



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

ACTIVITY REPORT FOR 2018

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INTRODUCTION

The initiatives of individual interested parties in the area of academic ethics have appeared in Lithuania in recent years; e.g., the Lithuanian University Rectors' Conference formed a provisional working group for academic integrity and ethics that started preparing the guidelines on certain issues of academic ethics, and the Lithuanian Junior Researchers' Union got included into the working group of the integrity of scientific researches of the European Council of Doctoral Candidates and Junior Researchers. Besides, the tradition was formed to monitor the students' attitude towards the academic integrity, e.g., the Lithuanian Students' Union announces the results of the Index of Academic Integrity every two years. All these initiatives are valuable, but they are not sufficient to create a single and effective ethical infrastructure. The introduction of measures promoting academic ethics is equivalent to social innovation that becomes an important ground for transformation of academic ethical culture. Thus, it is necessary to gather capacities of research and higher education institutions, the Office of the Ombudsperson for Academic Ethics and Procedures (Office) and other interested parties and to act together to make this complex transformation that demands for big resources possible. First of all, the research and higher education institutions should undertake intellectual leadership, as their autonomy presupposes appropriate implementation of the responsibility and accountability to the society. Meanwhile, in attempt to implement the set tasks, the Ombudsperson for Academic Ethics and Procedures (Ombudsperson) invites the interested parties to contribute actively to open and constructive dialogue and to search together for solutions, how to safeguard the academic ethics.

This annual report presents the Office's performance results and the closest priorities of activities, the implementation of which would contribute to safeguarding the academic ethics and initiation of the enabling procedures in research and higher education institutions.

Loreta Tauginienė,
Ombudswoman for Academic Ethics and Procedures

I. OVERVIEW OF THE OFFICE'S ACTIVITIES

Tasks for the ombudsperson's activities

To induce research and higher education institutions to comply with academic ethics and procedures	To supervise and control, how research and higher education institutions comply with the codes of academic ethics	To cooperate with research and higher education institutions while solving the problems related to violations of academic ethics and procedures
To safeguard effective and confidential investigation of violations of academic ethics and procedures	To supervise and control implementation of the international agreements of the Republic of Lithuania, legal acts of the European Union, laws and legal acts of the Republic of Lithuania that govern academic ethics and procedures	To contribute to quality of research and higher education while fostering principles of academic responsibility and ethical scientific practices, and applying preventive measures of plagiarism, unlawful copying or other unlawful use of results of intellectual property created by other persons, falsification, fabrication or manipulation of scientific research data

1.1. COMPLAINTS, REPORTS AND INVESTIGATIONS ON THE OMBUDSPERSON'S INITIATIVE

The number of inquiries about possible violations of academic ethics and/or procedures to the Office varied from 20 to 28 in the last five years (Fig. 1). The frequency of inquiries about possible violations of academic ethics and/or procedures at universities and scientific research institutes remained stable, i.e. it has not changed almost at all since establishment of the Office. It should also be mentioned that two applicants have applied for four-five times.

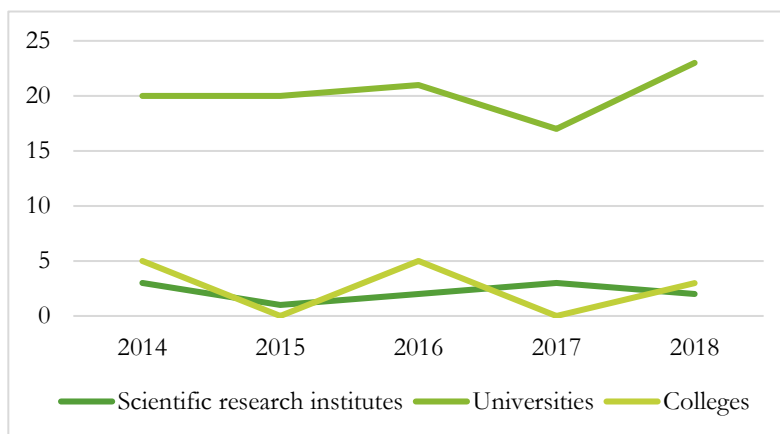


Fig. 1. Referrals to the Office in 2014–2018

In 2018 the Office received 28 complaints and reports, 13 of which were investigated and the ombudsperson made decisions. Four of 13 complaints and reports were recognized groundless, and

investigation of five complaints and reports was cancelled due to lack of evidence. The complaints and reports were related to nine research and higher education institutions: one scientific research institute, six universities, and two colleges. The Office investigated possible violations, e.g. abuse of official position, plagiarism, document falsification, and objectivity of evaluation.

Four complaints and reports were investigated within the statutory term. The investigation period of other complaints and reports varied from 102 to 308 calendar days and took 233 calendar days on average. The decision making by the ombudsman required more time than indicated in the legal acts because of the following reasons: 1) complexity of the examined case; 2) volume of information that has to be submitted by research and higher education institutions, incomprehensive information or unwillingness to cooperate; 3) seasonal activities of research and higher education institutions (e.g., it is not possible to provide information in summer because of vacation of the administration employees); 4) receipt of conclusions necessary to make a decision from third parties (e.g., pretrial investigation officers, experts); 5) failure of the applicants to fulfil their engagement to submit additional information and supporting documents; and 6) the investigation of the cases was paralysed for two and a half months because of failure to appoint the public servant into the office of an ombudsperson.

Besides, the ombudsperson initiated five investigations in three universities and one college regarding violations related to safeguarding of management transparency and publication ethics of higher education schools. These investigations continue in 2019.

1.2. CASE LAW ON THE OMBUDSPERSON'S DECISIONS

24 decisions of the ombudsperson were disputed in court in the last five years (Fig. 2), were 13 were disputed in the judicial proceedings. The judicial proceedings were cancelled or the filed complaint was recognized as groundless in nine cases out of 13 decisions.

18 decisions of the ombudsperson were made in the reporting period. Four of them were appealed. At present judicial proceedings are pending in relation to six decisions of the ombudsperson.

Usually the applicants appealed the decisions of the ombudsperson because of the following reasons: 1) *reasonability* to inform other interested parties about identified violation of academic ethics and procedures, to ignore factual circumstances and subjective opinion in the course of examination of the case; 2) *lawfulness* of the case's examination; 3) *stating of particular violation*; 4) *decision's publication* in press before maturity of the decision's appeal deadline. The Supreme Administrative Court of

Lithuania was consistent in its position that the ombudsperson’s decisions are of declarative character and thus do not cause particular legal consequences to the applicants, so they cannot be appealed to the court. However, it does not agree that it is not possible to state in the stage of the complaint’s acceptance that the acts of such character do not cause legal consequences to the applicants (e.g., to the applicant’s reputation), so all the circumstances have to be assessed in each individual case of complaint.

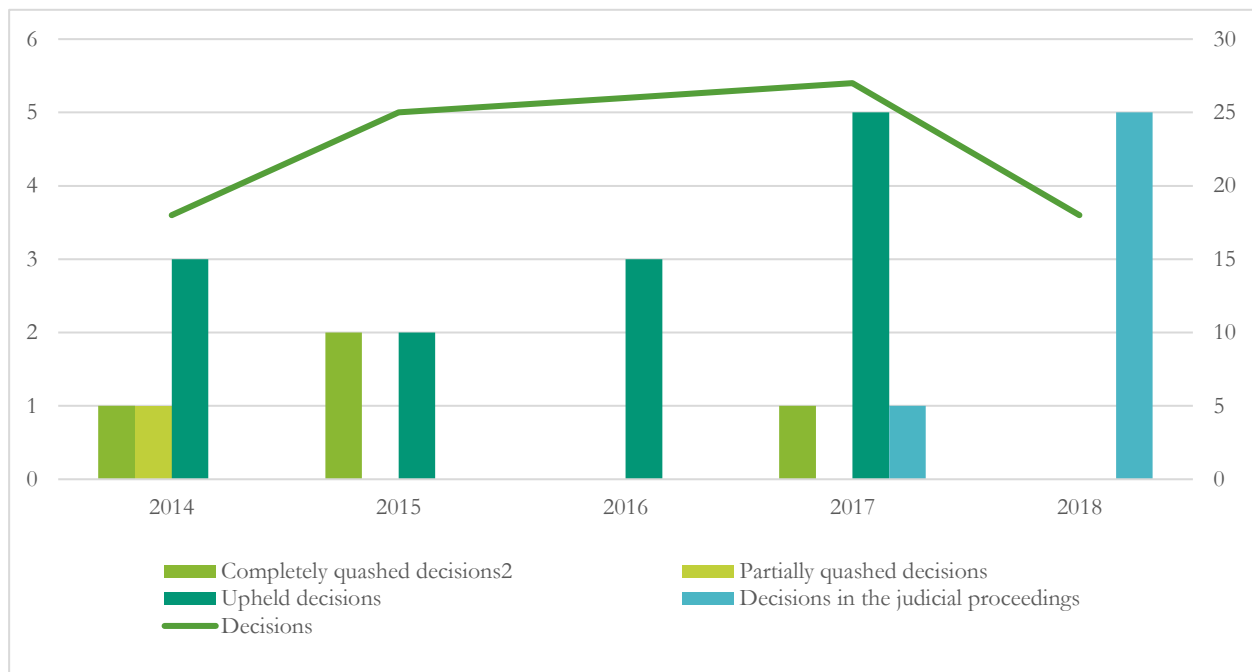


Fig. 2. Results of judicial proceedings of the Office’s decision in 2014–2018

1.3. PROPOSALS FOR AMENDMENTS OF LEGAL ACTS

On 01 January 2017, Paragraph 1 of Article 17 of the Law on Higher Education and Research that restricts the ombudsperson’s competence – to examine complaints, reports and to carry out the investigations on own initiative with regard to possible violations of academic ethics and procedures *consolidated in the codes of ethics of research and higher education institutions* – was amended. On 11 July 2018, the wider provision entered into force. It restored the ombudsperson’s right to assess internal documents of all the research and higher education institutions while examining complaints, reports

and carrying out the investigations on own initiative with regard to possible violations of academic ethics and procedures.

On 30 October 2018, the Committee on Law and Law Enforcement of the Seimas (Parliament) of the Republic of Lithuania agreed with the Office's proposal to revise Article 123 of the Code on Administrative Offences (Fig. 3).

Article 123. Presentation of the research or study work (or its part) as own, preparation or conveyance of the research or study work (or its part) presented in other person's name, and publication of information that promotes acquisition of research or study works

1. Presentation of the research or study work (or its part) prepared by another person as own to a research and higher education institution and/or preparation or conveyance of the research or study work (or its part) presented in other person's name to a research and higher education institution shall result in the fine from two hundred to five hundred euros to persons or fines from eight hundred to one thousand eight hundred euros to managers of legal entities or other responsible persons.

2. Publication of information that promotes preparation services of research or study work (or its part) shall result in the fine from one hundred to two hundred euros to persons or fines from three hundred to six hundred euros to managers of legal entities or other responsible persons.

3. If the administrative offences provided in paragraphs 1 and 2 of this article are repeated, it shall result in the fine from five hundred to nine hundred euros to persons or fines from one thousand seven hundred to three thousand euros to managers of legal entities or other responsible persons.

Fig. 3. Draft of new edition of Article 123 of the Code of Administrative Offences

1.4. ANALYTICAL STUDIES

The Office has performed four analytical surveys in the last five years, one of which was done in the reporting year. The latest analytical study was used to analyse application of publication ethical principles in scientific journals published by research and higher education institutions, i.e. regulation of activities of scientific journals, declared ethical principles and applied reviewing methods. The data of 160 scientific journals are summarized in this study. Main conclusions of the research are the following: thoroughness and consistency of regulation of scientific journals vary depending on the size of a research and higher education institution; only part of scientific journals apply preventive measures of dishonest behaviour, e.g. software identifying coinciding texts.

The analytical survey "Academic Ethics in the Area of Publishing of Scientific Journals" is publicly available on the Office's website at <http://www.etika.gov.lt/wp-content/uploads/2018/03/Zurnalai.pdf>.

1.5. SPREAD OF THE OFFICE'S ACTIVITIES

The ombudsperson met the academic communities of the scientific research institutes – Centre for Physical Sciences and Technology, National Cancer Institute, Institute of Lithuanian Literature and Folklore, Lithuanian Social Research Centre, Nature Research Centre – in the first quarter of 2018. They were discussing the activities of the ombudsperson and the Office in the meetings: the most frequent cases of violations of academic ethics and procedures were discussed, the peculiarities of plagiarism and self-plagiarism were examined, as well as points related to supervision of students, proportion of allocation when work is written together with other co-authors; the case law was stressed and the answers to the questions important for academic community were answered.

In 2018 the ombudsperson participated in three events abroad. She contributed to the discussion organized by the European Group on Ethics in Science and New Technologies, EGE, in the round-table discussion “The Future of Work” held in Brussels. It was used to form an advisory opinion to the European Commission.

Besides, the ombudsperson took part in the second plenary session of the Europe Platform on Ethics, Transparency and Integrity in Education, ETINED, established by the European Commission and held in Strasbourg. The ombudsperson got actively involved into the discussion of the working group B of that platform “Dishonesty in the area of research and education” and stressed the need to gather capacities to promote integrity not only among students, but also among remaining members of the academic community – lecturers and researchers.

The ombudsperson presented the Office’s activities and experience in plagiarism examination during the seminar held in Brussels “Research Ethics and the Academic Framework”. The arrangements were made for future cooperation with the Romanian Council for Science and Technologies in the European Union and the Department of Higher Education and Research Policy of the Ministry of Education and Culture of the Republic of Finland.

II. MANAGEMENT OF THE OFFICE

2.1. HUMAN RESOURCES

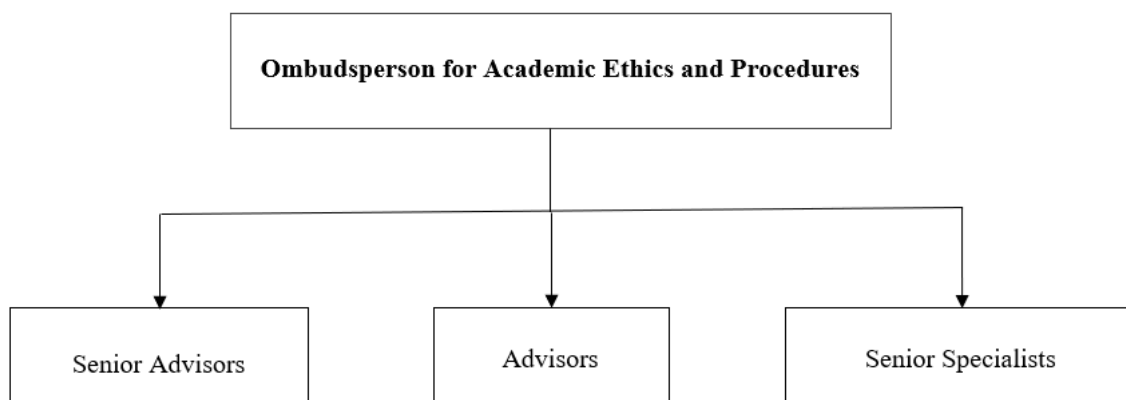


Fig. 4. Management scheme of the Office

8 jobs were provided to safeguard the Office's activities, but in 2018, only 6,25 staff were present. The Office's employees did not participate in qualification raising courses or training in 2018.

The average age of the Office's employees is 37 years. 5 women and 4 men were employed in the Office last year.

2.2. FINANCIAL RESOURCES

189 thousand euros from the State budget were assigned to the Office's programme of Supervision of Academic Ethics and Procedures in 2018. The Office used 58% of the funds of the State budget according to the aforementioned programme, where funds for salaries made 61%. Not all the funds were used for salaries because of protracted appointment procedure of the ombudsperson and because of an employee on the child care leave.

III. PRIORITIES OF THE OFFICE'S ACTIVITIES FOR YEAR 2019

The following priorities of the Office's activities are planned for 2019:

- 1) Organization of preventive measures of unethical behaviour of the academic community (quarter I-IV);

- 2) Improvement of effectiveness of investigation of possible violations of academic ethics and procedures (quarter I-IV);
- 3) Strengthening of cooperation with the academic community, services and institutions, international organizations, and academic networks (quarter I-IV);
- 4) Strengthening of spread of the Office's activities on the national and international level (quarter I-IV);
- 5) Improvement of qualifications of the Office's employees (quarter I-IV).