J. S.: Could you tell me...

Student T. G.: [interrupts] [Teacher]? Wherewith is Vytautas better than me?

Dr J. S.: Could you all...

Student T. G.: [interrupts again] Tell me, [teacher].

Dr J.S.: [is trying to continue his sentence again]

Student T.G.: [is still intervening] Ask me what I have not understood.

Dr J.S.: Can you answer me what is typical of ...

Student T.G.: [interrupts again] You cannot ask?

Dr J.S.: What has characteristic ... [end of record]” (underlined by us).

After analysing and evaluating the information submitted by the applicants, the LEU, Dr J.S. and student Tomas Griškevičius from academic ethical point of view and legal regulation, the following has been determined:

1. Student Tomas Griškevičius did not attend Specialty language seminars from 20 September 2016, Lithuanian statehood and cultural history seminars from 4 October 2016, Plato and Aristotle seminars and specialty foreign language (English) seminars from 18 October 2016, Philosophy introduction seminars and Philosophy and psychoanalysis (1) seminars from 14 October 2016 to 24 November 2016.

Paragraph 13 of the study contract between the Lithuanian University of Educational Science and a student studying in a state-funded undergraduate study place concluded between the LEU and student Tomas Griškevičius on 15 July 2016 (hereinafter - the study contract)⁶ stipulates that “The

⁶ The information submitted to the Office by LEU via e-mail AS-26 of 17 November 2016 during the examination of the complaint.

student must observe <...> the internal rules of procedure of the University [LEU Internal Rules of Procedure] <...>”.

Paragraph 90 of LEU Internal Rules of Procedure approved by Resolution No 25 of the Council of the Lithuanian University of Educational Science of 16 December 2013 (hereinafter - the LEU Internal Rules of Procedure)⁷ states that “Students must not be late to the classes and not miss the seminars and laboratory works without a justified reason <...>” (underlined by us).

It is noteworthy that the student names the seminars as lectures and vice versa.

In the light of the foregoing, it should be stated that student Tomas Griškevičius, not attending the practical trainings without justified reasons, violated Paragraph 90 of the LEU Internal Rules of Procedure.

2. The student Tomas Griškevičius, after the public lecture of prof. habil. Dr J. Rubavičienė, working at the LEU, at Lithuanian Academy of Sciences on 13 December 2016 commented that “It was a wonderful speech. Your thoughts ... like [unquotable word].”

Paragraph 8 of the LEU Code of Academic Ethics indicates the freedom of self-expression of teachers and students, and paragraph 8.5 states “Provide respectful and correct feedback about the abilities, theoretical approach and personal qualities of administration, teachers, and students.”

Taking into account that Tomas Griškevičius, being a LEU student, was disrespectful and inaccurate in his feedback about the thoughts of prof. habil. Dr J. Rubavičienė, working at the LEU expressed during a public lecture at the Lithuanian Academy of Sciences on 13 December 2016, it should be stated that student Tomas Griškevičius violated Paragraph 8.5 of the LEU Code of Academic Ethics.

3. Behaviour of the student Tomas Griškevičius during the lectures and seminars at LEU considering the anonymous questionnaires of students and audio recordings, was inappropriate and provocative in respect of the teachers and course mates; the controversial discussions during the lectures and seminars with the teachers used to touch on the details of personal life, and having expanded in terms of time, exhausted the time of lecture and seminars.

Paragraph 6 of the LEU Code of Academic Ethics refers to the respect for human dignity, the promotion of equal rights and opportunities, sub-paragraph 6.2. stipulates that “Not to tolerate when an intimidating, hostile, humiliating or offensive environment is sought to be created or has already been created, as well as human rights are violated or human dignity is derogated.”

Taking into account the behaviour of student Tomas Griškevičius at the LEU lectures and practical trainings, it should be stated that student Tomas Griškevičius violated sub-paragraph 6.2 of the LEU Code of Academic Ethics, which stipulates that “<...> has already been created <...> intimidating <... > offensive environment <...>.”

The provisions of LEU Code of Academic Ethics approved by Resolution No 96 as of the Senate of 17 April 2012 are not regulated sufficiently in detail and prevent the smooth examination of complaints at the Office. The Office informed the LEU by the letter No S-201 of 15 April 2015 about the recommendations for the adoption, implementation and supervision of the Codes of Academic Ethics of higher and research institutions approved by Order No V-16 of the Ombudsman on 31 March 2015 (hereinafter - Recommendations). LEU, by its letter No 06-R4-569 of 12 June

⁷ The information submitted to the Office by LEU by the letter No 01-R4-997 of 18 November 2016 during the examination of the complaint.

2015 stated that “Updated information about the principles of academic honesty and academic ethics of the university is publicly available at https://leu.lt/lt/studijos/leu_akademinis_sazingumas.html.” It also indicated that “Having considered the [Recommendations], <...> the LEU Commission for Academic Ethics and Disputes was substantially updated <...>. Currently, the commission is preparing/discussing amendments and corrections to the document “The Code of Academic Ethics of Lithuanian University of Educational Science” based on the [Recommendations]. Amendments and corrections to the Code of Academic Ethics are expected to be approved in December 2015.” (Underlined by us). Attention should be drawn to the fact that the LEU did not inform the Office about the updated Commission for Ethics and Disputes and the Code of Academic Ethics. The LEU provided the Office with the Code of Academic Ethics approved by Resolution No 96 of the Senate on 17 April 2012 in the course of the investigation of the complaint, and the composition of the LEU Commission for Ethics and Disputes, according to the publicly available information on the website, was approved by Order No 1-170 of the Rector on 19 March 2015.

It should be noted that the Ombudsman, in accordance with sub-paragraph 2 of paragraph 13 of the Regulations, and considering the Decision SP-3 of 18 January 2017, submitted the following recommendations to the Lithuanian University of Educational Science:

“1) to regulate the procedure for conducting lectures, seminars and other classes at LEU as well as participation in them;

2) to regulate the conditions and procedure for making audio recordings in lectures, seminars or other classes;

3) to regulate the procedure for additional after-lecture activities (circles, etc.) at LEU.”

LEU informed “<...> about the planned actions” by the letter No 06-R4-12 of 15 February 2017 as follows:

“1. The University cannot regulate the procedure for conducting lectures, seminars and other classes as well as participation in them in detail as such regulation would prevent teachers from differentiating lectures, seminars and other classes <...>.

2. When updating the description of studies of the University, it is planned to supplement it with a sub-paragraph <...> regulating the procedure for record-keeping in lectures, seminars or other classes <...> <...>.

3. Different after-lecture activities are carried out at the University <...>. Each activity for different events sets out the respective goals, which seeks to achieve. We cannot regulate the post-lecture activities, because all activities are differentiated.” (Underlined by us).

Such non-regulation of the procedure for conducting LEU lectures, seminars and other classes, participation in them and after-lecture activities does not leave the Ombudsman in a position to assess whether the student’s behaviour indicated by the applicants, when the student “<...> systematically violated the order from the first days of his studies, did not observe the academic discipline, interrupted teachers during auditorium classes, insolently commented on their lectures <...>, is contrary to the procedures of LEU.

Having assessed the information submitted by the applicants, LEU, Dr J.S. and the student Tomas Griškevičius and the legal regulation and in accordance with Paragraph 1 of Part 11 of Article 17 of the Law on Higher Education and Research of the Republic of Lithuania, the Ombudsman:

decided:

To inform the applicants, Lithuanian University of Educational Sciences and the Ministry of Education and Science about the violation of academic ethics and procedures by the LEU student Tomas Griškevičius.

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