



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

### DECISION REGARDING VIOLATION OF THE ACADEMIC ETHICS OF LINA ŽITKUTĖ AND BEHAVIOR INCOMPATIBLE WITH THE VALUES OF ACADEMIC ETHICS OF BRIGITA GERULAITIENĖ

22 August 2017, No. SP-20

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 the investigation carried out on the basis of the notification of the Southern Police Station of the Public Police Department of the Klaipėda City Police Commissariat of the Klaipėda County Chief Police Commissariat (hereinafter - the notifier) received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 12 May 2017, regarding the possible case of academic dishonesty at Mykolas Romeris University (hereinafter - MRU), and after examination of the provided material,

#### **determined:**

By the letter No. S-19/80/4.68/ of 8 May 2017, the notifier indicated that “on 02-03-2017 the Klaipėda City Police Commissariat of the Klaipėda County Chief Police Commissariat received [the statement] of Lina Žitkutė <...><sup>1</sup> on the criminal offense and a report on the conduct of the proceedings regarding the fact that on 10-08-2016 she began to communicate online with Brigita Gerulaitienė <...> for writing a study paper and transferred to the bank account of the latter 120 € until 02-03-2017. On 16-03-2017 <...> an agreement to refuse to open a pre-trial investigation was adopted <...>. <...> it should be noted that the applicant Lina Žitkutė herself has taken unlawful actions in the course of the purchase of the service, entered into an agreement that is likely to violate the law governing studies and encourages the persons to illegally gain profit from the illegal activities, therefore an offense in accordance with the provisions of Article 123 of the Code of Administrative Offenses of the Republic of Lithuania is observed in her conduct.”<sup>2</sup>

<sup>1</sup> Here and hereinafter in the square brackets - the comments of the Office.

<sup>2</sup> The language quoted here and hereinafter in the decision is unedited.

The notifier also forwarded the collected material:

- 1) the decision of 16 March 2017 “To refuse to open a pre-trial investigation” No. M-1-01-17964-17 (hereinafter - the Decision);
- 2) the official report of 16 March 2017 “Regarding clarification of circumstances” (hereinafter - the Official Report);
- 3) “the statement on the criminal offense and a report on the conduct of the proceedings” of 2 March 2017 with the annexes (bank statements and the e-mails of communication between Lina Žitkutė and Brigita Gerulaitienė on preparation and acquisition of scientific work).

The submitted Decision indicated that “on 16-03-2017, Lina Žitkutė was contacted who indicated that she was studying at Mykolas Romeris University, not mentioning the study field or faculty, and Lina Žitkutė indicated that she was hiring Brigita Gerulaitienė as a consultant.”

The excerpts from the e-mail communication of Lina Žitkutė and Brigita Gerulaitienė on preparation and acquisition of scientific work:

The e-mail of Lina Žitkutė of 9 September 2016 “Good morning, I have transferred and I would like to receive at least part of the work the next week :)”

The e-mail of Brigita Gerulaitienė of 28 September 2016 “Good morning, there is no delay here, just the job is not simple, I do not work *in a poorly manner* <...>.”

The e-mail of Lina Žitkutė of 27 October 2016 “I am waiting for the work, I want to see what you have.”

The e-mail of Lina Žitkutė of 19 November 2016 “Hi, I am waiting for the work until tomorrow evening. DEADLY!!!!“

The e-mail of Lina Žitkutė of 8 December 2016 “It is time for me to submit it to the supervisor, or will I have to look for you in other ways?”

By the letter No. S-243 of 18 May 2017 “Regarding the initiation of the investigation and the provision of the information”, the Ombudsman addressed to MRU with the request:

- “1) to indicate the former / current academic status of the student of Mykolas Romeris University Lina Žitkutė at Mykolas Romeris University;
- 2) to indicate what kind of written work the student had to submit to the supervisor in November-December 2016;
- 3) to answer whether the submitted written work has been evaluated. Submit the final version of the written work of the said student and documents confirming its evaluation.”

By the letter No. 24PV (11.21-20801)-38 of 26 May 2017 “Regarding the submission of the information”, MRU informed that “Lina Žitkutė, in accordance with the Order No. 2IPV-74 of the University Rector of 24 May 2017 “On expulsion from the university” was expelled from the II course of part-time studies of Masters Degree in Public Administration of Mykolas Romeris University (Klaipėda Group) as not defended Master's thesis.” It also indicated that “the students had to present Master's thesis until 7 April 2017 to the Institute of Public Administration of the University of Political Science and Management Faculty. Lina Žitkutė did not deliver the Master's thesis. The student chose to write the Master's thesis on the topic “Factors influencing the improvement of employees by the example of the social support department of Skuodas district municipality”, supervisor doc. dr. [D. G.], Associate Professor at the Institute of Public Administration.”

By the letter No. S-244 of 18 May 2017 “On the invitation to come”, the Ombudsman addressed to Lina Žitkutė, inviting her to come to the Office for the explanations related to the circumstances of the investigation.

Lina Žitkutė did not come to the Office before the date of the adoption of the decision.

By the letter No. S-245 of 18 May 2017 “On the invitation to come”, the Ombudsman addressed to Brigita Gerulaitienė, inviting her to come to the Office for the explanations related to the circumstances of the investigation.

Brigita Gerulaitienė did not come to the Office before the date of the adoption of the decision.

By the letter No. S-318 of 18 July 2017 “Regarding the submission of the information” applied to the Center for Education and Information Technology, requesting to indicate the following:

“1) in which high school Brigita Gerulaitienė has been / is studying from 2016 until now <...> (hereinafter – B. G.);

2) in which education and study institutions B. G. has been / is working.”

By the letter No. 90-(1.6)-D3-338 of 20 July 2017 “Regarding the submission of the information”, the Center for Education and Information Technology indicated the following:

“1. There are no available data on possible studies of the person Brigita Gerulaitienė <...> from 01-09-2016 in the Student Register.

2. There are no available data on [possible] work in education and study institutions in the Teachers’ Register.”

Article 123 of the Code of Administrative Offenses of the Republic of Lithuania (hereinafter - the LR ANK) “Illegal Purchase, Sale and Submission of Scientific Works to Science and Education Institutions” establishes that “1. The unlawful purchase, sale and submission to the science and education institutions of graduation theses, dissertations, art projects of the postgraduate and master studies imposes a fine on individuals from one hundred and fifty to three hundred euros and from the heads of legal persons or other responsible persons - from eight hundred to one thousand eight hundred euros. 2. The administrative offense provided for in Part 1 of this Article, committed repeatedly, imposes a fine of between three hundred and eight hundred and fifty euros for individuals and for the heads of legal persons or other responsible persons – from one thousand seven hundred to three thousand euros.” (underlined by us).

Sub-paragraph 5.2. of the Code of Academic Ethics of Mykolas Romeris University (hereinafter - the Code of MRU) stipulates that “There is no tolerance in the University for any form of academic dishonesty (data falsification, fraud, bias, deception, theft, plagiarism, bribery, purchase and sale of works, the presentation of works of other authors as their own, unjustified co-authorship, cheating during examinations and other unfair behavior).

After the analysis and assessment of the information provided by the notifier, Mykolas Romeris University and the Center for Education and Information Technology as well as the legal regulation, the following was determined:

***Regarding possible violations of the academic ethics and article 123 of the LR ANK by Lina Žitkutė***

*From the notification forwarded by the notifier and the information submitted to the Ombudsman by MRU it is determined that Lina Žitkutė did not submit the master's thesis to the*

*university. Therefore, there is no basis to apply article 123 of the LR ANK to Lina Žitkutė in the absence of all the necessary indications of the alleged offense.*

*Taking into account that Lina Žitkutė, being the student of MRU, was seeking to acquire Master's thesis from Brigita Gerulaitienė and submit it as her own to MRU, made the payment for the service, but due to probable breach of the obligations of Brigita Gerulaitienė did not do this and was expelled from MRU as having not submitted the final thesis, it is can be stated that Lina Žitkutė behaved unfairly and thus violated Sub-paragraph 5.2. of the Code in that part which states **that “There is no tolerance in the University for any form of academic dishonesty (<...> deception, <...> purchase of works <...>”**.*

***Regarding possible violations of the academic ethics and article 123 of the LR ANK by Brigita Gerulaitienė***

*From the information submitted to the Ombudsman by MRU it is determined that Lina Žitkutė did not submit the master's thesis to the university. Therefore, there is no basis to apply article 123 of the LR ANK to Brigita Gerulaitienė in the absence of all the necessary indications of the alleged offense.*

*The Ombudsman did not find that Brigita Gerulaitienė would have been a member of the academic community of science and studies institution during the preparation of scientific work for Lina Žitkutė for the monetary reward, therefore there is no reason to conclude that Brigita Gerulaitienė violated the provisions of the academic ethics code of the institution of science and studies.*

***However, attention is drawn to the fact that the Lithuanian science and studies policy ensures the quality of science and studies. The Ombudsman, in fulfilling the tasks assigned to him, must contribute to the quality of science and studies, and therefore emphasizes that Brigita Gerulaitienė, in agreeing to prepare and preparing the scientific work for remuneration, promotes dishonesty among students, distorts fair competition, and impairs the image and quality of higher education. The behavior of Brigitos Gerulaitienė is incompatible with the preamble of the Law on Science and Studies of the Republic of Lithuania, which publishes the mission of science and studies and the fundamental values of academic ethics aimed at ensuring the transparency, honesty and justice of the science and study process, equality, responsibility and trust of persons involved in the process.***

***It needs to be noted that the Ombudsman, according to his competence, does not assess the circumstances related to the possible unlawful income received by Brigita Gerulaitienė and does not assess the information collected and forwards the information collected to the State Tax Inspectorate of the Republic of Lithuania under the Ministry of Finance of the Republic of Lithuania.***

After the evaluation of the information submitted by the notifier, MRU and the Center for Education and Information Technology 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 notifier, MRU, the Ministry of Education and Science of the Republic of Lithuania, the Seimas of the Republic of Lithuania about the established violation of academic ethics of Lina Žitkutė and the behavior of Brigita Gerulaitienė, which contradicts the values of academic ethics.

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