



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

## DECISION REGARDING THE COMPLAINT OF K. S. OF 8 FEBRUARY 2017

10 May 2017, No. SP-12

Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Ombudsman), in accordance with Part 1 of Paragraph 17 of the Law on Science and Studies of the Republic of Lithuania and with Subparagraph 1 of Paragraph 13 of the provisions of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania, approved by 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 the applicant K. S. (hereinafter - the applicant<sup>1</sup>) of 8 February 2017 forwarded by the Ministry of Education and Science of the Republic of Lithuania (hereinafter - the complaint) regarding possible violations of the procedures of Vytautas Magnus University (hereinafter - VMU) and the provided material,

### **determined:**

On 8 February 2017, the applicant applied to the Ministry of Education and Science by e-mail (hereinafter - the e-mail) regarding possible violations of the procedures of VMU.

The Ministry of Education and Science by letter No. SR-703 of 13 February 2017 forwarded the applicant’s complaint regarding possible violations of the procedures of VMU and the material attached by the applicant to the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office). The Ministry of Education and Science, among other things, by the mentioned letter requests “To assess the validity of the data provided by [the applicant] <sup>2</sup>and submit a reply to the Ministry of Education and Science.”

By the e-mail to the Ministry of Education and Science of 8 February 2017, the applicant indicated that he is “[the person maintaining a dissertation] of <...> the science of <...> Ethnology Direction, [who] [has passed] all attestations, submitted the dissertation. My VMU Department is called Cultural Studies, it has assigned one reviewer from the department, the other one - from completely different science: sociology. The reviewer of the department, Dalia Senvaitytė, just wrote a summary of the 4 previous attestations, and commented on why I did not go back on time and did not write another scientific article. <...> In the end of the review it is written that even if I

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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.

<sup>2</sup> Here and hereinafter in the square brackets - the comments of the Office.

have corrected everything, there are not 2 required publications, although I have 3. Another review is of the other branch of science 05S, <...>, and there is a patchwork of insults. <...> I informed the Vice Rector Julija Kiršienė about the situation, that the dissertations of ethnology cannot be reviewed by the scientists of other field than ethnology, moreover, the review of the department, not a review of the committee is taking place. <...> [The Vice Rector] wrote back that she cannot interfere - although there is obvious violation of the Law on Science and Studies because the study programs are carried out strictly in accordance with the classification of science and social sciences are not humanitarian: therefore [the reviewer] did not understand how the dissertation was written.”<sup>3</sup>The applicant also indicated that “Currently VMU, in order to make me even worse, deliberately erased even the library’s systems, and at the moment I am even being harassed by the neglect of science books, although I have proof that I returned the books.”

By his e-mail, the applicant, among other things, requests the Ministry of Education and Science “<...> to protect him from persecuting elements. Also, to form a commission to investigate the state of the doctoral program of VMU - why more than half of all do not defend at all - is it really that the students are so capable - or maybe the committees and departments are consisted of people who do not understand anything about science? <...> I ask the authorities to intervene.”

The Ombudsman by his letter S-79 of 15 February 2017 informed the applicant that his complaint forwarded to the Office by the Ministry of Education and Science on 14 February 2017 has been started to examine in accordance with the competence of the Ombudsman.

On 17 February 2017, the Office received the e-mail in which the applicant stated that “Ethics was not found at all, the procedures are repeatedly violated. Where is my supervisor's <...> review? Where is the document on canceling the supervisor? There is no [supervisor], he disappeared, how does it meet the procedures?”

In the same e-mail, the applicant pointed out that “I complained about my department to the Financial Crime Investigation Service, if necessary, I will appeal to the European Public Prosecutor, they have been washed several million for the renewal of the non-existent ethnology. I also complained to the Department of State Security in December - why are the Chinese (Communist) Government's money taken and ethnology abolished.”

The applicant, among other things, pointed out that “Presently, my department is preparing for the conference, probably it has again won new projects, and therefore racked up my material, when I refused - it wrote that I was not anywhere.”

The Ombudsman applied to VMU by the letter S-80 of 15 February 2017 requesting “<...> to submit the doctoral studies regulations of VMU and indicate the circumstances of the review of [the applicant's] doctoral dissertation <...>: the appointed reviewers (name, surname, position), documents confirming their appointment, documents substantiating the qualification for reviewing the discipline to which the said dissertation belongs and other relevant information.”

By the letter No. 1-129 of 6 March 2017, VMU informed that “Vytautas Magnus University together with Klaipėda University and the Lithuanian Institute of History carry out the doctoral studies in the field of ethnology in accordance with the regulation of the doctoral studies in the field of ethnology of Vytautas Magnus University together with Klaipėda University and the Lithuanian Institute of History, approved by the Lithuanian Science Council.” It also noted that “<...> the process of appointment of the reviewers and examination of the doctoral dissertation was conducted in accordance with the requirements of the regulation of the doctoral studies in the field of

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<sup>3</sup> The applicant's language quoted here and hereinafter in the decision is unedited.

ethnology of Vytautas Magnus University together with Klaipėda University and the Lithuanian Institute of History.” VMU, among other things, enclosed:

- 1) the regulation of the doctoral studies in the field of ethnology of Vytautas Magnus University together with Klaipėda University and the Lithuanian Institute of History;
- 2) the letter of the Chairperson of the Ethnology Doctoral Committee of VMU and Head of the Department of Cultural Studies of VMU;
- 3) the minutes of the meeting of the Department of Cultural Studies of the Faculty of Humanities of VMU of 25 August 2016;
- 4) the minutes of the meeting of the Committee of the Doctoral Studies in the Field of Ethnology of Vytautas Magnus University together with Klaipėda University and the Lithuanian Institute of History of 30 August 2016;
- 5) the minutes of the meeting of the Department of Cultural Studies of the Faculty of Humanities of VMU of 15 December 2016;
- 6) the doctoral dissertation submitted by the applicant for review;
- 7) the reviews of the reviewers of the doctoral dissertation of the applicant;
- 8) the e-mail sent by the applicant to the Chairperson of the Ethnology Doctoral Committee and the Head of the Department of Cultural Studies;
- 9) other e-mails related to the process of consideration of the doctoral dissertation of the applicant.

By the e-mail of 6 March 2017, the applicant applied to the Ombudsman requesting “to attach the material to my complaint regarding the violation of academic ethics committed by the “reviewers” <...> - liars, written and signed.” The applicant pointed out that “It is obvious that [Dalia] Senvaitytė was spreading lies, because in total I [wrote] 3 scientific articles on the dissertation topic, all of them were reviewed and evaluated in attestations as being suitable a long time ago <...>.”

The applicant also enclosed the material “<...> from Bosnia and Herzegovina” and stated that “<...> [Dalia] Senvaitytė wrote that I absolutely have never been to the Balkans, and this is the biggest shortage of the research, and, therefore, I add it, and this shows that Dalia Senvaitytė, under somebody’s influence, or thinking that nobody would punish her, impudently lied.”

The applicant, among other things, requests in the mentioned e-mail “<...> carefully investigate because it is very difficult to talk with such people who deny reality <...>.”

*It needs to be noted that the Ombudsman assessed the circumstances of the complaint and adopted the decision in accordance with the competence established in the legal acts, i. e. he analyzed and assessed possible procedural violations established only in the Academic Code of Ethics of VMU.*

*Attention is drawn to the fact that according to Part 1 of Article 18 of the Law on Education and Studies of the Republic of Lithuania, in force until 1 January 2017, which establishes that “the Ombudsman for Academic Ethics and Procedures <...> is a public official who examines complaints and initiates investigations on violations of academic ethics and procedures”, the Ombudsman has been mandated to examine complaints and initiate investigations on violations of all procedures, not only the procedures that are established in the codes of academic ethics of science and study institutions.*

After the analysis and evaluation of the information submitted by the applicant, the Ministry of Education and Science and VMU as well as the legal regulation, it was determined that doc. dr. Dalia Senvaitytė indicated in the review of the doctoral dissertation of 3 January 2017, among other things, that the applicant “<...> has [published] 5 publications on the dissertation topic. However, I would think that only one of them <...> corresponds to the dissertation topic. [The author] who so widely [analyzed] the object under study, could/could have publish at least one more article directly related to the dissertation <...>.” Also pointed out that “The dissertation can be submitted for defense only after it is corrected.” (underlined by us).

*Taking into account the data of the above-mentioned review of doc. dr. Dalia Senvaitytė, that do not confirm the statements indicated in the applicant’s complaint that “In the end of the review it is written that even if I have corrected everything, there are not 2 required publications, although I have 3.”, and that “<...> [Dalia] Senvaitytė wrote that I absolutely have never been to the Balkans <...>.”, are no grounds for finding evidence of academic ethics violations by doc. dr. Dalia Senvaitytė.*

*It should be noted that all members of the academic community, recognizing and upholding the values of academic ethics, established in Part 2 of Article 4 of the Law on Education and Science “Academic ethics is a set of universally recognized values that ensure the transparency, honesty, justice of the science and study process, equality, non-discrimination, responsibility of persons involved in this process, sustainable use of resources, academic freedom, impartiality, trust, respect of the assessment of research and study works and protection of intellectual property.”, should responsibly disseminate information about other members of the academic community.*

*Taking into account the circumstances of the claim and received information and in accordance with Part 1 of Article 17 of the Law on Education and Studies, which establishes that “the Ombudsman for Academic Ethics and Procedures <...> is a public official who examines complaints, reports and conducting investigations at his own initiative on possible violations of academic ethics and procedures that are established in the codes of academic ethics of science and study institutions <...>”, **the Ombudsman did not determine any violations of the procedures established in the Code of Academic Ethics of VMU** (underlined by us).*

After the evaluation of the information submitted by the applicant, VMU and the legal regulation, and in accordance with Paragraph 1 of Part 11 of Article 17 of the Law on Education and Studies of the Republic of Lithuania, the principles of intelligence and publicity, the Ombudsman:

**decided:**

To inform the applicant, Vytautas Magnus University and the Ministry of Education and Science about the decision of the Ombudsman.

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