



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

**DECISION
ON VIOLATIONS OF PROCEDURES IN THE FACULTY OF MEDICINE
AT VILNIUS UNIVERSITY**

25 October 2018 No. SP-12

Vilnius

The Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Ombudsman), in accordance with Part 1 of Paragraph 17 of the Law on Science and Studies of the Republic of Lithuania and with Subparagraph 1 of Paragraph 13 of the Statute of the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania, approved by the Resolution No. XI-1583 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“ of the Seimas of the Republic of Lithuania, and after examination of the complaint of the Applicant¹ received in the Office of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the Office) on 4 June 2018 regarding possible violations of academic ethics at the Faculty of Medicine (hereinafter - the FM) at Vilnius University (hereinafter - VU),

determined:

On 4 June 2018, the Applicant submitted the complaint to the Ombudsman regarding possible violations of the academic ethics in the FM: student discrimination, improper performance of university staff, the recognition of skills acquired in other institutions of science and studies, and the implementation of financial relations between the student and the university.

The applicant indicated in the complaint that he provided the lecturers of the subjects of the program studied in the FM with applications to credit the results of previous studies, but the lecturers of the subjects of the study program did not respond to the Applicant’s requests submitted by e-mail, the Applicant received inaccurate information regarding the extent of the fulfilment of applications. The Applicant stated in the complaint that the results of previous studies were credited in only one of several parts of the subject and in other parts of the subject the Applicant’s achievements were assessed as a debt. The Applicant also indicated that he had received notification from the administration of the FM regarding the suspension and possible termination of the Applicant’s studies due to negative evaluations of the study results. In this regard, the Applicant stated in the complaint that in such a way the Applicant was potentially avoided to repay part of the paid-up money for studying in the MF, not to recalculate the study price according to the volume of the results of

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.

previous studies. The Applicant also complains in the complaint that during the study process students received racist remarks, the students of non-Lithuanian origin were discriminated against.

On 6 June 2018, the Applicant supplemented the complaint and provided the Controller with the information on the study program studied in the MF, correspondence letters by e-mail with the lecturers of the subjects of the program studied by the Applicant and the administration of the FM. It is evident from the documents submitted by the Applicant that the Applicant began his medical studies in the FM in 2016, while studying he submitted the applications to credit the results of previous studies, thus reducing the cost of studies. It is evident from the e-mails sent by the Applicant to the lecturers of the subjects of the study program that the applications to credit the results of previous studies were submitted by the Applicant to the lecturers independently, and the confirmation of the crediting of the results of previous studies was often received not at the first weeks of the study semester, but half way through the semester and later.

The Applicant confirmed the statements regarding the length of time spent requesting to credit the results of previous studies by submitting correspondence letters by e-mail with the coordinator of the FM:

1) the letters sent by e-mail in the period from 8 February 2018 to 15 March 2018, from which it is evident that on 27 February 2018 the coordinator of the FM applied to the Applicant by notifying that the Applicant's study debts exceed 15 credits and that the Applicant's study contract with VU may be terminated. On 27 February 2018, the Applicant indicated to the coordinator of the FM that he has waiting for the responses of the lecturers of the study subjects about the crediting of the results of previous studies. On 27 February 2018, the coordinator of the FM applied to the Applicant with a request to confirm that the Applicant was still waiting until the lecturers of the study subjects studied during the last study semester would credit the results of previous studies;

2) the letters sent by e-mail on 25–26 April 2018, from which it is evident that on 25 April 2018 the Applicant sent the letter to the coordinator of the FM by notifying on two study subjects in which the results of previous studies were credited, and on 26 April 2018 the coordinator of the FM informed the Applicant that, in order to reduce the cost of the studies in the middle of the semester, it is necessary to obtain a confirmation from the subject lecturer who would indicate that the Applicant did not attend the subject lectures.

On 24 June 2018, the Applicant provided the Ombudsman with a table setting out the dates for applying to the lecturers of the subjects of the Medical Study Program, the dates of the crediting of the results of previous studies and the introduction into the university information system. The Applicant indicated in the table that he had applied to the lecturers of the 14 subjects to credit the results of previous studies. 9 out of 14 times the information on the crediting of the results of previous studies was introduced into the VU database in other study semester, than the Applicant submitted applications to the lecturers of the subjects covered in the study plan.

By the letter No. S-138 of 15 June 2018 “Regarding the submission of the information”, the Ombudsman applied to the FM, by notifying about the complaint received and requesting to submit information about the applicant's studies, study achievements, assessment of study subjects and crediting of the results of previous studies, as well as information on financial relations between the Applicant and the university, and to indicate whether the FM ever had adopted decisions to suspend the Applicant's studies.

By the letter No. (1.6) 150000-S-326 of 20 June 2018 “Regarding the submission of the information”, the FM provided information on the Applicant's studies and study achievements, the

crediting of the results of previous studies and decrees of the Dean of the Faculty of Medicine regarding the reduction of tuition fees. It is evident from the documents submitted that the Applicant began his medical studies in the FM in 2016 and he submitted the applications to credit the results of previous studies. The note on the study results No. 173572 of 19 June 2018 indicates that the results of previous studies of the Applicant were credited in the assessment of 15 study subjects during the first two years of the Applicant's study year in the FM. Evaluations of 8 out of 15 subjects were introduced into the data system in 2018, when the Applicant was studying in the fourth semester. Depending on the extent of the results credited, the study cost applied to the Applicant by the orders of the Dean of the FM was reduced by four times:

- 1) by the Order No. 150000-SAK-107 "On the reduction of tuition fee" of 22 December 2016;
- 2) by the Order No. 150000-SAK-29 "On the reduction of tuition fee" of 26 June 2017;
- 3) by the Order No. 150000-SAK-5513 "On the reduction of tuition fee" of 18 June 2018;
- 4) by the Order No. 150000-SAK-5514 "On the reduction of tuition fee" of 18 June 2018.

By the letter No. S-152 of 25 June 2018 "Regarding the submission of the information", the Ombudsman applied to the FM, requesting to submit information on the results of the Applicant's studies, indicating the dates of the introduction of the results into the data system, copies of legal acts regulating the crediting of the results of previous studies and financial relations between the university and the student.

By the letter No. (1.6) 150000-S-342 of 4 July 2018 "Regarding the submission of the information", the FM indicated that the Applicant had studied at another university and "those subjects which, according to the study content, corresponded to the subjects provided for in the study plan of the Medical Study Program [of the FM], were credited. Students may apply for a reduction in the tuition fee when the subject is credited. The reduction of the fee is calculated on the basis of the number of reduced credits <...>. There was no decisions to remove or stop [Applicant's] studies. After the 3rd semester, when [the Applicant] had more than 15 ECTS credit debts, [the Applicant] was informed that he would be dismissed <...>. However, upon proposal made by the faculty and submission of the necessary documents by [the Applicant], the subjects were credited. After crediting, the amount of failed subjects did not exceed 15 ECTS credits and [the Applicant] could continue his studies."

It is evident from the information on the results of the Applicant's studies provided by the FM that the results of 15 subjects studied previously were credited during the 4 study semesters of the Applicant. Evaluations of 4 out of 15 subjects were introduced into the data system in the same semester for which the study subject was provided. Evaluations of 11 out of 15 subjects were introduced into the data system in the same semester for which the study subject was provided. During the fourth Applicant's study semester of 2018, 3 subjects of the fourth study semester were credited and the evaluations of 5 study subjects provided for the previous semesters were introduced into the data system.

By the letter of 4 July 2018, the FM also presented the copies of the Procedure for Crediting Study Results at Vilnius University (hereinafter – the VU Procedure) and the Description of the Procedure for Payment, Refund and Recovery of study fees at Vilnius University (hereinafter – the VU Description).

By the letter No. S-165 of 17 July 2018 "Regarding the submission of the additional information", the Ombudsman applied to the FM and notified that, with regard to the Amendments

made to Part 1 of Article 17 of the Law on Science and Studies of the Republic of Lithuania of 11 July 2018, which state that the Ombudsman is “a public official who examines complaints, reports and conducts investigations at his own initiative on possible violations of academic ethics and procedures <...>”, he initiated an investigation on alleged violations of the procedures in the FM on his own initiative. By the letter of 17 July 2018, the Ombudsman also requested the FM to explain the role of coordinators when student are seeing for the crediting of the results of previous studies, and to indicate whether the FM had received the reports of the students about discriminatory behavior of the staff of the FM and racist remarks during the study process.

On 30 July 2018, the staff of the FM arrived to the meeting at the Office and indicated that the administration of the FM is aware of the student's' statements about the potentially discriminatory behavior of the staff of the FM and racist remarks during the study process. The staff of the FM noted that students were invited to clarify the circumstances known to them for possible discriminatory behavior of the staff of the FM and racist remarks, but the administration of the FM had not received any revised reports. The staff of the FM noted that they had applied to the personnel of the FM to prevent discriminatory behavior and racist remarks opportunities. At the meeting, the staff of the FM also noted that the Applicant's studies were not suspended due to debts and indicated that holding the debts did not prevent the student from continuing the studies, but the MF suggested to the Applicant to stop the studies so that the Applicant would manage the debts without disturbing the study process. Taking into account the fact that, when the Applicant completed the third study semester, the study contract was not terminated and the Applicant's studies were not suspended, the study contract obligated the Applicant to continue the study process. While discussing the opportunities of the students to submit applications for the crediting the results of previous studies, the staff of the FM stated that students can submit their applications at any time during the study process. The VU Procedure prescribes that a student who wishes his results of previous studies to be credited must submit the application to the coordinator of the stem academic unit of VU together with documents allowing an assessment of its validity, and, if the application complies with the formal requirements, the coordinator applies to the tutors of the study program who assesses whether the results of previous studies can be credited. During the meeting, the staff of the FM also indicated that the administration of the FM was aware that the VU Procedure was not respected and that the students themselves applied to the lecturers of the study subjects, asking for the results of previous studies to be credited.

By the letter No. S-188 of 7 August 2018 “Regarding the submission of the additional information”, the Ombudsman applied to the FM with a request to submit the VU Study Regulations.

By the letter No. (1.6) 150000-S-385 of 14 August 2018 “Regarding the submission of the information”, the MF provided the VU Study Regulations (hereinafter - the VU Regulations).

Regarding possible racist remarks, discrimination against the students of non-Lithuanian origin during the study process

The Applicant also complains in the complaint submitted to the Ombudsman that during the study process students received racist remarks, the students of non-Lithuanian origin were discriminated against.

The information provided by the staff of the FM at the meeting of 30 July 2018 at the Office indicates that the administration of the FM was aware of the student's' statements about the potentially discriminatory behavior of the staff of the FM and racist remarks during the study process. The staff of the FM noted at the meeting that students were invited to clarify the circumstances known to them

for possible discriminatory behavior of the staff of the FM and racist remarks, but the administration of the FM had not received any revised reports. The staff of the FM also noted that they had applied to the personnel of the FM to prevent discriminatory behavior and racist remarks opportunities.

Given that the findings of academic ethics violations related to possible racist remarks and discriminatory behavior during the study process are insufficient, in this part the investigation is discontinued.

Regarding the crediting of the study results

The VU Regulations stipulate that “5.5.1. The main form of evaluation of the achievements of studies of the final subject <...> at [VU] is an exam <...>. 5.5.6. Failed exam <...> can be retaken by the student once <...>. 5.6.1. Debt - a lower than threshold level of study achievement achieved after the retaking of the <...> achievement evaluation <...>. 5.6.3. Upon expiry of the deadline for the retaking of final evaluation of the study achievements, a student having debts <...> of up to 15 credits, who wishes to continue studies must [request] to allow him to repeat the studies of relevant subjects <...> or to retake the subject <...> externally after self-repetition and continue to execute the study program <...>. 5.6.6. A student having a debt of more than 15 credits <...> is being removed from [VU] for underachievement.”

The VU Procedure states that “8. A person who wishes his study results to be credited, shall submit [the application to credit the results of previous studies and documents that would allow evaluate the similarity of the subjects previously studied to the subjects provided in accordance with the study plan] to the coordinator. 9. The coordinator, having received all documents, evaluates the formal requirements of studies provided for in the [VU Procedure]. If a person who studied in a foreign higher education institution applies for the crediting of the study results - the coordinator applies to the Center for Quality Assessment in Higher Education, which provides the necessary information. 10. If the applicant’s documents meet the prescribed formal requirements, the coordinator submits all the personal documents to the chairperson of the committee of the study program for which the applicant applies - the curator of the program. 11. The curator of the program evaluates compliance of the subject requirements of the study results of the program being studied or planned to be studied, taking into account the criteria set out in the [VU Procedure] and provides the coordinator with a proposal for the evaluation of subjects. If necessary, he consults the subject lecturer or calls a study program committee. 12. The decision on the crediting the study results is formalized by the card for the crediting of the study results <...>. 13. If a person does not agree with the decision on the crediting of the results, he may appeal to the appeal committee of the unit within 10 working days in accordance with the prescribed procedure. 14. If a person does not agree to the crediting of the subjects when resuming the studies, he can file a complaint to the dean (head of the unit) <...>”.

Part 39¹ of the VU Description provides that “student’s tuition fee is adjusted by studying fewer credits than foreseen in the study plan, studying according to an individual study plan, having not used the right to receive educational services established by the contract, transferring the student to a state-funded study place and in other cases determined by the council of the stem academic unit.”

Given that:

1) The VU Procedure for the crediting of the study results provides that students submit applications for the crediting of the results of previous studies to the coordinator of the stem academic unit, and the coordinator coordinates the procedure of the crediting of previous results,

2) The Applicant has studied at the FM since 2016 and he independently submitted applications to the lecturers of the subjects provided by the Medical Studies program to credit the results of previous studies,

3) during the four semesters of the Applicant's studies, the results of the 15 previously studied subjects were credited, evaluations of 11 out of 15 study subjects credited were introduced into the data system during the subsequent semesters than the study subject was provided for, while the Coordinator of the FM did not coordinate the procedure for crediting the Applicant's study results,

4) the documents collected during the investigation and the explanations given by the staff of the FM during the meeting at the Office on 30 July 2018 confirm that the FM has formed a false practice that does not correspond to the procedure of the crediting the study results established by VU,

it is to be held that the FM violated Clauses 9 and 10 of the Procedure of the crediting the study results at Vilnius University.

The practice of the crediting of the study results of the FM violated the procedure for the crediting the study results established by the VU Procedure, and therefore:

1) The crediting of the Applicant's study results took an unreasonably long time,

2) The Applicant was not able to use the right to file appeals and to complain about the decisions of the FM related to the crediting of the study results established in Parts 13 and 14 of the VU Procedure,

3) the FM could not pre-adjust the tuition fee for the Applicant in accordance with Part 39¹ of the VU Description,

4) The FM has created the possibility of unduly negative evaluation of the Applicant's study result and the imposition of sanctions in the study process in accordance with Part 5.6.6 of the VU Regulations.

In view of the above, it should be noted that the practice of the crediting of the study results of the FM is incompatible with the principle of academic ethics enshrined in Clause 2 of Part 1 of Article 3 of the Law on Science and Studies, which is defined in Part 2 of Article 4, which stipulates that academic ethics - a set of universally accepted values ensuring the transparency, integrity and justice of the science and study process, the responsibility, trust and respect of the people involved in this process.

After the analysis and evaluation of the provided information and its supporting documents as well as the legal regulation, and in accordance with Clause 1 of Part 11 of Article 17 of the Law on Science and Studies of the Republic of Lithuania, the Ombudsman

decided:

To inform the Applicant, the Faculty of Medicine of Vilnius University, Vilnius University, and the Ministry of Education and Science of the Republic of Lithuania about the established procedural violations at the Faculty of Medicine of Vilnius University.

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

Ombudsperson for Children's Rights

Acting Ombudsman for Academic Ethics and Procedures

Edita Žiobienė