



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

DECISION

REGARDING VIOLATIONS OF ACADEMIC ETHICS AND PROCEDURES IN THE UNESCO CULTURAL MANAGEMENT AND CULTURAL POLICY DEPARTMENT OF THE VILNIUS ACADEMY OF ARTS

28 June 2017, No. SP-18

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 V.Š. (hereinafter - the applicant)¹ received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 9 February 2017 on possible violations of academic ethics and procedures in the UNESCO Cultural Management and Cultural Policy Department (hereinafter - the UNESCO Department) of the Vilnius Academy of Arts,

determined:

The applicant addressed to the Ombudsman regarding the occurred situation in the UNESCO Department and indicated in his complaint that he complains of the following²:

“- the Head of the UNESCO Department, Associate Professor Dr. Rasa Bartkutė for potentially planned and systematic negative actions and multiple violations of academic ethics. Dissemination of untruth, incitement of students, possible falsification of documents, dissemination and support of unethical relations among the members of the academic community, and the use of “coaching” for students not during lectures, possibly carried out together with her lawful husband, lecturer S. Jurgelėnas;

- The lecturer of the Department S. Jurgelėnas for allegedly numerous violations of academic ethics, for allegedly illegal activities not related to the study program, the use of “coaching” for students not during lectures, possibly carried out together with his lawful wife Associate Professor Dr. R. Bartkutė;

¹ “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.

² Here and further in the text cited language is unedited.

- The first-year [student M. D.]³ of the Department for the allegedly overrun of the limits of academic freedom, the lack of responsibility for the dissemination of untruth and violations of academic ethics, causing the incident that occurred during the international accreditation visit, possibly exceeding the norms of academic ethics;

- The initiators of the student group, possibly influenced by R. Bartkutė, but not released from the responsibility and the concept of academic ethics “to solve problems internally, possibly [M. D.], [I. P.], [R. K.] and [D. S.], who wrote the letter-complaint to the Rector, may have affected the other part (but not all) of students based on possible lies and untruth to the press, and as stated: “distributed a letter addressed to the media, Center for Quality Assessment in Higher Education, the Ministry of Education and Science, the Seimas Education and Science Committee and UNESCO”, the allegedly overrun of the limits of academic freedom, the lack of responsibility for the dissemination of untruth and violations of academic ethics.”

The applicant also stated in the complaint that: “<...> In the spring of 2016, the [UNESCO] department was undergoing administrative changes, the cadence of the Head of the Department ended; lecturer R. Bartkutė was elected as a new Head (she started to hold her position in April). The deficiencies of work of the Head [R. Bartkutė], as of administrator, began to emerge at the end of the spring semester of the 2015/2016 [academic year], especially during the stages of final work preparation and process <...>.

The Head of the Department [R. Bartkutė] initiated the dismissal of a former employee and the recruitment of a new employee, as it turned out, a close family member [spouse Saulius Jurgelėnas]. <...> The decision [concerning the dismissal of lecturer J. B.] was not agreed with either the staff of the Department or the [Bachelor] Study Committee. <...> Dismissal of [J. B.] was advanced (04-07-2016, order of 01-07-2016, No. PĮV-202), without complying with the two-year term of the contract, and the [Bachelor] Study Committee was not informed, therefore <...> the Head of the Department [R. Bartkutė] was asked to convene a meeting of the Department. It took place on 27-09-2016. During the meeting, the issue of dismissal of [J. B.] was considered <...>. [In the minutes of the meeting] <...> (among other things, - our comment) it is written that it was decided to assign a questionnaire preparation to lecturer Saulius Jurgelėnas. I confirm with my responsibility that it has not been decided as it is written in the minutes and it could not be at all, since this lecturer has been admitted to work on 28-10-2016 (PĮV-320).

<...> [R. Bartkutė] sent e-mail by distributing them to a number of addresses to the administration of the VDA, undermining Dr. [J. B.] education, scientific activities, sending and comparing CVs of [J. B.] and Saulius Jurgelėnas admitted instead of [J. B.] <...>. [R. Bartkutė] started to undermine [J. B.] among the students <...>. The students without asking them started to recall lecturer [J. B.], naming him as [nonprofessional]. I presume that the students were encouraged to talk like this by R. Bartkutė, who, as evidenced by further testimonies and observations, allegedly violated the ethics of pedagogical activity, <...> as non-academic relations were established between students and lecturers. <...> instead of [J. B.], the Head of the Department [R. Bartkutė] unilaterally initiated <...> the employment of her spouse S. Jurgelėnas. The selection of the staff to teach at the VDA based on the principle of collegiality, in coordination with the committee, in this case was not collegiate, she recruited the spouse unilaterally, did not agree with anybody, made a work load and recruited him under an employment contract. As the Rector approves the order for recruitment, he probably did not

³ The information presented here and hereinafter in the angle brackets is ours.

even know that S. Jurgelėnas is a spouse of R. Bartkutė (different surnames), but it should be noted that the Master's feedback was not good, the Department did not intend to invite him to teach even because the students had [orally] [complained] of lecturer [S. Jurgelėnas] due to unethical behaviour. <...> During the first lectures for [Bachelor] program of "Introduction to Sociology" in October 2016, a conflict arose between the lecturer S. Jurgelėnas and the first year [student] <...> The head of the Department [R. Bartkutė] did not resolve the conflict, but I think, on the contrary, she has developed it <...>. Then the trend for the first time began to emerge - to manipulate students, to confuse them to non-academic relationships. <...> R. Bartkutė involved [student M. D.] into the open conflict with [the student], encouraging him to gather evidence, consolidate the course against [the student] and write letters to the Dean so that he would be [removed] from the university.

<...> all the events in question coincided with the departmental programs of self-study, preparation (both [Bachelor and Master's] programs) for the international accreditation procedure and expert visit to the institution.

<...> On 11-11-2016 I addressed to the both Deans of the VDA [Č. L.] and [R. K.], so that the proper relationship between the Head of the Department, as of the administrator, and the study program committees would be clarified, as well as the definition of functions and responsibilities. <...> The Head of the Department [R. Bartkutė], after becoming aware of my [applicant's] request to the Deans, just before the meeting, on 15-11-2016 wrote a resignation letter.

<...> [R. Bartkutė], without informing anybody, assigned to herself the subject of the third course "Coursework" which is [coordinated by the applicant]. <...> [R. Bartkutė] not only assimilated the subject prepared by me [the applicant], but also falsified the descriptions of the subjects.

<...> in January 2017, I [the applicant organized] a regular feedback study. But R. Bartkutė attacked by prohibiting to organize it. <...> prohibited students from going to a meeting with me [the applicant], however, the meetings took place.

<...> At the end of the semester of 2016, she addressed the letter to me [the applicant] with a solvable problem for another teacher's illness. When I [the applicant] organized the activity with students, it turned out that on that day [R. Bartkutė] a few weeks ago had planned a lecture and agreed with another lecturer. Thus [R. Bartkutė] deliberately manipulated and caused havoc.

<...> I [the applicant] was [humiliated] systematically, from 09-11-2016 <...>, i.e. by the letters, actions in the VDA, the department, among administration and students, then in the public space, i.e. in the media. <...> [R. Bartkutė] possibly instill students who have signed and published their statement in the press, mentioning my belonging to [humanities]. <...> [R. Bartkutė] undermines the humanitarian education. <...> I am [humiliated] that I am [humanitarian], although our Department is interdisciplinary.

<...> in the letter to the administration R. Bartkutė writes: "some lecturers of the Department are paid extras due to unknown reasons <...>. There are protocols in the cases of the Department, in which, equally, without mentioning for what <...> extra <...> is provided for the lecturer", and on 02-02-2017 in the press, the reporter cites R. Bartkutė: "The tension, according to the dismissed head of the department, arose after her elementary question, for what the aforementioned teacher receives a monthly extra of a corresponding size."

<...> [S. Jurgelėnas] offered the students his deemed personal assistance and psychotherapy services, offering solving sensitive issues of personal life of students (not all students, but selected) after lectures, usually in the evenings. He did that by initiating the offer very carefully, but waiting for the calls from the students' side.

<...> The possible violation of ethics by [the student M. D.] is related to three events. <...> (during - our comment) the international expert visit <...> [the student M. D.] stated to foreign experts that “the quality of studies satisfies [him], but he does not like the conflicts in the department, and [he] [is offering] to dismiss the [head] of the program”. <...> The second time was in a feedback study - at the meeting of 11 January 2017, when after the meeting [the student] asked “to speak in person” and threatened [the applicant] with complaints, if [the applicant], in the words of [the student M. D.]: “I would cause harm to [him] (to the student M. D. - our comment)”. The third time was the initiation of a public complaint in the press, which [he] did not even hide.

<...> I would like to ask you to investigate, whether the possible initiators of a group of students in the complaint in the press were possibly beyond the bounds of any ethics? <...> [the students] <...> wrote the letter-complaint to the Rector, may have affected the other part (but not all) of students based on possible lies and untruth to the press, and as stated: "distributed a letter addressed to the media, Center for Quality Assessment in Higher Education, the Ministry of Education and Science, the Seimas Education and Science Committee and UNESCO". <...> It is hardly probable that, as it is written in the press, over 40 students have signed up, so I ask you to investigate: whether the signatures are true or fake?"

According to the version of Part 1 of Article 18 of the Law on Education and Studies of the Republic of Lithuania, in force until 31 December 2016, the Ombudsman is “a public official who examines complaints and initiates investigations on violations of academic ethics and procedures”, i.e. 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. However, after the entry into force of the new version of the Law, the Ombudsman’s competence was narrowed, therefore, the circumstances of this complaint were assessed and the decision was taken in accordance with the competence established in the legal acts, i.e. to examine and assess possible violations of academic ethics and procedures established by the Code of Academic Ethics of the VDA (hereinafter - the Code).

Regarding labour relations of Saulius Jurgelėnas at the UNESCO Department

By the letter No. S-146 of 30 March 2017 “Regarding the submission of the information”, the Ombudsman addressed to the VDA requesting “to indicate from when Saulius Jurgelėnas has been working at the VDA, what subject he teaches (taught) and in what departments, submitting the confirming documents”.

The VDA did not submit the information before the date specified, therefore, by the letter No. S-182 of 19 April 2017 “Regarding the submission of the information”, the request to answer the questions indicated in the letter No. S-146 of 30 March 2017 was repeatedly provided.

The VDA, in response to the said letter, by the letter No. (14.5)-SD-123 of 20 April 2017 “Regarding the submission of the information” indicated that “the first fixed-term employment contract with Saulius Jurgelėnas started on 01-03-2013, ended on 14-06-2013, the second employment contract started on 02-11-2016, ended on 17-04-2017 <...>” (underlined by us).

On the website of the VDA it is published that S. Jurgelėnas “since 2012 has been teaching the module of the applied research methodology at the Vilnius Academy of Arts.”⁴

⁴ http://www.vda.lt/lt/studiju_programos/magistranturos-studiju-programos/kulturos-vadyba-ir-kulturos-politika-1/destytojai/jurgelenas-saulius. The time of logging in: 16-05-2017.

During the meeting at the Office, S. Jurgelėnas pointed out that he has been teaching at the UNESCO Department of the VDA since 2012, he also noted that the VDA “did not give the copies [of the employment contracts]. There’s such a policy. The copies are not given. I saw the copy this year when I was recruited in October. Thus, in essence, in September i worked without the employment contract” (underlined by us).

On 21 April 2017, S. Jurgelėnas provided to the Ombudsman with the correspondence by e-mail with the staff of the UNESCO Department, indicating that “I submit correspondence, as well as the statements sent to the Department, showing that since 2012 an intellectual services contract has been concluded with me each year. Although these contracts, for unknown reasons, did not indicate that I was invited to teach the whole course to students, I not only taught in the course of the semester, but also arranged interim settlements, assessed students, and formed their final grade. <...> In the intellectual services contracts concluded with me, it was not indicated that I was teaching, but only mentioned that I was providing consultations. <...> I treat my work as a teacher, not a consultant” (underlined by us).

In one e-mail submitted by S. Jurgelėnas to the Ombudsman there is attached the letter written to him by the then Head of the UNESCO Department I. [K.] of 13 December 2012. The subject of the letter is “Methodologies”. The e-mail of S. Jurgelėnas of 26 June 2014 to the Coordinator of the UNESCO Department shows that S. Jurgelėnas was teaching the subject “Applied Research Methodologies”. The name of this subject is also confirmed by the descriptions of the subjects taught by S. Jurgelėnas that were submitted to the Ombudsman by the letter No. (14.5)-SD-123 of the VDA of 20 April 2017.

By the e-mail of 8 January 2013, the Coordinator of the UNESCO Department coordinated the spring semester schedule of 2013 with S. Jurgelėnas. The submitted e-mail shows that the semester started on 4 February 2013. The e-mail written by S. Jurgelėnas to the Coordinator indicated that “for me <...> the suitable time would be on Wednesdays <...>.”

It should be noted that the session started on 4 February 2013, but the employment contract with S. Jurgelėnas was concluded on 1 March 2013.

During the meeting at the Office, R. Bartkutė noted that “there was one case on which I talked with [the Vice Rector] and talked with [the Rector] personally. It was a case of my husband Saulius Jurgelėnas, since he was working under the intellectual services contract from 2012, thus, we talked about the fact that I generally raised the issue that intellectual property contracts are not, as such, appropriate. And I consulted with a lawyer that this is not an appropriate contract for recruiting lecturers, since the object is referred to as “counseling”. The Rector acknowledged that this was a problem and we were trying to maximize the minimum amount of such contracts in the department” (underlined by us).

As previously stated, by the letter No. (14.5)-DS-123 of 20 April 2017 “Regarding the submission of the information”, the Deputy Rector for Personnel and General Affairs R. P. indicated to the Ombudsman that “the first fixed-term employment contract with Saulius Jurgelėnas started on 01-03-2013, ended on 14-06-2013, the second employment contract started on 02-11-2016, ended on 17-04-2017”, however, the correspondence between S. Jurgelėnas and the Coordinator of the UNESCO Department shows that the time of the spring session examination 2014 was coordinated (the e-mail of 8 May 2014), as well as the time of lectures for the spring semester of 2015 (the e-mail of 30 January 2015), for the spring semester of 2016 (the e-mails of 11 January 2016 and 8 May 2014). By the e-mail of 8 April 2014, the Coordinator of the UNESCO Department invited the lecturers, as well as S. Jurgelėnas, to the meeting.

Attention is drawn to the fact that the autumn session of 2016 started on 3 October, but the employment contract was concluded with S. Jurgelėnas on 2 November 2016.

By the letter No. S-181 of 19 April 2017 “Regarding the submission of the information”, the Ombudsman addressed to the Deputy Rector for Personnel and General Affairs R. P. requesting to indicate the following: “considering the fact that the employment contracts are concluded with a part of the lecturers, with others - the intellectual services (consultations) contracts, to indicate the criteria on the basis of which it is decided what contract and with what lecturer to conclude. If any, please submit the legal act regulating such procedure”.

By the letter No. (14.5)-SD-126 of 24 April 2017 “Regarding the submission of the information”, the VDA pointed out that: “the intellectual services contracts are concluded for one-time, consultative, etc. works.”

Attention is drawn to the fact that at the end of 2012 the UNESCO Department planned that Saulius Jurgelėnas would teach in the spring semester of 2013. The employment contract was concluded for the spring semester of 2013. Although the VDA did not provide data on the teaching by S. Jurgelėnas in the academic year 2014 and 2015, did not indicate on what other legal bases S. Jurgelėnas taught at the UNESCO Department, it is evident from the correspondence between the Coordinator of the UNESCO Department and S. Jurgelėnas that S. Jurgelėnas also taught at the mentioned periods. Thus, working relationships have been established between the parties no later than from 2013 to 2017. The VDA did not indicate any information that the intellectual services contracts between the VDA and S. Jurgelėnas (in the period from 2012 to 2017) would be concluded, and it did not submit the contracts.

It needs to be noted that the Ombudsman does not evaluate the circumstances related to labour relations in accordance with his competence and forwards the collected information to the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour, the Seimas Audit Committee of the Republic of Lithuania and the Internal Audit Service of the VDA.

Taking into account the information provided by the VDA on the activities of S. Jurgelėnas at the UNESCO Department and the specified periods of employment contracts, i.e. y from 01-03-2013 to 14-06-2013 and from 02-11-2016 to 17-04-2017, although on the basis of the information on S. Jurgelėnas published on the website of the VDA, the e-mail submitted by S. Jurgelėnas, the evidence obtained during the meeting of R. Bartkutė and S. Jurgelėnas at the Office, it was determined that S. Jurgelėnas continuously held the position of the lecturer from the spring session of 2013 to April 2017, and that the VDA did not submit the information on the conclusion of the intellectual services contracts with S. Jurgelėnas, it can be stated that the VDA, without ensuring transparency, justice and accountability of the study process, violated the principle of academic ethics established in Clause 2 of Part 2 of Article 3 of the Law on Science and Studies.

Regarding the avoidance and declaration of the conflict of interests of Rasa Bartkutė and Saulius Jurgelėnas

With regard to the fact that the applicant indicated in the complain that R. Bartkutė “recruited the spouse S. Jurgelėnas] unilaterally, did not agree with anybody”, during the meeting with R. Bartkutė at the Office on 13 April 2017, the Ombudsman asked the question regarding notifying the VDA on the fact that she (R. Bartkutė) and S. Jurgelėnas are the spouses. In response to the question, R. Bartkutė pointed out: “in order not to be accused of nepotism <...> I went to talk with [the Rector]

and with the [Vice Rector] - would there not be a conflict of interest?" Among other things, R. Bartkutė pointed out that "[the Rector] assured me that there would be no problem at this place." Asked if the issue of the recruitment of S. Jurgelėnas was coordinated with the Chairpersons of the Bachelor and Master's Committees of the UNESCO Department, she stated that "yes, it was discussed, [the Coordinator] heard. It was coordinated with the Chairpersons of the Committees <...> [V. Š., who] states that nothing of this happened, participated in the conversation. But that conversation, <...> was also heard by [the Coordinator] of the Department. <...> [V. Š.], as [the Chairperson] of the Bachelor's Committee, confirmed, and, since S. Jurgelėnas already since 2012 has been teaching the magistrates, the issue was not coordinated with [the Chairperson] of the Master's Committee."

During the meeting with R. Bartkutė at the Office on 13 April 2017, when asked about possible reasons for the emerged conflict at the UNESCO Department, R. Bartkutė indicated that after rising the question on the payment of extras to the employees of the UNESCO Department, "it became evident that there was no conversation about the recruitment of S. Jurgelėnas."

By the letter No. S-181 of 19 April 2017 "Regarding the submission of the information", the Ombudsman addressed to the Deputy Rector for Personnel and General Affairs R. P. requesting to indicate "whether the VDA has an established procedure regulating the provision of public and private interest declarations. If the said procedure exists, to submit it as well as declarations of Saulius Jurgelėnas and Rasa Bartkutė. If the declarations were not submitted, to indicate when it became known that the said persons are spouses."

R. P., in response to the request, by the letter No. (14.5)-SD-126 of 24 April 2017 "Regarding the submission of the information", indicated that "there is no established procedure regulating the provision of public and private interest declarations at the VDA. The fact that Saulius Jurgelėnas and Rasa Bartkutė are spouses is not known until now."

By the letter No. S-211 of 3 May 2017 "Regarding the submission of the information", the Ombudsman addressed to the Rector of the VDA A. K., requesting to indicate "when it became known that Rasa Bartkutė and Saulius Jurgelėnas are spouses", however, the answer was not received from him directly. The said letter was answered by Deputy Rector for Personnel and General Affairs R. P., who indicated that "we became aware of the fact that Rasa Bartkutė and Saulius Jurgelėnas are spouses in the course of the internal conflicts of the UNESCO Department in February 2017 from other members of the Department."

By the letter No. S-238 of 16 May 2017 "Regarding the submission of the additional information", the Ombudsman addressed to the Vice Dean for Studies E. G. B.

In response to the request, by the letter No. 14.5—SD-165 of 17 May 2017 "Regarding the submission of the additional information", he Vice Dean for Studies indicated that "Associate Professor Rasa Bartkutė, when started to lead the UNESCO Department, did not officially inform me personally that lecturer Saulius Jurgelėnas is her spouse. I became aware of this in an informal conversation from the staff of the UNESCO Department. Later, when discussing study affairs and the activities of lecturers, Rasa Bartkutė said that lecturer Saulius Jurgelėnas is her husband."

The applicant, among other things, indicated in the complaint that R. Bartkutė, being the Head of the UNESCO Department, "initiated the dismissal of a former employee and the recruitment of a new employee, as it turned out, a close family member. <...> The decision [concerning the dismissal of lecturer J. B.] was not agreed with either the staff of the Department or the [Bachelor] Study Committee. <...> Dismissal of [J. B.] was advanced (04-07-2016, order of 01-07-2016, No. PIV-

202), without complying with the two-year term of the contract, and the [Bachelor] Study Committee was not informed.” (underlined by us).

By the letter No. S-146 of 30 March 2017 “Regarding the submission of the information”, the Ombudsman addressed to the VDA requesting: “to indicate on what basis lecturer [J. B.] was dismissed. Was the competition for the position announced after the dismissal of the lecturer? To submit the competition material and the documents confirming the basis for the appointment of Saulius Jurgelėnas”.

By the letter No. (14.5)-SD-123 of 20 April 2017 “Regarding the submission of the information”, the VDA replied: “Lecturer [J. B.] was dismissed on 04-07-2016 in accordance with Article 126 of the Labour Code of the Republic of Lithuania. (Fixed-term employment contract). The competition for the place of [J. B.] was not announced. The lecturer S. Jurgelėnas was admitted to the UNESCO Department on 02-11-2016 in accordance with a fixed-term contract by the order of the Rector.”

By the letter No. S-218 of 8 May 2017 “Regarding the submission of the information”, the Ombudsman addressed to the dismissed lecturer J. B. requesting to indicate: “ when the employment contract concluded between you and the VDA on 30 September 2014 was terminated”.

In response to the request, J. B. indicated that: “On 4 July 2016 during holidays <...> I received the e-mail of the UNESCO [Department Coordinator A. A.] which stated that: “<...> you are [dismissed] from the summer. The new employment contract with you will be concluded on 1 October depending on the extent of your teaching” <...> [Upon receipt of] such answer, I was [convinced] that the contract was terminated as if this letter had been received. <...> from the experience of communication with the new Head of the Department Associate Professor Rasa Bartkutė, the latter was pleased with my work (by the way, the same as the [former] [Head] of the Department Prof. [I. K.], therefore, was promising me as a [possessing] a scientific degree and a great pedagogical practice in the field of subjects taught at the VDA, to employ to the Department again in autumn. <...> On 13 September [2016], to the inquiry regarding employment, I received the letter of Rasa Bartkutė of the following content: “<...> next week we will solve all the questions about the lecturers and on the load, it's clear that you will be informed about the load you will be offered. Rasa”. [Upon receipt of] the letter of such content I felt [calm] again. <...> However, the content of the letter of the Head of the Department Associate Professor Rasa Bartkutė of 21 September was of completely different content: “<...> with regret, we must point out that your education, as well as the publication of scientific articles in recent times, have not been linked to the UNESCO Department and the research carried out by this Department. <...> For this academic year, we do not plan to invite you to teach at the UNESCO Department of the VDA <...>.”

To the complaint, the applicant added the letter of J. B. of 22 September 2016, in which the lecturer said farewell to the collective of the UNESCO Department and the letter of the applicant of 24 September 2016, which states that: “I was really [surprised] that you would not work with us. <...> It is astonishing that, as the [Head] of the Committee, I was not informed [about this]. So, I want to ask you if you have not wanted to work with the [Bachelor] program or is it something else?”

In response to the inquiry of the Chairperson of the Committee, by the e-mail of 24 September 2016, J. B. noted that: “I really wanted to work, but I received a letter from the Head of the Department Rasa Bartkutė that she would invite another lecturer”.

In view of the foregoing, as well as the fact that, after analyzing and assessing the circumstances of the complaint and the data confirming it, it was established that Rasa Bartkutė

and Saulius Jurgelėnas did not take any actions, i.e. did not avoid conflict of interests and did not declare the marital relationship so that the VDA would be aware of the marital relationship and the possible conflict of interests, in solving the issues of dismissal of lecturer J. B. and the assignment of the spouse Saulius Jurgelėnas to the position, without coordinating the said issue with the academic community of the VDA, it can be stated that the Head of the UNESCO Department Rasa Bartkutė and Saulius Jurgelėnas violated the part of the principle of fairness established in Clause 13.2 of the Code which provides for the obligation to “avoid conflicts of interests or to declare them”.

Regarding the dismissal of lecturer J. B.

Lecturer J. B. provided the Ombudsman with three copies of the Employment Contract concluded with the VDA on 30 September 2014. In one copy of the contract received by J. B. when signing this contract, it is indicated that the contract is valid until 30-01-2015, the agreement comes into force on 30-09-2014, the employee starts working on 01-10-2015.

In another copy of the Employment Contract concluded on the same day, i.e. on 30 September 2014, it is indicated that the contract is valid until 30-06-2015. The contract indicates that the employment contract comes into force on 30-09-2014, the employee starts working on 01-10-2014. This copy of the contract, according to J. B., “was not served to me” (underlined by us).

The third copy of the Employment Contract concluded on 30 September 2014, which was submitted to the Ombudsman, indicated that the employment contract is valid until 04-07-2016, the contract comes into force on 30-09-2014, the employee starts working on 01-10-2014 [the year corrected by hand]. The changes determined in the Contract: “on 31 October 2015 the work load of 0.5 of full time is established, the Employment Contract terminated on 04-07-2016” (underlined by us).

In the letter to the Ombudsman of 8 May 2017, J. B. indicated that “on 13-04-2017, <...> I came to the VDA for the certificate on work at the VDA (two certificated attached) and together with the certificated I asked for at least the copy of the former employment contract, I received it, but I was very surprised because of such “clairvoyance”: the issued copy of the employment contract, where it is indicated that the contract is fixed-term, the date was written with the pen: 04-07-2016” (underlined by us).

It needs to be noted that the Ombudsman does not evaluate the circumstances related to labour relations and possible falsification of documents in accordance with his competence and forwards the collected information to the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour, the Internal Audit Service of the VDA and the law enforcement authorities.

Regarding the appointment of Rasa Bartkutė for the position of the Head of the UNESCO Department

The announcement on the website of the VDA for the position of the Head of the UNESCO Department states that “the competition for the position of the Head of the UNESCO [Department] is announced. The Head is appointed for a term of 5 years. <...> Deadline for submission of [the

documents]: 17 March 2016”⁵, however, the employment contract was concluded with R. Bartkutė on 22 April 2016, for the period of 25 April 2016 - 30 June 2017 (underlined by us).

By the Order No. VI-1 of the Rector of the VDA of 17 January 2017 “On the Crisis Situation of the UNESCO Department of Cultural Management and Cultural Policy”, the headship for the Department of R. Bartkutė was terminated on 20 January 2017, however, by the decision of the Labour Dispute Commission of the Vilnius Territorial Department of the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour, R. Bartkutė was returned to the position of the Head of the UNESCO Department.

By the letter No. S-181 of 19 April 2017 “Regarding the submission of the information”, the Ombudsman addressed to the VDA requesting “given the fact that the announcement of the competition for the position of the Head of the UNESCO Department indicated that: “the Head is appointed for a term of 5 years”, and the Head of the UNESCO Department Rasa Bartkutė was appointed for the term of 1 year by the order of the Rector, to provide explanations why the periods of appointment of the Head are different in the announcement and in the order; to submit the legal act regulating the procedure of appointment of the Head of the Department at the VDA.”

By the letter No. (14.5)-SD-126 of 24 April 2017 “Regarding the submission of the information”, the VDA indicated: “In the description of the Head of the Department of the VDA, the position of the Head of the Department may be occupied by a recognized artist or scientist, acting as a professor, associate professor, chief or senior employee. As Rasa Bartkutė did not occupy the mentioned positions at that time, she was accepted for the position of the Head for one year” (underlined by us).

During the meeting at the Office on 13 April 2017, R. Bartkutė noted that she became aware of the fact that she was recruited for the period of one year when “all this scandal arose, then it turned out.” When asked about the contract, R. Bartkutė stated that “there is no contract”. When repeatedly asked, whether she has signed the employment contract with the VDA, R. Bartkutė indicated that “no”. The fact that the contract is concluded with R. Bartkutė for the period of one year is indicated only in the Rector’s order; the copy of the order, according to R. Bartkutė, was not given to her.

Taking into account the fact that the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour has adopted a decision on the circumstances under consideration, the Ombudsman shall forward the information collected to the Internal Audit Service of the VDA.

Regarding the conflict situation at the UNESCO Department

Until the date of receipt of the applicant’s complaint (3 February 2017) the Ombudsman received the documents transmitted by the Center for Quality Assessment in Higher Education (hereinafter - SKVC): the report of the *student*⁶ of the UNESCO Department of 1 February 2017 on the occurred situation in the VDA and the statement of the students of the UNESCO Department of the VDA of 25 January 2017.

The Ombudsman, in response to the information provided by the SKVC, asked the *student* to submit a complaint and add information confirming the circumstances. Until the date of adoption of this decision, the *student* did not submit any complaint or any other information to the Ombudsman.

⁵ http://www.vda.lt/lt/studiju_programos/magistranturos-studiju-programos/dizaino-vadyba. The time of logging in is 05-05-2017.

⁶ Name and surname are known to the Ombudsman.

In view of the fact that the information contained in the notification sent by the SKVC relates to the circumstances of the complaint, all the circumstances were considered together.

In the report, the *student* stated: “I encountered an inadequate attitude of the administration and some lecturers towards students. <...> Rasa Bartkutė, the Head of the Department, manipulates students and does not resolve arising conflict situations <...>. I was directly affected, I experienced mobbing <...>. I want to share my experience because I experienced psychological pressure <...>.”

By the letter No. S-180 of 19 April 2017 “On the invitation to come”, the Ombudsman invited the *student*, but so far the *student* has not responded and provided no additional information.

The Ombudsman, in response to the statement of the students of the UNESCO Department of the VDA forwarded by the SKVC, addressed to the contact persons indicated in the e-mail, requesting to submit the complaint. Until the date of adoption of this decision, the complaint has not been submitted. Three persons were indicated in the e-mail as the contact persons: two students and “the illegally dismissed Head of the Department Rasa Bartkutė”.

During the meeting at the Office, R. Bartkutė denied having prepared a press release. When asked “whether she joined the preparation of the statement of the students”, R. Bartkutė indicated that “I sent students one single letter from the mailbox saying that those who want to be safe would invite me to work as the head of the work. <...> I, in turn, applied to the Labour Dispute Commission”. When clarifying “whether she knew that the student were preparing the said statement”, R. Bartkutė stated that “I had such suspicions, but I did not know well”. When the ombudsman asked, whether “you participate, organize activities for student *not during the studies*”, R. Bartkutė confirmed that “yes”. When asked, “what are those activities”, R. Bartkutė indicated that “well, what we suppose we are doing is... Actually, these are non-formal meetings. One student at the first course is a film producer, so we went everyone, let’s say I, [lecturer A.], Jurgelėnas, [administrator] of the Department, to Palanga, to the premiere of the film. A large number of students was going”. When asked “how the trip of the said nature was formalized”, R. Bartkutė states that it was “non-formal. <...> Often students invite everyone”.

It is indicated in the complaint that “in January 2017, I organized a regular feedback study. But R. Bartkutė attacked by prohibiting to organize it. She addressed the letter to me (the applicant - our comment), [the Vice Rector E. G. B.] and the Study Quality [Head V. G.]. Without having received the answer, she prohibited students from going to a meeting with me as of the [Head] of the Committee, however, the meetings took place. However, the intrigue in this case is reflected in the accompanying documents <...>” One of the appendixes to the complaint - the e-mail of R. Bartkutė of 5 January 2017, in which she writes: “<...> I received information from first-year students (bachelors) about the dates suggested for them in the middle of the session to meet Associate Professor V. Ščiگیlienė to talk about the quality of studies in the autumn semester. They did not understand why it was organized not by me, the Head of the Department <...> why this is happening while they are still taking exams <...> I would like that the request of [the Vice Rector] for the organization of a session for students without further disturbance would be respected <...>”.

In the e-mail of 6 January 2017, the Vice Rector E. G. B. indicated the following: “I answer the question of Rasa whether the Head of the Program Committee can discuss the results, course, etc. of the semester with the students. Of course, if necessary, it is possible only when the time is chosen so that the meetings do not interfere with the study process. Such a question does not arise in a harmonious working climate of the unit <...>”.

In the e-mail of 6 January 2017, the Head of Study Quality, VG agreed with the position of the Vice Rector, emphasizing the importance of “proper [time]”.

In the e-mail of 6 January 2017, R. Bartkutė pointed out that “today, in the letter addressed not to the elder again, Vaida speaks of a meeting with biscuits and sandwiches. And it is with the group that is waiting for a solution to their psychological problems”.

In the e-mail of 6 January 2017, V. Ščiglienė wrote to the student: “Thank you for communicating with the course, on 11 January is appropriate, let’s meet in the same audience immediately after the exam, I will wait until you finish. Or maybe you would like to dine after the exam, it is also possible, but then many will dissipate in your own affairs, and I would like to have more students for a more objective opinion. If you would like, we can bring tea and sandwiches and order the “Food Lab” audience. <...> in short, I will adjust to you, write when you agree, it is important that you do not interrupt the time because of the exam session”.

The student replies to V. Ščiglienė, writing: “<...>I don’t know if we can make it. As I understand, there is a big disagreement between your department and our elder [M.]. I will try to bring everybody positively, so that the meeting would take place <...>”.

V. Ščiglienė wrote to the student on the same day: “<...> still I will invite you personally on day 19 <...>”. In response to this, the student wrote to V. Ščiglienė on the same day: “I think it's a shame that you have to justify your duties and work to us. Because of that, I am very sorry and feel uncomfortable <...>”.

By the letter No. S-167 of 13 April 2017 “Regarding the provision of the opinion”, the Ombudsman addressed to the Dean of the Vilnius Faculty of the VDA Č. L. requesting “<...> to indicate the circumstances characterizing the personality and activities at the Vilnius Academy of Art of Rasa Bartkutė.”

The Dean did not answer to the request submitted by the Ombudsman.

By the letter No. S-166 of 13 April 2017 “Regarding the provision of the opinion”, the Ombudsman addressed to the Vice Rector for Studies of the VDA E. G. B. requesting “to provide your personal opinion on the situation occurred and indicate the circumstances characterizing the personality and activities at the Vilnius Academy of Art of Rasa Bartkutė.”

In the e-mail of 18 April 2017, the Vice Dean indicated: “<...> The majority of the Department’s community voted for the candidacy of Associate Professor dr. Rasa Bartkutė, linking with her coming positive changes in Cultural Management programs. The comments of international experts, expressed program evaluations, highlighted that the programs lack of subjects in the field of social science. <...> In response to the recommendations of international experts, the collective of the UNESCO Department of Cultural Management and Policy decided to update its programs and staff through a professional management and cultural industry specialist - Associate Professor. Dr Rasa Bartkutė. Previously Associate Professor. Dr Rasa Bartkutė worked as a secondary specialist in the VDA, she proved that she had a good knowledge of the subject she taught. Rasa came to lead the Department in a particularly difficult time when the Bachelor's and Master's programs in the Department of Cultural Management and Policy had to prepare self-analysis descriptions of programs for international accreditation <...>. However, despite a great contribution to self-analysis of Associate Professor. Dr Rasa Bartkutė, after becoming the Head of the Department, the atmosphere of work and study at the unit has changed. There was insufficient discussion of the changes planned by the new Head, departmental heads and other lecturers were not informed about personnel changes. <...> permanent conflicts between lecturers began to interfere with the course of studies. The psychological state of the students contributed to the general negative atmosphere, we had to turn to the psychologist for help in resolving student and lecturer conflicts <...> It became obvious that the

further headship of Associate Professor. Dr Rasa Bartkutė in the UNESCO Department of Cultural Management and Culture Policy at the VDA becomes problematic and unpromising.”

The additional material submitted by the applicant on 14 February 2017 stated that “in response to published potentially false publications, our alumni wrote an appeal to the Rector in order to describe the experience on the Department and its work during studying”, and attached the appeal of 2 February 2017. The following is stated in the appeal: “we, the alumni of the Department gathered together, based on our experience in the period of studies, want to reveal another aspect of the Department’s activities, thus avoiding the unilateralism of the current opinions of the students in the press. <...> we can confirm our positive experience in this higher education institution. <...> We deliberately do not want to comment on the articles in the media, but we cannot leave it without saying about the competences of Dear Associate Professor Dr. Vaidutė Ščiglienė was involved in the conflict, who is mentioned in the press as a person working in the Department, personally opposing the activities of the former Head of the UNESCO Department R. Bartkutė. <...> The students were very satisfied with her teaching methodology and the acquired knowledge. She is one of the most active employees of the UNESCO Department. <...> As the alumni of the UNESCO <...>, we felt responsibility to reveal our position in the occurred conflict <...>. Graduates of the UNESCO Department: <...>”.

The applicant indicated in the complain that “also [Clause] 7.7 of the Code of Ethics was violated not only by publishing and public discussion of the information (wages), but also by providing misleading data. This was also done in the letters and in the press. In the letter to the administration R. Bartkutė writes: “some lecturers of the Department are paid extras due to unknown reasons, the size of which - [-] Euros per month. There are protocols in the cases of the Department, in which, equally, without mentioning for what the extra of [-] Euros per month is provided for the lecturer (however, when I came to the position, it was not provided)”. And in the press on 02-02-2017, the reporter cites R. Bartkutė: “The tension, according to the dismissed head of the department, arose after her elementary question, for what the aforementioned teacher receives a monthly extra of a corresponding size, and why, before R. Bartkutė came to the Department, the extra of [-] euros was provided for her <...>.” In the complaint, the applicant states that “because of the aforementioned extra, there not only was no tension, but I did not deliberately raise this issue completely, although it was not clear for myself. Indeed, quite before R. Bartkutė came for the position of the Head of the Department, i.e. on 01-03-2016, by the decision of the minutes No. 7-10-3 of the Department, the extra of [-] was terminated for me and allocated [the higher] extra. It's hard to believe, but I did not really notice the lack of [-] Euros in income. However, when R. Bartkutė started the headship, she pointed out that minutes to me repeatedly, raising the question: why the extra was allocated but not paid? Only then I noticed, but I did not figure out anything. <...> So, everything that was publicized on this issue is completely false and an attempt to manipulate”.

During the meeting at the Office on 13 April 2017, when asked for personal opinion, “what caused the conflict in the UNESCO Department”, R. Bartkutė stated: “due to the extras. <...> raise up the minutes of the Department. When I started working, when a month before me to come there is the minutes to allocate the monthly extra <...> for Associate Professor Ščiglienė. It turned out to me that, in general, it is such a huge amount for lecturers. <...> I did not cancel the extra, we simply did not bring it to the Personnel Service. <...> For the full time lecturers, i.e. [K.], Ščiglienė and [A.], the extras for whom were [-] Euros per month, and the extra for [L.], I think [-] Euros. [other lecturers

were allocated with nothing] <...> I asked for what do you allocate the extras, because I want to see the criteria: why Professor [L] receives [less] and you receive [more]. Why was it provided for the minutes of the meeting of the Department?”

When the Ombudsman asked “who signed the minutes”, R. Bartkutė stated that “Ščiglienė” <...> [Lecturer A.] claims that there was no such meeting at all <...>.” When asked “who decides on to whom and how much extras to allocate”, R. Bartkutė answered that “precisely this question is costing me being here with you and all this nightmare with the media, and with everything. After this question, I was told that “we all here are worth a little of earning”. But I said that I think that this is not true with respect to all other lecturers. I did not cancel none of the extras. Then started the letters for the Deans with official statements <...> then it became clear that there was no conversation about the employment of Jurgelėnas <...>”.

During the meeting at the Office, R. Bartkutė noted that while the Dean substituted her, all the extras were reduced “established [-] Euros per each, the extra of [-] Euros was left for one lecturer. Ščiglienė – [-] Euros. Four lecturers out of eight have something more prominent and receive extras. The procedure of allocating extras is unclear. This is a question of money that I accidentally touched, and I touched it because of the fact that in organizing this year’s budget, it is obvious that, if this extra is further paid to these people, the Department will exceed its budget. <...> [thus] if the time card is brought to me and there is one person, who is not present in the department and he is a full time, and I ask who is this person, I receive the answer “well, we had agreed on that so that the decree for her would be higher...” then I ask, when does this person return? This is money. Where to get them, if the Department does not have it, and I am told that “no, no, we will agree peacefully with him. That when the term comes, she will write the request to leave”. That woman wrote. I have never seen her. I saw her only in the documents.”

After the meeting at the office, by the e-mail of 18 April 2017, R. Bartkutė submitted to the Ombudsman the minutes No. 7-10-03 of the UNESCO Department of 1 March 2016, in the part “Agenda” of which, the third issue was “Establishing of coefficients, extras”, decided: “3.1. To establish for [I. K.] the coefficient of [-] from 1 March 2016. 3.2. To allocate the extra of [-] Eur for Vaidutė Ščiglienė from 1 March 2016, to terminate the previously paid extra. 3.3. To allocate the extra of [-] for [E. L.] from 1 March 2016, to terminate the previously paid extra. <...> The Chairperson of the meeting - Associate Professor Dr. Vaidutė Ščiglienė, participated: “Prof. Dr. [E. L.], Associate Professor Dr. [I. A.], Dr. [J. B.]” (underlined by us). R. Bartkutė also noticed that “there is no official document in the Department that Prof. I. [K.], who was the then Head of the UNESCO Department, would have been changed by Associate professor Dr. V. Ščiglienė on 01-03-2016.” The said minutes do not provide for the basis for the allocation of funds to the VDA employees.

By the letter No. (14.5)-SD-126 of 24 April 2017, the Deputy Rector for Personnel and General Affairs of the VDA R. P. submitted the description of activities of the Head of the department of the VDA, in which Clause 4.1 states that the meetings of the Department are led by the Head of the Department, Clause 4.6 states that the Head of the Department “handles and allocates the financial resources of the Department <...> monitors and accounts the income and expenses of the Department.”

The information provided to the Ombudsman by the Vice Dean for Studies of the VDA E. G. B, the Head of the UNESCO Department R. Bartkutė and lecturer V. Ščiglienė shows that the students at the UNESCO Department were consulted by psychologists. This shows that the students experienced tension.

The applicant provided the Ombudsman with the record of the meeting at the UNESCO Department on 20 January 2017, in which the students disclose how they feel about the said situation: “we feel that dad and mom had a fight and now we are tugged like children. So we want not to be tugged. And we ask for this very much” (underlined by us).

Section 6 of the Code sets out “Loyalty to the common interests of the VDA. The principle of loyalty is based on collegiality, academic solidarity and respect for the VDA and its community <...>; Section 7 of the Code defines “Ethical Academic Community Relations. Relations of the members of the community are based on the principles of respect, benevolence, impartiality and non-discrimination <...>”; Clause 7.7. of the Code stipulates that ethical relations of the members of the academic community are violated when “confidential information about a member of the academic community is publicly disclosed or publicly discussed (for example <...> wages).” (underlined by us).

The Ombudsman shall forward the information gathered regarding the lawfulness of the circumstances of allocation of funding allocated to the UNESCO Department for the examination under the competence to the Audit Committee of the Seimas of the Republic of Lithuania and the Internal Audit Service of the VDA.

Taking into account that R. Bartkutė indicated in the media the size of the extra which was allocated to the lecturer but did not specify his personal data, there is no reason to state the violation of Clause 7.7 of the Code, which stipulates that ethical relations of the members of the academic community are violated when "confidential information about a member of the academic community is publicly disclosed or publicly discussed (for example <...> wages)".

After the analysis and assessment of the circumstances of the complaint, it can be stated that the Head of the UNESCO Department Rasa Bartkutė and lecturer Vaidutė Ščiglienė, by their mutual disputes affecting the members of the academic community of the VDA, violated the principle of loyalty established in Section 6 of the Code and the part of the principle of the ethical academic community relations of Section 7 of the Code which sets out that the relations of the members of the community are based on the principles of respect, benevolence, impartiality and non-discrimination.

Regarding the actions of Saulius Jurgelėnas

The applicant indicated in the complaint that he appeals against S. Jurgelėnas “<...> for allegedly illegal activities not related to the study program, the use of “coaching” for students not during lectures <...>”. As the applicant points out, S. Jurgelėnas “offered the students his deemed personal assistance and psychotherapy services, offering solving sensitive issues of personal life of students (not all students, but selected) after lectures, usually in the evenings. He did that by initiating the offer very carefully, but waiting for the calls from the students side. I do not have any concrete evidence, only stories of the students, so only those students who dare to talk about it can testify, but finding out this would be very important <...>.”

The Ombudsman addressed to the students regarding the provision of the opinion, but none of the students responded.

The applicant also indicated that “S. Jurgelėnas even possibly participated in the writing of a letter that was published in the press, maybe he even wrote it, as evidenced by the following: a) I as [informed], therefore I saw how the students gathered to the auditorium together with S. Jurgelėnas; b) it was also recorded by the [Head] of the Department R. [K.] who [came] to the auditorium, but [not invited] to stay; c) this is evidenced by the publication (more precisely the comments in the press) <...> and the correspondence material shared by the students <...>. Moreover, the letter is named and the signatures were collected after [R. Z.] exam, besides, there also participated R. [Z.] and S. Jurgelėnas.”

During the meeting at the Office on 13 April 2017, the Ombudsman asked S. Jurgelėnas “whether the meeting was organized on 23 January 2017”. In response to the question, S. Jurgelėnas indicated that “yes. The students organized the meeting to which all lecturers were invited. I receive to the mail... no, I don’t remember... A call. Either they called orally, I don’t know <...> by some channel. I participated, another lecturer too.” When clarifying “what was happening during this meeting”, S. Jurgelėnas stated that “the students expressed their problems, <...> about the quality of studies, about teaching, about whether lecturers are attending lectures.” When asked “whether the Dean participated (R. K. - our comment)”, S. Jurgelėnas repeated that “[the students] invited everybody. <...> and the Dean was also invited. <...> We met him [at the door] and both the students and I personally invited him.” When the Ombudsman clarified “who invited: either the students or you personally”, S. Jurgelėnas stated that “I personally did not invite. The Dean was at the auditorium and the students when entering invited the Dean to discuss study issues”. When asked “whether it is known to you that the students were preparing the statement to the Rector of the VDA”, S. Jurgelėnas responded that “no”. When clarifying “whether during the meeting you did not talk about the statement”, S. Jurgelėnas stated that “the students read their opinion, the position they wanted to express”. The Ombudsman clarified: “whether it was known to you?”, S. Jurgelėnas in response confirmed: “known position in particular respect.” When asked “whether the person was named, because of whom the statement was written”, S. Jurgelėnas stated that “I do not remember”. After the Ombudsman repeated the question “have you seen the content of the statement of the students”, S. Jurgelėnas stated that “I have seen that content <...> i have seen the final version, which, I suppose, was submitted to [the Dean]. <...> I have seen that version, I think, with signatures. That was the approved version which, in essence, was seen not only by me.”

By the letter No. S-144 of 30 March 2017 “Regarding the submission of the information”, the Ombudsman addressed to the Dean R. K. requesting “to indicate whether you are aware of the fact that on 23 January 2017, the students of the UNESCO department and lecturer Saulius Jurgelėnas were possibly preparing the statement on lecturer Rasa Bartkutė? Whether you “came to the auditorium but were not invited to stay?” Do you know, during which exam the statement on R. Bartkutė was possibly prepared by the students and lecturer S. Jurgelėnas.”

In response to the request, by the letter of 5 April 2017, the Dean R. K. pointed out that “<...> I am aware that the students of the UNESCO department and lecturer Saulius Jurgelėnas were organizing the meeting on 23 January. Lecturer Vaida Ščiglienė rushed to provide me the information about the possibly organized meeting and she indicated the auditorium in which it possibly took place. After checking, it turned out that in this auditorium there was held the exam of the discipline “Search for Funding”. At the end of the exam, I went to the Department again. At the open door to the auditorium i met lecturer S. Jurgelėnas and the elder of the Bachelor study course of the first year. When asked what is happening here and if I could attend - I was told that there is a student meeting here, but my participation is undesirable. Realizing that this could limit the academic freedom to

express one's opinion and avoid influencing my position at the meeting, I did not take part in it” (underlined by us).

By the letter No. S-217 of 8 May 2017 “Regarding the submission of the explanations”, the ombudsman addressed to R. Z., requesting the following: “1) to indicate the purpose, the initiators and participants of the meeting with students held on 23 January 2017 after the exam of the study subject “Search for Funding” 2) given the fact that at the meeting of 23 January 2017, among other things, there was read the statement of the students “Regarding the Order of the Rector of the VDA “On the Crisis Situation of the UNESCO Department of Cultural Management and Cultural Policy”, to provide your opinion on the content of the statement, and indicate whether you agree the students to apply to the Ministry of Education and Science of the Republic of Lithuania and the media.”

R. Z., in response to the request, by the letter of 9 May 2017, indicated: “<...> the exam of the subject taught by me actually took place on 23 January. On the eve of that day, on the 22nd day, I received a message from lecturer Saulius Jurgelėnas on the *Facebook* network asking to call him. <...> after asking for Saulius’s phone number, I phoned him and I heard that students arranged a meeting to discuss the occurred problems. Since the meeting was organized immediately after my exam - as I understood, namely, to make students more comfortable, I agreed and I stayed, at least for a short time, to join the conversation, without going through a lot of what will be its content. <...> the elder [M.], asked Saulius Jurgelėnas to explain the occurred conflict situation. Saulius presented it, <...> [M.] also read the letter already prepared by the students, for which, together with the other course leaders, intended to collect (and later collected) the students’ signatures. <...> I apologized and left the student meeting because I did not think that my participation in it was necessary <...>” (underlined by us).

On 23 January 2017, in the *Facebook* social account, the bachelor’s first year elder has published a message: “hello, as you know, today students and lecturer Jurgelėnas were gathered. During the meeting, the students were introduced to the matters taking place at the department because the first year students and the second year students did not know anything about it, also this document was read that I add, it is from the bachelor and master's students, so you will read and understand everything. Anyone who agrees, we will need to agree on how to collect signatures by Thursday.<...> It’s really hard to write down everything that we talked about today in the *post*, so if you have any questions you can write to me or [D.] or Jurgelėnas”. The message is accompanied by the document “statement on Rasa Bartkutė” (underlined by us).

The statement of 25 January 2017 “Regarding the Order No. VI-1 of the Rector of the VDA of 17 January 2017 “On the Crisis Situation of the UNESCO Department of Cultural Management and Cultural Policy”, among other things, indicates that “without responding and failing to comply with our requests, we will address the Ministry of Education and Science of the Republic of Lithuania, as well as the media.”

Clause 13.2 of the Code provides for the obligation to “avoid conflicts of interests or to declare them” Clause 7.3 of the Code - “professional competition between colleagues acquires unfair forms [when] engaged in illegal, dishonorable (shameful or otherwise injustice) transactions, the information intended for the members of the academic community is concealed, conflicts, intrigues are induced and/or raised.”

Taking into account the fact that the statement of the students of the UNESCO Department of 25 January 2017 “Regarding the Order No. VI-1 of the Rector of the VDA of 17 January 2017

“On the Crisis Situation of the UNESCO Department of Cultural Management and Cultural Policy” is directly related to the headship of Rasa Bartkutė at the UNESCO Department, it can be stated that Saulius Jurgelėnas, being the spouse of Rasa Bartkutė and not withdrawing from the preparation of the statement of the students of the UNESCO Department of 25 January 2017 “Regarding the Order No. VI-1 of the Rector of the VDA of 17 January 2017 “On the Crisis Situation of the UNESCO Department of Cultural Management and Cultural Policy”, violated the part of the principle of fairness established in Clause 13.2 of the Code which provides for the obligation to “avoid conflicts of interests or to declare them”, and the part of the principle of the ethical academic community relations established in Clause 7.3 of the Code, which states that this principle is violated when “professional competition between colleagues acquires unfair forms [when] engaged in illegal, dishonorable (shameful or otherwise injustice) transactions, the information intended for the members of the academic community is concealed, conflicts, intrigues are induced and/or raised.”

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.

After the evaluation of the information submitted by the applicant, VDA and other interested parties as well as the legal regulation, 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 Vilnius Academy of Arts and the Ministry of education and Science about the determined violations of academic ethics by the Vilnius Academy of Arts, the Head of the UNESCO Department Rasa Bartkutė, Saulius Jurgelėnas and lecturer of the UNESCO Department Vaidutė Ščiglienė.

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