



**REPUBLIC OF LITHUANIA
OFFICE OF OMBUDSMAN FOR ACADEMIC
ETHICS AND PROCEDURES
ACTIVITY REPORT FOR 2013 M.**

**Vilnius
2014**

CONTENTS

1. Introduction
2. Establishment of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania
3. Overview of applications and complaints
4. Making and implementing decisions
5. Awareness raising activity
6. Consulting activity
7. Analysis of collected data on adopted codes of academic ethics, formed ethics commissions and number of applications regarding violations of academic ethics and procedures in higher education and research institutions
8. Integration of academic ethics and procedures: education and raising awareness
9. Summary and conclusions
10. Proposals

1. INTRODUCTION

Article 42 of the Constitution of the Republic of Lithuania provides that “Culture, science and research, and teaching shall be free. The State shall support culture and science, and shall take care of the protection of Lithuanian historical, artistic and cultural monuments and other culturally valuable objects. The law shall protect and defend the spiritual and material interests of an author which are related to scientific, technical, cultural, and artistic work.”

The Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania is a state institution, which aims to ensure the functions of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter referred to as the “Ombudsman”), including considering the complaints, initiating investigations for violation of academic ethics and procedures and supervising the compliance with academic ethics provisions and procedures. In its activity, the Office of Ombudsman observes the Constitution of the Republic of Lithuania, international treaties of the Republic of Lithuania, the Law on Higher Education and Research of the Republic of Lithuania, the Statutes of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania approved by Resolution No. XI-1583 of 15 September 2011 of the Seimas of the Republic of Lithuania, the work regulation, legislation of the European Union, and other legislation.

2. ESTABLISHMENT OF THE OFFICE OF OMBUDSMAN FOR ACADEMIC ETHICS AND PROCEDURES OF THE REPUBLIC OF LITHUANIA

On 15 September 2011, by Resolution No. XI-1583 “On establishment of the Office of Ombudsman for Academic Ethics and Procedures and approval of the Statutes of the Office of Ombudsman for Academic Ethics and Procedures”, the Seimas of the Republic of Lithuania established the Office of Ombudsman for Academic Ethics and Procedures (Office) and approved the Statutes of the Office.

Section 6 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania provides that a person of good repute, having an academic research degree and experience in management shall be appointed to the position of Ombudsman.

On 29 September 2011, the Research Council of Lithuania announced the first competition for candidates to the position of the Ombudsman for Academic Ethics and Procedures.

In March 2012, a competition was announced once again. The Research Council encouraged the academic community: researchers, councils of higher education and research institutions and other institutions to actively nominate candidates to this position.

In a sitting of the Research Council of Lithuania in December 2012, none of the candidates received the required number of votes. Since the election of the Ombudsman for Academic Ethics and Procedures had failed again, it was suggested to review the requirements for the position. The selection of a candidate to the position of the Ombudsman for Academic Ethics and Procedures was started once again.

In May 2013, the Research Council of Lithuania suggested appointing Dr. Vigilijus Sadauskas, an engineer, a lawyer and a specialist of safe traffic as the Ombudsman for Academic Ethics and Procedures.

On 18 June 2013, by Resolution No. XII-39 “On appointment of Ombudsman for Academic Ethics and Procedures”, the Seimas of the Republic of Lithuania appointed Dr. Vigilijus Sadauskas as the Ombudsman for Academic Ethics and Procedures of Lithuania.

On 14 August 2013, the Office was registered with the Register of Legal Entities.

On 19 August 2013, the Office was registered with State Social Insurance Fund Board (SODRA).

On 21 August 2013, by Resolution No. SV-S-335 “On the maximum permitted number of positions of civil servants and employees hired under employment contracts by the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania”, the Board of the Seimas of the Republic of Lithuania approved the maximum permitted number of positions of civil

servants and employees hired under employment contracts by the Office and receiving remuneration from the state budget and state monetary funds, which is 7.

On 10 October 2013, by Resolution No. XII-522 of the Seimas of the Republic of Lithuania “On approval of the list of the institutions of the Seimas of the Republic of Lithuania, Office of the Seimas and institutions accountable to the Seimas, institution of the President and the institutions accountable to the President, National Courts Administration, courts, Prosecutor's Office, local-government institutions classified into groups, which provide the basis for establishing the categories of uniform positions of civil servants”, the Office was attributed to Group 2.

In October 2013, the structure of the Office and the list of positions were approved.

On 31 December 2013, the Office had 5 employees: Ombudsman, Senior Adviser (full-time position), Senior Specialist (full-time position), Chief Specialist (Finance) (half-day position), and Chief Specialist (IT) (half-day position).

On 17 October 2013, the Office was registered as a user of Central Public Procurement Information System (CPP IS).

In 2013, 43 public procurements were organised by the Office. It purchased the equipment, services and work necessary to implement the objectives of the Office.

On 3 December 2013, non-residential premises at Z. Sierakausko g. 15, Vilnius were transferred by trust to the Office for use, operation and disposal.

On 31 December 2013, by the Order No. V-20 of the Ombudsman, the Advisory Committee of the Office was formed. The Committee was comprised of 13 members nominated by Research Council of Lithuania, Lithuanian Scientific Society, Lithuanian National Union of Students, and Lithuanian Society of Young Researchers. The members advise and/or make suggestions to the Office in solving the problems related to academic ethics and procedures.

In performing its functions, the Office aims to effectively implement the provisions of the European Union legislation, to improve the legislation, to promote the compliance with academic ethics and procedures in higher education and research institutions, to nurture the principles of academic responsibility and ethical research practices, to apply the preventive measures against plagiarism, unauthorized copying and other unauthorised use of intellectual property results developed by other people as well as counterfeiting, fraud and manipulation of research data, etc. It seeks to integrate the academic ethics within higher education and research institutions at all their management levels. The Office takes interest in pressing problems in the field of academic ethics and procedures, suggests the solutions and focuses on the topic of academic ethics in the media.

In November 2013, the Office prepared and presented to the Ministry of Education and Science a draft amendment of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania and supplement by Articles 18¹, 18², and 18³ (see Appendix to the Report).

This Annual Activity Report of the Office not only allows evaluating the work performed since the establishment of the Office, but is also a starting point for planning other essential activity related to ensuring compliance with academic ethics in the future.

3. OVERVIEW OF APPLICATIONS AND COMPLAINTS

After starting the activity of the Ombudsman on 19 June 2013, the number of potential violations of academic ethics and/or procedures was constantly increasing. At the beginning of work of the Ombudsman, anonymous reports were often sent to the personal e-mail of the Ombudsman. However, during recession the people tend to care about keeping the job more and believe that a complaint about violation of academic ethics and/or procedures may result in dismissal and therefore, violations of academic ethics and/or procedures are often simply ignored. Moreover, the people sometimes refrain from complaining, because they still believe that it is shameful.

The following table provides the information about the applications and complaints received by the Office and initiated investigations in 2013 classified by particular types of violation of academic ethics and/or procedures:

Table 1

Violation related to:	Number of applications	Number of complaints	Number of initiated investigations	Volume (number of pages)
academic integrity	-	-	-	-
academic freedom	-	-	-	-
impartiality in assessing research	-	-	-	-
equal rights to participate in competitions	1	1	-	30
ethical relations	2	-	1	78
other violations of academic ethics	11	-	-	54
TOTAL:	14	1	1	162

Document flows

40 letters (54 pages) were prepared and sent, 87 documents (around 500 pages) were received. 83 documents related to public procurement were drawn up (agreement, applications-tasks, certificates, etc.) (around 400 pages).

The following key documents were prepared to ensure the activity of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania:

Table 2

Name of the document	Number of pages
Internal Rules of Procedure of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	4 pages +1 page of appendices
Rules of Simplified Public Procurement	22 pages +2 pages of appendices
Work Regulation of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	9 pages
Plan of Public Procurement in 2013 of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	4 pages
Manual of Procedures for Organization of Public Procurement in the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	7 pages +3 pages of appendices
Manual of Accounting of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	19 pages
Description of the Procedure for Using Office Mobile Telephones of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	3 pages
Description of the Procedure for Using Office Passenger Vehicles of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	5 pages +4 pages of appendices
Rules of Financial Control of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	6 pages +5 pages of appendices
Order to Assign Procurement Organisers	1 page
Description of Procedure for Organising Training for Civil Servants and Employees Hired under Employment Contracts	5 pages
Order for Training of Fire Safety and Certification of Employees	2 pages
Order for Limits on Mobile Telephone Services	3 pages
Order to Assign Materially Liable Employees	3 pages
Order to Form the Advisory Committee of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	2 pages

Order on Approval of Structure of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania and Lists of Positions of Civil Servants and Employees Hired Under Employment Contracts	4 pages
Order on Approval of Job Descriptions of Civil Servants and Employees Hired Under Employment Contracts by the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania	29 pages

4. MAKING AND IMPLEMENTING DECISIONS

Upon examining the complaint or completed the investigation, in accordance with Section 12 of Article 18 of the Law on Higher Education and Research, the Ombudsman shall take a decision:

- 1) to inform higher education and research institutions and the Ministry of Education and Science about the persons who have violated the academic ethics and procedures;
- 2) to obligate the institution, which has awarded a scientific degree and/or held the competition to fill a position, to revoke the decision on the awarding of the scientific degree and/or on the winner of the competition;
- 3) to recommend higher education and research institutions to revoke a decision taken on the basis of the documents regulating the academic ethics and procedures;
- 4) to recommend to an employee to refuse participating in an ongoing project of research and experimental (social, cultural) development;
- 5) to inform an institution responsible for a specific sphere about the persons (authors) who have suffered from violations of the academic ethics;
- 6) to notify law-enforcement institutions if the evidence of a criminal offence has been established;
- 7) to appeal to the court if the obligation of the Ombudsman is not fulfilled;
- 8) to make public the cases about the violation of academic ethics and procedures;
- 9) to recognise the complaint as unjustified.

If signs of possible criminal activity are found in the material presented by the applicant or obtained during the investigation of complaints received by the Office, law-enforcement institutions are notified.

If the institution complained of fails to take into consideration the recommendations of the Ombudsman, the applicant may seek further remedies of infringed rights in court and refer to the facts identified by the Office during investigation and its recommendations. Most often, the recommendations of the Ombudsman were taken into consideration.

If the data substantiating the violations specified in the complaint is lacking, the Ombudsman may decide to recognise the complaint as unjustified. It is noteworthy that a complaint may be recognised as unjustified only after a comprehensive investigation and legal assessment of the facts specified in the complaint.

5. AWARENESS RAISING ACTIVITY

Section 9 of Article 18 of the Law on Higher Education and Research establishes the key principles of activity of the Ombudsman, which include publicity. Publicity is one of the essential factors in evaluating the efficiency of the Office's work. It is noteworthy that immediately after appointment, the Ombudsman started intense publicity activities to introduce himself to the academic community and to present the objectives of activity of the established Office.

On 17 September 2013, the Ombudsman participated in the meeting organised by Vilnius University Students' Representation, which discussed the material of the presentation of the investigation Academic Integrity Index 2013 carried out by the Lithuanian National Union of Students, identified related problems and the directions and methods for solving such problems.

On 18 September 2013, the Ombudsman visited Mykolas Romeris University and met the Vice-Rector for Research and International Relations of the University and other members of academic community. During the meeting, academic ethics and integrity problems were discussed and the good practice of European universities was shared.

On 25 October 2013, the Ombudsman participated in the meeting of European Universities Association (EUA) Board, Council and Secretaries General with the Lithuanian academic community. The meeting was held in Mykolas Romeris University.

On 21-22 November 2013, the Ombudsman participated in a High-Level Conference “Structural Change Promoting Gender Equality in Research Organisations” organised in the framework of Lithuanian Presidency of the EU Council. During the Conference, European Union researchers discussed gender imbalance in research, which may cause inefficient use of human resources, and ensuring gender equality in research as one of the key priorities of the European research area. The aim of the conference was to bring together the policy makers of European research, agencies funding research, heads of European research and higher education institutions, famous researchers and representatives of research-intensive business to discuss the measures promoting gender equality in research and higher education organisations.

On 20 December 2013, the Ombudsman participated in the meeting of the Lithuanian University Rectors' Conference held in Vilnius Gediminas Technical University, where he read a paper “On directions and procedures of cooperation of the Ombudsman for Academic Ethics and Procedures with the Lithuanian University Rectors' Conference” and discussed the participation of the representatives of the Lithuanian University Rectors' Conference in the Advisory Committee formed by the Ombudsman.

In September-December, the Ombudsman participate in 3 meetings of the Research Council of Lithuania, where essential problems of academic ethics were discussed and guidelines and directions for further work were set.

The appointment of the Ombudsman and start of activity was widely reported by the media. Thus, the public was informed about the problems of ensuring academic ethics and integrity. Table 3 presents a list of main publications on this topic:

Table 3

18 June 2013	<p>V. Sadauskas appointed the Ombudsman for Academic Ethics and Procedures</p> <p>V. Sadauskas appointed the Ombudsman for Academic Ethics and Procedures</p> <p>V. Sadauskas appointed the Ombudsman for Academic Ethics and Procedures</p> <p><i>Quote from the article: “The decision was taken by 61 votes for and two abstained. Mr. Sadauskas, an engineer, a lawyer and a specialist of safe traffic was nominated to the position by the Research Council. His candidacy was selected by the Research Council in the third competition. Previous two competitions of candidates to the position did not take place as a suitable candidate was not found.”</i></p>	<p>BNS (www.lrytas.lt)</p> <p>BNS (www.bernardinai.lt)</p> <p>BNS (www.15min.lt)</p>
26 June 2013	<p>Interview with V. Sadauskas: the Ombudsman will appeal to conscience</p> <p><i>Quote from the article: “Based on an investigation, we will give recommendations. The universities will be able to evaluate them. I believe the future will see less problems than the present. Our students tolerate cheating. In UK universities cheating is incomprehensible, they have more research fraud. Many countries have experienced the same and prepared recommendations. It seems it has become acceptable to all. Our Office is not punitive. It will promote</i></p>	www.respublika.lt

	<i>the ethic and moral aspect and publicize identified violations.”</i>	
1 July 2013	<p>http://www.ziniuradijas.lt/naujiena/2013/07/01/svarbiau-viesas-pasmerkimas-o-ne-baudos/21998</p> <p><i>Members of the Seimas Committee on Education, Science and Culture propose fines for purchasing, selling and presenting research to educational institutions. Vigilijus Sadauskas, Ombudsman for Academic Ethics and Procedures, in the programme Morning Interview (Ryto Interviu) said that fines were not a solution and public condemnation was more important.</i></p>	www.ziniuradijas.lt
7 July 2013	<p>Ombudsman for Academic Ethics and Procedures for the new academic year</p> <p><i>Quote from the article: “Last month, Vigilijus Sadauskas, the first appointed Ombudsman for Academic Ethics and Procedures, expects that the Office will start consulting the academic community on ethical issues at the beginning of the upcoming academic year. (...) Mr. Sadauskas said that the Office will seek not to punish, but to promote the understanding of misconduct and give recommendations on avoiding a conflict of interests.”</i></p>	BNS
7 July 2013	<p>Ombudsman for Academic Ethics and Procedures expects to start work by September</p> <p>Ombudsman for Academic Ethics and Procedures expects to start work by September</p> <p>Ombudsman for Academic Ethics and Procedures expects to start work by September</p> <p><i>Quote from the article: “I believe the Office will be established before September and on 1 September it will probably already have prepared the recommendations for personal and voluntary obligation of students to comply with academic ethics and morals,” said Mr. Sadauskas to BNS on Tuesday. He believes that the majority of disputes will be related to plagiarism.”</i></p>	<p>BNS</p> <p>BNS (www.balsas.lt)</p> <p>BNS (www.15 min.lt)</p>
26 August 2013	<p>Seven positions approved in the Office of Ombudsman for Academic Ethics</p> <p>Seven positions approved in the Office of Ombudsman for Academic Ethics, first complaints received</p> <p>Seven positions approved in the Office of Ombudsman for Academic Ethics, first complaints received</p> <p>Seven positions approved in the Office of Ombudsman for Academic Ethics, first complaints received</p> <p><i>Quote from the article: “The newly established Office of Ombudsman for Academic Ethics will most likely employ seven people. This number of positions was approved by the Board of the Seimas this week. Ombudsman for Academic Ethics and Procedures Vigilijus Sadauskas said to BNS that at that moment, it was the optimum number of positions, although he had proposed an Office with ten positions for approval. (...) Mr. Sadauskas has already received the first complaints. “Since my appointment as the Ombudsman, I have received eight complaints about academic ethics and procedures,” he said.</i></p>	<p>BNS (www.bernardinai.lt)</p> <p>BNS (www.kaunodiena.lt)</p> <p>BNS (www.vilniausdiena.lt)</p> <p>)</p> <p>BNS</p>

11 September 2013	<p>A priest's cassock tainted with suspicions of plagiarism (opinion of the Ombudsman)</p> <p><i>Quote from the article: "A shadow cast by an article written 8 years ago has caught up with the priest Saulius Bytautas: he must explain himself regarding whole paragraphs that word-for-word match the book of Ferdinand Holböck. The priest said he had quoted the author and had not had any bad intentions. This case will be investigated by hunters of plagiarists – Office of Ombudsman for Academic Ethics and Procedures."</i></p>	www.delfi.lt
1 October 2013	<p>Bureaucracy surprises even the Ombudsman</p> <p><i>Quote from the article: "The first Ombudsman for Academic Ethics and Procedures in Lithuania was appointed at the beginning of summer, but he still cannot start work. The complaints are flowing in, but the Office still does not have premises, computers or telephone. This is due to delay of the Seimas to adopt respective legislation. The Ombudsman Vigilijus Sadauskas admitted to Respublika that the bureaucracy of authorities and their unwillingness to help are surprising."</i></p>	www.respublika.lt
7 November 2013	<p>Ombudsman concerned with trading in research papers</p> <p><i>Quote from the article: "Vigilijus Sadauskas, Ombudsman for Academic Ethics and Procedures elected in summer, took the initiative to criminalize trading in research papers. He has applied to the Prosecutor General, Lithuanian University Rectors' Conference and intends to request that the Seimas prepares the amendments to legislation."</i></p>	www.respublika.lt
20 December 2013	<p>President of Rectors' Conference re-elected</p> <p><i>Quote from the article: "In the meeting of Lithuanian University Rectors' Conference (LURC) a new president of LURC was elected. This honour for a second successive year went to Petras Baršauskas, Rector of Kaunas University of Technology. (...) In the meeting, Mr. Baršauskas together with Ombudsman for Academic Ethics and Procedures Vigilijus Sadauskas raised the question of closer cooperation between the Ombudsman for Academic Ethics and Procedures and Rectors' Conference, procedure and directions of cooperation, and representatives of the Rectors' Conference in the Advisory Committee."</i></p>	ELTA (www.delfi.lt)

Communication about academic ethics helps the academic community and other stakeholders to better understand the meaning of academic ethics as well as possible cases of violation of procedures and to recognize them, encourages the people to defend their infringed rights under procedure set by law. Publicity is an effective preventive measure of academic ethics and procedures and therefore, publicity and transparency of the Office activity is and will be the main priority of activity.

Paragraph 8 of Section 12 of Article 18 of the Law on Higher Education and Research stipulates that the Ombudsman may decide to publicize identified cases of violation of academic ethics and procedures. It is noteworthy that the Office notifies the person who has filed the complaint about making the facts of the complaint public, thus allowing the applicant not to give consent to provide certain information to the media.

The Office will publicize the identified violations of academic ethics and procedures in the appendix Notifications (*Informaciniai Pranešimai*) to the Official Gazette (*Valstybės Žinios*).

The main problems in the field of publicizing the information is a gap between national and regional media, areas of specialization of the journalists, selective interest in more “striking” cases, occasional biased or incorrect provision of information, etc.

Promoting the interest of media in the methods of ensuring academic ethics and integrity, the Ombudsman has planned a selection and assessment of journalists writing about academic ethics in 2014. In 2014, an employee responsible for dissemination of information related to academic ethics and/or procedures will also be appointed. This employee would prepare press releases, public information plans, carry out the monitoring of press, collect an archive of articles on the activity of the Office, etc.

6. CONSULTING ACTIVITY

After the Office started its activity, the importance of consulting the academic community and other stakeholders became more prominent. Prior to assigning an e-mail address to the Office (October 2013), the Ombudsman received reports about potential violations of academic ethics and procedures and inquiries for advice and explanation in the field of academic ethics and procedures to his personal e-mail. Higher education and research institutions, members of academic community and their relatives have applied to the Ombudsman for advice. The number of anonymous inquiries and consultations exceeded the number of officially filed complaints about violation of academic ethics and/or procedures dozens of times. Consultations were given verbally (by telephone or in a meeting) or in writing (most often, by e-mail).

During the consultations, the applicants were given explanations, advice, methods and possibilities of solving the problems related to academic ethics and procedures. Information about the form and content of a complaint to the Ombudsman and the decision-making capacity of the Ombudsman was also often provided.

If the acts (omissions) complained of were not related to violation of academic ethics and procedures, the applicants were provided with information about a competent institution, which could help to solve the problem.

Around 20-25 consultations related to academic ethics or procedures are provided per month.

The Office also consults state authorities and institutions about improvement of draft legislation and makes proposals on the issues related to academic ethics and procedures.

In the future, the employees of the Office intend to give consultations and training during various events or professional meetings. Consulting on the issues of academic ethics and/or procedures contributes to potential reduction of violations of academic ethics and procedures.

7. ANALYSIS OF COLLECTED DATA ON ADOPTED CODES OF ACADEMIC ETHICS, FORMED ETHICS COMMISSIONS AND NUMBER OF APPLICATIONS REGARDING VIOLATIONS OF ACADEMIC ETHICS AND PROCEDURES IN HIGHER EDUCATION AND RESEARCH INSTITUTIONS

Paragraphs 12.1, 12.2 and 13.4 of the Statutes of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania providing for the tasks of the Ombudsman: promoting the compliance of higher education and research institutions with academic ethics and procedures, supervising and controlling the compliance of higher education and research institutions with the codes of academic ethics, establish the function of the Office: to gather, analyse and summarize the data on violations of academic ethics and procedures, violations of the Law on Higher Education and Research or statutes and codes of academic ethics of higher education and research institutions, applied cases of administrative liability as well as other information related to the compliance with academic ethics and procedures in Lithuania known to the Ombudsman. Using the list of higher education and research institutions presented in AIKOS website (<http://www.aikos.smm.lt>), 47 higher education institutions (23 universities and 24 colleges) and 22 research institutes, in total, 69 higher education and research institutions were surveyed.

The letter No. S-23 “On Codes of Academic Ethics of higher education and research institutions) sent on 30 October 2013 asked the above higher education and research institutions to provide information about the code of academic ethics applicable in the institution; commission or another institution considering the disputes related to academic ethics and procedures in the higher education or research institution; number of applications to the commission or another institution regarding violation of academic ethics and procedures from 2010 to October 2013 (inclusive).

By January 2014, the requested information was provided only by half of higher education and research institutions; thus, 22 higher education institutions and 12 research institutes were reminded by telephone (specified in AIKOS website) and written reminders were sent. Collected data was analysed by quantitative and qualitative analysis.

Analysis of the number of higher education and research institutions that have provided or not provided the information requested by the Ombudsman

By 14/02/2014, the information about adopted codes of academic ethics and ethics commissions as well as the number of received applications regarding violations of academic ethics and procedures was reported by 70.60 % of all higher education institutions and 68.18 % of research institutes (see Fig. 1) out of 52 higher education and research institutions. This number amounts to 75.36 3% of all surveyed institutions.

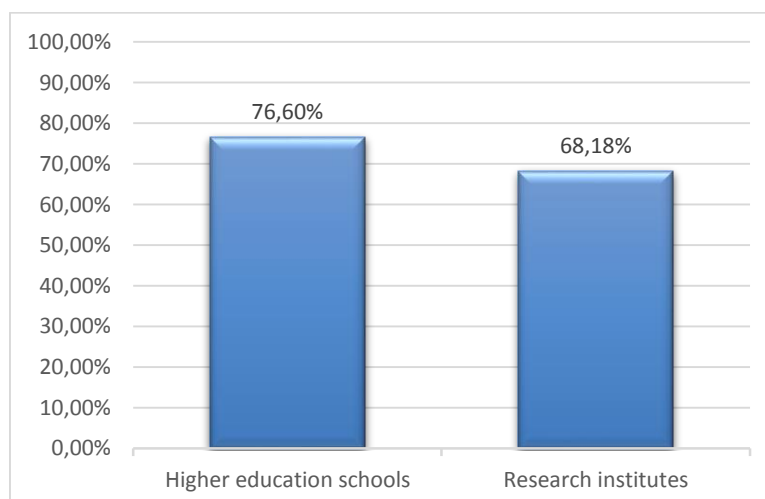


Fig. 1. Percentage of higher education and research institutions, which presented the information requested by the Ombudsman

The data presented in Fig. 2 indicates that the majority of institutions, which have not provided the information requested by the Ombudsman, are private education and research institutions: universities (44.44 %), colleges (27.27 %), and research centres (77.78 %).

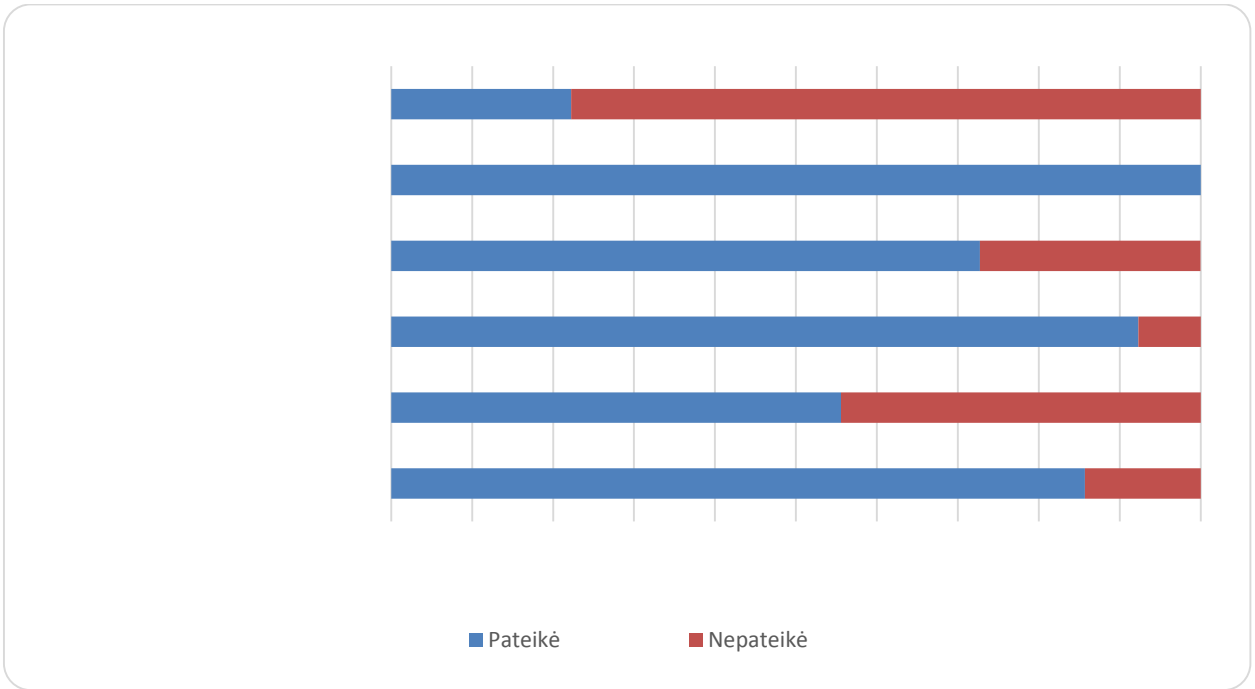


Fig. 2 Percentage distribution of higher education and research institutions by provision of information requested by the Ombudsman

Pateikè	Provided
Nepateikè	Not provided

In total, one fourth of institutions did not deliver the information (see Fig. 3). 3 out of them were state-owned institutions and 14 were private institutions, half of which were research institutes (see Fig. 4).

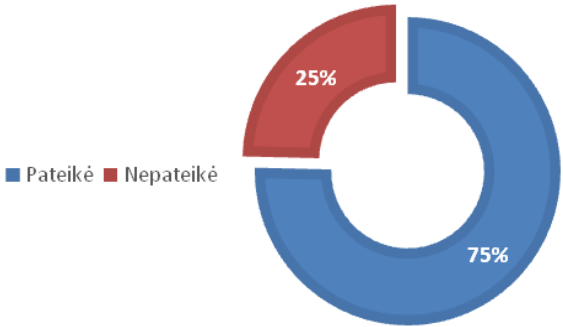


Fig. 3. Comparison of percentage of higher education and research institutions, which have or have not presented the information

Pateikè	Provided
Nepateikè	Not provided

With regard to the above data, it may be assumed that private higher education and research institutions ignored the request of the Ombudsman to deliver the information about the codes of academic ethics and commissions, because they had not adopted such documents or formed a commission or another institution performing the above functions. It allows concluding that private higher education and research institutions question the necessity and importance of the code of academic ethics in solving the dilemmas of ethical academic conduct, ensuring the quality of research, promoting integrity, transparency of research, professional responsibility and freedom. These main

and generally accepted values must be established in a code of ethics, because they help to clarify ethical rights, obligations and liability.

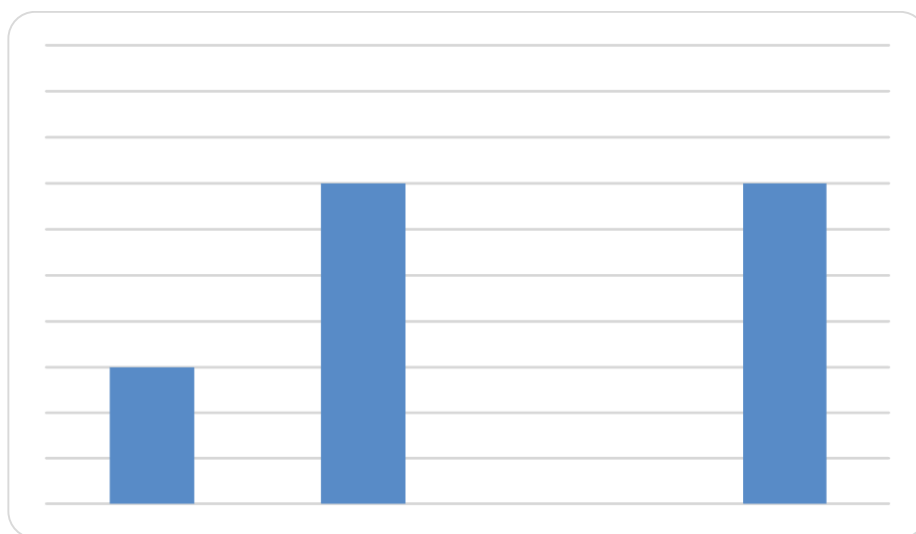


Fig. 4. Number of higher education and research institutions, which have not provided the information

Analysis of number of applications regarding violation of academic ethics and procedures received by higher education and research institutions

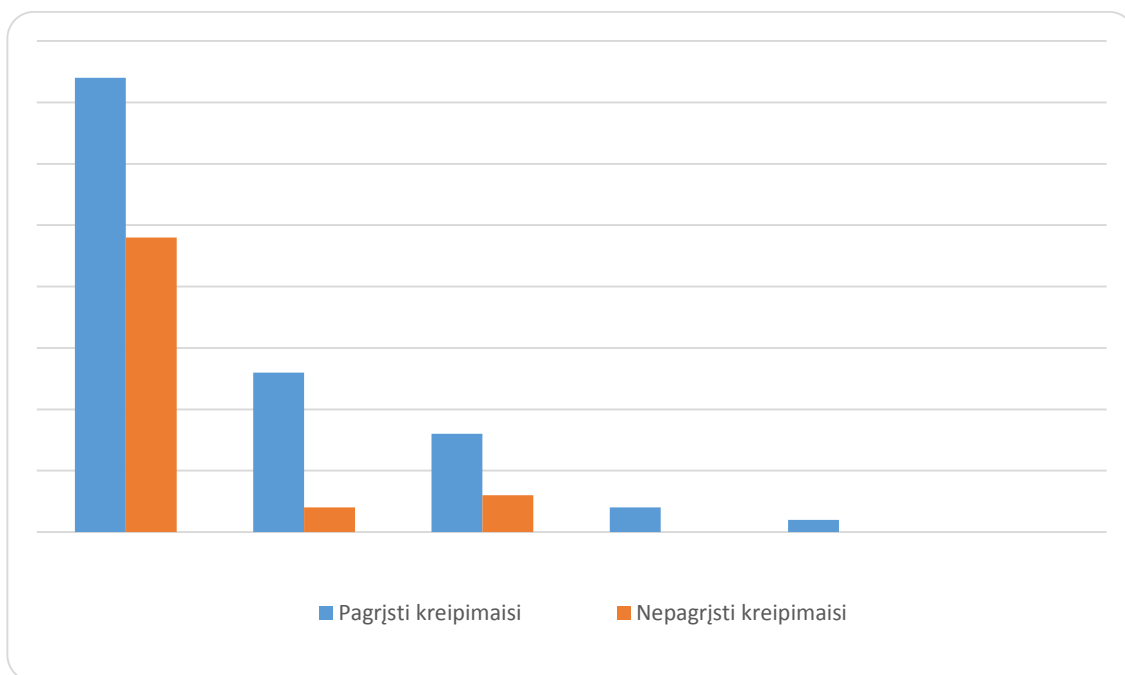


Fig. 5. Number of justified and unjustified applications regarding violations of academic ethics and procedures received by higher education and research institutions from 2010 to October 2013

Pagrįsti kreipimaisi	Justified applications
Nepagrįsti kreipimaisi	Unjustified applications

The data presented in Fig. 5 indicates that in higher education and research institutions which have provided the information to the Ombudsman, the majority of applications from 2010 to October 2013 were received by higher education institutions. It amounts to 98.89 % of all applications. In the

above period, research institutes have received only one application (1.11 % of all applications) (see Fig. 6).



Fig. 6. Number of applications regarding violations of academic ethics and procedures received by higher education and research institution from 2010 to October 2013, in percent

Kreiptasi į aukštąsias mokyklas	Applied to higher education institutions
Kreiptasi į mokslinių tyrimų institutus	Applied to research institutes

State-owned universities clearly stand out: their ethics commissions or other institutions considering violations of academic ethics and procedures have received 61 applications, which amounts to 67.78 % of all applications (see Fig. 5). It is noteworthy that out of five private universities which have provided information to the Ombudsman, all applications (in total, 15) were registered in one university and therefore, the data does not represent the actual situation in all private universities.

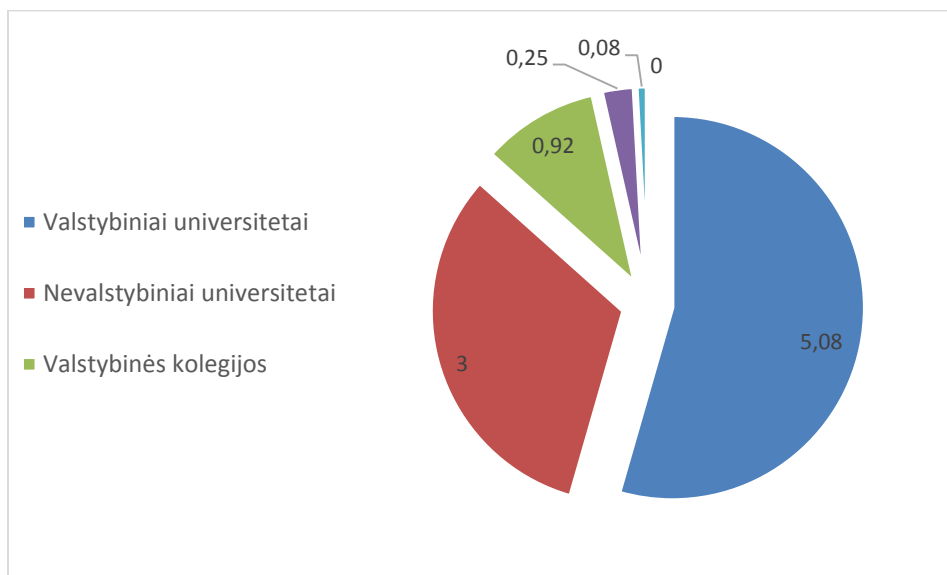


Fig. 7. Number of applications from 2010 to October 2013 per higher education or research institution, which has provided the information requested by the Ombudsman

Valstybiniai universitetai	State-owned universities
Nevalstybiniai universitetai	Private universities
Valstybinės kolegijos	State-owned colleges

With regard to the fact that only 5 out of 9 private universities have provided the information and that 15 applications were received by one university, we believe that the data in red is not representative. According to the information provided by other institutions, in comparison to state-owned universities, state-owned colleges and state-owned and private research institutes differ (see Fig. 7). According to number of applications per higher education or research institution, least applications were received by state-owned colleges and research institutes and private research institutes have not received any applications regarding violations of academic ethics and procedures. This data is closely related to the statistics of adopted codes of academic ethics and ethics commissions (see Fig. 9), since private research institutes have not adopted such documents or formed ethics commissions.

Based on this data, we can assume that state-owned universities have created better conditions for the academic community to report violations of academic ethics and procedures, to defend their rights, and to ensure and improve the quality of higher education and research.

Analysis of the adopted codes of ethics and formed ethics commissions in higher education and research institutions

The data presented in Fig. 8 indicates that all state-owned universities which have provided the information have adopted codes of ethics and formed ethics commissions. Among private universities only two seminaries do not have codes of ethics or commissions, because they refer to Canon Law in solving the violations of academic ethics and procedures. 6 universities did not report any information.

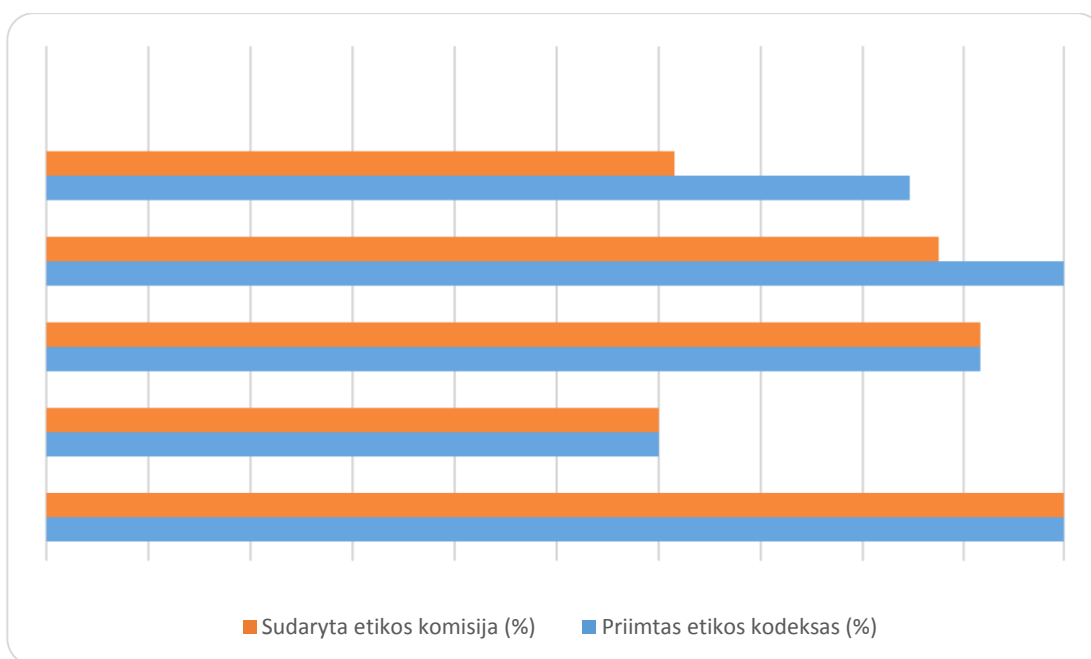


Fig. 8. Percentage of higher education and research institutions which have adopted codes of ethics and/or formed ethics commissions

Sudaryta etikos komisija (%)	Ethics commission formed (%)
Priimtas etikos kodeksas	Code of ethics adopted (%)

Majority of state-owned and private colleges which have presented the information have adopted codes of ethics and formed ethics commissions (1 college did not have a code of ethics and 2 did not have an ethics commission). 4 colleges did not report any information.

It is noteworthy that none of the private research institutes (in total, 2) which have provided the information did not have a code of ethics or an ethics commission in October 2013. With regard

to the above data, we can assume that all private research institutes (in total, 9) do not have codes of ethics and commissions.

It allows concluding that in comparison to teachers and students and researchers of state-owned research institute, the researchers of private research institutions do not have appropriate conditions to report violations of academic ethics and procedures and there are no mechanisms in place, which would allow solving possible conflicts related to research ethics.

8. INTEGRATION OF ACADEMIC ETHICS AND PROCEDURES: EDUCATION AND RAISING AWARENESS

With regard to the fact that the Office is a new institution, functions at national level and has been operating only for a few months, education and raising awareness about the issues of ensuring compliance with academic ethics and procedures is an important function of the Office.

Understanding the importance of prevention of violations of academic ethics and procedures, in 2013, the Ombudsman started activities directed towards raising awareness of the public and work with individual target groups: politicians, officials, civil servants, specialists of certain fields, media representatives, members of academic community, etc.

In the future, meetings and discussions with the public and target groups as well as conferences and lectures are planned.

9. SUMMARY AND CONCLUSIONS

1. It is essential to inform, consult and encourage the people to defend infringed rights in the field of academic ethics more actively by organizing meetings, workshops, training and other measures related to the possibilities and methods of ensuring compliance with academic ethics and procedures.

2. The provided data of higher education institutions, colleges and research institutions indicates that private ones question the necessity and importance of the code of academic ethics in solving the dilemmas of ethical academic conduct, ensuring the quality of research, promoting integrity, transparency of research, professional responsibility and freedom. State-owned universities have created better conditions for the academic community to report violations of academic ethics and procedures and to defend their rights as well as to improve the quality of studies and research.

3. In comparison to teachers and students and researchers of state-owned research institute, the researchers of private research institutions do not have appropriate conditions to report violations of academic ethics and procedures and there are no mechanisms in place, which would allow solving possible conflicts related to research ethics.

4. Integration of academic ethics is a systemic process, which includes implementing the principles of academic ethics, preparation and improvement of relevant draft legislation in higher education and research institutions (regulation of academic procedures).

5. A new important field of Office activity was revealed and will soon become our focus: consulting services.

10. PROPOSALS

1. It is recommended to appoint a person responsible for delivering information related to violations of academic ethics and procedures to the Office in higher education and research institutions.

2. It is recommended to encourage constant provision of information related to violations of academic ethics and procedures to the Office by state, local-government and law-enforcement authorities.

3. To promote self-regulation of students, it is recommended to form student commissions/committees considering the cases of academic integrity and other violations of ethics in higher education institutions.

4. It is recommended to change the qualitative composition of ethics commissions by including social partners and students and thus reducing the distance between students and teachers and ensuring transparency of commission activity.

5. With regard to the fact that Article 18 of the Law on Higher Education and Research regulates only individual powers of the Ombudsman and many of them are regulated by the Statutes of the Office of Ombudsman for Academic Ethics and Procedures, such principal provisions as rights and obligations, consideration of complaints and carrying out investigations at own initiative, decision-making by the Ombudsman, etc. should be established at the level of law. Moreover, the Law on Higher Education and Research and the above Statutes do not provide for a sufficient mechanism of ensuring implementation of Ombudsman's functions, obligations and rights in the field of consideration of complaints and investigations carried out at own initiative. Substituting the Ombudsman when he/she is not able to carry out the duties is not regulated either. Therefore, it is recommended to supplement the Law on Higher Education and Research by provisions related to fulfilling the requests of the Ombudsman, ensuring receipt of information, explanations, protocols, material, data and other documents from natural and legal persons, establishing a time period to file a complaint, grounds for refusal to consider a complaint or termination of investigation of a complaint.

6. It is suggested to take into account the recommendations of the Ombudsman when improving the codes of ethics of higher education and research institutions; to emphasize the importance of code of ethics in ensuring the quality of studies and research, promoting integrity, research transparency, professional responsibility and freedom as well as establishing ethical rights, obligations and liabilities to state-owned and private higher education and research institutions.

7. It is recommended to focus more on regional media in educating local academic communities and other stakeholders about the issues of academic ethics and procedures.

8. It is recommended to improve legislation related to purchasing, selling and illegal use of research papers.

9. It is recommended to improve legislation related to doctoral studies and solving the issues of liability of research adviser, copyright infringement in research and different procedures of admission to doctoral studies.

10. It is recommended to introduce (and improve the introduced ones) information systems, which allow verifying the authenticity of research papers and to centralise the systems.

11. It is noteworthy that according to the number of employee positions, the Office is the smallest of all ombudsman offices (Equal Opportunities Ombudsman's Office, Office of the Inspector of Journalist Ethics, Institution of Ombudsman for Children Rights, etc.); however the network of higher education and research institutions, where violations of academic ethics are found, is very wide and the academic community, from students to researchers, constitutes a large part of society. Therefore, in order to properly implement planned measures and objectives of activity of the Office, the Office should be expanded in the future.

PROPOSALS FOR AMENDMENT OF LEGISLATION

REGARDING AMENDMENT OF ARTICLE 18 OF THE LAW ON HIGHER EDUCATION AND RESEARCH AND SUPPLEMENT BY ARTICLES 18¹, 18², 18³

With regard to the fact that Article 18 of the Law on Higher Education and Research regulates only individual powers of the Ombudsman and many of them are regulated by the Statutes of the Office of Ombudsman for Academic Ethics and Procedures, such principal provisions as rights and obligations, consideration of complaints and carrying out investigations at own initiative, decision-making by the Ombudsman, etc. should be established at the level of law.

Moreover, the Law on Higher Education and Research and the above Statutes do not provide for a sufficient mechanism of ensuring implementation of Ombudsman's functions, obligations and rights in the field of consideration of complaints and investigations carried out at own initiative. Substituting the Ombudsman when he/she is not able to carry out the duties is not regulated either. Therefore, it is recommended to supplement the Law on Higher Education and Research by provisions related to fulfilling the requests of the Ombudsman, ensuring receipt of information, explanations, protocols, material, data and other documents from natural and legal persons, establishing a time period to file a complaint, grounds for refusal to consider a complaint or termination of investigation of a complaint.

Article 18. Ombudsman for Academic Ethics and Procedures

1. The Ombudsman for Academic Ethics and Procedures (hereinafter referred to as the "Ombudsman") shall be a state officer who examines complaints and initiates investigations regarding violation of academic ethics and procedures.

2. The Seimas shall appoint Ombudsman for the term of five years on the recommendation of the Research Council of Lithuania. The same person may be appointed to the office of the Ombudsman only for two consecutive terms of office. The appointed Ombudsman shall hold his office only until a new Ombudsman is appointed.

3. A person of good repute, having an academic research degree and experience in management shall be appointed to the position of Ombudsman.

4. The Ombudsman shall act in compliance with the Constitution, this Law and other laws of the Republic of Lithuania, international treaties and other legal acts of the Republic of Lithuania.

5. Activities of the Ombudsman shall be based on the principles of legitimacy, impartiality, justice and publicity.

6. The Ombudsman may not hold any other elected or appointed office in state and municipal institutions, establishments, enterprises and organizations. The Ombudsman may receive no other remuneration, except the remuneration for creative activities.

7. The mandate of the Ombudsman shall expire:

- 1) upon the expiry of his/her powers;
- 2) on his/her resignation;
- 3) on his/her death.

4) if he/she is off work by reason of a temporary incapacity for more than 120 calendar days in succession or for more than 140 days in the last twelve months, unless laws allow for a longer

period of incapacity for work by reason of a certain illness, or if a medical or disability commission declares him/her as being incapable of performing his/her duties;

5) a judgement of conviction comes into effect for him/her;

6) more than half of the Seimas members express non-confidence in him/her.

8. In the case stipulated in subparagraph 4 of paragraph 3 of this Article, the Seimas shall take a decision concerning the termination of the powers of the Ombudsman only after receiving a conclusion of the commission of doctors set up by the Minister of Health.

9. In the cases stipulated in subparagraphs 1 and 2 of paragraph 3 of this Article, the Ombudsman shall continue holding office until the appointment of a new Ombudsman.

10. When the Ombudsman is on a leave or is not capable of carrying out his/her duties due to other reasons (illness, mission, pregnancy, childbirth, maternity/paternity leave, etc.), upon the decision of the Board of the Seimas, he/she shall be substituted by the Seimas Ombudsman or Ombudsmen for Children Rights or Ombudsmen for Equal Opportunities, or upon proposal of the Research Council of Lithuania, the Seimas shall appoint a person who meets the requirements of an Ombudsman to this position.

11. The Ombudsman shall, once a year before 1 March, account to the Seimas for his own and the Office's activities.

12. The amount of remuneration of the Ombudsman and the conditions of payment thereof shall be set by the Law on the Remuneration of State Politicians and State Officials.

13. Activities of the Ombudsman shall be ensured by the Office of the Ombudsman for Academic Ethics and Procedures (hereinafter referred to as the "Office"). The Office shall be a state budgetary body. The Office shall be headed by the Ombudsman. The Regulations of the Office shall be approved by the Seimas.

14. The employees of the Office shall assist the Ombudsman in carrying out its powers and functions stipulated by the present Law. The employees of the Office shall not be entitled to perform acts attributed to exclusive competence of the Ombudsman (signing the documents, taking decisions, etc.).

Article 18¹. Powers of the Ombudsman

1) Consider the complaints of the applicants and at own initiative carry out the investigations of the actions of natural and legal entities (acts and omissions), which violate or are suspected to violate the academic ethics and procedures, first of all, the principles of academic integrity, academic freedom, impartiality in assessing research, equal rights to participate in competitions, and ethical relations;

2) Consider the complaints regarding the abuse of heads of higher education and research institutions and heads of administration of departments in the field of academic ethics and procedures;

3) Give recommendations to higher education and research institutions on the development, implementation and improvement of codes of academic ethics and other measures of academic ethics;

4) Make proposals to the Seimas, the Government and other competent institutions regarding the measures to ensure the compliance with academic ethics and procedures;

5) Gather, analyse and summarize the data on violations of academic ethics and procedures, violations of the Law on Higher Education and Research or statutes and codes of academic ethics of higher education and research institutions, applied cases of administrative liability as well as other information related to the compliance with academic ethics and procedures in Lithuania known to the Ombudsman;

6) Cooperate with Lithuanian and foreign institutions, offices and organizations as well as international organizations and other natural and legal persons in analysing the cases of violation of academic ethics and procedures, use academic networks to exchange information on the violations of

academic ethics, first of all, plagiarism and other violations of intellectual property rights related to unauthorized use of research or art work as well as the cases of counterfeiting, fraud and manipulation of research data;

7) In the procedure set by the legislation, promote and support the initiatives of natural and legal persons and society, which help to implement the measures for promoting and ensuring the quality of higher education and research based on the principles of academic ethics;

8) Inform the society about the activity of the Ombudsman, considered complaints or ongoing investigations as well as the decisions made by the Ombudsman in the website of the Office of Ombudsman;

9) Carry out other functions necessary for fulfilment of tasks of the Office of Ombudsman as well as the functions stipulated by other legislation.

2. In performing the assigned duties the Ombudsman is entitled:

1) To receive information, explanations, protocols, materials, data and other documents from natural and legal persons, under procedure set by the law, to get access to the documents comprising state, official or commercial secrets and the documents containing information on personal data protected by the law necessary to fulfil the tasks of the Ombudsman stipulated in the Law on Higher Education and Research and other legislation. Such information shall be provided to the Ombudsman without delay;

2) To address the person whose actions are under consideration and demand an explanation. Such explanation shall be presented within 10 business days from the day of receipt of request to provide the information, unless a specific date is indicated in the request;

3) To attend the meetings and sittings of the Seimas, the Government, councils of higher education and research institutions, senates and other management or self-government bodies as well as in the activity of commissions and work groups when discussing the issues related to the activity of the Office of Ombudsman or an investigation carried out by the Ombudsman and to express an opinion;

4) When solving the problems related to academic ethics and procedures, to engage specialists of state or municipal institutions and offices, higher education and research institutions, representatives of non-governmental organizations as well as other persons related to considered issues, implemented projects and initiatives;

5) When carrying out investigations of violation of academic ethics and procedures, to engage experts of text analysis, graphology, IT, law and other domains and to pay for their work under procedure set by the law;

6) To organize conferences, workshops and other events;

7) To publish information publications, to set up and administer a website, which would provide the information on the activity of the Office of Ombudsman, measures for ensuring academic ethics applied in Lithuania and identified violations of academic ethics and procedures.

3. A proposal of the Ombudsman shall be considered by the institution, authority or officer the proposal is addressed to and the Ombudsman shall be notified about the results of consideration.

4. The persons intervening with the performance of the duties of the Ombudsman shall be liable under procedure set by law.

Article 18². Considering complaints and carrying out investigations

1. The complaints to the Ombudsman shall be provided in writing;

2. A complaint submitted to the Ombudsman must indicate:

1) The applicant's name and surname (or the name of the legal person) and the address (seat);

2) Information about the violation of academic ethics and/or procedures;

3) Application to the Ombudsman;

4) List of enclosed documents;

5) Date of drawing up the complaint and signature of the applicant (representative).

3. A time period of one year from the date of performing the act complained of or taking a decision complained of shall be set to file a complaint.

4. The Ombudsman within 10 business days from the receipt of the complaint shall take a decision to refuse to consider the complaint and notify the applicant about it, if:

1) An investigation cannot be started due to lack of data and the applicant fails to provide required data at request of the Ombudsman’;

2) The complaint is filed later than the time period stipulated by Section 3 of this Article;

3) The investigation of the facts specified in the complaint is beyond the competence of the Ombudsman;

4) The complaint of the same issue was considered or is being considered in court;

5) A procedural decision to start a pretrial investigation regarding the subject of the complaint has been made.

5. If during the investigation of the complaint, the circumstances specified in Section 4 of this Article are identified or during the investigation, the investigated circumstances disappear or the applicant withdraws the complaint or a request of an applicant not to investigate the complaint is received or objective data about the violation is lacking, the investigation of the complaint shall be terminated.

6. If the applicant withdraws the complaint or a request of an applicant not to investigate the complaint is received, the Ombudsman may start an investigation at own initiative.

7. The Ombudsman shall consider the received complaint and take a decision within two months. Complicated facts specified in the complaint or the necessity of additional information during the consideration of the complaint may result in an extension of time for considering the complaint and taking a decision.

Article 18³. Decisions of the Ombudsman

1. Upon examining the complaint or completed the investigation, the Ombudsman shall take a decision:

1) to inform higher education and research institutions and the Ministry of Education and Science about the persons who have violated the academic ethics and procedures;

2) to obligate the institution, which has awarded a scientific degree and/or held the competition to fill a position, to revoke the decision on the awarding of the scientific degree and/or on the winner of the competition;

3) to recommend higher education and research institutions to revoke a decision taken on the basis of the documents regulating the academic ethics and procedures;

4) to recommend to an employee to refuse participating in an ongoing project of research and experimental (social, cultural) development;

5) to recommend to the applicant to apply to a commission for academic ethics or another dispute resolution commission of the respective higher education institution or research institute, which supervises the compliance with academic ethics and procedures;

6) to recommend to cancel or amend the decisions in conflict with legislation regulating academic ethics and procedures or to suspend the validity of conflicting decisions under procedure set by law or to recommend to adopt the decisions which were not adopted by the abuse of heads of higher education and research institutions and administration of departments in the field of academic ethics and procedures;

7) to recommend to take measures to eliminate violations of academic ethics and procedures as well as their causes and conditions;

8) to inform an institution responsible for a specific sphere about the persons (authors) who have suffered from violations of the academic ethics;

9) to notify law-enforcement institutions if the evidence of a criminal offence has been established;

10) to appeal to the court if the obligation of the Ombudsman is not fulfilled;

11) to make public the cases about the violation of academic ethics and procedures;

12) to recognise the complaint as unjustified;

13) to refuse to consider the complaint;

14) to terminate the consideration of the complaint.

Ombudsman
for Academic Ethics and Procedures

Vigilijus Sadauskas