



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

## DECISION REGARDING THE COMPLAINTS OF T. G. OF 7 APRIL 2017

5 June 2017, No. SP-15  
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 Higher Education and Research 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 complaints of the applicant T. G. (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 7 April 2017 regarding possible violations of the academic ethics and procedures at the Lithuanian University of Educational Sciences (hereinafter - LEU), and the material provided by other interested persons,

### **determined:**

The applicant addressed to the Ombudsman indicating that he appeals the actions of “[A. R.] [Vice-Rector] of the Lithuanian University of Educational Sciences”<sup>2</sup>: “Dishonesty. Disrespect for human dignity, neglect of equal rights, humiliation of the name of a university employee, discrimination, ignorance. D. dr. [A. G.] [The dean] of the Faculty of Educational Sciences of the Lithuanian University of Educational Sciences. Discrimination, ignorance. Neglect of equal rights” and “prof. [S. S].“

The applicant bases the circumstances set out in the complaints on the following data:

- “At the beginning of October 2016, during the situation developed at the LEU at the time, there was a dispute between the university lecturers and me. During the dispute I registered and submitted requests to the management of the LEU, the head of the Faculty of History, the head of the Department of History. As I did not receive any written answers within the relevant period established by the laws, I applied to the temporarily acting Rector, Vice-Rector A. [R.], with the

---

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

question of why the requests have not been answered so far. On 15 November 2016, the Vice-Rector for Science and Development of the LEU A. R., temporarily acting as Rector, assured me that he would remind his subordinates of my requests and will definitely review by himself. <...> the university and the academic community, knowing the situation, have so far deliberately discriminated and ignored the student, and this is unfair and non-academic. I have reason to state that Vice-Rector A. [R.] behaves in a dishonest and non-academic way. He said that we could discuss the results of the Ombudsman's deliberations, but he ignores it.”

- [The Dean] doc. dr. [A. G.] of the Educational Science Faculty of the LEU <...> ignores and discriminates against me and still does not provide information related to the further study process. <...>”

- On 5 October 2016, I applied in writing to the management of the LEU and the Rector A. [G.] regarding the situation developed at the LEU at the time. On 5-7 October, I personally met with the Rector A. [G.] <...>. During the meeting, the Rector ensured that such processes were authorized to be dealt with by the LEU Ethics and Dispute Commission, led by prof. S. [S.]. The Rector of the LEU informed the Chairman of the LEU Academic Ethics and Disputes Commission (hereinafter - the Commission) about the situation on 14 October 2016. On October 14, I applied in writing to prof. S. [S.] and I asked for a meeting to clarify the situation and solve the situation in a friendly manner, with the efforts of both parties. I expressed my desire to study and stress in the letter because the lecturers did not accept me to the lectures <...> I visited Professor's workplace on 24 October 2016 <...> the staff member of the department assured me that I would probably receive the answer today because she will inform the professor. <...> On 28 October, the Professor informed that he would inform on the scheduled time of the meeting on Monday to resolve the situation. On 31 October, the Professor informed me by e-mail that, I quote: “<...> there is no reason for the Ethics Commission to respond, because the mentioned complaints are not the subject of the work of the University Ethics Commission.” He also stated that “<...> the Ethics Dispute Commission has no legal basis for considering my behavior <...>”

After getting acquainted with the information provided by the applicant, the Ombudsman by his letter No. S-172 of 13 April 2017 “Regarding the submission of the information” addressed to the Vice Rector for Science and Development of the LEU A. R., requesting to submit: “<...> the document evidencing the reply to the request [of the applicant] sent by e-mail on 21 January 2017. If the answer to this request has not been provided, please indicate the reason for not submitting the response.”

A. R. In his letter No. 03-R4-302 of 19 April 2017 “Regarding the submission of the information” pointed out that “I did not reply by e-mail to the indicated [applicant’s] request of 21 January 2017 for the following reasons: 1) its content does not relate to the nature of my job - I am engaged in research and development activities; 2) it is not within my competence to consider the decisions of the commissions specified in the letter “to declare unreasonable or void”; 3) I also did not receive an instruction to reply to the mentioned text or to take any administrative actions from the Academician [A. G.] who was holding the Rector’s position on 21 January 2017.”

The Ombudsman by his letter No. S-171 of 13 April 2017 “Regarding the submission of the information” addressed to the LEU, requesting: “1) to submit the internal legal act regulating the

---

<sup>2</sup> The applicant's language quoted here and hereinafter is unedited.

provision of information to students by oral and written means (directly upon arrival of the person or his representative to the institution, by sending a request by post or electronic communication); 2) given that [the applicant] submitted to the LEU the requests received by the LEU on 24-10-2016 (reg. No. R3-606); 27-10-2016 (reg. No. R3-611); 27-10-2016 (reg. No. R3-612); 15-11-2016 (reg. No. R3-661); 15-11-2016 (reg. No. R3-663); 15-11-2016 (reg. No. R3-664); 15-11-2016 (reg. No. R3-665); 15-11-2016 (reg. No. R3-666); 15-11-2016 (reg. No. R3-667); 12-12-2016 (reg. No. R3-733), to submit the documents evidencing the responses to the indicated requests. If the answers have not been provided [to the applicant], to indicate the reasons for not submitting them.”

The LEU in its letter No. 03-R4-316 of 21 April 2017 “Regarding the submission of the information” pointed out that the applicant’s “<...> requests of 2 October 2016 - 15 November 2016 were addressed to answer to particular employees, to whom they were addressed <...> The data of the documents management system shows that through the University’s office it was replied to No. R3-664 of 15-11-2016, No. R3-666 of 15-11-2016, No. R3-667 of 15-11-2016. In other cases, the said persons were able to respond directly to the applicant. The Rector Academician A. [G.] addressed the letter No. R3-733 of 12 December 2016 to the Vice Rector for Science and Development A. [R.] and the Vice-Rector for Studies [V. S.]. It was not answered because the question “whether the University guarantees [the applicant’s], as well as of all other students right to privacy when processing and managing personal data” is very vague and not specific. <...> We also inform that information is provided to students at the academic divisions <...>, at the headquarters of the institution <...>, in oral and written form, as well as by applying the general provisions defined in the rules for the preparation and management of the [LEU] <...>. We note that a large number of consistently received various [applicant’s] letters indicates that he is potentially abusing his rights and the working hours of the academic community.”

Taking into account the fact that the letter of 13 April 2017 contained not all the requested information, the Ombudsman by the letter No. S-196 of 27 April 2017 “Regarding the submission of the information” repeatedly addressed to the LEU requesting to submit the missing information.

The LEU by the letter No. 03-R4-401 of 3 May 2017 “Regarding the submission of the information” provided the requested information and, among other things, pointed out that the applicant’s “letters contained constantly repeated claims. D. [K.] more than once responded [to the applicant] in writing regarding an unjustified request for an academic leave. It was not possible to collegially reconcile the conflict situation with the student due to his own unwillingness to do so and his everyday new claims. Since it was impossible to find any rational dialogue with the student, the issue has moved to collegiate level. The [applicant’s] letters [of 24-10-2016, 27-10-2016] were examined by the IF Dispute and Ethics Commission, and the claims contained in the letter [of 15-11-2016] - by the Ethics and Disputes Commission of the LEU, therefore, all the issues raised [by the applicant] were considered collegially. [The applicant] received the decisions of both commissions and was informed about them <...>.”

The Ombudsman by his letter No. S-195 of 27 April 2017 addressed to the Dean of the Faculty of Educational Sciences, requesting to indicate: “whether you provided the answers [to the applicant] to his requests sent by e-mail on 25 February 2017 and 13 March 2017. If the answers to the mentioned requests have not been provided, please indicate the reasons for not submitting the answers and provide the supporting documents.”

In the absence of response, the Ombudsman by the letter No. S-260 of 25 May 2017 “Regarding the submission of the information” repeatedly addresses to the Dean of the Faculty of

Educational Sciences, requesting to provide the answer to the letter No. S-195 of 27 April 2017 “Regarding the submission of the information”.

The Dean of the Faculty of Educational Sciences of the LEU pointed out in his letter No. 27-R4-494 of 25 May 2017 “Regarding the submission of the information” that he “sent the reply to the letter No. S-195 of 27-04-2017 by the letter No. 24-R4-399 of 03-05-2017. I repeat the letter regarding the submission of the information” and he added the copy of the reply in which it is indicated that the applicant’s “letters of 25 February and 13 March of 2017 were not received [by me]. I gave the answers to all of his questions received in e-mails on other days”.

The law on Education and Studies of the Republic of Lithuania entered into force on 1 January 2017 establishes that the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania “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”.

Taking into account that all the circumstances mentioned in the complaints of the applicant relate to the procedure for the service of persons, which is regulated in the rules for the preparation and management of the LEU documents, but not in the Code of Ethics of the LEU, the Ombudsman did not evaluate the circumstances described earlier by the applicant.

*After the analysis and evaluation of 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 the LEU.***

After the evaluation of the information submitted by the applicant, the LEU 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, the Lithuanian University of Educational Sciences 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.

The Ombudsman for Academic Ethics and Procedures

Vigilijus Sadauskas