



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

### **DECISION**

#### **REGARDING THE VIOLATIONS OF ACADEMIC ETHICS AND PROCEDURES BY VYTAUTAS MAGNUS UNIVERSITY WITH THE LITHUANIAN CULTURE RESEARCH INSTITUTE AND THE COMMITTEE FOR DOCTORAL STUDIES OF PHILOSOPHY SCIENCES OF EUROPEAN HUMANITIES UNIVERSITY**

18 April 2017, No. SP-10  
Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter – Ombudsman), in accordance with Paragraph 1 of Article 17 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 of G.Ž. (hereinafter - the applicant)<sup>1</sup> received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 5 January 2017 on the assessment of motivational interview of the applicant by the members of Vytautas Magnus University (hereinafter - VMU) with the Lithuanian Culture Research Institute (hereinafter - LKTI) and the Committee for Doctoral Studies of Philosophy Studies of European Humanities University, (hereinafter - the Committee), when applying for doctoral studies at LKTI and the material provided by the applicant, LKTI and VMU,

#### **determined:**

The applicant stated the following facts in his complaint:

The applicant participated the second additional competition for doctoral studies at the LKTI held on 20 December 2016. His motivational interview was assessed at 6.62 points. The applicant suspects that the members of the Committee did not follow the selection criteria specified in the Regulation of Doctoral Studies in the field of Philosophy science of Vytautas Magnus University with the Lithuanian Culture Research Institute (hereinafter - the LKTI) and the European Humanities University and the description of conditions and procedure for additional competition for Doctoral Studies in the field of Philosophy Studies of 2016 at the LKTI defining the assessment criteria for motivational interview and possibly tendentiously reduced the score for the motivational interview of the applicant in order to prevent admission to doctoral studies.

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<sup>1</sup> Applicant in the text of the Ombudsman’s decision is given as a noun of masculine gender without linking it to the sex of the student, applicant

The applicant also participated in the competition for doctoral studies in 2015. In the competition of 2015, the motivational interview, during which an identical research project was presented as in the competition for doctoral studies in 2016, was evaluated at 8 points, and in the competition of 2016, motivational interview – 6.125 points.

“<...> At the Committee meeting on 4 October 2016, the same project was assessed at 6.5 points. During the Committee meeting, the members of the Committee expressed their regret over the chosen research direction (though it seemed appropriate to the members of the Committee in 2015) and incite with one voice to transfer from the “pure philosophy” to the field of aesthetic research. <...> I prepared a research project for an additional competition <...>. At the meeting, as in all the subsequent ones, I answered all the questions I was asked <...>.”

At the Committee meeting on 17 November 2016, my motivational interview was assessed at 6.6 points <...>, and the new project - 7 points <...>. During the presentation of the project, most of the members of the Committee spoke to each other, did not listen (judging from the questions asked later) <...>. This time I heard a piece of advice to concretize the subject of the study and research methods much more.

<...> At the Committee meeting held on 20 December 2016, the motivational interview during which I presented a new project was assessed at 6.62 points <...>.”<sup>2</sup>

The applicant requests:

“1. To investigate the results of the assessment of my [the applicant]<sup>3</sup> motivational interview at the Committee meeting of 20-12-2016 by the members of the Committee.

2. To ascertain whether any of the members of the Commission did not reduce specially the score for my [applicant’s] motivation interview in order to influence the overall score for the motivational interview and thereby prevent me [applicant] from applying for doctoral studies at the LKTI.

3. To investigate the motives of the members of the Committee who reduced the score for my [applicant’s] motivational interview and to assess whether such their actions did not violate the underlying provisions of academic ethics.

4. In the investigation, to consider all competitions to the doctoral studies in the field of Philosophy science at LKTI held in 2016 as well as the assessments of the competition held in 2015.

5. To evaluate the positions of the Chairperson of the Committee and the director of the LKTI, after I [applicant] have submitted the appeals and, if possible, to provide them with recommendations how the Chairperson of the Committee should behave in such cases where certain members of the Committee (possibly) tendentiously reduce the score for the motivational interview in order to influence the total score, and how should he behave with (possibly) aggrieved person.”

The Ombudsman applied to VMU by the letter No S-20 of 16-01-2017 requesting to submit the information necessary for the examination of the complaint:

“1) to submit Regulation of Doctoral Studies in the field of Philosophy science of Vytautas Magnus University with the Lithuanian Culture Research Institute and the European Humanities University;

2) to submit the legal acts regulating the conditions and procedures for admission to Doctoral Studies in the field of Philosophy science of Vytautas Magnus University with the Lithuanian Culture Research Institute and the European Humanities University in 2015 and 2016;

<sup>2</sup> Here and further in the text cited language is unedited.

<sup>3</sup> The information presented here and hereinafter in the angle brackets is ours.

3) to submit a legal act regulating the activities of the Committee for the doctoral studies in the field of Philosophy science of Vytautas Magnus University with the Lithuanian Culture Research Institute of and the European Humanities University;

4) to submit a legal act defining the criteria for assessment of the motivational interview.”

By the letter No 1-32 of 19-01-2017 “On submission of information”, VMU stated that “Admission to the doctoral studies in the field of Philosophy science of Vytautas Magnus University together with the Lithuanian Culture Research Institute and the European Humanities University in 2015 and 2016 was conducted in accordance with the Regulations of Doctoral Studies in the Field of Philosophy Science <...> and the conditions and procedures for the open competition approved at the meetings of the Committee for Doctoral Studies in the field of Philosophy Science, which set criteria for the assessment of motivational interview. <...>” and enclosed the documents requested by the Ombudsman.

The Ombudsman addressed to the director of the LKTI, Dr Jolanta Širkaitė by the letter No S-21 of 16-01-2017 requesting to submit the information necessary for the examination of the complaint:

1) to explain and justify the position of the director of the LKTI Dr Jolanta Širkaitė presented in the letter No IS-204 dated 29-12-2016 “On Appeal”: “Since you did not have competitors in the first competition and you still could not convince all Committee members that you are [ready] to study at doctoral studies in the field of Philosophy, how could you expect their opinion to change over the course of a month or two?” (Underlined by us). To specify what persuasion methods of the members of the Commission are taken into consideration. Can such persuasion affect the results of the assessment of the motivational interview of the applicant for the doctoral program? How much is the opinion of the members of the Commission important in this case? How does such an opinion relate to the assessment criteria? Can it (opinion) influence the assessment result of the motivational interview?

2) To explain and justify the position regarding the participation of [the applicant] in three competitions for the doctoral studies in the field of Philosophy, which is treated as an unnecessary waste of time of the scientists (letter No. IS-204 of Jolanta Širkaitė of 29-12-2016 “On Appeal”);

3) to base the position expressed in the letter related to the wish for [the applicant] to “possibly even learn the art of communicating”.”

The director of the LKTI, Dr Jolanta Širkaitė, by the letter No IS-13 of 16-01-2017 “On the requested information” explained as follows:

“1) <...> I specify that, in response to [the applicant’s] written questions to me, I followed the minutes of the last three competitions for doctoral studies in philosophy and extracts from them, the material of the last competition of 20-12-2016 and the general survey of the members of the Committee for doctoral studies in the field of Philosophy of the LKTI with VMU and the EHU working at the LKTI (I myself am not a member of this Committee and do not participate in the process of doctoral studies).

<...> The applicants for the doctoral studies in the field of philosophy are subject to the requirements of the competition and selection criteria approved by the resolution of the meeting of the said Committee.

“The persuasion method of the members of the Commission” is one of the criteria: it is a mandatory conversation of the members of the Committee (and not some kind of commission) and the candidate, during which the members of the Committee ask the applicant questions, and the applicant’s answers help to formulate a final opinion on the applicant’s readiness for doctoral

studies. The opinion of the members of the Committee is expressed by the assessment points and the accompanying comments (it is the same as oral exam, for which the grade is written). The total (total amount of points of Commission members) compulsory “passing” grade is 7. If the applicant fails to score 7 points for the interview, he will not continue to take part in the competition, in other words, the candidate’s answers to the questions he asked did not satisfy the members of the Committee (i.e. “did not convince” that he has enough knowledge and motivation to take doctoral studies in the field of **Philosophy**).

Therefore, answering the question about the importance of the opinion of the members of the Committee, I can answer that **it is the most important**, the Committees for Doctoral Studies have been created for that purpose; they are approved by the Lithuanian Science Council. It is not about the prior opinion of the members of the Committee, but about the one that consists of the applicant’s answers to the questions he poses. All members of the Committee participate in the conversation. <...> the applicant’s answers are evaluated by scores, **namely, the answers or lack thereof have a direct influence on the assessment of the applicant.**

**The opinion of the members of the Committee is not questionable and is not subject to appeal.**

2) Already in the first competition (04-10-2016) [the applicant] <...> could not answer the questions put to him by the Committee members or [his] “answers”, i.e. reading from the sheet of paper and the inability to substantiate the philosophical access to the future doctoral studies has led to a negative assessment of her responses. Since there were no more candidates, no doctoral student was accepted <...>. We had to announce an additional competition that took place on 17-11-2016. <...> The situation repeated during the conversation. None of the applicants scored 7 points for their answers. <...> The second additional competition was announced (in total - the third). Again, besides the other three applicants, the documents were submitted to the competition by both candidates who have already been rejected (the provisions of doctoral study program does not yet prohibit from participating in repeated competitions). In this way [the applicant] has participated in the three of my aforementioned competitions over the past three months< ...> and the members of the Committee - prominent Lithuanian and Belorussian scholars have wasted their time three times to state the same problems.

3) The wish to learn the art of communicating has not come about by itself. During the conversation with the members of the Committee, I received complaints about the arrogant tone of [the applicant] during the last interview. The inability to look at yourself self-critically, to learn from mistakes and draw conclusions is not the fault of the members of the Committee, who, despite the failure of [the applicant], are universally recognized and respected persons who stand 5 steps higher than the one striving to invade the doctoral studies in philosophy anyhow, but [the applicant was rejected] due to lack of competence. <...>” (Underlined by us) (Information given in angle brackets is ours).

The Ombudsman applied to the Chairperson of the Committee for Doctoral Studies of the Vytautas Magnus University D. Jonkus by letter No S-22 of 16-01-2017 (hereinafter - the Chairperson of the Committee) requesting:

“1) to submit the documents presented by [the applicant] to the Committee for Doctoral Studies the Field of Philosophy, when applying for doctoral studies in the field of philosophy in 2015 and 2016 (to submit the data of all competitions in which the [applicant] participated);

2) to submit the minutes of all motivational interviews with [the applicant] in 2015 and 2016 (together with the audio recordings, if any), when applying for the doctoral studies in the field of

philosophy science of Vytautas Magnus University with the Lithuanian Cultural Research Institute and the European Humanities University;

3) to indicate the criteria for the assessment of motivational interview, which were followed by the Committee for Doctoral Studies in 2015 and 2016 when evaluating the candidates for doctoral studies in the field of philosophy science;

4) to indicate and justify the structure of the final scores of motivational interviews with [the applicant] held in 2015 and 2016 and the differences thereof.”

The Chairperson of the VMU Committee for Doctoral Studies D. Jonkus, due to his leave, presented his answer and the requested information by the letter No 1-93 “On submission of information” on 13 February 2017.

The Chairperson of the Committee informed that “<...> admission to the doctoral studies in the field of philosophy studies of Vytautas Magnus University together with the Lithuanian Culture Research Institute and the European Humanities University was conducted in 2015 and 2016 in accordance with the Regulation on Doctoral Studies in the Field of Philosophy Science <...> and the conditions and procedures for the open competition approved by the Committee for Doctoral Studies in the field of the Philosophy Science. The criteria for the assessment of the motivational interview for the admission to doctoral studies are set out in the conditions and procedures for the competition.

The Committee for doctoral Studies in the field of Philosophy consists of high-level scholars conducting research at internationally who evaluate the readiness of each candidate for doctoral studies, are responsible for the quality of doctoral studies and are not authorized to provide explanations for their expert assessment. We would like to note that motivational interviews were not recorded in 2015 and 2016.”

After analyzing the legal regulation of the information submitted and indicated by VMU, the LKTI, the documents submitted by the Chairperson of the Committee D. Jonkus, specifying the circumstances of the applicant’s admission to doctoral studies in 2015 and 2016, assessments of motivational interviews by the members of the Committee of Doctoral Studies in the field of Philosophy Science, the minutes of the Committee of Doctoral Studies in the field of Philosophy Science, and considering the actions complained by the applicant, it was determined as follows:

1. During the admission to doctoral studies in 2015 and 2016, the applicant submitted to the VMU the following documents:

1.1. Diploma of Master’s degree in Philosophy with honors issued at Kaunas University of Technology in 2014 confirming the award of Master’s Degree;

1.2. a list of scientific publications;

1.3. three recommendations of scientists;

1.4. curriculum vitae;

1.5. a research project;

1.6. applications of 2016 for admission to the doctoral studies in the field of Philosophy science;

1.7. other information.

The criteria for the selection of candidates applying for doctoral studies are set out in point 32 of the Regulation of Doctoral Studies in the Field of Philosophy Science of Vytautas Magnus University with the Lithuanian Culture Research Institute and European Humanities University

approved by Resolution No 5-25 of the Senate of Vytautas Magnus University of 28 June 2011 (hereinafter - the Regulations of the Doctoral Studies the Field of Philosophy Science):

“32.1. publications assessed by points according to the valid methodology for the assessment of scientific production approved by the order of the Minister of Education and Science of the Republic of Lithuania;

32.2. the average of assessments of the applicant’s postgraduate studies or one-stage higher education studies and the assessment of the final thesis;

32.3. knowledge of foreign languages;

32.4. conformity of scientific qualifications, scientific publications and scientific experience with each chosen topic;

32.5. research project;

32.6. motivational interview;

32.7. other criteria approved by the minutes of the Committee.

Paragraph 33 of the Regulation of the Doctoral Studies in the Field of Philosophy Science provides that “The selection criteria, their weighting coefficients and the calculation of the competitive score are approved by the minutes of the Committee each academic year.” Paragraph 34 of the Regulation of the Doctoral Studies in the Field of Philosophy Science establishes “In accordance with the selection criteria, the Committee evaluates the candidates by the points and makes priority ranking by the topics of the Doctoral Study institutions according to the highest score. <...>“.

The selection criteria established in the conditions and procedure for open competition for doctoral studies in the field of philosophy in 2015 approved by Resolution No 3 of the meeting of the Committee for doctoral Studies of Vytautas Magnus University with the Lithuanian Culture Research Institute, European Humanities University of 26 May 2015 (hereinafter - the conditions and procedure 2015), the conditions and procedure for open competition for doctoral studies in the field of philosophy in 2016 approved by Resolution No 3 of the meeting of the Committee for doctoral Studies of Vytautas Magnus University with the Lithuanian Culture Research Institute, European Humanities University of 31 May 2016 (hereinafter - the conditions and procedure 2016), the conditions and procedure for open additional competition for doctoral studies in the field of philosophy in 2016 approved by Resolution No 12 of the meeting of the Committee for doctoral Studies of Vytautas Magnus University with the Lithuanian Culture Research Institute, European Humanities University of 7 December 2016 (hereinafter - the conditions and procedure for additional competition 2016): 4.1. Scientific publications. 4.2. Research project. 4.3. Average of diploma grades. 4.4. Motivational interview.

Scope of assessment of all mentioned selection criteria: **scientific publications** are evaluated “<...> by points in accordance with the applicable methodology for the assessment of scientific production approved by the order of the Minister of Education and Science of the Republic of Lithuania. <...> “; **a research project** “<...> shall be prepared in accordance with the requirements of the Committee <...>”. The project is evaluated by two reviewers appointed by the Committee. The final score is the average of the assessments by both reviewers in the ten score system.”; **average of diploma grades**: “The total arithmetic mean of the supplement/appendix to the master’s or equivalent diploma, i.e. the study subjects and the final thesis, is calculated”; **motivational conversation**: “during <...>, the candidate’s readiness and motivation to study in doctoral studies in the corresponding field of science, the conformity of scientific publications, scientific activities and scientific experience with the chosen topic, recommendations of scientists,

foreign language skills, etc. are evaluated. The final score of the motivational interview consists of the average score of the assessments of the members of the Committee in the ten score system. Only those applicants can apply for doctoral studies whose final score of motivational interview is at least 7 points.”

Having assessed the scope of the above criteria and assessing the possibilities for applicants to study at doctoral studies, it is clear that the criterion of motivational interview is the least clear. During the motivation interview the following is assessed: 1) the readiness and motivation of the applicants to study at the doctoral studies in the corresponding field of science; 2) conformity of scientific publications, scientific activities and scientific experience with the chosen topic; 3) recommendations of scientists; 4) foreign language skills, etc. (hereinafter - the circumstances of the motivational interview); however, the structure of the point allocated for the circumstances of the motivational interview is not specified in the internal documents.

In the present case, attention should be drawn to the assessments of the motivational interviews by the members of the Committee carried out in 2015 and 2016, i.e. the sizes of scores, and justifications of assessments in respect of the applicant. The reasoning (comments) of the members of the Committee **in the tables of assessments of motivational interviews of 14-09-2015** shows that the assessment of the motivational interview by each member of the Committee is based on different circumstances of the motivational interview, and the ratio between the reasoning for the assessment and the size of the score remains unclear. The assessment of the member of the Committee No 1 - 8 points, reasoning of the assessment: “[the applicant] quite clearly perceives the subject and context of the research. However, there is a lack of particularity and validity.” The assessment of the member of the Committee No 2 - 9 points, reasoning of the assessment: “The project is comprehensive. [Familiar] with [...] phenomenology. Extremely broad.” The assessment of the member of the Committee No 3 - 8 points, reasoning of the assessment: “8 (eight) lack of clear formulation of the field of dissertation problem.” The assessment of the member of the Committee No 4 - 7 points, reasoning of the assessment: “Interesting topic, but preparation is weak.” *It should be noted that the reasoning of the motivational interviews by the members of the Committee do not reflect the assessment of all circumstances of motivational interviews conducted by the members of the Committee, i.e. 1) the readiness and motivation of the applicants to study at the doctoral program of the corresponding field of science; 2) conformity of scientific publications, scientific activities and scientific experience with the chosen topic; 3) recommendations of scientists; 4) assessment of foreign language skills, etc.*

**The tables of the assessment of motivational interviews of the members of the Committee of 04-10-2016** also lack the clarity of the reasoning of the assessment and the size of the score. The assessment of the member of the Committee No 1 – 7 points, reasoning of the assessment: “[Applicant] to doctoral studies unreasonably plunges into the overly speculative [of his] nature and <...> alien problem. It seems to me that based on his interests, he had to pay more attention to the aesthetic problem.” The assessment of the members of the Committee No 2 and No 3 - 6 points each, no reasoning of the assessment. The assessment of the member of the Committee No 4 - 6 points, reasoning of the assessment: “Weakly orientated in the topic and [...] contexts. Is not able to articulate his analytical access.” The assessment of the member of the Committee No 5 - 6 points, reasoning of the assessment: “It is difficult for him to articulate the main topics of the research, cannot name the research problems in philosophical terms. Did not explain how he distinguishes phenomenological and post-phenomenological expression [...]” The assessment of the member of the Committee No 6 - 5 points, reasoning of the assessment: “The project was presented

poorly. Bad orientation in the topic. I suggest not accepting.” The assessment of the member of the Committee No 7 - 5 points, reasoning of the assessment: “Investigates [...] phenomenology associating with [...]. Intends [...]. Does not know the concepts, very weak answers to the questions.” The assessment of the member of the Committee No 8 - 8 points, reasoning of the assessment: “The presentation was too abstract, not sufficiently rich. Lacks the academic work out.” *It should be noted that the reasoning of the motivational interviews by the members of the Committee do not reflect the assessment of all circumstances of motivational interviews conducted by the members of the Committee, i.e. 1) the readiness and motivation of the applicants to study at the doctoral program of the corresponding field of science; 2) conformity of scientific publications, scientific activities and scientific experience with the chosen topic; 3) recommendations of scientists; 4) assessment of foreign language skills, etc.*

**The tables of the assessment of motivational interviews of the members of the Committee of 17-11-2016** also lack the clarity of the ratio between the reasoning of the assessment and the size of the score. The assessment of the member of the Committee No 1 - 6 points, reasoning of the assessment: “[The applicant] speaks very abstractly, has little ability to define specific phenomena. It is difficult for him to formulate philosophical problems. The assessment of the member of the Committee No 2 - 5 points, reasoning of the assessment: “Weakly reasoned presentation.” The assessment of the member of the Committee No 3 - 7 points, reasoning of the assessment: “Too abstract formulation, does not show the specifics of phenomena, [...]”. The assessment of the member of the Committee No 4 - 8 points, reasoning of the assessment: “I think that the presentation of the project was too abstract, when writing the dissertation [...] essentially [...] subject of the research. The assessment of the member of the Committee No 5 - 7 points, reasoning of the assessment: “The degree of [applicant’s] motivation is minimal.” *It should be noted that the reasoning of the motivational interviews by the members of the Committee do not reflect the assessment of all circumstances of motivational interviews conducted by the members of the Committee, i.e. 1) the readiness and motivation of the applicants to study at the doctoral program of the corresponding field of science; 2) conformity of scientific publications, scientific activities and scientific experience with the chosen topic; 3) recommendations of scientists; 4) assessment of foreign language skills, etc.*

**The tables of the assessment of motivational interviews of the members of the Committee of 20-12-2016** also lack the clarity of the ratio between the reasoning of the assessment and the size of the score. The assessment of the member of the Committee No 1 - 4 points, reasoning of the assessment: “Quite weak presentation”. The assessment of the member of the Committee No 2 - 2 points, reasoning of the assessment: “I have assessed the motivational interviews of [applicant] negatively [...]. My opinion has not changed. I consider participation in the competition three times in a row over a period of several months unethical.” The assessment of the member of the Committee No 3 - 8 points, reasoning of the assessment: “There is no clear understanding of the philosophical access to the research [object]” (translation from Russian language is ours). The assessment of the member of the Committee No 4 - 10 points, reasoning of the assessment: “A highly qualified man, just perfectly answers all the questions <...>”. The assessment of the member of the Committee No 5 - 9 points, reasoning of the assessment: “The presentation of the doctoral student [pretender] leaves a good impression, but sociological access is accentuated too much, lack of philosophical reasoning.” The assessment of the member of the Committee No 6 - 4 points, reasoning of the assessment: “[The applicant is unable] to formulate the research problem in philosophical terms. Mechanically repeats his report.” The assessment of the

member of the Committee No 7 rating - 9 points, reasoning of the assessment: "The researcher is well prepared, answers easily. It is important to refine the research from a philosophical point of view." (Translation from Russian languages is ours). The assessment of the member of the Committee No 8 - 7 points, reasoning of the assessment: "<...> [The applicant] presents his topic for the third time already and has already been able to "Learn" to speak what is expected by the Commission, presents an aesthetic look, criticizes art sociology ... as if there was nothing against before that ... The large Commission gathers for the third time to listen to the candidate, which has already been rejected twice ... if it was fourth time, he would speak even better. It is not fair in respect of other applicants. However, the regulation is not violated. However, now he speaks very inaccurately about the [...] phenomenology and does not answer the question of [...] phenomenological [...] theory, although he had time to look." The assessment of the member of the Committee No 9 - 8 points, reasoning of the assessment: "It looked much worse at the time of the answer: because he is not yet familiar with Donskis's book, she commented on Žižek very weakly, was unable to develop a sufficient philosophical outlook, and references to Foucault remained unexplained. What he meant about phenomenology - I cannot understand. Other references to other philosophers are unclear. Maybe it is a public speaking problem." The assessment of the member of the Committee No 10 rating - 6 points, reasoning of the assessment: "A rather weak presentation. Does not know the research traditions. Nothing can say about alchemy or hermetic tradition, and the speech about Blake is very weak. The assessment of the member of the Committee No 11 - 10 points, reasoning of the assessment: "Kolnai - state, condition, Kolnai - distinguish 4 types of queasiness. Responses to all questions quite well, competent." The assessment of the member of the Committee No 12 rating - 8 points, reasoning of the assessment: "Visited Japan. Very [experienced] and well aware of what he says about the experience of Japan. However, its philosophical story sounds much worse. Speaks as a culture [historian], not as [a philosopher]. Where is the philosophy? What philosophers will be considered as sources? Very wide approach? Cannot clearly formulate a philosophical problem and a philosophical question." *The justifications of the motivational interviews by the members of the Committee do not reflect the assessment of all circumstances of motivational interviews conducted by the members of the Committee, i.e. 1) the readiness and motivation of the applicants to study at the doctoral program of the corresponding field of science; 2) conformity of scientific publications, scientific activities and scientific experience with the chosen topic; 3) recommendations of scientists; 4) assessment of foreign language skills, etc.*

It should be noted that the reasoning of the motivational interviews by the members of the Committee provided previously do not reflect the assessment of all circumstances of motivational interviews conducted by the members of the Committee. Accordingly, it is unclear, because the score of each member of the Committee for the motivational interview of the applicant is not reasoned by the circumstances of the motivational interview.

On the one hand, the reference from the Chairperson of the Committee that "<...> admission to the <...> doctoral studies in the field of Philosophy in 2015 and 2016 was conducted in accordance with the Regulation on Doctoral Studies in the Field of Philosophy Science <...> and conditions and procedures for the open competition <...>. The criteria for the assessment of the motivational interview for admission to doctoral studies are set out in the conditions and procedures for open competition. The Committee for Doctoral Studies in Philosophy Science consists of high-level scientists conducting research internationally, who evaluate the readiness of each candidate for doctoral studies, are responsible for the quality of doctoral studies and are not authorized to provide

explanations for their expert assessment. <...>” shows that, according to the Chairperson of the Committee, the members of the Committee follow the criteria for the assessment of motivational interview, but they assess only one of the circumstances of the motivational interview - the candidate’s readiness to study at the doctoral program (underlined by us).

On the other hand, the director of the LKTI Dr Jolanta Širkaitė points out that “<...> in response to the questions submitted to me by the [applicant], I followed the minutes of the meetings of the last three competitions for the doctoral studies in the field of philosophy and their extracts, the material of the last competition of 20-12-2016 and the general survey of the members of doctoral studies in the field of philosophy of the LKTI with the members of the VMU and the EHU Committee working at the LKTI (I myself am not a member of this committee and do not participate in the doctoral studies). <...>“The persuasion method of the members of the Commission” is one of the criteria: it is a mandatory conversation of the members of the Committee (and not some kind of commission) and the candidate, during which the members of the Committee ask the applicant questions, and the applicant’s answers help to formulate a final opinion on the applicant’s readiness for doctoral studies. The opinion of the members of the Committee is expressed by the assessment points and the accompanying comments (it is the same as oral exam, for which the grade is written).<...> the applicant’s answers are evaluated by scores, **namely, the answers or lack thereof have a direct influence on the assessment of the applicant.**” (underlined by us).

In view of the foregoing, it is unclear, which criteria of the motivational interview mentioned by the Chairperson of the Committee were followed by each member of the Committee in the assessment of motivational interview criterion, covering the readiness and motivation of the applicants to study at the doctoral studies in the corresponding field of science, the conformity of scientific publications, scientific activities and scientific experience with the chosen topic, the recommendations of scientists, foreign language skills and other circumstances, and in determining the size of the score accordingly.

**Moreover, by the provision valid in the conditions and procedures of 2015 and 2016 and in the conditions and procedures for the additional competition of 2016 that “<...> Only those applicants can apply for doctoral studies whose final score of motivational interview is at least 7 points.”, although Clause 34 of the Regulation of Doctoral Studies in the field of Philosophy science determines that “In accordance with the selection criteria, the Committee evaluates the candidates by the points and makes priority ranking by the topics of the Doctoral Study institutions according to the highest score. <...>”, there is restricted the right of the applicants to participate in the selection to the doctoral studies and to be evaluated in accordance with all selection criteria set out in Clause 32 of the Regulation of Doctoral Studies in the field of Philosophy science, when the motivational interview of the applicants is evaluated below 7 points, also there is restricted the right of the members of the Committee to evaluate the applicants in accordance with all selection criteria set out in Clause 32 of the Regulation of Doctoral Studies in the field of Philosophy science (underlined by us).**

*The procedure for the evaluation of motivational interview of the members of the Committee, when the calculation of the score of the motivational interview is not determined in the light of the circumstances of the motivational interview, and the legal regulation where the applicant's right to participate in the selection to the doctoral studies is determined by one of the selection criteria - a motivational interview, even without evaluation of other selection criteria*

*and not taking into account the fact that the applicant's evaluations are very good according to other criteria is flawed, in the implementation of the principles of objectivity, transparency, equal rights of participation in competitions and fair competition and implies the adoption of unjustified and non-objective decisions of the members of the Committee.*

Clause 5 of the Regulation of the Doctoral Studies Committee in the field of Philosophy science (approved at the meeting of the Doctoral Studies Committee in the field of Philosophy science of Vytautas Magnus University with the Lithuanian Culture Research Institute and the European Humanities University of 15 September 2011 (the protocol No. 4, Annex No. 1) (hereinafter - the Regulation of the Doctoral Studies Committee) sets out the ethical principles required for the members of the Committee. "Objectivity: to make decisions objectively, to pursue evaluation objectives honestly, based on facts, accurate information and competencies; <...> confidentiality: to use all information (issues discussed at the meetings and opinions expressed by other members of the Committee, documents submitted) for purposes of assessment only and not to disclose for other purposes; <...>".

*In view of the foregoing, that the evaluations of the applicant's motivational interview and the justifications for the evaluations are reflected in the motivational interview evaluation tables indicated above, that, as determined in the conditions and procedures of 2015 and 2016 and in the conditions and procedure for the additional competition of 2016, in the course of the motivational interview there are evaluated the readiness and motivation of the applicants to study at the doctoral studies in the corresponding field of science, the conformity of scientific publications, scientific activities and scientific experience with the chosen topic, the recommendations of scientists, foreign language skills, etc., but in the motivational interview evaluation tables there are no data confirming the evaluation of all circumstances of the motivational interview to be evaluated during the motivational interview, but there were evaluated the applicant's personal qualities, behavior during the presentation of the project, frequent participation in competitions for doctoral studies and fragments of scientific experience, although the members of the Committee provided evaluations (scores) for the applicant's motivational interviews, it can be concluded that in the present case, the applicant's motivational interview was evaluated without following the motivational interview criterion set out in the conditions and procedures of 2015 and 2016 and in the conditions and procedure for the additional competition of 2016.*

It should be noted that the procedure of organization and execution of the tender to the doctoral studies, in addition to the principle of publicity, is related with the principles of the rule of law, responsibility and accountability to the public, equal rights for participation in tenders, fair competition, objectivity, fairness and transparency. The institution of science and studies, in organizing competitions, must ensure the implementation of these principles.

The Ombudsman in his activities is guided only by the laws and bases his activities on the principles of legality, justice, impartiality and other principles, and evaluates the results of the evaluation of the members of the Committee in terms of objectivity, fairness, transparency and reasonableness.

**The competence of the members of the Committee, qualification does not in itself lead to objective and reasonable evaluations.** The status of the members of the Committee and the procedures for organizing and conducting the competition for doctoral studies presupposes the duty of the members of the Committee to follow the academic ethical principles established in the Code of Academic Ethics, as well as the criteria and requirements established in the legal acts. In present

case, the members of the Committee, in evaluating motivational interviews, must evaluate all the circumstances of the motivational interview, i.e. 1) the readiness and motivation of the applicants to study at the doctoral studies in the corresponding field of science; 2) conformity of scientific publications, scientific activities and scientific experience with the chosen topic; 3) recommendations of scientists; 4) foreign language skills, etc. Only based on the provisions of the legislation, competent, objective, fair and transparent assessment of the candidates presupposes reasonable, objective, fair and transparent results of the tender, and the science and study missions defined in the preamble to the Law on Science and Studies of the Republic of Lithuania “<...> satisfy the natural desire of knowledge. The Lithuanian science and studies policy ensures the quality of science and studies, <...> the assurance of the conditions for the best to work the scientific work, to achieve scientific and creative development <...>”.

***In view of the foregoing and having assessed the relationship between the application of legal regulation and selection criteria, and that, in accordance with the motivational interview criterion set out in the conditions and procedures of 2015 and 2016 and in the conditions and procedure for the additional competition of 2016, in the course of the motivational interview there are evaluated the readiness and motivation of the applicants to study at the doctoral studies in the corresponding field of science, the conformity of scientific publications, scientific activities and scientific experience with the chosen topic, the recommendations of scientists, foreign language skills, etc., although, as it can be seen from the motivational interview evaluation tables of the evaluations of the members of the Committee, all the circumstances of the motivational interview to be evaluated in the motivational interview were not evaluated, it can be stated that the members of the Committee did not follow the motivational interview criterion set out in the conditions and procedures of 2015 and 2016 and in the conditions and procedure for the additional competition of 2016, and in their activities they did not comply with the principle of objectivity set forth in Clause 5 of the Regulation of the Doctoral Studies Committee and the principles of equal rights to participate in competitions and the principles of fair competition.***

*It should be noted that the evaluations of the applicant's behavior, with his participation in the competitions for the doctoral studies, expressed in the letter No. IS-13 of the director of the LKTI Dr. Jolanta Širkaitė of 16-01-2017 “Regarding the requested information”, are incorrect, disrespectful and offensive to the applicant. Attention is drawn to Clause 1.1 of the Code of Academic Ethics of the LKTI, which, among other things, provides for ensuring one of the main academic values - respect for each member of the community.*

*Moreover, attention is drawn to the fact that the previously mentioned data on the evaluations of the applicant's motivational reviews (the minutes of the last three competitions for doctoral studies in philosophy and extracts from them, the material of the last competition of 20-12-2016 and the general survey of the members of the Committee for doctoral studies in the field of Philosophy of the LKTI with VMU and the EHU working at the LKTI) were disclosed to the director of the LKTI Dr. Jolanta Širkaitė, while she was not a member of the Committee, although Clause 5 of the Regulation of the Doctoral Studies Committee sets out one of the obligatory ethics principles for the members of the Committee - confidentiality: “<...> all information (issues discussed at the meetings and opinions expressed by other members of the Committee, documents submitted) for purposes of assessment only and not to disclose for other purposes; <...> “.*

After the evaluation of the information submitted by the applicant, VMU, LKTI, the Chairperson of the Committee and the supporting documentation as well as 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 applicant, Vytautas Magnus University, the Lithuanian Culture Research Institute, the European Humanities University and the Ministry of Education and Science about the violations of academic ethics and procedures by members of the Committee.

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

The Ombudsman for Academic Ethics and Procedures

Vigilijus Sadauskas