



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

**DECISION
ON THE COMPLAINT OF T. G. OF 26 OCTOBER 2017**

22 December 2017 No. SP-26

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 Statute of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania, approved by the Resolution No. XI-1583 “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“ of the Seimas of the Republic of Lithuania of 15 September 2011, and after examination of the complaint of the T. G. (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 26 October 2017 regarding possible violations of academic ethics at the University (hereinafter - the complaint),

d e t e r m i n e d:

By the complaint of 26 October 2017, the Applicant applied to the Ombudsman indicating that he complains of the following:

“1. [Vice-Rector of the University V. S.]² <...> for possibly fake signature on the study contract of [the Applicant] <...>.

2. [Vice-Rector of the University] <...> for an order that grants the rights <...> to the lecturers working at [the University] to ignore [the Applicant] and not to provide requested information related to the study program.

3. [The employees of the University D. G., G. Č.-K. and J. M.] for the provision of information that does not correspond to reality, and for the public dissemination of such information, for the failure to guarantee equal rights and proper working conditions for students <...>.

4. [The U]niversity for the fact that the behaviour of the administration and lecturers is contrary to the basic principles of the code of academic ethics of [the University]: principles of good morality.

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 The comments of the Office are given in the square brackets.

5. The Student Representation of [the University] for the fact that until now it does not raise at the Senate the issue of the illegal establishment of the Dispute Settlement Commission of [the University] and does not guarantee the rights of [the Applicant], as well as of all other students.

6. [The employee of the University L. D.] for falsification of documents.³

The Applicant, in support of the circumstances specified in the complaint:

1) provided copies of documents showing different signatures of the Vice Rector of the University;

2) stated that “[the employees of the University] deliberately <...> ignore [the Applicant] and do not provide the requested information and / or intentionally mislead relying on the order of [the Vice-Rector of the University] which is potentially in breach of the code of academic ethics of [the University]”;

3) submitted the audio record from the University event of 4 September 2017 “University Day 2017 for the first year students” from which it can be heard that the Applicant applied to the employees of the University regarding the University’s Ethics and Disputes Commission and the student’s ability to defend his rights at the University: “<...> it can be applied if the student feels, that lecturers treat him unfairly. Is this right guaranteed by the University? <...> This right is not guaranteed by the University because this commission was formed illegally. This commission was formed in violation of the Law [on Higher Education and Research]. <...> [The employees of the University verbally confirm that the rights of the students are defended by the University’s Ethics and Disputes Commission] First of all, this is what you say is not truth and, secondly, you are now trying to say totally different things to the people gathered”;

4) submitted the documents related to the decision No. SP-3 of the Ombudsman of 18 January 2017 “On the complaint of T. G. of 14 October 2016”: the copies of the minutes of the meeting of the Department of Philosophy of the University of 10 March 2016 and of the certificate of the University of 16 November 2016. In the documents submitted, the registration number of the minutes of the meeting is indicated differently: respectively, No. 33 and No. 10. The Applicant, in that regard, stated that “[the p]rotocol is fake. At the meeting, it was not discussed. At the meeting, it was not decided. The meeting did not take place. This could be confirmed by non-attending lecturers listed in the minutes. The minutes of the meeting were not approved by the signature of the chairperson of the meeting.”

The Applicant did not provide additional data on the parts of the complaint regarding the Student Representation of the University and possible violations of academic ethics / “principles of good morality” at the University.

By the letter No. S-456 of 3 November 2017 “Regarding initiation of the complaint examination”, the Ombudsman informed the Applicant of the decision to initiate the examination of the complaint and stated that “the complaint <...> will be examined in so far as it relates to the request of [the Applicant] to find out:

1) whether [the Vice -Rector of the University did not issue] the order not to submit the answers to the unregistered requests of [the Applicant] that violates academic ethics, and whether the requests of [the Applicant] are examined at [the University];

2) whether [the employee of the University L. D.] did not conduct the actions relating to the falsification of documents that violate academic ethics.”

³ Here and further in the text cited language is unedited.

The Ombudsman also noted that:

“1) <...> part of the complaint [concerning possible falsification of signatures] is repeated. On 19 July 2017, the Ombudsman [received the Applicant’s request] on different signatures [of the Vice-rector of the University], [which shows that it was applied] not only to the Ombudsman, but also to other institutions: [as the Applicant indicated in the letter,] to the Lithuanian Police, the Prosecutor’s Office of the Republic of Lithuania, the Seimas Ombudsmen’s Office, the Ministry of Education and Science. Any new data are not provid[ed] in the complaint of 26 October 2017, no reasons are indicat[ed] why this issue should be reconsidered (<...> decision No. SP-3 of the Ombudsman of 18 January 2017 “On the complaint of T. G. of 14 October 2016”;

2) <...> the ombudsman is request[ed] to evaluate whether [the fact that the Student Representation of the University possibly does not raise the issue of the establishment of the Disputes Commission in accordance with the procedure provided for in the Law on Higher education and Research,] does not violate academic ethics.

<...> the Ombudsman is aware that the Ethics and Disputes Commission operates at [the University], and there is no separate dispute settlement commission dealing with disputes between the students and the employees of the University's administration (<...> [the letter No. S-316 of the Ombudsman to the Applicant] of 18 July 2017 “regarding the request”). [The University] informed that the issue of the formation of a dispute commission [was] discussed⁴;

3) there is a doubt in the complaint of whether the statement said [by the employees of the University D. G., G. Č.-K. and J. M.] at the event “University Day 2017 for the first year students” that the rights of the students of [the University] are defended, corresponds to reality. The doub[t] id bas[ed] on the fact that no separate dispute resolution commission is formed at [the University].

<...> the Ombudsman is aware of the violations of academic ethics related to the formation of the Ethics and Dispute Commission at [the University]. <...> [S]tudents’ righ[t]s at [the University] were defend[ed] by the Ethics and Disputes Commiss[ion].”

The notification No. S-456 of 3 November 2017 “Regarding initiation of the complaint examination” indicates to the Applicant that, in accordance with Clauses 3 and 4 of Part 5 of Article 14 of the Law on Public Administration, the parts of the complaint regarding possible falsification of the signatures, possible inactivity of the Student Representative of the University and the actions of the employees of the University D. G., G. Č.-K. and J. M. at the University event of 4 September 2017 “University Day 2017 for the first year students” will not be examined.

By the letter No. S-458 of 7 November 2017 “Regarding the submission of the information”, the Ombudsman applied to the Vice-Rector of the University requesting the following:

“1) to indicate whether and how many unanswered letter of [the Applicant] to [the University] there are;

2) to indicate and submit <...> the decisions taken and orders made for [the Applicant];

3) to submit the internal legislation of [the University] governing the communication between the administration staff and lecturers with the students and their duties related to correspondence by electronic mail;

4) to submit the copies of the internal legislation of [the University] governing the procedure for the processing of applications and complaints by students.”

⁴ In November 2017, the University approved a new version of the Academic Code, replaced the previously existing *Ethics and Dispute Commission*, and formed separate *Academic Ethics* and *Dispute Resolution Commissions* as stipulated by the Law on Higher Education and Research.

By the letter No. 02-R4-1084 of 20 November 2017 “Regarding the submission of the information”, the Vice-Rector of the University submitted the requested documents and indicated:

“[The Applicant] submitted 80 letters to the University from 14-10-2016 to 08-11-2017. Of them, 44 letters were answered with the official registration in the Document Management System, and 26 letters were answered by e-mail. 9 registered letters were not answered, because the requested information was repeated, was not addressed to us, is answered orally or the applicant’s text was incomprehensible <...>.

No decisions and orders [are adopted on the Applicant]. There is an official request for registration of requests and complaints in accordance with the Law on Public Administration, the Rules on the Examination of Applications by Individuals and their Service at Public Administration Institutions, Institutions and Other Public Administration Entities, the Rules for the Formulation and Management of Documents of the LEU.”

As can be seen from the attachments to the letter, on 10 August 2017, the University applied to the Applicant by the letter No. 02-R4-717 “Regarding requests sent” and indicated that “requests and complaints should be sent by registered mail, delivered to the University’s Office or sent by e-mail, signed by a secure electronic signature.”⁵

By the letter No. S-459 of 7 November 2017 “Regarding the submission of the information”, the Ombudsman applied to the employee of the University L. D. requesting the following:

“1) to submit the detailed minutes and sound record of the meeting <...> of the Department of Philosophy of the University of 10 March 2016;

2) to explain the reasons why the registration number of the minutes of the meeting <...> is indicated differently in the documents.”

On 30 November 2017, the Ombudsman, taking into account the fact that no response was submitted, by letter No. S-513 repeatedly applied to the employee of the University L. D.

By the letter No. 27-R4-1200 of 11 December 2017, the Department of Philosophy of the University pointed out that due to the changes in the structure of the University “we cannot explain the discrepancy of the registration number of the minutes of the meeting of the Department of Philosophy of [the University] of 10 March 2016 in different documents.”

On 12 December 2017, the Ombudsman, taking into account the answer of the Department of the University of 11 December 2017, by the letter No. S-536 “Regarding the submission of the information”, applied to the University requesting “to provide a copy of the page of the registration journal, in which the minutes of the meeting of the Philosophy Department of 10 March 2016 is registered, approved by the signature of the employee carrying out the document management functions.”

By the letter No. 27-R4-1245 of 22 December 2017, the Department of the University pointed out that after connecting the Department of Philosophy to another University Faculty Department in 2017, “the registration journal of the documents of the Philosophy Department was not transferred to the administration”, and submitted the copy of the minutes of the meeting of the Philosophy Department of 10 March 2016. The registration number of the minutes of the meeting is the same as indicated in the extract from the minutes of the meeting presented by the Applicant.

Part 1 of Article 3 of the Law on Amending the Law on Archives of the Republic of Lithuania states that: The National Document Fund shall consist of documents of the activities of

⁵ Underlined by us

state and municipal institutions, establishments and enterprises, persons authorized by the State <...>.” Article 10 of the same Law provides that “1. The operational documents of a state or municipal institution, establishment or enterprise must be effectively managed and accessible to meet the needs of its own and others, to prevent damage, loss, misuse, alteration, destruction. The head or other authorized person of the institution, establishment or company (hereinafter - the Head) is responsible for the organization of document management of that state or municipal institution, establishment or company in accordance with the procedure established by legal acts. 2. The Head of a state or municipal institution, establishment or company must: 1) establish registers of operational documents of an institution, establishment or company, other accounting documents; 2) to appoint the persons responsible for the registration, processing, accounting, storage and destruction of operational documents and to establish their powers <...>.” Part 2 of Article 11 of the Law provides that “The documents drawn up and received by the state or municipal institutions, establishments or companies in the performance of the powers and activities established by legal acts shall be registered in the document registers, structured according to the plan of the institution, establishment or company, organized and included in the accounting.”

Part 1 of Article 522 of the Code of Administrative Offenses establishes administrative responsibility for *violations or non-compliance with the regulatory documents governing the management and / or use of documents in the National Document Fund*. For violations provided for in this Article, pursuant to Part 26 of Article 589, administrative offenses are commenced, the administrative offenses are investigated and the records of administrative offenses are drawn up by the Chief Archives of Lithuania and state archives.

In view of the fact that the University was not able to provide the Ombudsman with the information related to documentary accounting, pursuant to Part 1 of Article 522 and Part 26 of Article 589 of the Code of Administrative Offenses, the Ombudsman shall forward the information collected to the Office of the Chief Archivist of Lithuania.

Taking into account the fact that the Vice-Rector of the University confirmed that he did not submit the special decisions or orders regarding the Applicant, there are no grounds for finding the violations of academic ethics by the Vice-Rector of the University.

Taking into account the fact that the registration number of the minutes of the meeting of the Department of Philosophy of 10 March 2016 submitted by the University Faculty coincides with the registration number of the extract of the minutes of the meeting of the Department of Philosophy of 10 March 2016 submitted by the Applicant, here are no grounds for finding the violations of academic ethics of the employee of the University L. D. related to the falsification of documents.

The employee of the University L. D. did not reply to the Ombudsman's letters, did not submit the requested information. Such inaction of the employee of the University L. D. in respect of the information requested by the Ombudsman contradicts to the principle of academic ethics established in Clause 2 of Part 1 of Article 3 of the Law on Higher Education and Research to the extent which establishes the provisions of transparency, honesty and justice, provision of information in order to clarify the truth.

Attention is drawn to the fact that the Applicant since 14 October 2016, according to the data of the University, submitted 80 letter to the University, and since 12 October 2016 he submitted 9 complaints to the Ombudsman about the University, of which 4 were examined by the Ombudsman, 2 were refused to examine, 3 were forwarded to the University. It should be

noted that all members of the academic community should exercise their rights responsibly, 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.”

After the analysis and evaluation of the provided information and its supporting documents as well as the legal regulation, and in accordance with Clause 8 of Part 11 of Article 17 of the Law on Higher Education and Research of the Republic of Lithuania, the Ombudsman

d e c i d e d:

To recognize the complaint as unjustified.

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