



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

**REPORT ON THE ACTIVITY OF
OFFICE OF OMBUDSMAN FOR ACADEMIC ETHICS
AND PROCEDURES OF THE REPUBLIC OF LITHUANIA
FOR THE YEAR 2015**

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1. INTRODUCTION

The Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - the “Office of Ombudsman”) is the State budgetary institution, which aims to ensure the functions of the Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania (hereinafter - 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 obeys 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, Statutes of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania approved by the Resolution No. XI-1583 of the Seimas (Parliament) of the Republic of Lithuania of 15 September 2011, work regulation, legal acts of the European Union, and other legislation.

In implementation of its functions, the Office of Ombudsman attempts to implement effectively the legal acts of the European Union, to improve the legal acts, to induce the higher education and research institutions (hereinafter - as “HERI”) to comply with academic ethics and procedures in fostering of academic responsibility principles and ethical scientific practices, applying 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.

The personnel of the Office of Ombudsman was finally completed in 2015. At the end of the year, 6.5 staff positions were taken and 9 employees worked at the Office of Ombudsman: the chief advisor (1 post), advisors (2 posts), chief specialist (1 post), chief specialist (chief accountant) (1 post), chief specialist (IT specialist) (half-time work) and 3 employees working under an employment contract (0.35, 0.35 and 0.3 of time). It should be noted that the latter employees were selected from the students learning in higher educational institutions, who expressed their wish to work at the Office of Ombudsman during their free time after the lectures, thereby gain administrative skills, and learn more about academic ethics and procedures.

2. REVIEW OF APPEALS, COMPLAINTS, INVESTIGATIONS INITIATED BY THE OMBUDSMAN AND DECISIONS TAKEN BY OMBUDSMAN

In 2015, the Office of Ombudsman received 17 complaints (15 complaints received after the applicants filled in a complaint form approved by the Ombudsman, one complaint was forwarded by the other institution and one personal appeal for possible violations of academic ethics and procedures was received).

According to the notifications forwarded from other institutions, four investigations were started.

In 2015, the Ombudsman adopted 25 decisions¹:

- ✓ 6 decisions on the complaints received in 2014 and examined in 2015;
- ✓ 4 decisions on the investigations started in 2014 and completed in 2015;
- ✓ 13 decisions on complaints received in 2015;
- ✓ 2 decisions on investigations carried out in 2015.

4 unexamined complaints and 2 uncompleted investigations were transferred to 2016, as it was impossible to gather all the necessary materials and to develop solutions by 31 December 2015 on time due to the volume and complexity of complaints and investigations. The HERI (K. Simonavičiaus University) failed to submit the information and documents to one complaint requested by the Ombudsman.

According to the character of the violation of academic ethics and procedures indicated in complaints received in 2015 and the character of initiated investigations, compared with 2014, the academic ethics and procedure violations can be classified as follows:

Violation related to:	Nature of violation indicated in the complaint		Number of initiated investigations	
	2014	2015	2014	2015
academic integrity	3	3	4	4
impartiality of evaluation of theses	2	0	0	0
equal rights to participate in competitions	6	1	0	0
ethical interrelations	1	2	0	0
violations of academic ethics of other character	1	0	2	0
procedures	16	14	3	0
Total:	29	20	9	4

Table 1. Review of complaints received in 2014–2015 and initiated investigations according to the character of violations of academic ethics and procedures indicated (defined) in complaints and initiated investigations

According to the data shown in Table 1, in 2014 and 2015, most complaints were associated with the violations of procedures; the greatest number of investigations related to violations of academic integrity was initiated.

¹ The decision is a document drawn up after the examination of the complaint or completion of the investigation. One decision may cover several violations of academic ethics or procedures; in addition, in accordance with the clause 12 of Article 18 of the Law on Higher Education and Research of the Republic of Lithuania, the Ombudsman may take one or more or more decisions in the document provided for in the said legislation (currently, 9 decisions are settled and presented in Table 3).

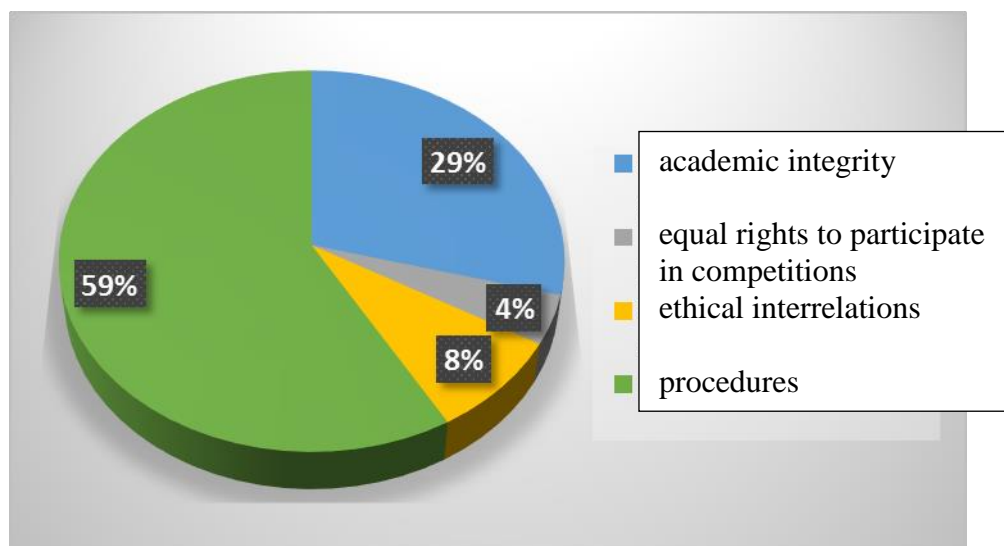


Fig. 1. Number of complaints received in 2014 and initiated investigations according to the particular character of violations of academic ethics and procedures indicated in the complaint or initiated investigation

The violations established in the decisions adopted by the Ombudsman in 2015, compared with 2014, are listed in the following table:

Violation related to:	2014	2015
academic integrity	1	5
impartiality of evaluation of theses	0	0
equal rights to participate in competitions	3	0
ethical interrelations	2	0
violations of academic ethics of other character	2	4
procedures	11	3
Total:	19	12

Violations of academic ethics and procedures established in the decisions of the Ombudsman in 2015

The analysis of the data submitted revealed that there were less violations in 2015 than in 2014, although the Ombudsman adopted by 7 decisions more in 2015 than in 2014. This situation can be explained by the fact that in 2015 some part of complaints - 12 – were recognized as unjustified, and another 2 - unjustified in part.

3. DECISION-TAKING AND ENFORCEMENT

Upon having examined the complaint or completed the investigation in his own initiative, the Ombudsman took the following decisions, compared to 2014, on the basis of the clause 2 of the article 18 of the Law on Higher Education and Research of the Republic of Lithuania:

Decisions of the Ombudsman:	Number of Decisions	
	2014	2015
[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;	15	14
[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;	0	0
[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;	6	2
[4] to recommend to an employee to refuse participating in an ongoing project of research and experimental (social, cultural) development;	0	0
[5] to inform an institution responsible for a specific sphere about the persons (authors) who have suffered from violations of the academic ethics;	0	0
[6] to notify law-enforcement institutions if the evidence of a criminal offence has been established;	0	0
[7] to appeal to the court if the obligation of the Ombudsman is not fulfilled;	0	0
[8] to make public the cases about the violation of academic ethics and procedures;	1	6
[9] to recognise the complaint as unjustified;	4	14

Table 3. Decisions of Ombudsman in accordance with clause 12 of article of Law on Higher Education and Research of the Republic of Lithuania

The Ombudsman informed the higher education and research institutions and the Ministry of Education and Science about any decisions (other than those where the complaint of an applicant was declared unjustified), notifying of the persons who have violated the academic ethics and procedures. All decisions of the Ombudsman are publicly available on the website www.etika.gov.lt.

Enforcement of decisions

The decisions to be fulfilled from listed in Table 3 are as follows:

[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;

[7] – to appeal to the court if the obligation of the Ombudsman is not fulfilled;

2 decisions to recommend that higher education and research institutions would cancel the decision taken based on the documents regulating the academic ethics and procedures were taken in 2015. These decisions have been fulfilled.

12 decisions out of 25 adopted decisions were presented with the recommendations for the HERI (hereinafter referred to as recommendations)

- ✓ related to the regulation of internal documents and legislation - 9;
- ✓ different character – 3.

Implementation of recommendations

Two criteria for the evaluation of the strategic performance effect related to the implementation of the recommendations are defined in the strategic plan of the Office of the Ombudsman for academic ethics and procedures of the Republic of Lithuania for years 2015 - 2017:

- ✓ implementation ratio of the recommendations of the Ombudsman (% of the number of recommendations) - 20;
- ✓ implementation ratio of proposals for improvement of legal regulation in the field of academic ethics and procedures (% of submitted proposed provisions) - 30.

Six recommendations out of twelve submitted to HERI were implemented, i.e. 50% (Strategic plan index was exceeded).

Three recommendations of nine recommendations related to the regulation of internal documents and legal acts were fully implemented, i.e. 33.33% (Strategic plan index was exceeded), six are still in progress, i.e. 66.67% (e.g. working groups are preparing the necessary draft documents).

Table 4 is presented for comparison (data of 2014 and 2015).

	2014	2015
Decisions without recommendations	8	13
Decisions with recommendations:	10	12
The recommendations related to the following were presented:	12	12
1. To regulate the internal documents and legislation	9	9
2. To repeat certain procedures (selection, competition)	2	0
3. Other	1	3

Table 4. Recommendations presented to HERI in 2014-2015.

Appeals regarding the Ombudsman's decisions brought to court

In 2015, the applicants appealed against four decisions of the Ombudsman. It is noteworthy that the trials for another three complaints submitted to the court in 2014 still continued in 2015 (relating to the decisions of the Ombudsman in 2014). Thus, seven hearings were attended in total in 2015. Course of hearing of complaints in courts:

- ✓ 2 cases were examined in Vilnius Regional Administrative Court and Lithuanian Supreme Administrative Court, the final and not subject to appeal decisions were adopted;
- ✓ Currently, five decisions of Vilnius Regional Administrative Court are adopted, but they are appealed (by the applicants or the Office of Ombudsman) to Lithuanian Supreme Administrative Court; the final decisions not subject to appeal will be adopted in 2016.

Summarizing the data on the appeal to the courts or the Chief Administrative Disputes Commission, it should be noted that nine decisions of the Ombudsman were appealed against in total in 2014-2015 (from 43 decisions). This makes 21% of the number of decisions adopted within the period of 2014-2015, i.e. more than one-fifth of decisions were appealed against by the applicants, disagreeing with the position of the Ombudsman. The Ombudsman and the employees of the Office of Ombudsman are under high caseload related to the preparation of procedural documents and materials for the courts, as well as representing the Office of Ombudsman in the courts (5 appeals were submitted in 2015; 10 responses were prepared).

4. CARRIED-OUT SURVEYS AND REVIEWS

The sub-clauses 12.1, 12.2 and 13.4 of the Statute of the Office of Ombudsman, which set the tasks for the Ombudsman – to promote the compliance of higher education and research institutions with academic ethics and procedures, to supervise and control the compliance of higher education and research institutions with the codes of academic ethic, also provide the following function of the Office of Ombudsman – to collect, 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.

The main surveys carried out by the Office of Ombudsman in 2015 are generalized in the clauses 4.1-4.4 herein.

4.1. SURVEY ON THE POSSIBILITIES FOR ASSURANCE OF THE COMPLIANCE OF STUDY CONTRACT CONDITIONS WITH THE CODE OF ETHICS

4.1.1. *The objective of survey:* To evaluate the possibilities for assurance of the compliance of study contract conditions with the code of ethics. To achieve this, the Office of Ombudsman applied to HERI asking:

- To provide the information about the provisions of study contracts concluded by HERI, validating the rights and responsibilities of the students of study cycles implemented by HERI to behave responsibly (ethically);
- To indicate what measures are used and what actions are taken by the HERI to ensure the observance of academic code of ethics, rules of procedure and other legislation during the study process and scientific activities.

4.1.2. **Survey data collection:** 8 January 2015 - 9 February 2015.

4.1.3. **Survey sample:** The Office of Ombudsman applied to 56 HERI, which implement the studies of the first (undergraduate studies), second (master studies) and/or third (doctoral studies) cycles. 35 (62.5%) HERI provided the asked information, thus the data of the survey are summarized only on the ground of the information provided by those HERI (see Table 5).

HERI number, who answered to the survey	HERI number, who answered to the survey belatedly	HERI number, who did not answer to the survey
35	3	18

Table 5. Submission of information by HERI

4.1.4. **Survey data analysis:** Survey data of 11-12 February 2015 were analyzed according to the type of study contract provision, the type of document implementing the responsible (ethical) behaviour provision and the type of disciplinary actions applied to the students.

4.1.5. **Context:** Standard terms and conditions of study contract that apply to study contracts awarded with the students, who started their studies from the 2012-2013 academic year, were approved by the Order No ISAK-1022 of 25 June 2012 of the Minister of Education of the Republic of Lithuania. The subclause 3.3 of these terms and conditions establishes that the study contract must state “the rights and duties of higher education institution and the student not inconsistent with the Civil Code of the Republic of Lithuania (Official Gazette, 2000, No 74-2262), the Law on Higher Education and Research of the Republic of Lithuania (Official Gazette, 2009, No 54-2140) and other legal acts”. Clause 3 of article 55 of the Law on Higher Education and Research of the Republic of Lithuania establishes that a student must “adhere to the Code of Academic Ethics adopted by a higher education institution” (paragraph 2) and “observe [this Law], the statute of a higher education institution, other legal acts and internal rules of procedure” (paragraph 3).

4.1.6. **Survey results:** Practice of HERI defining the obligation of students to respect the academic ethics (Code of Academic Ethics) is ambivalent. The answers submitted by HERI on the type of study contract provision distributed equally, i.e. they determine the student’s obligation to observe the academic ethics (Code of Academic Ethics) or as fully defined provision, or as a blanket provision (often defining to observe the academic discipline). Both types of study contract provisions are evident in the practice of Lithuanian University of Health Sciences: the defined provision is applied in full only in study contracts not providing a degree (residency), and blanket provision - in other studies and sciences executed in Lithuanian University of Health Sciences.

The consistency of the observance of academic ethics (Code of Academic Ethics) is shown by the integration of the provision in HERI documents such as codes of ethics, study process documents (for example, study rules, study procedures, study regulation), the statute and other documents. 74% of HERI that provided the answers indicated that equivalent provision is also reflected in the Code of Ethics.

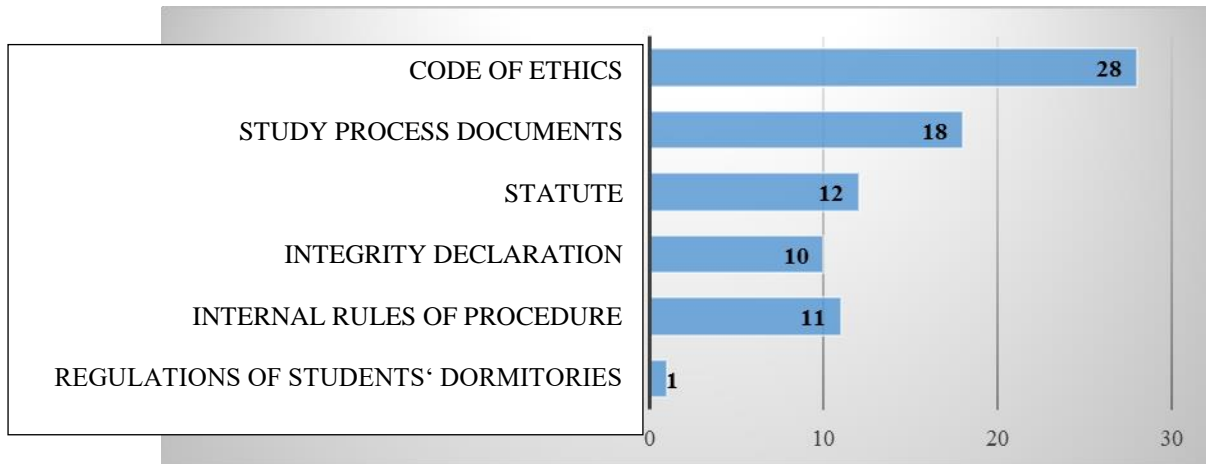


Fig. 2. The number of higher education and research institutions, where the provision to observe the academic ethics (Code of Academic Ethics) is embedded

The commitments have been assigned to the group of integrity declaration, confirming the independent and fair fulfilment of examination tasks, and the group of the internal rules of procedure included the preparation of electronic documents of final papers, theses and summaries, submission to load and upload to the databases of electronic document information system of the Lithuanian science and study and the use of the rules of procedure, description of study achievement assessments, regulations on plagiarism, preparation of final theses, submission and evaluation procedure, procedures of examination sessions and documentation relating to the assurance of quality management system.

HERI provides for the application of disciplinary sanctions for unfair behaviour of students. 53% of HERI that submitted the answers indicated that unfair students may be removed from the HERI. Vilnius Art Academy noted that the application of this disciplinary sanction is ambivalent, namely, a student is removed with or without the right to continue the studies.

4.1.7. Recommendations: In view of the survey results obtained and in order to enhance the efficiency of the obligation of students to comply with the academic ethics (Code of Academic Ethics), the following recommendations have been submitted:

1. To establish clearly the obligation for all graduate students of the studies executed by the HERI in study contracts to follow the academic ethics (Code of Academic Ethics).
2. To integrate the provision to follow the academic ethics (Code of Academic Ethics), consolidating it in all HERI documents defining the requirements for the study process.

4.2 RESEARCH OF THE CRITERIA FOR THE RANKING OF THE TOP LITHUANIAN AND FOREIGN UNIVERSITIES

4.2.1. **Objective of research:** To evaluate and compare, what criteria are used for ranking the top Lithuanian and foreign universities, and if the aspect of academic integrity is mentioned among them.

4.2.2. **Collection of research data:** 26 October 2015 – 16 November 2015.

4.2.3. **Research sample:** The Office of Ombudsman, paying attention to the international recognition and reputation, has chosen the following five world university ranking systems (see Table 6).

	International university ranking systems
1.	“QS World University Rankings“
2.	“Academic Ranking of World Universities“ (ARWU)
3.	“The Times Higher Education World University Rankings“
4.	“National Taiwan University Ranking“
5.	“URAP University Ranking by Academic Performance“

Table 6. Analyzed university ranking systems

The methodology of formation of each rating system, which is publicly available on the Internet, was analyzed. The information was compared with the criteria of ranking of the best universities constituted by the magazine “Ratings” published in Lithuania.

4.2.4. **Survey data analysis:** Relevant information was collected from 26 to 30 October 2015. From 2 to 16 of November the material collected was analyzed and the methodologies were compared, focusing on the aspects that define or indicate the importance of academic ethics.

4.2.5. **Context:** In view of the fact that the ranking of the top universities formed in Lithuania every year attract considerable public attention, the aim was to find out how many points in the evaluation methodology is given to the academic ethics and integrity. In order to evaluate objectively the criteria of the magazine “Ratings”, it was decided to compare them with the fundamentals of the evaluation of international rating systems.

4.2.6. **Results of research:** After the examination of the methodologies of international systems, which are used for ranking of the best universities each year, firstly, it was noted that a strong focus is on internationality, academic reputation, learning environment and scientific influence. For example, “The Times Higher Education World University” provides the learning aspect with 30% of weight; “QS World University Rankings” evaluates the academic reputation as much as 40%. None of the methodology description of investigated systems mentioned the

academic ethics or highlighted the aspect of academic integrity, but it is counterbalanced by the emphasis on the image of university in the global academic community.

The magazine “Ratings” published in Lithuania does not pay respect to one of the above listed criteria, which are highlighted by the international systems. However, the seventh paragraph of the methodology “Students’ attitude towards their university” is designed to assess the students’ opinion, which, partially, also allows the assessment of the aspect of academic integrity. The questions asked include cases of cheating in the institution (“During the exams, the students often copy from each other or use cheat notes”) and the problem of plagiarism (“At my university students often use the papers of other persons or their extracts, without indicating the author, when writing different papers/theses); each of the aspects is given one point.

The research revealed that, during the formation of rating of the best universities in Lithuania, the attitude of students to their university is provided in detail. However, the aspects of study process and its continuation, teaching quality that should be spotlight in order to assess the university properly, are not investigated. Although the methodologies of international systems do not name the aspect of academic integrity in set terms, but numerous criteria still reveal both the attitude of the academic community working within the institution in this regard and an external evaluation.

4.2.7. **Recommendations:** Considering the results of analysis, and to actualize the importance of academic integrity, it is recommended:

- To focus on the evaluation of the study process and the indicators of internationality and academic reputation through the definition of the criteria for ranking of the best universities;
- To increase the number of points given for fair and ethical behaviour of students and teachers when forming the criteria for ranking of the best universities. This step is important because the attention of academic community of universities would be paid to:
 - The importance of ensuring the academic ethics and benefit;
 - The prevention program of academic ethics at each institution, and would encourage the community members to choose institutions that actively support fair behaviour of students and teachers.

4.3. ANALYSIS OF THE FORMATION OF THE COUNCILS OF STATE HIGHER EDUCATION INSTITUTIONS ACCORDING TO THE LAW ON AMENDMENTS AND SUPPLEMENTS TO ARTICLES 7, 10, 12, 17, 19, 20, 21, 22, 23, 43, 44, 47, 48, 51, 55, 57, 66, 69, 70, 71, 73, 75 AND 95 OF THE LAW ON HIGHER EDUCATION AND RESEARCH OF THE REPUBLIC OF LITHUANIA

4.3.1. **Objective of analysis:** to find out the principles of formation of the Councils of state higher education institutions (hereinafter - the Council) according to the Law on amendments and supplements to articles 7, 10, 12, 17, 19, 20, 21, 22, 23, 43, 44, 47, 48, 51, 55, 57, 66, 69, 70, 71, 73, 75 and 95 of the Law on Higher Education and Research of the Republic of Lithuania (Official Gazette, 2012, No 53-2639) (hereinafter - 2012 HERLASL).

4.3.2. **Collection of analysis data:** 5 October 2015 – 15 January 2016.

4.3.3. **Analysis sample:** 13 public universities and 13 state colleges were addressed in writing, which were asked to provide documents confirming the composition of the Council and the procedure of formation.

4.3.4. **Context of analysis:** In its ruling of 22 December 2011, the Constitutional Court held that “self-governance of academic community of higher education institutions should be related *inter alia* to democratic principles of governance; in the context of the autonomy of higher education institutions guaranteed in Paragraph 3 of Article 40 of the Constitution, the said principles include *inter alia* the direct participation of the academic community in, and its decisive influence on, the formation of the governance of the higher education institution (institutions) <...> “. Also, the Constitutional Court stated that “the strategic and other key management decisions of state higher education institution should be made by the governing body (council), the majority of which would consist of directly appointed academic community members, and during the formation of which, the members directly appointed by academic community would also have a decisive influence adopting the decisions of this body <...>. <...> under the legal regulation established in Paragraph 3 of Article 20 of the Law on Science and Studies, the three out of nine or four out of eleven members of the council can be directly appointed by the academic community of a state higher education institution (one member of the council is representative of students, two or three – representatives of teachers and research staff). ... Another six out of nine or seven of eleven members of the council of state higher education institution are not directly appointed by the academic community:

- One member of council is assigned by the administrative and other staff <...>;
- One member of the council is appointed by the Minister of Education, together with the senate (academic council) of higher education institution <...>;
- Other four out of nine or five of the eleven members of the council are also appointed by the Minister of Education and Science out of any candidates proposed by legal or natural persons do not belong to the staff of the state higher education institution and students (*inter alia* the academic community) <...> “(Underline is ours).

Evaluating systematically the provisions of the said Ruling of the Constitutional Court related to the representation of academic community in the Council, and the provisions consolidated in paragraph 4 of article 24 of 2012 HERLASL on the basis thereof, it should be noted that the

composition of the council is clearly associated with the representation of academic community. The said position of the Constitutional Court in respect of the members directly appointed by the members of academic community to the Council accentuates the importance of selection of the academic community with respect to the member of Council. In this case, during the formation of the Council, it is important that the appointment of members of the academic community to the members of the Council would come from the will and choice of the academic community. In 2012, the paragraph 3 of Article 20 of HERLASL was amended, on the constitutionality of which the Constitutional Court spoke in 2014, confirms and explains the importance of representation of the academic community in the Council. Paragraph 3 of article 20 of the said law provides for that “<...> other members of the academic community <...> shall appoint respectively not more than four or five members <...>” (underline is ours). Therefore, it should reasonably be assumed that the possibility to approve the members of the Council already appointed from the teacher and researcher staff must be based on the principles of Council formation and directed to the legitimate composition of the Council as established in amended paragraph 3 of article 20 of HERLASL.²

Therefore, in 2012 HERLASL state higher education institutions could choose two ways for constitution of the council of higher education institution: 1) to elect a new Council based on paragraph 3 of article 20 of 2012 HERLASL; 2) to follow paragraph 4 of article 24 of 2012 HERLASL and approve the Council in accordance with the procedures laid down.

Paragraph 3 of article 20 of 2012 HERLASL states that „The Council shall consist of 9 or 11 members. The statute of higher education institution shall fix an exact number of the council members. One member of the council shall be appointed by the representation of students in accordance with the procedure laid down by it, and in the absence of such – by a general meeting (conference) of students; other members of the academic community shall, in accordance with the procedure laid down by the higher education institution, appoint respectively not more than four or five members. two members or, if the council consists of 11 members, three members shall be appointed by the teaching staff and the research staff; four or five members respectively, who do not belong to the staff and students of the higher education institution, shall be selected, appointed and recalled in accordance with the procedure laid down by the senate (academic council), with one member from them being selected, appointed and recalled in accordance with the procedure laid down by the representation of students. These four or five members shall be selected through open competition and appointed upon the evaluation of the assessment of the candidates, carried out by the Council of Higher Education.“

Paragraph 4 of Article 24 of 2012 HERLASL stipulates that “the senate (academic council) may approve the members as the members of the council of the state higher education institution

² Decision No SP-1 of 4 January 2016 of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania regarding the actions of governing bodies of Lithuanian University of Health Sciences.

already appointed from four employees of the teachers and research staff observing (without observing) the procedure related to the formation of the council of the higher education institution as defined in the law herein. Representation of students, if there is no such representation - a general meeting of students (conference), can confirm the member as a member of the council of state higher educational institution already appointed from the students. The senate (academic council) may approve respectively three or four members of the council, representative of students, if there is no such representation - the general meeting of students (conference) - one member of the council to be the members of the council of state higher education institution from persons proposed by the Minister of Education together with the senate (academic council) of higher education institution and the persons not belonging to the staff and students of higher education institution. The authorization of unapproved members of the council of state higher education institution shall expire, respectively, from the approval of the decision on the new council made by the senate (academic council) and the representation of students or the general meeting of students (conference). Lacking members of the council of state higher education institution are elected and appointed in accordance with this law.”

4.3.5. **Analysis results:** Applying the HERLASL 2012, 38% of all surveyed state higher educational institutions properly fulfilled the provisions of the formation of councils. A review of the methods used for the formation of the councils in all higher education institutions, mostly the higher educational institutions applied the mixed method, i.e. approved single member, and elected the lacking ones. The most commonly, representation of students of higher education institution elected representatives to the council. During the formation of councils, 38% of state universities and 23% of state colleges practised only the suffrage.

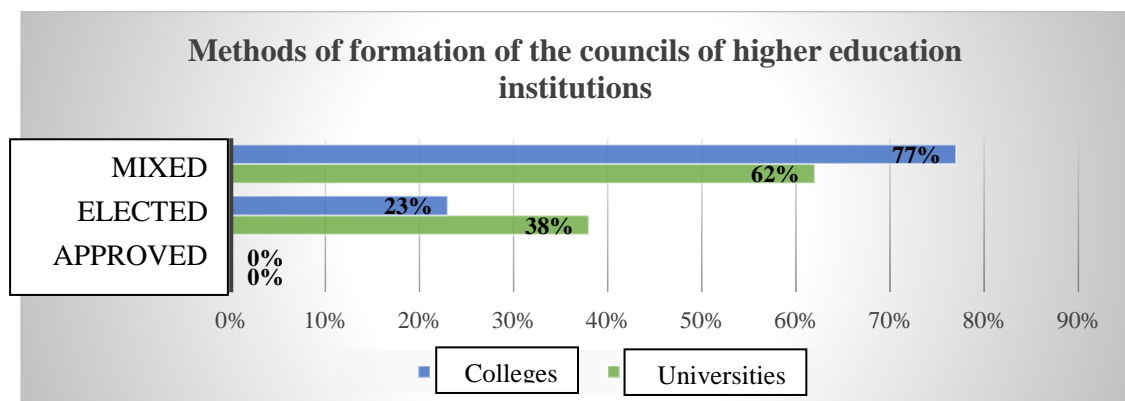


Fig. 3 Methods of formation of the councils of higher education institutions

Considering the analysis data, the following conclusions should be made:

1) Members of council approved by the senate (academic council) as “already appointed from the teachers or research staff”, while on the basis of the Order on the formation of the council of the Minister of Education those members were appointed by the administration and other employees;

2) Members of council approved by the senate (academic council) as “already appointed from the teachers or research staff”, although they were appointed members of the council as persons not belonging to the staff of higher education institution and students;

3) The proportions of composition of councils vary: there is lack of members or there are too many of them;

4) Non-compliance with the deadline established in 2012 HERLASL (until 1 December 2012) to approve the councils.

The most common cases where the members of council already appointed from the teaching and research staff were approved as members, although the members were appointed from the administration and other employees. Eight state universities and six state colleges faced such a situation.

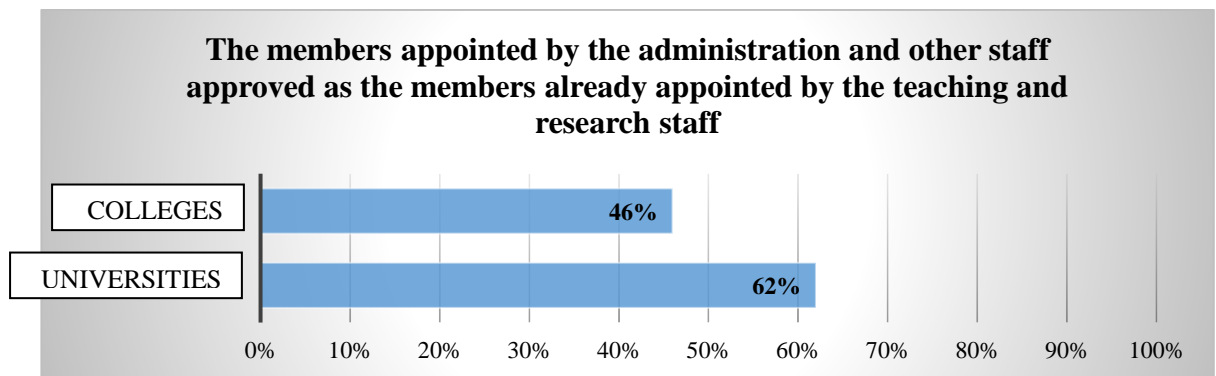


Fig. 4 The members appointed by the administration and other staff approved as the members already appointed by the teaching and research staff

Another case related to the formation of the council occurred nearly 2 times when forming the councils both in universities and in colleges. The data showed that four members in total were approved as the members appointed from the teaching and research staff. In the Order of the Minister of Education and Science on the council of higher education institution these persons were appointed as the persons not belonging to the staff of higher education institution and students.

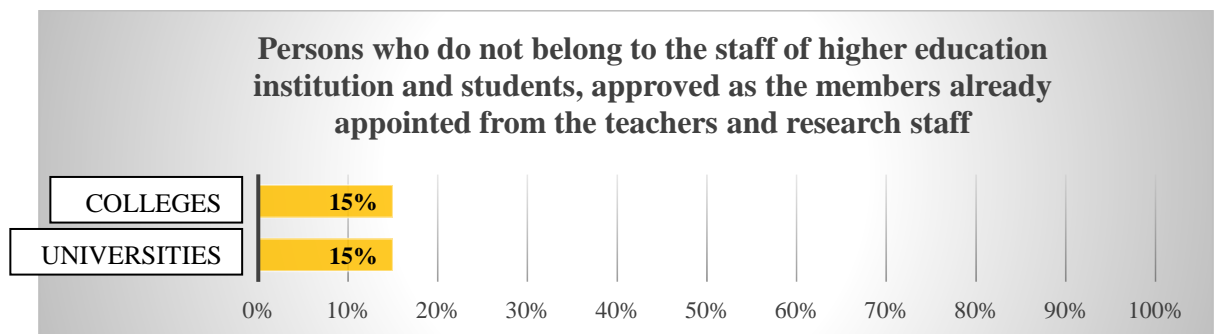


Fig. 5 Persons who do not belong to the staff of higher education institution and students, approved as the members already appointed from the teachers and research staff

It is emphasized that the council of higher education institution according to paragraph 3 of article 20 of 2012 HERLASL shall consist of nine or eleven members in the following proportions

– five out of nine or six out of eleven members belonging to the academic community of higher education institution, and four out of nine or five out of nine members not belonging to the staff of higher education institution and students. Considering the analysis data, it should be concluded that the procedures related to the formation of councils in 54% of colleges and 62% of university is not consistent with the constitutional principle of self-government of the academic community. The majority of the council should be composed of members of the academic community to ensure the self-government principle of academic community.

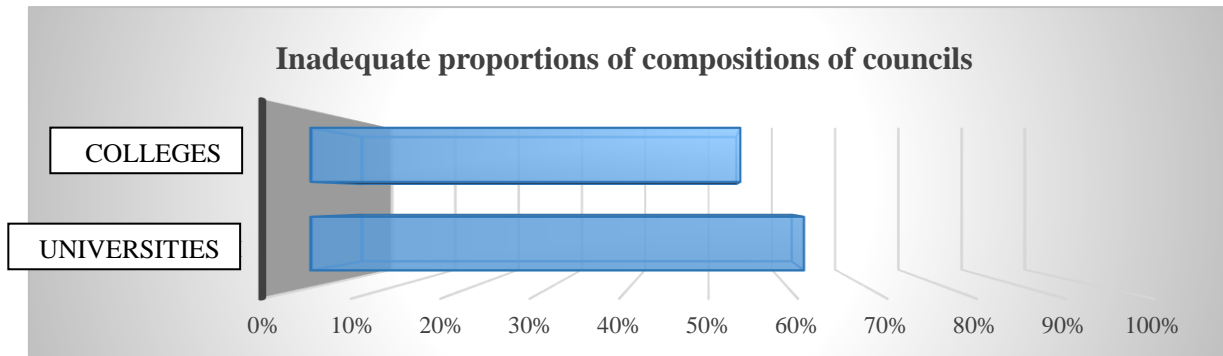


Fig. 6 Inadequate proportions of compositions of councils

According to HERLASL of 24 April 2012, the councils of higher education institutions had to be formed by 1 December 2012. According to paragraph 3 of Article 20 of 2012 HERLASL, “the composition of the council shall be publicly announced the by the chairman of the senate (academic council).” Several universities formed the councils after the deadline until the end of 2012, but three universities formed their councils in spring 2013, and three other universities - in 2014. Most colleges formed their councils by 1 December 2012, and two colleges formed them by the end of 2012, i.e. after 1 December 2012.

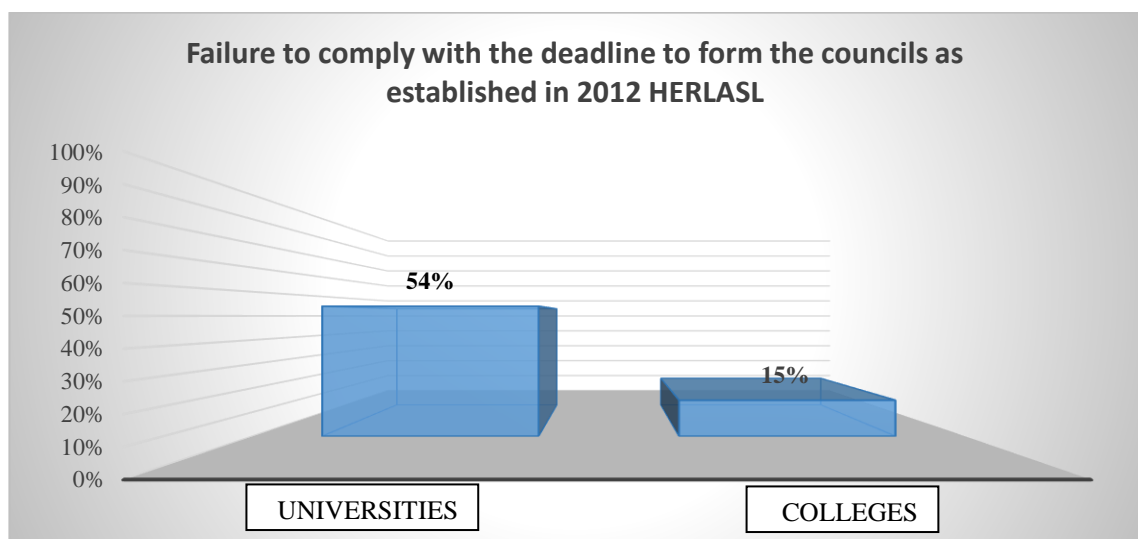


Fig. 7. Failure to comply with the deadline to form the councils as established in 2012 HERLASL

In summary, the analysis on the results of the principles of formation of councils of state higher education institutions leads to the statement that, during the formation of councils, more state

universities failed to comply with the provisions set forth in HERLASL 2012 than state colleges. Most problems related to the observance of the application of legislation occurred during the appointment of the members from the administration and other staff, to the members appointed from the teachers and research staff. The appointment of the members not belonging to the community of higher education institution to the academic community occurred as well. These cases created preconditions for the occurrence of inconsistency of the proportions of the compositions of councils with the said legislation, i.e. majority of councils was formed not observing the self-government principle of academic community.

4.3.6. **Recommendations:** Based on the results of the analysis, during the formation of councils, the Ombudsman recommended the state higher education institutions to follow the procedures stipulated in the legislation and the principle of self-government of the academic community. The higher education institutions that formed the council improperly were informed about improperly approved members of the Council.

4.4. SURVEY ON ACADEMIC CODES OF ETHICS OF THE HIGHER EDUCATION AND RESEARCH INSTITUTIONS

4.4.1. **Objective of the survey:** To find out whether the higher education and research institutions took into account the Recommendations on the adoption, implementation and monitoring of the Codes of Academic Ethics of Higher Education and Research Institutions approved by the Ombudsman (31 March 2015, Order No V-16) (hereinafter referred to as Recommendations).

4.4.2. **Survey data collection:** 2015.

4.4.3. **Survey sample:** The Office of the Ombudsman for Academic Ethics and Procedures of Lithuanian Republic contacted the 62 state and non-state higher education and research institutions.

4.4.4. **Survey results:** 25 (40%) of the surveyed higher education and research institutions did not respond to the request, so the additional information was sought on HERI websites. The comparison of the 2014 and 2015 data reveals that currently 90% of all HERIs have the academic code of ethics, 2% of HERIs do not have the code of academic ethics, and 8% of HERIs did not provide any information about the codes of academic ethics (they are not also available on websites). 21 out of 62 higher education and research institutions (35%), i.e. 16 higher education institutions and 6 institutes, improved codes of academic ethics based on Recommendations on the adoption, implementation and monitoring of the Codes of Academic Ethics of Higher Education and Research Institutions approved by the Ombudsman.

5. INFORMATIVE – CONSULTATIVE ACTIVITIES

On 31 March 2015, the Ombudsman, in recognition of academic integrity, responsibility, transparency, liability, justice and other fundamental values of academic ethics, and to contribute to the mission of science and studies defined in the Law on Higher Education and Research of the Republic of Lithuania, implementation of the policy of Lithuanian higher education and research, sustainable development and deployment of science and education system, prepared the Recommendations on the adoption, implementation and monitoring of the Codes of Academic Ethics of Higher Education and Research Institutions (hereinafter referred to as Recommendations).

The first draft Recommendations was developed in August 2014. The following key issues were laid out therein:

- a) Definitions of terms (e.g., academic community, academic ethics, etc.);
- b) Determination of objectives and functions of the code of academic ethics;
- c) Integration of the implementation of the principle of open access;
- d) Expanded content of violations of academic ethics;
- e) Introduction of the student's declaration of integrity;
- f) Presentation of provisions of the implementation of the codes of academic ethics;
- g) Presentation of recommendations related to the monitoring of codes of academic ethics (the principles of formation of ethics committee, requirements for members of ethics committee, the right of representation of students to consider possible violations of ethics by students independently, etc.).

The Ombudsman, in cooperation with the academic community: rectors of Lithuanian universities, directors of Lithuanian colleges, Lithuanian National Union of Students and the Advisory Committee of the Ombudsman for Academic Ethics and Procedures composed of the members of academic community discussed what the code of academic ethics should be. Recommendations were improved after the meetings with the academic community and considering the comments and suggestions.

The Ombudsman encouraged the higher education and research institutions to pay respect to the Recommendations and to prepare or update their codes of academic ethics, which would help to develop a fair, dignified, ethically responsible, independent personality that does not tolerate the illegal use of intellectual property results of other people, falsification of research data, forgery or manipulation of them, cheating, ethical inter-relationships, and violations of the principles of academic freedom.

The last discussion on the Recommendations took place on 27 February 2015 during the meeting of the Conference of Rectors of Lithuanian Universities. During the meeting at Aleksandras Stulginskis University, the Ombudsman made a report "Draft Recommendations for

the Codes of Academic Ethics of Higher Education and Research Institutions”, where the final Draft Recommendations were presented.

In 2015, the employees of the Office of Ombudsman consulted the interested people by phone and in the office premises: provided explanations, guidances on issues related to the academic ethics and procedures, decision-making methods, dispute resolution possibilities. The interested people often needed to be provided with the information about the complaint addressed to the Ombudsman, filling form and content as well as scope of authority of the Ombudsman to make decisions.

Paragraph 9 of Article 18 of the Law on Higher Education and Research establishes key principles of the activities of the Ombudsman, one of which is publicity - one of the essential factors to assess the efficiency of the work of the Office of the Ombudsman. Point 8, paragraph 12 of Article 18 of the same Law provides for that the Ombudsman may take decision to make public the cases about the violation of academic ethics and procedures. So far, the decisions of the Ombudsman have been published only in the Lithuanian language, and since the end of 2015, the decisions (its abridgements) are periodically published on the website in the English language (column “Decisions”). The most relevant information published on this website in the English language (the news and decisions) will contribute to the publicising of the activities of the Ombudsman internationally, will stimulate the higher education and research institutions to work more transparently and ethically.

Another important function of the Ombudsman is to publicize own activities. In 2015, there were many meaningful visits to higher education and research institutions, and various meetings, discussions and conferences were attended as well. In the fourth quarter of 2015, the meetings with university academic community were held. During such meetings, discussions and conferences the activity of the Office of Ombudsman is presented, as well as the most relevant problems of academic ethics and procedures in higher education and research institutions, topical aspects of investigation of complaints, pending/completed investigations, and the answers to the questions topical for academic community are answered. Publicity-related activities are described in sections 5.1-5.4 in detail.

5.1 CONFERENCES IN LITHUANIA

- On 12 March 2015, the Ombudsman participated in the international conference “Introduction of Electronic Research Data resources” (Vilnius) on the project “eMoDB.LT2: Opening of Electronic Research Databases for Lithuania - the second stage”. The participants of the conference: Lithuanian and foreign specialists who are interested in electronic research databases. The reports on the bibliography and PDF handling, citing problems and the use of scientific

publication databases were made during the conference. The representatives of “Elsevier”, “Thomson Reuters”, “IOP Publishing” publishing houses, Warwick and Cambridge Universities, UK shared their best practices.

- On 16 March 2015, the conference “Academic Ethics: Recommendations for higher education institutions” organized by the Education, Science and Culture Committee and the Lithuanian National Union of Students took place in the Seimas. There the Ombudsman introduced recommendations on the preparation of the codes of ethics of higher education institutions. The vice-president of the Lithuanian National Union of Students shared the proposals and recommendations presented by the students, as well as the good practice was introduced by the Head of “Transparency International” Lithuanian Branch. After the reports, a discussion on academic integrity, measures helping to foster academic ethics, the duties of a teacher and a student during the examination has been developed.

- On 18 March 2015, the Ombudsman and the senior adviser of the Office of the Ombudsman Ms. Pažusytė and adviser Ms. Tauginienė participated in the conference “National science magazines: quantity and quality” organized by the Education, Science and Culture Committee of the Seimas together with the Association of Lithuanian scientific periodicals. The conference discussed the significance of Lithuanian and foreign scientific journals in the scientific space, policies of SCOPUS and MIDUS databases, introduced the projects related to the publication and evaluation of science magazines, analyzing the quality of Lithuanian science and study.

- On 25 May 2015, the Ombudsman participated in the meeting with the arts community of Vilnius Art Academy, Kaunas faculty. The Ombudsman discussed the situation of academic ethics in Lithuania, presented the Recommendations on the adoption, implementation and monitoring of the codes of academic ethics of Higher education and research institutions.

- On 28 October 2015, a round table discussion on “Fair studies – the underlying value of modern higher education“ organized by the University of Applied Social Sciences was organized in the Seimas of the Republic of Lithuania. The representatives of politics, education, science, law enforcement, civil initiatives and non-governmental organizations participated in the discussion. During this event, there were discussions on the approach to academic ethics, plagiarism and prevention of this process, integrity of students, education of conscious academic community and cheating. The Ombudsman made a presentation “Academic ethics and changes in approach to it in the context of transformation of higher education.”

- The advisor of the Office of Ombudsman Ms. Šeškevičiūtė made a presentation “Academic ethics in the context of Lithuania and globally” at the VI International scientific and practical conference “Systemic-theoretical dimension of changes of vocational training. Education/training of creative, responsible and open personality for the future Europe” on 27 November 2015. The report

was intended to review the Lithuanian and foreign academic ethics situation and to actualize the challenges for the Lithuanian academic community.

- On 10 December 2015, the Ombudsman made a presentation “Dynamics of Academic Ethics culture” at the conference “Culture of Academic Integrity in a Changing Society in 2015” organized by Mykolas Romeris University and the Office of the Ombudsman. The presentation was intended to share insights on the changing attitude of the members of academic community and institutions to the academic ethics and to present the activities of the Office of the Ombudsman.

5.2 COUNSELS / MEETINGS

- The issue on the number of posts of the Office of the Ombudsman for the Academic Ethics and Procedures was discussed at the meeting of the Committee on Education, Science and Culture on 8 April 2015. The request for additional post due to the increased number of complaints and reports, the need for the publicity of the activities of the Office of the Ombudsman, searches and strengthening of cooperation and international relations, monitoring of compliance with the recommendations of the codes of academic ethics of higher education and research institutions and development, implementation and improvement of other measures of academic ethics was submitted.

The meeting of Committee on Legal Affairs discussed the issue related to the project of Administrative Violations Code. Following the proposal of the members of the Seimas, the responsibility for the illegal purchase of scientific works, sale and their presentation to educational institutions was defined. The Ombudsman offered to regulate the responsibility for preparation and presentation of scientific or study works separately, presentation of prepared scientific or study work to higher education and research institutions, publication of the information stimulating the violations of academic ethics and / or procedures, encumbrance for the authorized law officials to implement the rights granted to them or perform their duties, noncompliance with their legal requirements or instructions as well as with collegial decisions of the institutions.

- On 12 May 2015, senior advisor of the Office of the Ombudsman Ms. Pažusytė participated in the meeting of the Committee on Legal Affairs relating to the proposals of the Office of the Ombudsman for the Academic Ethics and Procedures of the Republic of Lithuania on the project of violations of administrative code. There was a discussion on the assignment of the preparation and submission of higher education and research theses (works) for the use in scientific or study activities of another person to administrative offenses.
- On 4 December 2015, a meeting on the information system of electronic documents of Lithuanian science and study was held at the Ministry of Education. During this meeting, the structure of system was presented, and insights and proposals were shared there.

- On 21 December 2015, the Ombudsman participated in plenary meeting of Lithuanian Science Council. In this meeting, a final report of national research program “State and Nation: Heritage and Identity” was approved, to results of open access to education were discussed, activities in 2015 and preparation for 2016 were summarized.
- On 20 November 2015, the Ombudsman met with the members of Advisory Committee. During the round table discussion, the activities of Advisory Committee and the Ombudsman were discussed, the results of Advisory Committee of the period 2014-2015 were summarized, and was thanked for the work dealing with problems of academic ethics and procedures.

5.3 MEETINGS WITH HIGHER EDUCATION INSTITUTIONS

In the fourth quarter of 2015, the meetings of the Ombudsman with the communities of state and non-state universities were organized. 12 out of 20 higher education institutions responded to the invitation to meet. It was important for all universities to hear about the activities of the Office of the Ombudsman, relevant code of ethics related issues, investigation on international citation standards applied in higher education institutions, opportunities for cooperation, problem of plagiarism and coincidences, efficiency of teachers / researchers, proposed methods for the prevention of fundamental ethical problems in the academic and scientific activities, the concept of autonomy of higher education institutions, the principle of academic freedom and equality in the academic activities, value objectives and provisions of higher education institutions, obligations of students and teachers, problem of intellectual property, academic harm-related issue, the situation of private and state higher education institutions in Lithuanian system, etc.

Date	Institution	Place	The meeting format
6 October 2015	General Jonas Žemaitis Military Academy of Lithuania	Vilnius	Lecture
21 October 2015	ISM University of Management and Economics	Vilnius	Lecture
22 October 2015	Kaunas University of Technology	Kaunas	Lecture
27 October 2015	Lithuanian University of Educational Sciences	Vilnius	Lecture
4 November 2015	Lithuanian Sports University	Kaunas	Lecture
11 November 2015	Aleksandras Stulginskis University	Kaunas	Lecture
19 November 2015	Vilnius University International Business School	Vilnius	Event “Science Café”

24 November 2015	Vilnius Gediminas Technical University	Vilnius	Lecture
25 November 2015	Vytautas Magnus University	Kaunas	Lecture
2 December 2015	Lithuanian Academy of Music and Theatre	Vilnius	Lecture
7 December 2015	Kazimieras Simonavičius University	Vilnius	Lecture
8 December 2015	Vilnius University	Vilnius	Discussion

Table 7. Schedule of meetings of the Ombudsman with communities of state and non-state universities

5.4 FOREIGN MISSIONS

From 1 to 2 October 2015 the Ombudsman participated in the *Prague forum* held for the seventh time. The conference was organized by the Czech Ministry of Education together with the Council of Europe. The aim of the conference was to introduce Pan-European Platform on Ethics, Transparency and Integrity in Education (ETINED). The event called together the European and foreign experts who shared their experiences in the field of academic ethics, promotion of transparency and fairness values and nurturance of education. Two documents – “Ethical Principles” (Scotland, November 2014) and “The Ethical Behaviour of All Actors in Education” (Scotland, February 2015) - ETINED work results were presented at *Prague forum*. The conference worked in three sections: 1) ethical behaviour of all education participants; 2) academic integrity / plagiarism; 3) recognition of qualifications. The Ombudsman participated in academic integrity / plagiarism section, the Chairman of which was the advisor for Education of the Department of Education and Science Policy of the Ministry of Education and Culture of the Republic of Finland Maija Innola. Irene Glendinning (*Coventry University, UK*) presented a five-university consortium that analysed the effectiveness of higher education policy and the kind of prevention it applied to avoid plagiarism and academic misconducts. The recommendations for each country were drawn up from the answers of surveyed 5,000 respondents, i.e. how the state institutions should strengthen the promotion of academic integrity policy. Debora Weber-Wulff (*University of Applied Sciences, Germany*) talked about plagiarism cases in the German medical theses. Since 2011, the academic community of Germanlanguage “VroniPlag Wiki” recorded plagiarism cases in more than 150 academic papers published. The main attention was paid to German medical theses of 2014, linking the data of plagiarism and manipulation. At the end of the conference, the project of activity program “Ethics, transparency and fairness in the field of education” (2016-2017) was presented.

6. COOPERATION WITH LITHUANIAN AND FOREIGN INSTITUTIONS

On 22 April 2015, the Ombudsman met with the Chairwoman of Central Academic Ethics Commission of Vilnius University Prof. Dr. D. Leinarte. During the meeting, it was agreed on the cooperation with the Vilnius University dealing with the problems of academic ethics and procedures and ensuring the compliance with the principles of academic ethics. The Chairwoman of Central Academic Ethics Commission of Vilnius University accentuated that the Ombudsman, providing the decision, could submit the recommendations on how to handle the particular case related to the violations of approved academic ethics and / or procedures.

On 23 April 2015, the Ombudsman received the Chairman of the Committee on Education, Training and Research of Lithuanian Confederation of Industrialists Mr. Balčiūnaitis. The project on the supplement to the Code of Administrative Offences of the Republic of Lithuania that was submitted by the Ombudsman to the Seimas of the Republic of Lithuania was discussed during the meeting. Mr. Balčiūnaitis stressed the need to achieve the observance of the academic ethics, and assured that the Lithuanian Confederation of Industrialists would support the Ombudsman's position in respect of the improvement of the Code of Administrative Offences.

The Ombudsman and the Chairman of the Committee on Education, Training and Research of Lithuanian Confederation of Industrialists agreed on further cooperation in disseminating and ensuring the observance of the principles of academic ethics.

On 14 May 2015, the Ombudsman met with representatives of the Research Council of Lithuania: head of Science Policy and Analysis Unit Dr. E. Šrumbrys and Law and the head of Legal and Personnel Unit J. Kaire. During the meeting, the issues related to the improvement of ethics of research activities and relevant legislation were discussed. The Ombudsman and the representatives of Research Council of Lithuania agreed on further cooperation in ensuring the observance of research activity principles.

On 23 September 2015, the Ombudsman met with the representatives of eLABa, the Consortium of the Lithuanian Academic Libraries for the Maintenance and Development of an Information Infrastructure for Scientific and Studies: the Consortium institutions administering coordinator at interim Dr. Z. Petrauskienė, director of Electronic study and examination centre of Vilnius University Dr. S. Preidys and project manager of Vilnius University Library R. Rupeikienė. eLABa system and its functions, as well as the subsystem EPAS for detection of coincidence of documents were presented during the meeting and the Office of Ombudsman could use the eLABa accumulated scientific production (publications, doctoral dissertations, theses, students' final works and other material).

The relations with the Council of Europe relating to the *Pan-European Platform on Ethics, Transparency and Integrity in Education* (ETINED) group of experts were established. ETINED

group of experts would deal with the education ethics, transparency and integrity-related issues. The Ombudsman was proposed to this group as an expert.

It should be noted that international cooperation could be more productive, but the Ombudsman had the opportunity to participate in international events abroad due to the limited budget of the Office of the Ombudsman allocated for missions in 2015. The participation of the Ombudsman in international conferences organized abroad in 2016-2017 on the topic of academic ethics, e.g., the conference *International Conference on Academic Integrity* (Dubai, United Arab Emirates) (registration fee - USD 250-500), ICAI Conference on academic integrity (Athens, Greece), the conference *5th World Conference on Research Integrity* (Amsterdam, Netherlands), the conference *Plagiarism Across Europe and Beyond* (Brno, Czech Republic) (registration fee – EUR 250-280) would be useful. Considering the fact that not only the registration fee but also the transport, accommodation and other expenses should be paid when going on the mission, the budget of the Office of the Ombudsman should be increased by necessity.

The choice of events for academic ethics is not big; therefore, there are no possibilities in Lithuania to get experience in order to get introduced to the international topicalities of formation of integrity culture and honest researches, teaching practice of ethical behaviour (educative activities on ethics), peculiarities of relation between legal norms and ethics, and other international practice regarding academic ethics and to associate this with the activities of the Office of the Ombudsman.

7. CONCLUSIONS AND SUGGESTIONS

1. In 2014 and 2015, majority of complaints on violations of procedures were received, and investigations on academic integrity were initiated most.

2. In 2015, a fewer violations were determined than in 2014, although in 2015, the Ombudsman adopted by seven decisions more than in 2014. This situation can be explained by the fact that in 2015 a number of complaints - 12 - were recognized as unjustified, another two – unjustified in part.

3. During the period 2014-2015, ten decisions of the Ombudsman were appealed in total. This represents 23% of the total decisions adopted in 2014-2015 (of 43), i.e. almost $\frac{1}{4}$ of the claimants appealed disagreeing with the opinion of the Ombudsman. The employees of the Office of the Ombudsman are overloaded representing the Office of the Ombudsman in courts, preparing the procedural documents and materials to the courts. The possibility of consolidating that the decisions of the Ombudsman not subject to appeal in the legislation should be considered (especially considering their recommendatory nature).

4. The number of received complaints and initiated investigations is growing, thus the Office of Ombudsman should increase gradually the number of human resources, for example, at least by one employee for the year 2016-2017. In lack of human resources, the threat arises regarding quality implementation of the State higher education and research policy in the area of academic ethics and procedures, ensuring of the Ombudsman's tasks, especially to contribute to ensuring of quality of higher education and research determined in the Statutes of the Office of Ombudsman approved by the Resolution No. XI-1583 of the Lithuanian Seimas of 15 September 2011 "Regarding Establishment of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania and Approval of Statutes of the Office of Ombudsman for Academic Ethics and Procedures of the Republic of Lithuania".

5. Considering the fact that the academic integrity is discussed insufficiently in the public space, it is advisable to take part in organizing the public discussions in *Study Fair 2016, at Vilnius Book Fair 2017* and other targeted events, but it requires additional funds.

6. Considering the big workload of the Ombudsman participating in meetings with the HERI, and going beyond the working hours in the performance of his functions, the Board of the Seimas is suggested to consider the question of the allocation of the premium to the Ombudsman (Letter No S2-(2.9) of the Chief Official Ethics Commission of 5 January 2016 "On the allocation of premium", see Annex No 1 to Letter No S-104).
